

Full planning permission is sought for the demolition of the existing shopping centre and the construction of 2 no. mixed-use three and four storey buildings with upper floor offices and ground floor retail and food and beverage units and associated external landscaping.

The site lies within the Newcastle Town Centre Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core.

**The 13 week period for the determination of this application expired on 16<sup>th</sup> March but an extension of time has been agreed to 23<sup>rd</sup> June 2023.**

### **RECOMMENDATION**

**A. Subject to the applicant first entering into a Section 106 obligation by the 28<sup>th</sup> July 2023 to secure the following financial contributions:**

- i. £50,000 towards improvement of pedestrian/cycle infrastructure within Merrial Street**
- ii. £10,000 towards amendment of disabled parking bay Traffic Regulation Order**
- iii. £10,000 towards travel plan monitoring**

**PERMIT the application subject to conditions relating to the following matters:-**

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. Provision of cycle parking facilities**
- 4. Implementation of the Travel Plan**
- 5. Details of a replacement temporary and permanent road lighting scheme**
- 6. Submission and approval of a Demolition and Construction Environmental Management Plan**
- 7. Detailed design information for off-site highway works**
- 8. Removal and replacement of highway tree on Merrial Street**
- 9. Submission of unit-specific Delivery and Servicing Management Plan**
- 10. Details of temporary and permanent structural design solution for the highway retaining feature adjacent Fogg Street West**
- 11. Any external doors abutting the highway to open inwardly only**
- 12. Submission of a tree protection plan including an arboricultural method statement if required**
- 13. Detailed drainage design**
- 14. Material samples**
- 15. Details of window reveals**
- 16. Construction and demolition hours**
- 17. Provision of security measures**
- 18. Waste collection arrangements**

**B. Should the matters referred to in (A) above not be secured within the above period, then the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure sustainable development objectives, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.**

### **Reason for Recommendation**

The redevelopment of this prominent town centre site is a sustainable form of development supported by the National Planning Policy Framework. The design, scale and appearance of the proposed development would protect and enhance, and as such would not harm, the character and appearance

of the Conservation Area or the setting of the nearby Listed Buildings. Subject to appropriate conditions and a Section 106 agreement to ensure sustainable transport objectives, it is not considered that an objection could be sustained.

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

Amended plans and additional information has been sought and received and the proposal is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

### **Key Issues**

Full planning permission is sought for the demolition of the existing shopping centre and the construction of 2 no. mixed-use three and four storey buildings with upper floor offices and ground floor retail and food and beverage units and associated external landscaping

The site lies within the Newcastle Town Centre Conservation Area and the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core.

The key issues in the determination of the application are:

- Is the principle of the proposed development on the site acceptable?
- Is the design and massing of the proposal acceptable particularly in terms of its impact on the form and character of the Conservation Area?
- Is the proposal acceptable in terms of highway safety and sustainable travel initiatives?
- What, if any, planning obligations are necessary to make the development policy compliant?

### **Is the principle of the proposed development on the site acceptable?**

Paragraph 86 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

The Newcastle Town Centre SPD states that encouraging mixed-use development increases the diversity of uses within a locality. As a result, such development would enhance the vitality and viability of the Town Centre by encouraging its use by a greater range of people for different purposes, possibly at different times of the day and night. This helps to strengthen the social fabric and economic viability of the Town Centre. It also has positive implications in terms of sustainable development as it encourages proximity of uses, reducing the need to travel.

The SPD places the application site within the Town Centre Historic Core where any development opportunities would be likely to be infilling and intensification, with special attention to conservation. It also states that retail activities must continue to predominate.

The proposed uses are defined as main town centre uses in Annex 2 of the NPPF and therefore, the principle of the development is considered acceptable.

### **Is the design and massing of the proposal acceptable particularly in terms of its impact on the form and character of the Conservation Area?**

The application site lies within the Newcastle Town Centre Conservation Area and close to a number of listed buildings including the Grade II listed Old Bulls Head Pub and the Grade II\* listed St Giles' Church.

In considering development affecting Listed Buildings, special regard will be given to the desirability of preserving the building, its setting or any features of special architectural or historic interest (Section 66, Planning [Listed Buildings and Conservation Areas] Act 1990).

