

# Tunstall Library and Baths

Planning Application References: 25/FUL/00513 and 25/LBC/00515

## Applicant's Committee Representation and Request for Proportionate Determination

Dear David,

We write further to your recent correspondence confirming that the Local Planning Authority intends to report the above applications to Planning Committee with a recommendation for refusal. This representation is addressed to the case officer and copied to Planning Committee Members and the Council's property/regeneration team given the wider public interest, funding implications and property constraints relevant to the future of the site.

This is not submitted as a materially amended scheme. The applicant is not asking the Local Planning Authority to assess a different proposal. The applicant asks that the current proposal is assessed accurately, with any remaining matters of detail controlled by condition or, where necessary, addressed through a short deferral.

We respectfully request that this representation and the accompanying appendix pack are taken into account in the preparation of the committee report and made available to Members in full.

### 1. Executive summary

This application concerns the future of a prominent and historically important group of buildings which have remained vacant, underused and vulnerable to further deterioration. The proposal seeks to secure their long-term repair, preservation and active reuse through a funded, deliverable and feasible regeneration scheme.

The applicant recognises that listed building conversions require careful judgement and that some intervention is inevitable if historic buildings are to be brought back into productive use. The question before Members is not whether the proposal involves change, but whether any identified harm outweighs the substantial and deliverable public benefits arising from the scheme.

The applicant respectfully submits that it does not. Even if Members accept that less than substantial harm would arise, national planning policy requires that harm to be weighed against the public benefits. Here, those benefits are substantial, tangible and deliverable. They include heritage preservation, town-centre regeneration, new homes, community and leisure uses, employment, improved surveillance and the unlocking of significant public and private investment.

The applicant understands that approximately £3.5m of grant funding was originally allocated to the site, with approximately £150,000 retained or utilised by the Local Authority to administer the project. The remaining public funding would contribute towards preservation and regeneration works. The developer would then bring the overall investment up to approximately £14m. The applicant is willing to provide further confirmation of the funding position if required.

A further material point is the relocation of the existing electricity substation. That substation is a mid-20th-century intervention and a practical constraint affecting the redevelopment and heritage enhancement of the Fire Station element. Its relocation is essential to unlocking the scheme. The only viable relocation position is understood to be on land now in the applicant's ownership, assembled specifically to enable the project. This is not incidental; it is an enabling component of the proposal and a heritage/regeneration benefit in its own right.

Members are therefore being asked to consider whether refusal is a proportionate response where the applicant is willing to provide a consolidated clarification package, where many matters can be controlled by condition, and where refusal risks delaying or losing a significant funded heritage regeneration opportunity.

## 2. Procedural fairness and opportunity to respond

A central concern is the timing and manner in which the final heritage objections have been presented. During the application process the applicant responded constructively to comments raised by officers and consultees, and amended aspects of the scheme where concerns were identified. For example, where the LPA raised concerns regarding potential overlooking from the rear Drill Hall windows serving the first-floor flats, the design was amended and an agreed solution was incorporated.

Following submission of clarification material, the applicant was advised on 15 April not to submit further information while the Local Planning Authority reviewed the application. The applicant complied with that request.

The applicant then received detailed heritage objections and notification of an intended recommendation for refusal at effectively the same point in the process. In particular, detailed heritage comments relating to the Baths and Drill Hall elements were received at this late stage. The applicant has therefore not had a meaningful opportunity to respond fully to those comments before the applications are reported to Committee.

This matters because many of the points now relied upon concern clarification, coordination of drawings, schedules, repair methodologies, final detailing and conservation management issues rather than a fundamentally different development proposal. Where such matters can reasonably be addressed through clarification, additional schedules, revised details or conditions, refusal should not be the default response. In those circumstances, deferral would represent a more proportionate and balanced approach than refusal.

## 3. Heritage balance and public benefits

The applicant fully accepts that the buildings are heritage assets of significance and that any intervention must be carefully justified. However, heritage policy does not require historic buildings to remain unchanged. Viable and sustainable new uses are often essential to securing the long-term future of historic assets.

The proposal retains the buildings, repairs extensive areas of historic fabric and secures their continued use. Without a viable end use, there is a real risk that the buildings will remain vacant and continue to deteriorate. The heritage assessment should therefore consider the scheme as a whole, rather than focusing only on individual interventions in isolation.

Members are asked to weigh the preservation of the buildings, the repair of historic fabric, the removal or mitigation of unsympathetic modern interventions, the return of long-vacant buildings to active use, and the regeneration benefits arising from occupation and investment against any identified heritage harm.

The applicant's position is that the public benefits are substantial and should carry significant weight in the planning balance.

### Public benefits include:

- 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.

#### **4. Funding, deliverability and regeneration**

This is not a speculative proposal. It is a funded and deliverable proposal capable of securing the future of difficult buildings in a challenging market location.

The applicant understands that approximately £3.5m of grant funding was allocated to assist the preservation and regeneration of the site. That public funding would unlock much larger private investment, with the developer bringing the overall project investment up to approximately £14m.

