

High Peak Borough Council  
[planningcomments@highpeak.gov.uk](mailto:planningcomments@highpeak.gov.uk)

35 Errwood Avenue  
Buxton  
SK17 9BD  
10<sup>th</sup>. May 2018

Dear Sir/Madam,

**I write to object to the Planning Application for Change of use from C3 to D1 at 22 Temple Road, SK17 9BA.**

This is a residential area and not suitable for and unable to support commercial usages. The detriment to the local area in terms of traffic, parking, and nuisance & annoyance, vastly outweighs any benefit to the community in this commercial provision. The danger of any increase in traffic whatsoever cannot be overstated, and the impact of converting a residential property - with restrictive covenants within its title to remain residential – would be to the detriment and danger of the local area.

As you are aware class use D1 permits use of a Property for a wide variety of purposes. Allowing a family home in a residential, area to be converted for use as a Clinic; Place of Worship; Health Centre; Library; Museum; educational institution, and training centre. Allowing this use type in this enveloped residential area with streets fit only for residential use, would be extremely detrimental to the local area and create many dangerous hazards.

You must also be aware that once D1 use has been granted, any change of use within the classification would not be subject to local authority intervention – as permitted development rights would be enjoyed by the use class - and could not be prevented or controlled under normal circumstances unless Article 4 was invoked to remove PDR. The granting of permission for D1 use would have to permit these alternative uses and therefore the scrutiny applied in such decision making would have to take all of these uses into account when assessing the suitability of the Property and area / road network for such use.

The Planning, Design and Access Statement [hereafter PDAS] pitches a community facility designed to enhance the local area and meet the flexible needs of the community. It cites favourably pruned sections from the various planning frameworks and local area plans, shoehorned into what is really a seismic shift of character for a local residential area, with a D1 use scope being requested; and a precedent being set for further change of use applications of the same type.

(An example of ‘pruning’ by omission is in its reference to policy EQ6 (para 9) of The High Peak Local Plan.

It should read;

Requiring that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, **NOISE**, light pollution or other adverse impacts on local character and amenity.

An important omission especially for neighbours who would have to endure the noise of 45 babies/infants and 10 staff, in a confined area of house and garden, continuously 8 hours a day, 5 days a week, 12 months a year except bank holidays.

The partisan pruning of such planning policies cannot and should not distort the overarching principals which define them. *“Protecting and enhancing the character and distinctiveness of the towns and villages in the local plan area”* [KI1] is the indefatigable macro policy, and whilst the umbrella aims will have threads containing improved infrastructure and community facility, it is the relationships these threads have with the global aims which must be maintained, not their ability to

take on a direction of their own.

This characterises the unsuitability for commercial usage. The macro is to the detriment of the area and its character, and the micro is the dangerous traffic and parking threats such a change would irrevocably impose.

Planning frameworks dictate that Local communities are central to the special characteristics of the High Peak and that they continue to thrive and have a high quality of life. Town frameworks require that such changes of use development is located where the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development.

The Spatial Vision commitment in the sustainable community strategy adapted April 2016 imposes commitments that any changes are well integrated with their surroundings; with Strategic Objectives [SO] designed to protect and enhance the character, appearance and setting of local towns and villages. The 'Protection' and 'Enhancement' commitments can be seen to co-exist on some sites, however it is clear in such a residential area, the incongruous injection of commercial use within an enveloped residential area means these two objections are mutually exclusive in this application.

The conversion of residential to commercial in its very essence is contrary to the requirements of all national development frameworks which desperately seek to increase the volume of residential properties in the face of growing communities. These frameworks have also been designed to take into account the growing needs of local communities by relaxing and improving planning facilities to promote the use of e.g. under-utilised brownfield sites.

Specific additional facility and capacity has also already been designed and approved to facilitate the delivery of these types of institutions by way of the new Permitted Development Rights in April 2014 which allowed PDR from use classes B1, C1, C2 and any agricultural buildings below 500m<sup>2</sup>, into D1 nurseries delivering childcare. This makes it even easier to deliver this type of facility within existing under-utilised, better-located stock, and therefore even more unacceptable and detrimental to impose upon tight residential neighbourhoods with existent problematic traffic and road issues.

The importance of irreversibly damaging a residential area with a commercial building has been understood for many years.

Restrictive Covenants in the Title of this property and many others in the area serve to reinforce the importance of this remaining a residential area unincumbered by commercial uses, and forbidding anything causing nuisance, annoyance, grievances or inconvenience, as shown below from an excerpt from the Title for 22 Temple Road:

THE THIRD SCHEDULE above referred to

1. No building or other erection whatsoever other than private dwellinghouse with or without private garages and other outbuildings to be used occupied and enjoyed therewith and which have been approved by the Corporation under the foregoing provisions hereof shall be erected or built upon the property conveyed and the said property conveyed shall at all times be used solely for private residential purposes or purposes directly connected therewith and for no other purpose whatsoever.

5. No act matter or thing which shall or may be or become a public or private nuisance or an annoyance grievance or inconvenience to any adjoining owner or to any occupier of land or buildings adjoining the land hereby conveyed or any part

or parts thereof shall be done or suffered to be done by the Sub-Purchaser or its successors in title in or upon the said land hereby conveyed or any building thereon or on any part thereof."

