

Full planning permission is sought for the erection of a multi-storey car park (MSCP) with associated access, servicing and landscape works. The site is part of a wider masterplan aspiration for Ryecroft.

The site lies within 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 Northern Quarter.

**The 13 week period for the determination of this application expires on 8<sup>th</sup> June but an extension of time has been agreed to 23<sup>rd</sup> June 2023.**

### **RECOMMENDATION**

**A. Subject to the applicant first entering into a Section 106 obligation by the 28<sup>th</sup> July 2023 to secure £50,000 towards improvement of pedestrian/cycle infrastructure,**

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

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. Highway related conditions**
- 4. Construction environmental management plan**
- 5. Details of piling**
- 6. Noise from plant and machinery**
- 7. Scheme to deter anti-social behaviour**
- 8. Lighting**
- 9. Landscaping scheme**
- 10. Detailed drainage design**
- 11. Material samples**
- 12. Construction hours**

**B. Should the matters referred to in (A) above not be secured within the above period, then the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure sustainable development objectives, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.**

### **Reason for Recommendation**

The scheme would regenerate a previously developed site and contribute to the vitality and viability of the town centre. There would be no adverse impact on the setting of any listed buildings or on the character of the Conservation Area and the scale and design of the development would be appropriate. There would be no adverse impact on the local highway network in terms of safety and/or capacity and subject to appropriate conditions and a Section 106 agreement to ensure sustainable transport objectives, it is not considered that an objection could be sustained.

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

Amended/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 erection of a multi-storey car park (MSCP) with associated access, servicing and landscape works. The site is part of a wider masterplan aspiration for Ryecroft.

The site lies within 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 Northern Quarter.

The site is not located in a conservation area, however, Newcastle Town Centre Conservation Area lies close to the south and there are a number of listed buildings nearby.

A representation has been received stating that the project should be subject to an Environmental Impact Assessment (EIA) screening opinion prior to determination of the application on the basis that it is part of a wider scheme that would meet the trigger for when an EIA is required. By itself it doesn't meet or exceed the threshold requirement. Although the car park is likely to form part of a wider scheme, it is intended to support the needs of the town centre generally and therefore the car park is not functionally dependent upon the remainder of the site. On that basis, an EIA screening opinion is not required.

The key issues in the determination of the application are:

- Is the principle of the proposed development on the site acceptable?
- Would there be any impact on the setting of any listed buildings or on the character of the Conservation Area?
- Would there be any adverse impact on the character and appearance of the area?
- Is the proposal acceptable in terms of highway safety?
- Air quality and noise impact
- Flood risk and drainage
- 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 86 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.

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 Northern Quarter which is a mixed zone which has been defined in recognition of its shared potential for significant redevelopment. Redevelopment opportunities could lead to a greater mix and intensity of uses. Additional residential development could be appropriate here, as well as leisure, offices and hotel development, so long as the main function of the Primary Shopping Area is maintained and enhanced.

The proposed car park forms part of a wider scheme to rejuvenate the town centre. The MSCP would directly support wider regeneration initiatives by providing car parking for the forthcoming mixed-use developments in the area. It would regenerate a previously developed site, providing parking spaces and in turn generating visitors and footfall and thereby contributing to the vitality and viability of the town centre. The principle of the development is therefore considered acceptable.

Would there be any impact on the setting of any listed buildings or on the character of the Conservation Area?

The site is not located in a conservation area, however, Newcastle Town Centre Conservation Area lies close to the south. There are no listed buildings within the site, but there are a number nearby.

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 199 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.

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.

A Heritage Statement that accompanies the application concludes that the proposed development would not harm the significance of any Listed Building or Conservation Area through changes to the settings. It is noted that the site currently makes no positive contribution to the setting of the heritage assets and while the proposal represents a major development in terms of massing and height, it is within a derelict area which does not compliment any of the assets identified. The Conservation Officer agrees with the findings of the Heritage Statement.

To conclude, it is not considered that there would be any adverse impact on the setting of any listed buildings or on the character of the Conservation Area.

Would there be any adverse impact on the character and appearance of the area?

Paragraph 126 of the National Planning Policy Framework (the Framework) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 of the framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1.

The proposal comprises a 5-storey MSCP, providing a maximum of 472 parking spaces. It has been designed as a Vertical Circulation Module (VCM) which is a continuous gently sloping ramped car park that is set at a slight gradient allowing easy pedestrian movement around the car park at all levels.

