

DELEGATED DECISION REPORT

SMD/2026/0102
Valid 14/04/2026

18-19 MARKET PLACE
LEEK

PROPOSED CHANGE OF USE OF 1ST AND 2ND FLOOR ABOVE 18 MARKET PLACE FROM VACANT SPACE ASSOCIATED WITH THE GROUND FLOOR TAKEAWAY (SUI GENERIS) TO RESIDENTIAL (C3). CHANGE OF USE OF A SMALL SECTION OF THE RESIDENTIAL (C3) REAR GROUND FLOOR AREA OF 19 MARKET PLACE TO CREATE ANCILLARY SPACE TO THE TAKEAWAY (SUI GENERIS). PROPOSED EXTERNAL STAIRCASE TO THE REAR OF THE BUILDING TO SERVE AS ACCESS TO TWO SELF-CONTAINED FLATS ABOVE 18 & 19 MARKET PLACE, LEEK

(FULL - MINOR)

MAIN ISSUES

- Principle of development
- Impact on Conservation Area – Character and Appearance
- Impacts of noise from commercial premises on the intended occupiers of the development
- Highway Impact

DESCRIPTION OF SITE

The application site is located to the west of the Leek Town Centre Market Place towards its southern end. The site includes the upper two floors across 18 and 19 Market Place.

The ground floor is currently being used as a hot food takeaway, a planning permission granted for the use in 2005. The upper floors are currently under used and, it is said, provide incidental space to the commercial premises at ground floor.

The site is situated in Leek Conservation Area and adjacent 17 Market Place (which is a Grade II Listed Building and Public House). Leek Conservation Area was designated for its medieval origins as a market town which later expanded as a result of textile and brewing industries. Buildings are typically 2- and 3-storeys, constructed in a mixture of brickwork, render, stone and Staffordshire blue tiled or slate roofs. The architectural interest is an eclectic mix of the different historic phases of development, with the predominantly Georgian and Victorian commercial buildings and Edwardian civic architecture at the core and 19th and early 20th century mills and residential expansion on the fringes of the settlement.

17 Market Place (Grade II) is a c.1889 public house (The Town Crier, formerly Bird in Hand) designed by William Larnar Sugden and constructed in ashlar, mock timber framing and plain tiled roof. The significance of the building derives from its high-quality architectural style, bookend of the Market Place, association local notable architect and association with continued growth of public houses late-19th century.

The upper floors to the rear elevation of the application premises are above and overlooking a yard area at the rear of the public house. The yard serves as a smoking area and small beer garden. The first and second floor windows above no18 are directly above the yard area. The top and opening of the takeaway extraction flue aligns directly adjacent to the second storey window above No18.





PROPOSAL

The proposal is to change the use of, and convert, the vacant first and second floors across 18 and 19 Market Place to provide two self-contained two storey flats. An external staircase and alteration at the rear would provide access to the flats above at first floor level.

Each flat would have two floors and provide two bedrooms. Both flats would have principal bedrooms and their living rooms at the front of the buildings with windows opening onto the Market Place. The smaller second bedrooms would be at the rear, on the second floor, adjacent to and over the beer garden courtyard at the rear of the adjacent PH.

The application includes floor layout plans and elevation plan detailing minor alterations to rear elevations.

The application does not include a noise or odour impact assessment or provide any detail to demonstrate how the development might protect future occupiers from the noise and odour from the Market Place or adjacent commercial premises.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS10 Other Rural Areas Area Strategy
DC1 Design Considerations
DC2 The Historic Environment
DC3 Landscape and Settlement Setting
E1 New Employment Development
H1 New Housing Development
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

85/14418/OLDDC Change of use from opticians to solicitors' office. APPROVED.

01/00750/FUL Change of use from offices to dental practice. APPROVED.

05/00850/FUL Change of use to food takeaway (class A5) Opening times of 9am until 5pm Monday to Saturday. APPROVED.

