

DELEGATED DECISION REPORT

HPK/2021/0057
Valid 12/02/2021

**60 WORKSHOP REAR OF
FAIRFIELD ROAD
BUXTON**

**CHANGE OF USE FROM
CLASS E COMMERCIAL,
BUSINESS AND SERVICE TO
C3 DWELLINGHOUSES.
CONVERSION OF FORMER
CARPENTERS WORKSHOP
TO FORM 2 BEDROOM
DWELLING.**

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design, Character and Appearance
- Amenity
- Highway Safety

DESCRIPTION OF SITE

The application relates to a split level stone building with pitched tiled roof that stands to the rear (north west) of No.60 Fairfield Road and accessed via a narrow access from Nunsfield Road to the west. The north eastern elevation reads as a single storey whilst the south western elevation reads as a two storey building.

The application submits that the buildings lawful use is a carpenters workshop which based on a supporting letter signed by Mr Redfearn, was in operation from 1976 until May 2020. The Business Rates department has confirmed that rates have been paid on this building from April 2000 until May 2020 which aligns with this submission.

The site is surrounded on all sides by residential development, lies within the built-up area boundary of Buxton, and is not constrained by any sensitive statutory designation.

PROPOSAL

The application seeks full planning permission for the change of use of the existing building to a two bedroom dwellinghouse, with two double bedrooms a bathroom and storage located within the lower floor and open plan living and kitchen sited on the upper floor accessed via an internal staircase.

The Site Plan shows the provision of a single car parking space located between the building and the public highway.

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
S7	Buxton Sub-area Strategy
EQ1	Climate Change
EQ6	Design and Place Making
E4	Change of Use of Existing Business Land and Premises
H1	Location of Housing Development
H3	New Housing Development
CF6	Accessibility and Transport

National Planning Policy Framework 2019

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 Places	Chapter 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 19th April 2021
Neighbour consultation period ends: 11th April 2021
Press Advert: N/A

Public Comments

2 x representations have been received in connection with this application. The issues raised are summarised as follows:

- Parking space proposed located on land that is shown on deeds of No.23 Nunsfield Road as having free use and enjoyment of this road as clear access to rear of property is required
- Proposed parking space would block the access gate to the shared rear yard of numbers 23 and 25 Nunsfield Road
- Mains public sewer/ground water drain located in the same location

Town / Parish Comments

N/A

HPBC Income Officer

I can confirm that Mr E A Redfern has been registered for business rates at the above address since at least 01.04.2000 (our current records only go back that far). It is assessed as a workshop and premises.

HPBC Environmental Health

No objections subject to conditions

Derbyshire County Council Highways

Initial Response:

The submitted details suggest that the building concerned has operated as an independent commercial unit i.e. not linked to any existing adjoining dwelling. This being the case, there are no highway objections subject to adequate off-street parking space being demonstrated and maintained clear of any obstructions to its designated use.

Further Response:

The previous use of the building is a material consideration when assessing the application proposals from a highways perspective. If the building has, or could, be used as a commercial / business workshop, this could attract staff, deliveries (to or from the site) and customer vehicles / visits on a regular and unrestricted basis.

Under this scenario the use of the private track (being shown to be in the control of the applicant) for access or parking, with its lack of turning / manoeuvring, could be far greater than that associated with an alternative residential use sought under the current application. On this basis, and in the absence of any accident statistics associated with the use of the existing access, the Highway Authority would not be in a position to demonstrate that the proposals would meet the test of being severe (as outlined in the NPPF).

Additional Response:

I visited this site last week and it appears the building has had some previous use, although it is not entirely clear what that was for. However, whether it is for a

commercial use or for other private storage purposes I am still of the opinion that despite its current appearance it could have some vehicular activity associated with it. The building does not appear to have any specific parking associated with it at present - the steps prevent parking directly outside the building - and it is likely parking elsewhere on the track may affect access to the Buxton Lawnmowers rear parking area. On that basis would it be possible to consider not providing any specific parking associated with the residential dwelling - especially given the town centre location?

I do not consider that the Highway Authority would be in a position to raise a sustainable objection to the conversion proposals on sound and demonstrable highway safety grounds that could be defended at appeal

OFFICER COMMENTS

Principle of Development

The application seeks permission for the change of use of a former independent carpenters workshop to a two bedroom residential dwelling.

Local Plan (LP) Policy E4 states that the change of use of an existing business or industrial premises (falling within the B1, B2 or B8 Use Class) for non-employment uses including residential dwellings will only be permitted where the continuation of the land or premises in question is constrained to the extent that it is no longer suitable or commercially viable for industrial or business use as demonstrated by marketing evidence commensurate with the size and scale of development, and the use is compatible with neighbouring uses.

LP Policy H1 sets out the Council's housing policies and promotes the effective reuse of land by encouraging housing development including redevelopment and the change of use of existing buildings to housing, on all sites suitable for that purpose.

Chapters 5 and 11 of the NPPF make clear that Councils should attribute significant weight to applications for small scale housing development on suitable previously development (brownfield) sites.

Whilst no marketing evidence has been submitted to demonstrate that the former employment premises is not commercially viable, it is considered that in this instance, given the constrained access to the site from Nunsfield Road (discussed in greater detail under the Highway Safety safety) and that the site is immediately surrounded by residential properties, it would not be desirable in this case to retain the building as an industrial premises that could theoretically be lawfully intensified to the extent that larger vehicles would enter and exit the site, whereby noisy activities (drilling, hammering etc.) could result in greater harm to the amenity of neighbouring properties than the proposed use.

