

QUEENS GARDENS, ADJACENT CASTLE HOUSE, BARRACKS ROAD, NEWCASTLE
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL **24/00611/DEEM3**

The application seeks full planning permission for the placement of a statue of the late Queen Elizabeth II in Queens Gardens.

The application site lies 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 determination of the application expires on 8 October 2024.

RECOMMENDATION

Permit, subject to conditions relating to: -

- 1. Time limit**
- 2. Approved plans**

Reason for Recommendation

The proposed development would have no adverse impact on the character and appearance of the Conservation Area and 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 placement of a statue of the late Queen Elizabeth II in Queens Gardens.

The application site lies within the Town Centre of Newcastle and within the Town Centre Conservation Area as defined on the Local Development Framework Proposals Map.

The sole issue to be considered in the determination of the application is the impact of the proposed development on the character and appearance of the 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.

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

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irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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 bronze statue would be placed within the main area of the gardens on the site of an existing bench. It would be 2.1m in height, set on a sandstone plinth.

The applicant's submission states that the proposal would have a positive impact on the gardens in that it would solidify the gardens as the centre of historical cultural activity with the statues of the two late Queens, Victoria and Elizabeth. It goes on to state that this new cultural asset would attract national attention and would add to the cultural offer of the Borough and hopefully the tourism offer.

The Council's Conservation Officer agrees that the proposal is likely to be an asset to the gardens and not have any impact, let alone harmful, on the overall gardens or the wider conservation 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 have no impact on 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
- 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 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

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

None relevant.

Views of Consultees

The **Council's Conservation Officer** considers that the proposal is likely to be an asset to the gardens and not have any impact, let alone harmful, on the overall gardens or the wider conservation area.

The comments of the **Conservation Advisory Working Party** have been sought and will be reported to Members in a supplementary report.

Representations

None received.

Applicant/agent's submission

The submitted documents and plans are available for inspection on the Council's website via the following link: -

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/24/00611/DEEM3>

Background Papers

Planning File
Development Plan

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Date report prepared.

30 August 2024

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