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, 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.

The NPPF at paragraph 201 further states that "Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss."

At paragraph 202 of the NPPF it states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas.

Saved Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a listed building.

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance (2010) states in HE4 that new development in a Conservation Area must preserve or enhance its character or appearance. It must:-

- a. Where redevelopment is proposed, assess the contribution made by the existing building to the character or appearance of the Conservation Area and ensure that the new development contributes equally or more.
- b. Strengthen either the variety or the consistency of a Conservation Area, depending upon which of these is characteristic of the area.
- c. The development must not adversely affect the setting or detract from the qualities and significance that contribute to its character and appearance.

The Town Centre SPD states that the Town Centre's historic character and identity, with its special distinctiveness as a market town, is an asset that needs to be conserved and enhanced. Development must be designed to respect, and where possible enhance, its surroundings and contribute positively to the character of the Town Centre, helping to improve its image and identity, having particular regard to the prevailing layout, urban grain, landscape, density and mix of uses, scale and height, massing, appearance and materials.

The site comprises York Place Shopping Centre which was built in the late 1960s and is three storeys in height with roof deck access for deliveries and parking. The shopping centre has frontages onto

Merrial Street, High Street and Lad Lane with retail units accessed directly from the street. There is a pedestrian route (Astley Walk) through the shopping centre from Merrial Street to Ironmarket.

The current arcade provides space that is inflexible and has not been able to adapt to the changing trends of the town centre, which has led to significantly high vacancy rates. It is currently an incongruous mass within the street scene and is specifically mentioned within the Conservation Area Character Appraisal and Management Proposals as being a key negative due to the building being “heavily detailed without any fenestration to the first floor”.

The new proposals comprise two blocks, one four storey and one three storey, with the tallest massing along Merrial Street and in particular at the corner with High Street in the form of feature gable elements. The mass of the proposed building is broken down on Merrial Street with the top floor stepping back and becoming a pitched mansard roof. The immediate building to the south of Block A on the corner of Ironmarket and High Street is a tall three storeys with heights that follow the slope of the surrounding street. The rear wing of Block A steps down to three storeys to meet the block across the widened Lad Lane.

Block B is a reduced scale building standing at three storeys with significantly set back and screened roof top plant area. The step down in height of this block addresses the lower neighbouring context of the St George’s Chambers building. The immediate building to the south of Block B is the Grade II listed Old Bull’s Head Pub. This is a small and traditional two storey pub building that is currently significantly overshadowed by the existing Astley Walk shopping centre. The proposals step back from the Old Bull’s Head pub to give it space to address the newly created public square. The massing of the proposed building to the rear of Block B is broken down with a setback in the rear wing of the block and the creation of a sloping mansard roof to make up the third storey. This approach addresses the context of the neighbouring listed building by bringing down the scale of the massing.

The proposed palette of materials includes standing seam metal for the roofs, red bricks for the facades, green glazed bricks for the shop fronts and linear format white bricks/blocks for the feature gable corner of the scheme referencing the lighter colours seen throughout the conservation area in white painted brick and render buildings.

The application is supported by a Heritage Asset Statement (HAS) and a Design and Access Statement (DAS) which set out the historic context of the site and the design philosophy and rationale for the proposed design. The HAS concludes that there will be no erosion of the significance of Newcastle Town Centre Conservation Area arising from the proposals, and there will be no erosion of the significance of the Old Bulls Head or other nearby listed buildings.

Prior to submission of the application, an earlier scheme was presented to a Design Review Panel (DRP), as encouraged by the NPPF. The DRP recommended that the proposal to widen Lad Lane be reconsidered due to its potential to harm the historic urban grain. They recommended that the proposed architectural treatment for the corner to Red Lion Square be refined and that options to ensure that the commercial units relate better to the site topography be explored ensuring level access and a seamless transition between the ground floor units and the central square. The design has evolved in response to the feedback from the DRP, including an extension to the footprint of Block A to reduce the width of Lad Lane, the use of an alternative linear masonry material to the feature corner and an increase in the level of the external public square to create improved access with a reduction in the number of steps and ramps required.

