

DELEGATED DECISION REPORT

HPK/2024/0519, 5 6 THE QUADRANT
HPK/2024/0520 & BUXTON
HPK/2024/0521

Valid 14/01/2025

FULL PLANNING, LISTED
BUILDING CONSENT &
ADVERTISEMENT CONSENT
FOR INSTALLATION OF
ADVERTISEMENT &
AWNING, REMOVAL OF
GLAZED DOOR AND
REPLACEMENT WINDOW.
REMOVAL OF EXISTING
PARTITION STUD WALLS

MAIN ISSUES

- Design and Conservation (Amenity)
- Public Safety

DESCRIPTION OF SITE

The application relates to Nos. 5 and 6, The Quadrant, Buxton, a three storey building that sits within a row of similar terrace (1-9 The Quadrant) that dates from the 1860's all of which are designated as Grade II Listed Buildings.

This application relates specifically to the ground floor commercial/retail unit and its principal elevation, which comprises a gritstone façade and modern shopfront including contemporary glazing within arched recessed openings with supplementary stone detailing.

The property lies within the defined Town Centre of Buxton and lies within a highly sensitive and prominent location within the Buxton Central Conservation Area.

PROPOSAL

As submitted, the application has sought Listed Building Consent (HPK/2024/0519), Advertisement Consent (HPK/2024/0520), and Full Planning Permission (HPK/2024/0521) for the following aspects of development:

Internal

- Removal of existing partition stud wall
- Installation of new fixtures relating to the Café/Bakery use, including partitions, counters, re-heating equipment, food and drink preparation area, sinks, shelves, customer seating, storage and customer and staff restrooms.

External

- Replacement of left-sided shopfront door with glazed window
- Installation of 1no. halo-lit fascia lettering sign
- 1no. projecting awning with lettering

Following a holding objection received from the Conservation Officer, revised plans have been received which show the proposed signage to be revised to show external illumination with LED lights to be hidden with the existing doorframe.

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
- CF6 Accessibility and Transport

Supplementary Planning Documents

Buxton Conservation Areas Character Appraisal (2007)
Design Guide SPD (2018)
Design Guide for Signs
Design Guide for Shopfronts

National Planning Policy Framework 2024

Achieving Sustainable Development	Chapter 2
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

The site has been subject to a very long planning history, none of which is relevant to the assessment and determination of this application.

CONSULTATIONS

Publicity

Site Notice expiry date: 11th March 2025
Neighbour consultation period ends: 21st February
Press Advert: 6th March 2025

Public Comments

9no. objections have been received in connection with the proposals. Grounds for objection are summarised as follows:

- Object to another coffee shop opening in Buxton
- Should be supporting smaller independent businesses

2no. letters of support have been submitted in connection with this application which commend the introduction of a premium chain to the centre of Buxton.

Town / Parish Comments

N/A

Historic England

No comments to make

HPBC Conservation Officer

Initial Response:

Summary of Significance

The proposal would involve alterations to a Grade II listed building, which is situated in Buxton Central Conservation Area and immediately opposite Cavendish Shopping Arcade (Grade II).

1-9 The Quadrant (Grade II) is a row of shops dating c.1860 with 20th century alterations. The buildings are 3-storeys, stepped and curved along the street and constructed in stone with slate roof. The buildings have symmetrical facades with 3-light windows to first and second floor and rusticated pilasters. The significance of the buildings relates to their illustrative eclectic mix of Neo-Classical detailing and association with the continued expansion of Buxton in the Victorian period.

Cavendish Arcade (Grade II) was built as a thermal hot bath in c.1853 and later remodelled to a shopping arcade in the 1980s. The building is constructed in ashlar with a slate roof. The significance relates to its association with the development of Buxton as a spa town, retention of ornate internal décor and layout as a former baths.

Buxton Central Conservation Area was designated for its predominant association as a planned spa town settlement implemented by the principal landowners – the Dukes of Devonshire – from late-18th century. The central part of the town is characterised by its high proportion of Georgian and Victorian buildings, association with select group of notable architects, cohesive design of buildings and high quality parks and landmarks. The development site makes a positive contribution to the area's character and appearance.

Assessment and Impact

Advertisement

The proposal would involve the installation of aluminium lettering above the entrance and this lettering would be halo-lit. Internal and halo-lit illumination for advertisements is usually discouraged on a Listed Building and in a Conservation Area as it can be quite gaudy and garish, which detracts from the designed architectural interest of the historic building.

