

DELEGATED DECISION REPORT

HPK/2023/0184
Valid: 14/06/23

7, HALL BANK, BUXTON,
DERBYSHIRE, SK17 6EW

APPLICATION FOR PLANNING
PERMISSION FOR GEORGIAN
TOWN HOUSE. CELLAR AND
GROUND FLOOR
RESTAURANT BELOW THREE
FLOOR OWNERS
ACCOMMODATION. TO BE
CONVERTED TO
RESIDENTIAL. ONLY
INTERIOR COSMETIC WORK
NO STRUCTURAL OR
EXTERIOR MODIFICATIONS
(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design Considerations
- Impact on Residential Amenity
- Impact on Highway Safety
- Nutrient Neutrality

DESCRIPTION OF SITE

The application site lies within the settlement boundary for Buxton as defined by the Local Plan policies map. The site relates to a three storey mid terraced property which was last in use as a restaurant, at ground floor and cellar, and residential at the upper floors. The site lies within the town centre boundary for Buxton with a mix of uses within the surrounding area. The site lies within the Buxton Conservation Area, and an area of archaeological potential. The building is a Grade II Listed Building known as Columbine, 7, Hall Bank. The official Listing Description states:

Terraced town house, now restaurant and flats. c1795, late C19 additions, renovated C20. Dressed millstone grit with ashlar dressings and Welsh slate roofs. EXTERIOR: 3 storeys. Eaves band, cornice and low parapet. Second-floor sill band. 2-window front with pilaster strip to left with vermiculated rustication. 4-panel door to left with overlight, off-centre glazing bar sash with tooled surround and above an oriel canted bay window with glazing bar sashes supported on stone brackets. To right a 2 storey canted bay window with glazing bar sashes with tooled surrounds. Above 2 round headed 2-light casements with fanlights in tooled ashlar surrounds with keystones. Rear elevation: 3 storeys with staircase window. Single storey extension. INTERIOR: altered and subdivided C20, with flying freehold over 1st floor of No 6. Staircase

risers from rear of hall. The house incorporates a circular light well. (Hall I: Georgian Buxton: Chapel-en-le-Frith: 1984-: 34).

The site also lies within the setting of other Listed Buildings, including those within the terraced row along Hall Bank, and the Town Hall opposite.

PROPOSAL

This application proposes the conversion of the cellar and ground floor of the building from its current lawful use as a restaurant, to residential. The change of use would be in association with the existing residential use at within the building. No alterations to the building are proposed.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan (Adopted 2016)

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S4 Maintaining and enhancing an Economic Base
- S7 Buxton Sub-area Strategy
- H1 Location of Housing Development
- EQ6 Design and Place Making
- EQ7 Built and Historic Environment
- CF1 Retail and Town Centres
- CF6 Accessibility and Transport

Supplementary Planning Guidance/Documents

Residential Design (2005)
High Peak Design Guide (2018)
Buxton Conservation Areas Appraisal (2007)

National Planning Policy Framework

Section 12: Achieving Well-designed Places
Section 16: Conserving and enhancing the historic environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

Various – the most recent being:

HPK/0003/6846 - Security bars fitted to ground floor rear windows and plastic ventilation fan louvre 12 x 15 – Approved – 22/01/98

CONSULTATIONS

Publicity

Site Notice expiry date: 02/08/23

Neighbour consultation period ends: 27/07/23
Press Advert: 27/07/23

Public Comments

None

Town / Parish Comments

None received

DCC Highways

It is noted that parking to the front of the property (Hall Road) is restricted and a long stay car park is opposite the site, so to ensure construction vehicles do not park along the property which is a public highway, it is recommended that a construction management plan condition is appended to any consent granted

Conservation Officer

No objection.

The application shows a change of use of the ground and cellar floors with what appear to be no structural changes or changes impacting the historic fabric. My assessment of this satisfies listed building consent is not required at this time.

OFFICER COMMENTS

Principle of Development

The application proposes the change of use of a restaurant to residential accommodation (in association with an existing dwelling) to a property which is located within the settlement of Buxton as defined by the Local Plan Policies Map. The building lies within the town centre boundary for Buxton.

Housing Policy

Policy S1 expects all new development to make a positive contribution towards the sustainability of communities by meeting most development needs within or adjacent to existing communities, and making effective and efficient use of land and buildings. Policy S7 seeks to plan for sustainable housing by supporting sustainable housing development within the built up area of Buxton. Policy H1 promotes the effective reuse of land by encouraging housing development including redevelopment, infill, conversion of existing dwellings and the change of use of existing buildings to housing, on all sites suitable for that purpose.

Retail Policy

Policy S1 also seeks to maintain and where possible enhance accessibility to a good range of services and facilities. S7 seeks to support improvements to the range and

quality of town centre retail and services. Policy S4 seeks to support improvements to the range and quality of town centre retail and services. Policy CF1 seeks to maintain and enhance the vitality and viability of town centres and requires active ground floor frontages to be maintained and created within town centres with appropriate town centre uses. CF1 goes on to state that the vitality and viability of Buxton town centre will be supported by the designation of the Buxton Primary Shopping Area and primary frontages.

