

## DELEGATED DECISION REPORT

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**SMD/2024/0509**  
**Valid 11/12/2024**

**THE OLD COURT HOUSE**  
**HIGH STREET**  
**LEEK**

**PROPOSED CHANGE OF USE**  
**OF USE / CONVERSION OF**  
**UN-OCCUPIED FIRST AND**  
**SECOND FLOOR**  
**ACCOMMODATION INTO 9**  
**RESIDENTIAL UNITS**

**(FULL PLANNING - SMALL-  
SCALE MAJOR APPS)**

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### MAIN ISSUES

- The principle of the proposal
- The impact on the character and appearance of a Conservation Area
- The impact on residential amenity
- The impact on highway safety

### DESCRIPTION OF SITE

The application site is a short distance to the west of Leek Town Centre and is a corner plot with High Street running along the north boundary and Field Street running along the east side boundary. It comprises an ornate three-storey stone and red-brick Victorian building with facades along both of the roads and is known as The Old Court House. It has an “Edwardian Baroque” style with a 1910 date stone. The ground floor premises fronting onto the High Street is largely occupied by Leek Post Office. The ground floor premises fronting onto Field Street is occupied by the “Napoli” restaurant and bar which also has a smaller frontage onto High Street next to the post office. The upper floors appear to currently be vacant but did have an established commercial/business offices and a law courts use and also it is understood that the previous use of the upper floors was as a temporary live music rehearsal space which was not lawful and did not have benefit of planning use approval. There are also four ground floor commercial units.

Outside of the application site, there is single-storey flat-roofed grey bricked building attached to the west side of the building which is occupied by the “Chennai” Indian restaurant. To the south of the site there is a row of Victorian terraced dwellings facing Field Street. There is a passage running along the south boundary of the site which serves the backyards of the terraced houses. To the north of the site is a large detached Victorian former residence which now appears to be used as offices. There is a public car park to the east of this, accessed from the High Street and to the west of the offices is modern apartment buildings. To the east of the site on the other side of Field Street, is Paramount Place, a modern four storey building housing apartments. To the west of the site is a vehicle sales garage which also adjoins the Chennai restaurant and which fronts onto Salisbury Street.

The site is within Leek Conservation Area with the boundary running along the south boundary of the site. The building on site is not listed. The site is also not within the “Town Centre Boundary” as defined in the Local Plan.

## **PROPOSAL**

This is a full planning application for the conversion of the first and second floors of the building into 9no residential apartments, with five 2-bed flats on the first floor and four 1-bed flats on the second floor. The ground floor uses including post office and restaurant will be retained and no works are proposed on the ground floor.

There are no extensions proposed. A Planning, Design and Access Statement incorporating Conservation Area Heritage Statement of Significance states the works would comprise the following:

*“Extensive remodelling of non-load bearing internal partitions; modest alterations and extensions to an enclosed flat roof terrace area; minor alterations and repairs to roof coverings & ceilings; external and internal structural walls; and including minor alterations and replacements to existing windows and doors; including essential building fabric repairs; with alterations to existing foul water drainage and minor repairs and replacements to existing rainwater goods as required.”*

All new windows would be replacements and would be white painted timber as existing. New rooflights would be PVC. New replacement external doors would be timber as existing.

An amended roof plan drawing shows the like-for-like replacement of three north-facing dormer windows, two new skylights on the east side, the removal of a very small dormer on the east side, the removal of skylights on the west side, a new smoke vent and the resurfacing of a small outdoor roof terrace.

The original scheme submitted with the application proposed the conversion of the building into 12no flats. The scheme was amended to a 9-unit scheme in March 2025 and further amendments to the elevations and floor plans were made between June and December 2025.

The application as submitted included a Structural Survey Report, Transport Statement, Travel Plan, Viability Report, further Viability information, Noise Impact Assessment (NIA), Odour Report and Air Quality Assessment.

The Odour Report was revised in March 2025. Odour Filtration System details were received in September 2025. The NIA was revised in November 2025.

## **RELEVANT LOCAL AND NATIONAL PLANNING POLICIES**

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

SS5 Leek Area Strategy  
H1 New Housing Development  
E3 Existing Employment Areas and floorspace  
SD4 Pollution  
DC1 Design Considerations  
DC2 The Historic Environment  
NE1 Biodiversity  
T1 Development and Sustainable Transport

### **National Planning Policy Framework (NPPF) (Revised Dec 2024)**

Sections 5 (Housing), 6 (Economy), 12 (Design), 15 (Natural Environment) and 16 (Historic Environment).

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

SMD/2020/0124: Change of use to nine apartments. Withdrawn.

