



Report to Planning Committee 9 May 2024

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Report Summary	
Application No.	24/00404/LDO
Proposal	Local Development Order (LDO) to enable and control filming at the Palace Theatre and National Civil War Centre.
Location	Palace Theatre, 16 - 18 Appleton Gate, Newark On Trent
Applicant	Newark and Sherwood District Council
Web Link	24/00404/LDO Application for draft Local Development Order to enable and control filming at the Palace Theatre and National Civil War Centre. Palace Theatre 16 - 18 Appleton Gate Newark On Trent NG24 1JY (newark-sherwooddc.gov.uk)
Registered	29.2.2024
Recommendation	To adopt the formal LDO as set out in Appendix 2 subject to Secretary of State approval

1.0 Background

- 1.1 A report was previously presented to Planning Committee on 10th November 2022 setting out a proposal to consider the preparation of a Local Development Order for Newark Castle to facilitate film making.
- 1.2 Filming on the land or building that is a schedule monument, listed building or within the curtilage of listed building requires planning permission. The District Council receives requests to film at some of the District's heritage assets, in particular the Castle and Newark Palace Theatre & National Civil War Centre (NCWC). However, due to planning permission being required, this makes it impracticable for filmmakers.

- 1.3 The Planning and Compulsory Purchase Act 2004, Part 4 introduces Local Development Orders (LDOs), which are a tool that planning authorities can use to grant planning permission for a type of development within a defined area with specific conditions.
- 1.4 There is no obligation for NSDC to create a LDO to deal with the issue of filming at heritage sites, however, there are benefits to adopting an LDOs to help deal with this matter. The issues around filming at heritage sites are multifaceted, but by creating LDOs we can remove the planning layer of complexity so that the Heritage & Culture team only need consider the operational practicalities as landowner when responding to potential filmmakers.
- 1.5 A benefit of proceeding with the LDO would be unlocking a new source of revenue for the Heritage & Culture team. Filming at Newark's heritage assets for will indirectly promote the visitor and tourism offer within the Town.
- 1.6 These benefits set out above will support the Objective 7 '*Celebrate and invigorate community pride of place and sense of belonging*' in the Community Plan. Additional revenue from the filmmaking will assist with developing a '*flexible, creative approach to cultural visiting*'.
- 1.7 Since the November 2022 Committee report the LDO has been finalised and necessary site maps. These have been developed through engaging with other Council departments as the 'landowner'.
- 1.8 Following the guidance to setting out the procedures for making a LDO, the document has gone out to public consultation ensuing all the prescribed bodies, Town Council and site neighbours have been consulted. The result on the consultation is set out in section 4 of this report.

2.0 The Proposals

- 2.1 A draft Order and Statement of Reasons for making the Order has been prepared (Appendix 1) and consulted upon. The statement sets out a description of the development that the order would permit and description identifying the land that the order relates to.
- 2.2 The LDO has taken into consideration how filmmaking on the site will operate, while not disrupting other uses within the Town Centre. These includes restrictions on the operating hours, noise and light restrictions.

3.0 Departure/Public Advertisement Procedure

- 3.1 The minimum consultation period for a LDO is 28 days. The following methods of consultations and advertisement were made in line with the legislation.
 - Occupiers of 23 properties close to the Castle have been individually notified by letter, as has the Town Council.
 - Statutory consultees have also been notified by letter.

- A site notice has been displayed near the site on 29th February 2024 and an advert has been placed in the local press on the 7th March 2024.

4.0 Consultations and Representations

4.1 Comments below are provided in summary - for comments in full please see the online planning file.

Statutory Consultations

4.2 Historic England – recommended that any lighting is temporary and do not require permanent fixings across the site.

4.3 Natural England – No comments received.

4.4 Environmental Health – No formal comment received

4.5 Nottinghamshire County Council Planning – No comments received

4.6 Theatre Trust – Consider that the condition are appropriate and make it clear that the uses are temporary protecting the theatres use class.

Town Council

4.7 Newark Town Council have raised no objections to the proposal.

5.0 Implications

5.1 In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

6.0 Conclusion

6.1 The comments received through the consultation process have been supportive of the LDO. Historic England made some recommendations in terms of light fittings. One of the suggested conditions prevents temporary structures being attached to the historic fabric. In addition, terms of the filmmaking can also be agreed through the contracts between the Council as landowner (not Local Planning Authority) and the filmmaker.

6.2 The proposed LDO will open up an opportunity to utilise Newark Castle which has previously been impractical due to the requirement for planning permission to be obtained. Filmmaking at the Castle will open a new revenue and assist with objective 7 of the Community Plan.

7.0 Background Papers and Published Documents

- 7.1 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.

[Planning Committee Report](#) – 10th November 2022

Appendix 1 – Draft Local Development Order - Filming, Palace Theatre

Committee Plan - 24/00404/LDO

