

DELEGATED DECISION REPORT

HPK/2024/0331 & 8 HENRY STREET
HPK/2024/0334 GLOSSOP
Valid 30/07/2024

CHANGE OF USE OF UPPER
FLOORS TO BUILDING TO
FORM 1NO. NEW DWELLING,
INSTALLATION OF EXTERNAL
STAIRCASE, INSTALLATION
OF CATERING VENTILATION
DUCT AND ASSOCIATED
INTERNAL ALTERATIONS.

(FULL PLANNING & LISTED
BUILDING CONSENT - MINOR)

MAIN ISSUES

- Principle of Development
- Design and Conservation
- Amenity
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

The site comprises a rectangular plot of land that contains No.8 Henry Street, a two and a half storey premises that forms part of a group of properties that front the public highway. The row extends eastwards from its junction with Railway Street, and (aside from Nos. 2, 4 and 6 which stands to the west), the remainder of the row all being Grade II Listed. Each building has a ground floor that operates as an active retail unit.

No.8 Henry Street, a Grade II Listed Building, comprises a retail unit at ground floor level (Class E) with ancillary office and storage space at first and second floors above. Like its neighbours the premises is constructed in a natural stone, with a slate tiled roof and timber fenestration.

To the rear of the site is a shared yard, with access facilitated by a rear entrance door.

The site lies in a highly sustainable location within the built up area boundary and defined Town Centre of Glossop within close walking distance of public transport links, car parks, and a wide range of shops, services and other day to day facilities. The site is also situated within the Norfolk Square Conservation Area.

PROPOSAL

The applicant seeks Full Planning Permission (HPK/2024/0331) and Listed Building Consent (HPK/2024/0334) to introduce 1no. residential dwellinghouse and associated internal alterations in the first and second floors of the building, and as a consequence of using the ground floor as a restaurant (again with necessary internal alterations), erecting a ventilation and extraction flue to the rear of the building.

The application has been subject to changes during the consultation process owing to concerns raised by the Environmental Health Officer, with regards the relationship between the residential property and the ventilation flue. As such, the plans that are subject to assessment within this report are set out as follows:

- Location Plan (2420-1250)
- Proposed Site Plan (2420-500)
- Proposed Plans (2420-021B)
- Proposed Front Elevations (2420-022B)
- Proposed Rear Elevations (2420-023B)
- Proposed Usage Plans (2420-024B)
- Proposed FFL and Ceiling Plans (2420-025B)
- Proposed Plans Room Dimensions (2420-026B)

The latest plans shows the ground floor to accommodate a restaurant (Class E) made up of a dining area, and rear kitchen in addition to staff and customer WC facilities.

The residential unit is shown to be laid out across first and second floor levels, with the first floor containing a Kitchen, modest Living and Dining Area, and a Bedroom with a large Bathroom being accommodated at second floor level.

To the rear of the site, the proposed plans show the introduction of a staircase to facilitate an independent access for the residential flat, and a ventilation flue to serve the ground floor restaurant.

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
- S2 Settlement Hierarchy

S5 Glossopdale Sub-area Strategy
EQ6 Design and Place Making
EQ7 Built and Historic Environment
H1 Location of New Housing Development
H3 New Housing Development
CF1 Town Centre and Retail
CF6 Accessibility and Transport

National Planning Policy Framework 2024

Achieving Sustainable Development	Chapter 2
Delivering a Sufficient Supply of Homes	Chapter 5
Promoting Sustainable Transport	Chapter 9
Making Effective Use of Land	Chapter 11
Achieving Well Designed and Beautiful Places	Chapter 12
Conserving and Enhancing the Natural Environment	Chapter 15
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0001/2027 For Proposed Whole Food Shop - Change Of Use From Betting Shop (Approved)

CONSULTATIONS

Publicity

Site Notice expiry date: 6th September 2024
Neighbour consultation period ends: 22nd August 2024
Press Advert: 29th August 2024

Public Comments

None

Town / Parish Comments

N/A

Historic England

No comments to make

Conservation Officer

Summary of Significance

8 Henry Street is itself a grade II listed building located within the wider Norfolk Square Conservation Area (CA). 8 Henry Street is an early 19th century shop with storage or accommodation space above, noted for its shop frontage featuring central

door with fanlight, flanked by 4-pane shop windows and timber surround. The site is also located adjacent to 10-18 Henry Street, a group listing of 5 terraced shops, considered to be contemporary to no. 8 Henry Street.