DET/2018/0010: Prior Approval application for change of use of upper floors into ten apartments. Refused.

SMD/2017/0612: Change of use from business (former B1 use) to shops (former A1 use). Approved.

SMD/2011/0666: Change of use of ground floor to D1 Non-Residential Institution floorspace. Approved.

SMD/2009/1013: Change of use from magistrates courts and government offices to offices. Approved.

SMD/1984/0637: Change of use from retail to magistrates courts. Approved.

## **CONSULTATIONS**

### **Publicity**

Site Notice expiry date: 12.2.25

Neighbour letters expiry date: 12.2.25

Press Notice: 15.1.25

### **Public Comments**

In response to the original scheme of 12 flats, letters of objection were received from three local residents raising the following points:

- Exacerbation of car parking problems on adjacent streets
- Increase in cars being parked on pavements to the detriment of highway and pedestrian safety.
- Apartments not accessible to wheelchair users and no disabled parking spaces proposed
- Loss of an arts and creative hub which was a benefit to the community

In response to the amended scheme of 9 flats, two letters of objection were received, one from a previous objector upholding his concerns over the impact on car parking. The other letter also raises the issue of car parking also stating this would affect highway safety and also raises the issue of lack of external space and storage for the increase in bins being brought out for household waste collections.

A letter of support was received from Leek Post Office who considers the proposal would provide the investment needed to help restore the building which in deteriorating condition.

### **Leek Town Council**

No comments received.

### **Local Highways Authority**

Original consultation response (to the 12 flats):

No objection subject to a condition requiring the Travel Plan be secured via a S106 Agreement.

Further comments are provided as follows:

No parking is proposed with the development. However, none is available for the current or previous uses and this would be the case for whatever use the building is put to. Proposal will no doubt increase demand for residential parking. However, this is a highly sustainable town centre location. Public parking is widely available close by. Bus services are available in Leek. Bus station is only approx 700m away. It may be appropriate to consider residents parking area or permits for nearby car parks.

Travel Plan has been submitted with the application. This is positive for the development. SCC Smarter Travel have considered the TP and require a number of minor alterations and additional information:

- Free bus taster tickets should be provided to new residents.
- How many bikes can be accommodated in the proposed cycle storage? How is access controlled?
- The method of survey mentions car park surveys, we would like to know more detail about this as the development does not provide any car parking – are the surveys to see if there are issues with parking on the highway?
- We would like to see a high response rate achieved to the annual surveys, so that some robust data is provided, we would suggest above 80%.
- The suggested target of 54% car driver modal split seems high considering no parking is provided at this development, we are happy to discuss this with the Travel Plan Coordinator once baseline data has been provided.
- The Travel Plan Coordinator should make contact with [smarter.travel@staffordshire.gov.uk](mailto:smarter.travel@staffordshire.gov.uk) on appointment.

Travel Plan should be updated in accordance with SCC Smarter Travel requirements and submitted and agreed at the earliest opportunity. The required amendments are minor. It would be preferable for the revised TP to be submitted, agreed during planning stage and appended to the S106 agreement. Travel Plan sum and the Travel Plan itself shall be secured and governed under S106 agreement.

#### Response to the amended scheme of 9 flats:

As above.

#### Final Comments

I was surprised to receive a travel plan with this small application, even when it was 12, in a town centre location. There is no set threshold for travel plans anymore, but as a comparison, threshold used to be around 80 units (or a number of specific issues/vehicle types/trips). Having checked with SCC Smarter Travel who monitor travel plans, SCC are happy to carry out monitoring of it but this would of course need travel plan sum to cover the monitoring.

As developer submitted it with their application, it would be reasonable to expect it to be implemented, otherwise there would be no point in submitting it. This would need to be monitored, otherwise, little point in implementing it. This would require the Travel Plan sum under S106.

To answer the question – its not required by the size of development, but its been submitted.

It may be appropriate to establish from the developer what they were intending to achieve by submitting a TP if they weren't expecting to have it monitored.

## **Environmental Health**

### Original consultation response (dated 22.1.25)

Environmental Health recommend refusal of the application due to insufficient information being provided to assess the suitability of the upper floors for residential use given the current commercial units on the ground floor. In addition further assessment should be made on cooking smells/ odour.

The consultation response raises the concerns over noise from the commercial units/restaurants as well as odours.

### Consultation response for the amended scheme of 9 flats (29.4.25)

Environmental Health recommend refusal of the application due to insufficient information being provided to assess the suitability of the upper floors for residential use given the current commercial units on the ground floor. Under the agent of change principle a commercial business such as the Napoli should be considered and protected from the development of noise sensitive residential dwellings as is proposed here.

