

DELEGATED DECISION REPORT

HPK/2024/0015
Valid 15/02/2024

65 SPRING GARDENS
BUXTON

RETROSPECTIVE
APPLICATION FOR
REPLACEMENT SHOP FRONT

(FULL - MINOR)

MAIN ISSUES

- Design and Conservation

DESCRIPTION OF SITE

The application relates to No.65 Spring Gardens, which lies within the Town Centre of Buxton and within a Primary Shopping Frontage area. The area is also part of an area earmarked for regeneration under Local Plan (LP) Policy DS22 and lies within the Hardwick Conservation Area.

The ground floor of the building comprises a small retail outlet which until the Autumn of 2021 was occupied by a Jewellers named 'C.W Sellors Fine Jewellery'. A photograph of the shopfront associated with this previous retail outlet is shown below.



Above: Previous shopfront occupied by C.W Sellors Fine Jewellery

In the Autumn of 2021, the retail outlet changed hands and is now operating as a Newsagents named “Isa & Zamy”. The shopfront has been replaced, without the necessary planning consents as shown by the photograph below.



Above: Replacement unauthorised shopfront

PROPOSAL

Following an enforcement complaint and investigation the applicant had applied for retrospective consent for this shop front under HPK/2022/0253, which was subsequently refused by the LPA for the following reason:

1. *The site lies within the Buxton Hardwick Conservation Area which is a designated heritage asset. The retention of the replacement shopfront results in the loss of a traditional architectural shopfront which by virtue of its poor design, materials and colour forms an incongruous form of development that undermines the historic character of the site and would be at odds with the character and appearance of the wider conservation area. The development causes less than substantial harm to the significance of the historic asset, where no public benefits exists that outweigh the harm. The application is contrary to Local Plan Policies S1, EQ6 and EQ7, the High Peak Shopfronts SPD, the High Peak Design Guide SPD, relevant paragraphs relating to design and heritage conservation under Chapters 12 and 16 of the NPPF.*

This application seeks full planning permission for an amended shop frontage that seeks to address this previous reason for refusal.

The amended scheme retains much of what currently exists, with the modifications/amendments amounting to the 'overlying' of timber plasters with similar dark green timber framing. It is not clear from the information provided how the overlaid timber cladding will be attached to the existing.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

High Peak Local Plan 2016

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
S7 Buxton Sub-area Strategy
EQ6 Design and Place Making
EQ7 Built and Historic Environment
CF1 Retail and Town Centre
CF2 Primary Shopping Frontage
DS22 Station Road and Spring Gardens Regeneration Area, Buxton

Supplementary Planning Guidance

Shop Fronts SPD
Design Guide SPD

National Planning Policy Framework 2023

Achieving Sustainable Development	Chapter 2
Achieving Well Designed and Beautiful Places	Chapter 12
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0002/3436	Projecting Shop Sign (Refused 16/08/1985)
HPK/0003/1953	Refurbishment of Shop Front and Bay Window at First Floor Level (15/09/1992)
HPK/0003/1977	Externally illuminated fascia sign (Approved 15/09/1992)

HPK/2021/0540 Retrospective Advertisement Consent for Fascia Sign (Refused 06/04/2023)

HPK/2022/0253 Retrospective application for Replacement Shop Front (Refused 06/04/2023)

CONSULTATIONS

Publicity

Site Notice expiry date: 23rd April 2024
Neighbour consultation period ends: 20th March 2024
Press Advert: 6th June 2024

Public Comments

None

Town / Parish Comments

N/A

HPBC Conservation Officer

OBJECTION – Recommend Refusal

The scheme appears to show the existing conditions, subject to an enforcement notice, simply covered up with timber framing. Unfortunately the design is not well thought out and appears to begin to encroach on the public domain without much regard for the long term durability of the scheme. I am concerned it appears quite careless with a lack of attention to detail. It is not clear how these items will be stuck on or how it will affect the pillars either side which are quite ornate and modest.