There are two principal circulation cores with lifts and staircases within them which provide access to all levels of the car park. The main circulation core is located on the south east corner of the building offering an easy connection to the wider Ryecroft masterplan area and allowing a 'landing space' for people approaching the car park from the town centre on the corner of Liverpool Road and Corporation Street. The secondary core is positioned on the corner of Ryecroft and Liverpool Road, to allow easy Fire Brigade access.

The Liverpool Road elevation is composed of a series of profiled and perforated aluminium panels with solid panels to create the appearance of projecting fins following the line of the sloping floor slabs which have been designed to continuously and gently rise up to the top of the car park. The effect of the fins is further emphasised by alternating the orientation of the aluminium panels at each floor level to create a series of sloping horizontal bands that wrap around the car park elevations. Aluminium cladding is raised up above ground level with a natural facing red brickwork plinth. The two cores would comprise a painted pre cast concrete, coloured in a complimentary tone to the red brickwork plinth. The perforations within the aluminium cladding panels are laser cut to represent the Council's castle logo to tie in with the proposed name of the MSCP, which is the 'Castle Car Park'.

Prior to submission of the application, the scheme was presented to a Design Review Panel (DRP), as encouraged by the NPPF. In particular, the DRP raised concerns over the presentation of the car park proposals in advance of seeing the Ryecroft wider Masterplan. They commented on the lack of proposed public realm improvement on Liverpool Road and on routes to and from the town centre and gave advice on assessing the impact of the development on heritage assets. In terms of the design approach and layout, the Panel encouraged further exploration of the design concept, particularly the proposed towers, they recommended an alternative approach to the use of painted concrete, and recommended the removal of ramps and steps to the entrance to create a more pleasant experience for users, and the removal of the incongruous 'step' at roof level.

In response to the DRP's concerns about the lack of a wider masterplan, it is the case that the car park has been developed in line with the proposed wider masterplan, but the MSCP scheme had to be accelerated to meet the requirements of the project funding.

In response to their other comments, a Landscape Architect was appointed to the project team and detailed landscape proposals have been developed. A Heritage Impact Assessment was produced and Historic map regression carried out and included within the submitted Design and Access Statement. The design has developed and a pre-cast concrete finish with a high performance long lasting paint is proposed for the towers, to remove concerns over maintenance liability. The roof level design has been altered to remove the incongruous step in the façade, replacing it with a series of tapered panels that more seamlessly meet the cladding on the northern elevation and the ramps and steps to the entrance of the car park have now been omitted, creating a level approach.

Although significant in scale and massing, given the context in which it would be located, it is considered that the MSCP would sit comfortably on the proposed site. While the nature of the development is functional, namely the provision of parking, it is considered that the MSCP would be a building of high quality and one that respects the characteristics of the area in which it sits.

Landscape proposals have been submitted for the scheme which will eventually link to the landscaping proposals for the wider masterplan project. Particular attention has been given to improving and enhancing the Liverpool Road frontage, with the provision of a wide landscaping strip along the western boundary of the building. This landscaping strip will provide a mix of planting, shrubs and trees. The northern and eastern frontages of the MSCP building see more subtle landscaping strips, creating legible and well-defined boundaries. The southern boundary of the site, adjacent Corporation Street, will also see significant landscaping enhancements, with tree planting and a range of other shrubs and vegetation proposed.

The Council's Landscape Development section is concerned that there doesn't appear to be space for any meaningful landscaping. They are also concerned that there appears to be no proposal for any landscaping/softening to the eastern elevation. Concern is raised about a lack of light to outdoor space on the greenspace within the adjacent development plot, especially given the heights of the car park and future development.

The applicant's agent has responded to advise that a combination of smaller, multi-stemmed trees combined with tall, narrow trees have been proposed which will be a minimum of 3m from the building and have root-barriers offset 600mm from the building. Regarding the lack of planting on the eastern elevation, it is stated that the applicant is unable to commit to any potential works which may limit future development opportunities for the Ryecroft site. Works outside the extent of the MSCP red line development boundary, including any landscape proposals to the east of the building, will be subject to a separate application.

It is considered that the proposed landscaping would help to soften the car park elevations and will provide a substantial betterment to the site, specifically fronting onto Liverpool Road and Corporation Street. The landscaping will also eventually link into the landscaping proposals for the wider masterplan project which will provide a substantial improvement in terms of the public realm.

