

The Application seeks to vary condition 4 of planning permission 15/01077/FUL for the demolition of the former school. Condition 4 as worded in the decision notice is as follows:

The demolition of the existing building on the site shall not commence until a contract has been entered into for the construction of a replacement building on the site as shall have been granted planning permission and such construction works shall have commenced within six months of the demolition of the building.

The reason given for the condition within the decision notice was to *protect the character and appearance of the Conservation Area* in accordance with relevant policies and to *take all reasonable steps to ensure that the new development will proceed after the demolition in accordance with paragraph 136 of the National Planning Policy Framework* “

The varied wording of condition 4 as proposed in this submission is as follows:

The demolition of the existing building on the site shall not commence until a contractor has been appointed to carry out the redevelopment works of the replacement building, which shall first have been granted planning permission, and such construction works shall have commenced within six months of the demolition of the building.

The former school is on the Register of Locally Important Buildings and Structures and within the Newcastle Town Centre Conservation Area.

The statutory 8-week period for the determination expires on the 23rd March 2016.

RECOMMENDATION

Permit the variation of condition 4 so that it reads as follows

The demolition of the existing building on the site shall not commence until the steps outlined in the statement by the applicant dated 22nd February 2016 have been undertaken, and the replacement building shall first have been granted planning permission, and such construction works shall have commenced within six months of the demolition of the building.

subject to the imposition of all other conditions attached to planning permission 15/01077/FUL, unless they have already been discharged by the date of issue of the permission in which case the approved details will be referred to.

Reason for Recommendation

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon the Local Planning Authority in the exercise of planning functions with respect to any buildings in a Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The loss of this non-designated heritage asset has already accepted subject to conditions. The suggested wording of condition 4 as indicated in the submitted application does not satisfy the objective of seeking to take all reasonable steps to ensure that the new development will proceed after the demolition. However the applicant has subsequently submitted a statement setting out in detail the steps that it (and its partners) have taken and it is considered that the condition if amended to refer to this statement would constitute the take of all reasonable steps to ensure that the new development will proceed within a reasonable time frame after the loss of the heritage asset.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

Full planning permission was granted for the demolition of the building earlier this year subject to a number of conditions. The application seeks to vary condition 4 of the permission.

The Authority cannot reconsider the principle of the demolition of the building in the determination of this application, but it does have the following options:-

- If it considers that the original condition should remain it should refuse the application,
- If it considers that the condition should be varied then it should approve the application subject to the reworded condition or subject to a different condition as it considers appropriate.

The effect of a grant of permission upon an application to vary a condition is to create a new planning permission. Accordingly, unless there have been other material changes, such a permission should also make reference to the other conditions of the original planning permission

The condition as imposed prevents the demolition of the building until a contract has been entered into for the construction of a replacement building that has planning permission. The condition as proposed prevents the demolition of the building until a contractor for those works has been appointed and planning permission has been granted for the replacement building on the site.

Saved NLP policy B11 indicates that consent to demolish a building will not be granted unless a number of criteria are satisfied including that

(iii) An enforceable agreement or contract exists to ensure the construction of the replacement building where appropriate.

This is a situation where the construction of a replacement building (on the site) would be appropriate and is required (to protect the character and appearance of the Conservation Area)

As was indicated in the report on the demolition application the approach taken in the more recent NPPF in effect supercedes Local Plan Policy B11.

Paragraph 136 of the National Planning Policy Framework states that Local Planning Authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development (replacing that which is to be lost) will proceed after the loss has occurred.

The wording of the condition as proposed by the applicant does not go as far as require a contract to be entered into for the replacement building as is the current requirement, and would fall short of the required commitment. However the applicant has now submitted a Statement setting out in detail the steps it, or its partners, have or will have taken prior to the commencement of the demolition, and which it considers should be taken into account. Your Officer's view is that the condition indicated in the recommendation section above would, by reference to this Statement, be sufficient and reasonable in this case – reflecting the very substantial financial commitment that the applicant and its partners will have made to the construction of the replacement building at that point.

APPENDIX

Policies and proposals in the approved development plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (Adopted 2009) (CSS)

Policy CSP1: Design Quality
Policy CSP2: Historic Environment

Newcastle-under Lyme Local Plan 2011 (NLP)

Policy B3: Other Archaeological Sites
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B8: Other Buildings of Historic or Architectural Interest
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B11: Demolition in Conservation Areas
Policy B15: Trees and Landscape in Conservation Areas

Other material considerations include:

National Planning Policy Framework (March 2012)
Planning Practice Guidance (March 2014)

Supplementary Planning Guidance/Documents

Newcastle Town Centre SPD (2009)
Newcastle Town Centre Conservation Area Appraisal and Management Plan (CAAMP) (2008)
Register of Locally Important Buildings and Structures in Newcastle-under-Lyme SPD (2012)

Relevant Planning History

15/01077/FUL. Demolition of former St Giles' and St George's School to facilitate the redevelopment of the site.- approved subject to conditions

Views of Consultees

Historic England request further information as the existing wording of the conditions, and the proposed wording appears extremely similar and as such they are unclear as to the justification for the proposed change.

Representations

Four objections have been received, including one from the Thistleberry Residents Association raising the following concerns:

- Permission for demolition shouldn't have been given in the first place and without wider consultation.
- The time limit for the demolition is far too short which would prevent the process of right to buy should anyone wish to save the school, or take other measures to preserve the building.
- The building should and integrated into plans for the town.
- The amendments is an excuse to go ahead with plans to build the unnecessary and unsuitable Civic Hub in an unsuitable location
- Loss of another historic building

An on-line petition titled 'Save St Giles' & St George's Historic School' has been submitted objecting to the application. The petition was started prior to the submission of this application. At the time this report was prepared it had 1,097 signatures. This petition was reported to a recent meeting of the Council's Cabinet whereat it was resolved to reaffirm the previous decision to dispose of the building

to enable the demolition of the former school building and the implementation of proposals for a new Public Sector hub.

The petition indicates that St Giles' and St George's School is an integral part of the Queen's Gardens conservation area, the borough council want to demolish it and put a modern four storey building in its place to create a 'hub' to contain council offices, face to face council services, library, registry office and police station. It is listed in the Council's own list of important historic buildings and the demolition has been strongly objected to by the national bodies Historic England and The Victorian Society, as well as the local Civic Society. The school provides an attractive backdrop to the Gardens and the listed Queen Victoria statue and is of local historic and aesthetic interest. The petitioners propose that the school is restored, or at least the Queen's Gardens facade and tower incorporated into a new building.

Applicant's/Agent's submission

The requisite application form and plan have been provided which can be viewed at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00082/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

22nd February 2016