

## DELEGATED DECISION REPORT

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**SMD/2024/0221**  
**Valid 16/05/2024**

**SILK MILL 3 MARKET**  
**STREET**  
**LEEK**

**INSTALLATION OF 6**  
**ROOFLIGHTS**

**(FULL - MINOR)**

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### MAIN ISSUES

- Impacts on Historic Assets
- Design
- Amenity

### DESCRIPTION OF SITE

The application relates to a former public house known as Silk Mill. The building in its own right is not listed however, part of the building i.e. the single storey building adjoins the rear properties of 23-25 Derby Street, Grade II listed buildings and appears to be part of the curtilage of the heritage asset.

The building itself is a 4 storey brick building within the Town centre of Leek and the Conservation area. It lies to the western side of Market Street close to its junction with Derby Street and is within close proximity to a number of listed notably Natwest Bank to the south west (GII) and 23-25 Derby Street to the west (GII), 2-4 Gaunt Buildings further west of the site (GII). The rear of the property backs onto a public car park.

### PROPOSAL

The proposal seeks listed building consent to install 6 rooflights on the single storey projecting wing to the rear of the building: 4 of the rooflights will be to the roof plane facing the adjacent car park and 2 to the roof plane facing the listed building known as 23-25 Derby Street.

The rooflights will be conservation rooflights and measure 1.18m long x 7.17m wide.

The purpose of the rooflights are to provide additional natural lighting to the dining/restaurant area.

### RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

#### **Staffordshire Moorlands Local Plan (adopted September 2020)**

S01 Spatial Objectives

SS1 Development Principles

SS1a Presumption in Favour of Sustainable Development

DC1 Design Considerations

DC2 Historic Environment

T1 Development and Sustainable Transport

**National Planning Policy Framework**  
**Section 12 – Conserving and enhancing the Historic Environment**

**SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

**SMD/2001/0478 Advertisement consent for illuminated sign. Approved**  
SMD/2006/0789 Replacement/ reinstatement of windows. Approved

**CONSULTATIONS**

**Publicity**

Site Notice expiry date: 13/06/24  
Neighbour consultation period ends: 6/06/24  
Press Advert: N/A

**Public Comments**

None

**Town Council Comments**

None

**Historic England**

No comment to add

**Conservation officer**

See below.

**Environmental Health**

No objection

**OFFICER COMMENTS**

**Principle of Development**

The application site is located within the Leek Town Centre and as such the principle of the development is considered acceptable, subject to the impact of the proposals on the historic integrity of the Listed Building, the character and appearance of the Conservation Area and the amenity of nearby occupiers.

**Impacts on Historic Assets**

Policy DC2 of the adopted local plan seeks to safeguard, and where possible, enhance the historic environment which includes designated heritage assets and listed buildings and conservation areas. In accordance with the Town & Country Planning (Listed Building and Conservation Areas) Act 1990, development is required to preserve or enhance the character and appearance of a heritage asset.

Paragraph 205 of the NPPF 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 208 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.

The application building is attached to 23-25 Derby Street, a listed building. According to the statutory list description, the three storey former house, now shop, is of early 18<sup>th</sup> century with 16<sup>th</sup> or 17<sup>th</sup> century buildings incorporated to the rear, and late C20 shop front. There are stone dressings, plain tiled roof and the rear range of coursed and squared rubble. 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. The materials and architectural detailing are all indicative of a historic building and are important aspects of its special interest.

The Conservation officer has been consulted and has considered “the application convoluted and without legible supporting information, appearing to add everything in together and it is not within her remit to unravel something that perhaps should have been proof read beforehand. There has been no assessment or clarity to provide that it is curtilage either, this does not form part of the application and its last minute mention only demonstrates further ambiguity. It appears everything is attempting to be mopped up together.

