

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

14th December 2023

Application No:	SMD/2023/0497	
Location	Butter Market, Market Place, Leek	
Proposal	Refurbishment and alteration of Leek Butter Market and Trestle Market, comprising of installation of photovoltaic panels to south facing roof pitch, new surfacing to the Derby Street alleyway, installation of Air Source Heat Pumps on the north facing elevation, installation of louvre vents to side walls of the Trestle Market and replacement roof coverings and windows to the Trestle Market roof.	
Applicant	Staffordshire Moorlands District Council	
Agent	AHR Building Consultancy Ltd	
Parish/ward	Leek	Date registered 4 th October 2023
If you have a question about this report please contact: Jane Curley tel: 07794 768397 jane.curley@staffsmoorlands.gov.uk		

REFERRAL

This application is brought to the Planning Applications Committee as the applicant is SMDC.

It is a Regulation 3 application under the Town and Country Planning General Regulations 1992

SUMMARY OF RECOMMENDATION

APPROVE with conditions

1. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

1.1 This site lies in the heart of Leek town centre, sandwiched between Derby Street to the south, Silk Street car park to the north and Market Place to the west. It comprises two adjoining Victorian market buildings, the Butter Market and the Trestle Market. Although not Listed, they form an important part of Leek's heritage and are of historical and architectural significance. The site lies within the Leek Conservation Area. The Leek Conservation Area Appraisal notes the application buildings to be 'Prominent Buildings'.

2. DESCRIPTION OF THE PROPOSAL

2.1 This is a full application for a range of external works to the buildings. The project also involves internal works including upgrading/reconfiguring the space, new shop fronts in the Buttermarket, three food and beverage units in the Trestle market, new flooring, decoration and new access door to allow independent access to the two market buildings from Derby Street. None of the internal work however requires planning permission and is not therefore considered further in this report.

2.2 The majority of the external work does require planning permission. It includes the following main elements:-

- Replacement external doors and windows, Trestle market entrance from Silk Street
- Two louvre panels on the external north wall of the Trestle Market
- Hard landscape improvements on the entrance from Derby Street
- Repair and refurbishment of entrance doors from Derby Street
- Solar voltaic panels on the south facing pitch of the Buttermarket roof

Air source heat pumps/air conditioning unit sited adjacent to the north elevation of the Butter market (Silk Street car park elevation) to be enclosed by a 'hit-and miss' fence, designed to match the adjacent external doors of the Butter Market.

2.3 The Design and Access Statement refers to the proposal providing an enhanced retail and hospitality space but at the same time conserving and restoring a key asset in the community. It goes on to say that the shop fronts within the Butter market will be renewed to provide an improved interior design and shopping environment. The Trestle Market will be refurbished to a large, open and flexible retail and events space serviced by three independent food and beverage outlets and dining area. Access to all parts of the building will be improved together with additional openings to be formed to cater for the expected increase in building occupancy and to facilitate independent opening of the Butter Market and Trestle Market spaces.

2.4 This application is submitted as part of the Levelling Up programme to regenerate the town centre. Earlier this year, the Council was awarded £17.1m from the Levelling Up Fund to provide enhanced wellbeing, cultural and retail amenities in the town. The project for the refurbishment of the Butter and Trestle markets aims to broaden the appeal of the markets to customers and traders and to provide creative and artistic space for community use. It was awarded £3,432,422 from the Department of Levelling Up, Housing and Communities plus 10% Council match funding. The funding has to be spent by March 2025.

2.5 The application, the details attached to it, including the plans, any comments made by residents and the responses of consultees can be found on the Council's website at:-

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=174605>

3. RELEVANT PLANNING HISTORY

SMD/2018/0065 Refurbishment works including replacement of rooflights, gutters and window glazing, insertion of flues and the provision of a lead capping onto existing roof parapet walls. Approved

4. PLANNING POLICIES RELEVANT TO THE DECISION

Staffordshire Moorlands Local Plan (September 2020)

- SS1 Development Principles
- SS5 Leek Strategy
- SD1 Sustainable Use of Resources
- SD4 Pollution
- DC1 Design Considerations
- DC2 The Historic Environment
- NE1 Biodiversity

National Planning Policy NPPF

National Planning Policy Guidance

5. CONSULTATIONS CARRIED OUT

Site Notice: Expired
Press Advert: Expired

Leek Town Council: Awaited

Conservation Officer: No objection.

