

DELEGATED DECISION REPORT

HPK/2025/0113 & 1 SEW IN SPRING
HPK/2025/0114 GARDENS
Valid 01/04/2025 BUXTON

PROPOSAL FOR CHANGE OF
USE FROM 'CLASS E' TO 'SUI
GENERIS' & CONSENT TO
PAINT THE SHOP FRONT FOR
1 SPRING GARDENS

(FULL – MINOR &
LISTED BUILDING CONSENT)

MAIN ISSUES

- Design, character and appearance
- Impact upon residential amenity
- Impact upon the Listed Building

DESCRIPTION OF SITE

The site comprises part of the former Grove Hotel, a Grade II listed building occupying a prominent position in the heart of the historic town centre and conservation area. The hotel previously occupied 5 floors including basements, with a row of shops at ground floor level. The building is constructed from white painted rendered stonework with protruding stone courses separating storeys with stone surrounded timber sash windows. The application specifically refers to the unit previously known as Sew-in.

The site (and surrounding area) has various designations in the Local Plan, including a Primary Shopping Area, Town Centre Area, a Regeneration Area (Station Road and Spring Gardens Regeneration Area, Buxton).

The listing for the site is as follows:

Formerly known as: Grove Coffee House TERRACE ROAD. Includes: Nos.1, 3 AND 5 Grove Hotel and Grove Parade SPRING GARDENS. Hotel with shops. c1770 and late C18 with canopy and shop fronts of 1883 possibly by Joseph Whalley (landlord). Dressed gritstone with painted stucco and painted ashlar dressings plus Welsh slate roofs and grouped stone stacks. EXTERIOR: 4 storeys. First- and second-floor sill bands. 9-window range with canted corner to right and 3-storey plus attic, 3-window range to Spring Gardens. Ground floor has ornate cast-iron canopy with columns supporting ornate openwork panels and glazed lean-to roof, central section to Terrace Road has segmental arch on paired columns inscribed GROVE HOTEL with ornate iron wreath, central section to Spring Gardens has smaller segmental arch on paired columns inscribed BAR with ornate iron wreath. This canopy extends north

across No.5 Grove Parade. Central hotel entrance has painted ashlar surround with pilasters and paired brackets supporting segmental pediment and double panel doors. Either side shops with recessed doorways, some retaining late C19 shop fronts. 4-storey range to Terrace Road has 9 windows partly hidden by canopy, 9 sashes above and 9 smaller sashes above again. 3-storey range to Spring Gardens has 3 windows partly hidden by canopy, 3 sashes above and 3 dormers above again, central flat roofed dormer with 3-light cross casement flanked by single gabled dormers with plain sashes. Rear much altered C19 and C20. Additions include semi-circular bay windows. INTERIOR: bar has encased chamfered beams.

PROPOSAL

This application seeks to change the use of the site from class E to Sui Generis and Listed Building Consent to paint the shop front in Pavillion Blue

The application would retain the traditional timber shop front but would include removing a section of MDF to reveal an existing window above the doorway. Internally there are no changes to be made. The unit has previously been boarded out, plastered and painted with stud walls partitioning a storage area. Proposed furniture will be free standing tables, chairs and joinery, with a bar fabricated to sit on castors as well as the back of house area to not be permanently fitted to the site.

The proposed change of use would convert the site into a "Wine Bar" which is a Sui Generis use from a Class E Sewing Shop. The applicant proposes for the site to be open from 09:00 – 11:00 Monday – Friday, 09:00 – 00:00 Saturday, 09:00 - 00:00 (Sunday and Bank Holidays inclusive).

