

39-41 MERRIAL STREET, NEWCASTLE UNDER LYME
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

25/00180/DEEM3

The application seeks full planning permission for the retention of replacement shop front windows and doors at 39-41 Merrial Street.

The units, which are currently occupied by a café, are 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 28 April 2025.

RECOMMENDATION

Permit, subject to conditions relating to:

- i. Approved plans**

Reason for Recommendation

The external alterations do not have any adverse impact on the character and appearance of the Conservation Area and the design of the proposal accords 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 retention of replacement shop front windows and doors at 39-41 Merrial Street. The units, which are currently occupied by a café, are located within the Town Centre of Newcastle and within the Town Centre Conservation Area as defined on the Local Development Framework Proposals Map.

The sole issue in the determination of the application is the impact of the development 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 212 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.

Paragraph 215 of the NPPF 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 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 ground floor of the units previously comprised large steel framed single glazed shop front windows and timber doors with horizontal and vertical beading. To improve the external appearance and thermal performance of the building, the windows and doors at ground floor have been replaced with double-glazed units with black aluminium frames.

The Conservation Officer raises no objections to the application. Given that the visual appearance of the windows and doors is very similar to the existing, it is not considered that there is any harm to the character and appearance of the Conservation Area. Therefore, the proposal accords with the policies of the development plan and the aims and objectives 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 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 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

Other material considerations include:

National Planning Policy Framework (2024)

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

23/00901/COU Change of use from offices to café - Approved

Views of Consultees

The **Conservation Officer** raises no objections to the application.

Representations

None received.

Applicant/agent's submission

The submitted documents and plans are available for inspection on the Council's website via the following link:

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/25/00180/DEEM3>

Background Papers

Planning File
Development Plan

Date report prepared

7 April 2025