

5-7 YORK PLACE, NEWCASTLE-UNDER-LYME
CAPITAL & CENTRIC

24/00795/FUL

Full planning permission is sought for the re-purposing of the existing shopping centre into commercial units at the ground floor and 42 apartments on the upper floors.

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 18 February but an extension of time has been agreed to 2 May 2025.

RECOMMENDATION

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

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. Street lighting**
- 4. Scheme of highway works adjacent to Fogg Street West**
- 5. Traffic management scheme**
- 6. Delivery and Servicing Management Plan**
- 7. Submission of a tree protection plan**
- 8. Construction Environmental Management Plan**
- 9. Details of sustainable heating**
- 10. Scheme for treatment of fumes and odours**
- 11. Remedial measures for contaminated land**
- 12. Construction noise specification**
- 13. Limit on external noise levels produced by fixed external plant**
- 14. Ventilation**
- 15. Internal noise specification for new commercial units**
- 16. Light trespass treatment**
- 17. Detailed drainage design**
- 18. Material samples**
- 19. Provision of security measures**
- 20. Waste collection arrangements**

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, it is not considered that an objection could be sustained on highway safety or residential amenity grounds.

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 re-purposing of the existing shopping centre into commercial units at the ground floor and 42 apartments on the upper floors.

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.

In 2023, the Planning Committee resolved to permit a scheme for the demolition of the 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 (Ref. 22/01079/DEEM3). The Section 106 for that scheme was never progressed and the application was subsequently withdrawn. Consent was granted last year for the demolition of and other enabling works to the shopping centre to facilitate its conversion (24/00146/DEEM3). Those works are currently ongoing.

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?
- Are acceptable residential amenity levels achieved for the occupiers?
- 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 90 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.

Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located within the Urban Area of Newcastle.

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 3,200 dwellings within Newcastle Urban Central (within which the site lies).

Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The Core Strategy goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution, and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

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.

This is a previously developed site in a highly sustainable location within the Town Centre which has many shops and services with regular bus services to destinations around the borough and beyond. It

is considered that the site provides a sustainable location for additional residential development that would accord with the Town Centre SPD.

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 212 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.

At paragraph 215 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 principle of the partial but substantial demolition of much of the building was considered appropriate in the determination of application 24/00146/DEEM3 and that work is ongoing.

The core of the existing shopping centre is to be largely retained and repurposed, including the existing concrete frame and floors. Part of the rear access ramp leading to the delivery area is to be demolished to allow for an external connection between Merrial Street and Astley Walk, and the creation of a public square to the rear of York Place.

The proposed materials would consist of brown toned standing seam cladding for the frontages which draws reference from the colours and tones of the Conservation Area. Glazing is proposed to the ground floor for the commercial units. Dark grey window frames, dark grey cladding and flat bar balustrades would be used for architectural detailing. The articulation of new windows would be regular and consistent with the expression of the concrete frame. New Juliet balconies would correspond with the articulation of the new windows. The roofline would be pitched with dormer-style windows responding to the character and appearance of existing buildings on High Street and Merrial Street. The material palette seeks to celebrate the retained elements of the existing structure whilst providing a bold and clear language, tying the new build elements together.

A green public square would be located to the rear of the building, adjacent to Astley Walk. The siting of the external courtyard provides an opportunity to enhance the setting of the listed building, the Old Bull's Head Inn, through the introduction of soft landscaping.

The application is supported by a Heritage Statement 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 Heritage Statement 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 supported the scope and massing of the proposal but felt that the elevational treatment of that scheme did not reflect local character in either its composition or use of materials. It was also considered that the inner elevations were too fussy and the proposed materials alien to the context. The design approach has been re-considered in response to the feedback from the DRP, and it was acknowledged that 'celebrating' the corner was not the right response. Instead, the whole facade is one, with 'cut' faces being treated as a different material. The colour scheme has also been re-considered and although vertical cladding is still proposed at the rear, it is proposed to be dark to provide a simple background for the verdant landscaped courtyard.

The Conservation Officer comments that the scheme is bold and high quality and that the colour palette would be effective within the town and a good balance against the adjacent historic buildings.

It is considered that the proposed development would be appropriately sited, of suitable height, scale and mass, and would use tones of materials characteristic of the Conservation Area and consistent with nearby listed buildings. The grain of the Conservation Area and High Street would be respected with the use of the pitched roof and elevational articulation of windows and Juliet balconies. 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.

The proposed development would significantly improve upon the existing building that is currently deemed to be a negative aspect of the 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.

Are acceptable residential amenity levels achieved for the occupiers?

Paragraph 135 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The Council's Supplementary Planning Guidance (SPG) - Space Around Dwelling provides more detailed guidance on privacy and daylight standards including separation distances between proposed dwellings and new development in relation to existing dwellings.

An Air Quality Assessment has been submitted which concludes that air quality issues during both the construction and operational phases would not be significant.

The submitted Noise Impact Assessment identifies a number of mitigation measures to protect future occupiers.

The Environmental Health Division (EHD) raises no objections subject to the imposition of conditions.

It is considered that the residents of all apartments would have an acceptable outlook and level of amenity and some outside amenity space would be available in addition to a number of open spaces and parks within and around the town.

Overall, it is considered that the development would provide acceptable living conditions for its occupiers.

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 116, 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 impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

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 concludes as follows:

- The site occupies an accessible, town centre location which is served by existing pedestrian, cycling and public transport routes and infrastructure that will provide residents with opportunities for access by active and sustainable modes. Localised modifications are proposed to bounding footways and the vehicle access junctions will have uncontrolled crossings. A Travel Plan will be adopted at the site to promote and support sustainable trip making. Cycle parking is provided for residents and visitors.