Overall, it is considered that the scale and design of the development would be appropriate and with the implementation of an appropriate landscaping scheme to soften the building, there would be no adverse impact on the character and appearance of the surrounding area.

#### Is the proposal acceptable in terms of highway safety?

The NPPF, at paragraph 111, 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 would be severe.

The MSCP would accommodate up to 453 cars, with 22 (5%) accessible parking bays and 45 (10%) bays providing electric charging points (6 of the EV points would be sited in accessible bays). In addition, there would be parking for 19 motorcycles and a cycle hub with racking and lockers for up to 25 bicycles. Vehicle access and egress to the proposed MSCP will be directly off Liverpool Road, through a vehicle portal in the western façade. There will be three lanes available within the portal.

Pedestrians will access the MSCP via the service cores in the north-east and south-west corners of the building, which will provide stairs and lifts to all floors. Access into and egress from the MSCP for pedestrians will be fully isolated from the vehicle portal.

The application is accompanied by a Transport Assessment which concludes that the proposals raise no concerns in relation to highway or transport matters. It states that the site is ideally located for local and regional highway connections and will lie close to the town centre, to attract social and business visitors. The report demonstrates that the existing highway network can accommodate the additional traffic generated by the MSCP with the principal junctions continuing to operate satisfactorily. It states that the pedestrian route between the proposed MSCP and the town centre is adequate, with zebra crossings at the principal locations and dropped crossings elsewhere. The provision for cyclists in and around the town centre is limited, but the Highway Authority is planning enhancements to the existing routes. The cycle hub within the MSCP, will lie close to the Newcastle Town Deal cycle route and will thus provide opportunity to promote Active Travel.

The Highway Authority (HA) has confirmed that traffic impact on the identified critical junctions has been appropriately and robustly assessed and that the proposed redevelopment proposals would therefore not result in a severe impact on the local highway network in terms of safety and/or capacity. They have requested clarification on a number of matters and a response has been provided. It is anticipated that the further comments of the HA will be set out in a supplementary report.

#### Air Quality & Noise Impact

As the site is situated within Newcastle's Air Quality Management Area, an Air Quality Assessment was requested and submitted in support of the application. The Assessment concludes that the development would have no adverse air quality impacts on the area.

A Noise Impact Assessment has also been submitted to assess the impact of noise from normal operation of the MSCP upon nearby noise sensitive properties. The assessment shows that assuming the worst-case vehicle movement numbers, there is not expected to be an adverse impact on the nearby sensitive receptors identified.

The Environmental Health Division has no objections subject to the imposition of conditions and therefore it is considered that the proposed development would be acceptable in terms of air quality and noise impact.

#### Flood Risk & Drainage

The application is accompanied by a Drainage Strategy but Staffordshire County Council as Lead Local Flood Authority (LLFA) states that insufficient information has been submitted to demonstrate that an acceptable drainage strategy is proposed. Additional information has been provided and the further comments of the LLFA are awaited.

#### 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 a financial contribution of £50,000 towards improvement of pedestrian/cycle infrastructure. This contribution is considered reasonable and necessary to contribute to the provision of sustainable development objectives, as encouraged by 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 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 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 IM1: Provision of Essential Supporting Infrastructure and Community Facilities

### **Other Material Considerations include:**

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

#### [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 \(2009\)](#)

#### Relevant Planning History

|                |  |
|----------------|--|
| 06/01181/OUT   | Demolition of existing buildings and erection of 6 non-food retail units (Class A1) with associated car parking, access and landscaping works – Approved                 |
| 14/00657/FUL   | Temporary Winter Wonderland consisting of an ice rink, bar, German market units and fair – Approved  |
| 17/00959/FUL   | Temporary circus consisting of three big tops, box office/bar tent, café tent, company catering tent, toilets and showers and space for caravans and trailers – Approved |
| 19/00470/DEEM3 | Temporary ad-hoc use of cleared site of former supermarket for the holding of licenced events such as circuses, fairgrounds, ice rinks etc. – Approved                   |

#### Views of Consultees

Staffordshire County Council as the **Mineral and Waste Planning Authority** has no objection.

The **Environmental Health Division** has no objections subject to conditions regarding a construction environmental management plan, piling, noise from plant and machinery, deterrent to anti-social behaviour and noise, active travel and lighting.

