

DELEGATED DECISION REPORT

HPK/2023/0385
Valid 30/09/2024

28A , HIGH STREET ,
BUXTON , DERBYSHIRE ,
SK17 6EU

RETROSPECTIVE
APPLICATION FOR THE
AMENDMENT TO THE FRONT
ELEVATION OF THE SHOP TO
ACCOMMODATE A CHANGE
OF USE FROM A
RESTAURANT/ CAFE, USE
CLASS E(B) SALE OF FOOD
AND DRINK ON THE
PREMISES, TO MIXED USE OF
E(B) AND SUI GENERIS FOR
HOT FOOD TO BE EATEN ON
THE PREMISES AND
TAKEAWAY. PROPOSED
ILLUMINATED SIGNAGE TO
FRONT ELEVATION.

(FULL - MINOR)

MAIN ISSUES

- Principle of development
- Design/impact on the character & appearance of Central Buxton Conservation Area

DESCRIPTION OF SITE

The application site is a two storey mid-terraced building with a shopfront located on the western side of Buxton High Street, fronting onto the A515 and near the junction with Bath Road.

The host building at ground floor had featured a traditional timber framed shopfront, now replaced with a modern aluminium framed glazed shop front with internally illuminated fascia, that has been installed without planning permission. At first floor the property is white painted stone blockwork, and white timber windows.



The established use is as a restaurant. Works commenced at the site in August 2024.

The application site is located within the Development Boundary of Buxton. For the purposes of planning policy consideration, the application site is located within the Buxton Central Ward, and it is Central Conservation Area.

PROPOSAL

Retrospective planning permission is sought for the retention of a new shopfront and signage at 28a, High Street, Buxton to allow for change of use to allow the premises to be a mixed use, combining restaurant and hot food take away.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan (Adopted 2016)

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
S2 Settlement Hierarchy
S7 Buxton Sub Area Strategy
EQ6 Design and Place Making
EQ7 – Built and historic environment

Supplementary Planning Document

National Design Guide (2019) (NDG)
High Peak Design Guide Adopted 2018
Design Guidance for Signs
Design Guidance for Shopfronts
Buxton Conservation Areas Character Appraisal (April 2007)

National Planning Policy Framework (2024)

Including sections -
12: Achieving well-designed places
16: Conserving and enhancing the historic environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2024/0386 – Advisement consent for proposed illuminated signage to front elevation – pending.

CONSULTATIONS

Publicity

Site Notice expiry date: 25/11/2024
Neighbour consultation period ends: 25/11/2024
Agreed Extension of Time: 24/01/2025

Public Comments

18 representations received objecting to the renovation of a property, stating:

Objecting to the illuminated signage being incorporated

Not in keeping with the traditional architecture of the premises along High street

Previous business closed at 11pm at the latest. The proposed closing times of 01:00 at weekends and Bank Holidays will be very disruptive to residential properties with increased noise and traffic.

Will extra litter bins be provided

No details of extraction system and odour control measures

Is there a need for another takeaway

The first floor has always been storage/seating area, never living accommodation.

The cooking area has been moved to the front of the premises

The particular issues are:

- 1. Aluminium shopfront, not timber, and inappropriately post box red*
- 2. Lack of stall risers and very crudely ceramic tiled step below the shopfront*
- 3. Loss of the recessed doorway, which the removed shopfront exhibited*
- 4. Oversized, flat and illuminated shop sign of a garish design*
- 5. Lack of appropriate repair and reinstatement of historic joinery to each side of the shopfront*
- 6. Illustrated vinyls on the lower section of the glazing, again poorly applied*
- 7. Proposal to install advertising motifs of doner kebabs on the pilasters*

Environmental Health

No objection to the proposed development subject to conditions relating to acoustic insulation, submission of details relating to fume extraction – re odour and noise control

Town / Parish Comments

N/A

DCC Highways

No objections

DCC Conservation Officer

Objection - Less than substantial harm

The original shopfront had traditional pilasters, with recessed door. The previous shop front had been unfavourably adorned with foliage and a contemporary sign. However, the foundations of the previous shopfront was in keeping with the traditional shopfront visible along High Street. No. 18 – 22 high street present prime example of shopfronts within the conservation area and immediate street scene.

In contrast the proposed shopfront presents a modern shopfront and signage. The proposal does not take note of the HPBC 'A Design Guide for Shopfronts' and HPBC 'A Design Guide for Signs'. The proposal presents a very flat and uninteresting shopfront and signage, which is not in keeping with the conservation area and street scene. As such the proposal presents less than substantial harm to the conservation area.

The retrospective shop front and internally illuminated signage is considered unacceptable; in order to make this acceptable, the applicant would need to consult out shopfront and signages SPD's which are available on our website. These offer detailed guidance on acceptable shopfronts and should inform design.

Councillor Jean Todd – Having looked at the Design and Access statement, I would object to the illuminate side panels, I don't think they enhance the conservation area at all.

OFFICER COMMENTS

Principle of Development

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

Design & Heritage Issues

As stated within the Buxton Conservation Areas Character Appraisal (April 2007) many historic shopfronts are lost, however a small investment will make a great impact in the quality of the street frontage. This should be aimed at restoration of historic shopfronts and high-quality new shopfronts, where there is no historic evidence, and above street level it should aim to restore the original proportions of the windows, reinstate traditional joinery and generally repair walls, eaves and rainwater goods. The local authority working with shop keepers on High Street and elsewhere in the town have promoted this ethos and supported the reinstatement and renovation of traditional shopfronts to enhance the historic fabric and history of areas within the Central Conservation Area.

