

The application seeks full planning permission for the change of use of 23-25 Merrial Street to a Circus and Arts Workshop and Heritage Exhibition area. External alterations to the building are also proposed which include replacement doors and windows.

The site is a commercial unit located within the Town Centre of Newcastle and within the Town Centre Conservation Area as defined on the Local Development Framework Proposals Map.

The statutory 8-week period for the determination expired on the 26th April 2023 however an extension of time has been agreed until the 26th of May.

RECOMMENDATION

Permit, subject to conditions relating to;

- i. Time limit condition**
- ii. Approved plans**
- iii. Materials**
- iv. Opening hours**

Reason for Recommendation

The proposed change of use and external alterations would not have any significant impacts in relation to nearby land uses or on the character and appearance of the Conservation Area and the design of the proposal would accord with the policies of the development plan and the aims and objectives of the NPPF.

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

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

KEY ISSUES

The application seeks full planning permission for the change of use of this commercial unit on Merrial Street, Newcastle, to a Circus and Arts Workshop and Heritage Exhibition area including external alterations to the building. The site is located within the Town Centre of Newcastle under Lyme and falls within the Town Centre Conservation Area as defined on the Local Development Framework Proposals Map.

It is not considered that there would be any significant adverse amenity impacts caused by the proposal, given its town centre location where there are a number of different use classes in close proximity to each other. As such the key issues in the determination of the application are:

- Is the principle of development acceptable?
- Design and impact on the Conservation Area
- Reducing Inequalities

Is the principle of development acceptable?

The NPPF encourages development within the existing urban fabric on previously developed land in sustainable locations and supports the reuse of buildings on urban land. Core Strategy Policy ASP4 seeks general sustainability objectives for employment within the Town Centre Area of Newcastle-under-Lyme.

Classification: NULBC UNCLASSIFIED

The proposal would result in a change of use of an existing retail unit to a learning and exhibition centre. While the proposal would result in the loss of a single retail unit, there is no evidence to suggest that the proposal would undermine the vitality of Newcastle under Lyme's town centre and the site benefits from being in an accessible location in an already built up area.

As the proposal seeks to reuse an existing building within a town centre location for a use which can be used by the local community, then the proposal is considered to be compliant with the aims and objectives of the NPPF and policy ASP4 of the Core Spatial Strategy. The principle of development is therefore acceptable subject to other material planning considerations.

Design and impact on the Conservation Area

The property is within the Newcastle under Lyme Town Centre Conservation Area and 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. The NPPF states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

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 Newcastle under Lyme Local Plan all require that development should not result in harm to the character and appearance of conservation areas.

The application site comprises an attractive two storey commercial property which forms the entrance to the Fogg Street Arcade and provides a positive contribution to the street scene along Merrial Street and to the wider Conservation Area as a whole.

The external changes proposed include the removal of a ground floor door on the front elevation and its replacement with a window which would have an appearance similar to those already found on the property. A new doorway to the side elevation of the building is also proposed which would require the partial removal of an existing window. The first floor windows are also to be replaced with like for like replacements.

The ground floor fenestration of the building appears to have been altered numerous times over the years to a point where it no longer retains much of its traditional design style. Furthermore, the surrounding commercial units also have different windows styles with no one style being dominant in the locality.

The proposed alterations will be similar in appearance to the existing arrangement and given the mixture of different shop front arrangements found on nearby properties it is not considered that the proposal would result in any adverse impact to the character of the area or the quality of the Conservation Area.

To conclude, the development would be an appropriate form of design that would accord with the policies of the development plan and the aims and objectives of the NPPF and would help to preserve the character and appearance on the Town Centre Conservation Area.

Classification: NULBC UNCLASSIFIED

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 and the matters that can be addressed, it is considered that it will not have a differential impact on those with protected characteristics.

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 SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment

Newcastle-under-Lyme Local Plan (NLP) 2011

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 B13: Design and Development in Conservation Areas
Policy B14: Development in or Adjoining the Boundary of Conservation Areas
Policy T16: Development – General Parking Requirements

Other material considerations include:

National Planning Policy Framework (2021)

Planning Practice Guidance (PPG) (as updated)

Supplementary Planning Guidance/Documents

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

Newcastle Town Centre SPD (2009)

Newcastle Town Centre Conservation Area Appraisal (August 2008)

Relevant Planning History

04/00454/DEEM3 - Temporary change of use from retail (A1) use to use for office (B1) purposes associated with civic offices opposite – permit

20/00851/DEEM3 - Amended plans received - Change the use of the existing offices to create an additional temporary supported accommodation unit with emergency access for the winter period (November 2020 - March 2021) for up to 6 individuals – permit

Views of Consultees

The **Council's Urban Design and Conservation Officer** raises no objections to the application.

The **Highway Authority** has no objections.

No comments have been received from the **Environmental Health Division** however any comments provided will be reported to the Planning Committee.

Representations

None received.

Applicant/agent's submission

The submitted documents and plans are available for inspection on the Council's website by searching under the application reference number 23/00173/DEEM3 on the website page that can be accessed by following this link; <https://publicaccess.newcastle-staffs.gov.uk/online-applications/>

Background Papers

Planning File
Development Plan

Date report prepared

2nd May 2023