

## DELEGATED DECISION REPORT

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HPK/2024/0241  
Valid 03/07/2024

24 REAR OF DALE ROAD  
BUXTON

CHANGE OF USE FROM  
STORAGE TO COMMUNITY  
BOXING CLUB

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### MAIN ISSUES

- Amenity
- Highway Safety
- Nutrient neutrality

### DESCRIPTION OF SITE

24 Rear of Dale Road is a former warehouse/garage building located behind a number of residential and commercial properties on Dale Road. The first floor of the building is used as a boxing gym. The ground floor is currently vacant, but was formerly part of the garage building. Adjacent is an art studio/gallery

The application building is constructed from corrugated metal and grey brick. The building has exterior steps which provide access directly to the first floor. Access is also available to the ground floors via large garage doors.

### PROPOSAL

Planning permission is sought to change the use of the ground floor to expand the gym use from the first floor.

The proposal will also use matching, second hand bricks, to brick up the existing ground floor openings. The ground floor pedestrian entrance will remain unaltered. Internally steps will be installed to allow internal access from the ground to the first floor.

According to the planning statement:

*Buxton Amateur Boxing Club (Registered Charity No. 1202599) is an amateur sports club and registered charity, affiliated to the England Boxing National Governing Body. We are a volunteer run, not for profit organisation that caters for children and young people from the age of 10 years old upwards. The objective of The Club is to promote the sport of Amateur boxing within the community, irrespective of participant race, culture, religion and gender. Buxton ABC seeks to provide safe, affordable fitness to serve the local community and provide a pathway to elite amateur boxing.*

*In addition, the Club provide the community with opportunities for volunteering and coach development, investing in Coach Training courses and qualifications. The*

*Club opens Monday to Thursday 18:00 - 19:00 & Sunday 10:00 – 11:00, the Gym does not operate in addition these 5 hours. The Club has been located on the 1st Floor premises, 20 Dale Road, for over 30 years.*

According to a letter submitted from an estate agent, the property has been on the market for over 2 years, but without any success.

## **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  
E 4 Change of Use of Existing Business Land and Premises  
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 8 Promoting healthy and safe communities  
Section 12 Achieving well-designed and beautiful place

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

No previous planning history

## **CONSULTATIONS**

### **Publicity**

Site Notice expiry date: 21/08/2024  
Neighbour consultation period ends: 30/07/2024  
Press Advert: N/A

### **Public Comments**

Neither (5):

- Good for young people
- Provides space for young people to make friends
- Increases interest in the sport
- Good for mental and physical health

Object (0)

Support (41):

- Great use of empty building
- Provide better facilities for local club
- Benefit for the mental and physical health
- Supports a club which has been running for over 40 years
- Supplies an interest and discipline for young people locally
- Improved use of derelict premises
- The commitment from the coaches who help support the youth of Buxton and encourage them to be confident
- No increased negative impact from noise or traffic as gym already on site
- Existing building in poor repair
- Ages 10-40 years old are catered for and every single person is welcome into the gym as we support mental awareness and special needs tuition. We have strict rules re drop off and pick up points to enable safe collection of each and every person attending our gym.'

### **Town / Parish Comments**

n/a

### **Environmental Health**

n/a

### **Derbyshire County Council Highways**

No objection

### **OFFICER COMMENTS**

#### **Principle of Development**

Local Plan (LP) Policy S 2 states that development should be directed towards sustainable locations, including Market Towns such as Buxton. 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 will be achieved by supporting proposals which protect, retain or enhance existing community facilities or provide new facilities.

NPPF Section 8, Para 97 d) states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community

The proposed change of use will expand the existing Buxton Boxing Club, which provides a local community recreation facility. LP Policy CF 5 and NPPF para 97 (d) supports the enhancement of such facilities. The ground floor is currently vacant,

previously used as a dairy. The building is within a residential area with good access to the town centre and therefore makes it an ideal location for such recreational facilities.

Policy E4 sets out that development proposals which involve a change of use or the redevelopment of existing business or industrial land, will only be permitted where land/buildings are so constrained that it is no longer suitable for commercial uses, demonstrated by a marketing exercise. Although there would be a small loss employment floorspace, the applicant argues that the ground floor was formerly used as a milk float storage facility and did not generate significant employment opportunities. Given the limited floor space, and the fact that this part of the building has been vacant for over 2 years, with no successful offers being made to purchase the whole building, it is considered that the loss of the floorspace, to be reused as a community facility is acceptable. As such the principle of the proposed change of use is acceptable subject to consideration of the following policies.

## **Design**

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.

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.

The proposed change of use will include the blocking up two ground floor openings, including a window and garage door. The ground floor pedestrian entrance will be retained. An internal staircase will be installed to internally connect the two floors. The openings will be blocked up using brick to match, which is considered acceptable. The front elevation is not visible from the street scene. As such the increased solid to void ratio will not have a negative impact upon the street scene.

Overall the proposed design is considered acceptable.

## **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.

Despite the lack of planning history the applicant states that that the first floor has been used as a gym for over 30 years. No objections have been received regarding the gyms impact upon surrounding residential dwellings.

The gym is open for 1 hour at a time, being open for 5 days a week. The existing opening hours of 18:00 – 19:00 Monday – Thursday and 10:00 – 11:00 on Sundays are to be retained. A number of residential dwellings are located within approx. 4m of the application site, however the existing restricted opening hours appear to not harm the residential amenities of the neighbouring dwellings. However due to the effect of doubling the overall size of the facility, it is considered necessary to condition the opening hours in order to prevent any potential loss of amenity. Should the applicant wish to extend the opening hours, a variation of condition application could be submitted. Overall, there are no amenity concerns subject to condition.

### **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 boxing gym runs a no parking or drop off policy. Members are encouraged to use public transport or parking in the public car parks nearby, the closest being the Market Place car park just 0.1 miles away. DCC Highways have supported this approach and do not object to the proposal. It is considered that a condition could not be imposed restricting the drop off only policy which the gym currently operates, as it would be unenforceable. However as noted above a condition will be imposed restricting the opening times, which are considered necessary, not only for amenities purposes, but due to the lack of on site parking facilities. As such it is considered that there are no highway safety concerns.

### **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 overnight stays or surface water run-off from the site. 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**

In conclusion, the proposed change of use is considered to be supported in principle by NPPF Section 8 and LP Policy CF 5. The proposal is also considered to be acceptable in terms of design, amenity and highway safety, subject to a condition regarding opening times. As such the application is recommended for approval subject to condition.

**OFFICER RECOMMENDATION :    Approve subject to condition**

**Case Officer: Rachel Robinson**

**Recommendation Date: 30<sup>th</sup> August 2024**

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Signed by: Jane Colley Signature

**On behalf of High Peak Borough Council**