

**SHOPPING MALL, YORK PLACE, NEWCASTLE**  
**CAPITAL & CENTRIC (ON BEHALF OF NEWCASTLE BOROUGH COUNCIL)**

**24/00146/DEEM3**

The application is for full planning permission for the demolition and other enabling works to the existing York Place shopping centre to facilitate the conversion to a mixed use residential and retail development.

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 8 week period for the determination of this application expires on 7<sup>th</sup> May.**

**RECOMMENDATION**

**PERMIT subject to conditions relating to:**

- 1. Time limit**
- 2. Approved plans**
- 3. Demolition Environmental Management Plan**
- 4. Details of hoardings**

**Reason for Recommendation**

The demolition would result in a low and temporary level of less than substantial harm to the Conservation Area and therefore, no objection is raised to the demolition.

**Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this 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 is for full planning permission for the demolition and other enabling works to the existing York Place shopping centre to facilitate the conversion to a mixed use residential and retail development. A planning application for that scheme is yet to be submitted but is expected imminently.

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 sole issue in the determination of the application is whether the principle of the demolition of the building is acceptable in terms of the impact 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.

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 205 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.

Paragraph 207 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, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 208 goes on to state 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.

Paragraph 210 states that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

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.

NLP Policy B11 states that consent to demolish a building or any part of a building in a Conservation Area will not be granted unless it can be shown that each of the following is satisfied:

- i) The building is wholly beyond repair, incapable of reasonably beneficial use, of inappropriate design, or where its removal or replacement would benefit the appearance or character of the area.
- ii) Detailed plans for redevelopment are approved where appropriate.
- iii) An enforceable agreement or contract exists to ensure the construction of the replacement building where appropriate

It goes on to state that where Conservation Area Consent is granted for the demolition of structures of historic interest, the Council will seek to ensure that provision is made for an appropriate level of archaeological buildings recording to take place prior to demolition. This policy is not considered to be fully in accordance with the provisions of the more up-to-date NPPF and therefore, it should be given limited weight.

The proposed works would see the building complex stripped back to its primary structural frame and slab, with any supporting structural work to be retained where it supports the

primary frame. The masonry of the frontage to Fogg Street West and the ground level retaining structure in the eastern extent of the site is to be retained. This will result in a partially vacant site.

A Heritage Statement that accompanies the application states that the existing complex of buildings within the site does not contribute to the character or appearance (significance) of the Newcastle Town Centre Conservation Area or the significance of the identified listed buildings, as a component of their setting. The Council's Conservation Officer agrees with this assessment.

The application is for partial but substantial demolition of the majority of the building and as set out in the NPPF, local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. This would normally entail the consideration of an application for the redevelopment of the site to run concurrently with the demolition proposals, to ensure that no unsightly gap sites remain for a long period of time with the town.

Although the design of the building does not in itself contribute positively to the character or appearance of the Conservation Area, the demolition of the majority of the building which is on a prominent corner in the town centre, would result in a limited loss of the significance of the heritage asset. The impact is considered to be less than substantial however and therefore, as set out in paragraph 208 of the NPPF, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Although no application has yet been submitted for the redevelopment of the site, proposals are being worked up to replace the building and the current works constitute the first phase of a proposal to re-purpose and regenerate this site. It is recognised that the NPPF does allow consideration of the less than substantial harm against public benefits of realising a scheme which intends to regenerate the town with active and creative uses on this block. It is considered that the demolition would result in a low and temporary level of less than substantial harm to the Conservation Area which could be reduced by visual containment by appropriate hoardings and therefore, no objection is raised to the demolition.

### 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 ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP2: Historic Environment  
Policy CSP3: Sustainability and Climate Change

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

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 B11: Demolition in Conservation Areas  
Policy B13: Design and Development in Conservation Areas  
Policy B14: Development in or Adjoining the Boundary of Conservation Areas

### **Other material considerations include:**

#### [National Planning Policy Framework](#) (December 2023)

#### [Planning Practice Guidance](#) (2019 as updated)

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

#### [Newcastle Town Centre SPD](#) (2009)

#### [Newcastle Town Centre Conservation Area Appraisal](#) (August 2008)

#### [Relevant Planning History](#)

22/01079/DEEM3 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 - Pending decision (resolution to Permit subject to S106)

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

The **Environmental Health Division** has no objections subject to a condition requiring a Demolition Environmental Management Plan.

The **Conservation Officer** notes that the heritage statement submitted with the application states that the current building makes no contribution to the conservation area and historic environment in general. The application is for partial but substantial demolition of the majority of the building and usually we would expect to receive an application to run concurrently with one for demolition, for the redevelopment of the site to ensure that no unsightly gap sites remain for a long period of time with the town. The saved local plan policy also reflects this. In this instance, we are aware of proposals which are being worked up to replace this building and it is recognised that the NPPF does allow consideration of the less than substantial harm against public benefits of realising a scheme which intends to regenerate the town with active and creative uses on this block. There is some risk but the intention is that the partially demolished building will remain only on a temporary basis. No objection is raised to the demolition.

**Cadent Gas Ltd** has no objections.

Representations

One letter of support has been received stating that the development should be actioned quickly to ensure that further degradation of the town doesn't occur. The site should be secured with professional and solid hoarding, with a "good to look at" artists impression of the proposed final design professionally printed on the fascia.

Applicant/agent's submission

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

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/24/00146/DEEM3>

**Background Papers**

Planning File  
Planning Documents referred to

**Date Report Prepared**

12 April 2024