Assessment and Impact

It is proposed to convert the upper floors to residential accommodation. This will include a number of internal and external alterations. These have each been assessed in turn below

External stairs and new access door:

The rear of 8 Henry Street is accessed via a small off street parking area accessed from Railway Street. The proposed new staircase will be of a black metal finish, with a modern appearance. The stairs will facilitate external access to the upper floor residential space. It is proposed to remove an existing first floor window to replace this with an access door.

The proposed new entrance will facilitate the use of the upper floors of the building. However, this requires the loss of an existing window and relevant alterations to the existing opening to turn this into a doorway. This will result in some loss of original fabric, and will alter the readability of the rear elevation, which does not have a historical entrance at first floor level. As such this generates some less than substantial harm.

New ventilation duct:

The proposed new ventilation duct will have the benefit of increasing ventilation to the ground floor cooking space which will aid in vapour management. However, this includes the installation of a large stainless steel duct to the rear elevation. The proposed duct will appear unsightly in the context of a listed building, some views of this are likely to be visible from Railway St. The enclosed nature mitigates some of the negative visual impact of the duct. However, the duct will create visual clutter, to a currently simple rear elevation, as such leading to a small amount of less than substantial harm.

Internal alterations:

The listed description (dated May 2000) notes that a number of internal alterations have taken place at this time. This supports the assumption made within heritage statement that minimal internal walls or features are original to the listed building. Internal alterations include the blocking up of existing doorways at ground floor level, the removal of the ground floor stairs and making good, the creation of a new staff toilet, the re-subdivision of the first floor, and the installation of internal wall installation.

The blocking up of internal doorways, and re-subdivision of the space is considered to have minimal impact on the heritage asset, as the original internal layout have been previously lost. It is further proposed to installed internal wall installation.

Proposed plans indicate that the chosen installation method aligns with Historic England Insulating Solid Walls guidance note, and as such is considered acceptable.

Rooflights:

It is proposed to install two conservation style rooflights to the rear elevation. Minimal details of this have been provided. The rooflights will have glimpse views from Railway St, but will otherwise not be viewed from the street scene due to there placement at the rear of the property. As such the principle of the rooflights is accepted subject to recommended condition.

Legislation and Policy

National Planning Policy Framework (2024):

In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. (para 210)

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 of the proposal including, where appropriate, securing its optimum viable use. (para 215)

Conclusions and Recommendations

In conclusion, the proposed internal changes are not considered to harm the listed building as the building has been previously altered internally. However, a number of external alterations to the rear present concern. The rear of the listed building can be glimpsed from Railway Street, but is otherwise enclosed by neighbouring buildings. The application proposes the alteration of an original opening, alongside the introduction of an unsightly staircase and extract flue. Cumulatively these elements result in less than substantial harm to the listed building and conservation area.

If minded to approve please include the following conditions:

- Before the insertion of any new rooflights, full details drawn to a scale of 1:20 and including sectional details, details of proposed finish, colour and opening type, shall be submitted to and approved in writing by the local planning authority and the insertion of all windows and external doors shall be undertaken in exact accordance with the details approved.

Reason:- To ensure that the listed building and conservation area are not harmed in accordance with policy EQ 7 of the High Peak Local Plan

- Before the insertion of any new external doors, full details of all external doors, drawn to a scale of 1:20 and including details of proposed finish, colour and opening

type, shall be submitted to and approved in writing by the local planning authority and the insertion of all windows and external doors shall be undertaken in exact accordance with the details approved.

Reason:- To ensure that the listed building and conservation area are not harmed in accordance with policy EQ 7 of the High Peak Local Plan

Amenity Society

No comment at time of writing

Derbyshire County Council Highways

No objections subject to conditions

OFFICER COMMENTS

Principle of Development

The proposal seeks to introduce a one bedroom residential flat at first and second floor levels above a ground floor Class E Use (restaurant) which includes a kitchen and serving area, with facilitating development in the form of a ventilation flue and metal staircase to the rear.

With an active ground floor frontage being retained, the application would ensure compliance with Local (LP) Policy CF1 which seeks to retain and preserve the vitality of Town Centres.

Owing to its location within the built-up area boundary of Glossop, identified as a Market Town that sits at the top of the settlement hierarchy under Local Plan (LP) Policy S2, the application is fully supported by LP Policy H1, and relevant paragraphs contained under Chapter 5 of the NPPF.

As such, with regards to local and national strategic development policies, the principle of development is supported.

