



Report to Planning Committee 5 June 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Abbie Arestis – Planner (Conservation)

Report Summary			
<b>Application No.</b>	25/00538/LBC		
<b>Proposal</b>	Upgrade 8no doors to FD60 fire doors - Provide bespoke security shutters to 2no doors - upgrade internal and external CCTV with additional cameras - provide additional external security lighting - provide improved means of escape from the Attic - conservation and repair of the front entrance.		
<b>Location</b>	National Civil War Centre & Palace Theatre, Newark Museum, 14 Appleton Gate, Newark On Trent NG24 1JY		
<b>Applicant</b>	Newark and Sherwood District Council - Mr Stuart Sheardown	<b>Agent</b>	Soul Architects Limited - Mr Carl Andrews
<b>Web Link</b>	<a href="#">25/00538/LBC Upgrade 8no doors to FD60 fire doors - Provide bespoke security shutters to 2no doors - upgrade internal and external CCTV with additional cameras - provide additional external security lighting - provide improved means of escape from the Attic - conservation and repair of the front entrance.</a>		
<b>Registered</b>	26 March 2025	<b>Target Date</b>	21 May 2025
		<b>Extension of Time</b>	6 June 2025
<b>Recommendation</b>	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 – National Civil War Centre and The Palace Theatre situated on Appleton Gate. The 2-storey and 3-storey buildings are

connected by a modern extension which provides interconnecting services. The National Civil War Centre is a Grade II\* listed building and The Palace Theatre is Grade II listed, both are situated in Newark Conservation Area.

1.2 The site has the following constraints:

- Newark Conservation Area
- Listed Buildings (Grade II\*, listing ref: 1288060 and Grade II, listing ref: 1215678)

## 2.0 **Relevant Planning History**

### National Civil War Centre

- **25/00615/LBCLDC** (Certificate Issued) - Application for a certificate of lawfulness of proposed works to a listed building for the addition of smoke cloak, sounder and light unit to torc gallery.
- **PREAPP/00187/24** - Advice on Theatre Handrails, Museum doors and window security
- **13/00231/LBC** (Permitted) - Erection of single storey and three storey extension and internal and external alterations (re-submission of 11/01434/LBC).
- **11/01434/LBC & 11/01433/FUL** (Permitted) - Erection of single and three storey extension, internal and external alterations to form museum and associated education and community facilities.

### The Palace Theatre

- **25/00242/LBCLDC** (Certificate Issued) - Certificate of Lawfulness of proposed works to a listed building to construct a floor to ceiling timber stud wall
- **23/02073/LBC** (Permitted) - Proposed addition of 4 poster boards on the theatre frontage
- **23/01551/LBC** (Permitted) - Attachment of steel truss to existing roof truss and drill holes to plasterwork ceiling for cables for lighting rig.
- **15/00167/LBC & 15/00166/FUL** (Permitted) - 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.

## 3.0 **The Proposal**

3.1 The application seeks listed building consent for upgrading 8 internal doors to FD60 fire doors, installing internal security shutters to 2 doors, additional security bars to the backs of 4 internal ground floor window shutters, and repair works to the stone pedimented door surround at the front entrance to the National Civil War Centre. The proposed works to The Palace Theatre would involve internal alterations to the attic. The proposal would also involve upgrading some of the internal and external CCTV cameras and providing additional cameras at the Civil War Centre and The Palace Theatre and the installation of additional external security lighting (to the rear and side elevations) at The Palace Theatre.

3.2 The submitted Heritage Impact Assessment provides clear and convincing justification

by stating that the works would allow and improve public access to valuable historic artifacts and collections that, as a result of the works, could be displayed safely and securely at the Civil War Centre. Newark and Sherwood District Council have undertaken a security audit of the property by specialist consultants to consider security requirements. This audit highlighted the need for improvements to fire safety and security aspects of the properties in order to safely allow displays of precious artifacts.

### 3.3 Documents assessed in this appraisal:

- Application Form – received 25<sup>th</sup> March 2025
- Heritage Impact Assessment – received 25<sup>th</sup> March 2025
- Plans (9376 01, 9376 02, 9376 03, 9376 04, 9376 06, 9376 07, 9376 50, 9376 54 – Attic & Main Entrance) – received 25<sup>th</sup> March 2025
- Plans (9376 51B, 9376 52B, 9376 53B) – received 18<sup>th</sup> May 2025
- Correspondence from agent – received 20<sup>th</sup> May and 21<sup>st</sup> May 2025

## 4.0 **Departure/Public Advertisement Procedure**

4.1 Occupiers of 28 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 30<sup>th</sup> April 2025.

## 5.0 **Planning Policy Framework**

5.1. The Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') 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 2024 (as amended Feb 2025)
- 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 14 – Historic Environment

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

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 and completed its Examination in November 2024. This is therefore at an advanced stage of preparation albeit the Inspector's report is still awaited. There are unresolved objections to the amended versions of policy DM9 emerging through that process, and so the level of weight to which that proposed new policy 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.

