



Report to Planning Committee 2 July 2026

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Anna Horn, Principal Planner

Report Summary			
Application No.	26/00541/S73M		
Proposal	Variation of condition 18 attached to planning permission 21/00699/FULM to vary the opening times of the ground floor units		
Location	32 Stodman Street Newark On Trent NG24 1AW		
Applicant	Newark And Sherwood District Council - Miss Lauren Anthony	Agent	N/A
Registered	15.04.2026	Target Date	15.07.2026
Web Link	26/00541/S73M Variation of condition 18 attached to planning permission 21/00699/FULM to vary the opening times of the ground floor units 32 Stodman Street Newark On Trent NG24 1AW		
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 comprises the former Marks and Spencer building and is located within the defined Newark Town Centre. The distinctive classical Art Deco frontage has been retained as part of an important mixed use redevelopment scheme (ref 21/00699/FULM). The site is within the Newark Conservation Area (CA) and historic core of the market town and is adjacent to Costa, a Grade II listed building. The site is located within the medieval planned town which is considered to be a highly sensitive

historic environment. 32 Stodman Street is not listed, but is considered to make a positive contribution to the CA.

- 1.2 The redevelopment scheme (ref 21/00699/FULM) approved a new 4 storey complex behind the retained shop front façade with parking, services and mixed use (Class E) at ground floor with apartments above. This development is significantly constructed and due to be completed within the next few months.
- 1.3 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 within the Town Centre.
- 1.4 The floors above the commercial unit comprise 29 residential apartments. As construction has not finished, these are currently vacant.
- 1.5 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. 21/00699/FULM - Proposed demolition of the building with retention of the Art Deco façade and replacement with a 4-Storey development comprising parking, services and mixed use (Class E) space at ground floor with apartments above. Approved by Committee 15.02.2022.
- 2.2. 22/01618/NMA - Application for non material amendment to include additional external doors to commercial units, column added to parking layout and basement water tank allowance attached to planning permission 21/00699/FULM. Approved 22.09.2022.
- 2.3. 23/01737/ADV - Advertising Hoardings for 32 Stodman Street. Approved by Committee 24.11.2023.
- 2.4. Various approved discharge of condition application requests: 23/01748/DISCON, 24/00953/DISCON, 24/00954/DISCON, 24/01899/DISCON, 25/01108/DISCON, 25/01655/DISCON, 25/01951/DISCON.
- 2.5. 24/01915/NMA - Application for non material amendment to substitute approved drawings with revised plans and elevations as per approved plans table attached to planning permission 21/00699/FULM approved plans table. Approved 04.12.2024.
- 2.6. 25/01300/NMA - Application for non material amendment to amend bin store/parking layout and elevation details to planning permission 21/00699/FULM; Proposed demolition of the building with retention of the Art Deco façade and replacement with a 4-Storey development comprising parking, services and mixed use (Class E) space at ground floor with apartments above. Approved 27.08.2025.

3.0 The Proposal

3.1 The application seeks permission to vary condition 18 attached to 21/00699/FULM to vary the opening times of the ground floor units.

3.2 Condition 18 states that:

The use of the ground floor units hereby permitted shall only take place during the following hours:-

07:30h to 23:00h Monday - Friday

08:30h to 23:00h Saturdays

10:00h to 22:00h Sundays

3.3 The proposed change to this condition is as follows:

The use of the ground floor units hereby permitted shall only take place during the following hours:-

06:30h to 23:00h Monday – Friday

07:00h to 23:00h Saturdays

08:00h to 22:00h Sundays

3.4 The proposal only refers to a change of the opening timings and no physical changes or alterations to the building are proposed.

3.5 Documents assessed in this appraisal:

- Application form received 13.04.2026.

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 47 properties have been individually notified by letter. A site notice has also been displayed near to the site (posted on the 13.05.2026), and an advert has been published in the Newark Advertiser (printed 24.04.2026).

4.2 Site visit undertaken on 13th May 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. None.

Town/Parish Council

- 6.2. Newark Town Council — No objections (support), received 01.05.2026, Town Council planning meeting held on the 29th April 2026.

Representations/Non-Statutory Consultation

None.

No further comments were received.

7.0 **Appraisal**

- 7.1. The key issues are:

- Principle of development
- Impact on Residential Amenity

- 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.

Principle of Development

- 7.3. 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.
- 7.4. 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.
- 7.5. 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.
- 7.6. The proposal would vary the opening times of an already approved Class E use (commercial). The applicant states that varying the opening hours as proposed would bring potential uses in-line with neighbouring businesses such as Costa Coffee.
- 7.7. 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.