Assessment against the Development Plan

The proposed development would result in the loss of an existing restaurant which is an identified main town centre use. The restaurant contributes towards the provision of an active frontage. The loss of the restaurant use would therefore fail to maintain an active frontage as required by CF1.

Policy CF1 advises that the vitality and viability of the town centre will be supported by the designation of the primary shopping area. The application site lies outside of the primary shopping area and does not form part of a primary frontage. It is noted that the row of terraced buildings on Hall Bank has a mix of residential and commercial uses although residential uses is the predominant character. There is nothing within the wording of CF1 which specifically prohibits the loss of main town centre uses outside of the primary shopping area/primary frontages.

On the contrary, policies of the Development Plan, support the delivery of residential uses on sites which are sustainable, within the built up area. Specifically, Policy H1 supports the *change of use of existing buildings to housing, on all sites suitable for that purpose*. The building does not have any large glazed frontage, and its appearance as a restaurant is very discrete and more residential in character. It is considered that the building is suitable for residential use and such a use would be in character with the existing appearance of the building, and the prevailing character of this part of Hall Bank. It is therefore considered that there is policy support for the use of the building, as a whole, for residential purposes.

Therefore, the proposal would result in the loss of a main town centre use within the town centre and loss of active frontage. However, the site is suitable for residential development which would be complementary to the prevailing character of the street. The proposed development is considered to be in accordance with the Development Plan, *when read as a whole*, and the proposals are acceptable as a matter of principle.

Design Considerations (including impact on Heritage Assets)

The application dwelling is a Listed Building, is located within the setting of other Listed Buildings, and lies within the Buxton Conservation Area. S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. While S.72(1) of that Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Policy S1 states that new development will be expected to make a positive contribution towards the sustainability of communities and where possible enhancing the environment which would be achieved by, inter alia, securing high quality and locally distinctive design. Policy EQ6 states that all development should be well designed and of a high quality and that this will be achieved by requiring development to be well designed to respect the character of the townscape, and requiring development to contribute positively to an areas character, identity and history in terms of scale, height, density, layout, appearance, materials and relationship with adjacent buildings. Policy EQ 7 states that the council will conserve heritage assets in a manner appropriate to their significance.

The proposed development relates to the change of use of the building only. The scheme does not propose any alterations or extensions. As outlined above, the external façade of the building at ground floor level does not have the character of a restaurant with the existing use being subtle with no large glazed active frontage or prominent advertising. Due to the lack of alterations the proposed change of use could be carried out without changing the appearance of the existing building, while the overall character of the Conservation Area would not be unduly affected.

It is therefore considered that the special interest of the building, along with the setting of other Listed Buildings, would be preserved, while the character and appearance of the Conservation Area would also be preserved.

The proposals therefore would not cause harm to the significance of heritage assets and would be acceptable.

Amenity

Policy S1 seeks to secure developments provide a high standard of amenity for all existing and future occupants of land and buildings. Policy EQ6 requires development achieve a satisfactory relationship to adjacent development and 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.

No alteration or extensions are proposed and therefore the physical relationship with neighbouring properties would be maintained. Existing opening would be retained in their existing position and which would look to the front and rear of the premises, as such no overlooking or loss of privacy would arise. It is also considered that the proposed use would be more compatible with neighbouring sensitive uses and would lead to a betterment in terms of the potential for noise and disturbance.

This proposal would be an extension in accommodation of an existing residential use. Therefore, it is considered that there would be no unacceptable additional harm on future occupants through noise and disturbance from activities within the town centre location as the relationship is established.

Highway Safety

The proposal does not include an increase the number of bedrooms at the property and as such there would be no increase in demand for off street parking. In any event this would need to be balanced against the vehicular movements that would be associated with the restaurant use. The site is located within the town centre and as such is highly sustainable. No highway safety concerns would arise from the development and DCC Highways have raised no concerns with regard to the proposed change of use.

DCC Highways have suggested a condition for a construction management plan to be provided. While this is noted, the proposals do not include any structural work, extension or alteration to the building, with any works being cosmetic. Given the limited nature of works proposed, it is considered that such a condition would not be reasonable in this instance.

Nutrient Neutrality

The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out “likely significant effects” on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail.

Screening Assessment

The proposal is not directly connected with or necessary for the conservation management of a European site. The proposal will not increase surface water run-off from the site. However, the proposal does involve additional bathroom accommodation but the application relates to the expansion of an existing dwelling. On the basis, of an average occupancy rate of 2.4 persons per dwelling, however, there will be no increase in waste water generated by the proposals. Furthermore, the existing lawful use as a restaurant would result in waste water generation on a more intensive nature during operating hours. Therefore it will not risk having a significant negative effect on the SAC either on its own or in combination with other proposals and therefore it is not necessary to carry out an Appropriate Assessment.

CONCLUSION / PLANNING BALANCE

It is considered that the proposals would comply with the policies contained within the Development Plan and guidance within the NPPF, and as such it is recommended that the application be approved.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Declan Cleary

Recommendation Date: 03/08/2023

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council