

DELEGATED DECISION REPORT

HPK/2021/0116
Valid 08/03/2021

1
THE OLD PUMP HOUSE
GEORGE STREET
BUXTON

CHANGE OF USE OF FORMER
OFFICE/STORES TO
BAR/RESTAURANT WITH DELI

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design and Impact on Conservation Area
- Amenity
- Highways Safety

DESCRIPTION OF SITE

The application site is a single-storey former office building located within Buxton town centre and within the Buxton Central Conservation Area, positioned to the rear of the Crescent Hotel and adjoining the rear of buildings facing onto Cavendish Circus. These buildings are mainly commercial in use, comprising shops and restaurants. There is an upper-floor flat at no. 6 Cavendish Circus which backs onto the application site.

A small portion of the building lies within Flood Risk Zone 2 The site is within the designated Town Centre and the built-up area boundary.

PROPOSAL

The proposal is for the change of use of the building to a bar/restaurant together with minor external alterations to facilitate the change of use, comprising the replacement of two external doors with new glazed timber-framed units.

The development would also include the installation of an internal kitchen ventilation and air intake system, making use of two existing openings on a rear-facing part of the roof. An odour assessment pro-forma and noise impact assessment were submitted in relation to the proposed system.

Additional supporting details were submitted during determination relating to odour and noise control.

Advertisement consent has recently been granted for new signage to the front elevation in association with the intended change of use.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
S 2 Settlement Hierarchy
S7 Buxton Sub-area strategy
EQ 1 Climate Change
EQ 6 Design and Place Making
EQ 7 Built and Historic Environment
EQ 11 Flood Risk Management
CF 1 Retail and Town Centres
CF 6 Accessibility and Transport

National Planning Policy Framework

Paragraph 11 The presumption in favour of sustainable development
Section 6 Building a strong, competitive economy
Section 7 Ensuring the vitality of town centres
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 16 Conserving and enhancing the historic environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2021/0287 – Advertisement consent for three signs. Approved, 28.09.2021

CONSULTATIONS

Publicity

Site Notice expiry date: 11.05.2021
Neighbour consultation period ends: 15.04.2021
Press Advert: 25.03.2021

Public Comments

None received

Town / Parish Comments

None received

Environmental Health

(Revised comments)

The Environmental Health Department has no objection to the proposed development subject to the conditions set out below being applied to any permission granted.

1. HR02 - HOURS OF USE: RESTAURANT

The use hereby permitted shall not be open to customers other than between the hours of 08:00 to 00:00 on any day.

2. HOURS - KITCHEN EXTRACTION SYSTEM

The kitchen extraction system shall not be operated outside of the hours 08:00 to 22:00

3. FED05 - NOISE: KITCHEN EXTRACTION SYSTEM

The kitchen extraction system hereby approved shall be installed in accordance with the approved scheme for the reduction of environmental noise and shall thereafter be maintained for the life of the development.

o Peak Acoustics, "Noise Impact Assessment - The Old Pump House, George Street, Buxton" (ref: KD0709213NR Rev 1.0); dated 30th September 2021

The rating level of sound emitted from the kitchen extraction system shall not exceed 41 dBA when measured at 1m from the façade of a noise sensitive premises. All measurements, calculations and corrections shall be made in accordance with the methodology of BS4142: 2014 "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 sound sensitive property.

4. FUME EXTRACTION – Odour

Prior to the use hereby permitted commencing, a system of high level odour control consistent with EMAQ Industry Guidance ("Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018)") shall be fitted to the kitchen extract ventilation system. All equipment installed as part of the odour control system shall thereafter be operated and maintained to ensure continued compliance with EMAQ (2018) and in accordance with the manufacturer's instructions.

Advisory notes also provided.

HPBC Conservation Officer

No issue with proposed replacement external doors

Derbyshire County Council Highways

No highway objections in principle to the proposed change of use of the building given its former use, town centre location and the presence of existing on street parking restrictions.

Severn Trent

With reference to the above planning application the Company's observations regarding sewerage are as follows.

Condition

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Suggested Informative

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011.

Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Should you require any further information please contact us on the telephone number or email below.

OFFICER COMMENTS

Principle of Development

The property is located within the built up area for Buxton and the site is within the Town Centre Area and also a Regeneration Area.

