



25/FUL/00513

Site Address:	Former Tunstall Library and Baths, Drill Hall and 17-19 Greengates Street, Tunstall, Stoke-on-Trent
Proposal:	Proposed redevelopment comprising changes of use, refurbishment, selective demolition, extensions, elevational alterations, external stores and sub-station enclosures, and associated works to create 39 apartments, public house, restaurant, community space, and leisure facility comprising swimming pool and gym
Applicant:	Tunstall Library Developments Ltd
Application Type:	Full Planning Permission
Date Registered:	24 October 2025
Expiry Date:	23 January 2026 – Extension of Time agreed until 31 July 2026
Ward:	Tunstall
Case Officer:	David Clarke
Recommendation:	Refuse



Report Summary

This report sets out to Members of the Planning Committee that the proposed mixed-use re-development of the former Tunstall Library, Baths and Drill Hall, to deliver 39 apartments, community space, public house, restaurant, and leisure facility, whilst acceptable in principle, cannot be supported in its current form due to the level of resultant harm to the significance of the listed buildings, and the sub-standard level of amenity afforded to the proposed apartments, and is therefore recommended for refusal.

Consideration is given to the national and local planning policies, as well as the legislation which governs how proposals for planning applications must be determined. Having established that the principle of development can be supported – within the context of paragraph 11d of the NPPF - the report assesses the design credentials of the proposals, impacts upon amenity, ecological implications, flooding/drainage impacts and highway effects of the proposal.

Fundamentally - given that the group of buildings subject to this application are all either listed buildings or locally listed, and all fall within the park terrace conservation area - the report considers in detail the level of impact and harm to the heritage assets resultant from the proposed development. As required by national policy (NPPF paragraph 215) the level of harm identified is weighed against the public benefits of the scheme, and in this case the benefits are not deemed significant enough to outweigh the level of harm which must, by law, be attributed great weight in the decision-making process. As a result, regrettably the application is recommended for refusal.

Process and Engagement

This application has been the subject of extensive engagement between the applicant, the Local Planning Authority and specialist heritage consultees over a period exceeding three years. Although the current application has been under formal consideration since October 2025, officers have been involved in the evolution of the scheme through pre-application discussions, reviews of successive iterations and detailed heritage advice over a significantly protracted period.

Throughout this process, officers have sought to work proactively and positively with the applicant team, committing significant time and resources to identifying concerns, providing detailed feedback and affording numerous opportunities to amend the proposal and address outstanding issues. Despite this sustained engagement, a number of fundamental concerns remain unresolved.

Officers acknowledge the considerable investment made by the applicant in pursuing the proposal and are disappointed to recommend refusal following such an extensive period of collaborative working. However, the Authority must ultimately determine the application on the basis of the scheme submitted. In this case, notwithstanding the significant opportunities provided to address concerns and demonstrate compliance with relevant policy and legislative requirements, officers

conclude that the proposal remains unacceptable in planning and heritage terms. Accordingly, a recommendation for refusal is considered necessary and justified.

Reasons for report to Planning Committee

The application is reported to Planning Committee in light of the fact that the application site is within the ownership of the City Council, and an objection has been received, triggering the requirement to be determined by members, as set out in the local code of conduct for dealing with planning matters within the adopted constitution.

Associated Listed Building Consent Application

A related Listed Building Consent application (reference 25/LBC/00515) has been submitted alongside this planning application. That application seeks consent for the interventions including internal works to the listed buildings required to facilitate the comprehensive scheme. Whilst the planning application must be determined under the statutory framework of section 38(6) of the Planning and Compulsory Purchase Act 2004, the Listed Building Consent Application is determined separately under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. As both applications form interdependent elements of the same overall scheme and cannot lawfully proceed in isolation, they are being reported to Planning Committee together and considered concurrently. So, although each application is required to be assessed on the basis of its own merits, Members should therefore read this planning application report in conjunction with the Listed Building Consent report when considering the proposals in their entirety.

Description of the Application

The application seeks permission to convert and extend the former Tunstall Library, Baths, and Drill Hall buildings to a mixed-use development comprising the following components:

- 39 apartments (Class C3), broken down to provide 23no. apartments within the former library, 10 apartments within the former baths and 6 apartments on the first floor of the drill hall.
- Commercial space, and community space within the former library building.
- Bar on the ground floor of the former drill hall with a 'sky bar' restaurant created on the second floor.
- Spa pool and gym within the former baths.
- Car park providing 15 spaces within the corporation yard between the baths and the drill hall
- Erection of sub-station within the courtyard – relocated from inside the listed building

Alterations to the buildings proposed comprise:

- o Demolition of the old boiler room and other outbuildings to the rear of the baths building.
- o Extensions to provide a staircase and lift core to afford access to apartments.
- o A new extension to provide new access to the pool and gym.
- o Construction of 1 additional storey to form second floor of the drill hall to accommodate a 'sky bar'.
- o Various internal alterations to the internal areas of the buildings including amending floor plans and the insertion of new floors.
- o Roof extensions to create more space for apartments.
- o Insertion of roof lights
- o Replacement window frames.

Site and Surroundings

The Tunstall Public Library and Baths building is a grade II listed building (list entry no. 1195847) and the drill hall is identified as a non-designated heritage asset in the Park Terrace Conservation Area Appraisal. All the buildings are currently vacant with the former library vacated in 2022, the baths were closed in 2011 and the snooker hall within the drill hall closed in 2023.

The application site is located within the built-up area of Tunstall, just outside of the Tunstall Town Centre boundary. Most of the site is located within the Park Terrace Conservation Area (apart from part of the corporation yard), which comprises the former Tunstall Library and Baths (a grade II listed building) and the former Drill Hall (a non-designated heritage asset as identified in the Park Terrace Conservation Area Appraisal). The site is also located between two other conservation areas; the Tower Square Conservation Area to the west, within the town centre, and the Victoria Park Conservation Area to the east.

Environmental Impact Assessment

The proposed development does not constitute schedule 1 or schedule 2 development. Therefore, an Environmental Statement is not required.

Planning History

Please refer to appendix 1 of this report for the site's full planning history.

Development Plan Policies and Other Material Considerations Relevant to this Report

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026

SP1 - Spatial Principles of Targeted Regeneration

SP3 – Spatial Principles of Movement and Access
 ASP3 – Outer Urban Area Spatial Strategy
 CSP1 - Design Quality
 CSP2 – Historic Environment
 CSP3 - Sustainability and Climate Change
 CSP4 - Natural Assets
 CSP5 - Open Space/Sport/Recreation
 CSP6 – Affordable Housing
 CSP9 – Comprehensive Area Regeneration
 CSP10 - Planning Obligations
 Strategic Aim 2 (facilitating healthy living)
 Strategic Aim 3 (transportation and accessibility)
 Strategic Aim 4 (balance housing supply and demand)
 Strategic Aim 10 (facilitate development in regeneration areas)
 Strategic Aim 16 (eliminate poor quality development)
 Strategic Aim 17 (to minimise the impacts of climate change)

Other Material Considerations

Town and Country Planning Act 1990
 Planning (Listed Buildings and Conservation Areas) Act 1990
 National Planning Policy Framework
 Planning Practice Guidance
 National Design Guide
 Newcastle-under-Lyme and Stoke-on-Trent Urban Design SPD (2010)
 Affordable Housing SPD (2008)
 Inclusive Design Access for All SPD (2008)
 5-year housing land supply statement 2025
 Greenspace Strategy (2018)
 Habitat Regulations 2017
 Natural Environment and Rural Communities Act 2006
 Wildlife and countryside act 1988
 Equality Act 2010

Responses of Consultees

Heritage Officer	Objection based on level of heritage harm
Historic England	Objection It is considered that the proposal does not meet paragraphs 210, 212 and 215 of the NPPF, with regards to the proposed alterations and justification with regards to harm.
Highway Authority	Objection While there are no objections to the principle of the proposal, the applicant will

	need to provide a clear plan and clarity on the proposed servicing arrangements including swept path analysis, and a plan outlining any amendments to Traffic Regulation Orders and Bus Shelters.
Contaminated Land	No objection subject to conditions
Air Quality	No objection
Environmental Health	No objection subject to conditions
The Coal Authority	No objection subject to conditions
NHS Integrated Care Board	No objection
Sport and Leisure Services	No objection – request for financial contribution of £10,287 towards new community sports provision at Vale Park Sports and Wellbeing Campus to offset the impact of housing growth.
Staffordshire Police	No objection – safety and security advise offered
Wastes Services	No response
Lead Local Flood Authority	No objection subject to conditions
Ecology	No objection subject to conditions
Education	No response

Publicity Carried Out

50 consultation letters were sent out.

A press notice was published on 14-11-2025

Site Notices erected on and adjacent to the site in November 2025

Material 3rd Party Comments Received

Total representations received: 2

Representations summarised:

- Potteries Heritage Society:

No issues with the proposals provided that the works are carried out to high conservation standards.

- One other representation:

appreciate that some harm to the fabric of the building need to be made to find a solution for the building, please give greater weight to the comments made by Historic England. Further work should be undertaken to ensure as much of the historic fabric of the building can be maintained whenever possible and the advice of Historic England implemented.

Consideration of the Planning Issues

- Legislative Context
- Principle of Development
 - o The Tilted Balance
- Heritage Impacts
 - o Proposed Interventions
 - o Heritage Officer Assessment of Impact
 - o Historic England Assessment of Impact
 - o Conclusion on Harm
- Residential Amenity
 - o Spatial Standards, Privacy and Outlook
 - o Noise
- Highways Impacts
- Land Stability – Mining Legacy
- Flood Risk and Surface Water Drainage
- Ecology and Biodiversity Net Gain
 - o Matters of General Ecology
 - o European Protected Species (Bats)
 - o Biodiversity Net Gain
- Planning Obligations and Viability
- Other Matters
 - o Human Rights Act 1998
 - o Equality Act 2010
- Conclusion and Planning Balance

Legislative Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant components of the local plan which have been considered are set out at the beginning of this report. The National Planning Policy Framework is a material consideration in this regard.

Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 also requires the decision maker gives special weight to the protection / preservation of Listed Buildings as may be impacted by the planning decision.

Additionally, pursuant to S70(2) of the 1990 Town and Country Planning Act, Local Planning Authorities must have regard to local finance considerations so far as they are material to the application.

