

OPEN MARKET, HIGH STREET, NEWCASTLE-UNDER-LYME
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

23/00983/DEEM3

The application seeks full planning permission for the relocation of up to five market stalls and the creation of new public realm comprising new surfacing and landscaping arrangements and installation of new street furniture.

The application site comprises an area of High Street that extends from the Guildhall, south-eastwards, along High Street. It is 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 expires on the 1st April 2024.

RECOMMENDATION

Permit, subject to conditions relating to;

- i. Time limit condition**
- ii. Approved plans**
- iii. Materials**
- iv. Prior Approval of Seating**
- v. Demountable Bollard Specification**
- vi. Planter Specification**
- vii. Landscaping Scheme**
- viii. Nipper Parking delineation and surfacing arrangements**

Reason for Recommendation

The proposed development would not have any significant impacts on nearby land uses or on the character and appearance of the Conservation Area and the design of the proposal would accord 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 relocation of up to five market stalls and the creation of new public realm comprising new surfacing and landscaping arrangements and installation of new street furniture.

The application site comprises an area of High Street that extends from the Guildhall, south-eastwards, along High Street. It is within the Town Centre of Newcastle and within the Town Centre Conservation Area as defined on the Local Development Framework Proposals Map.

The principle of market stalls in this location is well established, and the creation of public realm upgrades in a town centre location is considered to be appropriate. Therefore the principle of the development is acceptable. In addition, there are not considered to be any amenity issues that would arise from the works proposed. The Highway Authority raise no objections to the proposal on highway safety grounds.

Therefore the sole issue to be considered in the determination of the application is the design and layout of the development and the impact on the Conservation Area.

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The area of land subject to this application falls within the Newcastle under Lyme Town Centre Conservation Area and 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 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 208 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.

The proposals can be split into two main areas; the relocation of market stalls and public realm improvements, all of which are focussed on an area of High Street that extends from the Guildhall, south-eastwards, along High Street.

The proposal to relocate existing permanent market stalls is an effort to concentrate the siting of these permanent stalls towards the upper/centre of High Street, with the remaining area then used flexibly on busier market days. The current permanent stalls centred between No. 77 and 89 High Street would be removed, and the area made available to provide space for temporary market stalls as and when required.

The new markets stalls would be of a style and design to match the existing market stalls, and in total 5 new stalls are proposed to be provided. Two of these stalls would be sited on the northern side of High Street, forward of numbers 61 and 73 High Street. Three other new stalls would be sited on the south western side of High Street, directly outside the building currently host to Poundland. The design and siting of the stalls are not considered to be harmful to the character and appearance of the conservation area, any more so than the existing arrangement.

High Street then extends south eastwards from the Market Cross between Friars Street and Hassell Street and it is this area that would be subject to the public realm improvements. The main element of these improvements comprises the creation of a new central landscaped area that would be surrounded by a newly red tarmacked surface leading to a raised lawn area with central planters. To the south of this landscaped area new demountable bollards would also be installed to restrict traffic flow.

There would be the installation of additional street furniture which includes three groups of new seats/benches.

In considering the proposed development the Conservation Officer has welcomed the removal of the fixed market stalls, which they consider create a negative and cluttered appearance and the development would go some way to create a more attractive, open, green space. However, they have

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some reservations over the level of detail provided within the application includes the delineation of the grassed area, drainage channel and street furniture.

It is accepted that precise details have not been provided in relation to the benches/seating arrangement, however the siting of the furniture is considered to be appropriate and full and precise details of the type and specification of the seating can be appropriately secured through a condition.

The re-positioning of the market stalls would help to concentrate the development within a smaller area of the High Street and so would assist in the reduction of visual clutter and development within a prominent part of the Town Centre Conservation Area. Given that the style and form of the market stalls would match the existing, there would be no harm to the significance of the conservation area. The area of new landscaping would help to soften the visual appearance of the area, introducing a welcome area of green open space within the town centre. It is considered reasonable to request full and precise details of any hard surfacing and boundary arrangements to the scheme and these can be secured via condition.

It is stated within the application that the central landscaped area would be raised above the existing surface level by around 125mm. However, no details of a retaining edging or the drainage channel required have been provided with the application. The applicant has since confirmed that the raised levels will be retained by 125mm conservation kerbs to match the style and type used on other open spaces within the town centre. To provide greater clarity on these materials the applicant will provide further information on this point which will be reported in a supplementary report. With regards to the drainage channel, the applicant has clarified that there is an existing gully that runs down the centre of high street and the development would be built in a manner that would allow the drainage channel to enter the landscaped area, run along the kerb edging and then exit into the gully at the opposite end. This detail will be provided within an additional plan that will be submitted prior to the application going before the committee and a further supplementary report would support this.

Also, on the plans as originally submitted the extent of the new red tarmac area was not clear. It has since been confirmed that it will extend to the point as shown on the submitted drawings and would run no further than the edge of the new landscape and temporary market area.

Subject to this clarifying information being provided, and the conditions being attached as recommended, the development is considered to preserve and enhance the conservation area and would not result in any harm to the character or appearance of the area.

To conclude, the development would be an appropriate form of design that would accord with the policies of the development plan and the aims and objectives of the NPPF and would help to preserve the character and appearance on the Town Centre Conservation Area.

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

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- 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.

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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 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
Policy T16: Development – General Parking Requirements

Other material considerations include:

National Planning Policy Framework (2023)

Planning Practice Guidance (PPG) (as updated)

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

13/00185/DEEM3 New market stalls Approved

Views of Consultees

The **Council's Urban Design and Conservation Officer** welcomes the removal of the fixed market stalls which create a negative and cluttered appearance and notes that the application makes attempts to create a more attractive open green space. However they have some reservations on the level of detail provided in certain elements of the scheme and that as a result the new area does not seem to have a clear vision as to what the appearance will be.

The **Highway Authority** raise no objections to the proposal but note that a Traffic Regulation Order will be required for the proposed nipper parking spaces.

The **Environmental Health Division** raise no objections to the application.

Cadent Gas raises no objections.

Representations

None received.

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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 23/00983/DEEM3 on the website page that can be accessed by following this link;

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/23/00983/DEEM3>

Background Papers

Planning File
Development Plan

Date report prepared

13th March 2024

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