

DELEGATED DECISION REPORT

HPK/2023/0018
Valid 24/01/2023

7 HIGH STREET EAST
GLOSSOP

CHANGE OF USE FROM
RETAIL TO COCKTAIL BAR
(SUI GENERIS)

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design & Conservation
- Amenity
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

The application relates to No.7 High Street East, Glossop. The existing building forms part of a linear row of development which comprises retail outlets at ground floor level. The ground floor retail unit at No.7 is currently vacant.

The site lies within a prominent location that forms part of Primary Shop Frontage within the heart of Glossop Town Centre and within the Norfolk Square Conservation Area.

PROPOSAL

The application seeks full planning permission to change the use of the current existing vacant retail unit to a Cocktail Bar (drinking establishment) which following changes to the Use Classes Order in 2021, falls within the Sui Generis Use Class.

The Floor Plans submitted with the application show minimal changes internally with the introduction of a bar area, and no physical alterations to the exterior of the building, on the basis that any changes to signage will be subject to a separate Advertisement Consent application.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

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 Local Development Plan for this site comprises the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

High Peak Local Plan 2016

S1	Sustainable Development Principles
S1a	Presumption in Favour of Sustainable Development
S2	Settlement Hierarchy
S5	Glossopdale Sub-area Strategy
EQ6	Design and Place Making
EQ7	Built and Historic Environment
EQ10	Pollution and Unstable Land
CF1	Retail and Town Centre Uses
CF2	Primary Shop Frontage
CF6	Accessibility and Transport

National Planning Policy Framework 2021

Achieving Sustainable Transport	Chapter 2
Building a Strong Competitive Economy	Chapter 6
Ensuring the Vitality of Town Centres	Chapter 7
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

The site has a long planning history. The following applications have been determined post 2000:

HPK/2003/0164	Change of Use to Primary Care Medical Centre (Approved 8 th April 2003)
HPK/2015/0190	Proposed replacement shopfront (Approved 21 st May 2015)

CONSULTATIONS

Publicity

Site Notice expiry date: 7th March 2023
Neighbour consultation period ends: 20th February 2023
Press Advert: 2nd March 2023

Public Comments

None

Town / Parish Comments

N/A

AES Waste

No comments

HPBC Conservation Officer

No objection

HPBC Environmental Health

Initial Response:

No objections subject to conditions:

1. No part of the development hereby permitted shall be brought into use until full details of a sound insulation scheme has been submitted to and approved, in writing by the Local Planning Authority. The scheme shall adequately demonstrate a system of sound insulation between commercial and residential uses, that is designed to achieve an airborne sound insulation value of no less than:

- Airborne Sound Insulation 53 DnT,w+Ctr dB

The approved scheme shall then be implemented prior to the permission being brought into use, to the written satisfaction of the Local Planning Authority, and maintained in use for the life of the development.

2. The use hereby permitted shall not be open to customers other than between the hours of 11:00 and 00:00 on any day

Further Response – 25/04/2023:

The Sound Insulation Scheme and further written clarification submitted by the applicant, this document can be accepted.

Derbyshire County Council Highways

The proposal seeks the change of use of an existing retail shop (formerly selling scented candles) to form a cocktail bar.

Whilst the proposal includes no provision of off-street parking the site hasn't previously benefited from off-street parking. The site is located in a sustainable location in the centre of Glossop on High Street East with availability of public transport in the vicinity of the site. Additionally, there are existing parking restrictions along High Street East. Therefore, there are no highway objections given the former use, central location and existing on-street parking restriction in place, in the vicinity of the site.

OFFICER COMMENTS

Principle of Development

The application seeks to change the use of an existing vacant ground floor vacant retail unit to a drinking establishment on a site that lies within the heart of Glossop Town Centre, on a property that forms part of an area designated as Primary Shopping Frontage, and within the Norfolk Square Conservation Area.

The application is therefore subject to Local Plan (LP) Policies CF1, CF2, and EQ7 and relevant restrictive policies relating to heritage conservation contained under Chapter 16 of the NPPF, underpinned by Section 72(1) of the Act 1990.

Chapter 6 of the NPPF contains national policies aimed at delivering a strong competitive economy. Paragraph 81 states that policies and decisions should help create the conditions in which businesses can invest, and that significant weight should be placed on the need to support economic growth.

Chapter 7 of the NPPF contains national policies aimed at ensuring the vitality of town centres. Paragraph 86 requires local planning authorities to take a positive approach to their growth.

LP Policy CF1 permits appropriate retail and leisure development in centres of a scale and type appropriate to the role and function of that centres and promotes the provision of a good range of shopping, food and drink and entertainment facilities. The policy goes on to state that maintaining active ground floor frontages will be encouraged, and that the concentration of evening economy uses (which include drinking establishments) that give rise to social and environmental issues will not be supported.

LP Policy CF2 relates to Primary Shopping Frontages and states that proposals for a change of use from (the former not redundant) A1 Use Class to other town centre uses will only be permitted where it will not create a concentration of non-shopping uses and result in an unacceptable change in the retail character of the immediate area or have an adverse effect on the viability of the town centre.

With regards to the above, the introduction of a new Cocktail Bar would clearly support the aims and objectives of relevant paragraphs contained under Chapters 6 and 7 of the NPPF, by supporting the growth of a new business in the town centre of a Market Town.

