

**LAND TO SOUTH OF A52, LIVERPOOL ROAD, NEWCASTLE**  
**MORGAN SINDALL CONSTRUCTION (ON BEHALF OF NEWCASTLE BOROUGH**  
**COUNCIL)** **24/00017/DEEM3**

The application is for full planning application for the temporary transfer and storage of excavated materials from the multi-storey car park (MSCP) development site to the adjacent civic building demolition plot for a period of 2 years.

The site lies within the Urban Area of Newcastle as specified on the Local Development Framework Proposals Map.

**The 8 week period for the determination of this application expires on 7<sup>th</sup> March.**

**RECOMMENDATION**

**PERMIT subject to conditions relating to:**

- 1. 2 year temporary permission**
- 2. Approved plans**
- 3. Height of mound to not exceed 2 metres**
- 4. Compliance with the mitigation measures set out in the Air Quality Assessment, Construction Environmental Management Plan and Air Quality and Dust Improvement Plan**

**Reason for Recommendation**

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 and subject to conditions, the proposal would have no detrimental impact on the environment or highway safety.

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

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

**Key Issues**

This application follows the granting of planning permission for the erection of a multi-storey car park in the north-western part of the wider Ryecroft site (Ref. 23/00192/DEEM3). The application is for full planning permission for the temporary transfer and storage of excavated materials from the multi-storey car park (MSCP) development site to the adjacent civic building demolition plot for a period of 2 years for future use in the construction of development plateau across the wider Ryecroft site. The submitted plans indicate that the height of the stored material would be approximately 2 metres.

The site lies within the Urban Area of Newcastle as specified on the Local Development Framework Proposals Map. The site does not contain any listed buildings or non-designated heritage assets, however, the Newcastle-under-Lyme Town Centre Conservation Area is directly south of the site and there are listed buildings located in close proximity.

The key issues in the determination of the application are considered to be:

- Would there be any impact on the setting of any listed buildings or on the character of the Conservation Area?
- Is the proposal acceptable in terms of highway safety?
- Would there be any issues of air quality and noise impact?

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 205 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 although the siting of the proposed mound may have an impact upon the setting of these heritage assets, it is considered that any impact would be minimal and temporary.

The proposal is temporary and it is acknowledged that the site currently makes no positive contribution to the setting of the heritage assets. 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.

Is the proposal acceptable in terms of highway safety?

The NPPF, at paragraph 115, states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed development will result in a total of 280 vehicle movements, using the external road network immediately adjacent to the site to transfer material between the two sites. A Construction Environmental Management Plan (CEMP) that accompanies the application states that material will be transported using eight wheeled tipper trucks which will access the site from the A52 (Ryecroft), Liverpool Road, entering the site from Corporation Street. The vehicles will be loaded with an excavator and then will exit the site via Corporation Street and

enter the tipping location via the gate off Corporation Street. The materials will then be tipped out of the wagons to the agreed location. The trucks will then exit the tipping location via the gate off Corporation Street.

To manage construction vehicle access to and from site, a security control cabin will be placed at the vehicular point of entry/exit to/from the site and there will be a temporary banksman to manage vehicle access into the site where the materials will be tipped.

The Highway Authority is satisfied that the traffic impact of the proposal will be minimal and raises no objections to the proposal.

Subject to the recommended conditions, it is considered that there would be no adverse impact on highway safety.

#### Environmental Impacts

The application is accompanied by an Air Quality Assessment, a Noise Impact Assessment and a Contamination Phase 1 Preliminary Risk Assessment.

Regarding noise and air quality, the Environmental Health Division has no objections subject to the imposition of conditions.

Comments are awaited from the Contaminated Land Officer and will be reported to Members in a supplementary report.

## **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 CSP3: Sustainability and Climate Change

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

None

### **Other material considerations include:**

[National Planning Policy Framework](#) (December 2023)

[Planning Practice Guidance](#) (2019 as updated)

#### 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
23/00192/DEEM3	Erection of a Multi-Storey Car Park (MSCP) with associated access, servicing and landscape works	Approved
23/00192/NMA	Application for a non-material amendment of planning permission 23/00192/DEEM3 for amendments to size of the parking bays, size of vehicle impact barriers, omission of suicide prevention measures, rationalisation of EV charging points and omission of motorcycle hoops	Approved

#### Views of Consultees

The **Highway Authority** has no objections subject to conditions regarding compliance with the Construction Environmental Management Plan and the Dust Management Plan and amendment of the boundary to include the entirety of the access/egress onto Corporation Street.

The **Environmental Health Division** has no objections subject to conditions requiring implementation of the mitigation measures set out in the Air Quality Assessment, Construction Environmental Management Plan and Air Quality and Dust Improvement Plan.

**Cadent Gas Ltd** has no objections.

### Representations

One letter of objection has been received expressing concern regarding the delays in developing the site and the impact on businesses on Merrial Street.

### Applicant/agent's submission

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

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/24/00017/DEEM3>

### **Background Papers**

Planning File  
Planning Documents referred to

### **Date Report Prepared**

15<sup>th</sup> February 2024