



Report to Planning Committee 18 January 2024
 Business Manager Lead: Lisa Hughes – Planning Development
 Lead Officer: Oliver Scott, Senior Conservation Officer, 01636 655847

Report Summary			
Application Number	23/02073/LBC		
Proposal	Proposed addition of 4 poster boards on the theatre frontage		
Location	Palace Theatre 16 - 18 Appleton Gate Newark On Trent NG24 1JY		
Applicant	Miss Rose Maxwell	Agent	n/a
Web Link	23/02073/LBC Proposed addition of 4 poster boards on the theatre frontage Palace Theatre 16 - 18 Appleton Gate Newark On Trent NG24 1JY (newark-sherwooddc.gov.uk)		
Registered	27.11.2023	Target Date	22.01.2024
		Extension of Time	n/a
Recommendation	That Listed Building Consent is APPROVED subject to the conditions detailed at Section 10.0		

This application is before the Planning Committee for determination, in accordance with the Council’s scheme of delegation as the applicant is Newark and Sherwood District Council.

1.0 The site

The application site comprises the Palace Theatre on Appleton Gate. The Theatre is an imposing Grade II listed brick and stucco building that forms part of a wider complex that includes the former Magnus School, now the National Civil War Centre (NCWC). The Theatre is an important community asset and hosts a vibrant cultural programme.

The Palace Theatre is situated within Newark Conservation Area. Built by Emily Blagg c1920, the Theatre is an important feature of the streetscene and forms a group with several other listed buildings which includes the Grade II* listed former Magnus School. The metal and glass link between the NCWC and Theatre forms part of a significant remodelling phase of the site nearly a decade ago.

2.0 Relevant planning history

95/50928/LBC – INTERNAL ALTERATIONS. Approved 26.07.1995.

00/50429/LBC – INTERNAL ALTERATIONS AND REFABRICATION. Approved 06.06.2000.

02/02237/LBC - Proposed internal alterations for disabled access. Approved 03.01.2003.

03/01677/LBC - Replacement of existing auditorium seats and creation of designated wheelchair area. Approved 01.12.2003.

15/00167/LBC - Integration of front of house areas of the Palace Theatre with the National Civil War Centre. Enhancing of the existing Box Office, Foyer, Function Room, Bar area and WCs. Improvement of catering facilities. Approved 21.04.2015.

16/00651/LBC - Installation of mechanical equipment associated with catering facilities at The Palace Theatre. Incoming gas supply to North Elevation and supply/extract ductwork to South Elevation (part retrospective). Approved 20.06.2016.

20/00066/LBCLDC - Certificate of lawfulness of for proposed works to Listed Building. Two signs comprising; update of existing sign to replace existing welcome sign to entrance window and new seating plan sign to entrance foyer. Approved 17.01.2020.

20/00093/LBCLDC - Certificate of Lawfulness for Proposed Works to a Listed Building repaint the main entrance sign and reinstate lettering on the Palace side. Approved 24.01.2020.

23/01551/LBC - Attachment of steel truss to existing roof truss and drill holes to plasterwork ceiling for cables for lighting rig. Approved by Committee 23.11.2023.

3.0 The proposal

The proposed works comprise the installation of four poster boards on the external wall of the main theatre entrance. Each poster board measures 64cm x 94cm (width by height). Two boards each will be placed either side of the main doors within the covered entrance stairs. The boards will be located mid-way up the wall, above the handrail where they will be visible to passers-by. The boards are constructed from aluminium with a black finish. They are designed to carry A2 sized posters (these will advertise upcoming events at the theatre). The poster boards will be fixed into the wall with screws.

Documents considered within this appraisal:

Application form
Heritage Impact Assessment
Site location plan
Product literature
Annotated photos showing position of poster boards

Pre-application advice was given on the proposals during a site visit earlier in the year. The submitted proposals are consistent with advice given at that time.

4.0 Consultation/notification summary

Occupiers of 23 neighbouring properties have been individually notified by letter.

Newark Town Council was consulted on the 30.11.2023.

A site notice has also been displayed near to the site on 07.12.2023 and an advert has been placed in the local press on 07.12.2023.

A site visit was undertaken on the 07.12.2023.

5.0 Legal and policy considerations

Section 16 of the Act requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised 2023). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of designated heritage assets when considering new development within their setting (paragraph 206).

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). Historic England Advice Note 2 (2016) states: *"The junction between new work and the existing fabric needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting. Where possible it is preferable for new work to be reversible, so that changes can be undone without harm to historic fabric. However,*

reversibility alone does not justify alteration; If alteration is justified on other grounds, then reversible alteration is preferable to non-reversible. New openings need to be considered in the context of the architectural and historic significance of that part of the asset and of the asset as a whole. Where new work or additions make elements with significance redundant, such as doors or decorative features, there is likely to be less impact on the asset's aesthetic, historic or evidential value if they are left in place" (paragraph 43).

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal framework in determining such matters, i.e. Section 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and take into account the following other material considerations:

- National Planning Policy Framework 2023
- Planning Practice Guidance
- Newark and Sherwood Amended Core Strategy DPD (adopted March 2019) - Core Policy 14: Historic Environment
- Allocations & Development Management DPD - Policy DM9 – Protecting the Historic Environment
- Historic England (2016) Making Changes to Heritage Assets: Advice Note 2

6.0 Consultations

(a) Statutory Consultations

None received.

(b) Town Council

Newark Town Council – raised no objection, confirmed via email 06.12.2023.

