

DELEGATED DECISION REPORT

SMD/2022/0555
Valid 10/10/2022

23 25 DERBY STREET
LEEK

PROPOSED ALTERATIONS
AND REPAIRS

(LISTED BUILDING CONSENT -
ALTERATION)

MAIN ISSUES

- Heritage – Listed Building and Leek Conservation Area

DESCRIPTION OF SITE

Grade II Listed – 7th June 1972 (Application form incorrectly states 1992 agent has accepted this).

Historic England Listing Description:

House, now in use as shop. Early C18 with C16 or C17 building incorporated to the rear, and late C20 shop front. Brick with stone dressings, and plain-tiled roof, the rear range of coursed and squared rubble. EXTERIOR: 3 storeys, 2-window range. Projecting inserted late C20 shop front to ground floor; 2 3-light casement windows above with flat-arched brick heads with painted stone keys. Similar low windows to attic storey, but of 4 lights. Dentilled eaves cornice. Stone quoins visible in left-hand angle, and coped gables with moulded kneelers each side. End wall stacks. Earlier parallel rear range is a low 2-storeyed building with single inserted 3-light casement window to ground floor, and 2-light stone plain chamfered mullioned window above. INTERIOR: not inspected.

Ware house 23 – 25 Derby shown Listed on the LPA's GIS (Stat-map) may be based on reference above to a parallel rear range. The stat map building is not shown in the application ownership red edge and appears to be attached to the adjacent Central Club.

Currently vacant – previously a shop with storage to upper floors last used according to the submitted application as: by the Donna Louise Trust as a charity shop with associated office, storage and welfare facilities above.

PROPOSAL

From the application form the proposal is set out as:

- Existing windows to be stripped back and repainted in white.
- Joints are to be repointed using a 1 part cement/ 1 part lime to 6 parts sand mortar mix.

- To the internal walls: an enclosure is to be formed around the water tank using 50 x 75 mm timber studs and faced externally with 12.5mm plasterboard and skim finish.
- To the floors: existing random width floor boards are in a poor state of repair with open joints and uneven edges causing health and safety concerns for users of the building. The existing floor boards are all to be taken up and those capable of reuse set aside. Those boards unsuitable for re-use are to be carted from site. 100mm of dense insulation quilt is to be laid between joist. Boards are to be relaid over existing joists with shortfall made up with boards to match the existing.
- The boards once in position are to be sanded and varnished
- The flat ceilings are to have 3 no. 100mm layers of insulation quilt laid between joists, ensuring that an air gap is maintained at eaves to allow clear ventilation.
- The sloping ceilings are to have 50mm celotex insulation fixed between the existing rafters maintaining a clear 50mm air gap between top of insulation and underside of felt or torching. A further layer of 50mm celotex is to be installed below rafters. Both flat and sloping ceilings are to be underdrawn with 12.5mm plasterboard and skim coat

From the submitted HIA

Re-pointing works above the shop front, repair and refurbishment of existing windows. Insulation and enclosure of the existing water tank located on the second floor, removal of existing floor boards between 1st and 2nd floor to allow insulation to be provided between and their refurbishment and replacement where required. Installation of oil filled panel radiators to second floor, repairs to skirting board and joinery detailing where required, comprehensive re-decoration of second floor and removal and replacement of ceiling between second floor and attic, remedial work to roof timbers, where required and formation of loft hatch as shown.

(Application received and valid at 10th Oct 2022 / allocated 24th Oct / site notice posted 24th Nov.)

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
 SS2 Settlement Hierarchy
 SS5 Leek Area Strategy
 DC1 Design Considerations
 DC2 The Historic Environment
 NE1 Biodiversity and Geological Resources
 NE2 Trees, Woodland and Hedgerows
 T1 Development and Sustainable Transport

National Planning Policy Framework February 2019

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 7 – Ensuring the vitality of town centres; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

78/05163/OLDDC – extension to bakery preparation room – approved

08/00905/LBC – new shopfront and internal alterations – approved

08/00589/FUL – new shop front – approved

CONSULTATIONS

Publicity

Site Notice expiry date: 15.12.2022

Neighbour consultation period ends: 14.11.2022

Press Advert; 23.11.2022

Public Comments

None

Town / Parish Comments

Leek Town Council – confirmed does not object

SCC Highways

Application is for alterations to a listed building which will have no effect on the highway.

SMDC Conservation Officer

No objection subject to the following conditions:

- Prior to the commencement of works on site a specification outlining the window repair works methodology should be submitted for consideration, along with any relevant technical specification demonstrating the materials and paint or timber care product/s. The development shall be carried out in accordance to this specification once approved by the Local Planning Authority.

