

DELEGATED DECISION REPORT

HPK/2023/0086
Valid 05/03/2023

8 OLD ROAD
WHALEY BRIDGE

PROPOSED SUBDIVISION,
PART CHANGE OF USE FROM
E(C) COMMERCIAL TO C3
RESIDENTIAL DWELLING

(FULL - MINOR)

MAIN ISSUES

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

DESCRIPTION OF SITE

The application property is a commercial unit which is currently vacant and until recently was occupied by a beautician and hairdressers (Use Class E(c)) on both ground and first floor. The applicant states that the building has always been a commercial/retail unit, and a review of the planning history offers no reason to doubt this assertion. The two storey end of terrace building is of stone construction with slate roof, and features a traditional shop front.

The site bounds Old Road on its south-western side, a short distance from its junction with Buxton Road. The area features both residential and commercial/retail units. The Location Plan shows two separate areas marked by a red edge, which denotes the building, and an isolated garden area, to the east.

For the purposes of the Local Development Plan, the site lies within the built-up area boundary and Town Centre of Whaley Bridge, and within the Whaley Bridge Conservation Area.

PROPOSAL

The application seeks full planning permission for the sub-division of the existing commercial/retail use which spans across 2no. floors into 1no. residential unit at first floor level with the ground floor commercial/retail unit being retained. The application also includes proposals to replace windows at first floor level.

The application contains aspects of development that are broadly consistent with those previously approved under HPK/2021/0521.

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
S6	Central Sub-area Strategy
EQ6	Design and Place Making
EQ7	Built and Historic Environment
H1	Location of Housing Development
H3	New Housing Development
CF1	Retail and Town Centres
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
Ensuring Vitality of Town Centres	Chapter 7
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0003/9485	Change Of Use From Retail With Living Above To Pizza Take-away And Living Above (Refused 27/11/2000)
HPK/2001/0433	Change of Use from Shop to Office (Approved 29/10/2001)
HPK/2021/0521	Proposed Subdivision, Part Change of Use from E(c) commercial to C3 residential dwelling and Extension at First Floor (Approved 02/02/2022)

CONSULTATIONS

Publicity

Site Notice expiry date: 5th May 2023
Neighbour consultation period ends: 3rd April 2023
Press Advert: 13th April 2023

Public Comments

1no. neutral comment has been received from a neighbour:

The application appears to state an intention to store waste, although it does not specify domestic or commercial, in the remote amenities area. According to the site map, this is directly behind and actually adjoins our garden. My concern is that this will attract vermin, i.e rats etc. and could also lead to obnoxious smells therefore spoiling our enjoyment of our garden.

Whaley Bridge Town Council Comments

No comments received at the time of writing

Conservation Officer

No comments received at time of writing

Tree Officer

The application appears to be solely about the main building and not the second area marked in red (described as amenity area) on the application. If this is the case then there are no objection as no trees are impacted. If the second area is to be affected then more information will be required as there appears to be trees in the amenity area that would require assessment, as they are covered by both the conservation area and a TPO.

Derbyshire County Council Highways

It is considered that the application will have no detrimental highway impact on that basis there are no highway objections to the application.

OFFICER COMMENTS

Principle of Development

The application seeks to sub-divide an existing commercial/retail unit to create a new residential unit at first floor level, retaining the existing ground floor unit, together with associated changes to first floor windows.

The site lies within the built-up area boundary of Whaley Bridge, one of the larger Market Towns that sit at the top of the settlement hierarchy under LP Policy S2 which are the focus for new housing and economic growth.

LP Policy H1 refers to the Location of New Housing Development and encourages the conversion re-use of the building to create new housing development on unallocated sites within the built-up area boundary of the towns and larger villages.

The site is situated within the defined Town Centre and as such is subject to LP Policy CF1 which seeks to maintain and enhance the viability and vitality of town

centres, by amongst other things retaining ground floor frontages, and supporting mixed uses where they are compatible with surrounding uses.

Chapter 5 of the NPPF contains relevant national policies designed to deliver a sufficient number of homes, giving significant weight to small windfall sites on suitable sustainable sites within settlements.

The proposal supports the aims and objectives of the above local and national policies and as such the general principle of this use in this location is acceptable, particularly in light of the fact that there is an extant permission under HPK/2021/0521 for the sub-division and creation of a new residential unit.

The site is also located within Whaley Bridge Conservation Area, and as such, the application must demonstrate compliance with LP Policy EQ7, and relevant restrictive policies relating to heritage conservation contained under Chapter 16 of the NPPF, underpinned by Section 72 of the Act 1990, in order to be supported in principle.

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.

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.

