SAMMONS Architectural LIMITED
Chartered Institute of Architectural Technologists

10 Cawdry Buildings
Fountain Street
Leek, Staffordshire, ST13 6JP
Tel / fax 01538 386002
e-mail info@sammonsltd.co.uk

PLANNING, HERITAGE IMPACT & DESIGN & ACCESS STATEMENT

PROPOSAL : PROPOSED ALTERATIONS AND CHANGE OF USE OF FIRST AND SECOND FLOORS INTO 5 APARTMENTS

ADDRESS : 35 DERBY STREET, LEEK, ST13 6HU

APPLICANT : AMCO COMMERCIAL

DATE : OCTOBER 2022 JOB No.: 2022-2726

CONTENTS:

1.0 INTRODUCTION
2.0 SITE DESCRIPTION
3.0 PROPOSAL
4.0 PLANNING POLICY
5.0 ASSESSMENT INC HERITAGE IMPACT STATEMENT
6.0 CONCLUSION
7.0 DESIGN & ACCESS STATEMENT

- **USE**
- **AMOUNT**
- **LAYOUT**
- **SCALE**
- **LANDSCAPING**
- **APPEARANCE**
- **ACCESS**

1.0 INTRODUCTION

This statement is submitted in support of a full planning application for alterations and change of use of the first and second floors of 35 Derby Street into 5 apartments. The application has been submitted by Sammons Architectural Ltd on behalf of Amco Commercial and is accompanied by drawing numbers 2022-2726-01, 2022-2726-02A, 2022-2726-03 which should be read in conjunction with this statement.

2.0 SITE DESCRIPTION

The application site comprises of a large 'L' shaped three storey brick and tile building which occupies a prominent position on the corner of Derby Street and Market Street. The ground floor is currently used by Bargain Booze and Nats Kitchen whilst the first and second floors are currently unused having previously been used as storage associated with its former retail use (stationery shop). The building is located within Leek town centre within an area of mixed uses predominately commercial intermingled with residential. Immediately adjacent to the northern boundary of the application site lies a public pay and display car park with a row of terraced properties beyond and to the east on Deansgate. To the west, on the opposite side of Market Street lies a BetFred bookmarkers on the corner with the 4 storey Rewind bar attached. To the south on the opposite side of Derby Street lie a number of retail units with either storage or office accommodation above.

Whilst the building is not listed it does lies within close proximity to a number of listed buildings the closest being the Natwest Bank to the south west, 23-25 Derby Street to the west, 2-4 Warehouse, Silk Street to the north west and the cottages to the rear of numbers 53-55 (southern range) of Derby Street to the north east. The application building also lies within the town's designated Conservation Area.

3. PROPOSAL

The application seeks full planning permission for alterations and the change of use of the first and second floor of the building to five self contained apartments. The proposed development would provide 4 units on the first floor, three of which would be two person one bedroomed units ranging from 50.3 sq metres to 65.2 sq metres with the forth being a three person two bedroomed unit with a floor area of 62.4 sq metres whilst the fifth three person two bedroomed unit measuring 61 sq metres would be provided on the second floor.

The apartments will be accessed via a shared yard area off Deansgate. The internal walls at ground floor shall be demolished and a new arrangement configured to provide an entrance, bin and cycle store. Existing internal walls at first and second floor will also be removed and reconfigured to facilitate the proposed accommodation. Existing windows shall be repaired and improved with secondary glazing fitted and treated with a white paint finish. Six new windows will be provided in the northern elevation of the first floor to facilitate the proposed units.

4. PLANNING POLICY

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The National Planning Policy Framework (NPPF) which was published on 27th March 2012 and revised in 2021 replaced a significant proportion of central government planning policy advice with immediate effect. It is the Government's clear intention that the document should be considered to be a material consideration and as such carries particular weight where development is not addressed by planning policies in the existing Development Plan.

Whilst the recently published NPPF does not change the statutory status of the Development Plan as the starting point for decision making it does provide guidance to LPA's and is a material consideration in determining planning applications. The NPPF confirms that at the heart of the guidance is a presumption in favour of sustainable development (para 11) and that for decision making this means approving development proposals that accord with the Development Plan without delay unless material considerations indicate otherwise. The NPPF also sets out requirements in respect of housing delivery and securing high quality design. The following are considered to be the most relevant chapters:-

- Section 2 - Achieving Sustainable Development
- Section 5 – Delivering a Sufficient Supply of Homes
- Section 6 - Building a Strong and Competitive Economy
- Section 7 - Ensuring the Vitality of Town Centres
- Section 9 - Promoting Sustainable Transport
- Section 11 – Making Effective use of Land
- Section 12 - Achieving Well Designed Places
- Section 16 – Conserving and Enhancing the Natural Environment

The Development Plan for the Staffordshire Moorlands comprises of the adopted Local Plan (September 2020) and the Saved Local plan Proposals Map / Settlement Boundaries (1998). The most relevant policies of the adopted Local Plan are considered to be SS1 (Development Principles); SS1a (Presumption in Favour of Sustainable Development); SS5 (Towns) SS5a (Leek Sub Area Strategy), DC1 (Design Considerations); DC2 (The Historic Environment); E3 (Existing Employment Areas and Premises; H1 (New Housing Development); T1 (Development and Sustainable Transport) and T2 (Other Sustainable Transport Measures). For the sake of brevity these policies are not quoted in full but they are referred to where appropriate in the following section.