Principle of Development

With respect to broad local planning policy, although now somewhat dated, the proposal would align with Policy ASP3 of the Core Strategy which promotes residential development in this part of the city; albeit based on out-of-date housing need. There are no local constraints or land use-based reasons as to why residential development here should not be considered positively at the very least, in principle.

With respect to national planning policy, the proposal would align with the advice contained within the National Planning Policy Framework; most notably paragraph 124 (which seeks to promote the effective use of land in meeting the need for homes), and paragraph 130 (which gives substantial weight to using suitable brown field land within settlements for homes and promoting the development of under-utilised land and buildings if it would help to meet identified needs for housing). Furthermore, paragraph 62 advises that planning decisions should reflect the need for differing houses needs across the societal spectrum and the NPPF advocates an approach in which identified needs are specifically targeted. However, as proposed, the scheme will not deliver a policy compliant amount of on-site affordable housing (25%) – a significant negative given the city's recent delivery and overall chronic undersupply.

The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications in this regard, and it reiterates that there is a need, as prescribed by Central Government, to 'significantly boost' the supply of homes.

In addition to policy ASP3, policy R1 of the Council's Urban Design Guidance requires new residential development to be well sited so that they are accessible to services, facilities and open spaces.

The application seeks to re-use of a brownfield site whilst bringing vacant listed buildings back into beneficial use and delivering much needed residential units in a sustainable location close to services and public transport. Whilst it is acknowledged that there is some limited policy harm in relation to the proposal seeking consent for some limited town centre uses in this out-of-centre (albeit edge-of-centre) location, in the round and considering the above commentary, the principle of a mixed-use development here, is acceptable and something that officers can support in principle.

However, such support is conditional upon all material planning considerations and policy requirements being satisfactorily addressed. In particular with this case, matters of heritage, amenity and design quality will be fundamental in assessing the acceptability of the proposals, regardless of the 'in-principle' support for the proposal.

5 Year Housing Land Supply and the 'Tilted Balance'

The requirement for local planning authorities to demonstrate a five-year supply of deliverable housing sites arises from national planning policy, specifically the National Planning Policy Framework. This is not a statutory duty, but a policy requirement which carries significant weight in decision-making.

The Council cannot currently demonstrate a 5-year housing land supply when calculated against the Local Housing Need for the city. For the purpose of the 2025 housing land supply position, the calculated housing need for the city is 4,998 residential units for the period 2025-2030.

The latest 5-year housing supply statement demonstrates that against this need for 4,998 units, the Council can presently only demonstrate a deliverable supply capacity of 3,726 units. Consequently, this means that the Council's land supply is below 5 years at 3.73 years. Where a five-year supply cannot be demonstrated, the presumption in favour of sustainable development (the 'tilted balance') is engaged, significantly reducing the weight that can be afforded to restrictive housing policies.

As a result, in line with paragraph 11(d), footnote 8 of the NPPF, the provision of new housing holds substantial weight as a material consideration when determining planning applications.

However, the absence of a five-year supply in itself does *not* automatically warrant the approval of planning applications for new housing development. Paragraph 11(d)(ii) of the NPPF states that planning permission should be granted unless "*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*", when assessed against the NPPF as a whole, particularly when considering key policies including "*directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes*".

Accordingly, given the position set out within the 2025 housing land supply statement, the application in question, given that it proposes in part the delivery of new housing, should be considered within the context of paragraph 11d of the NPPF, and the 'tilted balance' is judged to be engaged.

Heritage Impacts

The site comprises Tunstall Public Library and Public Baths, which form the key elements of a grade II-listed complex, and the Drill Hall, a Building of Special Local Interest. The site is also located within the Park Terrace Conservation Area and forms part of the setting of both the Victoria Park and Tower Square Conservation Areas. It is fundamental in the determination of this application to understand the impacts of the proposals on these heritage assets.

- Planning Law

From a legal perspective, the Planning (Listed Buildings and Conservation Areas) Act 1990 is the legislative basis for decision making on applications that relate to the historic environment.

Sections 16, 66 and 72(l) of the Act impose a statutory duty upon local planning authorities to consider the impact of proposals upon listed buildings and conservation areas.

Section 16 states that *"...in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*.

Similarly, section 66 states that *"In considering whether to grant permission for development which affects a listed building or its setting, the local planning authority, or as the case may be the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72(l) states that: *"...with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area."*

- Planning Policy

In terms of planning policy, the Core Spatial Strategy Policy CSP2 (Historic Environment) seeks to preserve and enhance the character and appearance of the historic heritage of the city, including buildings, monuments, sites and areas of special archaeological or historic interest.

At a national policy level, section 16 of the NPPF deals with 'Conserving and enhancing the historic environment' and at Paragraph 210 sets out that Local Planning Authorities, when determining applications, should take into account the following:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness."*

The NPPF goes on at Paragraph 212 to state 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 (and 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."

And paragraph 213 states that *“any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”*

Paragraph 215 goes on to say 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.”

In addition to the statutorily listed Library and Baths buildings on site, the application site also includes the locally listed Drill Hall building, which is a non-designated heritage asset of local historic and architectural significance. Accordingly, the level of protection afforded to this building is less than the protection afforded to the statutorily listed Library and Baths buildings. This however does not preclude the applicant from needing to set out and demonstrate the value of the building as required by the NPPF. The relevant test in considering if (any) harm to the locally listed building is acceptable is prescribed by paragraph 216 as below:

“In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”

Proposals and Impacts on Heritage Assets

Library Building

- Internal Demolition

Within the principal range it is proposed to demolish internal walls and partitions back to the principal structure – including the central corridor. The impact of this is varied, however the demolition of the 19th century men’s and women’s cloakrooms, the 19th century screen within room F002, and the stairs to the gallery in room F011 and partition wall, would be harmful to the significance of the building, its historic character and evidential value. Likewise on the second floor, the loss of the partition walls between rooms S002 (classroom) and S003 (chemical laboratory) and the further classrooms (S005 and S006) would see the loss of historic fabric and associated features and cause harm to significance.

- Interventions:

On the ground floor It is proposed to retain the two front rooms in commercial and community use with their full volume allowing the general public to engage with the historic character of the library. It is proposed to largely infill the arched openings which run along the central spine wall to allow for the separation required from the residential units behind. A lift would be inserted in the principal stair-core to provide access to the upper levels - This will have a direct harmful impact on the character of the decorative staircase and the volume of the space.

The submitted Historic Impact Assessment suggests that the impact of this will be mitigated through a steel-framed glazed design which would maintain visual permeability through the structure whilst the balustrade would be largely retained (other than for access to the lift), however the design detail for this has not actually been submitted for consideration.

A second lift would also be installed to the secondary staircase in the northwest range, with the loss of the WCs at ground floor. Whilst these are in their original location and of moderate significance, this has been compromised through their modern fit-out and no features of interest retained.

To the rear, G018 would be subdivided to allow for a central circulation corridor, a central office and two flanking apartments. The apartments would fundamentally change the character of these rooms, their volume split through the insertion of a floor (with the full height retained only in part in Apartment 4 and the central office) and partitions to create the accommodation.

The rear windows would be bisected by the newly created floors, with floor buildups potentially visible through the windows. Doors into individual apartments would be required to be new fire-compliant doors – some historic doors are to remain and are proposed for reuse elsewhere within the building.

Within the northwest range a greater degree of intervention is proposed, with extensive partitions subdividing the original rooms and a floor inserted within G013. Here the impact is lesser given its lower significance and limited number of historic features, with the iron pillars and ceiling heights within G011 retained.

The interventions at first-floor level follow the principle for duplex apartments at ground floor, with a floor also inserted within the northwest range at this level and access to Apartments 8 and 9 provided through the increased height of the reconstructed addition to Scotia Road. This would bring about an almost total loss of historic character here, with the full height retained only to the service room within the principal range and the retention of the rooflights to the northwest range to serve the apartments. This repeats at second-floor level, again with a fundamental change to a contemporary character.

It is also proposed to insert steel beams to support the duplex floors; they would be fixed by existing beams within the building, with their depth minimised to limit their impact.

- External works

To the northwest range fronting Scotia Road, the existing extension which is in a poor condition would be reconstructed and extended at first floor. Whilst this would see the loss of historic fabric at ground floor, the impact of this would be partially mitigated by the proposed matching brick, traditional window pattern (tripartite casements) and pitched slate-clad roof and the benefit to the appearance of the building that the rationalisation of previous alterations would bring.

The exterior of the library building would be subject to some level of repair and restoration, and detracting features such as the external fire escape and first floor access removed. The main entrance door would also be replaced with a simple glazed design. Conservation-style rooflights would be inserted in the Greengate Street pitched roof.

Baths Building

- Internal Demolition

The former washhouse (most recently changing rooms) would be demolished at ground and first floors, seeing the loss of exterior fabric. The boiler room to the west would be subject to partial demolition and the infill structures between the east entrance range, staircase and pool hall would also be demolished.

Internally the cubicles which line the pool hall would be stripped out completely from one side and only in part from the other alongside the first-floor balcony and supporting columns. Both are considered to have a moderate significance for their contribution to the pool hall and legibility of its historic use and arrangement.

The east entrance range would also be stripped back to the principal structure at ground and first floors with fabric of moderate significance removed including internal walls, the ground-to first-floor staircase and associated features.

Cumulatively this would cause harm to significance of the listed building both in terms of the loss of historic fabric and features, and also the erosion of plan form, legibility of the circulation and visitor journey within the building. Of greatest impact would be the loss of features which characterise the use of the building as a public swimming baths - principally the cubicles, balcony and entrance.

- Intervention

It is proposed to create smaller pool within the centre of the pool hall, flanked either side by a gym and ancillary facilities at ground and first floor levels. The pool area would retain the double height volume open to the steel roof trusses. The proposals to the pool hall would bring about a significant change to its character, in part obscure its volume and roof structure alongside the loss of features.