Paragraphs 199-202 of the NPPF sets out how a local planning authority should assess the significance of a heritage asset and the potential impact of a development 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 site lies within the Whaley Conservation Area and therefore any extensions or alterations to the building must be handled in a sensitive manner. The previous application approved under HPK/2021/0524 included a small rear extension to accommodate a larger 2no. bedroom flat with accommodation on the second floor.

This revised application seeks permission for a smaller 1no. bedroom flat with no extensions to the rear proposed. The only notable change is the introduction of a new rear entrance door, however, this is not material and could be implemented without planning permission.

The alterations to first floor windows are broadly consistent with those previously approved under HPK/2021/0521. As such, it is considered that the proposed development would preserve the character and appearance of the building, the wider street scene, and the Whaley Bridge Conservation Area, in accordance with LP Policy EQ7, and relevant restrictive policies under Chapter 16 of the NPPF.

The applicant is advised that any changes to the shop frontage that would be required to facilitate a new tenant in the currently vacant commercial premises is likely to require Advertisement Consent.

Amenity

LP Policy H3 relates to new housing and requires all new development to provide a high standard of amenity for future occupiers by demonstrating compliance with Nationally Described Space Standards (NDSS) published by DCLG 2015.

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.

LP Policy EQ10 seeks to ensure that people and the environment are protected from adverse impacts relating to issues including air pollution, noise, light pollution or any other nuisance or harm to amenity, by securing appropriate mitigation by way of planning conditions and obligations.

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.

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

The site is bounded on both sides by residential flats above retail units at ground floor level. Given that no extensions are proposed under this application it is considered that no adverse impacts to neighbouring residential amenity would arise as a result of the proposal.

The Floor Plans show the proposed residential flat to have one single bedroom with an internal ground floor area of approximately 37sqm which complies with NDSS space standards. A condition is recommended that ensures that the property is only permitted to be single occupancy in the interests of providing a high standard of amenity for the future occupant.

The change of use from commercial to residential at first floor level is likely to result in a positive benefit with regards to reducing the potential for disruption, as a commercial unit would likely have a greater number of comings and goings and could potentially include noise from non-domestic equipment. As such, the application is considered to be acceptable having regard to LP Policy EQ10.

A comment has been received from a neighbour that has concerns regarding waste storage and that this has the potential to attract vermin and odours to an area that immediately adjoins their garden.

Whilst no comments have been received in connection with this application, AES Waste, responsible for waste collection, raised no objections in relation to the previously approved application. Given that there are no material changes to how waste would be stored or disposed of, it is considered that there are not considered to be any adverse impacts in relation to this matter. In any event, separate environmental legislation outside of the planning system protects against the concerns raised by this neighbour.

In light of the above, it is considered that the proposed scheme would preserve the amenity of neighbouring properties and, subject to an appropriate condition, would provide an acceptable standard of amenity for future occupiers, in accordance with LP Policies, H3, EQ6 and EQ10, the Residential Design Guide SPD, and relevant paragraphs within the NPPF.

Parking Provision and 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.

The existing building does not benefit from any off-street parking but is nevertheless located in a highly sustainable location within the built-up area boundary and the

Town Centre of Whaley Bridge. The Highways Authority have raised no objections consistent with the previous application approved under HPK/2021/0521.

Consistent with the assessment of this previous application it is considered that given the highly sustainable location of the site and very modest scale of the proposed use, with excellent access to local public transport, and that the majority of properties in the vicinity do not benefit from any off-street parking facility, any conflict with the Council's parking standards and LP Policy CF6 can be justified on this occasion. There are not therefore considered to be any adverse impacts to highway safety as a result of this proposal.

Other Matters

Trees

The Tree Officer has been consulted and has referred to the second isolated area marked in red. It is clear from both the plans and documentation submitted that this area is simply amenity space associated with the newly created residential unit and that no physical structures or development would occur within this area. As such, there would be no adverse impacts on any protected trees within the conservation area.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF). It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

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 the sub-division of an existing commercial/retail property to create 1no. residential flat on a site that lies within the Town Centre of Whaley Bridge and within the Whaley Bridge Conservation Area.

The application follows a previous application approved under HPK/2021/0521 which is extant and could be implemented. This revised proposal comprises a smaller 1no. bedroom flat, with no proposed extension to the rear. Having regard to relevant

strategic and housing policies and in light of this extant permission, the principle of development is supported, subject to all relevant considerations.

An assessment of the application has confirmed that the revised proposal would continue to preserve the character and appearance of the building and wider Conservation Area, would preserve the amenity of neighbouring properties and provide an acceptable standard of amenity for future occupiers, and would not result in any degree of conflict with parking standards, that would warrant a reason for refusal.

The application is therefore considered to amount to a sustainable form of development and 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: 3rd May 2023

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council