

ALLEYWAY BETWEEN UNITS 81-83 HIGH STREET, NEWCASTLE-UNDER-LYME
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

21/00924/DEEM3

Planning permission is sought for the installation of gates to both ends of the alleyway between Units 81 and 83 High Street, Newcastle.

The site lies within the Newcastle Town Centre Conservation Area. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core and the Primary Shopping Area.

The 8 week period for the determination of this application expired on 19th October but an extension of time has been agreed to 12th November.

RECOMMENDATION

Permit, subject to conditions relating to;

- i. Time limit condition**
- ii. Approved plans**
- iii. Time Restriction**
- iv. Materials**

Reason for Recommendations

The proposal would not harm the character and appearance of the Newcastle Town Centre Conservation Area and the proposals accord with provisions of the development plan and the NPPF.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application

This is considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework and therefore, no amendments have been sought.

Key Issues

Permission is sought for the installation of gates to either end of the alleyway between Units 81 and 83 High Street, Newcastle. The submitted Heritage Statement sets out that the intention is to deter anti-social behaviour within the town centre.

The site lies within the Newcastle Town Centre Conservation Area. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Town Centre Historic Core and the Primary Shopping Area. The key issues in the determination of this planning application are considered to be:

1. Whether the design of the proposed development is acceptable with particular regard to the impact on the special character and appearance of Newcastle Town Centre Conservation Area; and
2. Whether there would be any adverse impact on the permeability of the town centre

Whether the design of the proposed development is acceptable with particular regard to the impact on the special character and appearance of Newcastle Town Centre 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.

Paragraph 199 of the Framework 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.

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres.

Policy B9 of the Local Plan sets out that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B10 sets out that development will only be permitted if its proposed appearance or use will preserve or enhance the character or appearance of a Conservation Area.

The alleyway provides access between High Street and Stubbs Street and the bus station. The proposal seeks to install a gate at the western (High Street) end of the alleyway and a pair of gates at the eastern (Stubbs Street) end. The gates would be fabricated from metal and their design would be consistent with the design of other alleyway gates seen within the town centre. The High Street gate would be viewed in the context of the shop fronts which sit either side of the alleyway and there are various boundary treatments along Stubbs Street including metal gates. It is not considered therefore that there would be any adverse impact on the character or appearance of the Conservation Area and the proposal represents a sustainable form of development, in accordance with the guidance and requirements of the NPPF.

Would there be any adverse impact on the permeability of the town centre?

CSS Policy CSP1 sets out that new development should be easy to get to and to move through and around, providing recognisable routes and interchanges and landmarks that are well connected to public transport, community facilities, the services of individual communities and neighbourhoods across the whole plan area. It also states that public and private spaces should be safe, attractive, easily distinguished, accessible, complement the built form and foster civic pride.

The alleyway currently provides access between High Street and Stubbs Street which backs onto Newcastle Bus Station. The applicant has indicated that it is the intention to close the gates only in the evening and in any event, alternative routes are available a short distance to the north via Hassell Street and to the south via Stafford Street. Therefore, it is not considered that the proposal would have any significant adverse impact on the ability of pedestrians to move through the town centre. However, to ensure that the route is kept accessible during the day, a condition is recommended restricting the closure of the gates to the evening and night only. This would be supported by Staffordshire Police Crime Prevention Design Advisor and should not raise concerns for neighbouring businesses.

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 ASP4: Newcastle Town Centre 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 Area
Policy B10: The requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework \(2021\)](#)

[Planning Practice Guidance \(2018\)](#)

[Supplementary Planning Guidance/Documents](#)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document \(2010\)](#)

Relevant Planning History

07/00495/FUL	Replacement shop front	Approved
21/00582/DEEM3	New gates to alleyway	Withdrawn

Views of Consultees

The **Staffordshire Police Crime Prevention Design Advisor** is fully supportive of the proposals but questions whether the gate will be locked permanently or only outside of what might be termed 'shopping' hours. Permanently closing off this alleyway would be the ideal in terms of reducing opportunities for anti-social behaviour, assaults and its use as an escape route for those involved in theft (shoplifters) etc. However, restricting access to this alley outside of shopping hours would have considerable benefits and help channel those involved in the night time economy along routes that are subject to greater natural surveillance, CCTV surveillance and more human activity including any police presence. Recommendations on the design of the double gates are given to reduce the likelihood of weaknesses.

Representations

One letter of representation has been received from the occupiers of a neighbouring property objecting on the grounds that their staff use this alleyway regularly and do not want any gates to be built. They have been in their offices for 20 years and state that they have not seen any antisocial behaviour.

Applicant/agent's submission

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00924/DEEM3>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

22nd October 2021