Further comments:

### Potential Areas of Environmental Concern.

1. *External Noise - Road and Commercial noise (Condition mitigation in noise assessment)*
2. *Internal transmission of noise from ground floor restaurant and post office—music, plant & machinery, operational and customer noise. (Insufficient information)*
3. *Internal transmission of noise between residential units (Building Regulations)*
4. *Operational plant and machinery noise impacts e.g air conditioning units. (Insufficient information)*
5. *Construction Impacts (Condition)*
6. *Cooking Smells*
7. *Air Quality*
8. *Asbestos (Advisory)*

### General Comments and Recommendation

Noise: *External noise caused by road traffic and commercial noise from High Street can be addressed through the mitigation set out in section 4.0 of the noise assessment (Hepworth Acoustics June 2024 Report No: P24-148-R01v1).*

*Noise between proposed residential units should be addressed through Building Regulations.*

*Internal transmission of noise from commercial units into the proposed residential unit remains unaddressed. Under the agent of change principle the onus should be on the developer to install mitigation to address impacts from the exiting commercial operations which might impact future residential amenity. This assessment does not assess or propose site specific sound insulation to mitigate internal transmission of noise from the Napoli restaurant, the Post Office, Chennai restaurant and Adrian Wilson car workshop into the proposed residential units.*

*The Napoli restaurant is likely cause internal noise transmission through the building from music, plant e,g cooking extraction fans, duct noise, customer noise etc. if appropriate insulation or mitigation is not installed. The Napoli has opening times from noon to Midnight (Monday to Thursday), 12:30am (Friday and Saturday), 11:00pm (Sunday) and under the deregulation of live music, amplified live music can be played at this venue up to 11:00pm without any change in the current licence. This would be likely to cause significant adverse impacts to the proposed residential units during unsocial hours. A robust site-specific breakout noise impact assessment and sound insulation scheme should be completed to address structure borne, airborne, flanking transmission, and transfer of noise through ceilings, floors and walls.*

*The current Post Office unit has a broad range of potential commercial uses and although unlikely to cause significant level of noise into the upper levels of the building it should be assessed. The range of commercial uses this unit might have could be compromised if the proposed residential units are not appropriately insulated.*

*The car repair garage and Chennai restaurant share sections of a party wall with the proposed apartments. Noise could transfer through the structure if not sufficiently isolated.*

*Plant Noise - There is a proposed change to flue, vent and plant arrangements for the Napoli restaurant to facilitate this development this should be considered in any revised noise assessment i.e. impact to existing and proposed residential units. In addition any air conditioning or ASHP to address overheating in the proposed units should be assessed.*

*Air Quality - An air quality assessment has been undertaken by [Aeolus Air Quality Consulting Ltd](#) in support of the application. The report is considered to satisfactorily demonstrate that the proposed development will not significantly affect AQ in the local area and the site itself is suitable for development (in AQ terms) this is accepted. The report also includes recommendations for the control of dust during construction, however these are somewhat generic and not bespoke to this sort of development. Moving forward the applicant should adopt the appropriate mitigation suitable practices highlighted in this report and include them in any future construction management plan.*

*Odour - An odour impact assessment been undertaken by [Haze Environmental Ltd](#) in support of the application. The report is considered to be a fairly comprehensive desktop report and assesses the odour potential, from the existing Italian (beneath the proposed flats) and Indian Restaurant adjacent /below), to affect future residents. It is noted in the report that the odour assessment from the Italian suggested that the exhaust flue should / will? Be moved to discharge at a height 1m above the ridge to allow for adequate dispersion away from receptors. It is this new location that was evaluated in this assessment.*

*The findings of the report indicate that the odour from the Italian should not be an issue (as discharging above the receptors) but the effect of the odour emissions from the Indian (Chennai restaurant) on the proposed residential flats could potentially be significant.*

*The consultant argues that there are already sensitive receptors located nearer, or at a similar distance to the vent and no complaints have been received which indicates that some odour control equipment is fitted and therefore, the odour risk would reduce to low and the impact on the development would be negligible. There is some merit in this argument, but it would appear to also be one that that could be clearly validated by undertaking an actual site visit to assess the odour from the Indian restaurant during its operation.*

*It is recommended therefore that the conclusions of the report are supported by a site odour assessment of the India restaurant (during operation) to confirm this postulation.*

Comments in response to drawings of mechanical ventilation system and Odour Filtration System Notes (20.11.25)

