

Full planning permission is sought for the demolition of the existing Jolly Potters Inn public house and its replacement with a four storey building housing a commercial unit and parking on the ground floor and residential development for 9 apartments across the remaining 3 floors.

The application site fronts directly onto Barracks Road and is situated 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 just beyond the Town Centre Historic Core and within the Live-Work Office Quarter.

The site also sits within the Town Centre Conservation Area.

The 13 week period for the determination of this application expired on the 19th September 2023 but the applicant has agreed to an extension of time until the 2nd February 2024.

RECOMMENDATION

APPROVE subject to the following conditions;

- 1. Time Limit**
- 2. Approved Plans**
- 3. Materials**
- 4. Electric Vehicle Provision**
- 5. Glazing**
- 6. Acoustic ventilation**
- 7. Parking Layout**
- 8. Construction Environmental Management Plan**
- 9. Tree Protection Plan**
- 10. Arboricultural Method Statement**
- 11. Hours of Construction**
- 12. Restriction to use class of commercial unit**

Reason for Recommendation

This mixed use development is considered appropriate in this highly sustainable location and although it is considered that the proposal would cause 'less than substantial harm' to the character and appearance of the Conservation Area, it has been concluded that such harm is outweighed by the public benefits of the regeneration of this highly prominent site and the contribution that the scheme would make to housing supply. Subject to the imposition of conditions, there would be no adverse impact on highway safety or residential amenity.

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

The applicant was made aware of the Local Planning Authority's concerns with regards to design and residential amenity and amended plans and additional information has been provided. These amendments are considered to have addressed the concerns raised and the proposal is 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 demolition of the existing Jolly Potters Inn public house and its replacement with a four storey building housing a commercial unit and parking on the ground floor

and residential development above. The submission of amended plans throughout the application has reduced the number of units from 12 to 9.

The application site fronts directly onto Barracks Road and is situated 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 just beyond the Town Centre Historic Core and within the Live-Work Office Quarter.

The site also sits within the Town Centre Conservation Area.

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?
- Is the proposal acceptable in terms of highway safety?
- Is the proposal acceptable in terms of the impact on residential amenity?
- What, if any, planning obligations are necessary to make the development policy compliant?
- Planning balance

Is the principle of the proposed development on the site acceptable?

As indicated above, the development would result in the re-development of the current site to a mixed use scheme to include a commercial use on part of the ground floor with residential units on the upper floors.

Loss of Community Facility

As the proposal would result in the loss of a community facility then consideration must be given to the requirements of Saved Policy C22 of the Local Plan which states that “*When considering applications for development that would involve the loss of an important community facility, the need for the facility and the likelihood of its being able to be replaced will be a material consideration. Where the community facility is a commercial enterprise, planning permission for alternative use may not be given unless the applicant can demonstrate that the business is not commercially viable*”.

In support of the application, the applicant has submitted a statement detailing why the public house is no longer a viable enterprise. Within that it includes the changing demographics of the pub’s clientele, impacts from COVID and increased competition within the town.

While the loss of the public house as a community facility is unfortunate, it is clear from the details provided that it is no longer sustainable or viable in its current form, and attempts by the applicant to re-invigorate the pub have been unsuccessful. In addition, there are many other pubs and bars within the town centre and so the loss of the use is not considered to have any implications on the economic vitality of the town centre, nor the local community. For these reasons the development complies with Policy C22 of the Local Plan.

Mixed Use Development Scheme

Paragraph 90 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 just beyond the Town Centre Historic Core and within the Live-Work Office Quarter. The SPD states that the live-work quarter is expected to continue to develop as a mixed use area, where the main focus is offices, with any housing development likely to be market for those who wish to live within a bustling business community. It goes on to highlight that residential opportunities could be created by “living over a shop” and in new developments.

With regards to the provision of housing, local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located within the Urban Area of Newcastle.

Paragraph 11 of the Framework states that Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

(Para 11(d))

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 3,200 dwellings within Newcastle Urban Central (within which the site lies).

Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The Core Strategy goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

The Council is currently unable to demonstrate that it has the required supply of housing. Therefore in the absence of a deliverable supply of housing the tilted balance as outlined in Paragraph 11(d) of the Framework is engaged.

The development would result in the use of previously developed land in a highly sustainable, town centre location where future occupants would have excellent access to services and amenities, including regular bus services to destinations around the borough and beyond.