Plant would be accommodated at basement level whilst further ancillary spaces would be accommodated within two extensions to Scotia Road to create a new entrance to the pool and gym. The extensions would comprise pitched roofs with gable ends providing an interesting, layered roofline viewed in context with the gable end to the pool hall behind. The facades would be constructed in brick to match with a textured finish to the principal northern entrance range which, alongside the staggered footprint of the two extensions, would give the entrance prominence – further reinforced by a large section of glazing. Whilst the proposals would obscure fabric of some significance, this would be outweighed by the removal of the detracting boiler house. The introduction of an active frontage with good quality

architectural interventions in place of the existing utilitarian blank frontage would enliven this part of the streetscape to Scotia Road.

The proposed apartments would be inserted into spaces of moderate significance and comprising the addition of partitions, wall linings and suspended ceilings they would bring about the loss of plan form and historic character and have a harmful impact on the significance of the listed building. The impact would be greatest within the former entrance space which would become part of Apartment 1 and the circulation reorientated to be accessed from the rear via a corridor created in place of the demolished infills.

A new small extension is proposed to be constructed within the central courtyard in the position of the former washhouse (changing rooms) to provide this access and circulation (including stair and lift) between basement and second floors. The extension would be in brick to match existing, with contemporary full-height glazed sections, and a pitched roof clad in tiles to match the existing. The new roof would interlock with the rear roof pitch of the entrance range to reflect the existing roof to the north. A shallow single-storey lean-to at ground floor would provide fire access from the pool hall. The extension would also provide access to the second-floor apartments accommodated within the roofspace of the entrance range with a dormer spanning between the new extension and the northern perpendicular roof section.

To the principal façade the infilled openings of the substation (which is to be removed from the building) would be reopened with a new brick apron with a fanlight above, whilst tripartite casement windows would be inserted to the two further openings to serve the apartments (including to the former entrance opening).

Drill Hall Building

The Drill Hall would be remodelled internally with a Sports Bar occupying the majority of the main hall, with plant to the rear and north alongside the entrance, and circulation to the upper floors and apartments within No.19. A floor would be inserted within the main hall to provide residential accommodation above subdivided by new partitions.

The proposals here would largely impact on fabric of little significance, with the volume of the main hall already compromised through the presence of a suspended ceiling - otherwise retaining this largely as a single-volume space and in public use would be beneficial. There would however be the loss of some 19th century fabric and features within the first floor of no.19.

Heritage Officer's assessment of impact and harm on heritage assets

- **Library - Windows**

The potential heritage impact of changing windows to a listed building is high. An assessment of the significance of a window or windows and the contribution they make to the overall significance of a building is the key first step in deciding the right

course of action. Surviving historic fenestration is an irreplaceable resource which should be conserved and repaired whenever possible.

The Heritage Officer raises significant concerns regarding the clarity, consistency, and adequacy of the submitted window proposals and supporting information. Key issues identified are as follows:

- Inconsistent and unclear drawings: Multiple drawings (including L-3-23 F, L-3-37 C, and others) show conflicting window designs, configurations, and levels of detail. Differences relate to opening lights, glazing patterns, and subdivision across floors. The absence of clear keys, inconsistent labelling, and poor coordination with the window schedule make it difficult to interpret proposals. Several drawings are considered unfit for purpose.
- Lack of clarity on ventilation and functionality: It is unclear how rooms will be ventilated, with limited indication of opening lights or mechanical ventilation. The potential need for external vents or grilles is not addressed, and inconsistencies exist between floors. Fire escape requirements may be influencing alterations, but this is not clearly explained.
- Uncertain treatment of historic fabric: There is ambiguity regarding retention versus replacement of existing windows, including stained glass and leaded lights. Drawings and notes contradict each other and the heritage statement, particularly in relation to whether original windows will be retained with secondary glazing or fully replaced.
- Design concerns: Proposed replacement windows appear to differ in proportion, glazing pattern, and subdivision from existing historic windows and do not respond to the established architectural rhythm (e.g. sandstone mullions). The use of different designs across floors undermines claims of a consistent approach. The potential loss of decorative and historic detailing, including stained glass window (LW186) facing Scotia Road, is not adequately justified.
- Insufficient assessment of heritage impact: The submitted heritage documentation does not provide a robust or detailed assessment of the significance of the existing windows or the impact of their alteration/removal. There is limited comparison between existing and proposed profiles, mouldings, and materials, hindering proper evaluation.
- Harm to significance: The heritage officer concludes that, as presented, the proposals are likely to result in harm to the significance of the listed building, particularly due to the loss of historic fenestration, inappropriate replacement designs, and lack of clear justification.

Overall, the current submission does not provide sufficient, accurate, or consistent information to properly assess the heritage impact of the proposed window alterations.

- **Library – Internal works**

The Heritage Officer also raises significant concerns regarding the design, detailing, and impact of the proposed internal works, particularly the insertion of the lift within the entrance hall (G001) and does not agree with the applicant's assessment of "moderate harm." Instead, the works are considered to result in a greater level of harm due to degradation of spatial arrangement, poor design resolution and insufficient justification. Key issues identified include:

- Lift insertion and entrance hall impact: The proposed location of the lift within the entrance hall is considered harmful to the building's significance, adversely affecting its openness, spatial quality, and first impression. The proximity to the entrance doors would create a constrained and awkward lobby space. The design of the lift enclosure (including a heavy steel frame and reflective glazing) is viewed as unsympathetic and incongruous when compared to the existing decorative metalwork, and insufficient detail has been provided to demonstrate how impacts would be mitigated.
- Insufficient design detail: The submission lacks the necessary detailed drawings to fully assess the design quality and heritage impact. Reliance on precedent images rather than site-specific technical details is not considered acceptable. Key elements such as glazing fixings, maintenance arrangements, and construction details remain unresolved, leading to uncertainty regarding deliverability and long-term sustainability.
- Entrance door alterations: The proposed infilling of the recessed entrance with a glazed door risks eroding the building's character. Amendments are recommended to achieve a more recessive and sympathetic design (e.g. frameless or concealed framing), supported by detailed drawings.
- Fire safety and compliance concerns: There is a lack of clarity regarding the "protected lobby" arrangement and whether retained and proposed doors/screens meet Building Regulations, further indicating that the design has not been fully resolved.
- Other internal interventions:
 - The mezzanine and inserted floor (including impacts on LD107 and associated glazing) are insufficiently detailed and may not be practical or compliant.
 - Proposed glazing and screen arrangements at upper levels raise concerns regarding safety, junction detailing, and impact on historic fabric.
 - Window proposals are unclear, with inconsistencies between drawings and supporting documents regarding retention and replacement.
 - Some submitted drawings (including floor cut-aways and window details) are misleading or indicative only, limiting their reliability for proper assessment.

The council's Heritage Officer concludes that the proposed internal works fail to demonstrate a high-quality design response or adequate mitigation of harm. The level of detail provided is insufficient to properly assess impacts, and the scheme is considered to result in unnecessary harm to the building's significance, contrary to relevant design and heritage policies (including CSP1 and CSP2 of the CSS). The level of harm associated with the insertion of the lift into the entrance hall is at the upper end of the scale of less than substantial.

- **Library – Doors**

The Heritage Officer raises concerns regarding the methodology, clarity, and consistency of the assessment of impacts on doors, concluding that the submission does not provide a robust or reliable basis to understand or minimise harm. Key issues identified include:

- Lack of clear assessment methodology: The Room-by-Room Assessment considers doors individually but does not apply a recognised hierarchy or criteria to establish their relative significance (e.g. distinguishing original historic doors from later replacements). This makes it difficult to determine whether the most important features are being appropriately retained.
- Inconsistent and unclear documentation: There are significant discrepancies and inconsistencies between drawings, schedules, and the heritage assessment. In several instances, doors are shown differently across drawings (e.g. simultaneously shown as openable, fixed shut, and replaced), undermining confidence in the accuracy of the proposals.
- Inadequate detail and inaccurate drawings: Some doors (e.g. LD075) require further detailed drawings due to their sensitivity and location. Other drawings lack essential information such as materials and manifestation requirements for compliance with Building Regulations. Certain existing doors (e.g. LD011 and LD101) are inaccurately depicted and do not reflect their true historic form.
- Fire safety and Building Regulations impacts: The treatment of the entrance lobby as a "protected lobby" raises uncertainty about the extent to which existing joinery including doors and screens would need to be altered or replaced to achieve fire compliance. The implications of fire safety measures and means of escape on historic fabric are unclear.
- Unclear strategy for retention and reuse: The rationale for retaining or relocating doors is not clearly justified. Examples highlight a lack of coherent approach, including the retention of modern doors of limited heritage value, their pairing with dissimilar historic doors, and the relocation of more significant features to less appropriate locations. This risks incongruous arrangements that fail to preserve the building's character.
- Contradictions between documents: The door schedule, plans, room detail sheets, and heritage assessment frequently conflict and contradict each

other, particularly regarding whether doors are retained, reused, fixed open, or removed. In some cases, important features of high heritage value such as decorative fanlights above doors are adversely affected (e.g. obscured by the new floor insertions) – these harmful impacts are not acknowledged in the applicant's heritage assessment.

Overall, the Heritage Officer considers that the lack of a clear, consistent strategy, combined with inaccurate and incomplete information, prevents a proper understanding of the heritage impacts on doors. As currently presented, the proposals risk causing harm through unsympathetic alterations, inappropriate reuse, and loss or diminishment of significant historic features.

- **Baths and Fire Station**

The Heritage Officer identifies substantial concerns regarding the clarity, justification, and extent of proposed works to the Baths, Fire Station, and associated structures. The information submitted is considered insufficient in several areas, limiting the ability to fully assess heritage impacts. Key issues identified include:

- Windows: The submitted drawings and schedules lack clarity and consistency. Window numbering is unclear due to labels obscuring the drawings, making it difficult to interpret proposals. Critical details - such as materials, profiles, and frame thicknesses of new and replacement windows - are not specified, particularly for the principal front elevation, which is identified as highly significant and largely intact.

Proposals for new windows and rooflights fail to respond to the building's symmetrical design, and some new or altered windows (e.g. BW15 and BW16) are insufficiently detailed or appear unsympathetic. Drawings comparing existing and proposed windows are required to properly assess impact.

- Drawings and documentation: Submitted plans contain contradictions and have not been consistently updated, leading to confusion. In particular, the demolition drawings convey conflicting information, undermining confidence in the proposals.
- Doors: There is no door schedule provided to identify which original doors are to be retained, making it impossible to determine how historic fabric will be preserved. The loss of the original front door is considered unjustified and harmful, with a preference for its retention or reuse within the scheme.
- Interior features (stairs, joinery, fireplaces): The proposals involve the widespread removal of original internal features, including staircases, joinery, screens, and all but one fireplace. This results in a near-total loss of historic character within the front wing, which is considered to exceed "minor harm" assessed by the applicant, and instead represents a more significant adverse impact.

