

DELEGATED DECISION REPORT

HPK/2023/0477 AND HPK/2023/0478 Valid 07/12/2023	THE ROYAL BANK OF SCOTLAND PLC 9 MARKET STREET CHAPEL-EN-LE-FRITH	ENLARGE THE PLANNING UNIT OF THE EXISTING RESTAURANT SET WITHIN A LISTED BUILDING TO INCLUDE LAND TO THE REAR. LANDSCAPING WORKS INCLUDING STEPS, RAISED DECKING, PATIO & DETACHED STORE ROOM AND LISTED BUILDING CONSENT
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(FULL – MINOR AND LBC)

MAIN ISSUES

- Heritage (listed building)
- Design
- Amenity

DESCRIPTION OF SITE

9 Market Street, otherwise known as Deacons bank, is a grade 2 listed building:

'Bank. C19, early C20 refronting to ground floor. Gritstone ashlar to ground floor, coursed rubble over. Stone slate roof. Stone gable end stacks. Two storeys, irregular fenestration. Ground floor in art nouveau style. To east, deeply recessed doorcase. Chamfered side, changing to moulding half way up and topped by stylised leaf and flower carving. Above, lintel inscribed 'William Deacon's Bank'. To either side, mouldings with central rib, coved to either side and splayed to base. Central ribs form trunks to flower and foliage carvings above on large ovolo moulded stringcourse. Panelled wooden door below. To west four windows all with deeply moulded architrave and keystone. Recessed panel below each window with diamond pattern decoration. Each window, single pane of glass with patterned leading applied. Above, stringcourse continued from over door with similar carved details, between each window. Above, two C20 windows. On eastern gable wall, a large metal plaque in similar style inscribed 'Bank'.'

Deacons Bank operates as a restaurant on the ground floor. The site has an area of land to the rear, which has recently been extended beyond its original curtilage. This application presents the site as one planning unit.

The site is also located within the Chaple-en-le-frith conservation area. the extended site can be viewed in part from the bowling green to the rear and Rowton Grange Road.

PROPOSAL

Planning permission and listed building consent is sought (part retrospectively) for store room to the rear of the site, as well as 2 decking areas and a raised patio area. These outdoor areas will facilitate outdoor seating for the restaurant use. The decking area at the rear of the planning unit sits outside of the listed buildings curtilage. The store room is currently almost complete, and will be 4M by 3.25M when completed. The store room will have a flat roof and be finished in render. Revised plans demonstrated the store room finished in timber cladding, with no other changes to the overall proposal.

The decking area will be of a timber finished. The raised patio will be finished with a natural stone wall. the boundary of the application site will be completed in a combination of natural stone wall and timber fence.

It should be noted that at the time of the officers site visit a number of other physical structures were in part construction. The applicant has confirmed that these are in the process of being removed and do not form part of the application at hand.

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
EQ 6 Design and Place Making
EQ 7 Built and Historic Environment
CF 6 Accessibility and Transport

National Planning Policy Framework

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

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2001/0592 & HPK/2001/0593 - Alterations to improve disabled access
(Approved 17/01/2001)

HPK/2002/0299 - 25 x Pole Mounted Fabric Banners (Approved 24/05/2002)

HPK/2005/0874 - Replacement Signage (Approved 11/01/2006)

HPK/2005/0892 - Various Signage (Approved 13/01/2006)

HPK/2012/0166 & HPK/2012/0167 - Proposed Removal Of Existing Signage And Installation Of Replacement, Converting The Royal Bank Of Scotland To Santander (Approved 14/05/2012)

HPK/2018/0511 & HPK/2018/0512 - Removal of the face fixed sign at first floor and of the low level branded sign to the left of the entrance and the repair of the stonework (Approved 15/02/2019)

HPK/2021/0271 - Conversion of Grade II listed former Bank into a Restaurant (Use Class E) at ground floor. Change of use to two flats (Use Class C3) at first floor. External alterations include new windows and doors to the rear elevation along with a new kitchen extract (Approved 18/11/2021)

CONSULTATIONS

Publicity

Site Notice expiry date: 30/01/2024
Neighbour consultation period ends: 08/01/2024
Press Advert: 18/01/2024

Public Comments

Support (1)

- This restaurant provides fantastic food and will bring tourism and income to the market place.

Objection (1)

- Works have already taken place to the rear.
- Water ingress to neighbouring properties

Neither (0)

Town / Parish Comments

Chapel PC – no objection

Environmental Health

12/03/2024

No objection subject to conditions

CONDITIONS:

HOURS OF USE: ALFRESCO AREAS

The proposed outside seating shall not be in use after 22:00 on any day.

HEATERS

There shall be no heaters (patio heaters etc) in use, within the development area.

Speakers and Music

No sound-amplifying equipment, loudspeaker, public address system shall be installed/operated or music played within the development hereby approved.

Derbyshire County Council Highways

No objections

HPBC Conservation officer

05/02/2024

Objection

- Lack of cohesion due to mix of materials.

OFFICER COMMENTS

Principle of Development

LP Policy S 2, which states that development should be directed towards sustainable locations, including Market Towns such as Chapel-en-le-Frith . The site is situated within this built-up area boundary.