On the basis of the above, and subject to any harms not outweighing the benefits of the contribution to the Borough’s housing supply, the mixed use development proposed in this location should be supported as a sustainable form of development. The weight afforded to the contribution to housing shall be considered in the planning balance section later in this report.

Is the design of the scheme acceptable and would there be any impact on the character of the Conservation Area?

The site is located within Newcastle Town Centre Conservation Area. Approximately 45m to the south of the building is Hassell Street Primary School, a locally listed building, and then adjacent to this is the Grade II listed Barracks Square.

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.

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.

The NPPF at paragraph 207 further states that "Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss."

At paragraph 208 of the NPPF it 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 NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B14 states that in determining applications for building in or adjoining a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. These policies are all consistent with the NPPF and the weight to be given to them should reflect this.

With regards to design, Paragraph 131 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 135 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.

Prior to submission of the application, the scheme was presented to a Design Review Panel (DRP), as encouraged by the NPPF and to satisfy local validation requirements. The submission made has been informed by the comments of the DRP which has included revisions to the design of the ground floor of the building to provide an animated and active frontage to Barracks Road which has been achieved through the inclusion of a retail/commercial space on the ground floor. The panel also questioned the need for parking within the building given that the site is located within such a sustainable location with access to bus and cycle routes and suggested the removal of the parking at ground floor. While not removed, the amount of parking has been reduced.

It is proposed to demolish the existing two storey building and replace this with a 4 storey building. It is proposed to construct the building from a mixture of brickwork and standing seam cladding with rectangular fenestration to all elevations. The footprint of the building would also be increased to fill almost the entirety of the plot.

A Heritage Statement that accompanies the application concludes that the development would not result in any harm to the setting of nearby listed buildings, the closest of which are The Barracks, a Grade II listed building sited approximately 119m south of the application site. The same assessment also considers that based on siting and positioning of views, the development would have no impact

on the adjacent Hassall School Buildings which are locally listed and therefore a non-designated heritage asset.

Regarding the plans as originally submitted, the Council's Conservation Officer and the Conservation Advisory Working Party (CAWP) raised concerns on the grounds that the massing and design of the building did not work contextually in the town or connect well with the surroundings. It was considered that there was a lack of consideration for the local character and that the proposal would be likely to cause harm to the conservation area.

Amended plans have been submitted showing a full floor removed from the main building which has left three full floors, plus the penthouse roof. Additional brickwork detailing has also been incorporated into the building to provide a greater level of architectural interest.

The Conservation Officer welcomes this reduction in height and considers that it has resulted in a less harmful impact on the character of the area and the street scene. They also welcome the addition of the textural brick panels. CAWP also welcomes the reduction in height but note that the overall design remains essentially the same and consider it charmless and oppressive.

Your officers consider that these amendments have notably reduced the scale of the development from the original submission. The applicant has also now provided a street scene elevation based on these amended plans and this demonstrates that the parapet height of the proposed building would sit approximately 3m above the neighbouring single storey building of 2 Barracks Road known as Patty's restaurant; 2.5m above the Hassell Street School to the south and 1m above 1-2 Barracks Road. The penthouse roof would add a further 2m to these measurements.

Therefore whilst the height of the building would still be above that of the buildings immediately adjacent to the application site, the overall scale and form of the development would continue to provide variety within the building line on this side of Barracks Road without appearing as a dominating or incongruous addition to the street scene. In addition, the overall design choice would not appear alien within the wider street scene. The proposal utilises a flat roof structure with a slight pitched penthouse addition above and such a design choice does not appear dissimilar to the appearance of castle house which is sited north west of the application site. The applicant has listened to advice from officers in relation to the need for finer design detailing needing to be introduced to the scheme to enhance the quality and appearance of the building. The variation in brickwork texture and design across all elevations of the building adds depth and visual interest to the design whilst the remaining materials palette and design still allows for a more contemporary design choice that, on balance, is not considered to represent an incongruous addition to the wider street scene or the surrounding Conservation Area.

It is accepted that the proposed building is a complete contrast in both scale and design to the existing building, and the introduction of this additional massing and more contemporary design choice would on balance lead to 'less than substantial harm' to the conservation area as a heritage asset. In such scenarios the NPPF advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

It has been demonstrated that the public house use is no longer viable, and so should this use cease, this would leave a redundant building in a highly prominent position that would in time harm the appearance of the area. It is considered that the provision of housing in a highly sustainable location would outweigh the 'less than substantial' harm to the character and appearance of the Conservation Area.