- Any original ironmongery or window fittings if any are to be retained/replaced if removed during the course of repair works.

- Clarity is required on the proposed repointing task:

- A. What is the current status of the joints across the front elevation?

- B. What type of mortar is currently in situ across the front elevation?

- C. Is the entirety of this portion of the façade to be repointed, or is it patch repairs?

- Prior to the application of any stabilising solution on the interiors it would be pertinent to see and understand the current status of the internal walls to ascertain why it is wished to be used. Additionally, the product that is considered for this task should be outlined and a datasheet where appropriate should be submitted for consideration.

OFFICER COMMENTS

Principle of Development

The impacts of the proposal in terms of the heritage significance of the Listed Building need to be considered. The agent has submitted an assessment of the heritage impact at section 5 of their HIA / DAS.

As regards the Listed Building there is a statutory duty placed on the LPA, under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the Listed Building affected, and its setting and “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”.

As regards the Leek Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 places a statutory duty on the LPA in assessing planning applications in respect to any land or buildings in a Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In reaching its decision the LPA has to demonstrate that the Section 72 Duty has been applied and discharged. Section 72 (and Footnote 7 of para.11 of the NPPF) creates a strong presumption in favour of the preservation of Conservation Areas and their setting.

An LPA can only discharge its duty if it has carried out a proper assessment of the impact on a Conservation Area and/or a Listed Building, is conscious of the duty and has demonstrably applied it in assessing the proposal. This assessment extends to setting, the surroundings in which a heritage asset is experienced.

Historic Environment Policy DC2 of the Local Plan is to give protection to designated heritage assets and their settings (and non-designated heritage assets) as set out in the NPPF.

NPPF paragraph 199 states 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”.

Paragraph 200 goes on to say that: “any harm or loss [to a heritage asset] should require clear and convincing justification.”

NPPF 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.”

If there is found to be no harm there would be no need to balance the proposal with any public benefit.

Design / Heritage impact

By e-mail on 24th November 2022 the LPA raised with the agent the following:

- Either to arrange LPA access to the interior or alternatively for photos to be provided. Agent’s photos are now on file.
- From these the LPA can note photo IMG-6325 shows the 2nd floor left hand window (looking out). This is evidently historic with fittings and appears to be fitted with original or at least historic glass. There is no interior cill present with this window.
- Photo IMG-6331 shows the 2nd floor right hand window (looking out). This again is evidently historic with fittings (one detached) and appears to be fitted with original or at least historic glass. A timber interior cill is present with this window. An overflow pipe from a water header tank in this room has been inserted through the frame (top left) to the outside.
- To confirm there is no work proposed to windows or exterior walls other than in the front elevation? Agent responded: *With the exception of insertion of roof vents in the rear roof slope all other exterior work is limited to the front elevation of the building.* In fact work is confined to the second floor windows only and any permission should refer to this for the avoidance of doubt.

The LPA also sought clarification as to the positioning of the two Celotex layers and how maintenance of air flow from the eaves to the interior of the roof would be achieved due to this being critical to the survival of the timbers. This was noted in the first drawing but unclear how it would be achieved, especially in the sloping ceiling parts. The agent has now supplied details of corbel vents and Dreadnought roof tile vents. These serve both (a) to confirm the issue of essential ventilation is

being properly addressed and (b) that the method would be discrete and acceptable without risking harm to the appearance and historic significance.

A window repair method has been described in revised drawing 2022-2705-02 B. No further consultation has been made with the CO as the method can be seen as self-evidently reasonably thorough and appropriate. It should however be noted, again for the avoidance of doubt, that no permission has been sought to alter the glazing panes which appear historic and that these should be retained unaltered and kept secure using putty without recourse to timber or other rebate methods.

Also, the proposed colour finish to the windows is stated as RAL 9001 Cream White. This would certainly be acceptable for the interior. At present the exterior finish appears to be pure white. The application form and the drawing with reference to the ground floor shop front refers to re-painting only in white.

Revised drawing 2022-2705-02 B also confirms as requested by the CO the extent of pointing work to the front. This coincides with evident need and is acceptable. It must be conditioned for the avoidance of doubt (the drawing does propose this) that hand tools only be used for raking out the joints.

CONCLUSION / PLANNING BALANCE

Subject to a number of conditions the LPA can be satisfied that no harm or loss will occur to the historic significance of the building.

OFFICER RECOMMENDATION : **Approve subject to conditions**

Case Officer: Arne Swithenbank

Recommendation Date: 24.02.2023

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council