

FORMER SITE OF THE ZANZIBAR, MARSH PARADE, NEWCASTLE
DURATA DEVELOPMENTS LTD

25/00349/FUL

The application seeks full planning permission for the erection of 63 apartments falling within use class C3, hard and soft landscaping works and provision of access and parking provision at the former Zanzibar nightclub site.

The application site, of approximately 0.29 hectares in extent, falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map. In addition, it is within the Live-Work Office Quarter as defined in the Newcastle Town Centre Supplementary Planning Document.

The statutory 13-week determination period for this application expired on the 5th of August and an extension of time has been agreed to the 12th of September 2025.

RECOMMENDATION

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

- 1. Standard time limit for commencement of development**
- 2. Approved plans**
- 3. Materials**
- 4. Boundary treatments**
- 5. Landscaping scheme**
- 6. Cycle parking**
- 7. Access arrangements**
- 8. Construction Environmental Management Plan**
- 9. Noise mitigation**
- 10. Contaminated land**
- 11. Soil Importation**
- 12. Lighting**
- 13. Construction hours**
- 14. Biodiversity Management Plan**
- 15. Affordable Housing**
- 16. Compliance with submitted drainage strategy**
- 17. Additional drainage details as requested by the LLFA**

Reason for recommendations

The redevelopment and regeneration of this vacant brownfield site within a sustainable urban location, accords with local and national planning policy. There would be no adverse impact on the setting of any listed buildings and the scale and design of the development would enhance the appearance of the area. It has been demonstrated that the proposed development would not have any adverse impact on highway safety or residential amenity and subject to a number of conditions, the development represents a sustainable form of development and should be supported.

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

The LPA has requested further information throughout the application process and the applicant has subsequently provided amended and additional information. The application is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application seeks full planning permission for the erection of 63 apartments (within Use Class C3) with associated hard and soft landscaping works and the provision of access and parking provision at the former Zanzibar nightclub site.

The application site, of approximately 0.29 square metres in extent, falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map. In addition, it is within the Live-Work Office Quarter as defined in the Newcastle Town Centre Supplementary Planning Document.

The proposed apartments are intended to be 100% affordable rent.

The application raises the following key issues:

1. The principle of the development of this site for residential purposes,
2. Impact on the character of the Conservation Area and the setting of nearby listed buildings,
3. The design of the development and its impact on the surrounding area,
4. The impact of the development on highway safety,
5. Residential amenity,
6. Biodiversity Net Gain,
7. Flood Risk and sustainable drainage,
8. Planning obligations and viability,
9. Conclusions

Is the principle of the development of this site for residential purposes 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.

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.

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 SPD places the application site within the Live – Work Office Quarter which is a mixed area which has been defined in recognition of its shared potential for significant redevelopment. Additional residential development is therefore appropriate in this location but the SPD notes that design will need to reflect the importance of the area and this is an important gateway.

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.

This is a previously developed site in a highly sustainable location within the Town Centre which has good access to shops and services and to regular bus services to destinations around the borough and

beyond. It is considered that the site provides a highly sustainable location for additional residential development that would accord with the Town Centre SPD.

Is the proposal acceptable in terms of its impact on the character of the Conservation Area and the setting of nearby listed buildings?

The site is not located in a Conservation Area, however, the Conservation Area of Stubbs Walk is located approximately 50m to the south. There are no listed buildings within the site, but there are three Grade II listed properties located to the south of the site along Marsh Parade.

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 212 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 will cause no harm to the setting and thereby significance of the nearby listed buildings or the character of nearby Conservation Area.

You Officers agree with the findings of the Heritage Statement and 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.

The design of the residential development and its impact on the surrounding area

Paragraph 131 of the National Planning Policy 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. Furthermore, paragraph 135 of the framework lists 6 criteria, 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.

Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. In particular, Policy

R3 states that new housing must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it, exploiting existing site characteristics, such as mature trees, existing buildings or long views and incorporating them into the proposal. In addition, Policy R14 states that developments must provide an appropriate balance of variety and consistency.

Policy CSP1 of the Core Spatial Strategy (CSS) lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the revised NPPF.