5. ASSESSMENT

Principle of Development

Paragraph 11 of the National Planning Policy Framework (NPPF, 2021) promotes a 'presumption in favour of sustainable development'. For decision takers this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless: i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 8 of the NPPF (2021) identifies three dimensions to sustainable development as being economic, social and environmental. In accordance with policies SS1 and 1a of the Staffordshire Moorlands Local Plan, the Council will expect all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible, enhancing the

environment. When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (2021).

Part (4) (a) of policy H1 states that 'Housing development on sites not allocated for such purposes in Policy H 2 will be supported as follows: within the development boundaries of the towns and larger villages, residential development and development on unidentified (windfall) sites will be permitted, subject to compliance with the Spatial Strategy and wider Local Plan policies'.

The application site comprises a windfall site and is located in the Development Boundary of Leek, a 'town' as identified by Local Plan policies SS2 and SS5. One of the aims of the Leek Area Strategy is to support the development of new housing on sustainable sites within the Development Boundary. The proposed development to provide five apartments therefore complies, in principle, with policies SS1, SS2, SS5 and H1 of the Local Plan (2020).

Design & Heritage

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon the local planning authority in determining applications for development affecting listed building to pay special regard to the desirability of preserving the building or its setting.

The National Planning Policy Framework (NPPF) provides the Government's national planning policy on the conservation of the historic environment. In respect of information requirements for applications, it sets out that: 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance

Paragraph 194 of the NPPF requires that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 195 goes on to state that "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Paragraph 199 advises that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

Paragraph 200 makes it clear 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. Substantial harm to or loss of: •grade II listed buildings, or grade II registered parks or gardens, should be exceptional; •assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed

buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

"Where a proposed development will lead to substantial harm to (or total loss or significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm of loss, or all of the following apply: •the nature of the heritage asset prevents all reasonable uses of the site; and • no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and •conservation by grant funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and •the harm or loss is outweighed by the benefit of bringing the site back into use" (Paragraph 201).

Paragraph 202 states 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 securing its optimum viable use."

Paragraph 203 states, 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. 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'.

In addition to the above paragraph 130 of the NPPF (2021) requires the design of a development to add to the overall quality of an area, by being sympathetic to local character and by being visually attractive as a result of good architecture.

In terms of adopted development plan policies, policy DC1 refers to design and seeks to secure development of a high quality which is designed to add value to the area to the respect the site and its surroundings. New development should promote a positive sense of place and identify through its scale, density, layout, siting, landscape, character and appearance.

Policy DC2 requires heritage assets and their setting to be enhanced and gives protection to designated and non-designated heritage assets.

Whilst not listed the application building occupies a prominent position within Leek Conservation Area which was first designated in July 1970. Originally it encompassed the historic shopping centre but has since been extended in 1989, 1994, 2004 and 2013 to include the large mills and the streets of terraced workers' housing and attractive Victorian and Edwardian housing, much influenced by the Arts and Crafts Movement.

