

The application seeks full planning permission for the installation of replacement shop front windows and doors at 15, 17, 19, 29, 31, 35 and 37 Merrial Street.

The units, which are currently occupied by a variety of retail uses, 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 expired on the 22<sup>nd</sup> December 2025, however an extension of time has been agreed until the 9<sup>th</sup> January 2026.**

### **RECOMMENDATION**

**Permit, subject to conditions relating to:**

- 1. Time limit**
- 2. Approved plans**
- 3. Materials**

### **Reason for Recommendation**

The external alterations would 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 installation of replacement shop front windows and doors at 15, 17, 19, 29, 31, 35 and 37 Merrial Street. The units, which are currently occupied by a variety of retail uses, 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 Newcastle-under-Lyme Borough Council Final Draft Local Plan (Regulation 19 version) and its supporting documents were submitted for public examination on the 20 December 2024. Following the examination hearings, the Council has consulted on several main modifications to the policies in the emerging Local Plan from the 05 November 2025 until the 17 December 2025.

Policies, alongside the schedule of Main Modifications, in the emerging Local Plan are a material consideration in decision taking on planning applications. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 49 of the National Planning Policy Framework, as follows:-

*“49. Local planning authorities may give weight to relevant policies in emerging plans according to:*

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); an*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

As the Local Plan is at an advanced stage with a focused consultation on Main Modifications from the examination process then moderate to significant weight can be attributed to individual policies dependent on the extent of changes to the Local Plan. These policies and their weight shall be addressed in turn, in the relevant sections of this report.

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.

Emerging Local Plan Policy RET2 states that new shopfronts and the display of advertisements and signage will not be permitted if they are poor quality or where they fail to improve the character, function, appearance and quality of an area. The wording of this policy has however been subject to modification and so can only be afforded moderate weight.

Emerging Policy SE9 addresses the historic environment but has however been subject to significant changes during the main modifications process and so limited weight can be afforded to the criteria within this policy.

The ground floor of the units currently comprise 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 proposal is to replace the existing fenestration with aluminium frames. The applicant has confirmed that the windows will be the same style, appearance, material and finish as those already installed in other units along Merrial Street.

The Conservation Officer and Conservation Advisory Working Party (CAWP) have no objections to the proposal.

It is noted that planning permission has been granted to carry out the same alterations on other units within this row of shops at 21 and 39-41 Merrial Street. Therefore, given that the proposals would match the existing frontage changes in the locality the development now proposed would provide an enhanced and cohesive appearance of this retail frontage. Given that the visual appearance of the windows and doors is very similar to the existing, it is not considered that there would be 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)

#### Emerging Newcastle Under Lyme Local Plan 2020-2040 (at Main Modifications)

Policy RET2: Shop fronts, Advertisements, New Signage  
Policy SE9: Historic Environment

#### 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

25/00180/DEEM3 - Retention of replacement shop front windows and doors (39-41 Merrial Street) – Permitted

25/00184/DEEM3 - Retention of replacement shop front windows and doors (21 Merrial Street) - Permitted

#### Views of Consultees

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

The **Conservation Advisory Working Party** has no objections to the proposal.

#### 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:

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/25/00805/DEEM3>

Background Papers

Planning File  
Development Plan

Date report prepared

18 December 2025