

DELEGATED DECISION REPORT

HPK/2022/0372
Valid 30/09/2022

37 AND 39 MARKET
STREET
CHAPEL-EN-LE-FRITH

EXTENSION AND
RENOVATION OF 2 SHOPS
AND 3 FLATS

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design and Conservation
- Amenity
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

The application relates to Nos.37 and 39 Market Street, Chapel-en-le-Frith; a two adjoining mid terrace properties constructed of a traditional gritstone with slate tiled roof. The principal elevations of both properties face Market Street to the North-West whilst to the rear stands a shared yard area. The site lies within the Chapel-en-le-Frith Conservation Area, and lies within an area that contains a variety of uses, which includes commercial, retail and residential.

The rear elevation is characterised by a two storey rear outrigger finished in a white render to the side, gritstone at the rear, with a dual pitched tiled roof above. Linking the rear extension with the main properties is a narrow timber clad infill, with a blue slate roof, facilitating access at first floor level, by way of an external staircase.

The two properties facing the public highway comprises a currently comprise an Indian takeaway and neighbouring hair salon at ground floor level, with vacant storage space at first floor level above. The internal photographs within the supporting Design and Access Statement shows the two storey rear outrigger to be vacant.

At the request of Officers for clarification, the applicant has submitted updated Existing Floor Plans that show the existing layout of the 3no. existing residential units.

PROPOSAL

The application seeks full planning permission for extensions and alterations to the two storey outrigger to facilitate the implementation of 3no. residential flats. Two 1no. bedroom flats (Apartments Nos.1 and 3) are shown to be situated on either floor of the two storey outrigger, whilst the other 2no. bedroom flat (Apartment No.2) would be introduced to the first floor level of the main building. All three flats include an open kitchen/living room area, and bathroom.

A new lean-to extension is proposed that would sit off the rear elevation of the main building, adjacent to the two storey outrigger, which would facilitate an internal staircase and landing area to provide independent access to the first floor flat within the outrigger (Apartment No.3). The Elevation Plans show the extension to be finished in render with a slate tiled roof. The side elevation contains a glazed screen at first floor level at the top of the staircase with a ground floor entrance door providing rear access to the ground floor takeaway.

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 Chapel-en-le-Frith Neighbourhood Plan (2015) and 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.

Chapel-en-le-Frith Neighbourhood Plan 2015

No relevant policies

High Peak Local Plan 2016

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
S2 Settlement Hierarchy
S6 Central Sub-area Strategy
EQ6 Design and Place Making
EQ7 Built and Historic Environment
EQ10 Pollution and Unstable Land
H1 Location of New Housing Development
H3 New Housing Development
CF6 Accessibility and Transport

National Planning Policy Framework 2021

Achieving Sustainable Development	Chapter 2
Delivering a Sufficient Supply of Homes	Chapter 5
Building a Strong Competitive Economy	Chapter 6
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

39 Market Street:

HPK/0002/0646 Projecting Sign (Refused 23/01/1984)

HPK/0003/3014	New Shop Front (Approved 02/11/1993)
HPK/0003/4084	Illuminated Sign (Refused 01/12/1994)
HPK/0003/9462	New Shop Front (Approved 20/11/2000)
HPK/0003/0284	Fast Food Take Away Kebab House (Approved 15/04/1991)

No.39b – No.39c Market Street

HPK/0001/1489	Proposed Change of Use from Bakery to Dwelling (Refused)
HPK/0001/2063	Change of Use from Bakery to Light Industrial Use (Withdrawn)
HPK/0001/2064	Proposed Change of Use from Bakery to Shop (Approved)
HPK/0003/0869	Change of Use of existing building to self-contained flat (Approved 17/09/1991)
HPK/0003/2180	Change of Use of existing electrical shop to flat and rendering of external walls (Approved 02/02/1993)

CONSULTATIONS

Publicity

Site Notice expiry date: 27th October 2022
 Neighbour consultation period ends: 21st October 2022
 Press Advert: 3rd November 2022

Public Comments

None

Chapel-en-le-Frith Town Council Comments

No objection, Committee support the application

Conservation Officer

No objection subject to following condition:

1. No development shall commence until technical details confirming the materials, colour and opening mechanisms of any replacement windows on all relevant elevations have been submitted to and agreed in writing by the Local Planning Authority

HPBC Income Team

We have registered properties for Council Tax known as 3 flats 39a, 39b & 39c Market Street, Chapel-en-le-frith SK23 0HP.