LP Policy S 4 states that the council will maintain and where possible enhance the economic base of the Plan Area. LP Policy S 4 hopes to achieve this by:

- 'supporting the appropriate improvement, enhancement and expansion of existing businesses'
- 'Protecting and promoting town centres as the focus for retail, leisure and office development'

LP Policy CF 1 states that '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 principle of the proposed development is therefore considered acceptable. the proposal is located within a sustainable location and will encourage the enactment of an existing business. The development is therefore subject to consideration of the following policies.

Design and heritage

Section 12 Paragraph 135(c) of the NPPF states that development should be sympathetic to the character and history of the area, while not restricting change.

Section 16 Paragraph 205 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

LP Policy EQ 6 states that all development should be well designed, of a high quality and respond to the areas character, history and scale.

LP Policy EQ 7 states that the council will conserve heritage assets in a manner appropriate to their significance.

The High Peak Design Guide (SPD) (2018) paragraph 3.9 states that new buildings should use facing materials that either match or complement those of the surroundings. Under certain circumstances, new materials can sometimes be used as a foil to more traditional materials to highlight and bring out their qualities.

A number of structures on the application site at present are not included in the current application and are scheduled for removal. The store room is however, already in place and is subject to the application at hand and therefore considered retrospective.

Store room:

The proposed store room is located close to the listed building. It is small in size, and will be finished in render. A large portion of the rear of the listed building is likewise finished in render. As such the proposed finish is considered to be acceptable. Should approval be granted it is recommended that a condition be included to ensure that the proposed render finish matches that of the host building.

Flat roofs are generally unfavourable. However, in this case the flat roof allows the store room to appear subordinate to Deacons Bank and distinguishes the structure as a later addition. Overall the store room is not considered to be harmful to the listed building due to its matching finish and small scale.

A timber fence is in place adjacent to the store room to shield the rear of the listed building from the outdoor seating area. It is proposed to retain this portion of fencing. Timber fencing is typically unfavourable, however, timber has recently been allowed at a neighbouring property with the condition that it be stained a dark colour (HPK/2023/0369). It is therefore recommended that the timber fencing be likewise stained a dark colour in accordance to maintain visual consistency.

The applicant has provided revised plans showing the store room to be finished in a timber cladding, following the approval of a similar material next door in application HPK/2023/0369. The proposed change in materials has been assessed and considered unacceptable. Neighbouring property, no.7, is not a listed building, whereas the application site, no.9, is grade 2 listed. Therefore the application site holds more significance and protections than the neighbouring property. As such it is felt that the timber finish would be harmful to the host building, and as such the original plans of showing a render finish are preferred.

Furthermore, the HPBC conservation officer has objected regarding a lack of cohesion of materials. It is felt that the render to the store room is in keeping with the listed building as explained above. The remaining timber materials are consistent with those present in a garden setting. It should also be noted that the proposed decking area, furthest from the host building lies within the same planning unit but outside of the listed buildings curtilage, as this has been purchased by the landowner recently to create the single planning unit.



Patio:

The proposed patio will be bordered with a natural stone wall (which is already in place). This wall is of a favourable natural stone in keeping with the materials used in the listed building itself. This is therefore considered acceptable and unharmed to the listed building.



Timber decking:

The proposed timber decking will be located where two wooden structures are currently on site. These are due to be removed. To maintain consistency it is recommended that the timber decking be stained a dark colour to match the fencing on site. Timber which is unfinished can appear bright and is generally unfavourable in the Chaple conservation area. To improve its visual impact the timber should be stained a dark colour to mitigate any harm on the listed building and conservation area.

Subject to the conditions outlined above, it is considered that the conservation officer's concerns regarding materials can be addressed and there will be no harm to the designated heritage assets.

Amenity

Section 12 Paragraph 135(f) of the NPPF states that development should create places with a high standard of amenity for existing and future users.

LP Policy EQ 6 states that all development should achieve a satisfactory relationship to adjacent development and doesn't cause unacceptable effects by reason of vision intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

Store room:

Two doors are proposed for the store room, one which will face the existing building, the other will face out over the proposed decking area. Neither door will face onto neighbouring properties. As such no privacy concerns are raised. The building is single storey and located alongside a carpark to the rear of the neighbouring commercial property. As a result no overbearing or overshadowing impacts are anticipated.

Decking and Patio areas:

The decking and patio areas will be utilised to accommodate outdoor seating. This will be enclosed by 6ft boundary treatments which are in place. This will block a portion of noise emitted and reduce any potential overlooking issues.

Environmental Health have advised a number of conditions regarding usage hours and the use of sound systems outdoors to protect local amenity. These conditions will mitigate any noise pollution at unsociable hours.

Highway Safety

No highway objection has been raised. The site is located in a central location with ample, safe public parking located in the vicinity. While the proposal may generate great footfall this is not considered to cause any highway safety concerns.

Other matters

Objections regarding works having already taken place and water ingress to neighbouring properties are noted. However, the fact that the application is

retrospective is not a material consideration. Water ingress is a civil matter between the adjoining owners.

CONCLUSION / PLANNING BALANCE

In conclusion the proposed development is considered acceptable in terms of design, heritage, amenity and highway safety, subject to suggested conditions. The applications are therefore recommended for approval.

OFFICER RECOMMENDATION : Approve Planning and LBC with conditions

Case Officer: Rachel Robinson

Recommendation Date: 12th March 2024

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council