Glossop High Street is home to a wide variety of retail, leisure and food and drink uses, which cumulatively results in a vibrant health town centre. The night time economy plays a vital role in the vitality of the town centre. Whilst it is acknowledged that there are a small number of existing drinking establishments within the immediate area, most notably the Norfolk Arms to the west and Howard Arms to the east, it is considered that the introduction of this new Cocktail Bar would not 'tip the balance' with regards to a concentration of night time economy uses that would negatively impact the character of the Primary Shopping Area.

Moreover, in these uncertain economic times, it is crucial that new businesses, particularly those that are seeking to take over a vacant ground floor unit, are encouraged. It is therefore considered that even if one could interpret that there would be a concentration of drinking or night time economy uses in the area, the benefits associated with filling a vacant unit and having an active frontage outweighs any perceived harm in this regard.

As such, it is considered that having regard to LP Policies CF1 and CF2, and relevant paragraphs under Chapters 6 and 7 of the NPPF, the principle of the proposed use in this location is acceptable.

Given the site lies within the Norfolk Square Conservation Area, the application must demonstrate that the proposed use would either preserve or enhance the character and appearance of the building and wider setting of the Conservation Area, in line with LP Policy EQ7 and relevant policies under Chapter 16 of the NPPF.

Design & Conservation

Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.

LP Policy EQ7 has regard to the Built and Historic Environment. It 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.

Paragraph 130 of the NPPF states amongst other things that new developments should add to the overall quality of the area, be visually attractive as a result of good architecture and sympathetic to the surrounding built environment.

Chapter 16 of the NPPF contains the relevant restrictive national planning policies relating to heritage conservation. Paragraphs 199-202 set out how a local planning authority should assess the significance of a heritage asset and the potential impacts of a development proposal upon that asset. Where a proposal will lead to substantial harm or total loss of a designated heritage asset, local planning authorities should refuse consent unless there are substantial public benefits that outweigh that harm.

Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits.

The building is not listed and therefore any internal works proposed that are necessary to facilitate the proposed use does not require planning permission. The Elevation Plans show no external changes other than a reference to a change in signage. The Conservation Officer has no objections.

As such, notwithstanding the fact that any change to signage will almost certainly require advertisement consent, which will be considered separately to this application, the change of use in its own right will not result in any material change to the character and appearance of the building or wider conservation area, in accordance with LP Policies S1, EQ6 and EQ7, relevant paragraphs under Chapter 12 of the NPPF relating to Design, and relevant restrictive paragraphs under Chapter 16 of the NPPF relating to Heritage Conservation, underpinned by Section 72(1) of the Act 1990.

Amenity

LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.

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.

Paragraph 130 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

Paragraph 185 of the NPPF states that policies and decisions should ensure that development is appropriate for its location taking account the likely effects of pollution on health, living conditions and the natural environment, and in doing so should amongst other things mitigate and reduce to a minimum potential impacts resulting from noise and subsequent impacts on health and quality of life.

The nature of the proposed use means that full consideration needs to be given to the potential impacts on neighbouring residential units specifically with regards to noise and disturbance.

In considering the application, the Environmental Health Officer has confirmed that there are no objections subject to strict conditions relating to limitations on the opening hours and the approval of a detailed sound insulation scheme.

In order to avoid a pre-commencement, the applicant has chosen to submit details of a sound insulation scheme prior to determination. The Environmental Health Officer has reviewed the submitted details and has confirmed that they adhere to the

required noise levels, thereby allowing a compliance condition to be applied to the decision.

Subject to these two compliance conditions relating to sound insulation and opening hours, it is considered that the amenity of the general public and neighbouring residential properties will be preserved, in accordance with LP Policies EQ6 and EQ10, and paragraphs 130 and 185 of the NPPF.

Highway Safety

LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network. Suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan should be provided.

Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The site does not benefit from any off-street parking provision, as with the former use but lies within the heart of Glossop Town Centre. Given the nature of the proposed use, it is anticipated that the vast majority of patrons will approach the site on foot, utilising either nearby public car parks or public transport links, which includes Glossop Railway Station, located approximately a 3 minute walk from the site.

As such, it is considered that on this occasion, it is neither reasonable or necessary to secure off-street parking provision and that any conflict with LP Policy CF6 is not sufficient to warrant a reason for refusal on highway safety grounds.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF). It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

An assessment of the application has found that the introduction of a drinking establishment in this location would not 'tip the balance' with regards to a concentration of evening economy uses, which would result in detrimental harm to the character of the Primary Shopping Frontage or Town Centre. Moreover, in these challenging economic times, it is considered important to support new businesses at ground floor level that will fill a vacant retail unit. The application is therefore compliant with Local Plan Policies CF1 and CF2 and relevant paragraphs under Chapters 6 and 7 of the NPPF.

The change of use in its own right will not affect the character and appearance of the building or conservation area, although the applicant should be advised that any signage associated with branding will almost certainly require separate advertisement consent.

Further to the submission of a sound insulation scheme, the Environmental Health Officer has confirmed that this document is acceptable. As a result the first recommended condition can be amended to read as a compliance condition rather than pre-commencement.

There are no considered to be any highway safety impacts resulting from the proposed use given the current lack of off-street parking provision and the highly sustainable location of the site.

In conclusion, the application is considered to comply with all relevant local development plan policies and other material considerations including relevant restrictive policies relating to heritage conservation under Chapter 16 of the NPPF, and constitutes a sustainable form of development.

In line with LP Policy S1a and paragraph 11 of the NPPF, the application is recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 24th April 2023

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council