The surrounding area is comprised of a variety of different property styles, which include traditional two storey terraced dwellings, a contemporary three storey apartment building and the prominent 5 storey building known as Brunswick Court which lies to the northwest of the application site. However, the majority of nearby buildings follow a traditional appearance and are constructed of red brick and render. Brunswick Court and the three-storey apartment building on Marsh Parade both feature flats roofs, although most nearby properties feature traditional dual pitched roof arrangements.

A recent planning application has been approved for the creation of 5 commercial units adjacent to the western boundary of the site facing North Street (Ref. 25/00324/FUL).

The proposed development has been presented to a Design Review Panel (DRP) at an early stage in the process, as encouraged by the NPPF, and the advice of the design panel has influenced the final design of the scheme as demonstrated in the submitted Design and Access Statement.

The proposal would comprise of two large, detached apartment buildings that would form a loose L shape formation close to the boundaries of the site. The first building would face directly onto Hassell Street. It would measure 44m x 14m in plan and would have a rectangular footprint, the height to the staggered ridge would be 13m at its highest point. The appearance of the building would be largely contemporary, with a strong fenestration facing onto Hassell Street and sections of brickwork broken up by metal mesh screening which adds interest to the scheme. The ground floor section of the building would feature red brick with projecting bond to complement the other materials to be used.

The second building would face onto Marsh Parade. Its footprint would measure approximately 14m x 35m in plan and the building would feature a 'W' shaped roof formation which would have a ridge height of 15m. The building would provide an interesting feature at this prominent gateway to the Town Centre while responding well to the existing site levels and the frontages of Hassell Street and Marsh Parade. The appearance of the building would be contemporary, with the ground level being proposed as buff brick with the higher levels constructed of black metal cladding and metal mesh. The palette of materials reflects the history of the town and the industrial heritage of the wider area whilst providing examples of high-quality contemporary detailing. The design of the proposal also follows a similar design style to the recently approved schemes at the Ryecroft site within the town centre, which will help tie the development into the wider regeneration works taking place throughout the town.

Landscaped areas are proposed at the north and east of the Marsh Parade apartment block, with the northern section comprising a small communal garden area for future occupants. The placement of these landscaped areas will also enable the recently uncovered Butterworth Ltd mural to be retained and showcased along the A52 highway. A small landscape strip is also proposed along Hassell Street and to the rear of the site along the parking areas, which will help to break up the urban form of the development.

It is considered that the development would be of high quality with the proposed apartment buildings creating active frontages along what is currently an unused and unsightly brownfield site. Overall, it is considered that the scale and design of the development would be appropriate and with the implementation of an appropriate landscaping scheme, there would be no adverse impact on the character and appearance of the surrounding area.

The impact on highway safety

The NPPF, at paragraph 116, 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.

Saved Policy T16 of the Newcastle-under-Lyme Local Plan (NLP) states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets.

The Local Plan 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 bedroomed dwelling. Therefore, the maximum level of parking for the proposal would be 94 off-street car parking spaces.

The application is accompanied by a Transport Statement which considers the transport impacts associated with the proposed development. The Transport Statement notes that the trip generation of the proposed development is anticipated to be a total of 10 trips in and out of the site in peak AM hours and 12 trips in the PM peak hours. The Statement goes on to conclude that this level of traffic is not considered to be significant and notes that survey data from the 2021 census shows that car ownership for this area is 16 to 21% and on that basis 13 spaces would be required, which is the amount currently proposed within the scheme. 64 cycle spaces would also be provided within the application site.

The Highway Authority agree with the Transport Statement and have no objections to the proposal subject to conditions.

A designated bin storage area would be included within the scheme. The exact details of this bin store area in respect of its boundary treatments still need to be submitted in support of the proposal, but this can be addressed through an appropriately worded condition.

Despite the shortfall in parking spaces below the maximum standards outlined within the Local 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. There is also on street parking available on the nearby highways. Recent appeal decisions for town centre developments have also demonstrated that parking standards can be relaxed in sustainable locations.

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.

Residential amenity

Paragraph 135 of the NPPF 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. It further sets out at paragraph 191 that decisions should also ensure that new development reduces potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and quality of life.