Impact on Residential Amenity

- 7.8. Policy DM5(b) of the Emerging 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 a high standard of amenity for all existing and future occupants of land and buildings.
- 7.9. The proposal would see the opening hours extend. The previously approved and proposed hours are below:
- 7.10. Previously approved:

07:30h to 23:00h Monday - Friday
 08:30h to 23:00h Saturdays
 10:00h to 22:00h Sundays

- 7.11. The proposed hours are as below:

06:30h to 23:00h Monday – Friday
 07:00h to 23:00h Saturdays
 08:00h to 22:00h Sundays

- 7.12. As demonstrated, the proposal would see the units able to open an hour earlier in the mornings Monday-Friday, an hour and a half earlier on Saturdays and two hours earlier on Sunday.
- 7.13. The site is located within the town centre, a built up and commercial area. The proposal includes residential properties above the ground floor units that could be impacted by the proposed change in opening hours. That said, the site is located in a town centre location, with other commercial premises with similar early opening hours in the immediate area, including Costa Coffee and Greggs which both open at 06:30am.
- 7.14. Considering the alterations to the opening hours are fairly minor, and the site is within a town centre location, 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.
- 7.15. 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.
- 7.16. 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.

Community Infrastructure Levy (CIL)

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

Other Matters

- 7.18. **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.

- 7.19. **Legal Agreement** - the legal agreement completed and secured as part of 21/00699/FULM will continue to apply to the new permission due to clauses contained within the undertaking relating to S73 applications.

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 – LEG2627/6687

- 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 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 designated heritage assets 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 permission 21/00699/FULM.

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

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:

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

- Site Location Plan - Ref. 101-137 (P) 020 A (deposited 28.01.22)
- Proposed Ground Floor - Ref. 101 137 RGP XX 00 M3 A P 001 Rev P06 (as approved under 25/01300/NMA)
- Proposed 1st and 2nd Floors – 101 137 RGP XX XX M3 A P 002 ISSUE P04 (as approved under 24/01915/NMA)
- Proposed 3rd Floor – 101 137 RGP XX 03 M3 A P 003 ISSUE P04 (as approved under 24/01915/NMA)
- Proposed Roof Plan - Ref. 101-137 (P) 016 C (deposited 30.11.21)
- Short Sections - Ref. 101-137 (P) 017 B (deposited 30.11.21)
- Proposed Elevations – 101 137 RGP XX XX M3 A P 018 Rev P08 (as approved under 25/01300/NMA)
- Demolition Plan - Ref. 101-137 (P) 027 B (as approved under 22/01618/NMA)
- Bay Studies – 101 137 RGP XX XX M3 A P 028 P03 (as approved under 24/01915/NMA)
- Wall Position Overlay (deposited 25.11.24)
- Wall Position Overlay 2 (deposited 25.11.24)
- Proposed General Arrangement - Ref. T-HSP-00-00-DR--C-950 (deposited 26.01.22)
- Proposed General Arrangement with annotations - Ref. ST-HSP-00-00-DR--C-951 (deposited 26.01.22)
- Proposed Visibility Splays - Ref. ST-HSP-00-00-DR--C-952 (deposited 26.01.22)
- Car Vehicle Tracking - Ref. ST-HSP-00-00-DR--C-953 (deposited 26.01.22)
- Delivery Vehicle Tracking - Ref. ST-HSP-00-00-DR--C-954 (deposited 26.01.22)

Reason: So as to define this permission.

03

The development shall be carried out in accordance with the signed Unilateral Undertaking dated 24.10.2023, or as subsequently amended.

Reason: In order to secure the necessary infrastructure and contribution requirements in accordance in the interests of achieving a sustainable development.

04

The development shall be carried out in accordance with the approved timeline, as outlined in the below documents as part of 23/01748/DISCON:

- Outline Methodology – Demolition of the Former M&S Store, by Total Reclaims Demolition, Ref. 5682, dated 18.08.2023
- Project Office and Welfare Facilities Plans, by Stepnell
- Phasing of Work/Key Project Dates (Condition 4) Spreadsheet deposited 18.01.2024.
- Repair Scope (Condition 9) Spreadsheet deposited 31.01.2024

As the development progresses, updated timelines shall be submitted to and approved in writing by the Local Planning Authority for agreement once precise dates/timeframes for the key milestone of the project are known.

Reason: To ensure the heritage benefits secured by the redevelopment of the site are delivered in a timely manner following the demolition works in accordance with the NPPF.