Addressing the PDAS ordinarily, we require the following comments and corrections to be understood:

1. 2. 45No children suggests:(i) noise levels commensurate with occupation, (ii) 90No drop offs and vehicular visits on a constricted road network littered with accesses, (iii) a commercial waste disposal and collection facility, where the property is lower than the road; (iv) approximately 9No staff.
2. 3. talks down 'pinch-points' of busy vehicular activity. If any facility characterises busy pinch-points it is a day care nursery, where people deposit their children at times before and after they go to work. In the proposal, point 15. itself concedes 85% of drop offs will be between 0800 & 0930 – a pinch point. This facility will inevitably be defined by such narrow busy drop off and collection issues.
3. 4. is an opinion and not a fact, and in my opinion is that it cannot be deemed suitable on the basis of 'location' nor 'neighbouring use' nor 'positive contribution it will make to the community'. A commercial use hallmarked by extreme increases in vehicular activity across a variously unsighted stretch of road, encumbered with several driveways directly needing to access the main road without hindrance, is unambiguously unsuitable by its nature. A commercial use of a residential property bordered three sides by residential properties is also unequivocally not a 'positive contribution' to those five householders.
4. 6. The 'interspersment' is overstated. This area is characterised by dense residential neighbourhood. Other nearby facilities are either purpose built, have generous on-site parking, or both. Only the Alison Hotel is a commercial facility. The school, medical centre, and charitable trust visitor attraction do not characterise the area but have rather been in existence prior to neighbourhood planning or as part of it (i.e.the school) have been there since before neighbourhood planning (i.e.Grin Low/Poole's Cavern) or have occupied a more suitable less detrimental site closer to a main road and the urban centre and on a site appropriate in terms of size and land.
5. 7. Misses the balance required by the NPPF, and ignores the global aim of the High Peak Local Plan as detailed earlier. In the Ministerial Foreword by the Minister for Planning – as early as the second paragraph – the overarching aims are set out as “*Sustainable means better lives for ourselves don't mean worse lives for future generations*”, and the 'collective' nature of involving communities in planning decisions. The interpretation of 'presumption in favour of sustainable development' is too narrow. The PDAS states “*This requires Local Planning Authorities to approve development that accords with the development plan without delay*” This omits the 'material considerations' which must be taken into account (Privacy, Parking, Highways, Traffic, Noise etc); is unattuned to the 'collective' aim of the NPPF, and attempts to circumvent the validity of neighbourhood concerns and objections in terms of 'impact'. The framework also insists on a number of other key issues against which such a use change falls foul, such as: [4.32. safe and suitable access to the site can be achieved for all people], and [improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development] and [4.35: accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter]. Furthermore, [7.58: add to the overall quality of the area, not just for the short term but over the lifetime of the development; respond to local character and history, and reflect the identity of local surroundings and materials] [11.123: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development ]
6. 8. This is a commercial enterprise and its description of a community facility attempts to

- give it an almost charitable status.
7. 9. There will evidently be no '*satisfactory relationship to adjacent properties*'. This will be a commercial building sandwiched within a residential neighbourhood. The '*noise created [will be] akin to that created by a domestic residence*' It will be actually be akin to that of a domestic residence comprising 45 young children and 9 adults in a family home – hardly your typical family household. Hedges and thin residential fencing are not fit for acoustic protection. The limitation on garden use proposed, would be unenforceable, unfair and could be detrimental to the children.
  8. 10. states the proposal '*would not have a material impact on the character and appearance of the area*'; 45 cars, twice a day, in a tight residential area will by definition materially affect the character and appearance.
  9. 11. undue harm cannot be avoided if this were granted.
  10. D1 use ought not be granted where only 2 No on-site spaces can be provided; where there are 2 No driveways directly opposite the entrance; a blind bend to one side and a road junction, and several other driveways requiring safe egress onto the road.
  11. 18/19/20 serves to attenuate the volumes of traffic and parking when the road and parking infrastructure would need to safely and comfortably accommodate 90 No drops offs at pinch points.
  12. 24. Concedes the requirement for a proper, safe parking provision
  13. 25. Concedes the exception can only be applied where '*vehicles can wait to set down or pick up children safely on the highway*'. This is an unsafe location for such vehicular activity as the width of the road, the blind bends, the driveway accesses, the nearby junction, all combine to make for a very difficult section of road as shown in the images below.







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### Summary:

A change of use to D1 will have an unacceptable impact on local amenity; highways safety; will create noise and nuisance to the neighbourhood; is out of character with the residential area; is too close to neighbouring residential properties; does not provide adequate off-street parking provision; is located close to a blind bend; will create dangers for pedestrians and adversely affect the immediate local residential area, and is therefore not in accordance with local plans and policy frameworks.

In an environment of relaxed Permitted Development for the creation of D1 opportunities and underutilised commercial real estate, the need to reduce the housing stock and place a D1 building in among quiet residential properties, would mean there is little protection whatsoever to the character of towns and villages (central to the Town Plan) and little 'collective' engagement in planning decisions (central to the NPPF), should this be granted.

One single instance of a pedestrian accident crossing the road by a blind bend in between vehicles, or one single vehicular accident as a result of increased traffic and parking causing multiple blind spots, would demonstrate that the necessary pre-emptive safety measures need to be taken now - at the time of deciding the suitability of a location for D1 use – and not regretted later when such risks have been realised.

Yours concerned,  
JHS Collis TD MSc.

