



Report to Planning Committee 2 October 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Oliver Down – Planner (Conservation)

Report Summary			
Application No.	25/01173/LBC		
Proposal	Flat Roof Replacement works and 2no. new rainwater pipes installation.		
Location	Tambo Lounge The Buttermarket 27 Middle Gate Newark On Trent NG24 1AL		
Applicant	Newark and Sherwood District Council	Agent	Studio-G Associates Ltd - Miss Yasmin Kelly
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage		
Registered	10 th July 2025	Target Date Extension of Time	4 th September 2025 4 th October 2025
Recommendation	Approval		

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

1.0 The Site

1.1 The application site comprises Tambo Lounge, which forms part of a Grade I Listed Building.

1.2 The site has the following constraints:

- Grade I listed building
- Newark Conservation Area and sited near other Listed Buildings.

2.0 Relevant Planning History

- **21/02470/LBC:** Provision of a general access staircase within the Buttermarket atrium leading from ground floor to the first floor mezzanine level: Permitted.

- **21/02462/LBC:** Removal of existing in-filled wall within the Buttermarket First Floor Atrium and provision of new access doors: Permitted.
- **21/02468/LBCLDC:** Fit out and refurbishments of 'old pub' area, refurbishments of Atrium floor and ceiling finishes at first floor and refurbishment of ground floor staff toilets: Certificate issued.
- **19/01410/FUL & 19/01411/LBC:** Alterations and conversion of units 4, 9, 10 and 11 into a single unit including demolition of internal partitions and centralising of incoming services along with all required strip out; new openings into mall area; new floor levels within unit(s); tanking and damp proofing works to basement and creation of extract ducting through the building; Block up window and door to Chain Lane and re-design of shopfront to Middlegate: Application permitted.

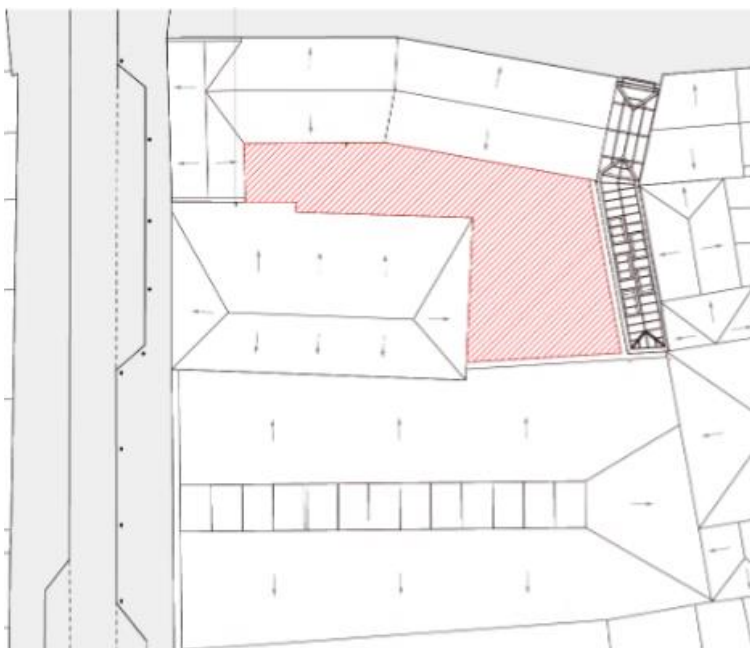
3.0 The Proposal

- 3.1 The application seeks listed building consent for Flat Roof Replacement works and 2no. new rainwater pipes installation.

The proposed works comprise works to:

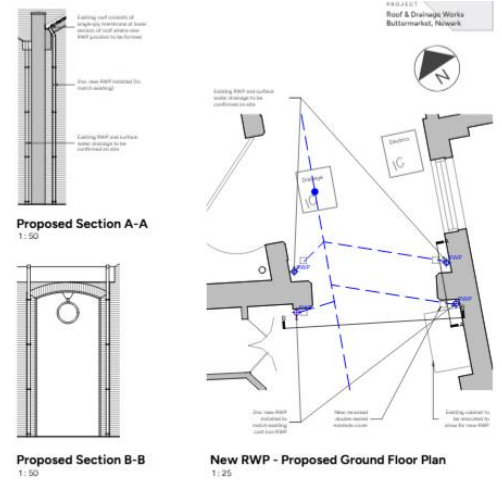
- Roof;
- Downpipes;
- Drainage.

- 3.2 Roof: The roof above Tambo Lounge area and nearby Buttermarket forms part of a complex array of roofs that range from pitched pan tile roofs and modern flat roofs. The proposal concerns the removal of the existing modern flat roof. An extensive photographic record shows that this roof needs upgrading due to water ingress that threatens historic fabric below. The existing slabs/membrane on the roof clearly are in a poor state with vegetation and pools of water on the flat roof have been causing damage and will cause more extensive damage to the dwelling and historic fabric below.





