

DELEGATED DECISION REPORT

HPK/2023/0398
Valid 22/09/2023

UNIT 3B
VICTORIA MILL WOODSIDE
STREET
NEW MILLS

RETROPSECTIEVE CHANGE
OF USE FROM PLANT HIRE
(SUI GENERIS) TO GROUND
FLOOR CAR REPAIR GARAGE
AND FABRICATION
WORKSHOP (B2 USE), FIRST
FLOOR GYM AND INDOOR
SPORTS FACILITY (CLASS E),
BASEMENT AND EXTERNAL
STORAGE (B8 USE).
REPLACEMENT OF WINDOWS
AND DOORS. JULIET
BALCONY TO THE FIRST
FLOOR GABLE

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design, Character and Appearance
- Amenity
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

The application relates to a parcel of land that lies adjacent to Victoria Street, New Mills, which contains a two storey brick building constructed of natural stone with a slate tiled roof, and a large area of hard standing, that lies within an area predominantly characterised by industrial uses (B2 and B8 Use Class) forms part of the Woodside Street (Newtown) Housing Allocation, as defined under Local Plan Policy DS14, and within the built-up area boundary of New Mills.

The existing site and associated building is lawfully in use as a Plant Hire business (Sui Generis). However, further to an enforcement complaint and subsequent investigation, it has been established that the existing building and single planning unit has been sub-divided and rented out to individual firms as separate planning units across different floors, as described in the description of development.

PROPOSAL

Further to the enforcement investigation, the applicant is seeking retrospective full planning permission for the sub-division of the site into separate planning units, for the following uses:

- Ground Floor Car and Repair Garage and Workshop (B2 Use)
- First Floor Gym and Indoor Sports Facility (Class E)
- Basement and External Storage (B8 Use).

The application also seeks permission for operational development that consists of the replacement of windows and doors and a juliet balcony to the first floor (southern) gable.

The Proposed Site Plan shows the provision of 16no. off street parking spaces on the area of hard standing immediately adjacent to the building, whilst the larger part of the site to the north is allocated for the storage of 50no. shipping containers, which with a small basement constitutes the B8 Use.

The nearest access to Victoria Street is shown to be characterised by a sliding metal gate with a second internal metal gate separating the car park from the area allocated for storage. A revised Site Plan shows the provision of a timber screen fence at the boundary of residential properties, together with minor amendments to parking layout and cycle storage provision.

The Floor Plans shows the Repair Garage and Workshop (B2 Use) to be accessed via the existing roller shutter door on the principal (western) elevation. The First Floor Gym and Indoor Sports Facility (Class E) would benefit from its own access on the southern gable accessed via a small flight of stairs.

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
- S4 Maintaining and Enhancing an Economic Base
- S6 Central Sub-area Strategy
- EQ6 Design and Place Making
- EQ10 Pollution Control and Unstable Land
- E1 New Employment Development
- H2 Housing Allocations

CF4 Open Space, Sports and Recreation Facilities
DS14 Newtown Housing Allocation, New Mills

National Planning Policy Framework 2023

Achieving Sustainable Development	Chapter 2
Building a Strong Competitive Economy	Chapter 6
Promoting Healthy and Safe Communities	Chapter 8
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Natural Environment	Chapter 15

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0002/0633	Change Of Use Vacant Textile Mill To Diy Trade Supply And Light Industry (Refused 19/03/1984)
HPK/0002/1526	Outline Application for Residential Development – 26 Houses (Approved 16/07/1984)
HPK/0002/2891	Alterations To Existing Industrial Building (Approved 13/05/1985)

CONSULTATIONS

Publicity

Site Notice expiry date: 30th November 2023
Neighbour consultation period ends: 16th October 2023
Press Advert: N/A

Public Comments

1no. neutral comment has been received in connection with this application which makes the following observations:

- Removal of trees and bushes means that noise is a concern
- Traffic fumes are a concern due to lack of natural filtration from trees/bushes
- Woodside Street already suffers from traffic being a narrow street, not able to withstand increase in heavy large delivery vehicles with associated noise and air quality issues

1no. objection has been received in connection with this application, the grounds of objection being summarised as follows:

- Site forms part of housing allocation under Policy H2 and DS14 of Local Plan
- Requirement of these policies is for a comprehensive masterplan to minimise conflict being residential and employment premises in terms of amenity and safety. No masterplan submitted to cover this application.