At present 39a & 39b are being renovated and billed to the owners Mr & Mrs S P Robinson 37 Green Lane, Buxton SK17 9DL. These 2 flats are being refurbished they have confirmed and having new kitchen & bathrooms, rewired etc. 39a has been empty since 23.5.22 and 39b empty since 17.10.22.

The other flat 39c we still have occupied at the moment by a tenant but when I looked into it he may have left now but we have not received anything from the owners about the flat as yet, but at a guess they are also renovating this one.

Derbyshire County Council Highways

No objections on the basis that existing levels of off-street parking will be maintained

OFFICER COMMENTS

Principle of Development

The application seeks planning permission for extensions and alterations to existing buildings which amount to the renovation of 2no. retail units at ground floor and the renovation of 3no. residential units, two in the rear outrigger and one at first floor.

The site is located within the Chapel-en-le-Frith Conservation Area and as such, the application is subject to LP Policy EQ7, and relevant national planning policies under Chapter 16 of the NPPF relating to heritage conservation, underpinned by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

As such, in order to be supported in principle, the application must demonstrate compliance with the above policies relating to heritage conservation. If any harm is identified, there must be sufficient public benefits that outweigh the identified harm, in order for the proposal to be supported, notwithstanding all other material considerations.

Design & Conservation

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 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.

Paragraph 130 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.

Chapter 16 of the NPPF contains the relevant restrictive national planning policies relating to heritage conservation. Paragraphs 199-202 sets out how a Local Planning Authority should assess the significance of a heritage asset and the potential impact of a proposal upon that asset. Where a proposal will lead to substantial harm or total loss of a designated heritage asset, local planning authorities should refuse consent unless there are substantial public benefits that outweigh that harm. Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits.

The application relates to an existing two storey outrigger that extends outwards from the ground floor retail units and residential flat above. The introduction of a new structure to the rear of the building to facilitate a stair case in order to independently access the proposed first floor flat has been found to be acceptable by the Council's Conservation Officer. It would have a cat slide roof which sit subserviently to the host building.

It is of a modest scale and height and is shown to be constructed of sympathetic materials. This aspect of development would be located to the rear of the building and would result in a negligible change to the overall character and appearance of the building and wider setting of the Conservation Area.

As recommended by the Conservation Officer, a condition is recommended that requires the submission of specific details concerning windows and it is recommended that details of the materials to be used in construction of the staircase structure prior to any external works taking place, are submitted.

Subject to the above, and other relevant conditions, it is considered that the proposed development would preserve the character and appearance of the building and wider conservation area, in accordance with LP Policies S1, EQ6 and EQ7, relevant Supplementary Design Guidance, and relevant paragraphs relating to design under Chapter 12 of the NPPF and those relating to heritage conservation under Chapter 16 of the NPPF, the latter underpinned by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Amenity

LP Policy H3 refers specifically to new housing and requires all new development to provide a high standard of amenity of all future occupiers, by demonstrating compliance with Nationally Described Space Standards (NDSS) published by DCLG (2015). These standards contain minimum internal floor area for bedrooms and the overall residential units, based on the number of floors, size of bedroom and number of occupiers.

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. A minimum of 21m should be achieved between existing and proposed habitable windows.

Paragraph 130 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

It has been confirmed by the Council's Income Team that Council Tax is being paid on the 3no. residential properties that are the subject of this application and as such the proposal does not result in any increase in the overall number of dwellings.