LP Policy CF1 'Retail and Town Centres' is generally supportive of creating a good range of food and drink uses. However, the policy goes on to say that proposals that would create a concentration of evening economy uses that would give rise to social and environmental issues will not be supported. Whilst there are a number of existing restaurants and bars in the vicinity, it is not considered that the proposed development would give rise to social and environmental issues.

The proposed development would bring back into active use a premises which appears to have been vacant for some time. The premises has not been in A1 retail use and so the change of use to A3 café/restaurant would not result in the loss of a retail unit nor adversely affect the vitality and viability of Buxton Town Centre.

In summary, when assessed against Policy CF1 it is considered that the principle of the change of use is acceptable, subject to other relevant local plan policies such as those that make provision for conservation of heritage assets, neighbour amenity and highway safety.

Design and Impact on Listed Building / Conservation Area

Local Plan Policy EQ6 requires that all development should be well designed and of a high quality, responding to its environment and challenge of climate change – whilst also contributing to local distinctiveness and sense of place.

Local Plan Policy EQ7 states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment. Particular protection will be given to designated and non-designated heritage assets and their settings, including conservation areas.

NPPF paragraph 199 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

External alterations would be limited to the replacement of existing doors and the installation of ventilation and extraction inlets and outlets within part of the roof facing away from nearby public viewpoints. These latter elements would have very limited visibility within the Conservation Area and would have minimal visual effect.

The minor external alterations are considered to be acceptable in design terms and to sustain the significance of the Conservation Area, and therefore to comply with LP Policy EQ7 and Chapter 12 of the NPPF.

Highway Safety

There is no off road parking within the site, however, the site lies within a sustainable location within the town centre with good links to existing public transport. There are also public car parks within close proximity of the site. There are no objections on

highway safety grounds and as such the proposals comply with Local Plan Policy CF6.

Flood Risk

The site partly lies within Flood Zone 2, which is an area at higher risk of flooding. The scheme does not involve any significant operational development or increased floor space. The building has previously been in use as a commercial office building and its use as a bar/restaurant is considered unlikely to increase flood risk. The comments and suggested condition from Severn Trent are noted, but in the absence of proposals for any significant operational development it is not considered that requiring drainage plans would be justified or necessary in order to avoid an increase in flood risk. Restaurants and cafes are within the 'less vulnerable' category of land uses and on this basis it is not considered that the change of use would give rise to issues in terms of the building being at risk of flooding.

The application is considered to be in accordance with Policy EQ11 of the Local Plan and Chapter 14 of the NPPF.

Amenity

Local Plan Policy EQ6 requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity. LP Policy EQ10 seeks to ensure that people and the environment are protected from adverse impacts relating to issues including air pollution, noise, light pollution or any other nuisance or harm to amenity, by securing appropriate mitigation by way of planning conditions and obligations.

The proposed development would not give rise to any amenity implications in terms of loss of privacy, visual intrusion, or loss of light to any of the surrounding buildings. It is not considered that the change of use in itself would give rise to harm in terms of noise and disruption, subject to hours limiting its opening hours.

Initially, the environmental health officer raised concerns relating to the proposed extraction system in terms of noise and odour issues, in part due to the presence of a first-floor flat at the rear of no. 6 Cavendish Circus.

Following submission of a pro-forma assessing the context of the development and the level of expected odour and the effectiveness of the proposed installation, the environmental officer has advised that permission can be granted on condition that a high-level odour control system is installed prior to operation.

A noise impact assessment of the proposed installation has also been provided which sets proposals to mitigate the noise expected to arise from the ventilation system. The EHO has reviewed this assessment and advised that approval can be granted subject to implementation and retention of the mitigation measures proposed.

Subject to these and other conditions, it is considered that the scheme would be acceptable in terms of impacts on noise and odour impacts on neighbouring buildings.

For these reasons, the proposal is considered to accord with policies EQ6 and EQ10 and to be acceptable in amenity terms.

CONCLUSION / PLANNING BALANCE

The proposal is located in the Built-up area boundary of Buxton and the Town Centre Area and the principle of the change of use is in general compliance with the policies of the Local Plan. The scheme is considered to be acceptable in terms of design, impact on the heritage assets, highway safety and flood risk. Subject to the conditions referred to above, there is considered to be no adverse impact on nearby residential amenity. Accordingly the application complies with all the relevant local plan policies as set out above. It is therefore recommended for approval.

OFFICER RECOMMENDATION : Approve

Case Officer: Tom Hiles

Recommendation Date: 01.10.2021

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council