Policy

Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.

Local Plan Policies and the provisions of the Shopfront and Signs Design Guide reflect this and are relevant. Also relevant is the Buxton Conservation Areas Character Appraisal.

Policy EQ6 refers to design and states that all development should be well designed and be of a high quality that responds positively to both its environment and the challenge of climate change, whilst contributing to local distinctiveness and sense of place. New development should be well designed to respect the character, identity and context of the High Peak's townscapes and landscapes. Development is expected to contribute positively to an area's character, history, and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.

Policy EQ7 seeks to conserve heritage assets in a manner appropriate to their significance. Development should contribute positively to the character of the built and historic environment.

The NPPF requires the design of a development to add to the overall quality of an area, by being sympathetic to local character and by being visually attractive as a result of good architecture.

Discussion

The proposed diversification of use to include hot food takeaway presents no issues in principle at this location. The site lies within the urban boundary of Buxton and in accordance with Policy S7 would support the needs of a local business. It is noted that the unit has previously been occupied as a restaurant. Had the application been approved the hours would be restricted to 2300hrs, similar to the nearby restaurant/takeaway premises and details of acoustic insulation and extraction required to be submitted for approval, as requested by environmental health.

The original shopfront had traditional pilasters, with recessed door, the underlying material fabric of the previous shopfront was in keeping with traditional timber shopfront design visible along High Street. The proposed shop front is constructed with Aluminium toughened glass frame and extended fascia, a modern clean lined but flat design, with dominant bland glazing and a neutral design.



The original shopfront was timber with elements of interest, and the replacement is an aluminium frame, the fenestration is now a single large pane of glass incorporating the repositioned door.

The shopfront and signage is dissimilar to the previous in terms of materials, design detail and the proportion of glazing and considered not to be an improvement on the previous, as it detracts from the appearance of the property and is detrimental to the character of the conservation area. The works undertaken have removed historic features, these include the truncated fascia, loss of the recessed doorway, lack of stall risers and loss of historic joinery - all contrasts with the previous traditional shopfront.

It would also be contrary to the Council's specific guidance on shopfronts - the Shopfronts guidance document stipulates a strong presumption in retaining traditional shopfronts through repairs and the restoration of traditional details. Where a replacement shop front is considered, it should be appropriate to the general characteristics of other shop fronts in the street and should follow traditional design details.

The High Peak Design Guide when referencing shopfronts states that 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 design or adapting shop fronts the opportunity should be taken to improve full access wherever possible.

Overall, the shopfront does not relate well to the existing high street and causes less than substantial harm (moderate level) to the High Street & Buxton Central Conservation Area.

The Council's specific guidance on Signs says lighting is generally not required if the level of street lighting and light from the window are adequate. As this is a town centre location this would be the case for these premises. The guidance suggests that any lighting incorporated should be discretely hidden on suitable parts of the building. The cornice provides a suitable place for sensitive strip lighting for premises frequented at nights such as bars and restaurants.

Paragraph 212 of the NPPF requires great weight to be given to the asset's conservation while paragraph 215 sets out that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against any public benefits of the proposal. The applicant has not provided substantive evidence of the wider public benefits of the proposal but there is a benefit to activating a previously vacant unit. This public benefit is modest and could be achieved with an appropriate shopfront design. Therefore, Officers conclude that this very modest benefit would not be sufficient to outweigh the less than substantial harm identified above.

OTHER ISSUES

The following issues were raised in the representations and are considered accordingly as follows:

Objecting to the illuminated signage being incorporated – this is a matter determined under a separate application for advertisement consent HPK/2023/0386.

Previous business closed at 11pm at the latest. The proposed closing times of 01:00 at weekends and Bank Holidays will be very disruptive to residential properties with increased noise and traffic- similar businesses on the high street open until 2300 hours - similar restricted hours would be appropriate given the proximity to nearby housing.

Will extra litter bins be provided – this has not been proposed

No details of extraction system and odour control measures – this would be conditioned as requested by Environmental Health

Is there no need for another takeaway – market forces decide

The first floor has always been storage/seating area, never living accommodation – this is not subject of this application

The cooking area has been moved to the front of the premises – this does not require planning permission

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

The replacement shopfront with alteration to the fascia for signage would not preserve the character and appearance of the Buxton Central Conservation Area and would not comply with policies S7, EQ6 and EQ7 of the High Peak Local Plan 2016 which taken together seek to ensure that development proposals protect the historic environment, contribute to an areas character, and contribute positively to the character of the built and historic environment. There would also be conflict with paragraph 210 of the National Planning Policy Framework which states, amongst other things, in determining planning applications account should be taken of sustaining and enhancing the significance of heritage assets. An aluminium shopfront with an expanse of glazing and internally illuminated signage are not sustainable, and do not replicate traditional joinery.

Officers, having regard to the statutory duties in respect of Conservation Areas in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would not sustain or enhance the character or appearance of Buxton High Street & the Conservation Area. There are no mitigating public benefits to outweigh this harm and therefore this is a reason for refusal.

The applicant is advised to resubmit plans which clearly define the extents of cooking area, dining area and takeaway customer waiting on the floorplan and clarify how the business will operate, together with details of odour extraction. This will be addressed by an informative.

OFFICER RECOMMENDATION: REFUSAL

Case Officer: P. Twigg

Recommendation Date: 21.1.2025

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council