

DELEGATED DECISION REPORT

HPK/2024/0110
Valid 23/04/2024

SWAN HOTEL BUXTON
ROAD
NEW MILLS

RETROSPECTIVE
PERMISSION FOR USE OF
LOWER GROUND FLOOR AS
INDOOR GYM, AND CREATION
OF OUTDOOR EXERCISE
AREA

(FULL - MINOR)

MAIN ISSUES

- Design
- Amenity
- Highway Safety
- Green Belt

DESCRIPTION OF SITE

The application site is portion of land adjacent to the Swan Hotel, Buxton Road. The site includes a garage building, and the former beer garden.

The site is accessed via a gated vehicle access, located off of the Buxton Road, and Albion Road junction. These gates open inwards leading to a single cobbled track into the site.

The site sits predominantly within the New Mills Built-up area boundary, however, a small portion to the rear of the site is located within the Green Belt.

PROPOSAL

Retrospective planning permission is sought for the change of use of the ground floor of the garage building into an indoor gym. The garage doors have been maintained, with no physical changes to the existing building.

Permission is also sought for an outdoor exercise area. This consists of a levelled area of land, bordered with timber retainers and topped with astro turf. This area is to be used for outdoor classes. Six gravel steps lead up to the outdoor area.

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 4 Green Belt Development
EQ 6 Design and Place Making
CF 4 Open Space, Sports and Recreation Facilities
CF 5 Provisions and Retention of Local Community Services and Facilities
CF 6 Accessibility and Transport

National Planning Policy Framework

Section 4 – Decision-making
Section 12 - Achieving well-designed and beautiful places
Section 13 – Protecting the Green Belt

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

No Previous Planning History

CONSULTATIONS

Publicity

Site Notice expiry date: 24/05/2024
Neighbour consultation period ends: 20/05/2024
Press Advert: N/A

Public Comments

Support (65)

- Mental health benefits of exercising outside
- Thriving independent, local business
- Noise levels would be similar to similar of previous pub garden use
- Brings part of a derelict site back into use
- Minimal noise and light pollution due to distance from residential dwellings
- Makes use of existing car parking facilities
- Supports the health of the local community
- Classes are held in small groups

Objection (0)

Neither (4)

- Lack of time for neighbours to comment
- Noise impact on Woodbourne Rd from both indoor and outdoor space
- Member exercising along Woodbourne Rd cause highways hazard
- Members park on Woodbourne Rd
- 12 hour operating time is not manageable for residents

Town / Parish Comments

None received

Environmental Health

No Objection subject to noise condition

Derbyshire County Council Highways

No Objection subject to cycle storage condition

Sporting England

No objection

- See file/web for full comments

OFFICER COMMENTS

Principle of Development

Local Plan (LP) Policy S 2, which states that development should be directed towards sustainable locations, including Market Towns such as New Mills. The site is situated within this built-up area boundary.

LP Policy CF 5 states that the council will seek to maintain and improve the provision of local community services and facilities. This includes resisting proposals involving the loss of community assets and facilities including public houses. The Swan Hotel building is a currently vacant public house. The proposal at hand seeks to regularise the change of use of part of the Swan Inn building to a gym use. The portion being utilised as such is a garage building for the public house. The main building of the public house remains in situ and unchanged. As such the public house could be reopened without being affected by the change of use hereby under consideration. The principle of the change of use of this small portion of the building is therefore acceptable.

A section of this application site is within the Green Belt. Paragraph 154 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. LP Policy EQ 4 states that within the Green Belt, planning permission will not be granted for development unless it is in accordance with national planning policy. As such must be determined if the proposal is considered appropriate development for within the Green Belt.

Para 155 of the NPPF states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These forms of development include;

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);

The portion of the application site located within the Green Belt, may be supported by NPPF 155 (e) as the land will be utilised for outdoor sport/recreation in the form of an outdoor exercise space ancillary to the gym use. The outdoor area comprises a level surface with “pull up” bars and a set of steps from the indoor gym. Although surrounded by low level wooden sleepers, this area does not reduce or harm the openness of the green belt.

