

DELEGATED DECISION REPORT

HPK/2024/0052
Valid 09/02/2024

40 ALBION ROAD
NEW MILLS

CHANGE THE USE OF THE
UPSTAIRS FLAT TO USE AS
A SPACE FOR BUSINESS.

(FULL - MINOR)

MAIN ISSUES

- Loss of residential
- Economic benefit
- Residential Amenity

DESCRIPTION OF SITE

40 Albion Road is a shop unit currently used as a photography studio. The application relates to the first floor of the premises which has previously been used as a residential flat. The flat has its own private access from Jodrell Street but employees or customers visiting the first premises would access via the photography studio entrance on Albion Road.

Albion Road has a mix of commercial uses as well as residential properties, it is outside the defined town centre for New Mills. The site is not within a conservation area.

PROPOSAL

The application proposes changing the use of the first floor flat from residential to a business use. The proposal does not entail any physical changes to the building and relate solely to the use changing.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
EQ 6 Design and Place Making
CF 6 Accessibility and Transport

National Planning Policy Framework

Chapter 2: Achieving Sustainable Development
Chapter 6: Building a strong, competitive economy

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

DET/2023/0016 – An application was submitted for prior approval but the applicant was advised that this application process does not exist for proposals seeking residential to commercial approval (only the converse). The application was subsequently withdrawn and the current application was submitted.

CONSULTATIONS

Publicity

Site Notice expiry date: 20.03.24

Neighbour consultation period ends: 20.03.24

Public Comments

One objection has been received from a local resident commenting that the flat has been vacated for some time and is now being used as a Tattoo Parlour. Concerns are raised about the use class of the business. They are concerned that the use cause further parking problems on Albion Road and Jodrell Street. They are also concerned about the waste associated with its use as a Tattoo Parlour.

Town / Parish Comments

No Objection

Derbyshire County Council Highways

No objection, on the basis of the location of the premises, the extensive waiting restrictions on the highway network in the vicinity of the site and the likely low vehicle trip generation associated with the proposed business use.

OFFICER COMMENTS

Principle of Development

The application seeks permission for change of use of the first floor of a property in Albion Road, New Mills. New Mills is identified as a Market Towns at the top of the settlement hierarchy under Local Plan Policy S2 where there is a focus for new housing and economic growth.

The first floor of the building has historically been used as a flat but it is now being used for commercial purposes. A tattoo company, Suburban Ink, has recently started trading from premises.

The application seeks change of use to a business use which is categorised as use class E Commercial, Business and Service. The use class is broad ranging and includes a range of uses including shop, cafe, office, creche and medical practice:

- a) *Shop other than for the sale of hot food*
- b) *Food and drink which is mostly consumed on the premises*
- c) *the following kinds of services principally to visiting members of the public*
 - i. *financial services*
 - ii. *professional services (other than medical services)*
 - iii. *any other services which it is appropriate to provide in a commercial, business or service locality*
- d) *Indoor sport and recreation (not swimming pools, ice rinks or motorised vehicles or firearms)*
- e) *Medical services not attached to the residence of the practitioner*
- f) *Non-residential creche, day centre or nursery*
- g) i) *office* ii) *the research and development of products or processes* or iii) *any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area)*

The tattoo company which is currently occupying premises is considered to fall within use class E as it would fall within the definition of c) *the following kinds of services principally to visiting members of the public iii. any other services which it is appropriate to provide in a commercial, business or service locality*. Prior to the change to the use classes order in 2020, which introduced class E, a tattoo parlour would be considered sui generis but now use class E c) iii) would appear to include uses such as Tattoo Parlours.

It is understood that the applicant, who runs the photography studio at ground floor level, seeks a flexible class E business use as they may well use the space for their business in future. Class E is a flexible use that always for a change between a range of commercial uses without needing planning permission.

The proposals would result in the loss of a residential flat to a commercial use. National and local planning policies promotes Sustainable Development as a principal aim of the planning system to balance social, economic and environmental objectives. Whilst this proposal will result in the loss of one residential flat it will create an economic benefit by providing accommodation for a local business.

Policy S 1 establishes Sustainable Development Principles that includes:

- *Supporting the local economy and businesses by providing for a range of economic development that provide employment opportunities suitable for local people in sustainable locations, and generally encourage larger developments to incorporate mixed uses where possible so as to reduce the need to travel;*
- *Maintaining and where possible enhancing accessibility to a good range of services and facilities, and ensuring existing infrastructure and services have the capacity to support development when required.*

The planning balance involves weighing up the sustainable development principles, which in this case is the loss of one residential units against the potential economic benefits of a business use occupying the premises. In this case the loss of one residential is not considered negligible, notwithstanding the local plan's priority of delivery new homes (policies S3 and H1). The application form indicates that the new

commercial use could have up to 4 full time and 1 part-time staff which is seen as an economic benefit.

Given the site is a mixed use area with a number of commercial uses, the addition of a commercial use on the first floor of the building is considered suitable to the site its surroundings.

Amenity

The first floor of the building was used as residential use and had been in this use for some time. Albion Road is mixed use area with two storey terraced housing next to shop units with flats above. The uses have been designed or evolved to be compatible with one and another.

Given the mixed use of the area, the change from residential to commercial is not considered to give rise to any undue disturbance to the amenity of adjacent properties.

However, Class E, as outline above, does include a broad range of uses, all of which are not considered suitable for a first floor premises. The current occupier is within a use that is considered to fall within Class E (c) iii). Class E (c) uses are considered appropriate to the premises. Other Class E uses that would be acceptable include class E (g) i) office but uses such as b) food and drink (i.e. café/restaurant) would not be appropriate as the Local Planning Authority would want to be sure that the premises was adequately ventilated with extractor fans for cooking etc.

As such, it is proposed to limit the use to use class E (c) i-iii and (g) (i) office as these are low key uses that can operate in a first floor premises without much disturbance. It would also enable the ground floor photography studio uses the upper floor if they wished to as that use would fall within use class E (c) Accordingly, planning permission would be required to change to an alternative Class E sub-class.

The applicant has confirmed that this restriction to specific sub classes with Class E would be acceptable as they would only let the premises 'dry occupier' which doesn't involve too many comings and goings and would not cause any disturbance such as noise or smell. So limiting the use to an office or a low key service use which generally operates on an appointment basis would be appropriate.

The proposal satisfies policy EQ6 with regards to residential amenity considerations.

Highway Safety

Albion Road has on street car parking and bays in front of the premise which restricts parking to 30 minutes between 8am and 6pm. This restriction is imposed to help ensure that the commercial premises on Albion Road had sufficient parking during the day and that parking is not taken up by residents parking vehicles all day. Resident are able to parking in these spaces outside of these hours.

DCC Highways have been consulted and raise no objection to the proposal and note the use is likely to have a low vehicle trip generation. It is also noted that the site is in

a sustainable town centre location with access to public transport. On this basis a refusal on parking grounds could not be sustained.

Other matters

The objector has raised concerns regarding waste disposal. However, tattoo premises must be licensed with Environmental Health which ensure safe operation of the facility. As such these issues are dealt with under other legislation.

CONCLUSION / PLANNING BALANCE

The proposed change of use from residential to commercial is considered acceptable on the basis of the site, its surrounding and the scale of the use. The proposal is considered to comply with local plan policies and the NPPF and is accordingly recommended for approval.

OFFICER RECOMMENDATION : Approve

Case Officer: Rosie Dinnen

Recommendation Date: 05.04.24

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council