*What is mentioned in the description for 23-25 Derby Street is a rear two storey building with chamfered and mullioned windows. The application does not relate to this, nor does the application even consult at a minimum the Historic Environment Records or Historic England listing description the building it apparently may be linked to.*

*The application concerns a one storey pitch roof outshot almost entirely the other side of the listed building, though within its setting and within the Conservation Area. Both of which are highly exposed and have direct lines of intervisibility. Historic OS maps demonstrate former condition of the rear of this vicinity to have changed over time. The listed building is not considered at all, even if the outshot is at any point so confidently deemed curtilage, and despite some mere mention of the Conservation Area, under section 4. Planning Policy in the heritage statement, our historic environment policy isn't weighed against either. Despite again, the introductory notes outlining the outshot is both designated, non designated, part of or not part of the listed building but perhaps now maybe curtilage as well?*

*The application does not meet paragraphs 200 where information is either missing, ambiguous or inaccurate, and paragraphs 201, 205, 209 are conflicted where the supporting information is poor and prevents a concise and appropriate assessment of the scheme to make any confident conclusion. I cannot support this application and recommend refusal.'*

In view of this, the case officer is minded to support the opinion of the Conservation officer's comments in which the heritage statement provides lack of correct information - the setting of the listed building and conservation area is not considered and therefore, contrives with policy D2.

Referring to the impact to heritage and non-heritage asset, the ground floor building is located to the rear of the former public house within a prominent location in the Town Centre of Leek and within the Conservation area. While the building is considered a back view, it is highly exposed with direct lines of sight from Silk Street within a high trafficked area of the Town Centre. As such, the rooflights should be read in conjunction with setting of the listed buildings to the north and east of the site. A view from the car park is shown below- listed buildings are highlighted as follows:



The rooflights are of a conservation style, being flush fitting within the roof plane. However, they are sizeable and the number of rooflights appears cramped along the roof slope that is most visible from the public street such that they detract from the traditional appearance of the buildings and harm its special interest. The presence of rooflights would also result in the loss of plainness of the roof slope which provides a back drop to the utilitarian form and appearance of the listed building-23-25 Derby Road and 2-4 Gaunt Buildings (also Grade 2 listed) to the right of the proposed alter building that makes this view of particular importance.

The harm arising would be less than substantial in the terms of the National Planning Policy Framework (the Framework) but is nevertheless of considerable importance and weight. The agent claims that the public benefits is to provide natural light into the dining area, creating a usable space of the commercial premises. The case officer recognises the benefits of rooflights for all intents and purposes, however, is of the opinion that the public benefit does not weigh against the harm to the setting of the listed building and the backdrop of the listed buildings within close vicinity of the building.

It is considered that the proposal would have a significant impact of the designed heritage assets.

### **Design and visual impact**

Policy DC1 of the adopted local plan sets out a list of design principals which all development should adhere to in order to respond positively to the built and natural environment.

As noted in the earlier section of the report, the rooflights are of a conservation style and will be flush fitted with the roof slope. However, the rooflights appears somewhat wide, particularly against the slim line first floor Georgian windows of the main building and also those of the listed buildings to the rear of the single storey building. The width also makes these modern windows more noticeable.

The number of rooflights (4) would contrive with the appearance and pattern of the existing windows which are in a sequence of 3 and appears cramped along the roof slope such that it would appear out of keeping with the special character and heritage of the area. It is therefore considered that the proposals is not in accordance with policy DC1 of the Local Plan and relevant design policies within the NPPF.

### **Amenity**

Policy DC1 of the adopted core strategy states that new development should protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

Four out of the six rooflights will be on the roof plane adjacent the public car park; these rooflights are unlikely to have any impact to residential properties that are located to the north of site.

The two rooflights will be on the roof plane that shares the element associated with the listed buildings 23-25 Derby Street. It is considered that the two rooflights would have limited impact as there is a separation distance of 16m window to window of these neighbouring properties and therefore, consider to have limited overlooking. In addition, the rooflights would not serve a habitable room to cause privacy issues. The scheme would be in accordance with policy DC1 in the Local Plan.

### **Other matters**

Environmental Health has raised no objections and has recommended a condition to restrict times of construction to protect neighbours from noise disturbance.

### **CONCLUSION**

The proposals will cause less than substantial harm in the contexts of paragraphs 208 and 209 of the NPPF. However, the public benefit does not weigh against the harm to the setting of the listed building and the Conservation area. The application also fails to provide a heritage statement that is concise and complete to make any confident conclusion of the scheme. This would fail to satisfy the requirements of the Act, paragraph 200, 201, 205, 206 of the Framework and conflict with policies DC1 and DC2 of the Local Plan in so far as the require good design and the protection of

heritage assets. As a result, the development is not in accordance with the development plan.

**OFFICER RECOMMENDATION :     Refuse**

**Case Officer: Lisa Li**

**Recommendation Date: 03/07/24**

*Rachel Simpson*

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**On behalf of Staffordshire Moorlands District Council**