In addition, it is not clear whether there would be justification for any illumination of the lettering as it is assumed the use would not be operable during evening hours. It would be recommended that the halo-lit illumination is removed from the lettering to minimise the visual impact on the architectural interest of the building. Further clarification would also be required on the lettering and its fixings – will the lettering be flat profile metal letters or 3D lettering? Also, will the lettering be attached via locators?

The visualisation on dwg no. A2201 shows a hanging sign to the building, although there is no mention of this in the Advertisement Consent application and no specific details have been provided in the supporting documents. We would require a technical drawing of this if it is proposed and details of the materials and any illumination. If the halo-lighting is removed from the individual lettering then maybe a simple trough lit could be installed to the hanging sign. Although, as above, there may not be justification for this if the use is not intended for evening opening hours.

The visualisation also indicates vinyls/graphics to the shop windows. Further details of these would also be required as they would be attached to a listed building.

External alterations

The proposal would involve the replacement of external windows and a door to the ground floor. The existing are modern and of no heritage value. The proposed replacements would be timber and have been designed sympathetically. These alterations would have limited impact on the heritage significance.

The proposal would also involve the installation of a projecting canopy above the entrance door. It is recommended that canopies and awnings are only used where necessary (e.g. protecting goods being sold on the street), should be fully retractable and designed to be integrated into the shop design (i.e. the box is discreetly positioned within or ontop of the fascia). It is considered that a permanent canopy here would interrupt the streetscene and appreciation of this listed building. It does

not appear to be a retractable one and due to the particular design of this ground floor unit, there is no fascia to hide the box and minimise its appearance. It would be recommended that this aspect of the proposal is removed to better respect the character of the principal building.

The visualisation on dwg no. A2200 indicates outdoor seating – would there be any café barriers/signage around the seating areas?

Are any flues required for the proposed new use, if so details of these would be required.

Internal alterations

Internally, the building has been altered for its commercial use and the proposed internal alterations would likely have a negligible impact on the significance of the building.

Overall, the proposed works would cause a degree of harm to the significance of the listed building and character and appearance of the conservation area – notably the signage and canopy. It would be recommended that alterations are made to the design and further clarification on some of the adverts are provided to minimise and reduce the level of heritage harm.

Conclusions and Recommendations

In summary, the proposal would result in moderate level of harm to the special interest of the Listed Building, minor harm to the setting of nearby Listed Buildings and minor harm to the overall character and appearance of the Conservation Area. This would be contrary to s.16, 66 and 72 of the Act. With reference to planning policies, this would be 'less than substantial harm' to the designated heritage assets (par.215 of the NPPF and policy EQ7 of the local development framework). There does not appear to be clear and convincing justification for the proposed level of heritage harm (par.213 of NPPF) and, as set out above, amendments to the scheme could remove the level of heritage harm.

We object to the proposal from a conservation perspective and recommend the proposal is amended as follows:

- Removal of illumination on the lettering advertisement
- Removal of the awning/canopy to the front entrance

Further information is also required for the following:

- Clarification on the lettering advertisement – is it flat or 3D profile lettering and what are the types of fixings to the masonry?
- Details of any hanging sign (and any illumination)
- Details of vinyls to shopfront windows
- If there is outdoor seating proposed, will there be freestanding café barriers / signage on the highway around the seating areas?
- Details of any external flues or vents required for the new use

Further Response:

The proposed signage plan (Ref: A2201 Rev P02) states that the halo illumination has been removed, which is what we asked for – does this mean that ADV consent is no longer required?

However, it is noted that the proposed elevations (A2200 Rev C1) still mentions backlit signage in the annotations and shows the canopy on the concept visualisations.

Perhaps for the FUL and LBC applications we could add the following condition:

“Notwithstanding the annotations and concept visualisations shown on the proposed elevations (Ref: A2200 Rev C1) no external illumination shall be installed for the signage hereby approved and no canopy shall be installed on the building.”

Only other suggestion is a condition on the LBC condition:

“Prior to installation, details of any new flues or vents shall be submitted to and agreed in writing by the Local Planning Authority. The works shall thereafter be carried out only in accordance with the approved plans.”

Derbyshire County Council Highways

Note that submitted drawings (A2000-P1 & A2200 P2) both show tables and seating in the footway. Has the applicant obtained a Café License from the County Council or are they just for illustration purposes?

The HA also note drawing number A2200-P1 contains the wording “*Projecting awning to be set within opening*”, but in the interests of highway safety, the underside of any projection, sign, canopy hereby approved shall be positioned no less than 2.4m above the level of the adjoining carriageway and no closer than 0.5m from the edge of the adjoining carriageway.