05

The development shall be carried out in accordance with the material details submitted and approved under 24/01899/DISCON, relating to:

Facing materials
Bricks Stone
Roofing materials
Green Roof Specifications
Cladding Lime/White Wash
All metal work including balustrades

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

06

Notwithstanding the details submitted and part discharged under 25/01655/DISCON and 25/01108/DISCON, no development shall be commenced in respect of the features identified below, including the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details.

External windows, doors and their immediate surroundings, including details of glazing and glazing bars; (required for ground floor)
Window and Door Headers and Cills; (required for ground floor)
Material finish of all external windows and doors; (required for ground floor)
Verges and eaves; (required for ground floor)
Rainwater goods; (remains outstanding for front facade)
Coping; (required for ground floor)
Extractor vents; (remains outstanding for all floors)
Airbricks; (remains outstanding for all floors)
Soil and vent pipes. (remains outstanding for all floors)

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

07

The development shall be carried out in accordance with the detailed elevation plans as approved under 24/01899/DISCON and amended under 24/01915/NMA in terms of precise details of brickwork and decorative features.

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

08

The development shall be carried out in accordance with the details and specifications relating to brick bond, mortar, pointing, lime/whitewash and architectural decoration, as approved under 24/01899/DISCON and amended under 24/01915/NMA.

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

09

The development shall be carried out in accordance with the approved full specification and methodology for undertaking structural support/repair works to the retained façade, as approved under 23/01748/DISCON. If specific technical elements need to be agreed with the Local Planning Authority Conservation Team, then contact shall be made with the Local Planning Authority to agree these elements as they arise.

Reason: To safeguard the special architectural and historic interest of the building, in recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

010

Prior to the use of the ground floor commercial units hereby approved, a scheme for the improvement of the shop front within the Art Deco Façade on Stodman Street shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the special architectural and historic interest of the building, in recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

011

Notwithstanding the annotations on the approved plans indicating indicative areas of signage, prior to the installation of any signage on the building full details of the signage (including but not limited to: size, design, materials, illumination and

positioning) shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

012

The development shall be carried out in accordance with the approved full details for the hard and soft landscaping to the 'Shared Amenity Terrace' as approved under 25/01655/DISCON.

Reason: In the interests of residential and visual amenity.

013

Notwithstanding the part discharged details under 25/01655/DISCON, prior to first occupation/use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- green roof specifications;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures for example, furniture, raised planters/seating, signs, lighting etc.

Reason: In the interests of visual amenity and biodiversity and to ensure that the development takes the form envisaged through the application submission.

014

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root balled Trees;

BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

015

The development shall be carried out in accordance with the approved details relating to the interim treatment of the site prior to the redevelopment taking place, as approved under 24/01899/DISCON.

Reason: In recognition of the site's location within the designated conservation area.

016

The bin and cycle storage facilities as shown on plan: Proposed Ground Floor - Ref. 101 137 RGP XX 00 M3 A P 001 Rev P06 (as approved under 25/01300/NMA), shall be provided prior to the first occupation of the development hereby permitted in accordance with the approved details and retained for the lifetime of the development.

Reason: To ensure that adequate secure cycle and bin storage is provided for occupiers in the interests of residential and visual amenity.

017

Prior to any landscape work being undertaken (including the installation of any planting within the building design, public realm, green roofs or shared amenity spaces) a landscape management plan, including long term objectives, management responsibilities and maintenance schedule for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the work is carried out within an agreed appropriate period and thereafter properly maintained in the interests of visual amenity and biodiversity.

018

The use of the ground floor units hereby permitted shall only take place during the following hours:-

06:30h to 23:00h Monday – Friday

07:00h to 23:00h Saturdays

08:00h to 22:00h Sundays

Reason: In the interests of residential amenity.

019

The two units annotated for 'Use Class E/Co-Working' on plan Proposed Ground Floor - Ref. 101 137 RGP XX 00 M3 A P 001 Rev P06 (as approved under 25/01300/NMA) shall only be used for uses falling within Use Class E of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (as amended) or the Town and Country Planning (General Permitted Development) (England) Order 2015, (or in any provision equivalent to that Class or Order or in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purpose.

Reason: In the interests of residential amenity.

020

The development shall be carried out in accordance with the external lighting details as approved under 25/01951/DISCON.

Reason: In the interests of visual and residential amenity.

021

The development shall be carried out in accordance with the approved Archaeological information as submitted and approved under 24/00954/DISCON and 23/01748/DISCON.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation, to ensure satisfactory arrangements are made for the recording of possible archaeological remains and to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.