- Positive elements: The retention of exemplar changing rooms at poolside and the boiler house chimney (feature of high significance) is noted and supported.
- **Drill Hall (non-designated heritage asset):**

For the Drill Hall, similar issues arise, with poor drawing quality and unclear representation of retained windows. Some elements would benefit from design revision (e.g. insertion of glazing into certain doors) to avoid poor-quality replication.

Although not statutorily listed, the Drill Hall contributes positively to the character and appearance of the conservation area and the setting of nearby listed buildings. The current proposals risk harming this important contribution due to poor detailing and unclear design resolution.

Historic England's assessment of impact and harm on heritage assets

Historic England has been consulted on the proposals and has advised that whilst the principle of conversion to enable its optimum viable use is very much welcomed, there are concerns with the proposed extent of alteration and loss of historic fabric that would cause substantial harm to the significance of this statutorily designated heritage asset. They have confirmed that they are unable to support the current scheme of works for the Grade II public library (formerly Victoria Institute) and baths.

Principal concerns

- insertion of new floors and staircases, where this would have significant impact upon the existing fabric of this part of the listed library building.
No clear justification as to why there is a need for the proposed quantum of units, which introduces other issues such as the proposed lifts and the impact upon the existing staircases.
- subdivision will cause awkward joinery details to windows, where new floors will subdivide some of the window apertures. Windows, especially on this building, are a very significant feature, so any alterations to appearance could have a significant impact upon the significance of the listed building as a whole.

Historic England concludes that the harm to the significance of the heritage assets from the proposals amounts to the upper end of the scale of 'less than substantial' and consider that there is not adequate justification for this harm.

Historic England caution and emphasise that weighing the public benefits of the proposal vs the heritage harm, as required by paragraph 215 of the NPPF, "is *an extremely high bar*", where strong justification is required for many of the proposed interventions.

They remark that it is evident that this is a highly complex and challenging case and conclude that the proposal does not meet paragraphs 210, 212 and 215 of the NPPF, with regards to the proposed alterations and justification with regards to harm.

Overall Conclusion and Summary of Heritage Harm

In principle, providing the vacant Library and Pool Hall buildings with a sustainable use, which will allow them to endure, would preserve their special interest. However, the Heritage Officer concludes that the application, as submitted, is fundamentally undermined by a lack of clarity, consistency, and accuracy across the supporting documentation. Drawings, schedules, and supporting information and assessments are frequently inconsistent or contradictory, with discrepancies particularly evident between the Heritage Impact Assessment and the submitted drawings. As a result, it is not possible to reliably understand the full extent of proposed works or their full impact on the historic fabric.

The assessment of heritage impacts submitted to the LPA is therefore considered unreliable and, in some cases, misleading when held against the proposed drawings and schedules. The extent of harm arising from the proposals - particularly the removal of original doors and windows from principal elevations identified as highly significant, the insertion of the lift, and the erosion of the historic plan form - is not accurately reflected in the applicant's submission. In the absence of clearly defined and evidenced mitigation, the proposals are considered to cause harm to the listed buildings at the upper end of less than substantial harm.

The submission fails to demonstrate how harm would be appropriately mitigated through design. Key shortcomings include the lack of detailed design information for critical interventions (such as the lift and its enclosure), poorly resolved interfaces between new and historic fabric (e.g. new floors cutting across windows and decorative fanlights), and the failure to adequately retain and protect important features such as stained glass. Even where elements are retained, their context and significance are often compromised, resulting in a marked loss of historic character and legibility.

Furthermore, there is no clear or coherent strategy underpinning the retention, removal, or reuse of historic fabric. This results in incongruous outcomes, including the retention of modern elements alongside significant historic features without justification, and the loss or diminishment of features of higher significance value. The absence of a clear narrative prevents a proper understanding of how the proposals would preserve or enhance the building's significance.

Given these issues, it is not considered that the application contains sufficient or reliable information to enable a comprehensive and robust assessment under paragraph 208 of the National Planning Policy Framework. Similarly, due to the level of uncertainty - particularly in relation to the extent of loss of historic fabric - it is not possible to determine the application in accordance with paragraph 210 of the NPPF.

In summary, the application is considered to result in a marked loss of historic character, unjustified harm to the significance of the heritage assets, a level of harm to significance that is on the upper end of less than substantial, and is not supported by sufficient detail, justification, or coherent design rationale or mitigation. The

overall quality of the submission falls significantly below the standard required to enable informed decision-making.

It has been identified in the analysis above that overall, the special interest of the listed buildings would not be preserved. As such the proposals would engage the presumption against the grant of planning permission and listed building consent, as imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals are deemed to be contrary to Sections 66(1) and 72(1) of the 1990 Act, as well as Policy CSP2 of the Core Spatial Strategy.

It is therefore important to consider the proposed development against the relevant NPPF policies.

The NPPF is clear that in the circumstance where proposals result in less than substantial harm, that:

- that harm should require clear and convincing justification (paragraph 213),
- and
- this harm should be weighed against the public benefits (paragraph 215)

This fundamental test will be applied in the planning balance when determining the application.

Clarification on Assessing Heritage Harm in the Context of Insufficient Information

Whilst the application is affected by significant deficiencies in the supporting information, including a lack of detail, inconsistencies and contradictions across the submitted documentation, sufficient information is available to identify a number of interventions that would result in harm to the significance of the listed buildings. These include proposals for which no adequate mitigation has been provided, together with other elements where the effectiveness of mitigation cannot be properly assessed due to the inadequacy of the submitted information. In addition, there are proposals where, notwithstanding the absence of a fully developed design justification, the resulting harm is considered unlikely to be outweighed by any apparent benefits.

Accordingly, whilst the deficiencies, inconsistencies and omissions within the submitted information prevent a full and complete understanding of all aspects of the proposal, they do not prevent the Local Planning Authority from reaching a conclusion on the likely heritage impacts of the development. On the basis of the information available, including the submitted documentation and the advice of Historic England and the City Council's Heritage Officer, it is evident that the proposals would cause harm to the significance of the listed buildings. The proposals therefore fail to satisfy the statutory duty to have special regard to the desirability of preserving the listed buildings, their features of special architectural or historic interest, and their significance as designated heritage assets.

The absence of sufficient, clear and consistent supporting information is not a neutral consideration. In this case, it prevents the Local Planning Authority from concluding

that important elements of the buildings' significance would be preserved or that proposed mitigation measures would be effective. Despite these evidential shortcomings, both the City Council's Heritage Officer and Homes England have been able to conclude that there will be harm to the heritage assets and consider that the harm to be at the upper end of less than substantial. The applicant has therefore failed to demonstrate that the proposals would preserve the special architectural and historic interest of the listed buildings.

Residential Amenity

Amenity is a broad subject and from a planning perspective, it can be multi-faceted. Relevant amenity concerns will often depend on the scheme in question, and it is not therefore appropriate to assume what is acceptable for one site necessarily applies to another.

The NPPF does not define amenity, however a common-sense approach is sufficient. Paragraphs 96 and 135 of the Framework require places to be safe, inclusive and incorporate a high standard of amenity for existing and future users. This is echoed through the advice within the development plan via policy CSP1 (promotion of healthy living) and the Urban Design SPD (sections 7 and 11). Given the site's location, the most relevant factors with respect to amenity here will be living conditions, potential noise, and access to open space.

Spatial Standards, Privacy and Outlook

In line with the above, section 7 of the Urban Design SPD requires residential schemes to deliver adequate levels of amenity and acceptable living conditions. Given that the scheme will be located in an existing built-up urban context, re-uses existing heritage buildings, and comprises apartments, the expected amenity levels will naturally differ to those proposed in less constrained and less urban environs.

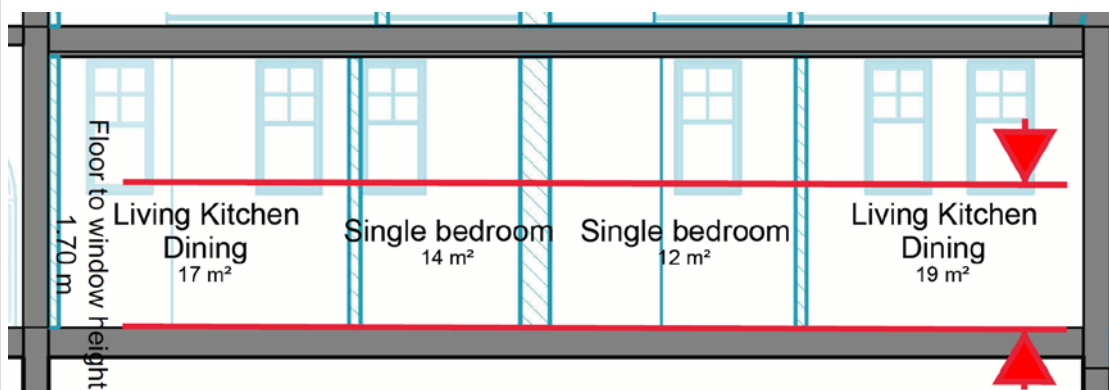
Stoke-on-Trent precedents for the conversion of large, listed buildings into residential use include former pot banks such as the Fountain Works, Lock 38, (Twyford's) and Joiners Square Works. Some of these developments are for Housing Associations, some for private rent, demonstrating that listed buildings can work for different populations and financial models.

The constraints presented by these sites, together with the date of their conversions (before current advice and policies) mean that the listed building schemes may not provide the level of amenity that a purpose-built development can. Within the planning balance, some compromise is accepted because finding a new sustainable use for a listed building carries considerable weight. It is understood that distances between existing buildings are not easily altered and designs that achieve privacy by providing window louvres or similar are acceptable. The constrained urban site in this case means that external residential amenity is also limited, but the site is close to a park which means that overall, this too is acceptable.

