

DELEGATED DECISION REPORT

HPK/2022/0385
Valid 14/09/2022

KURANDA HOUSE, FORGE
ROAD, WHALEY BRIDGE,
DERBYSHIRE, SK23 7HY

CONVERSION OF PART OF
THE EXISTING KURANDA
HOUSE OFFICES INTO 2 NO.,
2 BEDROOM APARTMENTS
(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design and Impact on Local Character and Appearance
- Residential Amenity (including an assessment of space standards)
- Highway Safety and Parking

DESCRIPTION OF SITE

The application relates to an element of Kuranda House located off Forge Road in the Whaley Bridge area of Derbyshire and the surrounding site is a mixed-use site on the corner of Forge Road and Buxton Road in Whaley Bridge.

The site is located within an area that is predominantly residential in character, albeit there are other mixed uses within the immediate locality, namely Whaley Bridge Primary School, Riverside Works and A1 retail units. The site is located within the limits of the built up area of Whaley Bridge.

PROPOSAL

This planning application seeks approval for the conversion of part of an existing commercial office space, known as Kuranda House into 2 no. 2 bedroom apartments.

Revised plans were submitted during the course of the application which reduced the size and scale of the proposed development as well as alterations to the external layout and parking areas. A two storey front extension previously proposed to the front elevation of the existing building to provide accommodation has been removed.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- EQ1 Climate Change
- EQ6 Design and Place Making
- EQ7 Built and Historic Environment

EQ10 Pollution Control and Unstable Land
EQ11 Flood Risk Management
E 4 Change of Use of Existing Business Land and Premises
H1 Location of Housing Development
H3 New Housing Development
CF6 Accessibility and Transport

Whaley Bridge and Furness Vale Neighbourhood area

National Planning Policy Framework

Paragraph 11 The presumption in favour of sustainable development
Section 5. Delivering a sufficient supply of homes
Section 6. Building a strong, competitive economy
Section 7. Ensuring the vitality of town centres
Section 8. Promoting healthy and safe communities
Section 9. Promoting sustainable transport
Section 12. Achieving well-designed places
Section 14. Meeting the challenge of climate change, flooding and coastal change

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2018/0497

Partial demolition of existing commercial property (Use Class B8). Conversion of warehouse space to office accommodation (Use Class B1a). Construction of 8 no. flats (in 2 no. buildings) with 6 no. flats served by carer accommodation (Use Class C2). Detached garage and associated works.
Approved with conditions.

CONSULTATIONS

Publicity

Site Notice expiry date: 21/11/2022
Neighbour consultation period ends: 21/11/2022
Press Advert: N/A

Public Comments

None received.

Town / Parish Comments

None received.

Conservation Officer

No objection.

Derbyshire County Council Highways

No objection subject to conditions:

1. The premises, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with the revised application drawing for the parking and manoeuvring of residents', visitors' and staff vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
2. The premises, the subject of the application shall not be occupied until a bin store has been provided adjacent to Forge Road, so bins can be stored clear of the public highway on collection day.

HPBC Environmental Health

No objection

Coal Authority

No objection

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 takers 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 will expect all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible enhancing the environment. Policy S1a establishes a presumption in favour of sustainable development, as outlined within the NPPF.

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 LP (Local Plan) Policy S2.

Development is directed towards the most sustainable locations in accordance with the settlement hierarchy outlined by policy S2. The spatial strategy seeks to focus future growth within the largest settlements in the High Peak, namely Buxton, Glossop, Chapel-en-le-Frith, New Mills and Whaley Bridge, in order to strengthen their role as service centres.

Policy E4 relates to the change of use of existing business land and premises and states that development proposals involving the redevelopment or change of use of existing business or industrial land or premises (falling within Use Class B1, B2 or B3) for non-employment uses will only be permitted under certain circumstances. However, it also states that where a change of use is proposed, preference will be given to mixed-use schemes that retain an element of employment uses. Mixed-use proposals should not create any environmental, amenity or safety issues.

Policy H1 relates to the location of housing development and promotes the effective re-use of land for housing on all sites suitable for that purpose. In accordance with policy H3, the Council will require all new residential development to address the housing needs of the local people by meeting the requirements of affordable house as set out in policy H4. As the application site falls below the trigger for affordable housing as set out at policy H4, this policy is not applicable to this scheme.

The existing arrangement at this location consists of a mixed use development comprising of a previously approved assisted living accommodation, office accommodation and residential dwellings. The scheme would continue to provide employment for members of staff to the existing business located to the back of the application site outlined in blue on the site location plan submitted alongside this application. The application site is bound by residential dwellings and a primary school is located opposite the site to the south. It is considered that the size, scale and nature of the proposed development for two new dwellings would be more compatible with existing neighbouring uses than the existing commercial use class of the application site.

