



Appeal Decision

Site visit made on 30 October 2024

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2024

Appeal Ref: APP/M3455/W/24/3342675

**Unit 1 Staffs Industrial Estate, Alan Alfred Avenue, Fenton,
Stoke-on-Trent, Staffordshire ST4 2LY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Staffs Fitness against the decision of Stoke-on-Trent City Council.
 - The application Ref is 70425.
 - The development proposed is the erection of 2 trade counter units.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area,
 - whether or not the proposal would provide a safe and suitable environment with respect to parking and manoeuvring,
 - the effect of the proposal on the natural environment,
 - the suitability or stability of the ground for the development proposed, and
 - whether or not sufficient information has been provided on the use of the proposal to properly assess its effects.

Reasons

Character and appearance

3. The proposal is for what is described as two trade counter units of fairly typical form and arrangement to be located on a previously developed site, within an obvious context of previous phases of similar development. Earlier industrial uses of the site and surroundings are clear to see, but the prevailing form, character and appearance of the surroundings are of large, but purposeful and utilitarian buildings.
4. I do not consider that the proposed units, given their form, size, scale and materials would appear so very different from, or contrast to that established character and appearance. Whilst I accept that they would be smaller than some of the surrounding buildings, given the conditions of and constraints on the site, there is an obvious logic to their location. I also note that the

proposed units would be parallel and perpendicular to the main buildings surrounding the site.

5. The changing levels across the site, and the differences in levels between the site and the surrounding buildings would cause the proposal, particularly Unit B, to be somewhat more elevated than other buildings nearby, but I do not consider that this would be harmful or otherwise unacceptable. I note also that there are a number of smaller units, to the north of Alan Alfred Avenue of similar size, albeit in different use, and these have not harmed the character and appearance of the area, which is plainly now commercial and somewhat utilitarian.
6. As such, I find that the proposal would not cause harm to the character and appearance of the area. In this respect it would therefore not conflict with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy, 2006-2026 (the CSS) or Policies E1, E3, E4 and E7 of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD, 2010 (the SPD). These policies seek, amongst other things, to ensure good design and particularly design which responds to its context.

Parking and manoeuvring

7. Although the Council are apparently satisfied with the connection of the appeal site to the adopted highway, it is clear that significant concerns remain over the day-to-day operation of the site itself, particularly vehicle (and pedestrian) movements within it. Aside from the proposed units, a number of other businesses and units are accessed from that part of Alan Alfred Avenue which lies within the appeal site. There is no information before me on the compatibility of the proposal and its vehicle and pedestrian movements with those other uses or theirs. I also have no information on the amount or types of vehicle movements either existing or proposed.
8. No details have been provided of vehicle tracking, particularly for Unit A, which has its largest door facing directly onto the relatively narrow internal roadway. In that case in particular, it is difficult to fully understand how that unit would be serviced, in terms of loading or unloading, how vehicles might access it or how any conflict between such movements and other vehicles accessing the rest of the site, or indeed, surrounding sites which appear to also use that roadway might be managed or resolved. In particular, I note the large number of trailers stored close to the site, which may need to be moved through it. Again, no information has been provided on this point.
9. I also note that the distribution of parking spaces appears somewhat haphazard, with little explanation or justification. There is also no detail on how the proposed parking spaces relate to safe pedestrian access, notably to the rear of Unit B which has personnel doors opening directly onto parking spaces. Given the level changes within the site I am also concerned that the submitted sections do not clearly show whether the proposed access ramp to the parking area at the rear of Unit B would be practical.
10. I note, and accept that at present, the parking and manoeuvring arrangements within the site, and indeed the footways are somewhat informal. However, the proposal would intensify the use of the appeal site, as well as the access to it, and on the information submitted, it is impossible to know, to the degree of satisfaction required by the development plan policy, whether or

not that would result in a safe and suitable environment with respect to parking and manoeuvring.

11. I note that the Council apparently did not request a traffic impact survey, but it was clear from their ultimate decision on the application that further information would likely be necessary to overcome this reason for refusal. Such information has not been provided.
12. As such, I find that with respect to parking and manoeuvring, the proposal conflicts with Policies CSP1 and SP3 of the CSS and Policy E10 of the SPD. Amongst other things these policies seek to establish principles of movement and access, embedding safety through appropriate design principles and requiring that sites and developments be easy to find a way around.