*Further details regarding the installation of the mechanical ventilation system with odour filtration have been supplied to the LA. These note that flats Nos 4, 5 and 9, will be ventilated by mechanical fresh air supply system with activated carbon air quality filtration equipment for particulate removal PM<sub>10</sub>, type 1 gas filtration plus PM<sub>2.5</sub>, provided by the product supplier Airclean Ltd, in accordance with schematic diagram (Ref: 22361 AL9B B Elevations proposed) and supplied Air clean manufacturers product details.*

*The applicant notes that the system will either operate from proprietary external wall fixed louver vent grilles approx. 250mm wide/long x 150mm deep, proprietary mechanical suction fan with internal ducting and internal supply grilles into the habitable rooms (living / kitchen rooms, bedroom and bathrooms) etc of each flat in either Positive Input Vent (PIV Mode) or Mechanical Ventilation with Heat Recovery (MVHR Mode) the latter depending on the agreed overall energy performance heat loss/insulation criteria required to comply with the Building Regulations. Exhaust air in either of the optional modes will be ducted from each of the flats to the outside and will be naturally forced or mechanically vented through tile vents in the roof.*

*Both these proposed schemes are approved.*

*Proposed condition:*

*Prior to the occupation of the development, details and verification of the installation of the approved scheme for the mechanical air ventilation system shall be submitted to and approved in writing by the LPA. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions unless otherwise agreed beforehand in writing with the LPA.*

*Reason: To protect the amenities of the occupants*

Consultation response for the amended scheme in response to the revised Noise Impact Assessment (dated 18.12.25):

Noise Updated – *An updated noise impact assessment has been submitted to address outstanding concerns relating to the kitchen extraction fan noise in the proposed residential units Ref. Hepworth Acoustics P24-148-R02 dated 03.11.25 version 3.*

*This assessment has undertaken investigation into noise from road traffic, and nearby and internal commercial units. The Napoli restaurant and road traffic has been identified as causing noise into the residential units which requires mitigation. Section 5 of the assessment has submitted a scheme of sound insulation designed to ensure compliance with the criteria sound levels set out in section 2. Both the criteria sound levels and scheme of sound insulation can be accepted and should be made conditions of development.*

*The application acoustician/or an equivalent qualified person appointed should be involved throughout the development phase in order that all required sound insulation is installed. Any changes to the proposed sound insulation should be approved by a suitably acoustician appointed by the developer prior to approval by the LPA. Pre-completion/occupation testing should be undertaken to demonstrate compliance with the approved criteria set out in sections 2.22 -2.25 inclusive where compliance is not proven then further attenuation works should be installed and retesting conducted.*

*Any plant noise introduced into the development e.g air conditioning units or ASHPs should not increase pre-existing sound levels. A condition is advised.*

Note: The issue of amplified music potentially poses a concern. The current Napoli operator made it clear to Environmental Health that music was not a key part of their operation and was only played acoustically on occasional nights. They emphasised their primary concern was the development of the building as it was in a poor state of repair and beginning to impact their business e.g rain water ingress. If the use of live music is limited to acoustic only and all recorded music limited in noise level then there should be no adverse impact to the residential units upstairs. We would perhaps advise a noise limiter is installed into the restaurant taking account of advice from the current operator and acoustician. Any future operator of the restaurant e.g if it changes operator, should be aware of the limitations accepted by the current owner by introducing residential units over this restaurant.

## **Conservation Officer**

### Original consultation response:

Objection raised.

In summary, the proposal would result in a minor-moderate degree of harm to the overall character and appearance of the Conservation Area. This would be contrary to s.72 of the Act. With reference to the planning policies, this would be 'less than substantial harm' to the designated heritage asset (par.215 of NPPF and policy DC2 of the local development framework). As set out in the NPPF, great weight should be given to the conservation of a designated heritage asset (par.212) and any harm should require clear and convincing justification (par.213). There does not appear to be clear and convincing justification for the level of heritage harm, and it is not clear that this scheme would be the optimum viable use for the building (par.215 of the NPPF) – i.e. the one that causes the least amount of harm to the significance of the heritage asset (par.15 of the PPG). Therefore, we object to the proposal from a conservation perspective. We would recommend that the design of the windows and smoke vent are altered to be more sympathetic to the character and appearance of the Conservation Area.