- 3.3 The report document (No.48208) goes into detail that the roof has come to the end of its life, with pierced section, pooling of water and cracks. This clearly has demonstrated that the roof needs replacement, with water ingress a concern for historic fabric in the Buttermarket below, replacement of modern roof would preserve wider historic fabric. The removal of the stone slabs with a uniform membrane by Langley is quoted by the manufacturer to have a 20-year insurance guarantee. The installation of such a membrane will lessen pooling of water between cracks of the existing slabs. The uniform nature of the membrane will mean that water ingress will be greatly reduced therefore preserving the heritage asset.
- 3.4 Downpipes: The existing downpipes have been identified as not being able to cope with downpours. Analysing the photographs provided and the amount of water ingress, updating downpipes to increase capacity would be beneficial in preserving further historic fabric by reducing water ingress. As aforementioned, the pooling of water is widespread on the existing flat roof, with more sudden downpours an erratic weather capacity to cope with increased rainfall and therefore increase the size of the downpipes is clear convincing justification. The size of downpipes has been confirmed at 150mm, which includes a 50mm increase compared to the existing. The impact of these new downpipes will not be harmful to the architectural significance of the covered shopping market street. The plans do specify that these down pipes will match existing and that will mean that they shall be cast iron, which preserves the architectural significance of the building and indoor area.



- 3.5 Drainage: Works associated with drainage upgrade will be limited in terms of harm. Connection to the draining system and upgrading of downpipes will have little to no harm to the historic fabric. The justification is clear and convincing and will contribute to the maintenance of the listed building with a future-proof downpipes. The downpipes will be installed into the existing drain system. To the roof new leaf guards and roof details shall be installed into the new roof. These are necessary details that will maintain the heritage asset from further water pooling or blockages.

3.6 Documents assessed in this appraisal:

- Existing first floor plan: EX201
- Existing front elevation and roof plan: EX300
- Existing ground floor plan: EX200
- Existing roof plan: EX202
- Proposed ground floor plan and sections: 30200
- Proposed health and safety plan – first floor: 30203
- Proposed health and safety plan – ground floor: 30202
- Proposed health and safety plan – roof: 30204
- Proposed roof plan: 30201
- Temporary works – Existing front elevation: 30300
- The location plan: EX100
- Design and access statement
- Report Document – No 48208

4.0 **Departure/Public Advertisement Procedure**

- 4.1 Occupiers of three neighbouring properties have been individually notified by letter.
- 4.2 A site notice has also been displayed near to the site on the 28/07/25 and an advert has been placed in the local press on 31/07/2025.
- 4.3 A site visit was undertaken 28/07/2025.

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

- 6.2. Historic England – 14th of July 2025 (no advice offered and suggest seek the views of specialist Conservation Officer)

Town/Parish Council

- 6.2 Newark Town Council 30th July 2025. (No objection).

Non-Statutory Consultations

- 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 site is adjoined to Newark Town Hall. The Town Hall was designated Grade I (LEN 1196430) in 1950. The law makes it clear that any building or structure physically attached to a listed building, or if detached, having formed part of the land since before 1948, is also listed (section 1(5) of the Planning (Listed Building and Conservation Areas) Act 1990). The tests set out under the old PPG15 provide a useful framework by which to clarify the extent of curtilage listing. Ownership at the time of listing, historic association, subservience and physical relationship are key in that assessment. The covered market meets the curtilage tests entirely, and I therefore consider the Victorian building to be part of the Town Hall listing.
- 7.7. As part of the complex between Middle Gate, Market Place and Chain Lane, no. 23 Middle Gate is Grade II listed (LEN 1196432) and was designated in 1992. The listing description for Newark Town Hall advises, ‘Town Hall and former gaol. 1774-6, with late C18 and mid C19 additions. By John Carr of York. Restored 1989-91 by Guy St John Taylor Associates and James Brotherhood Associates. Mansfield white sandstone ashlar and brick with slate roof. Plinth, frieze, dentillated cornice, open balustrade with urns at the corners. Windows are glazing bar sashes. 3 storeys; 7 window range. Projecting 3-bay centre has a giant tetrastyle Doric portico with balustrade, and pediment containing the Town Arms, topped with a central figure of Justice renewed

