

The application is for the addition of use class E9(b) for the sale of hot food to the existing approved F1(c) use class at Newcastle Museum and Art Gallery.

The site is located within the Urban Area of Newcastle and the Brampton Conservation Area as defined on the Local Development Framework Proposals Map.

The statutory 8-week period for the determination expires on the 14th February 2023.

RECOMMENDATION

Permit, subject to conditions relating to;

- i. Time limit condition**
- ii. Approved plans**
- iii. Limit on types of food to be cooked on the premises**

Reason for Recommendation

The proposed additional use within the building raises no significant impacts in relation to residential amenity or the character and appearance of the Conservation Area. The site is within a sustainable location and the addition would continue to support an established Museum and Gallery just outside Newcastle Town Centre.

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

Additional information was requested to clarify the type of hot food to be cooked and this information was subsequently received. The proposed development is now 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 addition of use class E9(b) to the premises to allow the sale of hot food within the existing café area. The café currently only serves cold food, beverages and snacks.

The site is located within the Urban Area of Newcastle and the Brampton Conservation Area as defined on the Local Development Framework Proposals Map.

The proposed development relates to the use of part of the building and as such no external changes are proposed. On that basis, the development is not considered to have any implications on the significance of the Brampton Conservation Area.

Therefore the main issues to consider in the determination of this application are the principle of an additional use to allow the provision of hot food consumption on the premises and any implications on residential amenity.

Principle of the use

The application site is situated beyond the boundary of the Town Centre, but remains within the Urban Area of Newcastle.

Paragraph 87 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre, nor in accordance with an up-to-date plan. It goes on to state that main town centre uses should be located in town centres, then in edge of centre locations. The NPPF defines main town centre uses as recreation uses which include restaurants as well as culture and tourism development, which includes museums and galleries.

The Newcastle Museum and Art Gallery is a long established cultural museum and learning centre situated within the grounds of Brampton Park. Planning application 19/00687/DEEM3 which was permitted in November 2019 approved extensions to the building to provide a new visitor café. As such the principle of a café use outside of the defined town centre has already been established as suitable. It is therefore not considered that allowing the addition of hot food provisions within the building would have any greater impact on the vitality and viability of the town centre. Instead this proposal would assist in the continued operation and viability of this local cultural facility. Therefore on this occasion, a sequential test is not considered to be necessary, and the principle of the additional use class is acceptable.

The site remains in a sustainable location and is readily accessible from the town centre by a short journey on foot or through local public transport links. Therefore the principle of the proposed use is considered to be acceptable and would accord with the relevant policies of the development plan as well as the provisions of the NPPF.

Any implications for residential amenity?

The application site is surrounded by residential dwellings to the north, east and southern boundaries of the site. However, these dwellings are sited a suitable distance from the building given their generous curtilages.

The proposal is for the introduction of hot food within the café, which can sometimes result in an additional requirement for further kitchen equipment and its associated extraction and ventilation equipment needing to be provided.

Clarification has been sought from the applicant as to what hot food is proposed to be served and what additional kitchen equipment will be needed to facilitate this. In an email response the applicant has confirmed that they will be serving soup, teacakes and jacket potatoes. To facilitate this the kitchen would provide a toaster, soup kettle, under counter electric oven, hot plate and bain-marie serving dishes. As such there is no requirement for additional extraction and/or ventilation to be installed.

Given that the opening hours of the site remain unaltered and the additional hot food use can be appropriately served by minimal kitchen equipment, there are not considered to be any adverse implications in relation to residential amenity from the proposed development. A condition should be attached to any permission granted to limit the type of hot food to be served. This would help to control the type of hot food to be cooked on the premises and the level of odours and extraction/ventilation equipment required.

Subject to the advised condition, it is considered that the living conditions of neighbouring properties would be protected and the proposed development accords with the necessary policies of the development plan as well as the provisions of the NPPF.

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 CSP2: Historic Environment

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

Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B14: Development in or Adjoining the Boundary of Conservation Areas

Other material considerations include:

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

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

Relevant Planning History

NNB02469 - The change of use from residential purposes to use as a Borough Museum – Permitted

N13865 - Proposed extension to The Museum to form Fine Art Gallery – Permitted

07/00683/DEEM3 - Alterations to roof – Permitted

19/00687/DEEM3 - Extensions and alterations to existing museum to form additional exhibition and educational facilities – Permitted

19/00687/NMA - Application for a non-material amendment relating to alterations to planning permission 19/00687/DEEM3 to show alteration to eaves detail to the exhibition space along with the addition of a ventilation turret – Permitted

Views of Consultees

The **Conservation Officer** has no observations to make on the application.

The comments of the **Environmental Health Division** have been sought and will be reported if received.

Cadent raises no objections to the proposed development but has requested the inclusion of an informative note on any permission granted.

Representations

None received.

Applicant/agent's submission

The submitted documents and plans are available for inspection on the Council's website by searching under the application reference number 22/00983/DEEM3 on the website page that can be accessed by following this link; <https://publicaccess.newcastle-staffs.gov.uk/online-applications/22/00983/DEEM3>

Background Papers

Planning File

Development Plan

Date report prepared

18th January 2023