

19a High Street
Buxton
High Peak
SK17 6ET

High Peak Borough Council
Municipal Buildings
Glossop
Derbyshire.
SK13 8AF

15th October 2024

Ref. KGWa

Proposed Variation of Condition No. 3 on HPK/2003/0071 at Rear of No. 2 The Quadrant, Buxton

SUPPORTIVE STATEMENT

1. Existing

1.1. Description

The application relates to a single storey building attached to the rear of No. 2 The Quadrant within Buxton town centre.

No. 2, which fronts onto 'The Quadrant', is a three storey building currently in use as a bar and known as 'Seasons Bar'. It is constructed from gritstone walls under a slate roof.

The building to the rear is single storey, and also built from gritstone walls under a dual-pitched slate roof.

To the rear (facing north-east) is a very small lean-to extension with pebbledash rendered walls and a slate roof.

A small access road serves the rear of the properties facing onto The Quadrant. The application site is accessed from this road via a roller shutter garage door, and a pedestrian doorway to the side.

Natural light into the building is provided by a high level window on the north-east gable, rooflights to both roof slopes, and a small side window on the rear lean-to.

1.2. Background

Planning permission (HPK/2003/0071) was granted in March 2003 for the conversion of the premises from a furniture sales room to a Karate teaching centre. Following that approval, the building was used for that use until 2020.

In 2020, the applicant, Mr Mellor, together with his then business partner, took over the lease of the premises, and from that point began to use the premises as a gym for use by himself and his customers. The change of use from Karate teaching centre to a gym falls within Class 3 of the Permitted Development Act, meaning that planning permission was not required to change the use of the property in this way, and therefore the current use as a gym is lawful.

The gym has been used on the basis that customers have access/use of the building 24 hours a day, seven days a week, with access being restricted by a coded access, with the access code being provided to subscribed members/customers.

A planning condition on the original planning permission for use a Karate teaching studio restricted use of the premises to 13:00 – 22:00 on weekdays, and 10:00 – 18:00 at weekends.

Despite the lawful change of use from Karate teaching centre to gym, the conditions attached to the original approval still apply to the new use.

Use of the premises as a gym on a '24/7' basis is therefore in breach of the condition on that approval.

2. Proposal

Mr Mellor has parted ways with his business partner and is now the sole owner of the 'Gym Warehouse' business. He is keen to find a resolution to the planning breach in relation to the hours that the business operates at this site.

Therefore, this application seeks to vary the condition on the approval, and to change the permitted times of use to better suit the new use as a gym.

Prior to submission of this application, the applicant has amended the hours of use of the gym to reduce the operational hours of the premises from those it has operated under since the use as a gym commenced.

It is requested that Condition No. 3 on the extant planning permission be amended to permit use of the premises from 06:00 – 22:00 every day.

Whilst these represent an increase in opening hours from those currently permitted by the planning approval, they are a considerable reduction from the '24/7' basis on which the gym has been operating since it opened in 2020.

We are not seeking approval for the overnight use of the gym which has been happening previously, but has ceased now.

The use of the building as a gym operates entirely within the building and has little impact upon neighbouring properties, with the gym use being one that can operate adjacent to both commercial and residential properties without negatively impacting those neighbours.

There is no obtrusive external lighting, the use does not generate any smells/odours, nor any hazardous gases from flues etc... Sound generated by the use is of a very low level and internally, floor mats have been installed to further reduce any noise. It is unlikely that any noise will be heard outside the building and at worst this will be at extremely low levels.

There are no physical external alterations to the property being proposed.

3. Submission

The proposed building is shown on the submitted plans as follows:

- a) KGW/01 – Site Block Plan
- b) – Site Location Plan