- Major issues relating to traffic congestion and access from Victoria Street and Woodside Street, generating unacceptable increase in vehicle movements
- This location is not suitable for Storage and Distribution (B8 Use) for 50no. shipping containers, given restricted access
- Restrictive covenants on our access road that application would be in breach of
- Application should provide new access to premises via Victoria Street

2no. letters of support have been received in connection with this application, which note the following:

- Glad to see traditional old building restored rather than being demolished
- Site appears to be neat and tidy
- Gym popular with all age groups

New Mills Town Council Comments

No Objections

Network Rail

The documents provided by the developer have been reviewed by Network Rail asset protection & so we are lifting the holding objection associated with the above application.

Environmental Health

No comments to make

Canals and River Trust

No comments to make

DCC Archaeology

The proposed development will affect a standing building within the former curtilage of the former Iron Foundry to the north of Victoria Mill as recorded on the 2nd edn of the 1:25 inch OS. The building itself however seems to date to the 1930's as it first appears on the 3rd edn 1:25 of the OS dated from 1937-38.

To me there appear to be no below ground level archaeological implications from the development and I have no objection. Please however consult your own Buildings and Conservation Officer on this site as they may have an objection and require building recording in advance of any conversion.

Derbyshire County Council Highways

Initial Response:

The application proposes the change of use of the application site from plant hire (sui generis) to a number of uses including B2 car repair garage, B2 fabrication

workshop, B8 storage and distribution, both internal and external, and E(d) gym/indoor sports. The application does not breakdown the gross floor area (gfa) for each use but only indicates that the existing gfa for the plant hire use will be the same for the proposed uses. The proposed split of the existing gfa of 460 m2 into each individual use classification will be relatively small, with an additional gfa of 735 m2 of B8 use externally, based on the container size provided on the "Proposed site plan – parking and containers" plan. It is not known if the car repair unit will provide MOTs; for clarity, it would be useful if the applicant can confirm if MOTs will be carried on the site or not.

The analysis carried out using the TRICS database indicates that the number of vehicle trips generated by the site as whole, with all proposed uses being permitted, will not be significant, especially in the peak hours.

I trust that you will assess the proposed parking provision against the guidance in HPBC Local Plan; however, clarification of the car repair unit offering MOTs or not would help in determining on site parking provision. Regarding the other proposed uses, the gym is proposed to offer classes of approximately 25 people and it is stated that "A lot of people who visit the premises either cycle, walk or car share when attending the classes." The location of site is within the guidance on walking distances and there is an extensive footway network with crossing facilities which will accommodate those which choose to walk to the site. However, there are no cycle storage facilities indicated to allow the safe storage of cycles whilst users are using the gym. It is recommended that cycle storage is provided and conditioned accordingly.

The proposed parking layout does show one space which appears to be inaccessible located adjacent to the site access; it would be preferable if this space was relocated to a more accessible location.

The applicant is requested to confirm if MOTs will be carried out on the site and also revise the parking layout as well as indicate cycle storage and submit a revised parking layout. Further comments and recommendation will be provided on receipt of the requested plan and information.

Further Response:

The suitability of the parking space immediately adjacent to the access gates is still questioned; however, should the space be restricted by the gate and therefore not used, this is not considered to be an issue which would warrant objection.

It is recommended that the applicant provides 5 no. bicycle parking spaces which should be conditioned accordingly.

Based on the submitted details and the aforementioned comments, there are no objections to the application subject to the following conditions being included in any consent granted:

1. The development hereby approved shall not be occupied until the parking and turning facilities have been provided as shown on drawing 878-1.04A.

Reason: To ensure conformity with submitted details.