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
S 2 Settlement Hierarchy
S 7 Buxton Sub-Area strategy
EQ 6 Design and Place Making
EQ 7 Built and Historic Environment
CF1 Retail and Town Centres

Supplementary Planning Documents
Residential Design Guide SPD (2005)
Design Guide SPD (2018)

National Planning Policy

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

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

Reference no: HPK/0001/9371

Description: Proposed change of use card shop to estate agents office

Decision: Approved

Reference no: HPK/0002/2536

Description: Replacement of existing shop front

Decision: Approved

Reference no: HPK/0002/2602

Description: Alterations to vault bar and shop front

Decision: Approved

Reference no: HPK/0002/3055

Description: Installation of dry cleaning & shoe repair equipment

Decision: Approved

Reference no: HPK/0002/3057

Description: Shop Signage

Decision: Approved

Reference no: HPK/2016/0701

Description: LBC for emergency repair to front wall above shop unit

Decision: Approved

CONSULTATIONS

Publicity

Site Notice expiry date: 10/06/2025

Neighbour consultation period ends: 1/5/25

Press Advert: 15/5/25

Public Comments

One representation has been received from the Buxton Civic Association (not object)

The supporting Heritage Statement says that unit was originally operated as a bar more than 30 years ago before it became a sewing shop. It was operated as a Sewing shop for more than 30 years and now it is proposed to return to its original

use. The building is a very prominent listed building at the entrance to Spring Gardens. The proposed use is considered to be appropriate, and the proposed changes are very minor (opening up a blocked window panel above the entrance door and repainting the external timberwork).

Town / Parish Comments

N/A

Conservation Officer (No objection)

The application seeks to retain the existing timber shopfront. This will include removing a section of MDF to reveal an existing window above the doorway, and repainting the shopfront. These works are considered to have minimal impact upon the listed building, and will retain the complementary shop front.

The shop will change use from Class E to Sui Generis. This will include the installation of a bar and refrigerators. The heritage statements claims that these units are to be on castors, and not drilled into the fabric itself. This is considered acceptable, as minimal intervention is required to facilitate the change of use.

In conclusion, the proposed change of use and alterations requires minimal intervention with the fabric of the listed building, and retains the existing timber shopfront. As such there are no heritage objections.

Environmental Health (No objection subject to condition)

The Environmental Health Department has no objection to the proposed development subject to conditions relating to opening times, and sound insulation. This statement is contingent on all recommended conditions being adopted in any approval.

Derbyshire County Council Highways (No objection)

There appears to be no material impact upon the public highway and therefore the Local Highway Authority (LHA) has no further comments to make.

Lead Local Flood Authority (LLFA)

Due to the team's current workload, Derbyshire LLFA are only responding to Major planning applications.

OFFICER COMMENTS

Principle of Development

The application seeks full planning permission and listed building consent for alterations and the change of use of an existing commercial unit within the built-up area boundary for Buxton, which is identified as a Market Town under the High Peak Local Plan (2016).

The application proposes to use the site as a Wine Bar, which is classified under Sui Generis.

The property is located within the built up area for Buxton and the area is designated as a Primary Shopping Area, within the Town Centre Area and also a Regeneration Area. LP Policy CF1 'Retail and Town Centres' is generally supportive of creating a good range of food and drink uses. However, the policy goes on to say that proposals that would create a concentration of evening economy uses (A3, A4 and A5) that would give rise to social and environmental issues will not be supported. Neighbouring premises are largely in A1 retail use and there is not currently a concentration of evening economy uses in the surrounding area.

Therefore, the nature of the proposed development is deemed to be acceptable in principle subject to an assessment of material considerations such as design, residential amenity and impact upon heritage assets which are discussed in greater detail below.

Design

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. The High Peak Residential Design Guide SPD (2005) and more recently adopted Design Guide SPD (2018) contains further design guidance for extending and altering domestic properties. Extensions and alterations should respect the scale and height of the parent building reading as a subordinate and secondary addition and respecting the character and appearance of the building through an appropriate choice of materials. The application site is a Grade II Listed property, the impact of the proposals upon the designated heritage asset will be assessed below in greater detail.

The application solely proposes very minor external alterations to the exterior of the site. These would remove a section of MDF covering a window. The removal of non-original fabric covering a window is supported and would have a beneficial impact upon the character of the existing building. The proposed colour alteration from a mix of cream and brown to pavilion blue will retain the attractive nature of the shop front and revitalise the appearance of the existing building.

These proposed alterations are not considered to have any adverse impacts upon the character and appearance of the existing building or that of the surrounding area.

Thus, the proposed works would be accord with Local Plan Policy EQ6, the Design Guide SPD and national policy in the NPPF.