Other comments provided as follows:

*“The development site involves a former early-20th century Co-Operative building which was later converted to a courthouse. The building is a distinctive landmark building along the street, evocative of the eclectic revival styles popular at the turn of the century. Although some alterations to the ground floor shopfronts are not particularly sympathetic, the building still retains a high architectural value and makes a positive contribution to the character and appearance of the Conservation Area.*

*The external works would involve the removal of some existing rooflights to the north and west elevations, installation of 3 dormers to the front elevation, installation of a flat roof extension and smoke vent at second floor level and replacement of all external windows. We are supportive in principle of the proposed reuse of the upper floors as this will contribute to the long-term conservation of a building which makes a positive contribution to the significance of the Conservation Area.*

*The proposed alterations to create new dormers and a rooftop courtyard extension appear to have been sensitively designed to minimise sightlines of these additions without negatively impacting the overall character of the building. However, the proposed replacement of the leaded light windows to the front and side elevation with a different design, new windows to Salisbury Street elevation and installation of a large metal clad smoke vent would diminish the building's architectural interest and harm the significance of the Conservation Area as a*

result. From the information provided, there does not appear to be clear justification for this level of heritage harm.

*It is recognised that there are many other examples of timber sliding sashes in the Conservation Area. However, in these other instances the sliding sashes are either reflective of the period of construction or a period of historic improvement to the building influenced by changing fashions and technologies. The design and detailing of the existing leaded lights is a distinctive feature of this particular building. It is not clear why double-glazed replacements which replicate this detailing could not be utilised in the conversion to retain the overall appearance of the building and, thus, minimise the heritage harm.*

*In addition to the above, there are some new windows proposed to the Salisbury Street elevation. The first-floor windows would likely be hidden from public vantage points by the adjacent building. However, the proposed second floor windows (W.2.23, W.2.34 & W.2.25) would be quite prominent from street level. Their proposed design does not relate to the architectural design or fenestration pattern on the building, notably the soldier course headers, are particularly unsympathetic. It would be recommended that if windows are required to this elevation from an amenity perspective, that these are redesigned.*

*To the rear elevation, a large zinc clad smoke vent is proposed. The scale, design and finish of this would be overtly industrial in character. Although this would be situated on an elevation of lower architectural significance, its prominence and harsh visual appearance would still diminish the overall appreciation of the Conservation Area. It is recognised that upgrading the building to meet Fire Regulations is a crucial part of any conversion scheme. However, it has not been clearly demonstrated how other more sensitive solutions could not be incorporated into the scheme to lessen the visual harm and impact on the Conservation Area."*

Consultation response for the first amended plans: (dated 22.4.25):

No objection subject to conditions. Comments provided as follows:

*In summary, the proposal would still result in a degree of harm to the Conservation Area through the loss of traditional window detailing and new smoke vent which would be contrary to s.72 of the Act. With reference to the planning policies, this would be 'less than substantial harm' to the designated heritage asset (par.215 of NPPF and policy DC2 of the local development framework), but this would likely be at the lower end of the scale of harm (subject to the window design). There is likely public benefits arising from the scheme which would balance or outweigh this level of heritage harm and there is clear justification for the need for fire attenuation measures. Overall, there are no objections from a conservation perspective to the proposed amendments.*

*Previous conservation comments (dated 13th February 2025) raised concerns with the proposed window design and the height and industrial appearance of the new smoke vent. The scheme has since been reduced from 12 to 9 units, the smoke vent has been altered in design and reduced in height and the proposed window fenestration has been amended. The reduction in height of the new smoke vent (by approx. 1.5m) and cladding in bricks instead of metal cladding would considerably reduce the visual impact and prominence of this addition in relation to the building and wider views in the Conservation Area. As illustrated in the updated sectional drawing, the amended vent would be more discreetly positioned within the roof courtyard and behind the ridge of the outriggers.*

*The initial proposal sought to replace all the side-hung leaded light casements with sliding sash windows and concerns were raised on the proposed design. An amended technical drawing (dwg no. AL24 Rev A) has been submitted, which shows that the windows on the*

*principal elevations would still be sliding sashes but the drawing appears to indicate that a leaded light or multi-pane effect would be added to these sashes. In principle, these are an improvement on the previous plain glazed sliding sashes and would help maintain some of the character of the building. However, limited technical details have been provided on how the leaded-light effect would be achieved. In addition, there are some suggestions for amendments/further information on the windows mentioned below (which could be conditioned).*

*It would be suggested the following amendments are made to the proposed window details:*

- Amendment to the glazing bar profile to a more traditional detail e.g. ovolo profile*
- Further clarification on the leaded light / multi-pane detailing to be added to the windows (i.e. would this be applied leaded effect to the window panes?)*
- Removal of horns to the sliding sash windows*
- Details of cladding to W.1.25 – 28 to be provided*
- The central top-hung pane of W.2.23 to the second floor is altered, for example just a fixed central pane of glazing*
- The top hung casement elements for W.1.17 and W.1.25 - 28 are removed*
- Details of proposed colour and finish of windows*

