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## Appeal Decision

Site visit made on 20 July 2020

**by David Carter BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19<sup>th</sup> October 2020**

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**Appeal Ref: APP/M3455/W/19/3242975**

**2-8 Queen Street, Burslem, Stoke-On-Trent ST6 3EF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Sunil Gulshan against the decision of Stoke-on-Trent Council.
  - The application Ref 63864, dated 2 April 2019, was refused by notice dated 25 July 2019
  - The development proposed is the change of use of ground floor to 7 self-contained flats together with elevational alterations.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal was originally scheduled to be determined following a hearing. However, the Covid-19 lockdown resulted in the postponement of the hearing and, due to the continuing uncertainty and delay, the main parties both agreed that the appeal could be dealt with by way of written representations. To facilitate the change in procedure both parties were given the opportunity to submit final comments by 31 July 2020. The appellant submitted further documentation that I have taken into account in the determination of this appeal.
3. The description of the development set out in the planning application was, "The development proposed is conversion of the ground floor from commercial use (retail) to residential use." The description was altered in the decision notice and the revised version was adopted by the appellant on the appeal form. Since the amended description provides important information on the scale of development proposed, I have used this in the header above.

### Main Issues

4. The main issues are:
  - i) the living conditions of future occupants with particular regard to noise, outlook and ventilation and,
  - ii) the effect of the change of use on the vitality and viability of Burslem town centre.

## Reasons

### *Living conditions*

5. The appeal site is located within Burslem town centre and the proposed residential units would need to be compatible with nearby activities which include late night opening of bars and restaurants and town centre footfall directly adjacent to the property.
6. In terms of floorspace, all of the proposed flats would meet the Technical Housing Standards, Nationally Described Space Standards (2015). The appellant indicates that the design of the flats is not fixed but it is only possible for me to consider the proposals as they are before me.
7. Flats A to E would face onto Queen Street and/or Swan Square. There would be a buffer area (in excess of 1m in width) proposed between the retained shop frontages and doors and new internal buffer walls to the apartments. The buffer wall would feature mirror glass and folding shutters inside of the buffer wall to provide privacy. However, this means that the living space in 5 of the proposed units would not have any window or ventilation directly to the outside. This aspect of the design would, therefore, be unacceptable as it would cause significant harm to the living conditions of future occupants.
8. Flats F and G would face either onto Clayhanger Street, which provides access and servicing to the appeal site and other nearby buildings or, a small external yard to the rear. While Unit F would have a window to the living room, the bedroom would not have an exterior window and therefore no outlook. As a habitable living space this would also be unacceptable as it would be harmful to the living conditions of future occupants. The exterior windows to the living kitchen area and bedroom of Flat G face a retained emergency staircase which would not provide an attractive outlook.
9. The building is situated in the town centre close to several pubs and restaurants and the public square which has external seating and pedestrian activity. The appellants suggest that the proposed buffer areas together with double glazing would provide adequate sound insulation. However, no noise assessment has been submitted to demonstrate this would be adequate. Therefore, there would be an unacceptable risk that the occupiers would be subject to unacceptable noise levels from surrounding uses.
10. Accordingly, I find that the proposed development would not provide acceptable living conditions for future occupants. Consequently, it would conflict with Policy CSP1 and Strategic Aims 4 and 16 of the Newcastle-under-Lyme & Stoke-on-Trent Core Spatial Strategy 2006-2026 (2009) (CS). These seek to encourage good quality design to contribute to healthy lifestyles. The Newcastle-under-Lyme & Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010), and the Government's National Planning Policy Framework also support good design and healthy lifestyles.

### *Vitality and viability*

11. The appeal property is a prominent building in Burslem town centre. Once a Co-operative Department store, the building was acquired by the appellant in 2007, at that time trading as a Mark One store. In 2008 that use ceased and the building has been vacant ever since. In 2015, the ground floor was

converted into 4 smaller units for retail (A1) or offices (B1). Little interest has been expressed in these units since the conversion with no tenancies secured.

12. The longstanding absence of demand for retail or commercial space on the appeal site and the above average and, increasing level of vacant floorspace in Burslem, have been addressed by the Planning Retail & Leisure Study – Final Report (July 2019). This report concludes that Burslem may simply have too much floorspace and there may be a need to consider other uses to broaden the offer in the town centre including an increase in the variety of service sector uses.
13. I conclude that the proposed change of use would not harm the vitality and viability of Burslem Town Centre. I find no conflict with Policy ASP2 of the CS which encourages housing provision.

### **Other Matters**

14. The appeal site lies within the Burslem Town Centre Conservation Area which is a designated heritage asset. Burslem is an historic town centre closely linked to the ceramics industry including the Wedgwood Institute, a Grade II Listed Building which is the neighbouring building on Queen Street.
15. The external works involved in the change of use of the ground floor to residential use would have a negligible impact on the external appearance of the appeal property. Bringing the long vacant building back into use would carry significant benefits. Accordingly, the appeal proposal would not have a harmful effect on either the character and appearance of the Burslem Town Centre Conservation Area or the setting of the Wedgwood Institute, a Grade II Listed Building or any other nearby buildings.
16. In respect of highway safety, I am satisfied the proposal would not raise matters of concern. While no off-street parking is proposed, the site is located within Burslem Town Centre which would provide local amenities, public transport and public car parking. The proposal also includes secure cycle storage within the building which would encourage sustainable travel.

### **Planning Balance**

17. Although I find that, in principle, the change of use of the ground floor to residential use would be acceptable, I conclude that those benefits would be outweighed by the significant harm to living conditions that would arise from the layout and design of the proposals before me.

### **Conclusion**

18. For the reasons given above, I conclude the appeal should be dismissed.

*David Carter*

INSPECTOR