

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 of the application expires on the 18th August 2023.

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 and falls within the Town Centre Conservation Area as defined on the Local Development Framework Proposals Map. The change of use of the property and the external alterations were approved by the Committee earlier this year (Ref. 23/00173/DEEM3). The sole difference between this proposal and the previous application is a change to the opening hours to allow the workshop and exhibition area to be open at the following times:

- 09:00 – 22:00 hours on Mondays to Saturdays
- 10:00 – 18:00 hours on Sundays

The principle of development and the impact of the proposal on the Conservation Area were considered acceptable under the previous application and it is not considered necessary to reconsider these matters at this stage. Therefore, the sole issue is whether the alteration to the opening hours would impact on the amenity of any neighbouring properties.

Criterion f) within Paragraph 130 of the National Planning Policy Framework states that development should create places that are safe, with a high standard of amenity for existing and future users.

The application sites falls within town centre location where there are a number of different use classes in close proximity to each other and where later opening hours for businesses can generally be

expected. No objections have been received by the Environmental Health Division or from any local residents. In the absence of any objections or identifiable harm and given the surrounding context of the application site it is considered that the proposal would not result in any significant or adverse amenity impacts to neighbouring land uses.

The proposal meets the requirements of the NPPF, and is considered to be an acceptable form of development.

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 – permitted

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 – permitted

23/00173/DEEM3 - Change of use to Circus and Arts Workshop and Heritage Exhibition Area with associated external ground floor alterations - permitted

Views of Consultees

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

The **Environmental Health Division** has no comments on the application.

The **Highway Authority** has no objections to the proposal.

Representations

None received.

Classification: NULBC **UNCLASSIFIED**

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 23/00539/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

27th July 2023

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