The guidance set by the LPA with regard to shopfront design guides is shown. Though I am not confident cladding the metal framing with timber and replicating stallrisers on top of the glass is a quality scheme. This will be obvious and unattractive, again without the long term durability of the materials in mind. Where there are traditional shopfronts nearby, the doors and entries are set back from the stallrisers(of which are full pieces) where in this case it is totally flush across the front plane which looks to be depreciating and unfortunately quite inferior.

There are reference to some detailed drawings for the risers but I don't see them attached to the application.

The signage is under HPK/2021/0540, which is a refused application. Notwithstanding this the current signage would not be acceptable in any case against this timber clad scheme.

The scheme does not satisfy previous concerns and previous unauthorised works, and does not provide a satisfactory high quality alternative. Consequently I cannot provide full support at this time, and recommend a total revision of the frontage with

accurate high quality materials and design, details, construction and finishes with an addition of a traditional and respectful piece of signage.

Further Comments

In response to agents' rebuttal:

I echo my initial comments.

I am not confident the scheme demonstrates how these new faux layers will be constructed nor does it demonstrate a quality durable scheme. It does not appear that wooden boarding atop the glass, or glued to the glass, is a high quality scheme that will withstand daily footfall and the harsh climate of this vicinity. I do not believe the scheme has the appearance or character of this vicinity in mind, its location and outward facing frontage closely adjacent to the recent HAZ scheme.

Derbyshire County Council Highways

No Objections

OFFICER COMMENTS

Principle of Development

The site forms part of a Primary Shopping Frontage located within Buxton Town Centre, part of the Station Road and Spring Gardens Regeneration Area, and within the Hardwick Conservation Area, as defined on the Local Plan Proposals Map (2016). As such the development is subject to Local Plan Policies CF1, CF2, EQ7 and DS22, together with restrictive national planning policies relating to heritage conservation under Chapter 16 of the NPPF underpinned by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

LP Policy CF1 seeks to maintain and enhance the vitality of town centres by requiring active ground floor frontages to be maintained and created within the town centre. LP Policy CF2 refers specifically to Primary Shopping Frontages and refers to the uses at ground floor level of a premises within a town centre and is thus not relevant to this type of planning application.

LP Policy DS22 confirms the aspirations of the Council to regenerate the wider shopping area known as Spring Gardens, and states that (amongst other things) new development within this area should be accompanied by a Heritage Statement.

Due to the sites location within the Conservation Area, the application is subject to LP Policy EQ7 and relevant restrictive planning policies contained under Chapter 16 of the NPPF, underpinned by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

The principle of development can therefore only be supported should the application be able to demonstrate compliance with the above policies, notwithstanding any other planning considerations.

Design & Conservation

Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.

LP Policy EQ7 has regard to the Built and Historic Environment. It states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.

The High Peak Shopfronts SPD sets out a number of principles for good shopfront design, which include the following:

- *Important to restore and retain any shopfronts that contribute to the overall design and character of the area. Where good quality original shopfronts survive, special care is needed to ensure that they are restored in a sensitive manner*
- *Replacement shopfronts should respect the local street scene. There is a great deal of variety within a shopping area and this should be reflected within the design. Sameness of design therefore not encouraged. However, respect for adjacent fascia heights on buildings of similar design should be taken into account*

Chapter 6 of the more recently adopted High Peak Design Guide SPD (2018) provides further guidance on shopfronts, which includes the following:

- 6.1 *The design of shop fronts and their signage has a major impact on the appearance of town and village centres. Good shop front design and sympathetic signage proposals can greatly enhance the shopping experience and strengthen the areas appeal*
- 6.2 *Both traditional and modern shop fronts can be appropriate. However, they should:*
 - *Reflect the character and architectural style of the upper floors and the area generally*

- *Maintain the rhythm of the individual buildings in the street*
- *Be constructed in appropriate materials and have appropriate finishes; and*
- *Be well proportioned and well detailed*
- *In designing or adapting shop fronts the opportunity should be taken to improve full access wherever possible*

6.3 *Advertisements and signs should always be designed to complement the appearance of the shop front, building and character of the area. Fascia signs should be slim and not be a dominant feature of the frontage. Hanging signs offer a more traditional approach and add interest and individuality to the street scene.*

Chapter 16 of the NPPF contains the relevant restrictive national planning policies relating to the conservation and enhancement of the historic environment.