This application, however, also represents a very high level of compromise with regard to the internal amenity of its occupants, and too many of the apartments do

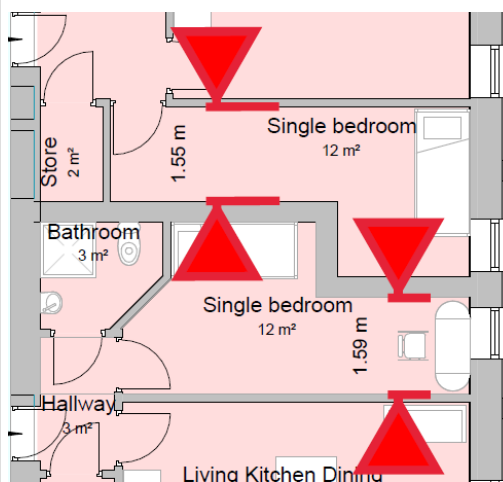
not comply with the principles of good design expressed in local and national policy. Specifically, some apartments do not have any outlook, others have very low ceilings (less than 2m), and some are extremely narrow. These facts are contrary to statutory guidance within the technical housing standards (Nationally Described Space Standard – NDSS - 2015) and, therefore, not consistent with advice from Historic England (Heritage Works for Housing 2024) regarding the conversion of listed buildings without “robust” justification.

Ground floor apartments proposed in the baths building have awkward contrived arrangements that narrow to just over 1.5m wide in places. To exacerbate the issue, the windows on these ground-floor flats are set high within the wall of the room, with the glazing starting at 1.7m from floor level, meaning that there is in effect no outlook from these windows as they are above eye level.



Given the extremely narrow space, and the lack of outlook from these rooms (due to windows set above eye level), these ground-floor habitable rooms will have an oppressive feel, with heavily compromised residential amenity for the future occupants.

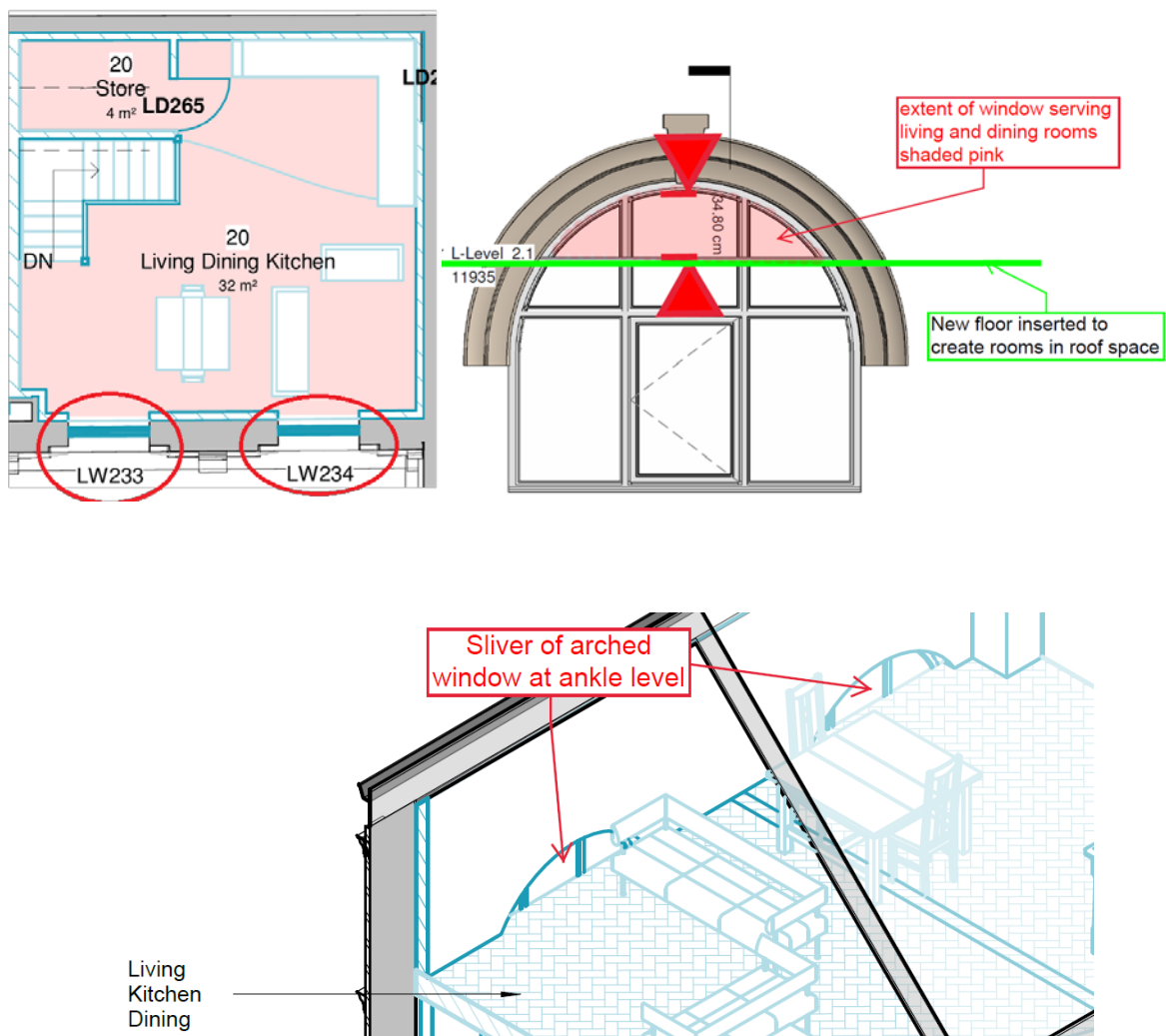
On the first floor of the baths building, again more flats proposed here raise the same concerns in relation to awkward narrow spaces, with room widths dropping as low as 1.55m:



In addition to the assessment that these narrow and contrived layout arrangements provide an oppressive and poor level of amenity, they also fail to meet the minimum standards set out in the Nationally Described Space Standards which require single bedrooms to be “at least 2.15m wide”

Moving on to look at some of the apartments proposed in the Library building, there are also concerns in relation to the provision of amenity for the future occupants. In particular, the proposed duplex apartments in the second floor will have their living and dining rooms on the newly inserted floor within the roof space of the principal range of the Library building. As an example, apartment 20 is shown on plan to be served by two windows on the front elevation of the building.

However, when properly investigated and assessed, because of where the new floor is proposed to be inserted, the new floor cuts across these large windows, and only a small sliver of the top of the arched windows are actually visible within these habitable rooms. Additionally, these very small segments of windows are at ankle level – they therefore do not provide adequate outlook, or appropriate levels of natural light and ventilation.



Further concerns about the level of amenity for apartments in the library building are also brought about by the insertion of the new floors within the building. Several of the apartments are considered to have sub-standard ceiling heights – measurements taken from provided cross-section drawings show that ground floor apartments will have a floor to ceiling height of just over 2m. with the bedrooms to these duplex apartments situated on the newly inserted floor, and these would have a floor to ceiling height of circa 2.1m. The floor to ceiling height on the first-floor duplex level is even more constrained, it has been measured from the drawings at 1.92m.

To put those floor to ceiling heights into context, industry standard floor to ceiling heights are usually 2.4m. UK standard door heights are generally 1.98m in height, given the 1.92m floor to ceiling height mentioned above, this would mean that standard doors would be too tall to fit in the bedroom walls of the new duplex apartments on the first floor. The proposed floor to ceiling heights are sub-standard and fail to meet the Nationally Described Space Standards which stipulate that dwellings should have a minimum floor to ceiling height of 2.3m for at least 75% of the gross internal area.

In conclusion, many of the proposed apartments are considered to provide a poor level of outlook and natural light, contrived room layouts, and sub-standard floor to ceiling heights, resulting in poor and oppressive levels of amenity for the future occupants.

Noise

As confirmed by paragraphs 187 and 198 of the NPPF, noise and acoustic disturbance are material planning considerations which ought to be considered throughout the determination of the planning application.

The NPPF refers to the Noise Policy Statement for England (NPSE). This was published in March 2010 and aims to provide clarity regarding current policies and practices to enable noise management decisions to be made within the wider context, at the most appropriate level, in a cost-effective manner and in a timely fashion and applies to all forms of noise including environmental noise, neighbour noise and neighbourhood noise. The NPSE sets out the long-term vision of Government noise policy.

In this regard, the application is supported by a BS233 compliant noise impact assessment which considers how the proposed development will be impacted existing noise level.

Ultimately, for dwellings the main thrust of BS233:2014 (and the WHO 1999 Guidance) is to protect sleep in bedrooms at night and to protect resting, listening and communicating in all rooms during the day. BS233:2014 identifies desirable internal limits during the 8-hour night window (2300-0700 hours) or 16-hour daytime (0700-2300 hours) of 30dB LAeq and 35dB LAeq respectively. For dwellings where windows may be opened, an internal target of 35 dB LAeq during the day, and 30

dB LAeq during the night, equates to around 50 dB LAeq and 45 dB LAeq during the day and night respectively outside noise sensitive rooms.

The submitted noise impact assessment demonstrates that average noise levels in the locality during the day range between 54 dB and 67dB, and 48 to 62 dB at night. The application is supported by a noise model output which demonstrates variances in noise across the site. Primary noise levels were noted to be road traffic noise, and noise from the adjacent outside play area of Active Welling School on Hunt Street, which directly abuts the site.

The noise assessment goes on to specify acoustic mitigation measures in the form of 4 different acoustic glazing specifications and two different acoustic ventilation specifications, in order to satisfy the requirements of the internal ambient targets prescribed by the WHO and the amenity components of CSP1 / the NPPF.

The noise assessment has been assessed by Environmental Health, and no objection has been received, subject to the proposed mitigation being implemented and verified prior to occupation. Officers are satisfied that these could be secured through a suitably worded planning condition.

Highways Impacts

Paragraphs 115-117 of the NPPF advises that development proposals should incorporate safe and suitable access for all users and that where potentially adverse impacts on the existing highway network arise, suitable mitigation measures should be factored in. This is reflected in policy SP3 which sets out the spatial principles of movement through the City. Development proposals should only be refused on highway grounds where there is likely to be an unacceptable risk to safety or where the residual cumulative impacts on the network are severe.