However, the application relates to a Grade II Listed Building on a site that lies within the Norfolk Square Conservation Area. As such, the application must, in order to be supported, demonstrate compliance with LP Policy EQ7, and relevant restrictive national policies relating to heritage conservation, underpinned by the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Proposals must either preserve or enhance the historic significance and architectural merit of the building and wider character and appearance of the Conservation Area. Should harm be identified, this must be balanced against any public benefit associated with the scheme.

Design & Conservation

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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 restrictive national planning policies relating to heritage conservation, underpinned by the Listed Buildings and Conservation Areas Act 1990. Paragraphs 207-221 sets out how an 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 lies within a sensitive and prominent location within the Town Centre of Glossop and within the Norfolk Square Conservation Area and thus any development must be handled in a sensitive manner.

The application is accompanied by a Heritage Statement although this does not adequately assess the historic significance of the building or the Conservation Area in which it is situated. There is therefore a degree of conflict with Paragraph 207 of the NPPF.

Notwithstanding the above, with regards to external alterations to the building, the frontage is shown to be retained. It should be noted that any change to the signage at the front (e.g. to advertisement the new restaurant) will be dealt with by virtue of an Advertisement Consent application.

To the rear, a new staircase and extraction flue is shown to be introduced, which regrettably results in an element of visual clutter to this elevation. Moreover, this elevation is visible from Railway Street, and such would have a material and negative impact on the overall character and appearance of both the Listed Building and the wider setting of the Conservation Area.

In line with the comments received by the Council's Conservation Officer, it is clear that the harm amounts to "less than substantial" harm for the purposes of the NPPF. As such, whilst the internal alterations have been found to preserve the historic fabric and architectural merit of the Listed Building, there is a degree of conflict that arises from the proposed development in relation to LP Policies EQ6 and EQ7, and relevant restrictive policies contained under Chapter 16 of the NPPF, underpinned by Sections 66(1) and 72(1) of the Act 1990.

As a consequence of the above, and in line with Paragraphs 207-221, Officers are duty bound to balance this harm against any public benefits that are associated with the proposed development.

Amenity

LP Policy H3 relates to all applications for new residential development and requires a high standard of amenity to be provided, by ensuring that proposed dwellings demonstrate compliance with Nationally Described Space Standards (NDSS) as published by DCLG (2015).

LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.

The High Peak Residential Design Guide SPD requires new residential development to preserve the residential amenity of neighbouring properties, having regard to the relationship between existing and proposed development, the positioning of windows, and changes in land levels amongst other things.

Paragraph 135 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

Paragraph 191 of the NPPF states that policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development, and in doing so, they should (amongst other things) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development.

The application relates to a mid-terrace property that currently contains a ground floor retail unit with associated storage above. The application seeks to convert the ground floor unit to a restaurant, which in its own right does not require planning

permission as they both fall under Class E of the Use Classes Order. However, the facilitating development in the form of an extraction flue does require planning permission.

In its original form, the Floor Plans showed the upper floor of the residential unit to contain bedrooms, which raised objections from the Environmental Health Officer owing to their close proximity to the extraction flue, and the potentially adverse impacts to the residential amenity of future occupants.

Revised plans have since been submitted which shows the upper floor bedroom to be replaced by a large bathroom, which as per updated comments from Environmental Health, has satisfied previous concerns. In the interests of public amenity, it is also recommended that a condition be attached to the decision notice that restricts the opening hours of the restaurant.

As such, the application in its revised form is considered to be acceptable having regard to matters of public amenity.

Turning to matters of residential amenity, the latest Floor Plans which include dimensions show the sole bedroom to have an internal floor area of some 13sqm, with a width in excess of 2.8m. This exceeds the minimum requirements for a double bedroom. The total area of the flat which includes the Kitchen, Lounge/Dining Room; Storage; and large Bathroom, is shown to be 66 square metres.

Given that NDSS requires a 1no. bedroom double occupancy across two storeys to have a minimum internal floor area of 58 square meters, it is clear that the proposed residential unit exceeds this minimum requirement and provides a high standard of amenity for future occupiers.

Lastly with regards to potential impacts on neighbouring residential amenity, the habitable rooms would utilise existing windows located in the front principal elevation of the building overlooking the street, which would front the Old CoOp Building approximately 12m distant on the opposite side of the street. The relationship between these properties is consistent with those in the upper floors of Nos. 4 and 6 Henry Street, which have been subject of a planning approval to introduce residential units at first floor level under HPK/2021/0243. As such, the spatial and visual relationship between existing and proposed development is considered to be acceptable with regards to matters of privacy and overlooking. No habitable windows are proposed to the rear.