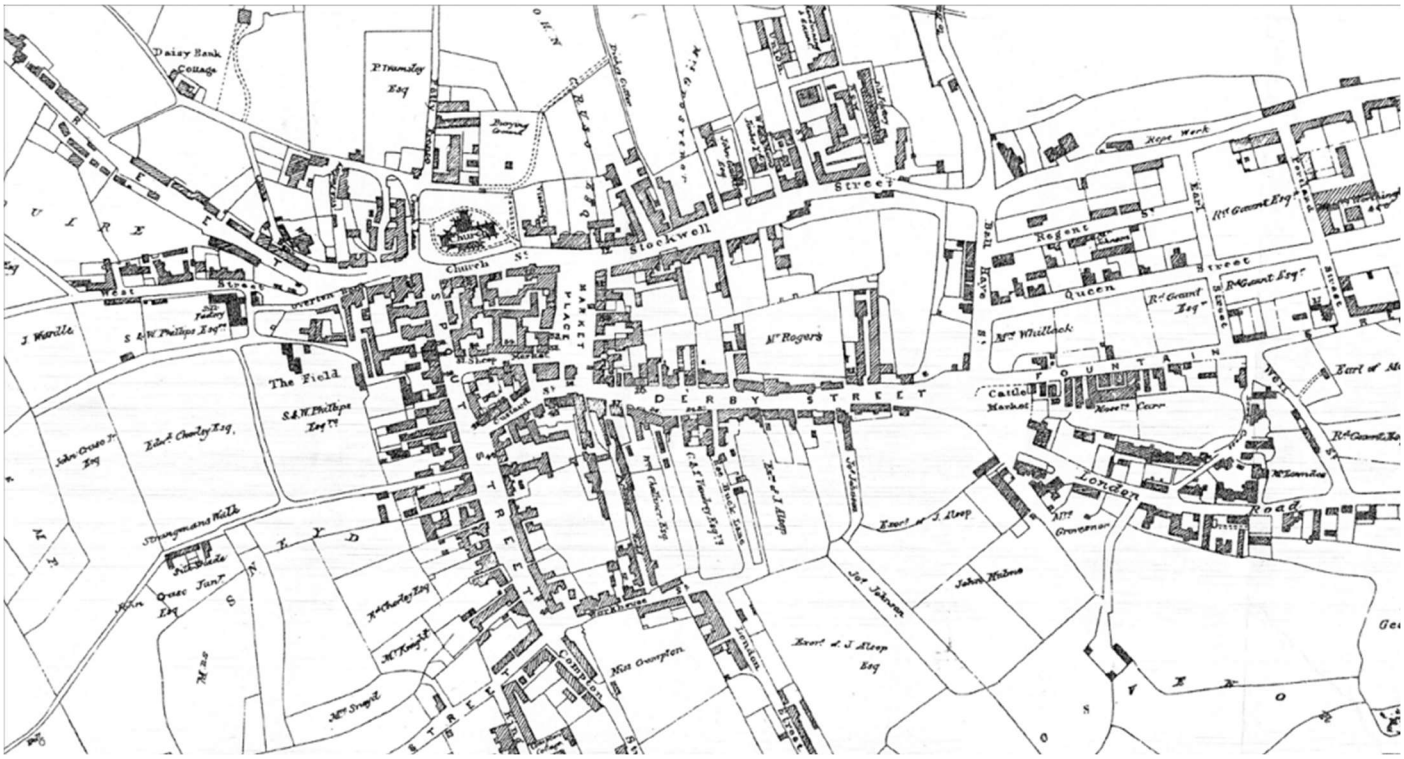
A Character Appraisal published in 2017 separated the town five distinct zones. The application building is listed as lying on the edge of the eastern section. The townscape surrounding the application building in general comprises of densely packed buildings fronting onto a network of streets and lanes.

The Leek Conservation Area Appraisal deems the area as a settlement dating back to the 13th Century, town retaining its medieval street patterns and market place. The appraisal notes that like Stockwell Street "the core of the Conservation Area is the medieval market town with its church, market place and medieval street pattern formed by Church Street, St. Edward's Street, Derby Street and Stockwell Street".

Whilst Derby Street forms an integral part of the old town until the 19th century it consisted mainly of the area round the market place and of the streets leading off it, presumably the plan of the early 13th-century borough. Originally the market place probably extended to the west side of what

is now St. Edward Street, thus forming the north-west corner of the town. The convergence of roads on the north-west, southwest and east sides of the town and the pattern of property boundaries suggest that the medieval town may have had a hard boundary, perhaps an earth bank pierced with gates.

The 1838 Plan of Leek from Millers Olde Leek



In the 1850s and 1860s streets were built over the area between Derby Street and Stockwell Street. Market Street, Silk Street, York Street, and Deansgate were laid out in 1855 and Ford Street and Bath Street were completed in 1863. Ford Street was named after Hugh Ford (d. 1830), who had owned land, and Bath Street took its name from the baths opened at its junction with Derby Street in 1854. In 1863 the Leek and Moorlands Permanent Benefit Building Society, established in 1856, offered 44 building lots for sale in the two new streets and in Derby Street, Stockwell Street (which had been widened and raised to improve access), and Market Street. By the late 19th century Market Street was dominated by a number of major buildings. To the west there was the Central Club (a former silk mill) and the Town Hall, to the east the Wesleyan Methodist Chapel (Brunswick Chapel) with the Nicholson Institute forming the focal point to the north. Elsewhere the Public Baths (now gone) and the Cottage Hospital occupied the most prominent corners.

The 1879 ordnance survey map



Joseph Needham was trading as a bookseller in Leek in 1778 and was recorded as a printer also in 1784 and 1785; his premises were on the corner of Derby Street and Market Place.

