

PLANNING, DESIGN & ACCESS & HERITAGE IMPACT STATEMENT

**PROPOSAL : CHANGE OF USE FROM NIGHTCLUB (SUI GENERIS)
TO DENTAL PRACTICE (CLASS E)**

ADDRESS : 15 EAGLE PARADE, BUXTON,

APPLICANT : BROAD WALK DENTAL PRACTICE

DATE : AUGUST 2022 JOB No. : 2022-2715

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1.0 INTRODUCTION

Sammons Architectural Ltd have been appointed by Broad Walk Dental Practice to prepare and submit a full planning application for the change of use of the former nightclub (sui generis use) to a dental practice (class E use) at 15 Eagle Parade, Buxton. The application is accompanied by drawing numbers 2022-2715-01A, 2022-2715-02A and 2022-2715-03 which should be read in conjunction with this statement.

2.0 SITE DESCRIPTION

The application building is a rectangular two storey building which occupies a narrow plot on the western side of Eagle Parade in the centre of higher Buxton. The building which is constructed from a mix of stone and rendered blockwork with a slate hipped roof has a single storey glazed and zinc lean to on the front and its forecourt, formerly providing an outside seating area which is enclosed with a timber fence.

The immediate surrounding area consists predominantly of retail and commercial, interspersed with food and drink uses, to be expected in a town centre. Immediately to the north lies the Sainsbury's Local whilst the adjacent building houses the council's Voluntary and Community Services department. To the east of the site lies a highway which is one way (south to north) at this point with a pay and display car park beyond. It is considered the site lies in a reasonably sustainable location given the easy access to bus routes and the railway station.

3.0 PROPOSAL

This is a full application which seeks consent for the change of use of the former nightclub (sui generis use) to a dental practice (Commercial, Business and Service Use – Class E(e) use). The proposed development would allow the existing practice to relocate from their current premises in the town. It is anticipated that 18 staff would be employed and that the opening hours would be 7am till 8pm Monday to Friday and 8am to 5pm on a Saturday with no opening on Sundays or Bank Holidays.

The proposed development will require some modest internal alterations comprising of stripping out of the remains of the nightclub fit out and erection of new / amended stud partition walls to provide entrance/reception, 8 treatment rooms with upper and lower waiting rooms and ancillary office/storage accommodation, staff facilities and w.c.s

Externally it is proposed to retrofit a pv panel on the south facing roofslope and to insert 7 new windows at first floor with 5 new window openings below and installing a new window in the existing fire escape opening on the southern elevation.

The existing timber fence surrounding the forecourt will be removed and replaced with black metal railings and a disabled parking bay provided within.

4.0 POLICY

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Development Plan for High Peak comprises of the adopted High Peak Local Plan which was adopted in 2016.

It sets out three strategic objectives, which are:

- SO2 To maintain, enhance and conserve the Borough's distinct landscape characteristics , bio-diversity and cultural and historic environment.
- SO3 To ensure new development is well designed, promotes local distinctiveness and integrates effectively with its setting.
- SO6 To welcome development that supports the sustainable growth and diversification of the local economy including the mixed use development of in industrial legacy sites.

To meet the main themes of the Local Plan and to secure its strategic objectives, there is a need to conform with an overarching policy that seeks to promote sustainable development. Policy S1 (Sustainable Development Principles), amongst other things, aims to :-

- Take account of the distinct Peak District character, landscape, townscape, roles and setting of different areas and settlements in the High Peak.
- Protect and enhance the natural and historic environment of the High Peak and its surrounding areas
- including the Peak District National Park.
- Support the local economy and businesses by providing for a range of economic development in sustainable locations that give employment opportunities suitable for local people.
- Require that all new development addresses flood risk mitigation/adaptation, ensuring, for example, that sustainable drainage systems are considered at the outset within proposals.
- Seek to secure high quality, locally distinctive and inclusive design in all development that can be accessed and used by everyone including disabled people.

Policy S1 Presumption in favour of Sustainable Development

This policy states 'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether: • Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or • Specific policies in that Framework indicate that development should be restricted'

Policy S2 Settlement Hierarchy sets out a hierarchical approach which seeks to direct development towards the most sustainable locations. Buxton is defined as one of the market towns and as such, along with the other market towns of Glossop, Chapel en le Frith, New Mills and Whaley Bridge will be the main focus for housing, employment and service growth, consistent with maintaining and where possible enhancing their role, distinctive character vitality and appearance.

Policy S4 Maintaining and Enhancing an Economic Base states that the Council will maintain and where possible, enhance the economic base of the Plan Area and sets out how this will be achieved.

In the context of the proposed development, the most significant aspects of the Local Plan relate to economic development. At paragraph 4.25 there is a commitment to supporting and enhancing the economy of the High Peak. This is a key part of the Spatial Strategy. Policy E1 New Employment Development which states that new business and industrial developments in sustainable locations that contribute towards the creation and retention of a wide range of jobs, education and training opportunities will be supported.