06/00834/FUL Variation of condition 2 of planning application 05/00850/FUL changing the opening times from 9am-5.30pm Monday -Saturday to 11.30am-11.30pm Monday to Sunday (7 days). APPROVED.

CONSULTATIONS

Publicity

Site Notice expiry date: 9th June 2026

Neighbour consultation period ends: 9th June 2026

Press Advert: N/A

Public Comments

None

Town / Parish Comments

Leek Town Council: No response

SMDC Conservation Officer

There are no works proposed to the principal elevation. The proposed works would be sited to the rear and would be discreetly positioned in relation to the surrounding built heritage and would not be visible from public vantage points. The external works would be relatively minor in scale and would not harm the character and appearance of the Conservation Area nor the setting of the adjacent Listed Building.

It is, however, noted that the windows to the first floor of the principal elevation are currently in a poor condition and it would be useful if confirmation could be provided on whether any replacement of these is proposed as the property does not benefit from permitted development rights.

In summary, the proposal would have a negligible impact on the setting of the Listed Building and character and appearance of the Conservation Area. Their special interest would be preserved which would satisfy the provisions of s.66 and 72 of the Act, Section 16 of the NPPF and policy DC2 of the local development framework. There are no objections to the proposal from a conservation perspective. However, as noted above, we would require confirmation if any works are required to the windows to the principal elevation as this may affect the significance of the designated heritage assets.

Environmental Health

This application should be submitted with a noise and odour impact assessment. We would be recommending refusal – insufficient information to assess noise and odour impacts to future residents and impact to commercial units if complaint was received (agent of change).

NIA - It should take account of road traffic noise, external commercial noise e.g markets, early morning deliveries, commercial plant and fan noise e.g extraction, air con, breakout commercial noise from commercial units (Internal through the building and external including from Sarga, Bird in Hand, Elmos etc.).

It should be undertaken in compliance with BS4142, BS8233, PROPG: New Residential Development and consider low frequency noise transmission into the proposed units e.g flanking transmission of music noise.

Odour/Cooking Smell impact- an assessment of cooking smells from Sarga and the Bird In Hand should be submitted to determine suitability of these units for third party residential use.

Staffordshire County Council Highways

Acceptance

It is noted no off-highway parking car provision is to be provided for the flat and there is insufficient land within the site to accommodate any. Staffordshire Moorlands Parking Standards require for properties of up to 3 bedrooms - 2 spaces (2.4 x 4.8m) for residents and visitors within the curtilage of the dwelling.

However, the flat is in a highly sustainable and accessible location within Leek Town Centre a prime location within Leek Town Centre. Future residents will be within convenient walking and cycling distance of a wide range of public amenities, including shops, cafés, restaurants, and public transport services, reducing reliance on private car use. Should off highway parking be required, a public car park is located on Market Place fronting the property and would provide a practical alternative to onsite provision. Given the properties (sustainable) location, accessibility to nearby shops and other services and transport links, I do not believe the lack of car parking provision is a material consideration for this application.

I have no objection

Staffordshire Police

Whilst I have no objections to these proposals, to reduce opportunities for crime, I recommend that the following guidance in relation to individual dwelling entrances, external post boxes and side access is adhered to.

OFFICER COMMENTS

Principle of Development

For the purposes of the adopted SMDC Local Plan, the site is in the Leek Town Centre settlement where area strategy policy SS5 applies. Generally, the policy supports the provision of housing where it would not be detrimental to Leek's special character and heritage. The ground floor takeaway offering would be retained, and the development would affect only upper floors. The front of the premises is subject to the Local Plan's 'primary shopping frontage' designation. The vitality and viability of the town centre would not be adversely affected.

Further, housing applications are to be viewed positively in view of the 5-year under supply unless there would be significant and demonstrable harm when viewing the framework as a whole. In those regards, there would be some very small benefit associated with the contribution to housing supply.

Impact on the Character and Appearance – Conservation Area

Local Plan Policy DC1 requires that all development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD. In particular, new development should incorporate creativity, detailing and materials appropriate to the character of the area; and, be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance.