Observations as follows:-

Solar array/s:

Whilst I have no issue in principle with arrays, they are advised to be concealed and inconspicuous as a priority where they are located in sensitive areas. The proposed array appears to be located close and to the west of the roofplan, though the remainder of the drawings as noted will need to be revised to accurately reflect this. The array falls within the setting of 15 Derby Street, Grade II listed building, and 13 Derby Street, Grade II listed building both situated to the south of the market. Due to the urban form and topography of this area it is deemed that the arrays will in fact be inconspicuous to the wider realm and therefore will not pose harm on the ability to appreciate the significance of the listed buildings. I therefore do not object to this element.

Landscaping:

The resurfacing of a gully entrance way consisting of new hand railings and stone sett patterns does not impose heritage harm and therefore I do not object to this element.

A grey fencing area is proposed to conceal new condenser units to the Silk Street car parking area. Whilst I do not favour or encourage the use of anthracite grey in conservation areas this element is not classed as fine joinery or detailing. I assess this does not cause undue heritage harm. I therefore have no issues with this and agree it provides some cohesion between this feature and the existing timber doors adjacent.

Original entry way/primary entrance.

There are a number of concerns regarding this feature. See proposed elevation PE-03 on drwg ref: LMH-AHR-00-ZZ-DR-A-00-20-003_P_02 - Proposed Elevations.

The existing timber door, surround and fanlight is said to be replaced. Though it is not clear why. It appears these are original features and that of which are consciously

designed as part of the primary entry, to marry with said Tuscan stone and decorative piers. The detailing is demonstrated on plans to have original Victorian panelling and it is not clear what original ironmongery survives. This is a key feature and provides much historic interest and aesthetic value. I would not permit the total loss of original and survived fabric where it contributes to the historic interest and character of the building and conservation area.

Entry at silk street car park:

Whilst I have no issue with replacing the physical door type and unit, I encourage the finishing colours to remain as a heritage green or similar to reflect the identity of the wider town and context. Regal or deep green appears to be the town's 'colour'. I do not encourage the use of anthracite greys.

Similarly, with regard to the window here at first floor. I cannot see the need for this to be grey, and the use of such is overused and creates a depreciated look. Again, I encourage here the retention of traditional colours such as the existing white, or heritage green.

Environmental Health Officer: No objection subject to conditions to protect amenity from noise and dust during construction works and from the air source heat pumps and air con unit

Local Highway Authority

Site Visit Conducted on: 18-Oct-2023

Application is for refurbishment and alterations to Leek Butter Market. Butter market is existing and located in Leek Town Centre. No works are proposed which would affect the highway. No highway objections.

6. OFFICER COMMENT AND PLANNING BALANCE

6.1 By law this application must be determined in accordance with the Development plan unless material considerations indicate otherwise

6.2 The main issue to consider in this application is whether the external works to and around the buildings are acceptable in design terms and in particular their impact on the setting of nearby Listed buildings and the character and appearance of the Conservation Area. In respect of the air source heat pumps/air con unit, the additional matter of residential amenity is also considered. These matters are assessed under various sub headings below

Hard landscaping to Derby street (Drawing LMH-AHR-00-00-DR-A-90-003)

6.3 This comprises an upgrade to the approach to the buildings from Derby street along the short alley. It is to be resurfaced in Marshalls Hawks View sandstone paving to complement that in Derby Street edged with three rows of sandstone sets. Existing handrails are to be replaced with illuminated stainless steel rails to provide ambient lighting to the entranceway. The existing floor commemorative plaque is to be cleaned and a circular array of granite setts installed around it. Finally in this area the existing gates and original cast iron signage will be restored and redecorated

6.4 No issues arise from these works. The design and materials are appropriate and in keeping. They will improve the public realm and make for a more welcoming entrance to the Butter and Trestle markets. The Conservation Officer has confirmed that they do not pose any heritage harm. No objection is raised