Impact upon the Listed Building and Conservation Area

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant consent 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.

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 application site lies within the Buxton Central Conservation Area and is a Grade II Listed Building. The proposed works are minor in their nature and seek modest external and internal changes.

The proposed external changes to repaint the existing shop front in a pale “Pavillion Blue” colour scheme are considered to retain the intrinsic character of the Listed Building and would not appear out of character within the Conservation Area. The proposed signage alterations are modest and for the large part would re-use much of the existing signage as such is appropriate in this instance. A section of MDF covering a window panel above the existing door is to be removed. The removal of a non-original section of wood panelling covering a window is supported and will improve the character of the existing building.

The proposals also seek a change of use from a Class E Sewing Shop to a Sui Generis Wine Bar establishment. In order to facilitate this change of use, the application propose very modest internal alterations. The unit has been previously boarded out, plastered and painted with stud walls partitioning a storage area and w/c. Proposed furniture will be free standing tables, chairs and joinery. With a bar fabricated to sit on castors and a back of house area also to be non-permanent fixtures. As these units are not to be drilled into the historic fabric of the building this is considered acceptable and requires minimal intervention.

The Conservation Officer has provided comments with regards to this application and further to raising no objection states that *“the proposed change of use and alterations requires minimal intervention with the fabric of the listed building and retains the existing timber shopfront. As such there are no heritage objections.”*

With consideration to the above the proposed works are deemed to be acceptable in that they would not lead to any harm to the Listed Building and Conservation Area. Consequently, the works comply with Local Plan Policy EQ7 and national policy detailed in the NPPF.

Amenity

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 extensions to preserve the residential amenity of neighbouring properties, having regard amongst other things to the relationship between existing and proposed development, the positioning of windows, and the change in land levels.

The proposals do not seek to increase the footprint of the site and therefore the proposals are not considered to have any detriment with regards to overshadowing and would not be overbearing in their nature. Whilst the proposals would remove a section of MDF panelling covering a window, this fixture is non-original and therefore the proposed removal of this piece is not judged to have any adverse impacts with regards to overlooking or lead to a loss of privacy.

The application site is located within the Town Centre boundary and within a predominantly commercial area. The proposed change of use seeks to use the site as a Wine Bar which is classified as a Sui Generis Use. The proposed site would be open from:

09:00 – 11:00 Monday – Friday, 09:00 – 00:00 Saturday, 09:00 - 00:00 (Sunday and Bank Holidays inclusive).

The proposed opening times are judged to be reasonable given the nature of the site and surrounding commercial uses with similar opening times. However it is noted that there is an extant consent for conversion of the upper floors for residential purposes. To date it appears that this consent has not been implemented.

The Environmental Health Officer has recommended conditions to restrict the operating hours of the site to be consistent with those sought by the applicant and for acoustic insulation for the flat above the application site. However, the requirement for sound insulation would be a matter for building control and is not within the remit of the local planning authority. Accordingly any sound insulation requirements would be controlled by building regulations. Nonetheless the proposals are judged to have an acceptable impact upon residential amenity to the residential units above given the opening times condition. Moreover, it is accepted that the site is located within the defined Town Centre area where evening economy uses are to be expected.

Therefore regards to the above the proposed change of use and external works are not judged to have any detriment to neighbouring amenity in accordance with Local Plan Policy EQ6 and the Residential Design Guide SPD (2003).

CONCLUSION / PLANNING BALANCE

The proposal is located in the Built-up area boundary of Buxton, the Town Centre Area, Primary Shopping Area and within the Conservation Area. The principle of the

change of use is in general compliance with the policies of the Local Plan. The scheme is considered to be acceptable in terms of design, impact on the heritage assets, highway safety and flood risk. Subject to the conditions referred to above, there is considered to be no adverse impact on nearby residential amenity. Accordingly the application complies with all the relevant local plan policies as set out above. In the absence of any material considerations to indicate otherwise it is recommended for approval.

OFFICER RECOMMENDATION : Approve

Case Officer: Stuart Talbot

Recommendation Date: 20/06/2025

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council