*Overall, the principle of the proposed amendments have reduced the scale of impact on the designated heritage asset. However, as mentioned above, there would still be some amendments and further technical details required for the windows to ensure their design was sympathetic to the character of the building and Conservation Area.*

Consultation response for the further amendments to the replacement windows shown in the Revision B drawings (dated 8.7.25):

*In summary, the proposed development would still result in a degree of harm to the Conservation Area through the loss of traditional window detailing and new smoke vent which would fail to satisfy the provisions of s.72 in the Act. With reference to the planning policies, this would be 'less than substantial harm' to the designated heritage asset (par.215 of NPPF and policy DC2 of the local development framework), but this would likely be at the lower end of the scale of harm (subject to the window design). There is likely public benefits arising from the scheme which would balance or outweigh this level of heritage harm and there is clear justification for the need for fire attenuation measures. Overall, there are no objections from a conservation perspective to the proposed amendments.*

*Previous conservation comments (dated 13/02/25) suggested some amendments to the design of the proposed replacement windows and an amended schedule has, subsequently, been provided. The amended window schedule shows that the leaded light detailing would be applied to the glazing and the horns have been removed. Overall, the amended detailing has addressed previous conservation suggestions and is more sympathetic to the historic character of the building.*

### **Staffordshire & Stoke Integrated Care Board (ICB)**

Based upon the scale of the proposal and the current position in respect of capacity within the relevant primary care network there are no comments to make in this case.

### **Severn Trent Water**

No objection subject to the submission of drainage plans for approval via a planning condition.

### **SCC Local Flood Authority**

No objection subject to a condition requiring a survey of the existing surface water drainage system proposed to be used for the change of use, in order to establish if it is suitable to deal with water run-off.

### **Staffordshire Police Designing Out Crime Officer**

The conversion of the building into residential uses is welcomed and there is excellent potential to incorporate measures to reduce the opportunities for crime. A significant amount of crime prevention advice is given.

### **SMDC Waste Collection Service**

No issues regarding waste collections.

### **SCC Minerals**

No comment.

### **OFFICER COMMENTS**

The building is a prominent and imposing “Edwardian Baroque” feature with significant character and historical design merit with an interesting past. Although not listed it still nevertheless has a significant positive contribution to the Conservation Area and can be described as a Non-Designated Heritage Asset. A proposal to convert the vacant upper floors of the building into residential apartments, which would ensure the long-term future of the building and help prevent any further deterioration is not objected to in principle. A residential re-use for this particular building, given its form and layout, is considered to be the most viable and appropriate new use in the best interests of protecting it. The site is also in a sustainable location for new dwellings, very close to the town centre, shops, services, workplaces and public transport and would not be out of keeping with the area which also comprises many other flats and dwellings. Although the surrounding area comprises a number of commercial uses as expected so close to the town centre, it does retain a largely residential character. There is an shortfall of housing in the District and the Council cannot demonstrate a 5-year housing land supply. The NPPF affords significant weight to allowing more dwellings in sustainable locations and there is a particular shortfall of small units of accommodation i.e. 1-bed and 2-bed units, as identified in the Council’s Strategic Housing Market Assessment (SHMA) and therefore more significant weight should be applied to this factor, given the proposal comprises entirely of 1-bed and 2-bed units.

Policy E3 looks to protect commercial/employment floorspace. The last authorised use of the upper floors was as offices but this use ceased several years ago. The floorspace has been used since as a music and arts space. Concern has been expressed about the loss of this as a community facility but this use is unauthorised. It is accepted that there is some form of conflict with Policy E3 due to the loss of commercial / office floorspace. However, the form and layout of the building does not appear suitable or attractive for office-based businesses, perhaps the reason why it has not been in that use in the long-term and it is clear that the continued vacancy of the upper floors could potentially lead to continued deterioration of the building. The best way to prevent this is to bring a building back into use. I consider the benefits of a new residential use for a building of particular historic and architectural merit via sensitive restoration along with the housing need situation are significant benefits which would outweigh any local economic concerns relating to the potential loss of commercial floorspace and small degree of conflict with Policy E3.

There is no requirement for the provision of affordable housing or community related contributions for the scheme as the proposal has been amended resulting in a decrease in the number of units to less than ten.

On balance, I consider the overall principle of the proposal to be acceptable and in line with policies SS5 and H1 which amongst other things allows the change of use of appropriate buildings into residential uses within the Development Boundaries.