(c) Representations/Non-Statutory Consultation

The Theatres Trust supports the proposals, letter dated 18.12.2023.

7.0 Comments of the Business Manager

The key issue is whether the proposed works preserve the special architectural and historic interest of the Palace Theatre, a Grade II listed building.

The proposal seeks consent for four poster boards within the external entrance stairwell. The entrance is an important architectural feature of the listed building and prominent within the street.

The Palace Theatre dates to 1920 and was built by the local entrepreneur Emily Blagg. The property is Grade II and forms part of a wider complex that includes the National Civil War

Centre, much of which is housed in the Grade II* listed former Magnus School. The list entry for the Palace Theatre states: "Theatre and 2 shops. Built 1920 for Miss Emily Blagg. Altered mid C20, altered and restored 1988. Brick with stucco front and stone and stucco dressings. Hipped and mansard slate and artificial slate roofs. Single external rear wall stack. 2 storeys, 7x12 bays. Angled front has round towers at the angles, topped with cupolas with onion domes, and coped parapets. Main entrance front, to left, has dentillated cornice. 3 glazing bar sashes with eared and shouldered architraves, with swags between them. Under the windows, an altered framed panel with scrolled ends with the theatre's name. Below, full width entrance with dentillated cornice and 2 square piers. Steps with wrought iron handrail. Shops front, to right, has 4 sashes with architraves and swags similar to the entrance front, plus aprons. Below, 2 wooden shopfronts with bracketed dentillated cornices, the right shopfront double width with central door. On either side, 12 full height recessed panels and a range of 11 windows, some of them blank. Northeast side has, below, 4 doors and 6 windows. Southeast end has plain round corner towers. Auditorium, narrowed and refitted 1988, has an enriched bow fronted gallery on 3 sides, with boxes. Enriched segmental proscenium arch. Plaster ceiling has enriched dentillated cornice and cove-cornered panels with ventilators between them. Entrance vestibule has enriched cornice and beamed ceiling. 2 pairs of segment headed half glazed doors with oval sidelights and segment headed stained glass overlights."

When viewed from the road, the entrance staircase is framed by the minaret towers and architectural lettering. This is an attractive feature and provides a processual route into the main theatre building. Importantly, the entrance is architecturally legible as a theatre building, and therefore works affecting it must be sensitive to the architectural and historic significance of the listed building.

The proposed poster boards are modestly sized. As demonstrated by the applicant, there is historic precedent for poster boards in this location, with evidence of them visible in historic images of the building. Poster boards are a feature typically found on any theatre building furthermore.



Extract from proposed details showing location of the poster boards within the main entrance stairway.

Situated within the entrance stairway in the side wall returns, the notice boards are not likely to be unduly impactful when seen from the street. The black finish of the metal frames is appropriate furthermore and sits comfortably within the entrance.

Other material considerations

Although not a reason to grant consent, the proposed works are reversible, and the notice boards can easily be removed and masonry restored to its previous condition.

The poster boards will contribute to the cultural offer of the theatre and help attract visitors. This will in turn contribute to the on-going viability of the theatre and therefore helps with the long-term conservation of the building. The Theatres Trust echo these observations in their letter of support.

It is noted that the Town Council raised no objection to the proposal. No other comments or observations have been made on the proposals.

There are no other material considerations in this case.

8.0 Implications

In writing this report and in putting forward recommendation's officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

The proposed works will cause no harm to the special interest of the listed building. The proposed works therefore accord with the objective of preservation required under section 16 of the NPPF. Weight is also given to the public benefits identified in the scheme, notably improving the offer of the theatre and improved accessibility and safety associated with a risk that can be lowered. The proposals are considered to comply with heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF.

9.0 Conclusion

For the reasons set out above, the proposed works are considered to be acceptable and cause no harm to the special interest of the Palace Theatre, a Grade II listed building. The proposal is therefore considered to be consistent with the objective of preservation required under section 16(2) of the Act. The scheme is also considered to accord with heritage policies and advice contained within the Council's LDF DPDs (notably policies CP14 and DM9), and section 16 of the NPPF.

The modest nature of the proposals ensures that no harm is caused to Newark Conservation Area or the setting of any other heritage asset.

The nature of the minor works and the justification for the proposal as providing useful information on upcoming events is accepted.

10.0 Conditions

01

The works to which this consent relates shall be begun no later than three years from the date of this consent.

Reason: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02

The works hereby approved shall be carried out in accordance with the following approved plans and associated documents:

- Application Form
- Heritage Impact Assessment
- Site location plan
- Notice Board Product literature
- Annotated photos showing position of poster boards

Reason: To ensure that the works take the agreed form envisaged by the District Planning Authority when determining the application and thus result in a satisfactory form of works.

03

Any damage caused by or during the course of the carrying out of the works hereby permitted shall be made good within 3 months after they are complete.

Reason: To ensure that the works take the agreed form envisaged by the Local Planning Authority when determining the application and thus result in a satisfactory form of works.

Informative notes

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

The Listed Building Consent is granted in strict accordance with the approved plans and specifications contained in this application. It should however be noted that:

- a) Any variation from the approved plans and specifications following commencement of the works, irrespective of the degree of variation, will constitute unauthorised

works, would be a criminal offence under the Planning (Listed Building and Conservation Areas) Act 1990 and would be liable for enforcement action.

- b) You and your agent or any other person responsible for implement this consent should inform the Local Planning Authority immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter.
- c) The applicant is advised that the proposed works may require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