### **Statutory Consultations**

- 6.1. Historic England have stated that advice should be sought from the Council's conservation adviser.

### **Town/Parish Council**

- 6.2 Newark Town Council - No objection.

### **Non-Statutory Consultations**

- 6.3 None.
- 6.4 No representations have been received from any third party or local resident.

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

- 7.1. The key issue is:
- Impact on the special historic and architectural interest of the listed buildings and the wider historic environment
- 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 designated heritage assets comprising listed buildings, 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."*
- 7.4. Core Policy 14 of the Amended Core Strategy states that the District Council will seek to secure the continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, in line with their identified significance as required in national policy. Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of the designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) and this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy DM9 of the Allocations and Development Management DPD states that all development proposals concerning heritage assets will be expected to secure their continued protection and enhancement, contribute to the wider vitality, viability and regeneration of the areas in which they are located and reinforce a strong sense of place. In Conservation Areas development proposals should take account of the distinctive character and setting of individual conservation areas including open spaces and natural features and reflect this in their layout, design, form, scale, mass, use of materials and detailing. Impact on the character and appearance of Conservation Areas will require justification in accordance with CP14.
- 7.5. The importance of considering the impact of new development on the significance of heritage assets is expressed in Part 16 of the NPPF. Paragraph 8 of the Framework states that protecting and enhancing the historic environment is part of achieving sustainable development.

#### Summary of Significance of Heritage Asset(s)

- 7.6. The Grade II\* listed Former Magnus School was previously a grammar school with an adjoining headmaster's house, but it has since been converted for use as the District Education Office and the National Civil War Centre in 2015.
- 7.7. The former grammar school sits behind the former headmaster's house and the 2-storey property was built c.1532. The building was constructed using coursed rubble and brick with ashlar dressings and a plain tile roof. Visible to the right of the headmaster's house is a 3-light mullioned window and single light window. Below the windows sits a reset chamfered segmental pointed street gateway, with a 2-leaf panelled door. The tablet above is inscribed and notes that it was founded in 1529 by Reverend Thomas Magnus. There is also a Tudor archway with hood mould, which is partially visible from the street.
- 7.8. The former headmaster's house was constructed c.1817 by John Sadler Shepherd. The former headmaster's house is comprised of 3 storeys and was built using brick with stone dressings and a slate roof. The property fronts onto the main street (Appleton

Gate). There are brick bands on the first and second floor, wooden eaves cornice, and a coped parapet. There are 6-over-6 glazing bar sash windows on the ground and first floors and 3-over-3 sash windows on the second floor. The windows located on the slightly protruding central bay are round headed and sit below a pediment. There is a central fielded 6-panel door with fanlight, with an open pediment on brackets rising from pilasters, which is constructed of stone.

- 7.9. The significance of the Former Magnus School buildings is derived from their age, architectural features and detailing, as well as their historic social use as a school and association with Reverend Thomas Magnus and John Sadler Shepherd.
- 7.10. The Palace Theatre (Grade II) was built in 1920 for Miss Emily Blagg, known for being a lady builder. The building was altered in the mid-20th century and was again altered and restored in 1988. The building is of 2-storeys and constructed of brick with a stucco front façade and stucco dressings. There are hipped and mansard slate roofs as well as artificial slate roofs. The main entrance has a dentilled cornice and 2 square piers. Round towers with cupolas and onion domes are situated on the 3 corners located at the front of the building, visible from the main street. The building houses a theatre and 2 shops, with wooden shopfronts set on the street. The significance of the building is derived from its architectural features and detailing, historic association with Emily Blagg, and its historic and continued use as a theatre.
- 7.11. The Former Magnus School and Palace Theatre are linked by a modern extension. There have been some alterations and refurbishments to the buildings, both internally and externally, notably since 2015. Both listed buildings make a positive contribution to the significance of Newark Conservation Area and are used by the local and wider community, the Civil War Centre being a regional/national attraction.