However, it must be ensured that the proposal does not result in harmful impacts to the area such as to the overall character and appearance of the Conservation Area (i.e. through the design of the alterations), residential amenity and highway safety.

With regard air quality, a scheme of this scale would not lead to a significant increase in emissions affecting air quality, particularly as the floorspace is currently established as commercial floorspace and could be re-occupied by an office-based business without the need for planning permission and that a commercial re-use would generate similar levels of traffic/vehicular movements.

With regard to the impact on the Conservation Area, the main external alterations include three new small dormer windows on the High Street elevation (the "primary" elevation) which match those existing on the Field Street elevation and which would be largely obscured behind the existing roof parapet, the removal of skylights, the insertion of Conservation-type skylights and the replacement of windows with timber windows, including existing casement windows and existing sash windows. The Conservation Officer objected to the original plans but improvements have been made as shown on the amended plans.

Ultimately, the Conservation Officer is satisfied with the amendments subject to further conditions. It has been assessed that there would be some minor level of harm due to the loss of some of the traditional detailing of the sash windows and the insertion of a metal smoke vent on the roof, despite this having been reduced in size in the amended plans and which would be well screened from street level. The degree of harm is described as less than substantial. Where a proposal would result in less than substantial harm to a heritage asset, para 215 of the NPPF states this should only be allowed where the degree of harm is outweighed by public benefits and that the most optimal viable use of a building would be achieved. As the proposal would lead to significant public benefits in providing nine small units of accommodation in an area of housing undersupply and that the residential re-use of the upper floors is regarded as the optimal re-use of the building, I consider these factors would outweigh the level of harm and as all other alterations are deemed acceptable and would harmonise with the building, I consider the proposal would comply with Policy DC2 of the Local Plan in the overall protection and enhancement of the Conservation Area, not least because the new use of the building would prevent likely further deterioration and neglect and would also be in line with Section 16 of the NPPF relating to the protection of the historic environment.

With regard to residential amenity, in terms of the impacts on existing residents, there would be a degree of overlooking from the proposed flats into the flats on the opposite side of Field Street and also from south-facing windows into the rear yards of the terraced houses on Field Street. However, the floorspace was once occupied by office workers who would have had the same degree of overlooking. Furthermore, due to the nature of the area, overlooking between residential units facing one another across streets is a long established and common occurrence. The level of overlooking would be mutual between existing and proposed residents and I do not consider the proposal would lead to any significant harms to neighbour privacy. The roof terrace is enclosed on 3 sides by the top floor of the building. Views would exist to the west, but sufficient distance would be maintained to the flats on the opposite side of Sneyd St to avoid any overlooking concerns.

With regard to the future residents of the building, it is noted that the ground floor is occupied a restaurant which opens late into the evening and there is also another restaurant adjoining the building to the west. Such uses generate noise and food odours which can affect living conditions. Survey reports assessing the level of noise and odour have been submitted by the applicant. Environmental Health initially recommended the refusal of the application on the ground of insufficient information to demonstrate that residential amenity would not be affected due to the presence of the restaurants, nearby car repair workshop on Salisbury Street and other commercial units (bearing in mind that aside from the post office which is also a retail unit there is some other commercial floorspace on the ground floor which could become occupied at some stage in the future).

The Noise Impact Assessment has been revised. Environmental Health are also now satisfied that the residents can also be protected from noise via a scheme of noise insulation measures applied to the flats before they are occupied in accordance with details to be submitted for approval. The report also outlines mitigation for road noise.

Regarding odour, the Napoli restaurant on the ground floor has an extraction flue above the windows of the proposed flats but the west facing flats would be more affected by odour from the Chennai restaurant where windows would be above the extraction from the restaurant which is inside an adjoining single-storey building. Further information has been submitted to demonstrate that the occupants could be protected from odours via measures such as a mechanical ventilation systems inserted onto the west elevation of the building. These have a carbon filtration system. However, the windows will also be openable to allow natural ventilation where conditions permit. Environmental Health are now satisfied that the further information and measures are adequate subject to a condition requiring validation i.e. testing results to be submitted for approval before the flats are occupied.

With regard to floorspace size for the proposed occupants, the government's Nationally Described Space Standards (NDSS) sets out the minimum floorspace sizes for different sized dwellings or flats in the interests of the living conditions of new residents. This must be adhered to in accordance with Policy DC1. The amended plans show all nine flats would meet the thresholds. For example, the 2-bedroom, 4-person units (i.e. two double bedroom) would provide at least the 70 sq.m required for such units in the NDSS and the 1-bedroom 1-person units would meet the 37 sq.m threshold for those types of unit. The exact unit sizes have been given in the layout drawings and I have undertaken measurements and can verify that the figures are correct.