As the above shows the main part of the application building comprises of a later 19th century building which has been extended. Whilst the original building has retained its architectural

detailing in terms of its 6 over 6 and 3 over 3 sash windows and dentil detailing much of its ground floor detailing has unfortunately been lost with the introduction of modern shop fronts in both the Derby Street and Market Street elevations. The poorly detailed signage and abundance of poster adverts further detracts from the buildings appearance. The application buildings significance therefore lies in its architectural, historic and historic values expressed through its materials, detailing and previous use.

With the exception of repairs to existing windows no changes are proposed to the elevations of the original 19th century building. Whilst six new windows are proposed in the northern (car park facing) elevation of the later 20th century extension these have been sensitively positioned to serve and maximise the internal room layouts and their overall design and appearance mirrors that of the existing 6 over 6 timber casements. Again whilst a number of internal alterations are proposed in terms of removal of existing and creation of new partitions to create an internal layout which facilitates the change of use it is not considered that these will be damaging to the character and appearance of the building or the way in which it is read and interpreted especially as such alterations and easily reversible. The proposed works are sensitive and appropriate to the unique historic fabric and character of this nationally important heritage asset, and together with a programme of future maintenance, and ultimately the re-use of the building, will help to conserve, secure and enhance its significance for future generations to come.

On the basis of the above it is considered that the proposed development will have little if any impact upon either the character and appearance of the host building or the wider area within which it is located including the adjacent conservation area. Overall the proposed changes integrate well with the street scene and will not affect the character and appearance of the Conservation Area and therefore accord with policies DC1 and DC2 of the adopted Local Plan and advice contained within the NPPF.

Impact on residential amenity

National planning policy dictates that at the heart of its core principles, planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings paragraph 130(f). This is further re-iterated in CS Policy DC1, which seeks to protect residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping as informed by the Council's 'Space about Dwellings' SPG.

In respect of future occupiers the application proposes 5 separate apartments. Three of these would be one bedroomed whilst the remaining two will be two bedroomed units. The smallest unit would be 50.3 sq metres whilst the largest would be 65.2 sq metres. Each unit would be served with windows providing occupants with access to daylight and sunlight. On this basis it is considered that the proposal accords with such requirements in relation to LP Policy DC1 and the NPPF.

Highway Safety

Paragraph 32 of the NPPF states: 'Plans and decisions should take account of whether: the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe' as is reflected within LP Policy T1 'Development and Sustainable Transport'.

Whilst no off street parking is provided the application site lies within a sustainable town centre location which is easily accessible by a means of alternative transport options. It is a short walk from the town's bus station and several public car parks are located within walking distance. On street parking is also provided within the vicinity. It is not therefore considered that the lack of car parking raises any concerns for this proposal. Having regard to the above it is concluded that there would be no adverse impact on highway safety and accordingly there is no conflict with LP policy T1 or with the guidance of the NPPF.

CONCLUSION

The Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

The proposed change of use of the first and second floors of the building to 5 self contained apartments is acceptable in principle as it will be sited within the town centre of Leek, a very sustainable location. The application proposes a sustainable form of development which would safeguard the future of the building and contribute to the districts housing accommodation. The changes to the character and appearance of the area are modest and would not harm or materially affect the host building or the wider surrounding area including the Conservation Area within which it is located. Furthermore, it is not considered that it would be prejudicial to the reasonable enjoyment of the existing residential properties nor would it affect neighbouring land uses. It lies within a very sustainable location close to public transport links and easily accessible on foot and bicycle. In this respect the proposal is considered to be an acceptable form of development and compliant with policies SS1, SS1a, SS5, SS5a, DC1, DC2, H1 and T1 of the adopted Local Plan as well as guidance contained within the NPPF.

The Local Authority is therefore respectfully requested to grant full planning permission for the proposed development in accordance with the presumption in favour of sustainable development.

7.0 DESIGN & ACCESS STATEMENT

USE

The application proposes to convert the current under utilised first and second floor of the building into 5 self contained apartments which is policy compliant and consistent with neighbouring land uses

AMOUNT

The proposed development will not make any changes to the footprint or volume of the application building. Five self contained apartments are proposed as part of the application.

LAYOUT

The proposed development would not make any changes to the existing layout of the application building.

SCALE

No alterations to the scale of the application building are proposed as part of this application.

LANDSCAPING

No landscaping is proposed as part of this proposal.

APPEARANCE

The external appearance of the application building will be enhanced as part of the application with original features retained. The addition of the new windows in the northern elevation of the building would be contained within a later addition and have been designed so that they are in keeping and reflective of the existing openings in terms of size,scale, form and design.

ACCESS

The site is located within a sustainable town centre location well located to existing local facilities and public transport links are easily accessible to the site and other parts of the Staffordshire Moorlands as well as the neighbouring city of Stoke on Trent.