



Report to Planning Committee 2 July 2026

Business Manager Lead: Oliver Scott – Planning Development

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Report Summary			
Application No.	26/00648/FUL		
Proposal	Vary the use from class E to classes E and F - Ground floor only		
Location	14 Market Place Newark On Trent NG24 1DU		
Applicant	Newark And Sherwood District Council - Miss Lauren Anthony	Agent	N/A
Registered	30.04.2026	Target Date	15.07.2026
Web Link	26/00648/FUL Vary the use from class E to classes E and F - Ground floor only 14 Market Place Newark On Trent NG24 1DU		
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the condition(s) detailed at Section 10.0		

This application is presented to Planning Committee in line with the Scheme of Delegation due to Newark and Sherwood District Council being the applicant.

1.0 The Site

1.1 The application site relates to a 3 storey building located within the defined Newark Town Centre and its Market Place as defined within the Allocations and Development Management DPD. The site is within the Newark Conservation Area and historic core of the market town and is adjacent to 12 and 12A Market Place (Toni and Guy), Grade II listed building. The site is also located within a highly sensitive historical location due to the setting of a number of other high quality listed buildings including the Grade I Newark Town Hall and St Mary Magdalene Church. The application building itself is not listed.

- 1.2 The commercial unit has been vacant since 2022 and its last use was for a Café (Use Class E). The site sits within the primary shopping frontage/area as defined by the Proposals Map within the Allocated and Development Management DPD. Within the Emerging Amended Allocations and Development Management DPD, the policies map removes the primary shopping frontages description on the maps, but the site is still allocated as a primary shopping area and the Town Centre.
- 1.3 The floors above the commercial unit comprises of one residential apartment, which is also vacant.
- 1.4 The building sits within Flood Zone 1 according to the Environment Agency Flood Maps meaning it is at low risk of flooding from rivers and is also at very low risk of surface water flooding.

2.0 Relevant Planning History

- 2.1. 05/00096/ADV - Illuminated fascia signs and retractable awnings at front and rear over shop windows (retrospective) – Refused 09.03.2005. Reason: *The proposal for an illuminated fascia signs and retractable awnings is considered inappropriate for the historic character and appearance of the Newark Conservation Area. As such its contrary to Policy C15, Policy DD6 of the adopted Local Plan and guidance contained within the Supplementary Planning Guidance "Shop fronts and Advertisements Guidelines - Design and Policy" adopted in 1995.*
- 2.2. 02/00867/FUL - Change of use from retail shop to office for Markets & Car Parks section Application Withdrawn 11.06.2002

3.0 The Proposal

- 3.1 The application seeks permission to change the use of the building from Use Class E (Commercial, Business and Service) to a mixed use (both Use Class E and F (F.1 – Learning and non-residential institutions)). This change of use would be on ground floor level and basement only and would house an art school.
- 3.2 The opening hours for the art school would be 08:30 – 18:00hrs Monday to Saturday and 09:00 - 13:00hrs on Sundays and Bank Holidays.
- 3.3 The proposal only refers to a change of use and no physical changes or alterations to the building are proposed.
- 3.4 Documents assessed in this appraisal:
- Application form received 30.04.2026
 - Site Location Plan received 20.05.2026
 - Heritage Statement received 19.05.2026

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 9 properties have been individually notified by letter. A site notice has

also been displayed near to the site, and an advert has been made in the local press.

4.2 Site visit undertaken on 5th June 2026.

5.0 **Planning Policy Framework**

5.1. **The Development Plan**

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

Spatial Policy 7 – Sustainable Transport

Core Policy 6 – Shaping our Employment Profile

Core Policy 8 – Retail and Town Centres

Core Policy 9 – Sustainable Design

Core Policy 14 – Historic Environment

NAP1 – Newark Urban Area

5.3. **Allocations & Development Management DPD (adopted July 2013)**

DM5 – Design

DM9 – Protecting and Enhancing the Historic Environment

DM11 – Retail and Town Centre Uses

DM12 – Presumption in Favour of Sustainable Development

NUA/TC/1 – Newark Urban Area – Newark Town Centre

5.4. The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of 'main modifications' to the submission DPD. The purpose of these main modifications is to resolve soundness and legal compliance issues which the Inspector has identified. Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification took place between Tuesday 16 September and Tuesday 28 October 2025. The next stage in the Examination process will be the Inspector issuing their draft report.

