

DELEGATED DECISION REPORT

HPK/2023/0234
Valid 29/06/2023

**92, HIGH STREET, NEW
MILLS, DERBYSHIRE, SK22
4BR**

**USE OF EXISTING DWELLING
AS HOLIDAY
ACCOMMODATION
INCORPORATING MINOR
ELEVATIONAL CHANGES
(AMENDED SCHEME TO
PREVIOUS CONSENT REF
HPK/2021/0083 DATED 8
OCTOBER 2021)**

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Flood Risk
- Residential Amenity
- Highways Safety
- Design and Conservation

DESCRIPTION OF SITE

The application relates to a parcel of land that sits at the corner of High Street and Hyde Bank Road, New Mills which contains a three storey split level dwelling constructed of stone with tiled roof. The lower ground floor and adjacent area of hard standing to the south which provides off-street parking sits at consistent level with Hyde Bank Road, whilst the ground floor level sits commensurate with High Street, which rises with the topography in a south-westerly direction.

The design of the fenestration on the existing building provides evidence of a shop front as the buildings formerly, now redundant, use as a shop, which has been confirmed by the Council Tax Records which shows that since 2001 the building has been in use as a domestic residential dwelling. This was established in a recent planning application at this address outlined in the site history section of this report.

The site lies in a prominent location within the built-up area boundary of New Mills within the New Mills Conservation Area, and partially lies within Flood Zone 2.

PROPOSAL

The scheme follows a previous planning consent at the site ref HPK/2021/0083 which was issued by the Council on 8 October 2021 to allow the use of the building as holiday accommodation and included changes to the elevations.

The application remains for permission for the change of use of the existing residential dwelling to a self-catering holiday let accommodation with associated off-street parking provision and changes to the design of the fenestration and some alterations to the external appearance of the property.

In summary the external alterations include the installation and replacement of rainwater goods to match existing, new timber frames sash style glazing to match existing, the restoration of existing lintels and sills, the refurbishment of the existing shopfront with glazing to match and the installation of one mid level window to the east facing side elevation of the same proportions of other windows to this elevation.

A hot tub to the rear garden area has been removed from the proposed plans following negotiations during the determination period.

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
S6 Central Sub-area Strategy
EQ1 Climate Change
EQ6 Design and Place Making
EQ7 Built and Historic Environment
EQ11 Flood Risk Management
CF5 Provision and Retention of Local Community Services and Facilities
CF6 Accessibility and Transport

National Planning Policy Framework

Achieving Sustainable Development	Chapter 2
Building a Strong Competitive Economy	Chapter 6
Promoting a Sustainable Transport	Chapter 9
Making Effective Use of Land	Chapter 11
Achieving Well Designed Places	Chapter 12
Meeting the Challenge of Climate Change and Flooding	Chapter 14
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

Application number	Proposal	Decision	Decision date
HPK/2022/0388	Application for Variation of a Condition 2, 3 and 5 following Grant of Planning Permission HPK/2021/0083	Application Withdrawn	08/06/2023

HPK/2022/0162	Use of Existing Single Dwelling as 5 Bedroom Family Home incorporating minor elevational changes. Proposals include the space which was originally used as a shop, but has not been used as such for over 10 years and has been used as part of dwelling since shop closure.	Application Withdrawn	30/05/2022
HPK/2021/0083	Use of Existing Single Dwelling as Holiday Accommodation incorporating minor elevational changes. Proposal includes space which originally used as shop space, but not been used as such for over 10 years and has been used as part of dwelling since shop closure.	Planning Permission - Approved	08/10/2021

CONSULTATIONS

Publicity

Site Notice expiry date: 29/06/2023
 Neighbour consultation period ends: 10/08/2023
 Press Advert: 10/08/2023

Public Comments

Two representations received:
 Support x1
 Neutral x1 the neutral representation received contained the following comments.

