

LANCASTER BUILDINGS, HIGH STREET, NEWCASTLE
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL **21/00613/DEEM3 & 21/00614/LBC**

Both full planning permission and listed building consent are sought for external gates on the ground floor corner units of Lancaster Buildings.

The property lies within the Newcastle Town Centre Conservation Area. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core and the Primary Shopping Area. Lancaster Buildings is a Grade II Listed Building.

The 8 week period for the determination of these applications expired on the 27th April but an extension of time has been agreed until 15th October.

RECOMMENDATION

A) Application 21/00613/DEEM3

Approve subject to conditions relating to the following:

- Time limit
- Approved plans
- Submission of details of shutter housing

B) Application 21/00614/LBC

Grant consent subject to conditions relating to the following:-

- Time limit
- Approved plans
- Submission of details of shutter housing

Reason for Recommendations

The proposals would not adversely affect the architectural or historic features of the Grade II Listed Building, nor would the proposals have an adverse impact on the appearance or character of the Newcastle Town Centre Conservation Area. The proposals accord with provisions of the development plan and there are no other material considerations which would justify a refusal of either planning permission or listed building consent.

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

Amended plans have been submitted in support of the application, and the proposal is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

The proposals involve the installation of new external gates to the ground floor corner units of Lancaster Buildings.

The property lies within the Newcastle Town Centre Conservation Area. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core and the Primary Shopping Area. Lancaster Buildings is a Grade II Listed Building.

The Listed Building Consent application (21/00614/LBC)

The sole issue for consideration is whether the physical works to the Listed Building are acceptable.

In considering applications for alterations to a listed building, the Local Planning Authority is required 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'.

Saved NLP Policy B6 states that the Council will resist alterations or additions to a Listed Building that would adversely affect its character or its architectural or historic features.

The NPPF states 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Permission is sought for the installation of external gates to the four corner units of Lancaster Buildings. The intention of the proposal is to deter anti-social behaviour within the town centre and to provide further security for the building. Officers expressed concerns regarding the design of the scheme as originally proposed and therefore amended plans have been submitted.

The amended gates would be fabricated from metal with a design that references the art deco period. There were concerns that the original proposal would have resulted in damage to the attractive marble paving at the entrances of the property, however the amended scheme avoids this issue by having the fixing and rails that would support the shutters attached directly to the plasterboard ceiling of the lobbies.

The security shutters have an open grill style design which would allow the shopfronts behind them to still be visible when they are fully closed. In addition, the shutters are considered to be a more reversible solution than the original proposal, in that they could be removed without any significant work if at any point they are not required in the future.

The main impact of the proposal would come from the stainless steel units which would house the shutters whilst they are not closed. Whilst the stainless steel units would have a clear visual presence on the building, given their limited size, they would not be overly prominent when seen in the context of the building as a whole. The Council's Conservation Officer considers that there would still be some harm to the significance of the building as a result of the amended scheme but recommends that a condition could be used to control the details of the shutter housing units.

Given the extent of the changes proposed in this instance, it is considered that the harm would be less than substantial. Under such circumstances paragraph 202 of the NPPF advises that this harm should be weighed against the public benefits of the proposal, including any contribution to securing optimal viable use of listed buildings.

The new shutters would help to deter anti-social behaviour within the town centre and provide further security for the building, which would in turn help to safeguard the building and any associated businesses within it in the future. Whilst it is recognised that the proposal would result in some harm to the significance of the building, this harm is considered to be less than substantial and given the public benefits of the proposal, on balance, and subject to conditions, it is considered that the design of the proposal is acceptable and meets the requirements of saved Policy B6 of the Local Plan as well as the provisions of the NPPF.

The Planning Application (21/00613/DEEM3)

It has been concluded in the assessment above that the proposed alterations would not adversely affect the historic and architectural interest of the Grade II Listed Building. Therefore,

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the main issue to consider in relation to this application for planning permission is the impact of the external gates on the character and appearance of the Conservation Area.

Local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted. There is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of planning functions.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Saved policies B9, B10, B13 and B14 of the Local Plan all require that development should not result in harm to the character and appearance of conservation areas.

The external alterations are relatively minor and as such it is considered that the character and appearance of the Conservation Area would be preserved. The proposal therefore represents a sustainable form of development, in accordance with the guidance and requirements of the NPPF.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics.

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APPENDIX

Policies and Proposals in the Approved Development Plan relevant to these decisions:-

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

Policy ASP4: Newcastle Town Centre Area Spatial Policy

Policy CSP1: Design Quality

Policy CSP2: Historic Environment

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy B6: Extension or Alteration of Listed Buildings

Policy B9: Prevention of harm to Conservation Areas

Policy B10: Requirement to preserve or enhance the character or appearance of a Conservation Area

Policy B13: Design and development in Conservation Areas

Policy B14: Development in or adjoining the boundary of Conservation Areas

Other Material Considerations

National Planning Policy Framework (2021)

Planning Practice Guidance (PPG) (March 2014)

Supplementary Planning Guidance/Documents

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Relevant Planning History

08/00701/DEEM3	Alterations forming part of refurbishment including replacement windows, and works to canopy and other works	Approved
08/00702/LBC	Alterations forming part of refurbishment including replacement windows, works to canopy and other works	Approved
09/00628/DEEM3	Internal alterations and new shopfronts	Approved
09/00629/LBC	Internal alterations and new shopfronts	Approved
12/00092/LBC	New shop fascia sign	Approved
20/00012/PLDLB	Application for certificate of lawfulness of proposed works to a listed building - Refurbishment/Internal Alterations to existing office accommodation on the first and second floors and create 12 interview rooms on the second floor	Approved

Views of Consultees

The **Council's Conservation Officer** states that the amended plans show an alternative shutter solution for the corner units and the proposed gates are less intrusive in the lobby areas and have less impact on the shop frontages given that the fixings and rails can be fixed into the plasterboard ceiling of the lobby and don't need to fix into the step. They state that the housing detail of the shutter needs to be explored in more detail and could perhaps be conditioned but the design is neater than the original and does not impact on the shop windows when in the open position. The grilles are visible when the shop is closed and will inevitably have a visual impact on the building but they are lightweight in appearance and any shop front display is still visible through the grille and therefore will have a less fortress-like appearance. Additionally the

grilles are more reversible than the previous permanent solution so if at any point they are not required they could be removed and any harm made good. It is concluded that there is still some harm to the significance of the building which is less than substantial and a clear and convincing case should be robust to justify this harm and any public benefits of the scheme should be weighed into the balance.

Regarding the plans as originally submitted, the **Conservation Advisory Working Party** object on the grounds that the proposal is harmful to the architectural features of the shop front, like the curved glass doorway, and it means the shop cannot use the display. They appreciate the attempt to have a design but either closed or open this gate will block an important part of the character of the entrance and is unacceptable.

Their comments regarding the amended scheme will be reported if received.

Representations

None received.

Applicant/agent's submission

The applications are supported by a Heritage Asset Statement.

All of the application documents can be viewed on the Council's website using the following links:

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00613/DEEM4>

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00614/LBC>

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

23rd September 2021