The Conservation Officer comments that the scheme has been well informed by proper analysis and due consideration given to the character and context of the conservation area and the site in question. The regeneration of this corner of the town is fully supported. The officer is generally very supportive of the scheme, the scale and massing, materiality and the creation of the square and opening up the space around the pub.

The massing of the buildings is considered appropriate in the context of existing development and it cannot be said that the building would compete with neighbouring buildings within the immediate street scene and conservation area. In particular it would not harm the setting of the adjacent listed building, the Old Bulls Head.

The appearance of the development, due to the active frontage at ground floor and the appropriate use of materials, would present a high quality building that would be a significant improvement on the existing York Place and would enhance the site, streetscene and conservation area.

As no harm to the Conservation Area has been identified it is not necessary to identify public benefits of the scheme to justify the granting of permission. Overall, it is considered that the proposed development accords with the NPPF and the local planning policies and guidance set out above.

Is the proposal acceptable in terms of highway safety and sustainable travel initiatives?

Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. Saved Policy T17 of the Local Plan states that development in Newcastle Town Centre within the ring road will not be permitted to provide new private parking but will be required, where appropriate, to contribute to appropriate improvements to travel to the development. The policy identifies what such improvements may include.

The NPPF, at paragraph 111, states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets. It went on to state that Local Planning Authorities should only impose local parking standards where there is clear and compelling justification that it is necessary to manage their local road network.

No car parking is proposed within the site and servicing of the units would be undertaken through either Merrial Street or Ironmarket.

A Transport Statement that accompanies the application states that a review of highway safety on the surrounding local road network has demonstrated that there are no existing highway safety issues which will likely be exacerbated by the development proposals. The traffic generation of the former permitted land use has been reviewed against the proposed scheme and indicates a decrease of total trips. It is therefore stated that the impact of the development proposals will be negligible on the surrounding local highway network. It concludes that the redevelopment proposals would not result in a severe impact on the local highway network, in terms of safety and/or capacity; and as such, there should be no reason why the application cannot be recommended in terms of highways and transportation, in accordance with NPPF.

Given the highly sustainable/accessible location of the site close to bus provision and several car parks, and the fact that there is no parking for the current development, it is considered suitable to provide no dedicated parking as part of this scheme. Disabled parking and taxi bays are available on Merrial Street along the site's northern boundary.

The Highway Authority (HA) has raised no objections to the application subject to conditions. Subject to the imposition of those conditions, it is considered that there would be no adverse impact on highway safety and that the development would accord with the guidance of the NPPF.

What, if any, planning obligations are necessary to make the development policy compliant?

Section 122 of the Community Infrastructure Levy Regulations states that planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

The Highway Authority has requested the following financial contributions:

- i. £50,000 towards improvement of pedestrian/cycle infrastructure within Merrial Street
- ii. £10,000 towards amendment of disabled parking bay Traffic Regulation Order
- iii. £10,000 towards travel plan monitoring

These contributions are considered reasonable and necessary to contribute to the provision of sustainable development objectives, as encouraged by 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.

## **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
Policy CSP3:	Sustainability and Climate Change
Policy CSP10:	Planning Obligations

#### [Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy T16:	Development – General Parking Requirements
Policy T17:	Parking in Town and District Centres
Policy B5:	Control of Development Affecting the Setting of a Listed Building
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 IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

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

#### [National Planning Policy Framework \(2021\)](#)

#### [Planning Practice Guidance \(2014 as updated\)](#)

#### [Supplementary Planning Guidance/Documents](#)

#### [Developer contributions SPD \(September 2007\)](#)

#### [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](#)

There have been various applications for advertisement consent for the shopping centre.

#### [Views of Consultees](#)

The **Highway Authority** has no objections subject to conditions regarding provision of cycle parking facilities, implementation of the Travel Plan, details of a replacement temporary and permanent road lighting scheme, submission and approval of a Demolition and Construction Environmental Management Plan, detailed design information for off-site highway works, removal and replacement of highway tree on Merrial Street, submission of unit-specific Delivery and Servicing Management Plan, details of temporary and permanent structural design solution for the highway retaining feature adjacent Fogg Street West and any external doors on blocks A and B abutting the highway to open inwardly only.