2. The development hereby approved shall not be occupied until 5 number sheltered, secure and accessible bicycle parking spaces have been provided within the application site. The spaces/bicycle storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities.

Further Response (Point of Clarification):

I would say that the only potential difficulty would be controlling the use of the parking spaces for each specific unit but trying to impose a condition for each unit to have a specific number of spaces may become too difficult to enforce.

So, I am happy that the original recommended condition for the site to maintain the number of spaces as per the submitted drawing would be suitable to control the overall parking provision for the site.

So, I confirm that the comments provided in my earlier comments still apply.

OFFICER COMMENTS

Principle of Development

The application seeks retrospective permission to change the use of the existing lawful use of the site and associated building from a former Plant Hire business to various uses as a result of sub-dividing the plot into separate planning units, by virtue of each aspect of the site being rented to individual tenants.

The former Plant Hire business whilst falling under the Sui Generis Use Class, is industrial in nature and shares many similarities with uses that operate under the B2 Use Class, which includes car repair garages.

The site lies in a highly sustainable location within the built-up area boundary of New Mills, identified as one of the larger Market Towns which sit at the summit of the settlement hierarchy under Local Plan Policy S2. Such settlements are the focus for housing and economic growth.

The site also forms part of the Woodside Street (Newtown) Housing Allocation, as defined under Local Plan Policy DS14. Whilst the Local Planning Authority have a medium-long term ambition of developing the site for housing, this must be instigated by a willing developer, who has control (ownership) of the site subject to new development. Until such time as development can be facilitated, the Local Planning Authority must determine proposals within this brownfield allocation on its own individual merits.

As such, it is not considered that the re-use of this existing site of an industrial nature conflicts with Policy DS14 of the Local Plan.

Local Plan Policy E1 supports new business and industrial development in sustainable locations that contribute towards the creation and retention of a wide range of jobs and supports and encourages business development outside of allocated employment sites but within the built-up area when it would not create undue harm to the character, appearance and amenity of the area.

Local Plan Policy CF4 seeks to enhance sport and recreational buildings and uses in order to ensure their continued contribution to the health and wellbeing of local communities.

Chapter 6 of the NPPF contains relevant national planning policies aimed at building a strong competitive economy. Paragraph 81 states that policies and decisions should help create the conditions in which businesses can invest, expand and adapt, and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Chapter 8 of the NPPF contains relevant policies that are geared towards creating healthy and sustainable communities, which includes encouraging the development of sport and recreation hubs that can enhance the health and social wellbeing of local communities.

The proposed development would introduce new general industrial business and leisure uses to an area which is already industrialised on a site which lies in a sustainable location with a relatively low visual sensitivity and fully supports the aims and objectives of Local Plan Policies E1 and CF4 and relevant paragraphs under Chapters 6 and 8 of the NPPF.

As such the principle of development is supported subject to consideration of all relevant planning issues.

Design Character and Appearance

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.

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.

The proposed use of the building and surrounding yard area for general industry and storage respectively is not considered to result in any harm to the character of the site or wider area, given the existing industrial nature of the area and visually low sensitivity.

Turning to the proposed replacement windows and juliet balcony, whilst it is acknowledged that the former is an unusual addition to an industrial building, it does not detract from the traditional character and appearance of the building sufficiently to warrant a sustainable reason for refusal. The latter is a similar replacement to what currently exists and is considered to be acceptable in design terms, which respects the character and appearance of the building and wider area.

As such, the proposal is judged to be compliant with LP Policies S1 and EQ6 and paragraph 130 of the NPPF.

Amenity

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.

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

Paragraph 185 of the NPPF requires policies and decisions to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, having regard to potential impacts on noise, light pollution and any other aspect relating to amenity.

The site lies within a predominantly industrial area, with a row of terraced properties further to the north on Victoria Street.