- Servicing arrangements will be provided in line with those found acceptable when considering the 2022 planning application with servicing focused on Merrial Street, Fogg Street W and High Street. In line with the 2022 planning application, the applicant will fund modifications to the Traffic Regulation Order on the Merrial Street site frontage to allow the disabled bays to be used for loading and unloading between 6pm and 8am. Other loading/unloading associated with servicing of the site will either be accommodated within the existing loading/unloading controls on High Street or can use Fogg Street W where loading/unloading is also permitted.
- The lack of car parking is in line with the existing situation and the 2022 planning application arrangements at the site. It is forecast that the development will be associated with a low level of parking demand that can be accommodated in other town centre car parks.
- An impact assessment has been undertaken and this shows that the development will not generate a significantly different level of traffic when compared to the existing and 2022 planning application site uses, and therefore will not have an impact on highway operation.

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. £186,643 towards improvement of pedestrian/cycle infrastructure within Merrial Street
- ii. £10,000 towards amendment of disabled parking bay Traffic Regulation Order
- iii. £6,000 towards travel plan monitoring

The Landscape Development Section has requested a contribution towards public realm improvements and open space improvements in the nearby Brampton Park. No figure has been detailed but for other Town Centre schemes, the standard figure of £5,579 per unit has been reduced for the 1-bed properties on the basis that they would be unlikely to accommodate children. On this basis, £4,933 per 1-bed unit and £5,579 per 2-bed unit is sought. This equates to £213,000.

Finally, Staffordshire and Stoke-on-Trent Integrated Care Board requires a financial contribution of £32,837 to be targeted towards supporting the future development/adaptation/expansion of premises within the Newcastle Central and Newcastle South Primary Care Networks.

These are considered to meet the tests identified in the NPPF and are compliant with Section 122 of the CIL Regulations.

The applicant has submitted a Viability Assessment which seeks to demonstrate that the above financial contributions would render the scheme unviable. The viability case has been considered by independent and suitably qualified valuers and it is accepted that the scheme cannot meet the requisite planning obligations.

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 (2024)

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

24/00146/DEEM3	Demolition and other enabling works to existing York Place shopping centre to facilitate conversion to mixed use residential and retail proposal (subject to separate planning application) - Approved
22/01079/DEEM3	Demolition of existing shopping centre and construction of 2no. mixed-use three and four storey buildings with upper floor offices and ground floor retail and food and beverage units and associated external landscaping including removal and replacement of existing tree within a conservation area – Withdrawn

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 street lighting, scheme of works adjacent to Fogg Street West, traffic management scheme, Delivery and Servicing Management Plan and a Construction Environmental Management Plan.

Section 106 contributions of £186,643 towards the improvement of pedestrian/cycle infrastructure, £10,000 towards amendment of disabled parking bay TRO and £6,000 towards travel plan monitoring are required.

Active Travel England has no comment to make on the application.

The **Conservation Officer** states that retention of shops and commercial activity at ground floor is welcomed in this part of the town and the canopy will allow for al fresco activities. The massing and roof design is good. There are some concerns that the materials will date, rather than be timeless but it is bold and high quality and the colour palette will be effective within the town and will be a good balance against the adjacent historic properties. Details of the “park” or courtyard space are quite limited so it is not clear what this aspect will look like or be able to deliver. More detail is required if the spaces are to be as effective as the precedents within the proposal imply.

The **Conservation Advisory Working Party** felt that the scheme was successful within the streetscene of Red Lion Square and would be transformative. They hoped that the materials wouldn't date and wanted to ensure that the basement music venue was part of the scheme as a key element to regenerating the town.

The **Environmental Health Division** has no objections subject to conditions regarding submission of a Construction Environmental Management Plan, sustainable heating, scheme for treatment of fumes and odours, remedial measures for contaminated land, construction noise specification, limit on external noise levels produced by fixed external plant, ventilation, music venue noise mitigation, internal noise specification for new commercial units and light trespass treatment.

Housing Strategy notes that the applicant is looking to submit a Financial Viability Appraisal as part of the application and states that it will need to be independently validated to ensure that the assumptions and judgements made are correct.

The **Landscape Development Section** has no objections subject to conditions regarding a tree protection plan and the detailed design of the proposed courtyard area. A S106 contribution is required towards public realm improvements and open space improvements in the nearby Brampton Park.

Staffordshire County Council as **Lead Local Flood Authority** has reviewed the Flood Risk Assessment and Drainage Strategy Report and requests confirmation of point of discharge, and information regarding a drainage solution if a basement level is to be included.

Any update received on this matter will be provided to Members in a supplementary report.

Staffordshire County Council as the **Education Authority** does not seek an education contribution from this development for primary or secondary school provision.

Staffordshire and Stoke-on-Trent Integrated Care Board requires a financial contribution of £32,837 to be targeted towards supporting the future development/adaptation/expansion of premises within the Newcastle Central and Newcastle South PCNs (Primary Care Networks) in alignment with strategic estates planning, which will enable the ICB to work towards the aim of tackling inequalities in outcomes, experience, and access for patients.

Staffordshire Police **Crime Prevention Design Advisor** welcomes the positive regenerative benefits to the town that are likely to arise from redevelopment of the site broadly along the lines that are proposed. The removal of the upper service deck, which has historically been problematic in terms of anti-social behaviour etc and opening up a portion of the site with vastly improved natural surveillance that could result over the site, notably from the presence of residential units at the upper levels is welcomed.

A number of security recommendations are made.

No comments have been received from **United Utilities**, the **Council's Waste Team** or **Staffs Wildlife Trust**, 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/24/00795/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

17 April 2025