



Report to Planning Committee 5 December 2024

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Megan Atkinson, Planner (Conservation), 01636 655455

Report Summary			
Application No.	24/01140/LBC		
Proposal	Removal and replacement of rooftiles, replacement of roof membrane and re-pointing of chimney stacks with lime mortar		
Location	87-89 Mill Gate, Newark		
Applicant	Mr Gary Bruce	Agent	N/A
Web Link	24/01140/LBC Removal and replacement of rooftiles, replacement of roof membrane and re-pointing of chimney stacks with lime mortar		
Registered	25 th October 2024	Target Date	18 th December 2024
Recommendation	That Listed Building Consent is <u>APPROVED</u> subject to the conditions detailed at Section 10.0		

This application is being referred to the Planning Committee for determination as the properties are in Newark & Sherwood District Council ownership.

1.0 The Site

1.1 The application site comprises two properties – no.87 and 89 Mill Gate – which form part of a group of three terraced houses. The row of houses are Grade II listed and situated in Newark Conservation Area.

1.2 The buildings are 3-storeys, constructed in red brick walling and a pitched pantile roof. The row of buildings has an underpass between no. 89 and 91 (the latter property falls outside the boundary of this application). The houses have a relatively uniform appearance with traditional vertical sliding sash windows aligned on the ground, first and second floors and an off-centre front door. No.87 and 89 each have a chimney stack.

1.3 The site has the following constraints:

- Newark Conservation Area
- Listed Building, Grade II, listing ref: 1196402

2.0 Relevant Planning History

2.1 There is no relevant planning history.

3.0 The Proposal

3.1 The application seeks listed building consent for the complete replacement of the roof and re-pointing of chimney stacks to no.87 and 89 Mill Gate.

3.2 Documents assessed in this appraisal:

- Application Form – received 25th October 2024
- Heritage Impact Statement – received 21st October 2024
- Preliminary Bat Roost Assessment – received 21st October 2024
- Updated Specification – received 14th November 2024

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of seven properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

4.2 A site visit was undertaken on 31st October 2024.

5.0 Planning Policy Framework

5.1. The Planning (Listed Buildings and Conservation Areas) Act 1990 provides a presumption in favour of the preservation of Listed Buildings and preservation or enhancement of the character and appearance of Conservation Areas.

5.2. 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 Planning (Listed Buildings and Conservation Areas) Act 1990 and take account of the following other material considerations:

- National Planning Policy Framework 2023
- Planning Practice Guidance (online resource)
- Historic England (2016) Making Changes to Heritage Assets: Advice Note 2

5.3. **Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**

Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment

5.4. **Allocations & Development Management DPD (2013)**

DM7 – Biodiversity and Green Infrastructure
DM9 – Protecting and Enhancing the Historic Environment

- 5.5. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD has recently completed its Examination process. There are unresolved objections to the amended versions of policies DM7 and DM9 emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

6.0 **Consultations and Representations**

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

Town Council

- 6.1. No objection was raised by Newark Town Council.
- 6.2. No comments have been received from any third party or local resident.

7.0 **Comments of the Business Manager – Planning Development**

- 7.1. The key issues are:

- Impact on the Historic Environment
- Impact on Ecology

- 7.2. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

- 7.3. As the application concerns a designated heritage asset of a listed building, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') is particularly relevant. Section 16(2) requires the decision maker in considering whether to grant listed building consent for any works, to "*have special regard to the desirability*

of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Summary of Significance of Heritage Asset(s)

- 7.4. The site forms part of a small terrace of three houses (no.87-91 Mill Gate) which are Grade II listed under one designation. The buildings date c.1820 and are constructed in brick with stucco dressings and a pitched pantile roof under a continuous ridge. The terrace has a relatively uniform appearance with traditional vertical sliding sash windows.
- 7.5. The significance of the buildings relates to their retention of historic fabric and plan form, association with the residential development of Newark in the late-Georgian period, illustrative Neo-Classical detailing and construction influenced by the availability of local materials.
- 7.6. The buildings are also situated in Newark Conservation Area.