The submitted drawings must therefore omit reference to tables and chairs governed by other legislation outside of the planning process and the awning height must be provided to ensure that it is at least 2.4m above the footway.

OFFICER COMMENTS

Principle of Development

The application seeks Full Planning Permission, Listed Building Consent and Advertisement Consent for various alterations including changes to signage to a building with an existing lawful Class E Use that lies within the defined Town Centre of Buxton.

Whilst objections are acknowledged in relation to the nature of the business that is due to occupy this property, it should be noted that the Council have no control as to

the specific person or company that can operate from a premises, and only has control in relation to the use of the building.

Owing to the property being a Grade II Listed Building, and within the setting of other Listed Buildings within a prominent and highly sensitive area within the Buxton Central Conservation Area, the applications when taken as a whole are subject to Local Plan (LP) Policy EQ7 and relevant paragraphs contained under Chapter 16 of the NPPF, underpinned by Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

All applications that are assessed within this report (Full Planning, Listed Building Consent, and Advertisement Consent) can only be supported as a matter of principle where they can demonstrate compliance with the above policy context, and in the event that any harm is identified, where there are public benefits that outweighs that harm.

Design & Conservation (Amenity)

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.

The Shopfronts Design SPD contains specific guidance for shopfronts in sensitive locations including within Listed Buildings and in Conservation Areas. The guidance makes clear that high standards of design will be expected and traditional forms of construction and traditional materials including stained softwood required.

Paragraph 135 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

Paragraph 141 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Chapter 16 of the NPPF contains the relevant restrictive national planning policies concerning the conserving and enhancement of 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 premises subject of the three applications (Full Planning, Listed Building Consent, and Advertisement Consent) is a Grade II Listed Building that lies within the setting of a number of other Listed Buildings in a highly prominent location within the Buxton Central Conservation Area and Town Centre. As such, any alteration to the interior and exterior of the property including alterations to signage, must be handled sensitively.

In its original form, whilst the officers did not raise any concerns regarding the internal changes and some external alterations required to facilitate the intended (lawful) use and branding of the premises by the new tenant, concerns were raised in connection with the design of the proposed signage, namely the intended illumination and design of the canopy above the entrance door.

Revised plans show the omission of the halo-lit illuminations, which has been substituted by backlit LED lighting, thereby addressing these concerns.

For the avoidance of doubt, in addition to standard conditions, it is recommended that further conditions are applied in line with the recommendations of the Conservation Officer to make clear what has been approved and what is shown as a visualization on the latest proposed plans.

Subject to these conditions, it is considered that the proposal would preserve the visual amenity, historic fabric of the Listed Building and wider setting of the Conservation Area, in accordance with LP Policies S1, EQ6 and EQ7 and relevant paragraphs contained under Chapters 12 and 16 of the NPPF respectively.

Public Safety

Paragraph 141 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

The Highways Authority have made note of the inclusion of tables and chairs on the proposed plans. However, these aspects are included within a Concept Visualisation and do not form part of the latest scaled plans that are subject of assessment within this report. In the interests of clarify and the avoidance of doubt, an informative is recommended to be included within the relevant decision notices that makes clear that any external seating and associated paraphernalia will be subject to other legislation that sits outside of the planning system.

The latest signage plans shows the awning to be located 2.4m above ground floor level.

As such, subject to standard conditions as per the Advertisement Regulations, it is considered that the proposed signage and other development in its revised form would not give rise to any issue relating to public safety, in accordance with paragraph 141 of the NPPF.

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, Listed Building Consent and Advertisement Consent for various minor internal and external alterations including revised signage to facilitate the lawful use of the ground floor of Nos. 5 and 6 The Quadrant, Buxton (a Grade II Listed Building) as a new Café and Bakery.

Further to proactive and positive dialogue with the applicant's agent, it has been possible to secure revised plans that addresses previous concerns raised by the Conservation Officer. In its revised form, the proposals preserves the historic fabric of the Listed Building, the character and visual amenity of the Conservation Area, and does not result in any harm to public safety.

As such, the application as assessed has been found to comply with all relevant Local Development Plan policies and other material considerations which includes the NPPF, and constitutes a sustainable form of development.

In line with LP Policy S1a and paragraph 11 of the NPPF the applications are all recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION : **Approve Planning Permission, Listed Building Consent and Advert consent with Conditions**

Case Officer: James Stannard

Recommendation Date: 15th April 2025

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council