The proposal would involve conversion of the upper floor to apartments and a new staircase and two doors to be installed to the rear elevation to facilitate this conversion. There are no works proposed to the principal elevation. The proposed works would be sited to the rear and would be discreetly positioned in relation to the surrounding built heritage and would not be visible from public vantage points. The external works would be relatively minor in scale and would not harm the character and appearance of the area or the significance of the Conservation Area nor the setting of the adjacent Listed Building.

It is, however, noted that the windows to the first floor of the principal elevation are currently in a poor condition and, moreover, they are single pane sliding slash timber windows which, it is assumed, perform poorly as a means of sound insulation. The prospect of replacement windows, either because existing windows are in poor condition or as a means of protecting occupiers from town centre noise, seems likely.

The provision of replacement windows, therefore, is likely to be a fundamental necessity or requirement of the proposal, which has not been addressed in submission. The appearance and detail of replacement windows within the realm can have a significant impact on the character and appearance of the area and the significance of the Conservation Area, a matter that cannot be assessed on the current detail available.

On its face, however, where the application does not propose the replacement of windows to the front of the building, there would not be an adverse impact on the

character and appearance of the area or the significance of the Conservation Area. In those regards, there would be no conflict with policies DC1 and DC2 of the SMDC Local Plan or the terms of the NPPF.

Amenity/Impacts of noise from commercial premises on intended occupiers

Local Plan Policy DC1 requires that development protects the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution.

The application property is immediately adjacent to and above the Town Crier (formerly Bird in Hand) public house. The public house provides late night disco and karaoke throughout the weekend. The rear of the application property is adjacent to, and above, the outdoor yard and beer garden that is used for smoking and drinking.

Moreover, front windows of the upper floors open directly onto the Market Place, a space that is used by market traders with early morning set up and provides more than one late night club. The upper floor windows are single pane glazing and have timber frames.

It is also of note that the end and opening of the takeaway extraction ducting/flue opens immediately adjacent to the second-floor window above No18. That window would serve the second bedroom to that flat.

These commercial uses and premises produce noise – musical entertainment, revelry from clientele, and the installation and setting up of market stalls. The noise will often be produced and audible late at night and very early in the morning. There is the likelihood of this noise having an adverse impact on the living conditions and amenity of intended occupants, to an unacceptable degree.

Additionally, odours from the takeaway venting could adversely affect living conditions.

The location of the premises immediately adjacent to and above the Public House and its outside space, would make these impacts particularly likely and acute. Any cause for complaint would come into conflict with the opening hours of commercial premises and the provision of nighttime entertainment within the town centre and, in turn, the viability and vitality of the town centre.

The application has not been provided with a noise and odour impact assessment it does not detail or present any measures to protect intended occupiers from noise and disturbance. In these regards, the application does not demonstrate that the premises is capable of providing suitable and acceptable living conditions for intended occupiers or that the development would comply with policy DC1 of the SMDC Local Plan or the terms of the NPPF.

CONCLUSION / PLANNING BALANCE

Noise from adjacent commercial premises and spaces that includes musical entertainment, revelry from clientele drinking and smoking outside, and the installation

of market stalls, often late at night and early in the morning, is very likely to have adverse impacts on the intended occupiers of the proposed development. The proposed development would be in such proximity of those noise sources that they are, to an unacceptable degree, likely to adversely affect the amenity and living conditions of those occupiers. Additionally, the development would be above a hot food takeaway and strong cooking odours, from a commercial kitchen, could also have an adverse impact on the living conditions of intended occupiers. The application has not been submitted with a noise or odour impact assessment, and the proposal does not include any suggested means of protecting intended occupiers from those impacts. The application does not demonstrate that the proposed development can comply with policy DC1 of the SMDC Local Plan 2020 and the terms of the NPPF. The adverse impacts on intended occupiers and the potential impact on the vitality and viability of the town centre that might arise from the occupier's complaint, are adverse impacts that would significantly and demonstrably outweigh the benefits that would be associated with the proposal.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst

Recommendation Date: 9th June 2026

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council