Core Spatial Strategy Policy SP3 also aligns with paragraph 117 of the NPPF insofar as it requires new developments to minimise the scope for conflicts between pedestrians, cyclists and vehicles, allow for the efficient delivery of goods, and provide access by service and emergency vehicles. It is, therefore, officers' view that the criteria of CSS Policy SP3 can be given weight in the determination of this planning application given they are consistent with the NPPF.

The Local Highway Authority (LHA) has reviewed the submitted Transport Statement and acknowledges that the site is located close to the town centre with good access to public transport and public parking facilities. Whilst comments have been made in respect of parking provision, electric vehicle charging infrastructure, cycle parking and travel planning measures, the principal highway concern relates to the proposed servicing, delivery and maintenance arrangements.

The applicant proposes servicing activity associated with the spa, pool and gym facilities from Scotia Road, including occasional vehicle access to plant equipment areas. However, the details submitted to date are insufficient to enable a full assessment of the highway impacts arising from these operations. The LHA advises

that the proposed servicing strategy requires further clarification, including details of any amendments to existing Traffic Regulation Orders (TROs), the provision of loading facilities, and the operation of any proposed collapsible bollards.

The LHA, during the course of the application, requested swept path analysis drawings demonstrating how servicing, refuse collection and maintenance vehicles would safely access, manoeuvre within, and exit the site, particularly in relation to the new dropped crossing required off Scotia Road for servicing the pool. The LHA considers this necessary before the highway impacts of the development can be properly assessed in accordance with applicable policy.

The submitted information also does not adequately address the relationship between proposed servicing arrangements and existing highway infrastructure on Scotia Road. In particular, there is inconsistency regarding the retention or relocation of the existing bus shelter, and insufficient information to demonstrate that servicing vehicles can operate safely without causing obstruction or conflict with highway users. The LHA further raises concerns that maintenance vehicles accessing the site from the A527 may be required to cross multiple traffic lanes, potentially giving rise to highway safety issues.

The LHA therefore requires the submission of a clear and comprehensive servicing and maintenance strategy, including details of servicing frequency, vehicle types, loading arrangements, any alterations to TROs, and swept path analysis for all servicing, refuse collection, and maintenance vehicles. Until this information has been provided and assessed, the LHA cannot support the proposed development as it is unable to reach a definitive conclusion regarding the highway safety impacts associated with these aspects of the development.

As such, the proposals are considered contrary to policy SP3 of the Core Spatial Strategy and paragraphs 115, 116 and 117 of the National Planning Policy Framework, which require development to provide safe and suitable access for all users, minimise conflicts between highway users, accommodate servicing requirements safely, and ensure that development does not give rise to unacceptable highway safety impacts.

Land Stability - Coal Mining Legacy Risk

Paragraphs 196 and 197 of the NPPF require development proposals to appropriately manage matters of ground contamination to ensure an avoidable risk to human health does not arise. The NPPF ensures that decision makers take into account the impacts of developments in relation to land stability, and it also makes clear that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically probable shallow coal mine workings and a thick coal seam outcrop.

The application is supported by a Coal Mining Risk Assessment which considers that there is a risk to the proposed development from possible shallow coalmine workings. Accordingly, recommendations have been made that in order to mitigate the risk, intrusive ground investigations are required. The findings of the intrusive site investigations should inform any remedial measures that may be required to ensure that the site is suitable for the development proposed. The intrusive site investigations should be designed and undertaken by competent persons.

The Coal Authority are satisfied that the risks posed by any mining legacy can be acceptably mitigated and controlled via pre-commencement condition.

Air Quality and Contaminated Land

The application is supported by an air quality assessment. The report considers the impact of the development through both the construction period as well as the operational period. For the former, the report concludes that the impact (namely dust) can be adequately mitigated during the construction period. For the latter, the report concludes that future occupants will not be exposed to exceedances of the Air Quality Objective for the area. The proposal therefore satisfies paragraph 199 of the Framework.

In terms of risk from land contamination, given the nature of the proposed development, which is primarily for the adaptive re-use of existing buildings, there is limited risk to future occupants from ground conditions. Notwithstanding that point, the application is supported by a phase 1 geo-environmental desk study which recommends a site investigation – this recommendation is agreed by the Council's Contaminated Land Officer, as well as the need for a full asbestos survey. The Contaminated Land Officer has no objection to the proposals subject to a condition to secure site investigation, remediation, and verification.

Flood Risk and Surface Water Drainage

The NPPF advises that LPAs should avoid permitting development in areas at the greatest risk of flooding and instead, it should be directed towards the areas with a lower flood risk. This national requirement is reflected in CSS Policy CSP3.

The application site in question is wholly within flood zone 1 and is not considered to be at risk from any fluvial flooding. In addition, based on the council's Strategic Flood Risk Assessment and the Government's online maps for flooding, the site is also not deemed to be at risk from surface water, ground water or any other sources of flooding.

As above, policy CSP3 of the CSS advises that development should always be located where the risk of flooding is lowest and the applicant's submitted flood risk assessment confirms that risk of flooding here, from all sources. With respect to the current proposal, the application is primarily for the conversion of existing buildings, albeit with limited extensions in place, the post-development surface water impact is not likely to differ greatly from the current situation. With that said, a Drainage

Strategy has been submitted and demonstrates that the development can accommodate up to a 1 in 100-year critical storm event plus 40% climate change and 10% urban creep through on-site attenuation that is proposed. The proposal therefore satisfies Policy CSP3 of the CSS and paragraph 170 of the Framework.

The Lead Local Flood Authority (LLFA) have reviewed the application and have no objection, subject to a condition requiring full and final detailed surface water drainage details to be submitted and agreed by the LLFA in advance of works commencing.

Ecology and Biodiversity Net Gain (BNG)

Ecology

The Natural Environment and Rural Communities Act (2006) imposes an obligatory duty upon the LPA to consider ecological implications through the discharge of their statutory functions; and this includes the determination of planning applications irrespective of their scale. This is echoed through policy CSP4 and the NPPF at paragraph 187. Accordingly, the application is supported by a Phase 1 Ecology assessment and an additional bat survey.

The site should seek to provide biodiversity enhancements such as the use of bird boxes in accordance with the NPPF and retained policy CSP4. The Preliminary Ecological Assessment (PEA) has recommended the following:

- Schwegler No 17 Swift Nest Box (buildings)
- Schwegler 1sP Sparrow Terrace (buildings)
- Woodstone Nest Box (buildings or trees).

Details of these can be secured through suitably worded condition.

Bat surveys have been undertaken, although no roosts were identified in 2025, bats roosts were found in 2023 including four summer day roosts in B1 (Drill Hall) and one summer day roost in B2 (Library). A licence from Natural England will be required prior to the works commencing.

The reports have recommended that:

- During the initial construction phase, it will be essential to provide a temporary roost translocation site. Five Schwegler 2FN bat boxes (or equivalent, subject to ecologists' approval) will be erected on suitable nearby buildings or mature trees within offsite land (subject to third-party agreement) within the memorial gardens, prior to the works commencing. of part of These should be installed at a height of 3m, and out of direct light. In addition, one bat box will be installed on an aspect the building being retained.
- At least five integral bat brick / bat cavity brick installations which should be positioned on the same aspect of the buildings to provide compensation for potential obstructed access to former day roosts.
- Initial site clearance works are undertaken in the period of March to April or September to October when bats are active but least susceptible to disturbance pressures.

- Supervised soft demolition of roost features.
- Lighting will be carefully designed to avoid recommended installations of bat boxes on the buildings.

Derogation Tests

It is necessary (under regulation 9(1) of the 2017 Habitat Regulations) for the LPA to consider the likelihood of Natural England granting protected species licences that may be required, as set out above, to facilitate the development.

Among the reasons why a licence may be granted and the reason relied upon by developers when seeking a licence to carry out operations for the purposes of development, is that there are imperative reasons of overriding public interest why the operation should be carried out. The three derogation tests as set out within regulation 55 are summarised as follows:

1. Regulation 55(2)(e): in the interest of preserving public interest or other imperative reasons of overriding public interest
2. Regulation 55(9)(a): there is no satisfactory alternative
3. Regulation 55(9)(b): there shall be no detrimental impact upon the population of the species concerned and a favourable conservation status shall be maintained

The tests should be applied on a proportionate basis; thus the justification required increases with the severity of the impact on the species or population concerned. Each of the regulations set out above are considered below:

1) Reg 55(2) - Imperative Reasons of Overriding Public Interest (IROPI)

When considering 'imperative reasons of overriding public interest, including those of a social and economic nature' it should be considered whether the activities/developments are required to meet or provide a contribution to meeting a specific need. Natural England advise that these include:

- *the requirement to maintain the nation's health, safety, education, environment (sustainable development, green energy, green transport);*
- *complying with planning policies and guidance at a national, regional and local level;*
- *requirements for economic or social development (Nationally Significant Infrastructure Projects, employment, regeneration, mineral extraction, housing, pipelines, etc.)*

Given the clear and evidenced need for housing within Stoke-on-Trent, the historic under provision, lack of a 5-year housing land supply, and the potential for regeneration, this test is in the LPA's view likely to be met. Therefore, imperative

reasons of overriding public interest exist in this case.

2) Reg 55(9)(a) - No satisfactory alternative

A proportionate approach is adopted in considering the feasibility of alternative solutions relative to the degree of likely impact. The greater the impact of the proposal on the species, the more evidence would be needed from the applicant in order to be able to satisfy that there is no satisfactory alternative to the one being proposed. When it comes to licensing, Natural England will expect the applicant to demonstrate that they have taken reasonable steps to minimise the impacts of a development on EPS.

In this case, alternatives to completely remove risk to EPS are not feasible. To avoid the impact completely the scheme would need to be fundamentally altered, likely excluding re-development of the Drill Hall, which is not a pragmatic, feasible or sustainable option.

The applicant has set out detailed avoidance, mitigation, and compensation measures on how the impacts of protected species will be reduced and managed. Given the above, it is deemed that there are no satisfactory alternatives.

3) Reg 55(9)(b) - Favourable Conservation Status

Natural England generally applies the Favourable Conservation Test at a local level and licensed mitigation will be expected to attain at least a minimum of maintaining the local population levels of the species concerned.