Paragraphs 205-209 sets out how a local planning authority should assess the significance of a heritage asset and the potential impact of a development proposal upon that asset. Where a proposal will lead to substantial harm or total loss of a designated heritage asset, local planning authorities should refuse consent unless there are substantial public benefits that outweigh that harm. Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits.

The application seeks full planning permission for an amended shop front to the property which offers little in the way of modifications or amendments to the previous scheme that was the subject of a retrospective application that was refused by the Authority. No Heritage Statement assessing the significance of the heritage asset has been submitted with the application, contrary to LP Policy DS22 and paragraph 205 of the NPPF.

As referred to by the Council's Conservation Officer, the scheme appears to offer nothing more than new timber panelling that overlays in some form or another the existing panelling.

Officers fully agree with the analysis of the Conservation Officer in so far as the additional frontage encroaches on to the public domain, and essentially amounts to a minor amendment to the previously refused scheme that does not tackle the fundamental design concerns identified with the unauthorised shop front. There are clear issues and shared concerns with regards to the long term durability of the scheme, and lacks attention to detail.

Unlike the previous shopfront associated with the Jewellers, which showed an attractive frontage set back from the stall rises, in contrast this proposed shop frontage sits flushes across the front plane which appears incongruous and fails to respect the sensitivity of the site or its surroundings.

The justification for this design approach as submitted in writing appears to be based on the fact that the applicant does not have the funds to replace the shopfront with an alternative design that is acceptable to the Local Authority. The applicant also refers to other shop fronts that have contributed to an overall decline to the character of the high street, and that the sustainability of the retailer should be taken into consideration.

Whilst Officers are sympathetic to the applicant in so far as financial commitments, the sensitivity of the site and its surroundings will have (or at least should have) been known to the applicant when they undertook these incongruous, unauthorised works. As such, the financial costs of removing the unauthorised works and introducing a replacement that is preserves the character and appearance of the property, street scene and setting of the Conservation Area carries no weight in the overall balance.

Secondly, there is a legal duty under Section 72 of the Act 1990 to preserve or enhance the character and appearance of the Conservation Area. The argument that the high street has experienced decline is not a justification for the standard or quality of design in individual schemes to be diluted or disregarded. Similarly, the quality or otherwise of other shop frontages, many of which will have existed for a significant number of years, that have not been introduced unlawfully, can be given very limited weight.

Having regard to the above analysis, it is concluded that the proposed shop frontage, due to its siting and visual appearance, will result in less than substantial harm to the character and appearance of the Hardwick Conservation Area, contrary to LP Policies S1, EQ6, EQ7 and DS22, the High Peak Shop Fronts SPD, the High Peak Design Guide SPD, relevant paragraphs contained under Chapter 12 of the NPPF, and relevant restrictive paragraphs contained under Chapter 16 of the NPPF, underpinned by Section 72 of the Act 1990.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application seeks planning permission for a shop front on a site that lies within a sensitive and prominent location within the Town Centre of Buxton that forms part of a Primary Shopping Frontage, within the Conservation Area. The application follows a previous retrospective application that was refused.

As such, the application must demonstrate compliance with LP Policy EQ7 and relevant paragraphs contained under Chapter 16 of the NPPF, the latter underpinned by Section 72(1) of the Act 1990, in order to be supported.

As per the analysis contained within this report, informed by detailed analysis from the Council's Conservation Officer, it has been judged that the proposed development results in 'less than substantial harm' to the character and appearance of the building and wider Conservation Area, as a consequence of poor design, and there are no public benefits that outweighs this identified harm.

The application is therefore in conflict with LP Policies S1, EQ6 and EQ7, relevant Supplementary Planning Guidance, and restrictive policies contained under Chapter 16 of the NPPF, underpinned by Section 72(1) of the Act 1990.

As such, the application is found to constitute an unsustainable form of development, contrary to LP Policy S1a and paragraph 11 of the NPPF.

OFFICER RECOMMENDATION : Refuse

Case Officer: James Stannard

Recommendation Date: 7th June 2024

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council