The Application Form states that the proposed Car Repair Garage and Workshop would be open between the hours of 07:30 and 18:00 Monday-Friday and 08:00-13:00 on Sundays and Bank Holidays. The First Floor Gym is stated as being in operation between 06:30-21:30 Mondays to Fridays, 07:00-17:00 Saturdays, and not open on Sundays and Bank Holidays. The storage operations are stated as taking place between the hours of 07:00-19:00 Monday to Friday, 07:00-17:00 Saturdays, and 10:00-16:00 Sundays and Bank Holidays.

The Environmental Health Officer has confirmed that they have no comment to make in connection with this application, and therefore implies that they have no objection

to the nature and location of the proposed uses, relative to neighbouring properties, and the intended operating hours of each aspect.

In the absence of any objection from Environmental Health Officer and when considering the general industrial character of the area in which the site is situated, together with the existing lawful (former) use of the site as a Plant Hire business, it is considered that subject to a compliance condition which aligns with the proposed opening and operating hours, there would be no harm to the general public or residential amenity of neighbouring properties in accordance with Local Plan Policies EQ6 and EQ10 and paragraphs 130 and 185 of 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.

Paragraph 111 of the NPPF 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.

Concerns have been raised within a single neutral comment and a single strong objection from a neighbouring property with regards to the intensification of the site, the increase in vehicle movements, and resultant impacts on highway safety associated with the proposed uses, highlighting the narrow width of Victoria Street and constrained access for large vehicles associated with the storage aspect of the proposal.

It is acknowledged that Victoria Street is a narrow, and the access to the site, by modern standards, is somewhat constrained. However, the Highways Authority have confirmed that contrary to the above objection, the number of vehicle trips generated by the site as a whole would not be significant, especially during peak hours. Furthermore, it is considered that given the highly sustainable location of the Gym within the built-up area boundary of New Mills, and indoor sports facility, within close proximity to public transport links, it is likely that the vast majority of users will approach the site on foot.

As such, the level of off-street parking to serve the Gym and Car Repair Garage (16no. spaces) is considered to be appropriate based on the floor areas of the proposed use relative to its context and sustainable location within the boundary of a Market Town.

The application has clarified and confirmed in writing that the repair garage will not provide MOT services, thereby satisfying initial comments from the Highways Authority.

A revised Site Plan shows the removal of the constrained parking spaces next to the proposed access gate, and shows the provision of cycle storage as requested by the Highways Authority. The remaining number of spaces (14) is judged to continue to provide more than adequate parking provision having regard to the nature of proposed uses and highly sustainable location.

Whilst the objections to the proposal in highway safety terms are noted, it is the case that the Highways Authority have no objections to each aspect of the proposed use, and therefore subject to compliance conditions that require the parking areas and cycle storage to be retained for the lifetime of development, there are not considered to be any adverse impacts to highway safety, in accordance with LP Policy CF6 and paragraph 110 of the NPPF.

Other matters

With regard to removal of trees and bushes, these are not covered by a TPO and therefore can be removed without consent. Traffic issues have been addressed above and in the absence of objection from the EHO a refusal on air quality grounds would not be justified.

Whilst the site may form part of a housing allocation, and the suggested need for a masterplan, the change of use of the existing building from one commercial use to another does not change the status quo and would not prevent a more comprehensive redevelopment coming forward in the future.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework.

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 retrospective planning permission to sub-divide an existing industrial site that was until recently home to a former Plant Hire business, and

introduce a Car Repair Garage and Workshop (B2 Use), First floor Gym (Class E) and outside Storage (B8 Use).

Further to receiving an updated Site Plan (Rev C), the application has been found to be acceptable in principle, fully supporting the aims and objectives of Local Plan Policies E1 and CF4 and relevant paragraphs under Chapters 6 and 8 of the NPPF.

A detailed assessment has found that, whilst noting the strong objection from a local resident, there would be no conflict with Policy DS14 and the site coming forward as a housing allocation for the reasons outlined above, and that subject to appropriate conditions, the amenity of neighbouring properties and highway safety would be preserved.

As such, the application is found to constitute a sustainable form of development and in line with Local Plan Policy S1a and paragraph 11 of the NPPF is recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 12th June 2024

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council