The Landscape Development Section (LDS) raise no objections to the proposal itself. They do however note that it is likely that access will be required to the adjacent land during the construction process which could affect existing trees. They therefore request a condition to secure a tree protection plan and arboricultural method statement for the construction of phase of the scheme.

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 115, 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.

Following the submission of amended plans, the development would provide 10 apartments split into 6 one bedroom units and 4 two bedroom units. Vehicular access to the site would be provided by an existing dropped kerb access on Windsor Street with pedestrian access linking to Barracks Road (A527). The documents submitted with the application indicate that the vehicular access will have a width of 5.5m to allow cars to freely pass.

The ground floor of the building would provide sheltered off street parking for 4 vehicles which would be accessed off Windsor Street. A cycle store is also shown as being provided within the ground floor that would have room for around 7 bicycles.

The application is supported by a Transport Statement that in addition to covering parking, sustainability and accessibility of the site, has also considered any potential change to traffic movements when comparing the existing and proposed use. In utilising an appropriate dataset, the statement identified that the existing public house use at full occupancy would in fact result in more vehicle movements than the proposed residential use.

Policy T16 of the Local Plan states that the maximum parking standards for residential developments is 1 space per one bedroom dwelling (plus one space per three dwellings for visitors) and two spaces for a two or three bedroom dwelling. Therefore the maximum level of policy compliant parking would be 15 off street car parking spaces.

The level of parking proposed would be a shortfall of 11 spaces but the site represents a highly sustainable location with high quality access to services and amenities, including regular bus services to destinations around the borough and beyond.

The Design Review Panel process also influenced the proposed parking arrangements for the site. In considering the scheme before them, the DRP questioned the need for the number of parking spaces proposed given the highly sustainable location of the site, proximity to public transport links and availability of suitable pedestrian and cycle links to services and facilities. The applicant therefore chose to amend the scheme to reduce the number of parking spaces, which then allowed greater flexibility for the use of the ground floor and the provision of a retail unit.

The Highway Authority (HA) raise no objections to the proposal subject to conditions. They note that whilst the ground floor would only accommodate 4 parking spaces, the site is in a sustainable location within the Town Centre and in close proximity to public transport. The development would also comprise a bike store to encourage residents to cycle. It should also be noted that the parking standards outlined within the supporting appendices of the Local Plan are maximum parking standards which allows scope for developments to provide less than the required standard in light of sustainability objectives and encouraging alternative modes of transport to the car.

In addition, the HA also note that the use of the existing access off Windsor Street would be acceptable and would not raise any implications relating to highway safety.

While not a highway safety matter, the development will also need to provide an acceptable level of electric vehicle charging provision. Given that only 4 parking spaces are proposed, on this occasion it is considered reasonable that each of these spaces is served by a suitable electric vehicle charging point; this can be secured by condition.

Despite the shortfall in parking spaces below the maximum standards outlined within the development plan, the application site is situated in a highly sustainable location within close proximity to the Bus Station that provides services throughout and beyond the borough. The site is also located within the Town Centre where there are a number of public car parks available that are a short distance from the application site. Therefore in the absence of any objections from the Highway Authority and given the

highly sustainable location of the site, subject to conditions, the proposal is considered to comply with the relevant policies of the development plan as well as the aims and objectives of the NPPF.

Is the proposal acceptable in terms of the impact on residential amenity?

Paragraph 96 of the NPPF sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Paragraph 135 further lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Whilst the residential units would not benefit from any private gardens, this is not unusual with town centre developments. The site is within walking distance of a number of green spaces that residents can suitably access to support health and wellbeing, and so on that basis the development would be considered suitable.

Each of the proposed residential units and the main habitable rooms would be afforded with a sufficient source of light and outlook. The floor area for each of the units also meets the standards outlined within the Government's Nationally Described Space Standards for all of the 1 and 2 bedroom units proposed.

The application plans show that waste storage would be provided within the ground floor of the building, however, the plans submitted lack specifics on this matter and so full and precise details should be secured through an appropriately worded condition.

The application site is located directly adjacent to the A527 Barracks Road which will be a notable source of noise pollution. Noise is also to be expected from the town centre and commercial activities that surround the site which include restaurants and takeaways that in addition to noise from comings and goings, could raise implications of noise and odour from their associated ventilation and extraction equipment. As such, consideration of how the siting of the development would have implications for the amenity of the occupants needs to be thoroughly considered.