The **Highway Authority** (HA) has requested additional information regarding detailed access arrangements, a vehicle tracking exercise, intended use of the existing means of access at A52

Ryecroft, widening of the footway along Liverpool Road and proposed boundary treatments. Additional information has been provided and the further comments of the HA are awaited.

Staffordshire County Council as **Lead Local Flood Authority (LLFA)** states that insufficient information has been submitted to demonstrate that an acceptable drainage strategy is proposed. Additional information has been provided and the further comments of the LLFA are awaited.

**Historic England** offers no advice and suggests that the views of the Council's Conservation Officer are sought.

The **Conservation Officer** has considered the heritage statement with gives map analysis and assesses the likely impact on the significance of the heritage assets and would generally agree with its findings. The urban grain of this area really begins to change in the mid-20th century and is currently devoid of any character or worthwhile features. It only serves to grant views across the site into the end of the town. Generally the urban environment is served well by the tight grain and topography meaning that only glimpses of this site are available from within the town and this development shouldn't interfere with the main views of St Giles church. It is not considered that the new car park will change how we understand the significance of the CA or the nearby listed buildings – it will not be a distraction albeit it will cause a change in the environment. The building itself would be improved by the towers being clad in a similar stone to Castle House, and the painted concrete is a mistake and maintenance liability. The greenery and landscaping will help to assimilate this building and create an attractive edge but this again should be well executed and maintained. The idea of the perforated castle logo in the metal cladding fins is disliked so maybe it doesn't need to be on all of them.

The **Conservation Advisory Working Party** felt that the proposal was unsustainable in terms of its embodied energy but respected the careful consideration which had been given to the design process. There was some concern over the tunnel effect which would be created by its massing in conjunction with the proposal for flats on Liverpool Road and that this would not be betterment for this gateway site into the town centre conservation area. All felt that the material for the towers was inappropriate and should be a sandstone cladding. Also that the metal fins were an alien material and that wood was preferable and that they created a rather busy appearance and the rhythm would be improved with larger units. There was concern that the tower closest to the subway would be rarely used and presented a potential risk for anti-social behaviour. On a practical level there was a question that the ventilation was adequate.

The **Landscape Development Section** is concerned that there doesn't appear to be space for any meaningful landscaping. The proposed tree planting doesn't have space to grow, which will reduce the screening/softening effect that the landscaping proposals can provide. There appears to be no proposal for any landscaping/softening to the eastern elevation. Tree planting that is illustrated (particularly to the south of the proposed car park) may not be possible due to existing/proposed service connection constraints, additional information is required. Concern is raised about a lack of light to outdoor space on the greenspace within the adjacent development plot, especially given the heights of the car park and future development.

Staffordshire Police **Crime Prevention Design Advisor (CPDA)** initially advised that there were a number of aspects of the scheme which had the potential to undermine security and safety and that due consideration should be given to providing a MSCP which has features more likely to reduce criminal and anti-social opportunity, and an overall safer environment for legitimate users.

Additional information was provided and the CPDA states that it provides very helpful clarification about what is proposed including how the MSCP will operate in general terms, and indicates the incorporation of significant security and safety measures in response to previous perceived shortcomings. It is accepted that the design of the MSCP should provide a good level of safety and security to the perimeter of the building while maintaining an approachable proposal. The rectilinear shape with minimal protrusions should result in good sight lines and natural surveillance opportunities to have a positive impact upon the likelihood of misuse/gathering. A number of recommendations are made regarding security.



No comments have been received from the **Newcastle South Local Area Partnership** and given that the period for comment has passed, it must be assumed that they have no comments to make.

#### Representations

One letter of representation has been received stating that while it is nice to see some regeneration of this area, it seems rather unusual for a regeneration scheme to commence with a MSCP on the location of an existing car park, particularly as none of the documents submitted in support of the application set out the need. The Planning Statement sets out that the development seeks to increase the number of visitors to the town centre, which is a good thing. However, it promotes no other modes other than by private car, which is a bad thing. Objection is raised on the basis that the proposals do not accord with the presumption of sustainable development. A Health Impact Assessment should be submitted. It is also considered that, regardless of the site area, the project should be subject to EIA Screening by an appropriate expert, and a screening opinion adopted by NuLBC and published on the public record, prior to determination.

#### 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/23/00192/DEEM3>

#### Background papers

Planning files referred to  
Planning Documents referred to

#### Date report prepared

9 June 2023