It is noted that none of the proposed units have private outdoor space as required in the Local Plan. However, it would not be practical to provide space such as terraces or balconies on such a building without harming its character and appearance. However, the proposed purchasers of such units would not be expecting or requiring this. In any case, the scheme has addressed this in some respects by making good use of an area of flat roof at the top of the building by providing a private shared outdoor roof terrace which would not easily visible from street level. The site is also within easy walking distance of public open space at Brough Park and Westwood Recreation Ground.

Overall, the proposal, with the safeguard of conditions, would not lead to any harms to the amenities of existing residents of the area or the residential amenities of the future residents of the site and would provide acceptable living conditions. The proposal would comply with Policy DC1 and Policy H1 in this respect.

With regard to highway safety, the concerns of the number of residents over the exacerbation of parking problems has been noted. The site has no parking provision and there is no space to provide any as part of this proposal. It is accepted that as the upper

floors have been largely vacant for a number of years (other than for unauthorised live music/arts space), so the introduction of nine new flats would lead to a potential increase in vehicle movements in the area and pressure to park on adjacent streets compared to the current situation. However, there is a fall-back position whereby the building could be re-used as offices as it has been in the past. Furthermore, the proposal is unlikely to cause a significant additional problem in this respect due to the number of units and the type of units i.e. small 1-bed and 2-bed units likely to be occupied by single people or couples. The site is in a sustainable location very close to the town centre within easy walking distance and also to public transport provision. There is no significant reliance on the car for the future residents of the site. For any car owners there is large public car park available on other side of High Street. Whilst it is anticipated that at least a few of the occupants of the flats will have a car, it is not considered due to the number of type of flats proposed, the proposal would lead to any significant additional problems that would affect highway safety.

A Travel Plan and Transport Statement were submitted with the application. Policy T1 states: Development which generates significant demand for travel or is likely to have significant transport implications (as identified within a Transport Assessment) will, where appropriate: (inter alia) Provide and actively promote travel plans. I do not consider the proposal would generate significant demand for travel. This reflects advice in the NPPF. Furthermore, the Council Validation Policy does not require a Transport Statement for schemes of under 10 units and therefore a Travel Plan is not required.

The Highway Officer has confirmed that he did not expect a travel plan to be submitted with the application but given that it has been offered he argues, it would be reasonable to expect it to be implemented, otherwise there would be no point in submitting it. This would need to be monitored, otherwise, little point in implementing it. This would require the Travel Plan sum under S106. However, planning conditions must meet the tests in the NPPF, and it is not considered in the light of policy T1 that a condition requiring the Travel plan to be implemented would meet the tests of necessity or reasonableness. Also, as noted by the Highways Officer if the travel plan is implemented a monitoring fee would be required by S106. Given the small scale of the proposal this would fail the test of being "fairly and reasonably related in scale and kind to the development" and being "necessary to make the development acceptable in planning terms" A Travel Plan Condition and monitoring contribution is therefore not recommended.

Although the local objection letters raised parking as a main issue, other points were raised in the letters. It was pointed out the development was not accessible to wheelchair users and had no disabled parking provision. The site has no parking whatsoever and it is not possible to create parking spaces within the site ownership. Whilst it seems apparent from the floor plans that there is no lift or ramps to the upper floors, which is an understandable concern, this is a matter controlled by Building Regulations which would need to be obtained for the development. The loss of a community arts or live music hub would be unfortunate but such a use of the building was unauthorised. Finally, regarding the increase in bins, there is a yard area of sufficient size within the site, accessible from Field Street which appears of sufficient size to accommodate the storage of bins to adequately serve the nine flats. The presence of bins put out on the street awaiting collection as required would only be temporary and the Council's Waste Collection Service, consulted on the application, did not raise any issues with the proposal.

## **CONCLUSION / PLANNING BALANCE**

The proposal as amended is acceptable in principle and with the safeguard of conditions would not lead to any form of significant harm to the Conservation Area enough to outweigh the benefits of restoring a building with historic character and providing a number of new homes in a sustainable location. It would also, with the safeguard of conditions, not lead to

any harms to the residential amenities of the area. The proposal would also not be detrimental to highway safety. The proposal would comply with the Council's Local Plan and be in line with government planning guidance contained within the National Planning Policy Framework (NPPF).

**OFFICER RECOMMENDATION :    APPROVE**

**Case Officer: Chris Johnston**

**Recommendation Date: 23.12.25**

X *B.J. Haywood*

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Signed by: Ben Haywood

**On behalf of Staffordshire Moorlands District Council**