

The report is to consider two applications – one being an application for listed building consent and the other an application to vary a condition of a planning permission.

The application for listed building consent (16/00876/LBC) seeks permission for additional demolition and reconstruction works.

The planning application (16/00877/FUL) is for a variation of condition 2 of planning permission 15/00498/FUL for the erection of a care village development for elderly people, so as to amend and replace previously approved plans to reflect such additional selective demolition and reconstruction.

The site lies beyond the boundary of the Newcastle Town Centre Conservation Area. Maxims is a Grade II Listed Building. It lies opposite the Grade II\* St. Giles Church and the Grade II Unitarian Meeting House.

**The statutory 13 week determination period for the planning application expires on 20<sup>th</sup> January 2017 whilst the statutory 8 week determination period for the listed building consent application expires on 16<sup>th</sup> December 2016.**

#### **RECOMMENDATIONS**

##### **A. With respect to the application for listed building consent 16/00876/LBC**

**PERMIT subject to conditions relating to the following:**

- (i) Time limit for commencement of development
- (ii) Prior to commencement of the permitted reconstruction a sample of brickwork for the wall to be provided for approval
- (iii) Demolition and reconstruction to be implemented in accordance with the submitted method statement.
- (iv) Building recording of the structure prior to its demolition.

##### **B. With respect to the application for planning permission 16/00877/FUL**

**PERMIT subject to conditions relating to the following:**

- (i) New approved plans and supporting information.
- (ii) All other conditions of the previous permission, application no. 15/00498/FUL, that are still required and relevant.

#### **Reason for Recommendation**

The development that has been permitted secures the future of a significant “at risk” Grade II Listed Building in a sympathetic manner, whilst at the same time completing the development of a brownfield site close to the town centre and making provision for special housing needs. The proposed additional selective demolition and reconstruction has been identified as being necessary to ensure that unstable elements of the Listed Building are addressed so that the building can be converted safely and the development completed. Whilst the proposal would result in the loss of the original fabric of the building it would preserve the special character and appearance of the Grade II\* Listed Building.

#### **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**

The application for listed building consent (16/00876/LBC) seeks permission for additional selective demolition and reconstruction works that have now been identified as being necessary following the undertaking of selective demolition works that have already been approved under listed building consent reference 15/00499/LBC). Such permitted works to the Listed Building are in connection with the erection of a care village development involving the alteration and reuse of the Listed Building. An associated planning application has also been submitted to vary condition 2 of the planning permission for that development (reference 15/00498/FUL) which lists the approved plans so as to include the amended plans detailing the additional selective demolition works and reconstruction now proposed.

The Authority, in the determination of the applications, cannot reconsider the principle of the care village development. It must assess, however, whether the proposal would preserve the special character and appearance of the Grade II\* Listed Building.

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 where they remain relevant.

Paragraph 132 of the NPPF indicates that when considering the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation. The more important the asset the greater the weight should be and any harm or loss should require clear and convincing justification. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Policy B4 of the Local Plan indicates that the Council will resist the total or substantial demolition of a listed building, unless exceptionally, an applicant can convince the Council that it is not practicable to continue. Policy B6 of the Local Plan details that the Council will resist alterations and additions to a listed building that would adversely affect its character or its architectural or historic features. Policy CSP2 of the Core Spatial Strategy also seeks to preserve and enhance the character and appearance of the historic heritage of the Borough.

In granting planning permission and listed building consent for the development that is currently taking place, it was accepted that some demolition of the listed building, Maxims, was necessary. In reaching the planning decisions it was identified that the heritage value of the building lies predominantly in its external appearance to Lower Street and that in addition to the reuse of the building the removal of unsympathetic extensions at the rear would enhance its value, by reinstating the historic proportions and layout of the listed building.

The additional demolition that is now proposed is a rear projecting element, or outrigger, of the original building positioned adjoining 61-63 Lower Street. The applicants' agent anticipated that the extensions and alteration would have had an impact on the structural stability of this element but it was considered that this could be addressed through works to strengthen this section of the building, and the listed building consent granted is on that basis. However, now that the permitted demolition has been undertaken and the outrigger has been revealed it is now apparent that the intended retention and strengthening of this section of the building is no longer a viable option.

