

DELEGATED DECISION REPORT

HPK/2022/0387
Valid 14/09/2022

LAND REAR OF 44 TO 46,
TOWN LANE,
CHARLESWORTH,
DERBYSHIRE

CHANGE OF USE TO COFFEE
SHOP / CAFÉ AND TO
REPLACE ALL DEFECTIVE
EXTERNAL ELEMENTS ROOF,
CLADDING, DOORS AND
WINDOWS RAINWATER PIPES
AND GUTTERS
(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Visual Amenity Impact and Conservation
- Amenity
- Highway Safety

DESCRIPTION OF SITE

The application seeks a proposed change of use and external alterations to an established commercial unit in the centre of Glossop most recently operating as an ice cream parlour.

The site lies within the Norfolk Square Conservation Area, the built-up area boundary of Glossop, and Glossop Town Centre, as defined in the High Peak Local Plan.

PROPOSAL

The application proposes a change of use from the existing ice cream parlour to a food and drink establishment. Additional external alterations are proposed to replace all defective external elements including elements of the roof, external cladding, doors, windows and rainwater goods.

The proposed opening hours are as follows:

Monday – Friday inclusive, 0900-1700

Saturday, 0900-1700

Sundays and Bank Holidays, 1000-1600

The application has been amended following consultation with the Council's Conservation Officer. A previously proposed first floor extension has been removed from the scheme and the design of the external doors to be replaced has been revised.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in

conjunction with section 70(2) of the Town and Country Planning Act 1990.

Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the adopted High Peak Local Plan 2016.

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
EQ 6 Design and Place Making
EQ 7 Built and Historic Environment
E 4 Change of use of existing business land and premises
CF 1 Retail and Town Centres
CF 5 Provision and Retention of Local Community Services and Facilities
CF 6 Accessibility and Transport

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

Supplementary Planning Documents and Guidance

High Peak Borough Council Design Guide SPD (2018)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- HPK/0003/1694, Change Of Use Of Vacant Premises To Shoe Repairs And Key Cutting Shop, Approved 23/06/1992
- HPK/2001/0273, Change of use to Ice Cream parlour, Approved 31/08/2001

CONSULTATIONS

Publicity

Site Notice expiry date: 16/02/2023
Neighbour consultation period ends: 16/02/2023
Press Advert: N/A

Public Comments

None received.

Town / Parish Comments

None.

Derbyshire County Council Highways

No objection.

Conservation

No objection. (following amended plans received).

Glossop and District Heritage Trust

No objection.

Environmental Health

No objection.

OFFICER COMMENTS

Principle of Development

The application seeks a proposed change of use and external alterations to an established commercial unit in the centre of Glossop most recently operating as an ice cream parlour.

The site lies within the built-up area boundary of the town centre of Glossop as defined by Local Plan (LP) Policy CF1, which is defined as a Market Town that lies at the top of the settlement hierarchy as set out under LP Policy S2; Market Towns being the focus for all new housing and economic growth.

LP Policy CF1 seeks to maintain and enhance the vitality and viability of town centres and local centres by (amongst other things) permitting appropriate retail, leisure, cultural and business development in centres of a scale and type appropriate to the role and function of that centre, and creating safe, attractive and accessible town and local centres, providing a good range of shopping, food and drink uses, entertainment and leisure facilities and high quality public spaces.

Chapter 6 of the NPPF contains policies designed to build a strong, competitive economy. Paragraph 81 states that 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.

The proposed scheme would see an existing commercial use maintained in the Town Centre of Glossop which lies within an area that is accompanied by leisure and retail uses. The scheme thus delivers on the aims and objectives of LP Policy CF1 and relevant paragraphs under Chapter 6 of the NPPF.

The site also lies within the Glossop Norfolk Square Conservation Area, and as such the application is subject to LP Policy EQ7, and relevant restrictive policies contained under the NPPF, underpinned by Section 72 of the Town and Planning Act 1990. As such, the principle of development can only be supported if the application can demonstrate that the proposed development would not result in any harm to heritage assets. Where harm is identified, this will need to be weighed against the benefits of the scheme, having regard to the above local and national planning policy context.

Design and Conservation

Section 16 of the NPPF seeks to conserve heritage assets in a manner appropriate to their significance. This also established within LP policy EQ7.

Paragraph 201 of the NPPF 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

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.

LP policies S1 and EQ6 expect new development to contribute to a sense of place by taking account of the distinct character, townscape and setting of the area and securing high quality and locally distinctive design and amenity. In accordance with the provisions of Section 16 of the NPPF and Policy EQ7 of the Local Plan, the proposals are also required to protect any designated heritage assets and their settings.

Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires that, in assessing planning applications in respect to any land or buildings in a Conservation Area the LPA has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The application site is within the Norfolk Square Conservation Area and within close proximity of several listed buildings. The applicant has confirmed that no alterations are proposed either internally or externally as part of this application and therefore the proposal would not affect the significance of these heritage assets. The proposal would therefore continue to sustain the heritage asset and therefore complies with Local Plan policies EQ6, EQ7, S1 and S5 and those outlined in sections 12 and 16 of the NPPF.

The High Peak Design Guide 2018 requires new development to be guided by existing character and context, including the grain of development and building heights.

The revised application no longer proposes a first floor extension and instead proposes a change of use as well as the replacement of external elements of the roof, external cladding, doors and windows as well as rainwater goods to the building in a like for like fashion.

Overall, it is considered the external alterations proposed are appropriate and The Council's Conservation Officer raises no objection to the proposed works. The proposal in its revised form would have a neutral impact on the Glossop Norfolk Square Conservation Area. Accordingly, the impact on the designated heritage asset and surrounding area would be acceptable and the proposal thereby accords with Policies EQ6 and EQ7 from the High Peak Local Plan (Adopted April 2016) and relevant National Policies found in National Planning Policy Framework and Section

72 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990.

Amenity

The site is within the centre of Glossop with surrounding buildings all in commercial use. The proposed use is unlikely to give rise to any adverse impact on nearby amenity. The proposed opening hours are considered appropriate and the proposed development thereby accords with the amenity tenets of Policy EQ6 of the Local Plan. With the use of suitably worded conditions to ensure waste generated from the proposed use is managed correctly the application is considered to have an acceptable impact on the amenity of neighbouring land uses.

An additional condition is proposed to ensure that the application site can only be used as a food and drink establishment and would not benefit from the ability to be used as any other Class E as outlined by the Use Classes Order 1987 (or any equivalent Order). This is owing to the limited size and prominent location of the application site and in the interest of protecting the amenity of neighbouring land uses.

It is not considered that the scheme would have any significant adverse impact on residential amenity over the existing arrangement in accordance with Policy EQ 6 from the High Peak Local Plan (Adopted April 2016) and relevant National Policies found in National Planning Policy Framework.

Highway Safety

The application site is located within Glossop Town Centre, close to all amenities, services and public transport, including Glossop Railway Station and the adjacent bus stops on Henry Street and there are also large public car parks located within close proximity of the site. Whilst no on site parking provision is proposed, the site is in a highly sustainable location and there is unlikely to be high demand for parking provision for the proposed development. The Highway Authority raises no objections. As such it is considered that the proposed development does not raise any highway safety issues and therefore accords with Policy CF6 of the Local Plan and Section 9 of the NPPF.

CONCLUSION / PLANNING BALANCE

For the reasons given above, it is considered that the development comprises sustainable development and meets the relevant policy tests of the adopted Local Plan and NPPF.

OFFICER RECOMMENDATION : APPROVE subject to conditions

Case Officer: John Van Eker

Recommendation Date: 20/03/2023

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council