HPK/2011/0065

NCIL
11 FEB 2011

CHANGE OF USE OF NO. 7 THE QUADRANT, BUXTON

Application under S 73 for the variation of a Planning Condition.

The Problem

Planning permission was granted on 19 January 2011 for change of use of the above from retail to wine bar / bistro. Concerns about the possible noise impact on residential amenity led to the imposition of a condition limiting the use to ground floor only. That has the effect of rendering the whole proposal un-viable by substantially reducing the floor space available for custom. The prospective purchaser will not take the property if the consent is restricted to use of the ground floor only.

The Proposal

This application is to exchange that condition which seeks to address the issue by limiting the scale and location of the activity for an alternative one which tackles the issue in a quite different way by increasing sound insulation within the building. Acoustic engineers have been employed to survey the building to establish noise transmission levels for a series of given noise levels generated on the ground and first floors, both separately and in combination.

The technical details and the proposed works are contained in a report by Environmental Noise Solutions, acoustic engineers in Doncaster. This report will follow shortly.

The current consent allows ground floor only to be used by customers consuming food or drink. It does not require any additional noise attenuation over and above that which was installed when the property was converted to its current uses by the applicant. The alternative approach provide additional noise attenuation to allow the first floor to also be used whilst maintaining received noise levels comparable to those which would be experienced under the current consent.

The Solution

Works to achieve that level of attenuation can be secured by an appropriate planning condition. Residential amenity on the second floor is protected to the same extent as under the current consent whilst allowing the whole of the building to be put into beneficial use.

Adjacent buildings

We are aware that a planning application has been submitted for change of use to HMO on the first and second floor of no's. 5 and 6 The Quadrant. The existing party wall between no's 6 and 7 is of traditional stone and rubble construction with a minimum width of 400 mm. Parts of this wall are thicker than this (by 150 -200 mm) as there are substantial fireplaces in each of the adjoining rooms. This construction achieves a sound attenuation performance that is in excess of the current requirements of Part E of the Building Regulations.

Listed Building Issues

The measures proposed are relatively modest and will not materially harm the character of the listed building. A new ceiling will be constructed to the first floor suspended 250 mm below the current ceiling to allow adequate noise insulation to be installed. This will produce a finished ceiling height of 2.75 m which is still a high ceiling and will be provided with a replica of the existing cornice details as far as is practicably possible to preserve the character of the room. See sketch A.

Previous condition of the ceiling.
The ceiling in this part of the building was in poor repair when the current owners acquired the property. Any quality it currently enjoys is due entirely to their efforts. It would be wholly un-just for those improvements to be used as an argument for not allowing the new ceiling which would itself be an improvement over the situation they inherited.

Wider Heritage Issues
This alternative approach to safeguarding residential amenity allows the whole building to be used and avoids the wasteful under-use of a significant proportion of the available space. As far as wider listed building issues are concerned it is significant that the change of use will facilitate and encourage access to and enjoyment of this part of the listed building by the wider public which is a central aim of the heritage agenda.