Alongside the policies of the Local Plan which relate to economic development are requirements that have a bearing on the approach to design and delivery. The most relevant of these development management policies are:

- **Policy EQ6 (Design and Place Making)**
Good quality design is fundamental to good planning. Recognition of the setting and context of new development is particularly important but so is a satisfactory relationship to neighbouring development and ease of movement to and around the development.
- **Policy EQ7 Built and Historic Environment**
Development proposals in Conservation Areas to demonstrate how the proposal has taken account of the distinctive character and setting of individual Conservation Areas including open spaces and natural features and how this has been reflected in the layout, design, form, scale, mass, use of traditional materials and detailing, in accordance with Character Appraisals where available'. • 'The retention of shop-fronts of high architectural or historical value wherever possible. Proposals for replacement shopfronts and signage, or alterations to shop-fronts affecting heritage assets should respect the character, scale, proportion and special interest of the host building and its setting'
- **Policy CF1 Retail and Town Centres**
This policy states 'The Council will seek to maintain and enhance the vitality and viability of town centres and local centres as defined on the Policies Map in accordance with their function and scale as identified in Policy S2 (Settlement Hierarchy) and identified development needs'. The objectives of policy CF1 will be achieved, amongst other things by:
 - o 'Permitting appropriate retail, leisure, cultural and business development in centres.
 - o Creating safe, attractive and accessible town centres, providing a good range of shopping, food and drink uses, services, offices, and entertainment and leisure facilities.
 - o Proposals that would create a concentration of evening economy uses (A3, A4 & A5) that would give rise to social and environmental issues will not be supported.
 - o Requiring active ground floor frontages to be maintained and created within town centres with appropriate town centre uses'.
- **Policy CF6 (Accessibility and Transport)**
Development should be safely accessed in a sustainable manner and proposals should minimise the need to travel, especially by unsustainable modes of transport. In part, this is achieved by locating new development where the highway network can satisfactorily accommodate generated traffic and where any increase in traffic will not cause material harm to road safety or local amenity.

The National Planning Policy Framework (NPPF) was further revised in July 2021 and it is the Government's clear intention that the document should be considered to be a material consideration and as such carries particular weight where development is not addressed by planning policies in the existing development plan.

Whilst the recently revised NPPF does not change the statutory status of the Development Plan as the starting point for decision making it does provide guidance to LPA's and is a material consideration in determining planning applications, recognising amongst other things, the changes made to the Use Classes Order in 2020.

The NPPF confirms that at the heart of the guidance is a presumption in favour of sustainable development and that for decision making this means approving development proposals that accord with the Development Plan without delay unless material considerations indicate otherwise.

The NPPF 2021 continues the requirement for sustainable development and at Paragraph 8 re-iterates that there are three over-arching objectives – economic, social and environmental.

Section 6 of the NPPF – Building a strong, competitive economy, Paragraph 81 states 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.' In Section 7 – Ensuring the Vitality of town centres - the NPPF guidance states – 'Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.' Section 9 – Promoting sustainable transport – at Paragraph 105 advises 'The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.'

5.0 ASSESSMENT

The key issues for consideration in the determination of this application are considered to be the principle of development, impact upon the character and appearance of the application site and valued characteristics of the wider surrounding area, residential amenity and highway safety.

Principle

The core policies of the Framework are supportive of and seek to actively promote sustainable economic growth to drive and deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

The High Peak Local Plan, which was adopted in April 2016 sets out the spatial vision and strategy for High Peak up to 2031. The strategic objectives of the Local Plan are grouped under three key themes which underpin the Local Plan which are protecting Peak District character enhancing prosperity and promoting healthy and sustainable communities. Policy S1 reflects these strategic objectives and aims to balance the need to make adequate provision for homes, jobs and services with the need to protect and enhance High Peak's considerable natural and heritage assets in the most sustainable way.

Policy CF 1 notes that the Council will seek to maintain and enhance the vitality and viability of town centres and local centres in accordance with their function and scale as identified in Policy S2 (Settlement Hierarchy)

and identified development needs, and that this will be achieved by measure including: Permitting appropriate retail, leisure, cultural and business development in centres of a scale and type appropriate to the role and function of that centre Creating safe, attractive and accessible town and local centres, providing a good range of shopping, food and drink uses, services, offices, and entertainment and leisure facilities, and high quality public spaces.

The continued use of the premises for town centre compatible purposes will preserve and enhance the vitality and viability of this part of the town centre. It is considered that the change of use of the building to a dentist would support the objectives of policy CF1 and the proposed development is therefore considered to be acceptable in principle subject to compliance with all other relevant planning matters, as discussed below.

Design / Impact on the character and appearance of the area

The NPPF highlights that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 58 requires development to function well and add to the overall quality of the area for the lifetime of the development. It should respond to local character and history and reflect the identity of local surroundings and materials whilst reinforcing local distinctiveness.