#### Impact on the special interest of the Listed Buildings

##### *Fire Doors to Civil War Centre*

- 7.12. The proposal would involve upgrading 8 of the existing internal fire doors to FD60 fire doors. The existing doors comprise 6 panelled doors, which would be replaced with doors that match the existing with traditional Georgian woodgraining. It is not clear whether the proposed doors would be hardwood, which would be recommended.
- 7.13. In all cases the existing doors appear to be relatively modern, including door furniture. It was identified in the pre-application (PREAPP/00187/24) that the doors proposed for replacement are not genuine Georgian doors and there is doubt as to whether these would be early 20th Century. As a result of no sign of any alteration or upgrades with regards to closers, hinges, smoke seals etc, this would suggest they are of a later 20<sup>th</sup> Century date.
- 7.14. The hallway and individual rooms have a strong polite Georgian character and therefore replacing them with doors to match the appearance of the existing would be necessary. It is proposed that the existing frames and doorstops will be modified to accommodate the increased door thickness, although the appearance will be the same. The existing architraves and linings are to be carefully removed and reinstated

to allow the installation of fire stopping materials. On completion the frame, linings and architraves will be decorated with the Envirograf system.

- 7.15. The modern enclosure surrounding the door noted on plans as DF03 is also proposed to be removed and rebuilt in order to provide 30-minute fire protection and to accommodate the new FD60 door.
- 7.16. The decorative architraves and key features would be retained and the existing doors are noted as not comprising of historic fabric. Therefore, the proposal for the fire doors would not result in any harm to special interest, subject to conditions of further details being provided regarding the materials and finish of the proposed doors.

#### *Window Shutters to Civil War Centre*

- 7.17. The proposal would be for 3 horizontal bespoke PPC steel bars to be placed across the internal back of the window shutters of 4 front ground floor windows fronting Appleton Gate. The bars would be fixed to the plaster reveal of each opening and coloured to match the existing shutters. While this would add additional clutter that would not be reflective of the polite Georgian architecture of the interior of the building, there would be minimal intervention to the historic fabric and the existing shutters in place are not historic. Therefore, there would be a negligible amount of harm caused to significance through these additions.

#### *Security Shutters to Civil War Centre*

- 7.18. The proposal would involve the installation of internal security shutters to 2 of the existing door openings. The door noted as DG03 on plans is an internal door located between Gallery 2 and the Temp Gallery. The shutter would be located on the Temp Gallery side and is proposed to be a roller shutter, of 'open brick' style design comprised of PCC aluminium, and mounted over the existing opening with a fixed track to either side. There will be a box fixed above the door which would house the rolled up shutter when not in use. While this would not reflect the character of the building, the box and fixings would be attached to the wall, not the architrave or frame, and the door does not have any decorative features which would be obscured by the installation. The use of powder coated paint to match the walls would also assist in its assimilation.
- 7.19. Although it would result in a rather bulky, modern feature, the opening is not prominent and it is considered with a condition that could control the design, enclosures and finishes, there would be minor harm caused to the special interest of the listed building.
- 7.20. The door noted as DG05 is the main front door to the former headmaster's house that fronts Appleton Gate. The proposal would be for an internal concertina security grill which would fold back to one side of the internal door opening. The fixings would be to the wall and comprise PCC aluminium. Although there is potential for this to be a bulky addition to the polite Georgian characteristics of the building, if pulled back to one side of the door, this would be less intrusive. Details of the design, fixtures to the wall and housing when not in use should be conditioned to mitigate the minor harm caused.

### *Front Entrance of Civil War Centre*

- 7.21. The proposal includes repairs to the existing main front entrance and stone canopy. The proposal would involve carefully cutting out and replacing sections of the existing stone with new Lincolnshire Limestone to match the existing profiles.
- 7.22. It is acknowledged that the main canopy has deteriorated and eroded and would benefit from repair works on a like-for-like basis. To ensure that the details of the stone would be an appropriate match to the existing and understand how the repair works will be undertaken a condition requiring a schedule of works is recommended.

### *Attic of Palace Theatre*

- 7.23. The proposal also includes internal alterations to improve means of escape from the attic. The existing vertical ladder, not deemed safe to use, would be replaced by a new internal stair, which would require widening the existing opening. The proposal would also involve inserting a new timber floor.
- 7.24. The existing means of escape from the Attic has been identified as not meeting current safety requirements in the Heritage Impact Assessment. It is acknowledged that this area of the Palace Theatre makes a limited contribution to its significance and has already been subject to modern interventions, including cement render. Therefore, the proposal would not be considered harmful to the special interest of the listed building provided that lime render is used.