Solar panels to south roof slope of Butter market

6.5 The plans show a bank of 24 panels on part of the south facing pitch roof of the Butter market. During the processing of the application and at Officer's request these were moved slightly westwards to ensure that any visibility from Derby Street is minimised. As now proposed they will be hidden by intervening buildings (Boots) albeit that as a matter of fact they do lie within the setting of a number of nearby Listed buildings, 15 Derby Street (Grade II Listed) and 13 Derby Street, (Grade II Listed). However as the Conservation Officer notes owing to the urban form and topography of the area the arrays will be inconspicuous to the wider realm and therefore will not pose harm on the ability to appreciate the significance of the Listed buildings. Similarly there will be no harm to the character and appearance of the Conservation Area. No objection is raised.

Replacement doors/windows

6.6 The replacement of the entrance door/window to the Trestle Market from Silk Street car park raises no issue and is acceptable. The initial plans showed finishing colours for the new entrance and the retained window above to be grey which the Conservation Officer advised was not acceptable. She advised that the finishing colours should remain as a heritage green or similar to reflect the identity of the wider town and context. The plans have been amended to remove reference to grey. A condition to agree final colour has been recommended and with in place there is no objection to this aspect of the application

Original entry way/primary entrance.

6.7 The initial plans indicated that the existing timber door, surround and fanlight on the Derby Street entrance was to be replaced. This was not acceptable. As the Conservation Officer noted these appear to be original features and have been consciously designed as part of the primary entry, to marry with Tuscan stone and decorative piers. They contribute to the historic interest and character of the building and Conservation Area.

The applicant has subsequently confirmed that the intention is to retain and refurbish these doors and the fanlight. The drawings have been amended to reflect this and a condition recommended to secure/agree a full schedule for works of repair and refurbishment. With this in place no objection is raised

Louvre panels to external north wall of the Trestle market

6.8 The plans show two small louvre panels fixed to the wall finished in a terracotta colour. These are relatively small, visually inconsequential and raise no issue. A condition to secure a colour to match the brickwork is recommended.

Air source heat pumps and air conditioning unit

6.9 There are a number of residents nearby whose amenity is a material planning consideration.

6.10 The plans show two air source heat pumps and an air conditioning unit to be sited within a new external enclosure on the western wall of the Butter market. The area is shown enclosed with 1.8m 'hit and miss' timber fencing with two timber gates

within. The plans indicate that the fencing will be painted in grey to match the adjacent timber doors on the building

6.11 In visual terms the Conservation Officer says that ordinarily she does not favour or encourage the use of anthracite grey in Conservation areas this element is not classed as fine joinery or detailing. It is functional to conceal plant/equipment. Here advice is that this does not cause undue heritage harm and agrees with the applicant that the chosen colour provides some cohesion between this feature and the existing timber doors adjacent. No objection is raised on visual grounds.

6.12 In terms of noise and residential amenity, the application is accompanied by a Noise Assessment prepared by Ian Sharland Ltd (14th June 2023, Ref M5418). This considers that the primary noise concerns are plant noise including the air source heat pumps and the air con unit. It assesses the noise output from the plant and potential impact on nearby residential properties. It concludes that the plant will not give rise to any adverse noise impact.

6.13 The Environmental Health Officer has considered the NA and agrees with its conclusion, that subject to a condition to control noise levels from fixed plant and machinery, there will be no adverse noise impact on neighbour amenity. He also recommends conditions to control working hours/practices, cooking smells and external lighting. Where reasonable and necessary, having regard to the fact that this application does not seek consent for any change of use, these are recommended, in some cases they have been amended to reflect the scale of the works involved. With these in place there is compliance with Policy SD4 and the NPPF

7. CONCLUSION AND PLANNING BALANCE

7.1 No particular issues of concern are raised by the application. Amended plans have addressed concerns raised as noted above. No adverse impact on the setting of nearby Listed buildings is found. The proposed works will conserve and where possible enhance the character and appearance of the Conservation Area in line with Policies DC1 and DC2 and the NPPF. The application is therefore recommended for conditional approval.