Local Plan Policies S1 and EQ6 Design and Place Making emphasises the need for high quality, well designed development and seeks to secure high quality development in all developments, developments should respond positively to the environment and contribute to local distinctiveness and sense of place by taking account of the distinct character, townscape and setting of the area.

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.

No extensions are proposed as part of this application. The proposal does include alterations to the south elevation of the building namely the insertion of new windows at both ground and first floor and the partial blocking up of the existing fire door arrangement. The new windows are required to provide additional daylight into the building. They have been designed so that they reflect and respect the existing window openings. An array of PV panels are also proposed on the south facing roofslope. This elevation is not visible from any public vantage point and it is not considered that the proposals harm or detract from the character and appearance of the host building or the conservation area within which it is located.

In addition to the above the application seeks to remodel the existing lean to arrangement on the front elevation of the building and to remove the existing timber fence which currently encloses the forecourt. The existing fence is poor in terms of its design and materials and it currently detracts from the character and appearance of the host building and the conservation area. Its removal and replacement with a more appropriate designed boundary treatment comprising of black metal railings would result in a positive enhancement to both the character and appearance of the host building and the conservation area. Accordingly it is considered that the proposed development accords with Local Plan policies S1, EQ6 and EQ7 along with national guidance contained within the Framework.

Amenity

Paragraph 171 of the NPPF requires a good standard of amenity for all existing and future occupants of land and buildings.

Adopted Local Plan Policy EQ6 also stipulates that development should achieve a satisfactory relationship to adjacent development and should not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing or other adverse impacts on local character and amenity.

It is considered that the existing lawful use of the building as a nightclub has the greatest potential to cause noise and disruption to surrounding occupants. As such, it is not considered that changing the use of the building to a dental practice would be likely to give rise any additional impacts in terms of noise and disruption above the existing permitted use, given the proposed opening hours and therefore no harm to amenity or conflict with any neighbouring land uses would arise from the proposed change of use. In this respect the proposal is considered to be compliant with policy EQ6 of the Local Plan and the NPPF which seek to provide good standards of amenity for all existing and future occupiers of land and buildings.

Highways

The NPPF promotes sustainable transport and recommends that local planning authorities should seek to encourage and facilitate where possible sustainable patterns of transport using practical alternatives to private motor vehicles so that people have a real choice about how they travel. Adopted Local Plan Policy CF6 seeks to ensure that new development can be accessed safely, provides access to a range of transport modes and minimises the need to travel by unsustainable modes.

The site does not have parking but the premises is located within the town centre and is served by public transport options including bus and train services which are close by. In this context it is not considered that the proposed use as a dental practice would give rise to any concerns in terms of access, parking, or impacts on the highway network and therefore that the proposal would be acceptable in terms of highways safety.

6.0 CONCLUSION

This application should be considered in the context of the presumption in favour of sustainable development as confirmed by paragraph 11 of the National Planning Policy Framework. Given the town centre location of the application site it is considered that the proposed development would be acceptable in principle. The proposed development would result in the effective re-use of a prominent vacant town centre building and the alterations proposed as part of the scheme are considered to be appropriate, well designed and in keeping with the character and appearance of the host building and the wider area including the conservation area within which it is located. Having regard to the established lawful use of the building the proposed development would have no detrimental impact upon residential amenity or adjoining land uses nor would it impact adversely upon highway safety. In addition the economic and social benefits which would be provided by the proposal in terms of additional employment opportunities and businesses rates should also be noted. The proposal represents sustainable economic development of a type that is encouraged by the NPPF and the High Peak Local Plan. It will support jobs and strengthen resilience to the economic base of High Peak. As such the proposed development is considered to accord with policies S1, S1a, EQ1, EQ3, EQ6 and CF6 of the adopted local plan as well as wider guidance contained within the NPPF. The council is therefore respectfully requested to approve the application without delay.

7.0 DESIGN & ACCESS STATEMENT

USE

The application proposes the change of use of a former nightclub (sui generis) to a dental practice (class E). This form of development is considered to reflect the nature and character of existing development which surrounds the site given its town centre location.

AMOUNT

The application proposes no additions or extensions to the existing building. The change of use will therefore be carried out entirely within the shell of the existing building.

LAYOUT

The layout of the proposed development is as shown on the submitted site plan.

SCALE

The existing building is two storey in height. The proposed development will not impact on or result in any change to the scale of the existing building.

LANDSCAPING

No landscaping will be proposed as part of this application.

APPEARANCE

With the exception of the alterations to the southern side elevation of the building which proposes the addition/alteration of windows/doors and a PV panel on the roof the overall appearance of the building will change little. The alterations to the front of the building in terms of replacement entrance doors and removal of the existing timber boundary fence and replacement with black metal railings would result in a positive enhancement to both the character and appearance of the host building and the conservation area within which it is located.

ACCESS

Access to the site would be provided via the existing arrangement. The site is located within a sustainable location with good access links from the local road network. It is also accessible by public transport being easily accessible on foot, close to dedicated bus routes and in walking distance of the town's railway station.