It is clear, from the supporting information and a visit to the site, that much of the outrigger's fabric has been lost and that there is very little structure left that would allow the necessary works to support the upper floor walls of the outrigger in question. It is quite possible that any attempts to strengthen the building could result in this element of the building collapsing which potentially could be damaging to the remaining building, and would pose a health and safety risk.

The submitted information shows that the outrigger will be rebuilt in a manner which is in keeping with the existing building using reclaimed brick and brick bonding to match the existing. Whilst no longer original the reinstated outrigger will be appropriate in appearance. Overall it is accepted that the

demolition of the rear outrigger and its rebuilding is the best way forward to ensure that the listed building can be brought back into use and the works undertaken safely.

## APPENDIX

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

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

Policy CSP1: Design Quality

Policy CSP2: Historic Environment

#### Newcastle-under-Lyme Local Plan (NLP) 2011

Policy B4 Demolition of Listed buildings

Policy B5 Control of development affecting the setting of a Listed Building

Policy B6 Extension or alteration of Listed Buildings

### **Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2012)

Planning Practice Guidance (PPG) (2014)

#### Relevant Planning History

Planning permission was granted in 2015, reference 15/00498/FUL, for the erection of a care village development (Use Class C2) for elderly people comprising a new three and four storey building with a 74 bed care home and 28 care apartments, linked to the conversion of the former Maxims nightclub building for ancillary uses (offices, tea rooms, a hair salon, community heritage gallery and training space) including access, car parking, amenity areas, landscaping and associated works.

Listed building consent was also given for the repair, alteration and selective demolition (of rear extensions only) comprising internal and external works to the Listed Building, associated with the erection of a care village development, reference 15/00499/LBC.

#### Views of Consultees (on both applications)

**Historic England** has no objection in principle to the proposed demolition and rebuilding of the rear outrigger.

The Council's **Conservation Officer** has no objection indicating that the structural condition of this rear wall to the outrigger which will form part of the new rear wall of the development has raised concerns throughout the process. This elevation was concealed by other buildings initially and it was thought it could be retained and strengthened to avoid the need for an application such as this and to retain as much of the original fabric as possible.

Now the outriggers and other modern extensions have been removed to enable the development to start, it has been brought to our attention that strengthening is no longer an option and selective demolition of the rear outrigger and reinstatement is now necessary. There are serious defects in the walls and there is little support at ground floor and support for the first floor is missing, with the walls built off the timber floors. The first floor rear wall has also partially collapsed and there are other serious structural issues like no return wall to create a stable building envelope. There are serious concerns about the structural stability of this section and it is not a safe working environment.

It is proposed that the gable and chimney will be rebuilt as existing using a photographic survey and a method statement had been provided which includes any temporary propping and that it will be demolished by hand and bricks redressed for reuse. The dormer window will be renovated and the roof timbers reused. The sequence of reconstruction has also been submitted.

The visual impact of this proposal will be that there is little change and the elevation will be rebuilt 'like for like' in appearance albeit with safe foundations and new windows in accordance with the existing permission. Certainly previous remodelling has severely compromised the historical/architectural and also structural integrity of the building, and this section is no exception.

At present the building remains vulnerable as work on the building has stopped whilst this issue is dealt with – it being unsafe to work around.

A condition is recommended to require a sample of brickwork for the gable for inspection and that this permission and consent is implemented in accordance with the submitted method statement.

The **Conservation Advisory Working Party** (CAWP) has no objections.

The **County Archaeologist** indicates that a record should be made of the structure in advance of demolition and that a condition should be imposed to secure this.

The views of the **Georgian Group**, **Ancient Monuments Society** the **Council for British Archaeology**, the **Victorian Society**, and the **Twentieth Century Society** have been consulted but as they have not responded by the due date it is assumed they have no comments.

#### Representations

None received

#### Applicant's/Agent's submission

The applicant has submitted the following

- Heritage Statement
- Method Statement
- Photographs of demolition
- Supporting letter setting out information on the reconstruction of the rear wall

These documents are available for inspection at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00877/FUL> and <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00876/LBC>

#### Background papers

Planning and Listed Building consent files referred to  
Planning Documents referred to

#### Date report prepared

21 November 2016