In their original assessment of the application, Officers were concerned that the proposal did in fact result in the creation of new residential dwellings as opposed to simply the 'restoration' of existing properties, and that the properties fell woefully short of the minimum space standards set out within NDSS. However, in light of the fact that these residential units are in situ and in use, it would not be reasonable to retrospectively assess the flats against NDSS standards.

Given that the proposal would make use of existing fenestration, and serves residential properties, the relationship between the residential units and surrounding uses would remain unaltered. There are not considered to be any resultant adverse impacts on neighbouring properties or uses, and that the standard of amenity for future occupiers is acceptable.

It is acknowledged that the first floor kitchen window in the outrigger (Apartment No.3) would look directly on to the wall of the proposed extension serving the staircase. Whilst outlook would be reduced as a result of the proposed extension, it is considered that the degree of harm to the amenity of the occupants is not significant enough to warrant a reason for refusal, particularly given that this open plan kitchen living area is served by a second window on the opposite wall.

Further, the ground floor window serving the bedroom would also look on to this proposed extension and would inevitably lead to a poorer outlook from and reduced light into this habitable room. However, the space is already in use as a residential unit, and any future owner/tenant would be aware of this relationship before they agreed to live there. As such, it is not considered that the degree of harm caused by this relationship is sufficient to warrant a reason for refusal.

In light of the above analysis, it is concluded on balance that the proposed development would preserve the amenity of neighbouring properties and other land uses in accordance with LP Policy EQ6, relevant Supplementary Design Guidance, and paragraph 130 of the NPPF, and, given that each of the flats are already in residential use, any harm to the amenity of future occupiers by virtue of a shortage of internal floor area can be given little weight having regard to LP Policy H3.

Parking Provision & 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 provides suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan.

Paragraph 110 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 111 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 lies within a highly sustainable location within very close proximity to the Town Centre of Chapel-en-le-Frith and within easy walking distance of a number of shops, services, facilities, educational institutions and employment sites. The site contains a shared yard to the rear that is accessed from Market Street.

It has been confirmed by the Council's Income Team that Council Tax is being paid on the 3no. residential properties that are the subject of this application and as such the proposal does not result in any increase in the overall number of dwellings. The area immediately adjacent to the rear annex that is utilised for off-street parking would not be affected. As such, it is concluded that there is no requirement to provide any additional off-street parking and that there would not be any adverse harm to highway safety, in accordance with LP Policy CF6 and relevant paragraphs under Chapter 9 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 seeks full planning permission for a modest rear extension to facilitate a new independent access, and the renovation of 3no. existing residential units, relating to 2no. existing properties that lie within the Chapel-en-le-Frith Conservation Area.

An assessment of the proposals has concluded that the proposed physical development would preserve the character and appearance of the building and wider setting of the Chapel-en-le-Frith Conservation Area, thus demonstrating compliance with LP Policy EQ7, and relevant restrictive policies contained under Chapter 16 of the NPPF, underpinned by Section 72(1) of the Act 1990.

Having consulted with Council colleagues, it has been confirmed that the proposals do relate to 3no. existing residential units that are actively paying Council Tax and thus no change of use occurs as a result of the proposed works.

In light of the above, it has been concluded that whilst the units would fail to meet NDSS thus providing a poor standard of amenity for future occupiers in terms of internal floor area and occupancy, there is no credible or valid reason for refusal having regard to LP Policy H3 given that no material change of use occurs.

The fact that no additional residential properties are proposed as part of the application means that there is no requirement for additional off-street parking. The existing area allocated for parking would remain unaltered and as such, particularly given the highly sustainable location of the site, there are not considered to be any adverse harm relating to Highway Safety.

The application is thus considered to constitute a sustainable form of development that complies with all relevant local development plan policies and all other material considerations. 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: 30th January 2023

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council