8. RECOMMENDATION

A. That planning permission be granted subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:-

To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be carried out in complete accordance with the following approved plans :-

LMH-AHR-00-00-DR-A-00-05-001	Location plan	
LMH-AHR-00-00-DR-A-00-05-002	Existing Block plan	
LMH-AHR-00-00-DR-A-00-90-001	Site plan	
LMH-AHR-00-00-DR-A-00-20-001	Existing floor plan	
LMH-AHR-00-00-DR-A-00-20-002	Proposed floor plan, Butter market	LMH-
AHR-00-00-DR-A-00-20-003	Proposed floor plan, Trestle market	
LMH-AHR-00-ZZ-DR-A-00-20-001	PO1 Existing elevations	

LMH-AHR-00-ZZ-DR-A-00-20-003	PO2 Proposed elevations
LMH-AHR-00-ZZ-DR-A-00-20-004	Existing sections,Trestle market
LMH-AHR-00-ZZ-DR-A-00-20-006	Proposed sections,Trestle market
LMH-AHR-00-ZZ-DR-A-00-20-007	Existing sections,Butter market
LMH-AHR-00-ZZ-DR-A-00-20-008	Proposed sections,Butter market
LMH-AHR-00-00-DR-A-00-90-002	Existing landscape plan, Derby street entrance
LMH-AHR-00-00-DR-A-00-90-003	Proposed Landscape plan, Derby street entrance
LMH-AHR-00-02-DR-A-20-005	P02 Existing and proposed roof plan including PV panels
LMH-AHR-00-02-DR-A-00-20-004	Existing and proposed roof plan, Trestle market.

Reason:- For the avoidance of doubt and in the interests of proper planning.

3. Construction and Environmental Management Plan:

No development hereby permitted shall take place except for works of site clearance and demolition until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

- I. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
- II. the arrangements for prior notification to the occupiers of potentially affected properties;
- III. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- IV. a scheme to minimise dust emissions arising from construction activities on the site the scheme should ensure that no activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression.
- V. a scheme for recycling/disposal of waste resulting from the construction works;
- VI. the loading and unloading of plant and materials;
- VII. the storage of plant and materials used in constructing the development;
- VIII. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- IX. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works,
- X. any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment,
- XI. the details of any generator/s to be used on site. They should be sufficiently attenuated so that any noise generated shall be inaudible

inside any nearby noise sensitive premise,

All works shall be carried out in accordance with the approved details. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

Reason: To protect the amenity of local residents and that of the surrounding area from noise disturbance.

4. Plant and Machinery Noise

The rating level of sound emitted from any fixed plant and/or machinery associated with the development hereby approved shall not exceed 48dB(A) Latr (07:00-23:00) and 34dB (A) Latr (23:00-07:00) outside the nearest sound-sensitive premises. All measurements shall be made in accordance with the methodology of BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property.

Reason: To protect the amenity of nearby residents

5. Louvre vents

The louvre vents on the external north wall of the Trestle market shall be finished in a colour to match as closely as possible the adjacent brickwork before they are brought into use

Reason:- In the interest of the character and appearance of the Conservation Area

6. Entrance door from Derby Street

No work shall commence to the entrance door, surround or fan light shown, Elevation PE-03 drawing LMH-AHR-00-ZZ-DR-A-00-20-003 PO2 until such time that a full Schedule of repair and refurbishment has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be carried out strictly in accordance with the agreed details

Reason:- In the interest of the character and appearance of the Conservation Area and historic integrity of the building

7. Entrance door from Silk Street Car park

No work shall commenced to Elevation PE-01 shown on drawing LMH-AHR-00-ZZ-DR-A-00-20-003 PO2 until such time that finishing colours have been agreed in writing with the Local Planning Authority. The development shall subsequently be carried out strictly in accordance with the agreed details

Reason:- In the interest of the character and appearance of the Conservation Area and historic integrity of the building

Informative

A sustainable development has been negotiated in accordance with the provisions of the NPPF

- B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation

with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's Decision.