022

The development shall be carried out in accordance with the approved surface and foul water details, as approved under 24/00953/DISCON. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

023

The development shall be carried out in accordance with the approved Demolition and Construction Method Statement, as approved under 23/01748/DISCON, including the following approved plans/documents:

- Outline Methodology – Demolition of the Former M&S Store, by Total Reclaims Demolition, Ref. 5682, dated 18.08.2023
- Project Office and Welfare Facilities Plans, by Stepnell
- Total Reclaims Demolition Safe System of Work & Risk Assessment dated 26.10.2023
- Email from Agent 24.11.2023 detailing additional Demolition and Construction Measures

Reason: In the interests of residential amenity.

024

The two units annotated for 'Use Class E/Co-Working' on plan Proposed Ground Floor - Ref. 101 137 RGP XX 00 M3 A P 001 Rev P06 (as approved under 25/01300/NMA) shall not be brought into use until the recommended acoustic mitigation and ventilation works embedded within Sections 7 & 8 of the Noise Impact Assessment Report (Ref. P4466-R1-V4, dated 04.10.2021, Version 4) undertaken by Noise Air are implemented in full. These measures shall also be retained for the lifetime of the development.

Reason: In the interests of residential amenity.

025

Prior to the commencement of any E(d) Use (indoor sport, recreation or fitness) of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (as amended) at ground floor, an updated Noise Assessment report must be provided which includes a detailed assessment of the impact of this use (including tap testing) and any acoustic mitigation works required. Any mitigation measures recommended shall be implemented in full prior to the commencement of any E(d) Use and shall be retained for the lifetime of the development.

Reason: In the interests of residential amenity as the submitted noise assessment does not adequately consider the potential noise disturbance to residents associated with Use Class E(d).

026

The Travel Plan for the development shall be implemented in accordance with the Travel Plan Measures and Action Plan detailed in Sections 5 & 6 of the Travel Plan Statement (Ref. C3441, Rev A, dated Oct 2021) produced by HSP Consulting.

Reason: To promote sustainable travel.

027

The development shall be carried out in accordance with the programme of historic building recording as approved under 23/01748/DISCON.

Reason: To ensure and safeguard the recording and inspection of matters of historical importance associated with the building.

028

The development shall be carried out in accordance with the approved off-site traffic management works as approved under 23/01748/DISCON and 25/01108/DISCON.

Reason: To ensure a safe area within the highway is provided for loading and unloading of vehicles and in the interest of highway safety.

029

No part of the development shall be occupied on any part of the application site unless or until the new pedestrian footway and street lighting have been provided along Howitts Yard as shown for indicative purposes only on the approved plan ref. HSP-00-00-DR--C-951. All highway works shall be carried out to Highway Authority's specification and to the satisfaction of the Local Planning Authority.

Reason: In the interest of pedestrian safety.

030

No part of the development shall be occupied on any part of the application site unless or until the KEEP CLEAR road marking has been provided on Lombard Street opposite the access to Howitts Yard, in accordance with the details approved under 25/01951/DISCON, drawing reference ST-HSP-00-00-DR-C-0007 rev P01.

Reason: In the interest of pedestrian safety.

031

No part of the development hereby permitted shall be brought into use until the access to the site and off-street parking areas have been completed and surfaced in a bound material (not loose gravel) for a minimum distance of 8.0m behind the highway boundary in accordance with approved plan reference STHSP-00-00-DR--C-951.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)

032

No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. ST-HSP-00-00-DR--C-952 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures, or erections.

Reason: To maintain the visibility splays throughout the life of the development and in the interests of general Highway safety.

033

No part of the development hereby permitted shall be brought into use until the parking, turning, and servicing areas are provided in accordance with the approved plan ref. ST-HSP-00 00-DR--C-951. The parking, turning, and servicing areas shall not be used for any purpose other than parking, turning, and loading and unloading of vehicles.

Reason: In the interest of highway safety and to enable service vehicles to safety load and unload without obstructing the highway.

034

The development shall be carried out in accordance with the details relating to the drainage of surface water from the driveway, parking, and turning areas to the public highway, as approved under 25/01951/DISCON, drawing reference STS-EML-XX-ZZ-DR-L-0002. The provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

035

No part of the development hereby permitted shall be brought into use until the cycle parking and storage area has been provided and that area shall not thereafter be used for any purpose other than the parking and storage of cycles.

Reason: To ensure that adequate cycle parking provision is made to promote sustainable modes of transport.

036

The new doors on the street frontage shall open inwards only. The approved doors shall then be retained for the life of the development.

Reason: In the interest of pedestrian safety.

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

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 \(www.gov.uk\)](http://www.gov.uk))

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.