The Council's Supplementary Planning Guidance (SPG) - Space Around Dwellings provides more detailed guidance on privacy and daylight standards including separation distances between proposed dwellings and new development in relation to existing dwellings.

Paragraph 200 of the NPPF states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

A large number of objections have been received from users of the nearby music venue known as 'The Rigger' which is located on the corner of Hassell Street and Marsh Parade. As recognised in paragraph

200 of the NPPF, new development should not threaten existing businesses or place unreasonable restrictions on them and it is recognised that noise from 'The Rigger' venue has the potential to impact future occupants of the site.

It is important to note that there are other residential units close to the site, including the block of flats known as Marsh Box on Marsh Parade which was approved under application 17/00179/FUL and is in closer proximity to the music venue than the proposed development. The Marsh Box has been completed and occupied for several years without the Council receiving complaints from occupants on noise grounds.

A detailed Noise Impact Assessment has been provided in support of the application which has been assessed and found to be acceptable by the Council's Environmental Health Team. Therefore, whilst the concerns of users of The Rigger are noted, in the absence of any technical information to demonstrate that the proposal would result in an adverse impact on future occupants of the site, it is not considered that a refusal on the grounds of amenity impacts could be sustained.

With respect to space standards, the proposed units would be of an appropriate size in terms of floor space and would exceed the minimum size of requirements per unit as required by national standards. All bedrooms would also have an acceptable level of daylight and the primary rooms would benefit from an acceptable outlook onto Hassell Street and Marsh Parade.

Whilst the proposal would only benefit from a small area of private outdoor amenity area, there are a number of parks and green spaces around close to the site which future occupiers could access.

With regards to privacy, the Space Around Dwellings SPG notes that where principal windows face a highway, then the standard 21m separation distance should not be applied. In this case the principal windows of the Hassell Street apartment block would be separated from existing dwellings by a distance of 12.35m, which is slightly more than the typical 10m separation distance found on nearby streets. Officers note that if the proposal were to increase this separation distance by setting the building further back from the highway, this would result in a development which would not sit comfortably with the urban grain of the area.

It's acknowledged that the introduction of a new residential development onto this site would impact the outlook from existing properties, however it must be noted that an older permission for residential development has been granted on the site under application referenced 05/00902/OUT, which would have resulted in a similar impact to residents at the application currently put before the committee. Both the previous permission and this current application were assessed against the same guidance set out within the Space around dwellings SPG.

Subject to noise mitigation and the conditions suggested by the Council's Environmental Health Division which relate to land contamination, construction management and air quality, the development is considered to be in accordance with the NPPF with respect to residential amenity.

Biodiversity Net Gain

Paragraphs 180 & 185 of the NPPF set out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. If development cannot avoid significant harm to biodiversity by adequate mitigation then planning permission should be refused.

Biodiversity Net Gain (BNG) is "an approach to development that leaves biodiversity in a better state than before". When applying biodiversity net gain principles, developers are encouraged to bring forward schemes that provide an overall increase in natural habitat and ecological features. The aim of BNG is to minimise losses of biodiversity and help to restore ecological networks. Sites must demonstrate a minimum of a 10% Biodiversity Net Gain as calculated using a Biodiversity Metric and a Biodiversity Gain Plan, with habitat used for net gain to be secured for a minimum of 30 years.

An on-site baseline biodiversity value has been provided within the submitted Biodiversity Net Gain Assessment and the applicant has then made a post-development biodiversity value calculation. To

achieve the 10% BNG requirement, new habitat creation and landscaping would be included on site which would result in a 28.27% gain in biodiversity habitats for the site.

The results of the assessment demonstrate that more than a 10% gain in biodiversity units when compared with the current baseline can be achieved.

Food Risk and sustainable drainage

Paragraph 182 of the NPPF states that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity

The application is accompanied by a Drainage Strategy which has been reviewed by the Lead Local Flood Authority. Whilst objections were initially raised, following the submission of additional information the LLFA have confirmed that they no longer object to the proposal subject to a number of conditions.

Subject to any conditions required by the LLFA, the development is considered to be in accordance with local and national planning policy.

Planning obligations and financial viability

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 Council's Landscape Development Section has requested a financial contribution of £190,801 towards off-site Public Open Space which would be used on the nearby Brampton Park and Public Realm within the Town Centre.