The Council's Environmental Health Division (EHD) raised objections to the proposed development on the basis that insufficient information had been presented to assess the effects on amenity and so sought the submission an acoustic assessment, odour assessment and clarification on the end use of the commercial aspect on the ground floor.

The applicant was made aware of these concerns and has subsequently submitted a noise and odour assessment. The EHD now raises no objections to the proposal subject to conditions regarding glazing, acoustic ventilation and restricting the use of the commercial unit.

Subject to the imposition of such conditions, it is not considered that the proposal would have any adverse impact on residential amenity.

Planning Balance.

It is acknowledged that the development would provide 9 residential units within a highly sustainable location in the town centre of Newcastle-under-Lyme and this provision must be afforded great weight in the balance.

As detailed in this report, whilst there has been 'less than substantial harm' identified to the Conservation Area as a result of the proposed development, it is considered that the public benefits of the scheme outweigh such harm, allowing the scheme to comply with the provisions of the Framework.

The scheme would result in the production of nine residential units on previously developed land that is within a highly sustainable location. Therefore on this occasion there are not considered to be any identifiable harms that significantly and demonstrably outweigh the benefits of the scheme and so, on balance, planning permission should be granted.

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
Policy CSP3:	Sustainability and Climate Change

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

Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside
Policy B5:	Control of Development Affecting the Setting of a Listed Building
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 B11:	Demolition in Conservation Areas
Policy B13:	Design and Development in Conservation Areas
Policy B14:	Development in or Adjoining the Boundary of Conservation Areas
Policy C4:	Open Space in new housing areas
Policy C22:	Protection of Community Facilities
Policy T16:	Development – General Parking Requirements
Policy T17:	Parking in Town and District Centres
Policy T18:	Development – Servicing Requirements

Other Material Considerations include:

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

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

[Supplementary Planning Guidance/Documents](#)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document \(2010\)](#)

[Newcastle Town Centre SPD \(2009\)](#)

[Relevant Planning History](#)

None

[Views of Consultees](#)

The **Environmental Health Division** has no objections subject to the imposition of conditions regarding glazing, acoustic ventilation, a Construction Environmental Management Plan and restriction on the use of commercial buildings.

The **Highway Authority (HA)** raise no objections to the proposal subject to conditions. They note that whilst the ground floor would only accommodate 4 parking spaces, which is a shortfall below the required standards, the site is in a sustainable location within the Town Centre and in close proximity to public transport. The development would also comprise a bike store to encourage residents to cycle. In addition, the use of the existing access off Windsor Street would be acceptable and not raise any implications relating to highway safety.

The **Conservation Officer** raises no objections to the loss of the pub and its replacement will be essential so that there is not a redundant gap. The proposal creates an island site which makes it particularly prominent. The proposal does not reflect the adjacent character of this part of the town centre and is definitely not in keeping with the massing. The warehouse/mill chic is in contrast to the surrounding vernacular found within the town centre overall. The design itself is not unattractive and materials are acceptable, but it doesn't work contextually in the town as a design concept and doesn't connect well with the surroundings.

The **Conservation Advisory Working Party** raise no objections to the demolition of the existing building or the principle to replace with flats. However, they object to the 5 storey building which is too large in this context of the town. They also object to the pastiche design choice which is inappropriate for the town and looks imported, despite the good intentions for better design. There are also concerns relating to the site of the window openings and that given all of these factors the proposal looks like an island site with no contextual connection to its surroundings. The development fails to contribute to the character of the Conservation Area.

The **Landscape Development Section** raise no objections to the proposal itself. They do however note that it is likely that access will be required to the adjacent land during the construction process which could affect existing trees. They therefore request conditions to secure a tree protection plan and arboricultural method statement for the construction phase of the scheme.

The **Staffordshire Police Crime Prevention Design Advisor** (CPDA) support the shape of the application site and lack of residential accommodation on the ground floor which will eliminate certain security and privacy vulnerabilities. They go on to make recommendations in relation to the provision of barriers for the vehicle entrance; connections between the residential and commercial use; lighting of covered areas; resident access; CCTV and other points.

Representations

One representation has been received commenting that there has been no attempt to market it for sale as a pub and in addition it was rarely open with no signs telling you when it opened.

Applicant's/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/23/00184/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

17th January 2024