The projected level of investment is highly unusual for a heritage-led regeneration project in an area where land values and viability do not naturally support schemes of this scale and complexity. The commercial reality is that there are limited viable routes to securing the repair and long-term future of buildings of this nature in Tunstall.

Refusal would place that opportunity at risk and would return the site to a position of uncertainty. The applicant respectfully submits that this consequence should be given substantial weight.

#### **5. Existing electricity substation relocation**

A particularly important element of the scheme is the proposed relocation of the existing electricity substation. This should be considered as both a practical enabling component and a heritage benefit.

The existing electricity substation is a mid-20th-century intervention and a significant constraint affecting the practical reuse and heritage enhancement of the Fire Station element of the site. Its relocation is necessary to unlock the redevelopment strategy and allow the Fire Station element to be properly brought back into use.

The applicant understands that the only viable relocation position is on land now within the applicant's ownership. That land has been assembled by the applicant specifically to facilitate the wider regeneration scheme. The relocation is therefore not merely an incidental consequence of development; it is an enabling component without which the scheme cannot properly succeed.

The relocation would also improve the heritage value and setting of the Fire Station element by removing a modern constraint and enabling more appropriate reuse. Members are respectfully asked to give this benefit weight when assessing the overall planning balance.

#### **6. Residential amenity in the context of listed building conversion**

The officer has confirmed that, in addition to heritage matters, the Local Planning Authority has concerns regarding design quality and residential amenity, including nationally described space standards, floor-to-ceiling heights and outlook.

The applicant recognises that residential amenity must be acceptable. However, in heritage conversion schemes, amenity must be assessed in context, having regard to the constraints of the existing fabric and the public benefits of securing viable reuse. This is not a new-build scheme on an unconstrained site. Existing floor levels, window positions, wall lines, structural constraints and retained fabric materially affect what can be achieved.

Any localised departures from ideal standards must be considered alongside the heritage consequences of alternative approaches. In some instances, achieving a more conventional residential arrangement could require more intrusive alteration to significant fabric, existing floor levels or principal facades. The applicant submits that amenity concerns should be weighed carefully, but not in isolation from the heritage and regeneration benefits of the scheme.

Furniture layouts should be understood as illustrative of scale and use. The relevant planning consideration is whether the accommodation provides an acceptable standard of living in the context of a constrained listed building conversion. Where issues are localised, the applicant remains willing to discuss specific refinements or provide further unit-by-unit clarification.

## 7. Matters capable of condition or clarification

A substantial number of concerns raised by the Built Historic Environment consultee relate to matters commonly addressed through planning and listed building conditions on complex heritage projects.

The existence of outstanding detail does not necessarily demonstrate that a proposal is unacceptable in principle. The applicant remains willing to provide further schedules, clarification material and detailed drawings where required, and would accept appropriately worded planning and listed building conditions to secure these matters.

The accompanying appendix pack identifies proposed condition heads and a practical clarification package that could be provided within an agreed timetable if Members are not presently satisfied that they have sufficient information to approve the applications.

### Examples include:

- final window schedules and large-scale details;
- door, fanlight and joinery schedules, including specific receiving locations for relocated items;
- repair methodologies and material specifications;
- masonry treatments and sample panels;
- stained glass protection and repair;
- service penetrations and ventilation grilles;
- lift details and fixing methodology;
- mezzanine junction details;
- protection of historic fabric during construction;
- photographic recording and conservation management measures.

## 8. Why deferral is preferable to refusal

Should Members conclude that further information is required, the applicant respectfully submits that deferral would be a more proportionate response than refusal.

The principal concerns identified relate to clarification, coordination and detailed design matters. None of these issues is incapable of resolution. A short period of deferral would allow final heritage schedules to be consolidated, drawing coordination issues to be resolved, clarification notes to be submitted, and remaining detailed concerns to be addressed constructively.

Refusal would not resolve those issues. It would terminate the current application process and place at risk a significant heritage-led regeneration opportunity. Deferral would allow Members to determine the applications with the fullest possible information before them.

The applicant respectfully submits that refusal should be a last resort, not the default outcome where the identified matters are capable of being clarified, conditioned or resolved within a short agreed timetable.

## 9. Conclusion

This proposal represents a rare opportunity to secure the long-term future of a prominent group of historic buildings through a funded, viable and deliverable regeneration scheme.

The applicant acknowledges that the buildings are complex and that their conversion requires careful judgement. However, complexity should not be mistaken for unsuitability. The proposal secures substantial heritage, social, economic and regeneration benefits.

The applicant respectfully submits that refusal would be disproportionate in circumstances where the public benefits are substantial, the proposal is deliverable, and the remaining issues are capable of resolution.

For those reasons, the applicant respectfully requests that Members approve the applications. Alternatively, if Members consider that further information is required, the applicant respectfully requests that the applications be deferred to allow the identified matters to be addressed constructively.

Yours sincerely,

Carl Croft

Croft Architecture