The portion of Green Belt land subject to this change of use is minimal, and the proposed change of use will not have a negative impact upon the openness of the Green Belt.

The principle of development is therefore acceptable subject to consideration of the following policy.

Design and change of use

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 CF 4 states that the council will seek to protect, maintain and where possible enhance existing open spaces, sports and recreational buildings and land.

The High Peak Design Guide (SPD) (2018) paragraph 5.1 states that the improvement or renovation of an existing property is generally preferable, both on cost and visual grounds, to redeveloping the site afresh. It is often also the more sustainable option. An old building will have features and detailing that cannot easily be rebuilt today.

The change of use of the existing garage building has not materially changed the design of the building. The garage building was previously part of the former public house amenities. The public house has been unoccupied for some time. The High Peak Design Guide (SPD) (2018) supports the re-use of existing buildings. The re-use of the former pub maintains the visual design as a public house, while bringing part of the building into a productive use. The proposal to use part of the site as a gym allows for the building to undergo minimal physical changes, while creating an exercise facility. The design and change of use of the former pub is therefore supported by LP Policy CF 4 and the High Peak Design Guide (SPD) (2018).

The reuse of the former pub garden as an extension of the gym, allows for the creation of an outdoor recreation space, with minimal visual change. An outdoor exercise area has been created, for which retrospective permission is sought. The area consists of a timber and astroturf. In terms of design the structure is visually characteristic of an exercise facility and is thus considered acceptable. As such there are no design concerns.

Amenity

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.

The application site formerly operated as a public house and hotel. The portion which has been converted was a former store/garage. None of the windows in the converted garage look out onto residential land, and instead face mature vegetation growth on the site boundary. As such there are no privacy concerns. The closest neighbours can be found along Woodbourne Road to the east (in excess of 40m) and to front on Buxton Road. Whilst the use of the indoor gym is considered to be acceptable, the use of both the indoor gym and in particular the outdoor exercise area has the potential to cause noise disturbance. Therefore, it is recommended that conditions are imposed restricting the times of operation and noise limitations.

Concerns have been raised regarding loud music and noise being heard from outside of the application site. HPBC Environmental Health have not objected to the application, subject to noise conditions. Such conditions require excess noise, such as music to be managed and retained within the building and not serving the outdoor area. This is considered reasonable to mitigate the impact upon nearby dwellings. As such maintaining residential amenity. Any use of nearby road for exercise is not a matter which can be controlled by this application.

Highway Safety

LP Policy CF 6 states that all development should deliver sustainable patterns of development by ensuring that it does not lead to an increase in on street parking to the detriment of the free and safe flow of traffic.

The proposal demonstrates on site parking utilising the former public house/hotel vehicle entrance. As this entrance already exists and previously facilitated a likely high volume of deliveries, DCC Highways consider the re-use of this existing entrance acceptable. The applicant has stated that they encourage active modes of transport, with particular emphasis on walking and public transport. DCC Highways have requested that cycle facilities be conditioned to allow for safe, onsite cycle storage. This is considered reasonable to maintain highway safety.

Concerns have been raised regarding gym users parking on nearby roads. DCC Highways have considered the proposed onsite parking to be adequate for the size of the gym. The parking provisions provided onsite are considered adequate to meet demand. As such should customers use nearby roads and lead to any unsafe parking this should be reported to the Local Highway Authority who have the powers to restrict on-street parking.

Overall there are no highway safety concerns.

CONCLUSION / PLANNING BALANCE

In conclusion, the development is considered acceptable in terms of principle, design and Green Belt policy. The development has also been found acceptable in terms of amenity and highway safety subject to condition. It is considered to be in accord with the relevant policies put forward in the Local Plan and the NPPF. Therefore this application is recommended for approval.

OFFICER RECOMMENDATION : Approval

Case Officer: Rosie Dinnen C.O Rachel Robinson

Recommendation Date: 15th July 2024

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council