5.5. Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended Allocations & Development Management DPD has reached represents an advanced stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency with national planning policy. Through this process representors have been provided the opportunity to raise objections to proposed modifications through the above consultation. Therefore, where content in the Submission DPD is either;

- Not subject to a proposed main modification;

- The modifications/clarifications identified are very minor in nature; or
- No objection has been raised against a proposed main modification

5.6. Then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.

[Submission Amended Allocations & Development Management DPD
Schedule of Main Modifications and Minor Modifications / Clarifications](#)

5.7. Relevant Policies that have substantial weight from the above referenced emerging plan:

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy

Policy DM5(a) – The Design Process

Policy DM5(b) – Design

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM11 – Retail and Main Town Centre Uses

5.8. On 16th December 2025 the Government published a consultation on proposed reforms to the NPPF (2024). The consultation and draft NPPF do not constitute Government policy or guidance.

5.9. **Other Material Planning Considerations**

National Planning Policy Framework 2024 (amended 2025)

Planning Practice Guidance

Nottinghamshire County Council Highways Design Guide

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 – No bespoke comments provided.

Town/Parish Council

6.2. Newark Town Council — No objections (support).

Representations/Non-Statutory Consultation

6.3. **NSDC Conservation**

6.4. No technical comments provided by conservation.

6.5. **Newark Business Club**

- 6.6. Support the application as it would enhance Newark's business environment and would benefit visitors and residents.

No further comments were received.

7.0 Appraisal

- 7.1. The key issues are:

- Principle of development
- Impact on the Character of the Conservation Area and Heritage Impacts
- Impact on Residential Amenity
- Impact on Highway Safety

- 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. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "shall 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." Section 72(1) also requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

- 7.4. The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

- 7.5. Section 16 of the NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

7.6. Principle of Development

- 7.7. Core Policy 6 (Shaping our Employment Profile) states that the economy of Newark and Sherwood District will be strengthened and broadened to provide a diverse range

of employment opportunities maintaining and enhancing the employment base of our towns and settlements including in their town and village centres.

- 7.8. Core Policy 8 (Retail & Town Centres) seeks to maintain and enhance the vitality and viability of centres through creating a balanced range of retail and other main Town Centre uses.
- 7.9. Policy DM11 (Retail and Town Centre Uses) of the Allocations and Development Management DPD provides that within Newark, new and enhanced retail development and other town centre uses that consolidate the composition of the town centre will be supported within the Town Centre Boundary, as defined on the Policies Map. This is similar to Policy DM11 (Retail and Main Town Centre Uses) of the emerging Allocations and Development Management DPD, with the addition that the design and layout of in-Centre schemes should secure active frontages and that where a mix of uses is proposed, to give careful consideration to their distribution in order that ensure that vitality and viability is optimised. Policy DM11 of the emerging Allocations and Development Management plan carries substantial weight and its consideration is also applicable in this instance.
- 7.10. The proposal would vary the existing use from Use Class E (commercial) to Use Classes E and F (F.1 – Learning and non-residential institutions) in the form of an art school. The building is currently located on a Primary Shopping Frontage, whereby under policy DM11, the retention of such areas are key to maintaining the vitality and viability of the Local Centre. Non-retail uses would require justification. Given this is a mixed use which does still include retail development, Officers are satisfied that there is no conflict with this current policy. However, it is noted that the Emerging Plan removes these frontage designations, but that given the proposal is a main town centre use, there is no conflict in any case to the use in this location.
- 7.11. This proposal would contribute to the range of town centres uses in this location by providing a varied learning and commercial environment in the area, which could also encourage further foot traffic to the shop and revive a vacant shop. In addition, it is considered that the proposal would enhance an existing retail unit in the centre thereby consolidating the composition of the town centre through an appropriate use and optimising the vitality and viability of the town centre.
- 7.12. Although the application form does not state the contribution to employment, it is expected that the use would generate some employment opportunities, and although this would be limited, given the scale of the use, this would still comply with Core Policy 6 , which advocates maintaining and enhancing the employment base of our towns and settlements and providing economic growth in the Sub-Regional Centre of Newark.
- 7.13. Given the above, the proposal is considered to enhance retail development and other town centre uses which is accepted and encouraged within Newark Town Centre. Therefore, the proposal is considered to accord with policies NAP1, Core Policy 6, Core Policy 8 and Policy DM11 of the existing Development Plan Document and Policy DM11 of the Emerging Local Plan, as well as the NPPF which is a material planning consideration.