Financial contributions are requested towards improvements to pedestrian/cycle infrastructure within Merrial Street, amendments to disabled parking bay Traffic Regulation Order to provide off-peak unloading/loading, and Travel Plan Monitoring.

The **Conservation Officer** states that the scheme has evolved through the pre-application process and has been well informed by proper analysis and due consideration given to the character and context of the conservation area and the site in question. The regeneration of this corner of the town is fully supported. The officer is generally very supportive of the scheme, the scale and massing, materiality and the creation of the active square and opening up the space around the pub. Some concerns are raised about the Dutch style gables in white brick and the way the different roofs will sit next to each other but it is considered that the view up Church Street is a positive one on the 3D images and the scheme keeps the scale and massing down within Merrial Street. It is important that we don't get a diluting of the design during the process, both in terms of buildings and the landscaping.

The **Conservation Advisory Working Party** recognises this significant development as key to this corner of Newcastle. Some of the group were happy with the change of rhythm and materials adding variety to the streetscene. The general consensus was that this was a well thought out scheme apart from the 5 gables on High Street which create a cumbersome design with no relief on the gables which exists presently. Concern was raised over the drainage for the gables. It needs more articulation although the gradation of bricks will help a little. In general the group were happy with the mansard roofs and dormers on the preliminary scheme and that perhaps the mansards should carry on around the corner to High Street. There was general support for the green bricks but concern was raised about the general weathering of the white bricks.

The **Landscape Development Section** has no objections subject to submission of a tree protection plan in accordance with BS5837:2012, including an arboricultural method statement if required.

Staffordshire County Council as **Lead Local Flood Authority** has no objections subject to conditions regarding submission and approval of a detailed surface water drainage design, submission of a build close to agreement with Severn Trent Water and satisfactory arrangements for the control of surface water as part of any temporary works associated with the demolition and construction of the permanent development.

**Cadent Gas** has no objection.

Staffordshire Police **Crime Prevention Design Advisor** states that the demolition and redevelopment of the existing shopping centre represents a tremendous opportunity to enhance the vitality and viability of the town centre. The proposals indicate grander and more imposing buildings in line with the historical nature of the town, replacing a tired and aesthetically uninspiring development. The locality has attracted low level anti-social behaviour over the years and the challenge will be to create a development which is a safe place in which to socialise, work and pass through, and which minimises opportunities for a range of criminal and anti-social activity. This is against a backdrop of some ongoing incidents of rough sleeping, street drinking, rowdy/nuisance behaviour and drug activity etc in the town centre more generally.

In broad terms, the two buildings would have straightforward building lines fronting Merrial Street and High Street and high levels of natural surveillance of these elevations. The discreet and separate entrances to the cycle/bin stores and offices of each building on Merrial Street are welcomed, as is the apparent absence of any recessed doorways around the buildings, which have proven to lend themselves to a range of misuse in some locations. The open walkway between the two buildings will be straight and relatively short enabling views along it. There is no indication that vehicle access would be restricted at the Merrial Street end of this central walkway, but in the interest of public safety there could be a case for some form of suitable hostile vehicle mitigation measure to be incorporated.

The intention to create active frontages on multiple sides of the buildings is viewed positively to add interest and provide overlooking outwardly over the public spaces/routes. The new public square might be viewed as being a little hidden away, but at least it should be subject to natural surveillance during the daytime and at such times as when the food & beverage units overlooking it are open. Future tenants who may spill out to utilise this space will provide and manage the seating within this



area. A concern is whether this space and the seating within it may be misused, in particular by any rough sleeping, street drinking cohort.

A number of security recommendations are made.

No comments have been received from the **Newcastle South Local Area Partnership** and given that the period for comment has passed, it must be assumed that they have no comments to make.

#### Representations

None received.

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

All of the application documents can be viewed on the Council's website using the following link:  
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/22/01079/DEEM3>

#### **Background papers**

Planning files referred to  
Planning Documents referred to

#### **Date report prepared**

8 June 2023