c1983. At the angles of the pediment, pedestals with a lion to left and a unicorn to right. Within the portico, 3 tall windows, the central one pedimented and the flanking ones corniced. Above them, 3 smaller windows. Outer first floor windows have cornices and pseudo-balustrades. Smaller second floor windows have moulded architraves. Rusticated ground floor has round arched openings with multiple keystones and impost band. In the centre, 3 doorways with wrought iron grilles and gates. Beyond, single glazing bar windows and beyond again, single doorways with half-glazed doors with fanlights. To left, late C18 addition forming Mayor's Secretary's office. Red brick with ashlar lintels and slate roof. 4 storeys; single window range of glazing bar sashes, and a round arched entry with keystone. Interior has an outstanding ballroom with paired pilasters and domed apsidal ends, screened by pairs of giant Corinthian columns. Coved compartmented ceiling by Kilminster of Derby. Central enriched marble fireplace on each side wall. Front has 4 doors in decorated surrounds, and rear 2 doors. Rear has central window with fanlight, flanked by single busts on console brackets. Central council chamber has metope and triglyph frieze, ceiling bosses and door and window architraves with cornices. Mayor's Parlour and picture room have moulded cornices, elaborate doorcases and marble and wood fireplaces. Oval stairwell has dogleg stair with winders and ramped and scrolled mahogany handrail. Below the ballroom, an 8 x 3 bay market hall with Doric arcades and engaged columns in the aisles. Round arched side openings. On the north side, former gaol, mid C19, brick, with slate roof. Single storey, with 3 windows and 4 doors, one of them blocked, all with segmental heads. The Town hall is described as "a fine example of its type and period" (Pevsner) and is a good example of the work of John Carr'.

- 7.8. The listing description for no. 23 Middle Gate advises, 'Former public house, now shop. Early C18, restored 1989. Brick with steep pitched plain tile roof. Plinth, first floor band, coggled and dentillated eaves, coped gables. 2 storeys plus attics; 4 window range of segment headed glazing bar sashes. Above, 2 C20 gabled dormers with 2-light casements. below, off-centre half-glazed panelled door with overlight, flanked to left by 2 glazing bar sashes, all with segmental heads. To right, a plain carriage opening. Left gable has a C20 3-light shop window'.
- 7.9. The covered market, known as the Buttermarket has undergone a significant restoration in the 1980s, introducing a row of shops and mezzanine floor. The other parts of the land holding now identified as the shopping centre are less clear cut. The 1989 phase has remodelled and altered this space extensively, and much of it is not 'special'. However, the physical connection and single ownership of these service areas, including the Royal Exchange, Hobsons and the upstairs former bar area (now education hub), could be interpreted as being one single 'extension' to the principal listed building. Inevitably, this interpretation is not so simple. The building range along Chain Lane containing Tambo has been extensively reconstructed, but otherwise appears to be the historic service range to the former Inn on Middle Gate (23 Middle Gate- see late 19th century OS maps). Some of the masonry is 1980s stretcher, but areas on Chain Lane at higher level include traditional dentillation and some English Garden Wall with off-centre stretcher bond, suggesting 19th century masonry. The annexation of this unit from 23 Middle Gate prior to 1992 ensures that this building range cannot be characterised as curtilage to that property. On the other hand, it

seems insufficient to find that the ownership and physical connection of this unit to the Town Hall in the modern era is sufficient to make it curtilage listed either, despite the extent of openness within the unit out of the original building wall line of the covered market (formed by the two arched openings) which encourages the concept of the larger 'extension'. The line of units on the east side of the Exchange (including Hobsons) appear to contain some historic fabric and some level of connection through to the cells (this area is marked stables on historic conveyance plans) and perhaps might be more obviously determined as curtilage (as an extension of the Town Hall ground floor).

Impact on the special interest of the Listed Building

- 7.10 The site sits behind the Town Hall and has been restored partly with modern materials, this mainly focused on the roof. The application is supported by an extensive photographic study of the roof and site that goes into detail justifying the works.
- 7.11 The proposal will be minimal in its impact in terms of historic fabric. The assessment of impact is focused on historic fabric and setting. The works relate to mainly modern fabric within the Grade I building being replaced, so the principle of this replacement of the flat roof and downpipes means harm is limited.

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 - LEG2526/3491

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. The proposed works will maintain the historic fabric by reducing water ingress in the future by the replacement and installation of a modern roof and its associated apparatus. This will preserve the architectural significance of the Buttermarket, with no harm incurred.
- 9.2. As such, the proposed works would comply with the guidance within Section 16 of the NPPF and with the duty to preserve set out in S16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is therefore recommended that the works be approved, subject to the conditions set out below.

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 replace roof, two downpipes and associated roof, shall be carried out in accordance with the following approved plans and associated documents:

- Existing first floor plan: EX201
- Existing front elevation and roof plan: EX300
- Existing ground floor plan: EX200
- Existing roof plan: EX202
- Proposed ground floor plan and sections: 30200
- Proposed health and safety plan – first floor: 30203
- Proposed health and safety plan – ground floor: 30202
- Proposed health and safety plan – roof: 30204
- Proposed roof plan: 30201
- Temporary works – Existing front elevation: 30300
- The location plan: EX100
- Design and access statement
- Report Document – No 48208

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.

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 - 25/01173/LBC