Having regard to the above analysis, it is considered that in its revised form, the proposed development would preserve public and residential amenity for both existing and future occupiers, in accordance with LP Policies H3, EQ6 and EQ10 and relevant paragraphs contained under Chapters 12 and 15 of the NPPF respectively.

Parking Provision and Highway Safety

LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be

satisfactorily accommodated within the existing highway network and provides suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan.

Paragraph 115 of the NPPF states that in assessing sites for specific applications, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 116 goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact impacts on the road network would be severe.

The Council's parking standards requires 1.5 spaces for a 1no. bedroom property, whilst for a restaurant, 1 space is required for every 4m² dining area with 1 secure cycle space for every 10 car parking spaces with a minimum of 2 to be provided. Based on an approximate dining area of 24m², the proposed introduction of the ground floor restaurant requires the provision of 6no. parking spaces to serve the development.

Whilst there is a yard area to the rear, some of which is contained within the red edge of the Location Plan, it is not considered that this area lends itself to any usable off-street parking space, particularly in light of the yard area being subject to designated allocated parking under HPK/2021/0243.

In any event, these parking standards were adopted prior to changes to the Use Classes Order and General Permitted Development Order which confirms that no material change of use occurs as a result of a retail shop transitioning to a restaurant or other food outlet, and as such are out of date.

Moreover, the site lies in a highly sustainable location, within a short walking distance of a large variety of retail and commercial services and facilities, with excellent access to public transport links and within close proximity to public car parking facilities. As such, it is considered unreasonable and unnecessary to require the application to provide off-street parking provision either for the proposed first floor residential flat or the ground floor restaurant.

As such, whilst there may be some technical conflict with LP Policy CF6 due to the absence of any off-street parking provision, it is considered that owing to the specific characteristics of the site and its surroundings and comments received from the Highways Authority, it is considered that there are no credible or sustainable reasons for refusal with regards to the absence of off-street parking provision and highway safety.

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-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 applicant seeks Full Planning Permission (HPK/2024/0331) and Listed Building Consent (HPK/2024/0334) for the change of use of No.8 Henry Street, Glossop which would introduce a restaurant to the ground floor, with a 1no. residential flat at upper levels. The application includes facilitating works to the rear elevation in the form of an extraction flue and new staircase to allow independent access to the first floor flat.

Whilst matters relating to public and residential amenity have been satisfactorily addressed through the submission of revised plans, and the absence of parking provision is considered to be acceptable in this case, the provision of these facilitating structures to the rear of the property have been found to result in “less than substantial harm” to the historic fabric and architectural merit of the Listed Building and the setting of the wider Conservation Area, as a consequence of its poor visual aesthetics, in a prominent location from Railway Street.

As such, the Authority are duty bound to balance the identified harm against the public benefits associated with the proposed development, and make an informed judgement thereafter in determining the application.

Benefits

The application would see the introduction of one open market 1no.bedroom residential flat, which despite the Council being unable to demonstrate a 5 year housing land supply, is considered to attract moderate weight in the overall balance.

The introduction of a ground floor restaurant would generate 3 x full time and 1 x part time jobs, and result in indirect benefits to the local economy of Glossop, helping to preserve the vitality of the Town Centre. This is considered to attract moderate weight.

Harm

The less than substantial harm to heritage assets exists by virtue of the introduction of an extraction flue and metal staircase to the rear of the building, owing to its visibility from Railway Street. Crucially, the Conservation Officer identifies that rather than resulting in harm in their own right, the less than substantial harm occurs as a result of the cumulative impact of both aspects of development. As such, the degree of harm is considered to be at the lower end of the spectrum of “less than substantial”, evidenced by the Conservation Officer suggesting conditions, rather than a firm objection to the proposed development.

Overall Balance

Having regard to the above, the applications are considered to be finely balanced.

Taking into account all material considerations, it is considered that on balance, the public benefits of the scheme taken together, and subject to appropriate conditions, do indeed outweigh the less than substantial harm to heritage assets, and thus amount to a sustainable form of development.

In line with LP Policy S1a and paragraph 11 of the NPPF, the applications for Full Planning permission and Listed Building Consent are recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION: **Approve Planning Permission and LBC with Conditions**

Case Officer: James Stannard

Recommendation Date: 19th February 2025

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council