### *CCTV and Lighting at both listed buildings*

- 7.25. The proposal would involve installing additional internal and external CCTV cameras and the installation of new external security lighting.
- 7.26. There are already a significant number of CCTV cameras within the site. Some of the proposed cameras would replace the existing, and where new cameras are proposed their installation would result in limited harm to the historic fabric. One of the proposed cameras, within the foyer of the Palace Theatre, was proposed to sit below the decorative cornicing above the stairs. It has already been agreed with the agent that this will be moved to a new location where there is already 'clutter' present on the walls and this has been updated on plans. The proposed locations for external lighting would also result in minimal harm.
- 7.27. It was discussed on site that there is the potential for the exact location of the CCTV cameras and security lighting to be changed from those shown on the submitted plans. A suitably worded condition would allow for any changes required to be further considered and approved prior to their installation.

### *Public Benefits*

- 7.28. As concluded above, the proposed works would result in the insertion of some modern features that would cause some minor harm, at the lower end of less than substantial harm, to the significance of the listed buildings. The submitted Heritage Impact Assessment provides clear and convincing justification by stating that the

works would allow and improve public access to valuable historic artifacts and collections that, as a result of the works, could be displayed safely and securely at the Civil War Centre. Newark and Sherwood District Council have undertaken a security audit of the property by specialist consultants to consider security requirements. This audit highlighted the need for improvements to fire safety and security aspects of the properties in order to safely allow displays of precious artifacts. This is considered to present a public benefit that, in accordance with paragraph 215 of the NPPF, can be weighed against the less than substantial heritage harm identified.

## **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.

### **8.2. Legal Implications - LEG2425/2993**

Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

## **9.0 Conclusion**

9.1. In summary, the proposed works would cause a minor degree of harm to the special interest of the Listed Buildings through the insertion of modern features which would impact the character of the Listed Buildings. In compliance with Section 16 of the Act, special regard should be given to the desirability of preserving the listed building. In this regard, weight is given to the fact that the proposed insertions are easily reversible.

9.2. With reference to the planning policy/guidance, the harm would be at the lower end of 'less than substantial harm' to the designated heritage assets (par.215 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.213 of NPPF) and there are accepted public benefits in allowing the safe and secure display of artifacts at the Civil War Centre that would be of significant public interest. It is therefore considered that the public benefits would outweigh the level of heritage harm identified in this case and as such, the proposed works would comply with Core Policy 14 of the Amended Core Strategy and Policy DM9 of the Allocations and Development Management DPD and the guidance within the NPPF, and it is therefore recommended that the works be approved, subject to conditions.

## **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, to insert fire doors, security shutters, CCTV and security lighting, improved means of access and repair of stone door surround, shall be carried out in accordance with the following approved plans and associated documents:

- Application Form – received 25<sup>th</sup> March 2025
- Heritage Impact Assessment – received 25<sup>th</sup> March 2025
- Plans (9376 01, 9376 02, 9376 03, 9376 04, 9376 06, 9376 07, 9376 50, 9376 54 – Attic & Main Entrance) – received 25<sup>th</sup> March 2025, as amended by Condition 07
- Plans (9376 51B, 9376 52B, 9376 53B) – received 18<sup>th</sup> May 2025, as amended by Condition 07
- Correspondence from agent – received 20<sup>th</sup> May and 21<sup>st</sup> May 2025

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**

No new fire doors shall be installed until precise details (and samples upon request) of the FD60 fire doors (including materials and finishes) have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in accordance with the approved details.

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

### **04**

The window shutter bars hereby approved shall be painted to match the colour of the existing window shutter doors to which they are applied.

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

## **05**

Notwithstanding the details that have been submitted, neither of the two security door shutters hereby approved shall be installed until the precise details of their design, enclosures and finish have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in accordance with the approved details.

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

## **06**

No repair works to the stone pediment surround to the principal doorway of the former headmaster's house fronting Appleton Gate shall commence until a Schedule of Works, including stone samples, have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in accordance with the approved details.

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

## **07**

Notwithstanding the submitted plans showing the CCTV cameras and external lighting which are not hereby approved, prior to any new installations being fixed to any part of the premises, the siting of each new unit shall be submitted to and approved in writing by the Local Planning Authority. The installations shall only be implemented in accordance with the approved locations.

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

### Informatives

## **01**

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) You and your agent or any other person responsible for implementing 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, as any unauthorised works undertaken could constitute a criminal offence under the Planning (Listed Building and Conservation Areas) Act 1990 and could be liable for enforcement action.
- b) The owner and/or developer 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 and listed building implications arising from those amendments may be properly considered.

## 02

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. All new works unless specified on the approved plans and works of making good, whether internal or external, should be finished to match the adjacent work with regard to the methods used and to material, colour, texture and profile.

### 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 - 25/00538/LBC