The comments of the neutral representation are outlined below:
 Neither Comments: Whereas I understand that holiday accommodation within an area that relies heavily on a tourist economy is a necessity I feel that the council should bear in mind the following coniferous when debating the matter:
 - It is becoming increasingly hard for people who cannot afford mortgages to find housing in and around the Peak District and rental prices are steadily rising so even if you find somewhere, the chances of affording it are slim. Not a great thing for anyone who works in the area and for revitalising communities.
 - The small amount of benefit to the local economy that this holiday let will bring is not enough when considering the it will bring no benefits to the community of New Mills particularly as the owner does not live in the area.
 - If it is within the council's power is it possible to insist that the owner uses local firms to do the work and sources as much furniture and as many fittings locally. That way, if this is to go ahead, it will at least benefit some of the local businesses. It is

also worth bearing in mind that although tourists benefit the area as a whole the actual town of New Mills sees very little benefit from tourists and it should be brought to the attention of the New Mills Town Council as well as yourselves that some effort must be made to promote the town to the holiday makers if they want the businesses to thrive and the town to be an asset to the area.

Case Officer comments:

The principle of the proposal is considered in the assessment section of this report. The points raised around using local firms and sources to complete building and restoration work is noted but The Council could not reasonably assure this for a small scale development of this nature.

Town / Parish Comments

No objection.

Derbyshire County Council Highways

No objection.

HPBC Conservation Officer – No comments received however the application is viewed in the context of HPK/2021/0083 for which comments were received in support of the proposal.

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.

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.

The application seeks permission for the change of use of a dwellinghouse to a self-catering holiday let. A previous application at this address found this proposed change of use to be acceptable in principle explaining that evidence from the Council's records confirms that the building has been paying Council Tax for a residential property since 2001 and thus whilst there is no planning history associated with the change of use from its former use as a shop, it is accepted that the lawful use of the existing building is a dwellinghouse. The Council took this view in determining the previously approved application for the same form of development at this location also.

The Officer Report for application no. HPK/2021/0083 explains that Local Plan (LP) Policy E6 aims to promote tourism and culture within the Borough by (amongst other things) supporting and supplementing the tourism offer of the Peak District National Park and supporting tourism and provision of visitors which is appropriate to the settlement and consistent with environmental objectives. Compliance with Policy E6 of the LP remains engaged.

Chapter 6 of the NPPF contains policies designed to create a strong, competitive economy. Paragraph 83 states that policies and decisions should support the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

The application would introduce a new tourism accommodation offer to the town within close proximity to the Peak District National Park and thereby supports the aims and objectives of LP Policy E6 and Chapter 6 of the NPPF.

Whilst the proposals would result in the loss of a dwellinghouse, it is judged that this would have no material impact on the housing supply and trajectory within the authority area and therefore the general principle of development is supported, in accordance with the historic planning decisions at this location.

As the site lies partially within Flood Zone 2, and within the Conservation Area the application is subject to LP Policies EQ1 and EQ11 and relevant restrictive policies contained within Chapter 14 of the NPPF which relate to tackling climate change and

flooding. In addition the application is subject to LP Policy EQ7, and relevant restrictive paragraphs relating to heritage conservation contained under Chapter 16 of the NPPF, underpinned by Section 72 of the Act 1990.

The application can therefore only be supported if it can be demonstrated that the proposed change of use and associated development will not result in any adverse flood risk impacts and will either preserve or enhance the character and appearance of the building and wider conservation area.

Flood Risk

LP Policy EQ11 refers to Flood Risk Management and requires all applications to demonstrate that the proposed development will not give rise to any unacceptable increase in flood risk either onsite or elsewhere in the Borough. Chapter 14 of the NPPF contains the relevant national planning policies in connection with climate change and flood risk.

The site lies partially within Flood Zone 2. In determining the previous approved application at this location for the same form of development the applicant was invited to submit a Flood Risk Assessment (FRA) with appropriate mitigation measures to demonstrate compliance with the above policies.

An FRA (dated September 2021) was duly submitted by EWE Associates alongside the previous application (HPK/2021/0083) which was reviewed by the Lead Local Flooding Authority who had no objections to the proposed use subject to an advisory note. Considering the recent approval and advice provided by the LLFA there is no objection to the proposed end use at this location.