As such, whilst it is acknowledged that the application has not demonstrated compliance with LP Policy E4, it is judged based on the above analysis that this conflict carried limited weight in the overall planning balance, and that the significant weight applied to housing development within the built-up area on a previously

developed site allows the application to be supported as a matter of principle subject to all other material considerations.

Design Character and Appearance

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, in terms of scale, height, density, and layout.

Paragraph 127 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.

The application relates to an existing building which is constructed from a mixture of brick and block work. No physical alterations other than the introduction of fenestration is proposed as part of the application. The external walls are shown to be finished in a K-render which will to some degree enhance the visual quality of the building and will certainly not detract from it. The fenestration is of a relatively standard design which incorporates traditional headers and sills. The three rooflights result in a negligible change to the overall character of the building and wider area.

Based on the above, it is considered that the change of use of the existing building to an independent two bedroom residential dwelling will not result in any negative impacts to the character and appearance of the building or wider street scene, and arguably will to some degree enhance the visual aesthetics of the building as a result of the re-rendering of the external walls. The application is thus found to comply with LP Policies S1 and EQ6, and paragraph 127 of the NPPF.

Amenity

LP Policy H3 sets out the requirements for new housing development, which include the requirement for new housing development to comply with Nationally Described Space Standards (NDDS) published by DCLG (2015) in order to provide a high standard of amenity for future users.

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 developments 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, maintaining a distance of 21m between habitable windows.

Paragraph 127 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

The existing building is surrounded on all sides by residential development. To the north of the building are Nos 23, 25 and 27 Nunsfield Road which comprise a row of terraced properties which have a finished floor level slightly below that of the host building. To the south west, on the opposite side of the access are Nos.19-21 Nunsfield Road, whilst to the south east stands the rear elevation of a row of three storey properties including No.60 which adjoin Fairfield Road.

The scheme predominantly works with the existing openings in the building. The existing lower ground floor door and window on the south western elevation is shown to be replaced with two windows which would serve the two bedrooms. These two windows face a stone wall that forms the boundary wall for the access associated with Nos.19-21 Nunsfield Road approximately 4.5m distant. It is considered that at this distance the outlook from these two windows would be acceptable. The first floor window on this elevation serving the ground floor lounge would not directly overlook any habitable amenity space and would not therefore result in any harm regarding overlooking, loss of privacy, or loss of sunlight.

Given the lack of fenestration on the north western and eastern elevation the scheme will not result in any harm to the amenity of any other neighbouring residential property.

The Nationally Described Space Standards (NDDS) for housing published by DCLG (2015) states that a two bedroom (four person) two storey property should have an overall floor area of 79m², with each bedroom having a minimum floor area of 11.5m² each with a width of 2.55m². The proposed Floor Plans demonstrate compliance with this guidance and as such it is considered that the proposed dwelling will provide a high standard of amenity for future occupants.

The nature and function of the building of a two bedroom residential dwelling comparable to a modest industrial workshop is considered to be more appropriate and palatable with regards to surrounding land uses (residential) and therefore there is likely to be an overall improvement upon the public and residential amenity of the area, in accordance with LP Policy EQ6, the High Peak Residential Design Guide SPD, and paragraph 127 of the NPPF.

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 that appropriate off-street parking is provided in line with Appendix 1 of the Local Plan.

Paragraph 108 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.

Paragraph 109 of the NPPF goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The site is served by a narrow access that runs between the side elevations of No.21 and No.23 Nunsfield Road, and culminates with a small flight of steps that connects to a pedestrian ginnel that extends underneath the properties adjoining Fairfield Road onto the pavement. The Site Plan shows a single off-street parking space to be provided adjacent to the south-western elevation.

The access also serves the rear parking area associated with Nos.19 and 21 Nunsfield Road. Objections have been received from neighbouring residents which voice concerns specifically with regards to access and the rights of No.23 and No.25 as having free use and enjoyment of this road as clear access and that the parked car would block the entrance to this rear access.

With regards to legal access rights, this is a civil matter and sits outside of the planning system. However, the LPA still have a duty to ensure that the scheme would not give rise to any harm to highway safety as a result of the change of use.

Officers have had detailed and ongoing dialogue with the County's Highway Authority specifically surrounding the lack of turning area and the relationship between the designated parking space and the access of the rear parking area associated with Nos.21 and 23 Nunsfield Road.

Having established that the building does, based on the evidence presented and Business Rates records held by the Authority, have a lawful use as a workshop, the Highways Officer is of the opinion based on a site visit that the site does not benefit from any current parking provision, and that it is likely that the parking would indeed be likely to affect the rear parking area of neighbouring properties. The Highways Authority therefore suggest that it may be beneficial to not allocate any designated parking provision given the town centre location, and that there are no sustainable grounds for objection.

In light of the above, the applicant has been requested to submit a revised Site Plan that shows the omission of the associated car parking space. The Highway authority have suggested a condition be attached that prevents any associated parking of vehicles on this access in order to avoid any conflict with the neighbouring rear parking areas. However, it is not considered that such a condition would meet the test of enforceability as set out in the PPG.

Whilst the absence of any off-street parking provision would theoretically conflict with the parking guidelines under Appendix 1 of the Local Plan, it is considered in this case that in the interest of highway safety and given its highly sustainable town

centre location with excellent access within walking distance of everyday services facilitates and public transport links that no parking provision is necessary. Having regard to the above analysis, it is considered that in its revised form the application will not result in any harm to highway safety in accordance with LP Policy CF6 and paragraph 108 of the NPPF.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).

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-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- 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.

The application in its revised form and subject to appropriate conditions has been found to comply with all relevant local development plan policies, supplementary planning guidance, and the NPPF and is therefore considered to comprise a sustainable form of development.

In line with LP Policy S1a and paragraph 11 of the NPPF, the application is recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 24th June 2021

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council