In this case impacts on Bats are fully considered and assessed, and they are reduced and mitigated where possible. The below sets out how the conservation status of each is maintained:

Bats

- All 5 roosts identified are for common pipistrelle (common or widespread bat species).
- All 5 roosts identified are summer day roosts (low conservation status roosts).
- 1 roost is on a building which is to be retained, the roost will also be retained, and the impacts managed under a method statement.
- Suitable mitigation and re-provision has been considered for the day roosts that are to be lost, and deemed satisfactory by the City Council's Ecologist.

Based on the advice published by Natural England within guidance note WML-G24(01/11), there is nothing which would suggest that the above tests would be 'failed' after the grant of planning permission and, given that licensing is ultimately controlled by Natural England in any event, the risk is not judged to be a material constraint with respect to this application.

The City Council's Ecologist has no objection to the proposals subject to appropriate conditions being imposed.

Biodiversity Net Gain

It is beyond the scope of a basic ecological assessment to consider the concept of Biodiversity Net Gain (BNG). This is an approach (advocated by the NPPF) to development which aims to leave the natural environment in a measurably better state than it was beforehand. BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Developers must deliver a BNG of at least 10% in the majority of cases. This means a development will result in more or better-quality natural habitat than there was before development although physical gains.

The application is supported by a completed metric, given the site's urban location and the prevalence of sealed surfaces throughout, the existing habitat on site is very low. The applicant will however be required to demonstrate at least a 10% uplift through the submission of a Biodiversity Gain Plan. Based on the submitted information and BNG metric, which shows a 17% uplift in habitats post-development, the council's Ecologist has advised that there is no reason to believe a suitable gain on site cannot or will not be achieved. Accordingly, the standard BNG conditions will be imposed, and the matter will be addressed through those conditions post permission.

Planning Obligations and Viability

Planning Obligations

Policy CSP6 of the CSS states that 'New residential development within the urban area, on sites or parts of sites proposed to, or capable of, accommodating 15 or more dwellings will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided'. To comply with policy, this scheme would therefore have to deliver 25% of the overall number of dwellings as affordable products, typically that would be a 50:50 (social/intermediate) tenure split. This requirement would generally be secured by a s106 agreement.

Policy CSP10 of the CSS states that developers are expected to have regard to the consequences that may arise from development and that proposals should include provision for necessary on and off-site infrastructure and or mitigation in order to 'avoid placing an additional burden on the existing community and area.' This can include payments to education, NHS, public open space, sports provision, education, highways infrastructure etc. to mitigate the pressures of the additional residential occupancy.

Viability

Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return.

Where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policy compliant in decision making means that the development fully complies with up-to-date plan policies.

Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time. As the potential risk to developers is already accounted for in the assumptions for developer return in viability assessment, realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project.

The Applicant's case:

During the course of the application, the applicant submitted a Financial Viability Appraisal to make the argument that the scheme could not viably support a full package of planning obligations. This Financial Viability Assessment has been independently reviewed by the LPA's retained external viability consultant, with input from an independent cost assessor.

The conclusion of that viability assessment work has resulted in the LPA's independent consultant advising that the scheme is found to be financially unviable in planning terms:

"Based on nil affordable housing / nil S106 contributions, the scheme generates a residual profit of £100,007 (1.50% on revenue). This is a modest profit for a scheme of this nature and normally would not be regarded as a sufficient level for the project to be delivered. On this basis, our modelling shows an unviable outcome, even before any affordable housing is factored in."

The proposals therefore cannot viably absorb the cost of any planning obligations, and the independent assessment raises concern that the level of profit (circa £100k) against a project cost estimated to be circa £10m would normally render the scheme undeliverable, even with £3.5m of Levelling Up Funding subsidy factored in. This is a concern and would add some doubt as to the overall deliverability of the scheme presented by the applicant.

In terms of the planning obligations required to make the proposed development

policy compliant, as with any residential scheme proposing 15 dwellings or more, there is a policy requirement for 25% of the dwellings to be delivered and secured as affordable housing. In addition to the affordable housing requirement, colleagues from Leisure and Wellbeing Services have requested a financial contribution of circa £10,000 to mitigate the additional population pressures from the proposals on local sporting provision and services.

Notwithstanding, the conclusion of the viability assessment work has resulted in the LPA's independent consultant advising that the scheme is found to be financially unviable. Therefore, the scheme cannot, viably afford, to provide any affordable housing within the development or pay any of the required sports mitigation costs. This would weigh negatively in the overall planning balance.

Other Matters

Human Rights Act 1998

The proposals set out in this report are compatible with the Human Rights Act 1998

Equality Act 2010

It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned. Such consideration has been balanced along with other material planning considerations, and it is considered that the proposal is acceptable in respect of the requirements of the Act. Having had regard to the particulars of this case, officers consider that the proposals would not conflict with the aims of the Equality Act 2010

Conclusion and Planning Balance

Weighing in favour of the application, the proposed development here can be supported in principle from both a national and local planning policy perspective. The scheme would deliver 39 apartments in a sustainable location whilst bringing a group of vacant statutorily listed and locally listed buildings back into use. These are all elements which are advocated for by the NPPF and the Core Spatial Strategy.

However, as set out in detail in the Heritage and Amenity sections of this report, these benefits come with a high level of heritage harm (upper end of less than substantial) to the significance of the designated heritage assets, and the benefits relied upon to weigh against this harm (the delivery of new housing) is significantly undermined by the poor level of residential amenity provision offered by the proposed apartments.

Local Planning Authorities are legally obligated, under the provisions of section 66(1) of the Listed Buildings and Conservation Areas Act 1990 to pay "special regard" to the desirability of preserving listed buildings, their setting, and any features of architectural or historic interest they possess.

The NPPF at Paragraph 212 to state 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 (and 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."

And paragraph 213 states that *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."*

Paragraph 215 goes on to say 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."*

With the above legal and policy framework for decision-making in mind, the facts are:

- The level of heritage harm in this case is assessed by both the council's Heritage Officer, and Historic England to be on the upper end of the scale of less than substantial.
- This level of harm is of considerable importance and should be afforded great weight in the decision-making process by virtue of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- Both heritage experts consider that inadequate justification for the level of harm has been provided – conflicting with NPPF paragraph 213.

It is the consideration of officers that the public benefits of this proposal are partially undermined by the shortcomings of the scheme in terms of the poor level of amenity for the future occupants. A concerning proportion of apartments proposed within the scheme are compromised by sub-standard floor-to-ceiling heights, poor or no outlook, and/or contrived awkward narrow rooms.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *special regard* is paid to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest which they possess. Case law has established that this duty means that harm to the significance of designated heritage assets must be afforded considerable importance and great weight in decision-making.

In this instance, the proposed development would result in harm to the significance of designated heritage assets. Whilst the harm has been identified as less than substantial in NPPF terms, that harm lies at the upper end of the scale. In accordance with paragraph 215 of the NPPF, this harm must be weighed against the public benefits of the proposal. However, the higher the level of harm, the greater the public benefits must be to justify the proposal. Furthermore, paragraph 213 of the NPPF requires that any harm to, or loss of, the significance of designated heritage assets should be supported by clear and convincing justification. In this case, both the Council's Heritage Officer and Historic England conclude that such justification has not been adequately provided.

Accordingly, the starting point for the planning balance is one where substantial weight is attributed to the identified heritage harm, and where the absence of convincing justification further weighs against the proposal.

Assessment of Claimed Public Benefits

The applicant sets out a number of benefits which are considered in turn below:

- Securing the optimum viable use and building preservation

The reuse of the buildings is acknowledged as a potential public benefit in line with paragraph 210 of the NPPF. However, this benefit is significantly tempered by several factors. Firstly, the scheme has not demonstrated that the proposed form of development represents the *optimum viable use* that would best sustain the significance of the heritage assets. Secondly, the harm (upper end of less than substantial) indicates that the scheme itself undermines the assets' significance rather than conserving it in a manner consistent with policy objectives.

Whilst bringing vacant buildings back into use can carry weight, the extent of that weight is diminished where the form of development causes notable harm and lacks clear justification, contrary to paragraph 213. The argument that continued vacancy would result in further decline is acknowledged, but insufficient evidence has been

provided to demonstrate that alternative, less harmful solutions are not feasible. As such, this benefit attracts moderate weight, rather than significant weight.

- Housing delivery (39 dwellings)

The delivery of new housing, in the context of the Council's current inability to demonstrate a five-year supply of deliverable housing sites, is a matter to which substantial weight is ordinarily afforded. In such circumstances, the *tilted balance* set out at paragraph 11(d) of the NPPF is engaged, which increases the importance of boosting housing supply. The provision of 39 dwellings would therefore make a meaningful contribution towards addressing the identified shortfall and aligns with the Government's objective to significantly boost the supply of homes. This is a material consideration that weighs in favour of the proposal.

However, the weight attributed to this benefit is markedly reduced and undermined by the quality of the accommodation proposed. Officers have identified that the scheme would result in poor spatial standards and sub-optimal levels of residential amenity, which conflicts with the NPPF's wider objectives of securing well-designed, healthy and high-quality places to live. The Framework is clear that significantly boosting housing supply should not be pursued at the expense of creating poor quality living environments.

Furthermore, the delivery of housing in this instance is intrinsically linked to a scheme that gives rise to notable heritage harm, which itself must be afforded great weight under the statutory duty and paragraph 215 of the NPPF. While the absence of a five-year housing land supply increases the weight in favour of housing delivery, it does not displace the requirement to give considerable importance to heritage conservation, nor does it automatically outweigh such harm.

Taking these factors into account, it is considered that the proposal attracts moderate to significant weight in favour, but that this is clearly reduced from what might otherwise be afforded due to the deficiencies in residential quality and the interrelationship with the identified heritage harm.

- Leisure provision within the scheme

The retention of part of the swimming pool building for leisure use is recognised. However, as the applicant has acknowledged in their own submission, the leisure uses have already been re-provided elsewhere, and it is not clear if the proposals address an identified assessed community need, and as such does not represent a significant enhancement to wider community facilities. Accordingly, this benefit carries limited weight.

- Office space provision

The applicant gives moderate weight to the inclusion of office space in the library building, stating that it would provide high grade office space in the town centre. Firstly, as set out earlier in this report, the site is not located in the town centre, the assertion is incorrect. Whilst it is acknowledged that the provision of office space

could provide some limited economic benefits and contribute to the nearby town centre activity, the site is technically in an out-of-centre location and there is a level of policy conflict with regard to the provision of town centre uses. As such, this is ascribed very limited weight.