Design and Impact on Local Character and Appearance

The NPPF highlights that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

Local Plan policies S1 and EQ6 expect new development to contribute to a sense of place by taking account of the distinct character, townscape and setting of the area and securing high quality and locally distinctive design and amenity.

The High Peak Design Guide 2018 requires new development to be guided by existing character and context, including the grain of development and building heights.

Overall, the external alterations to the original building will harmonise well with the existing development. Following negotiations with the applicant, the location of parking as well as some landscaping enhancements have also been provided on site. This includes a useable amenity space for future residents that will also provide some visual relief as well as a reduction in the amount of hardstanding proposed.

The application site is noted to be in close proximity to the Grade II listed Buxton Road railway bridge. Over the existing arrangement, the proposal is not considered to have any impact on the setting of this listed structure. The Council's Conservation Officer confirms no objection to the proposed development.

This application has been designed to respect the character of the application site and wider streetscene, having regard to matters of scale, height, density, layout, appearance and materials.

Overall, the proposal therefore complies with the general design and conservation tenets of Local Plan policies EQ6, S1 and S5 and those outlined in section 12 of the NPPF.

Residential Amenity

LP Policy EQ6 seeks 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.

Similarly, LP Policy EQ10 states that the Council will protect people and the environment from unsafe, unhealthy and polluted environments. Given the scale of the buildings and their positions relative to nearby dwellings, it is not considered that they do or would give rise to harm in terms of visual intrusion, overbearing, loss of light or overshadowing.

LP Policy H3 sets out specific requirements for new housing developments. All new proposals are required to provide a satisfactory amount of internal space that accords with DCLG (2015) Nationally Described Space Standards, in order to provide a suitable level of amenity for future occupiers. Both dwellings as proposed comply with the Nationally Described Space Standards.

Overall, and given the constraints of the building it is not considered that there are practical alternatives to achieve a significantly better layout in this regard, however, a condition requiring a scheme of noise insulation between the two flats.

For the above reasons the proposed units are on balance considered to be acceptable in terms of the amenity of future occupiers. As such, the application as revised is considered to provide a suitable level of amenity for future occupiers in line with LP Policy H3.

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 proposed conversion would not include any additional windows or other external alterations which could give rise to any harm to amenity of neighbouring properties, including in terms of loss of light and overshadowing over the existing arrangement.

The proposed layout of the new dwellings as proposed will not result in an increased level of overlooking or perceived overlooking over the existing arrangement. The first floor flat as proposed neighbouring properties and the proposed relationship maintains habitable room windows in line with the front and rear elevations of the existing buildings maintaining appropriate separation distances in light of the existing arrangement. This new feature does not pose a risk of overshadowing neighbouring properties either and in the context of the existing building, is considered to be acceptable. The proposed reconfiguration will not result in any greater level of overlooking of the neighbouring properties at the front, rear and side of the building. A condition to ensure that the first floor windows serving a bathroom and kitchen area to the first floor flat remain obscure glazed is proposed in this instance to protect neighbour amenity for current and future occupiers.

In light of the overall scale of the development, including surrounding space to mainly to the rear of the property, it is not considered that the change of use would result in significant harm to neighbouring occupants in terms of noise or other nuisance.

On this basis the application is considered to comply with LP Policies EQ6 and EQ10.

Highway Safety and Parking

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 satisfactorily accommodated within the existing highway network. Appendix 1 of the Local Plan contains the Council's parking guidelines.

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 property has an existing car park provision and the now amended proposed layout drawing provides two parking spaces for the proposed dwellings, one each, as well as additional parking for the wider site. It is considered that level of off-street car parking provision proposed is acceptable and does not pose a risk of harm to highway safety. The proposal is therefore considered to be acceptable in terms of policy CF6. DCC Highways team also maintain no objection to the proposal subject to conditions.

CONCLUSION / PLANNING BALANCE

Bearing the above points in mind it is considered that the proposed development would not be harmful to the character of the area nor adversely affect residential amenity or highway safety. All other relevant planning matters have been satisfactorily addressed. The development therefore constitutes a sustainable form of development which accords with Local Plan policies S1 and S1a (sustainability) and the central tenet of sustainability running through the NPPF. As such it is recommended the application be approved.

OFFICER RECOMMENDATION : Approve with conditions

Case Officer: John Van Eker

Recommendation Date: 22/09/2023

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council