- 7.14. Therefore, the proposed change of use is considered acceptable, in principle, subject to site specific impact which is assessed below.

Impact on the Character of the Conservation Area and Heritage Impacts

- 7.15. Core Policy 9 ‘Sustainable Design’ of the Amended Core Strategy DPD requires new development proposals to, amongst other things, “achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments”. In accordance with Core Policy 9, all proposals for new development are assessed with reference to Policy DM5 of the Allocations & Development Management DPD, which, amongst other things, require new development to reflect the rich local distinctiveness of the District’s landscape and character through scale, form, mass, layout, design, materials, and detailing.
- 7.16. As part of the Development Plan, Core Policy 14: Historic Environment (Core Strategy DPD) and DM9: Protecting and Enhancing the Historic Environment (Emerging Allocations and Development Management Plan) amongst other things, seek to conserve heritage assets in a manner appropriate to their significance and for development proposals to take into account the distinctiveness and setting of conservation areas through layout, design, form, scale, mass and use of materials and detailing.
- 7.17. Section 12 of the NPPF (2024) refers to achieving well designed places. Paragraph 131 states that “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Paragraph 139 of the NPPF (2024) advocates that where a development is not well designed and fails to reflect local design policies and government guidance on design planning permission should be refused.
- 7.18. The proposal would result in no physical changes, and it is only the change of use that is proposed. The varying of the use to an art school is not considered to impact the character of the Newark Conservation Area or setting of the nearby listed buildings. The application building would retain its existing painted timber exterior and canted fascia board, all of which contribute to the late Victorian shopfront design and is reflective of the Newark Conservation Area and town centre. This existing shopfront and building would remain unaltered as a result of the proposal and would therefore result in no visual impact to the character of the conservation area or setting of listed buildings.
- 7.19. It is expected that advertisements would be required, and these would be applied for and assessed against separate legislation.
- 7.20. With the above in mind, it is considered that the proposal accords with the aims of Policies DM5(b) and DM9 of the Emerging Allocations and Development Management DPD, CP9 and CP14 of the Amended Core Strategy, the provisions of the NPPF, which are material considerations. The special duty to preserve or enhance under sections 66 and 72 of the Act has been given appropriate consideration in this case.

Impact on Residential Amenity

- 7.21. Policy DM5 of the DPD states that development should have regard to its impact upon the amenity of surrounding land uses and neighbouring development to ensure that the amenities of neighbours and land users are not detrimentally impacted. The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings.
- 7.22. Given there will be no change in relationship with the existing neighbouring properties and the site orientation, it is not considered that the proposal will have an adverse impact such as overbearing, loss of light or privacy upon occupiers of neighbouring buildings including residents living above the neighbouring retail units.
- 7.23. The nature of the proposal to a varied learning and commercial use could result in further foot traffic to the shop from both customers and students, however, given that the previous use of the ground floor was for a café, this use would not vary significantly from the existing use in terms of intensity or number of customers and students coming to and from the site. Furthermore, given that the proposal is for a learning and commercial use, the proposal would be appropriate in this town centre location and would not operate at a scale that would result in overbearing, overshadowing or loss of light impact and is not considered to result in increased noise in the area.
- 7.24. It is noted that above ground floor the uses are residential, although currently vacant. It is considered by Officers that the use as proposed, would not result in harm from increased or unacceptable noise levels which would harm the amenity of the future occupiers in any upper floor accommodation in this building or the surrounding area.
- 7.25. The proposal would therefore be in accordance with Policy DM5 of the DPD, Policy DM5(b) of the Emerging Local Plan and guidance within the NPPF.
- 7.26. Impact on Highway Safety
- 7.27. Policy DM5 of the Allocations and Development Management DPD requires provision of safe and inclusive access to new development and appropriate parking provision as does Policy DM5(b) of the emerging Allocations and Development Management DPD. Spatial Policy 7 seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Paragraph 115 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. The NCC Highways Design Guide recommends a minimum of at least 2 parking spaces per retail unit. As for schools – the NCC Highways Design Guide recommends a minimum of 1 space per teaching member of staff plus 2 spaces per 3 non-teaching staff.
- 7.28. The application site is located within Newark Town Centre which is a highly sustainable location which is easily accessible by public transport. The proposal does include changing the use of the ground floor of the unit into an art school. Although NCC Highways Design Guide recommends a minimum of 1 space per teaching member of staff plus 2 spaces per 3 non-teaching staff, it is acknowledged that the site location does not provide dedicated parking spaces for this building. Nonetheless, it is considered that parking for staff and pupils is achievable in nearby Appleton Gate and Kirk Gate. Furthermore, given the bus routes to and from the town centre, it is reasonable that students or staff members would take public transportation to the