Natural environment

13. Following the Council's decision on the application, ecology and biodiversity information has been submitted. Whilst on its face this information appears to demonstrate that a biodiversity net gain can be achieved, the site areas to which both the Preliminary Ecological Appraisal and the Biodiversity Net Gain Report relate include land not within the appeal site area. Added to that, the new trees identified in the Biodiversity Net Gain Report and shown on the New Habitat Map lie outside of the appeal site.
14. As such, although the Council did not apparently consider this information, I cannot be sure as to the effect of the proposal on the biodiversity of the site itself.
15. Given that, the proposal conflicts with Policy CSP4 of the CSS which seeks to protect, maintain and enhance natural assets in the plan area, with an explicit requirement that the biodiversity value of previously developed land is recognised and enhanced wherever possible.

Ground suitability or stability

16. Owing to the history of the site and area, there are three disused mine-shaft stand-off areas within it. In accordance with the submitted Coal Mining Risk Assessment (CMRA), the proposed units and parking spaces are outside of these stand-off areas. However, the front doors of Unit B, and the rear doors of Unit A are immediately adjacent to those stand-off areas. Large areas of undefined space within the site are within those stand-off areas.
17. Whilst the Coal Authority consultation response acknowledges that the layout of the proposal has been informed by the stand-off areas, it also assumes that the applicant will implement measures to prevent increased activity associated with the proposal from encroaching into those areas.
18. There is no indication within the application that this is the case. Indeed, the main doors for Unit B open directly into one of the stand-off areas, and there is no indication of what the stand-off areas to the rear of Unit A would be used for, although I note it is proposed to include personnel doors opening onto them.

19. I am also concerned that the CMRA reaches its conclusions on the basis of no works/loading/vehicle movements in the zone of influence of the recorded mine entries, that is, within the plotted stand-off areas. Whilst the buildings themselves are not shown within those areas, there would be doors directly onto them and walls directly abutting them. In such cases, I cannot reasonably see, nor has it been demonstrated how, the proposal could be implemented or ultimately operated in such a way that no works or vehicle movements would take place within those stand-off areas.
20. Whilst I acknowledge that at present the site is used, and there is movement and storage of trailers within the stand-off areas, I cannot be certain, on the basis of the information submitted of the suitability or stability of the ground for the development proposed.
21. As such, the proposal would conflict with Policy CSP1 and Strategic Aim 16 of the CSS, which seek, amongst other things to ensure design quality and good safe, design.

Use

22. I accept that the use of the proposal could be conditioned. However, given the potential for the use of the proposal to affect a number of the other main issues, notably parking and manoeuvring and ground suitability and stability, I do not consider that a condition would be appropriate. In this case, greater clarity on the use, beyond the description of development is necessary to ensure that the effects of the proposal as a whole, can be properly assessed and understood.
23. As a result, I find that insufficient information has been submitted, particularly with regard to the use of the proposal, and the likely intensity of that use, to properly understand and assess its wider effects. In that regard, the proposal would conflict with Policy CSP1 and Strategic Aim 16 of the CSS, which seek, amongst other things, to establish a culture of excellence, with good, safe design as a universal baseline.

Other Matters

24. The appellant has expressed concern with the submission by the Council of a previous planning application for the site as appendices to their appeal statement. I do not consider that this is inappropriate. It was clearly provided to provide clarity on the history of the site, and my decision here is based on the appeal application.

Conditions

25. The Council has provided a list of conditions to be imposed should planning permission be granted. I have considered carefully whether the imposition of them could overcome the harm I have found above, particularly with regard to biodiversity and ground conditions. However, I consider that these matters are so fundamental to the acceptability or otherwise of the proposal that to deal with them through conditions would be inappropriate, and I cannot be certain that such conditions as would be necessary would meet the tests.

Conclusion

26. Taking all of the above together, I find that the proposal would not harm the character and appearance of the area, and I accept that it has the potential to deliver economic development in an otherwise sustainable location, something supported in national and local policy.
27. However, in respect of the other main issues it significantly conflicts with the development plan. The information before me does not make clear that the proposal would provide a safe and suitable environment with respect to parking and manoeuvring, whether or not it would have an acceptable effect on the natural environment or whether or not the suitability and stability of the ground is appropriate. This development plan conflict is amplified by the lack of clarity on the proposed use.
28. I do not therefore find that there are material considerations of such weight in favour of the proposal before me to indicate that a decision be taken other than in accordance with the development plan.
29. The appeal should therefore be dismissed.

S Dean

INSPECTOR