On this occasion the Council have considered the same FRA as there is no material change to the proposal from when it was previously approved and with the same mitigation techniques the proposal is not considered to result in any increase in flood risk either on site or elsewhere in the Borough, in accordance with LP Policies EQ1 and EQ11, and relevant restrictive policies contained under Chapter 14 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.

Additionally, the High Peak Residential Design Guide SPD requires extensions and conversions 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 application would see the existing dwelling converted to a self-catering holiday let with 7 x bedrooms and associated off-street parking provision. The building sits on a corner plot with public highways on to sides and a river on another, with a noticeable gap between other residential properties. It is considered that the 'comings and goings' generated by visitors would not result in any general noise or disturbance that would materially impact upon neighbouring amenity over the existing arrangement.

Any windows serving a bathroom are recommended to be obscure glazed in the interests of preserving privacy. The relationship between habitable windows and neighbouring properties are not materially different to the existing property and therefore the proposed use will not result in any harm to amenity with regards to overlooking or loss of privacy.

An additional external area providing decking, akin to the private garden of a typical dwellinghouse, is proposed to the rear of the property adjacent to the car park. Owing to the existing relationship shared with adjacent properties this element of the proposal is not considered to represent an unacceptable addition over the previously approved scheme. In addition the end use would be similar to the uses of a typical dwellinghouse. Concern was raised by officers in respect of the hot tub, which raised the potential for noise disturbance particularly in the evenings. An additional canopy was originally proposed to the rear of the application site over the hot tub area which would go some way to protect the amenity of neighbouring occupiers. However, an amended plan has now been submitted which shows the hot tub omitted from the scheme. On this basis the canopy is not deemed to be required.

Having regard to the above analysis, the application is considered to preserve the residential amenity of neighbouring residents in accordance with LP Policy EQ6, the High Peak Residential Design Guide SPD and paragraph 130 of the NPPF.

Highway Safety

LP Policies EQ6 and CF6 seek to ensure that all new development is served by safe and satisfactory access.

The Proposed Site Plan as submitted shows the provision of a minimum of 7x car parking spaces to an existing area of hardstanding, which is considered to be sufficient for the number of bedrooms proposed. The Highways Authority have no objections subject to off-street parking (including cycles) being provided in line with parking standards and maintained throughout the lifetime of the use.

As such it is judged that subject to appropriate conditions the proposed use would not result in any harm to highway safety in accordance with LP Policy CF6 and paragraph 110 of the NPPF.

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

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 buildings to facilitate changes of use and states that the improvement or alteration of a site is generally preferable to redeveloping a site, but should be undertaken with care, taking note of what is already there before preparing the design and to work with, not against, the building's character; the aim being to revitalise the building without the altering its fundamental character. The guidance states that it is always best to use existing openings to the full before considering their alteration.

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 national restrictive policies relating to heritage and conservation. Paragraphs 193-196 set out how a local 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 application relates to a building that sits in an extremely prominent corner position adjacent to the public highway within the Conservation Area. Any changes to the external appearance of the building therefore need to be sensitively designed.

The proposed change of use does not involve any physical extension of the existing building. However changes to fenestration with regards to materials and visual appearance are proposed. The additional plans have been submitted during the lifetime of the application provide enhanced details and a description of the proposed changes to each aspect of fenestration which refers to timber frames as well as an appropriate set back to fenestration highlighted by the cross sections provided.

As such, it is considered that the application as proposed will ensure that the character and appearance of the building and wider conservation area will be preserved. Based on the additional information received alongside the application no additional pre-commencement conditions are proposed.

Subject to appropriate conditions the application is considered to demonstrate compliance with LP Policy EQ7, and relevant restrictive policies contained under Chapter 16 of the NPPF.

CONCLUSION / PLANNING BALANCE

The application proposes a new residential dwelling at this location and it is considered that the development comprises sustainable development and meets the relevant policy tests of the adopted Local Plan and NPPF which includes a neutral impact on the relevant designated heritage assets.

OFFICER RECOMMENDATION : Approve with conditions

Case Officer: John Van Eker

Recommendation Date: 13/10/2023

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council