- Biodiversity Net Gain

The provision of biodiversity net gain is a legislative requirement rather than a distinct benefit of the scheme. It therefore carries neutral weight in the overall balance.

Public benefits listed in the 'Applicant's Committee Representation' document

Late in the determination process the applicant submitted a document titled 'Applicant's Committee Representation'. Within this document is a list of public benefits of the scheme:

- securing the long-term future of listed buildings of local importance;
- bringing vacant and underused heritage assets back into productive use;
- addressing the risks associated with vacant buildings, including break-ins, anti-social activity and lack of natural surveillance;
- delivering substantial preservation and repair works;
- supporting regeneration within Tunstall, an area where viability is challenging;
- unlocking significant private investment and public funding;
- delivering new homes within an existing sustainable urban location;
- providing community, leisure and social space within Tunstall;
- supporting construction employment, operational employment and wider economic activity;
- delivering social value outcomes associated with the project and grant funding;
- avoiding further decline, vacancy and deterioration of the buildings.

These public benefits do not match the listed public benefits in the applicant's planning statement where the public benefits argument is made for the scheme. Notwithstanding that point, these additionally listed benefits have been considered and assessed for completeness.

The applicant places significant reliance on a range of public benefits which are said to outweigh the identified heritage harm. Officers acknowledge that the proposals would secure investment in the site, facilitate repairs to historic fabric, bring vacant buildings back into use and deliver wider economic and social benefits. These are material considerations which attract weight in the planning balance.

However, officers consider that caution should be exercised in the weight attributed to some of the claimed benefits. A number of the identified benefits arise as a natural consequence of any scheme which successfully reuses and repairs the buildings, rather than representing distinct public benefits attributable to the particular form of development proposed. For example, the repair of historic fabric, the avoidance of further deterioration, the reduction in risks associated with vacancy, and the return of the buildings to active use are closely related outcomes and should not be

afforded separate or cumulative weight to the extent that they amount to different expressions of the same underlying benefit.

Officers also note that the existence of grant funding, private investment and project expenditure are not, in themselves, public benefits. Weight can be attached to the grant funding and the overall outcomes arising from such investment, but the level of expenditure or investment alone does not diminish the statutory duty to pay special regard to the desirability of preserving listed buildings or reduce the great weight that must be afforded to heritage conservation.

Whilst the delivery of new housing, employment opportunities and community uses carries positive weight, officers consider that these benefits must be assessed on their own merits and do not automatically justify harm to the significance of designated heritage assets. Equally, the applicant's suggestion that refusal would place the future of the site at risk is afforded limited weight, as there is insufficient evidence before the Council to conclude that the proposed scheme represents the only viable means of securing the long-term future of the buildings or that less harmful alternatives are unavailable.

In relation to the proposed relocation of the electricity substation, officers acknowledge that its removal may provide operational and design benefits and may assist the reuse of the former Fire Station part of the baths building. Nevertheless, the fact that the relocation facilitates the wider redevelopment does not, in itself, constitute a substantial heritage benefit. Limited weight is therefore attributed to this aspect of the proposal within the heritage balance.

Accordingly, whilst officers recognise that the scheme would generate a number of public benefits, it is considered that the applicant has overstated the magnitude of those benefits in several respects through reliance on overlapping, consequential and insufficiently evidenced claims.

Members are therefore advised to give greater weight to the identified harm to significance and to apply a degree of caution when assessing the overall public benefits relied upon by the applicant in support of the proposal.

Overall Planning Balance

When assessed in the round, the proposal would clearly deliver a number of public benefits, most notably the provision of 39 homes in a context where the Council is currently unable to demonstrate a five-year housing land supply. The delivery of housing in these circumstances attracts moderate to significant weight, and the tilted balance under paragraph 11(d) of the NPPF is engaged, which weighs in favour of granting permission.

However, it is important to recognise that the weight attributed to housing delivery is tempered by the poor quality of accommodation proposed, including deficiencies in spatial standards, residential amenity and the lack of any affordable provision. These shortcomings conflict with the NPPF's overarching objective of achieving well-

designed and sustainable development and significantly diminish the extent of public benefit arising from the scheme.

The remaining benefits identified, including building reuse, economic activity, and town centre uses, are afforded no more than moderate weight individually, and when taken together do not materially elevate the overall benefits case to a level that would clearly outweigh harm.

Set against this, the proposal would result in harm to the significance of designated heritage assets, at the upper end of less than substantial, which must be given considerable importance and great weight in accordance with the statutory duty under Section 66(1) of the Listed Buildings Act 1990. This finding is reinforced by the absence of clear and convincing justification, contrary to paragraph 213 of the NPPF, as identified by both the council's Heritage Officer and Historic England.

While the tilted balance is engaged, paragraph 11(d) does not disapply or override the statutory duty relating to listed buildings, nor the requirement within paragraph 215 of the NPPF to give great weight to the conservation of heritage assets. In this instance, the identified heritage harm is of a high order within the "less than substantial" category, and the public benefits - when realistically and robustly assessed - are not sufficient to outweigh that harm.

Accordingly, even when applying the tilted balance, it is concluded that the proposal would result in unacceptable heritage harm that is not outweighed by the public benefits of the scheme. The proposal therefore fails to comply with the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 11(d), 213 and 215 of the NPPF, and relevant development plan policies.

Furthermore the applicant has failed to demonstrate the acceptability of the proposals in highway safety terms, contrary to policy SP3 of the Core Spatial Strategy and paragraphs 115, 116 and 117 of the National Planning Policy Framework. The scheme also fails to secure policy compliant planning obligations (affordable housing and sports mitigation), conflicting with policies CSP6 (Affordable Housing) and CSP10 (Planning Obligations) of the Core Spatial Strategy.

Given all of the above, the proposal is therefore recommended for refusal.

Recommendation:

Refuse for the following reasons:

1. The proposed development would result in harm to the significance of designated heritage assets, identified as being at the upper end of less than substantial harm. In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, this harm is of considerable importance and should be afforded great weight. Furthermore, the proposal

fails to provide clear and convincing justification for this harm, contrary to paragraph 213 of the National Planning Policy Framework (NPPF).

Having regard to paragraph 215 of the NPPF, and notwithstanding the engagement of the tilted balance under paragraph 11(d), the public benefits of the proposal collectively do not outweigh the identified heritage harm. The proposal therefore fails to comply with the statutory duty under Section 66(1) of the Act, paragraphs 11(d), 213 and 215 of the NPPF, and policies CSP1 and CSP2 of the Core Spatial Strategy.

2. The proposed development, by reason of its layout, design approach and internal configuration, would result in the creation of homes that fail to provide acceptable standards of living accommodation. The proposal would give rise to substandard levels of internal space, poor outlook, and limited access to natural light, resulting in a poor-quality living environment for future occupants.

As such, the development would fail to create a suitable and sustainable living environment, and the harm identified weighs significantly against the proposal. These deficiencies are contrary to the National Planning Policy Framework, in particular paragraphs 135 and 139, which seek to secure high quality, well-designed places and a high standard of amenity for existing and future users. The proposal is also contrary to policy CSP1 of the Core Spatial Strategy and Section 7 of the Urban Design Guidance SPD, and the Nationally Described Space Standards which require development to achieve appropriate standards of residential quality and amenity.

3. The applicant has failed to demonstrate that the development would provide safe and suitable access for all users, avoid conflict between pedestrians, cyclists and vehicles, or ensure the safe and efficient operation of the surrounding highway network.

Insufficient information has been provided regarding the operation of servicing activities from Scotia Road, the relationship with existing highway infrastructure and traffic regulation measures, and the safe access, manoeuvring and egress of servicing and maintenance vehicles.

Consequently, the Local Planning Authority cannot conclude that the proposal would not result in an unacceptable impact on highway safety. As such, the proposals are considered contrary to policy SP3 of the Core Spatial Strategy and paragraphs 115, 116 and 117 of the National Planning Policy Framework.

4. In the absence of a completed planning obligation, the proposed development fails to secure the necessary policy-compliant affordable housing provision and commuted sum towards sports provision required to mitigate the impacts of the development and support sustainable communities. Whilst the submitted viability evidence has been assessed and demonstrates that the scheme is

unable to viably support such contributions, the resulting absence of affordable housing and policy-required obligations nevertheless weighs significantly against the proposal. The development therefore conflicts with Policies CSP6 (Affordable Housing) and CSP10 (Planning Obligations) of the Stoke-on-Trent Core Spatial Strategy and is contrary to the objectives of Sections 5 and 12 of the National Planning Policy Framework, which seek to deliver inclusive communities and ensure that development appropriately mitigates its impacts through necessary planning obligations.

Appendix 1 – Planning History

47505/FUL Change of use to leisure facility (Use Class D2) and formation, of new fire exit

00256/LBC Installation of disabled persons ramp

13841/FUL CHANGE OF USE TO ROLLER SKATING RINK

31234/CLE USE AS A WORKS DEPOT WITH ANCILLARY STORAGE AND TRANSFER OF, WASTE MATERIALS

65843/FUL Change of use to 2 large houses in multiple occupation each with 10 bedrooms (sui generis), single storey extension to rear of Hunt Street building, covered walkway connecting two buildings on Scotia Road and alterations to Scotia Road building roof, including insertion of rooflights

25/CLP/00355 Certificate of lawfulness of proposed works to a listed building for the soft strip-out of internal elements

47379/CAC Demolition of outbuildings

47425/FUL Building up of retaining wall to rear of police station to a, maximum of 2.64m high in association with the demolition of, three outbuildings

35481/FUL External alterations to building and site works

38282/FUL Change of use to police unit

04017/FUL CHANGE OF USE FROM WAREHOUSING TO MOTOR BIKE SALES AND REPAIR, CENTRE

48909/FUL New shopfront

05381/AD One internally illuminated fascia sign

00470/LBC Part-demolition of chimney (Listed Building Consent)

16602/CM AMENDMENTS TO EXTERNAL APPEARANCE OF LIBRARY, (FULL APPLICATION)

12060/REN RENEWAL OF PLANNING PERMISSION NO. SOT/12060 FOR DANCE, SCHOOL

14725/FUL CHANGE OF USE TO POOL LOUNGE AND DISCOTHEQUE