Impact on the Historic Environment

Replacement roof

- 7.7. The proposal seeks the full replacement of the roof to no.87 and 89 Mill Gate. No.91 falls outside the boundary of the proposed works as this is in separate private ownership. The existing roof is a pitched roof, constructed in a traditional clay pantile with half round clay ridge tiles and lead flashings.
- 7.8. The replacement tiles would be new and, in comparison to the existing weathered tiles, these would have a visually stark appearance. The loss of historic fabric and patina of age may erode some of the historic character of the Listed Building and, as a result, harm its significance.
- 7.9. The updated specification of works (received 14th November 2024) sets out the replacement roof tiles would be a traditional non-interlocking clay pantile and the proposed materials and detailing would be sympathetic to the vernacular construction of the building.
- 7.10. Whilst, initially, the replacement roof would have a stark visual appearance, the proposed Sandtoft Old English pantile would be sympathetic to the building's historic construction and would eventually weather and be less visually obtrusive.
- 7.11. Clear and convincing justification has been provided for the need for the full replacement of the roof as the existing is in a poor and deteriorating condition and the tiles are beyond repair and reuse. The proposed works would secure the long-term conservation and reuse of the designated heritage asset.

Re-pointing chimney stacks

- 7.12. In addition to the above, it is proposed to re-point the chimney stacks with a natural hydraulic lime mortar. The proposed lime mortar would be sympathetic to the

traditional masonry construction of the building and would contribute to the long-term maintenance and conservation of the Listed Building.

Impact on Ecology

- 7.13. A Preliminary Roost Assessment (PRA) has been provided with the application, which has concluded the building has a negligible habitat value for roosting bats and no foreseen impacts on nesting birds as a result of the proposed works. The Assessment recommends no further surveys are required to be undertaken.

8.0 Implications

- 8.1. In writing this report and in putting forward recommendations 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.

9.0 Conclusion

- 9.1. In summary, the proposed works would cause a minor degree of harm to the special interest of the Listed Building through loss of historic material and patina of age. This would be contrary to Section 16 of the Act. With reference to the planning policies, this would be 'less than substantial harm' to the designated heritage asset (par.208 of NPPF and policy DM9 of the local development framework). There has been clear and convincing justification provided for this level of heritage harm (par.206 of NPPF) and the proposed technical details and materials for the re-roofing have been designed sympathetically to the architectural interest of the Listed Building. The proposed works would also contribute to the long-term maintenance of the heritage asset and sustain its significance for future generations (par.195 and 203 of NPPF). Therefore, the works should be approved.

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, for re-roofing and re-pointing of chimney stacks, shall be carried out in accordance with the following approved plans and associated documents:

- Application Form – received 25th October 2024
- Heritage Statement – received 21st October 2024

- Updated Specification – received 14th November 2024

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.

Compliance Conditions

03

The raking out of mortar for the purpose of re-pointing the chimney stacks shall be carried out by tools held in the hand and not by power-driven tools.

Reason: To preserve the special architectural and historic interest of the Listed Building.

04

Mortar for the purposes of re-pointing and re-bedding ridge tiles shall be carried out using hydraulic lime or lime putty. The sand mix, colour, texture and pointing finish shall match as closely as possible the historic pointing found elsewhere on the building.

Reason: To preserve the special architectural and historic interest of the Listed Building.

05

Any scaffolding used in the re-roofing shall not be tied into the brickwork of the building.

Reason: To preserve the special architectural and historic interest of the Listed Building.

Informatives

01

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. 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.

03

REASONS FOR APPROVAL IN ACCORDANCE WITH THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) (ENGLAND) (AMENDMENT) ORDER 2015

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 Consent 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 the other material planning considerations in determining such matters, such as the National Planning Policy Framework (Revised December 2023).

04

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

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.

Committee Plan - 24/01140/LBC