Staffordshire and Stoke-on-Trent Integrated Care Board requires a financial contribution of £31,380 which is to be targeted towards supporting the future development/adaptation/expansion of premises within Newcastle under Lyme.

These are considered to meet the tests identified in the NPPF and are compliant with Section 122 of the CIL Regulations.

The applicant has submitted a Viability Assessment which seeks to demonstrate that the above financial contributions would render the scheme unviable. The viability case has been considered by independent and suitably qualified valuers, and it is accepted that the scheme cannot meet the requisite planning obligations.

Conclusions

The proposal would provide various social and economic benefits, most notably the provision of 63 new residential units in a sustainable location within the urban area, which will increase the housing mix and make a contribution to boosting housing supply in the Borough. It has also been demonstrated that the design and appearance of the scheme would be of an appropriate quality and would not harm the visual amenity of the area. Onsite planting and biodiversity enhancements have been proposed, and other environmental objectives will be secured. Therefore, the three overarching objectives of sustainable development will be achieved.

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 it is considered that it will not have a differential impact on those with protected characteristics.

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 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 CSP4: Natural Assets
Policy CSP5: Open Space/Sport/Recreation
Policy CSP6: Affordable Housing
Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1: Residential development: Sustainable location and protection of the countryside
Policy IM1: Provision of essential supporting infrastructure and community facilities
Policy T16: Development - General Parking Requirements

Other material considerations include:

National Planning Policy Framework (2024)

Planning Practice Guidance (March 2014, as updated)

Supplementary Planning Guidance/Documents

Developer contributions SPD (September 2007)

Affordable Housing SPD (2009)

Newcastle-under-Lyme Open Space Strategy – adopted March 2017

Space Around Dwellings SPG (SAD) (July 2004)

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

Newcastle Town Centre Supplementary Planning Document (adopted 2009)

Relevant Planning History

04/01309/OUT - 101 residential flats with 137 on-site parking spaces – Refused

05/00902/OUT - Residential flats, commercial accommodation, gym/fitness suite and on-site parking – Approved

15/00710/COU – Change of use to antiques dealer's centre with ancillary restaurant use - Approved

20/00810/DEM - Application for prior notification of proposed demolition of the former Zanzibar nightclub building – Approved

25/00262/FUL - Planning application for enabling and remediation works to prepare the site for redevelopment – Approved

25/00324/FUL - Full (detailed) application for the erection of 5 commercial enterprise units within Use Class E, hard and soft landscaping works and provision of access and parking – Approved

Views of Consultees

The Council's **Environmental Health Division** has no objections subject to conditions relating to land contamination, construction management, noise levels, soil importation and hours of construction.

The **Highway Authority** raises no objections to the proposal subject to conditions relating to the creation of the new access onto Hassell Street, the provision of parking spaces, cycle storage and the submission of a Construction Environmental Management Plan.

The **Landscape Development Section** have requested a financial contribution of £190,801 that should be secured through a S106 agreement.

The **School Organisation Team** have confirmed that they do not wish to seek a financial contribution.

Staffordshire and Stoke-on-Trent Integrated Care Board have requested a financial contribution of £31,380 that should be secured through a S106 agreement.

The **County Minerals Officer** has no comments on the proposal.

Following the submission of additional information the **Historic Environment Records Officer** confirms that they raise no objections to the proposal.

Staffordshire Flood Team raise no objections, subject to conditions.

Staffordshire Police have provided guidance on a number of security matters.

The **Conservation Advisory Working Party** note that the southern section of the proposal which faces onto Hassell Street is uninspiring in design terms and that the proposal fails to recognise the traditional building styles found nearby. Concerns were also raised regarding the limited parking and the lack of ambition for the building facing onto Marsh Parade.

No comments have been received from **Staffordshire Wildlife Trust** or the **Waste Services Team**.

Representations

62 objection letters have been received which raise the following concerns:

- Noise complaints could be received from future occupants due to the proximity of 'The Rigger' Music venue, which in turn would threaten the viability of the venue
- Parking issues
- Loss of privacy

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/25/00349/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

26 August 2025