

DELEGATED DECISION REPORT

HPK/2024/0482
Valid 29/11/2024

THE FLAT ABOVE 6
CAVENDISH CIRCUS
BUXTON

ADDITIONAL ELEMENTS TO
AN EXISTING FIRE ESCAPE
STAIR TO PROVIDE
IMPROVED ACCESS TO THE
FLAT OVER 6 CAVENDISH
CIRCUS.

(FULL - MINOR)

MAIN ISSUES

- Design and Conservation

DESCRIPTION OF SITE

The application relates to No.6 Cavendish Circus, which reads as a single storey unit from the front as part of a row of similar units that currently operates as a Pizza Takeaway (Sui Generis) which was secured retrospectively under HPK/2023/0395. A residential flat occupies the first floor.

The rear of the site, the building reads as a split level premises, with metal staircases providing access from the ground floor level to the shared access area below utilised for bin storage and fire escape access. A lower ground floor (basement) sits at the same level as the shared yard area to the rear.

The rear of the site has little in the way of architectural value, further compromised by the presence of the staircase, and other features including a large flue, and is not visible from any public vantage point.

The site lies within the defined Town Centre of Buxton and within the Buxton Central Conservation Area.

PROPOSAL

As described by the agent within their supporting Statement, the application seeks full planning permission for an additional access to the rear of the premises, and follows a previous planning permission under HPK/2021/0205 for development which included a replacement fire escape to the rear, and improved access and escape provision.

Whilst this permission has now expired, it was assessed and determined having regard to the same legislative and policy context as that relevant to this application.

This proposal seeks improved access from the first floor flat to the lower ground floor yard area, in the interests of fire safety, which currently only exists via the basement. A new staircase would see access being possible from the ground floor level to the first floor flat without having to use the access to the basement.

The design and appearance of the staircase is consistent with that which already exists on site.

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
EQ6 Design and Place Making
EQ7 Built and Historic Environment
CF1 Town Centre and Retail

Supplementary Planning Documents

Residential Design Guide SPD (2005)
Buxton Conservation Areas Character Appraisal (2007)
Design Guide SPD (2018)

National Planning Policy Framework 2024

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

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0002/0266	Proposed Change Of Use Of Basement Storage To Wine Bar (Approved)
HPK/0002/8157	Change Of Use From Existing Antique Shop To Estate Agents Office (Approved)
HPK/0003/3164	Projecting Shop Sign (Withdrawn)

HPK/2021/0205	Change of use from Hair & Beauty Salon to Bar (with enhanced food provision) or Restaurant , new shopfront to facilitate inclusive access and replacement fire escape to rear, with minor external alterations, to improve access and escape provision (Approved 28/10/2021)
HPK/2023/0395	Retrospective Change of use to (Sui generis) for the sale of hot & cold oven baked foods (under the former A3 and A5 use class) with installation of louvre grille extraction flue to rear elevation and installation of replacement business signage (Approved 28/11/2023)
HPK/2023/0397	Advertisement Consent for illuminated fascia sign (Approved 28/11/2023)

CONSULTATIONS

Publicity

Site Notice expiry date: 6th February 2025
 Neighbour consultation period ends: 1st January 2025
 Press Advert: 9th January 2025

Public Comments

None

Town / Parish Comments

N/A

HPBC Conservation Officer

6 Cavendish Circus is located within the Buxton Central Conservation Area and is in close proximity to a number of listed buildings, including 4 Cavendish Circus, The Cresnet and Buxton Thermal Baths. The application relates to access steps to the rear of Cavendish Circus, which provides access to the flat above no. 6.

The existing stairs are nestled between the rear of Cavendish Circus and 2 George St. As such the existing stairs are not viewed from George Street. The new stairs and doorway will likewise not be visible from the street scene.

In conclusion, due to the enclosed location of the proposed development, there will be limited to no views from the street scene. As such the proposal will not harm the conservation area, and will likewise not harm the setting of nearby listed buildings.

OFFICER COMMENTS

Principle of Development

The application site is located within the defined Town Centre of Buxton, and as such is subject to Local Plan (LP) Policy CF1 which relates to retail and town centre development. This policy aims to ensure the enhancement and vitality of uses within the town centre (Class E) and has no relevant to this specific development.

In addition, the site is located within the Buxton Central Conservation Area and as such the application is subject to LP Policy EQ7 and relevant restrictive policies relating to heritage conservation 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.

As such, the principle of development can only be supported where the application can demonstrate that the proposal will either preserve or enhance the character and appearance of the building and the wider setting of the Conservation Area, notwithstanding any other relevant material planning issues.

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.

Chapter 16 of the NPPF contains the national planning policies aimed at conserving and enhancing the historic environment. Paragraph 212-221 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 proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the

significance of a designated heritage asset, this harm should be weighed against the public benefits.

The application relates to a building that has an attractive frontage and forms part of a cluster of similar retail and commercial units in a highly sensitive and prominent area within the Conservation Area.

However, this proposal relates to the rear of the building which not only cannot be seen from any public vantage point but also presents a number of unsympathetic features including existing staircases and ventilation flues that significantly dilutes the sensitivity of this elevation to change. The proposed staircase would be commensurate with what is already in situ and is an expected feature (fire escape) to the rear of a commercial premises.

It is considered that having regard to the specific context of the site and nature of proposed development, the proposed staircase would not result in any harm and would preserve the character and appearance of the building and wider Conservation Area, thereby demonstrating compliance with LP Policies S1, EQ6 and EQ7, relevant Supplementary Design Guidance and relevant paragraphs under Chapter 12 of the NPPF.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework. It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

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-date⁸, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii) 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination

The application seeks full planning permission for an improved fire escape access to the rear of No.6 Cavendish Circus, which comprises a lower ground basement, ground floor Pizza Takeaway, and first floor flat. The new staircase would improve fire escape from the residential flat without having to utilise the current basement access to the rear of the premises.

An assessment of the application has concluded that having regard to the nature of the development, the low visual aesthetics to the rear of the site, and the absence of any views from public vantage points, the proposed introduction of a staircase would not result in any harm to the character and appearance of the building or the wider Conservation Area.

In any event, if one were to take the view that harm did arise, there is clear public benefit to the application, with regards to the enhancement of fire escape access, which would outweigh any identified harm in the overall planning balance.

In light of the above, the application is considered to constitute a sustainable form of development and having regard to LP Policy S1a and paragraph 11 of the NPPF is recommended for approval subject to standard conditions.

OFFICER RECOMMENDATION: Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 6th February 2025

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council