school, thereby reducing the need for cars.

- 7.29. As for customers – it is considered that the proposal could result in further foot fall to the unit, especially as it would bring a vacant unit back into use. However, as stated above, the application site is within a sustainable location with bus routes going to and from the town centre. Therefore, it is considered that customers can rely on public transportation, and the business would not operate at a scale that would result in increased vehicular traffic to and from the site. As stated above, there are parking spaces achievable on nearby Appleton Gate and Kirk Gate.
- 7.30. With the above in mind, it is considered that the proposal accords with Policy DM5, DM5(b) and Spatial Policy 7, and guidance within the NPPF and NCC Highways Design Guide.

Community Infrastructure Levy (CIL)

- 7.31. The proposed development would result in no additional floorspace/Gross Internal Area and is therefore not CIL liable.

Other Matters

- 7.32. **Biodiversity Net Gain (BNG)** – In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. However, there are some developments that are exempt from BNG such as developments that are 'de minimis'. This applies to development that does not impact a priority habitat, has an impact less than 25 square metres of non priority onsite habitat and impacts less than 5 metres of non priority onsite linear habitats. (under Regulation 4¹). The proposed development falls within this threshold and BNG is therefore not applicable in this case.

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 – LEG2627/1064

- 8.3. 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

¹ [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#)

arise during consideration of the application.

9.0 Conclusion

- 9.1. In conclusion, it is considered that the proposal accords with Spatial Policy 7, Core Policy 6, Core Policy 8, Core Policy 9, Core Policy 12, Core Policy 14 and NAP1 of the Amended Core Strategy DPD and policies DM5(b), DM9, DM11 of the Emerging Allocations and Development Management DPD, Policy DM12, as well as the guidance within the NPPF and NCC Highways Design Guide, therefore there are no material reasons why this application should not be permitted, subject to conditions. The duty to preserve or enhance under Section 66 and 72 of the Act has been given appropriate consideration in this case.

10.0 Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall be carried out only in accordance with the details and specifications included on the submitted application form and shown on the submitted drawing as listed below:

- Site Location Plan received 20.05.2026

Reason: To ensure that the development takes the agreed form envisaged by the Local Planning Authority when determining the application.

03

The premises hereby approved shall only operate between the following hours:

- 08:30am to 6pm Monday to Saturday
- 09:00am to 1pm on Sundays and Bank Holidays

Reason: In the interests of residential amenity.

Informatives

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 applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as there would be no floorspace created.

03

You are advised that you may require building regulations approval in addition to the planning permission you have obtained. Any amendments to the 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.

East Midlands Building Control operates as a local authority partnership that offers a building control service that you may wish to consider. You can contact them via email at info@eastmidlandsbc.com via phone on 0333 003 8132 or via the internet at <https://www.eastmidlandsbc.com/>

04

Biodiversity Net Gain

From the information provided as part of the application, the development granted by this notice is considered exempt from the biodiversity gain condition.

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the condition "the biodiversity gain condition" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan;

OR

- c) the development is exempt from the biodiversity gain condition.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Newark and Sherwood District Council (NSDC).

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Details of these exemptions and associated legislation are set out in the planning practice guidance on biodiversity net

gain ([Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain))

Based on the information available, this permission is considered by NSDC not to require the approval of a biodiversity gain plan before development is begun, because the following reason or exemption is considered to apply – Proposal is considered ‘de minimis’.

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.

Committee Plan - 26/00648/FUL

