

DELEGATED DECISION REPORT

HPK/2021/0077
Valid 24/02/2021

85 FAIRFIELD ROAD
BUXTON

CHANGE OF USE FROM
LARGE-SCALE HMO (9-BED)
TO LARGE HMO (7-BED) (SUI
GENERIS)

(FULL - MINOR)

MAIN ISSUES

- Principle of development
- Residential Amenity
- Parking and access

DESCRIPTION OF SITE

The application site comprises a large stone, double-fronted end-terrace dwelling on Fairfield Road, Buxton, within a long narrow plot. The building has three storeys of living space as well as further attic space. There is a small garden space to the front and further space to the rear. Ground levels rise towards the rear of the plot. As a result of this, there is an area at the same ground level as the dwelling, immediately to its rear, which has been enclosed with plastic sheeting. The rest of the garden sits at a higher level.

The dwelling is currently in use as a 9-bed House in Multiple Occupation (HMO). There is a shared living space and kitchen on the ground floor, and three shared bathrooms in the dwelling.

For the purposes of the High Peak Local Plan this site lies within the development boundary of Buxton.

PROPOSAL

It is proposed to change the dwelling from a 9-bed large HMO to a 7-bed HMO, through internal changes only. This would allocate a private bathroom to each of the proposed 7 bedrooms. No external changes are proposed.

In support of the application, evidence is provided to demonstrate that the building has been in use as a 9-bed Large HMO for a continuous period of 10 years. The applicant provides Council Tax and HMO Licenses to evidence this.

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
S7 Buxton Sub Area Strategy
H1 Location of Housing Development
H3 New Housing Development
EQ 6 Design and Place Making
CF 6 Accessibility and Transport

National Planning Policy Framework

Paragraphs 1 - 14
Section 5, 12

High Peak Design Guide 2018
National Design Guide 2020

Residential Design Guide SPD 2005

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 14/4/2021
Neighbour consultation period ends: 23/3/2021
Press Advert: N/A

Public Comments

No representations received

Town / Parish Comments

No representations received

Derbyshire County Council Highways

No objection subject to the premises having extant use as a 9 bedroom HMO.

OFFICER COMMENTS

Principle of Development

The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the High Peak Local Plan Policies Adopted April 2016.

Other material considerations include the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG).

Paragraph 11 of the National Planning Policy Framework (NPPF) promotes a 'presumption in favour of sustainable development'. For decision makers this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless: i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear 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 the Framework taken as a whole.

Paragraph 8 of the NPPF identifies three dimensions to sustainable development as being economic, social and environmental.

In accordance with policies S1 and S1a of the High Peak Local Plan the Council expects all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible enhancing the environment. When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

Development will be directed towards the most sustainable locations in accordance with the settlement hierarchy set out at Policy S2. In accordance with the settlement hierarchy, Buxton is regarded as a 'Market town' where a moderate scale of development may be acceptable, consistent with meeting local needs and maintaining or enhancing its role, distinctive character or appearance whilst also maintaining existing facilities and services.

The evidence supplied by the applicant demonstrates that the property was licenced by the Environmental Health department of the Council as a 9 bed, 9 person HMO in 2008 (valid for 5 years) and subsequently increased to 10 persons in 2014, this was renewed in 2014 and again in 2019. There is no evidence held by the Council to dispute that the building has been occupied in the manner above.

In any event the site lies within the development boundary. Local Plan H1 promotes the effective reuse of land by encouraging housing development that includes the conversion of existing dwellings on sites fit for that purpose. The site is located within a sustainable location close by to public transport links and the shops and services within the town centre some 700m to the south west. Many of the large Victorian villas

that front Fairfield road in the vicinity of this site have been subdivided into flats and HMOs. Therefore, the redevelopment of this property to a 7 bed HMO is acceptable in principle. Matters regarding amenity, design and parking are considered in detail below.

Design

Section 12 of the NPPF places great importance of good design and states that good design is a key aspect of sustainable development.

Policy EQ6 refers to design and states that all development should be well designed and be of a high quality that responds positively to both its environment and the challenge of climate change, whilst contributing to local distinctiveness and sense of place.

No external alterations are proposed as part of the change. As a result, no design issues are raised by the proposal.

Local plan policy H3 requires new residential development to address housing needs of local people. In doing so properties should comply with the requirements of the Nationally described space standards in their accommodation provision.

Although not strictly relevant for a house in multi occupation which do not offer reception rooms, the standard outlines a minimum requirement of 11.5m² for a double bedroom.

This application is a de-intensification of the accommodation from its current use. Each bedroom proposed as part of this application is a minimum of 11.5m² with a private bathroom for the sole use of each bedroom and also a communal kitchen and dining room. The internal accommodation provided, is therefore considered to be adequate and additional amenity space is provided outdoors in the rear garden.

The accommodation provided overall is considered to be acceptable and in accordance with Policy EQ 6 and H3 of the Local plan in this regard.

Amenity

The Council's Adopted Residential Design Guide SPD states that as a guide a distance of 21m between habitable room windows of adjacent properties will provide an acceptable level of amenity. High Peak Local Plan Policy EQ6 and paragraph 127f) of the National Planning Policy Framework seek to secure development that does not result in unacceptable effects on the amenity of the area by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

No alterations to existing openings are proposed. No issues of overlooking are created. The reduction in occupation of the HMO will have no negative effects on local character or amenity and may result in a slight reduction in comings and goings and general activity at the property. The proposal complies with local plan policy EQ6 and para 127 of the NPPF in this regard.

Highway Safety

Paragraph 102 of the NPPF states that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places. Policy EQ6 and CF6 seek to ensure that all new development is served by safe and satisfactory access.

The dwelling has no off-street parking. The reduction in occupation from 9 to 7 residents is likely to reduce demand for on-street parking and consequently improve highway safety. The site is within a sustainable location very close to existing public transport links.

The Highway Authority have no objection subject to the premises having extant use as an HMO, which has been confirmed by the submission of the above mentioned evidence.

The proposal complies with policy CF6, EQ6 and section 9 of the NPPF in this regard.

CONCLUSION / PLANNING BALANCE

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. Local Planning Authorities should positively seek opportunities to meet the development needs of their area unless any adverse impacts of doing so would outweigh the benefits and to secure a development that improves the economic, social and environmental conditions of the area. The proposal is considered to be the redevelopment of an existing residential building within a sustainable location within the development boundary.

The proposal is therefore considered to be sustainable development under the terms of the NPPF, and complies with the relevant policies of the High Peak Local Plan. Accordingly the proposal is recommended for approval.

OFFICER RECOMMENDATION : APPROVAL

Case Officer: Faye Plant

Recommendation Date: 21/04/2021

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council

