

DELEGATED DECISION REPORT

DET/2024/0024
Valid 15/07/2024

**THE OLD CARRIAGE
WORKS CLOUGH STREET
BUXTON**

**CHANGE OF USE FROM USE
CLASS E OFFICES AND
WORKSHOP TO USE CLASS
C3, 4NO.RESIDENTIAL
APARTMENTS.**

**(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)**

MAIN ISSUES

- Whether the proposal complies with all relevant parameters under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended
- Whether Prior Approval is required having regard to all matters set out under Paragraph MA.2 and whether the proposal is compliant with all relevant conditions contained within.

DESCRIPTION OF SITE

The application relates to a two storey building that stands west of and fronts Clough Street, Buxton, known as 'The Old Carriage Works'.

The building is occupied by a company called Salutem Workwear, a company that specialises in branded work and leisurewear to businesses and organisations throughout the UK.

The existing Floor Plan shows that the ground floor contains four larger offices, a smaller office and workshop at ground floor level, and an additional office at first floor level. Whilst not shown on the existing plans, it is the case that the vast majority of the first floor has already been converted to a residential flat, following permission granted under HPK/2001/0421.

The building is set back behind the carriageway with the intermittent land functioning as informal off-street parking. The principal elevation of the building is characterised by a fascia sign, with high quality stone at ground floor level and a less attractive dark render present first floor level with a flat roof above.

PROPOSAL

The proposal seeks the change of the existing building to accommodate 4no. residential flats in total.

As stated on the Application Form one flat shown at first floor level of the building is already in situ, so that the resultant building would contain 5no. flats – three at ground floor level and two at first floor level.

Aside from Flat No.2 which is shown to have 2no. Double Bedrooms, all other flats are shown to be single occupancy, all benefiting from an open plan kitchen and living area, and en-suite bathroom.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0001/4227	For Proposed Re-opening Petrol Station With New Tanks And Pumps Permission To Sell Larger Range Of DIY Materials (Approved)
HPK/0001/8961	For Proposed New Door/access Into Clough Street (Approved)
HPK/0002/8014	Conversion Of existing garage/showroom To 5 Cottages & 1 Self-contained flat (including Part Rebuild), and proposed 2 flats to replace existing workshop (Withdrawn 17/08/1989)
HPK/0002/8510	Demolition of existing garage/showroom and construct 7 x self contained flats. Conversion of storeroom to office accommodation above adjacent garage (Approved 01/11/1989) Appeal Allowed (T/APP/T1030/A/90/147155/P2) – Allowed
HPK/0003/7611	Change of Use to Home and Garden Furnishings (Approved 23/12/1998)
HPK/2001/0421	Change of Use of 1 st Floor to Flat (Approved 20/10/2001)
HPK/2003/0502	Proposed formation of a first floor patio area to serve flat (Approved 25/07/2003)
HPK/2011/0132	Erection of glass and steel conservatory on terrace to rear of first floor flat (Approved 26/06/2011)
HPK/2012/0676	Proposed modifications to the north & east elevations to reduce the size of the existing window openings & provide disabled access & disabled toilet (Approved 21/01/2013)

RELEVANT PLANNING POLICIES

National Planning Policy Framework

Promoting Sustainable Transport	Chapter 9
Meeting the Challenge of Climate Change and Flooding	Chapter 14
Conserving and Enhancing the Natural Environment	Chapter 15

CONSULTATION COMMENTS

AES Waste

There must be an area on the site to store the bins; this can be a hard-standing or a bin store structure. There must be sufficient space within the storage area to accommodate the correct number of bins to prevent waste being dumped on the floor.

The bins storage areas must be designed so they are easily accessible for all residents, including those with mobility problems. Bin stores must have adequate lighting and ventilation.

Bin store doors must open outwards and be wide enough to accommodate an 1100l wheeled bin.

Doors must be fitted with a catch or similar device, to lock the door back into position to allow the crew to move bins safely in and out of the store with both hands, without having to hold/open the doors.

There must not be steps or raised door surrounds on the floor at the entrance to the bin store, these prevent bins being wheeled safely and can be easily damaged.

Waste collection vehicles should be able to get within a minimum of 25m of the storage point and the gradient between the two should not exceed 1:12. However, BS 5906:2005 recommends shorter distances of 15m for two wheeled containers, and 10m for four wheeled contained. These recommendations should be followed where possible.

The access from the bin storage point to the collection vehicle should be concrete/paving/tarmac, not gravel or gravel. There must be dropped kerbs where necessary, no steps.

Pathways must be wide enough for an 1100l bin and must not be obstructed by planting, parked, cars or bollards.

If the bin structure has a roof it should be high enough for bin lids to open fully.

Do not provide combined bike and bin stores.

Highways Authority

No objections subject to condition requiring Construction Management Plan to be submitted and approved prior to commencement of development, and a further condition requiring provision of cycle storage.

Environmental Health

No comments received at time of writing.

OFFICER COMMENTS

Whether the proposal complies with all relevant parameters under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

Schedule 2, Part 3, Class MA was original introduced to the General Permitted Development Order (GPDO) in 201 and subsequently amended in March 2024 and permits the following:

MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (Dwellings) of Schedule 1 to that Order

A proposal must comply with all relevant parameters under Paragraph MA.1 in order to be permitted. An assessment of the application against this criteria is undertaken below.

MA.1 Development is not permitted by Class MA –

unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval

The building is currently in use by Saludem Workwear, a commercial company that specialises in branded work and leisurewear to businesses and organisations throughout the UK, which falls within the recently adopted Class E Use Class, that includes commercial offices. The Council hold no information to the contrary that the use of the site has not been continuous for a period of 2 years and as such it is considered that the application is compliant with this requirement.

if land covered by, or within the curtilage of, the building—

- (i) **is or forms part of a site of special scientific interest;**
- (ii) **is or forms part of a listed building or land within its curtilage;**
- (ii) **is or forms part of a scheduled monument or land within its curtilage;**
- (iv) **is or forms part of a safety hazard area; or**
- (v) **is or forms part of a military explosives storage area;**

The site is not constrained by any of the above designations and as such the application is compliant with this requirement.

if the building is within—

- (i) **an area of outstanding natural beauty;**
- (ii) **an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;**
- (iii) **the Broads;**
- (iv) **a National Park; or**

(v) a World Heritage Site;

The site is not constrained by any of the above designations and as such the application is compliant with this requirement.

if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

The site is not occupied under an agricultural tenancy, and as such the application is compliant with this requirement.

before 1 August 2022, if—

- (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and**
- (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.**

Not applicable. The application has been submitted after 1st August 2022.

Whether Prior Approval is required having regard to all matters set out under Paragraph MA.2 and whether the proposal is compliant with all relevant conditions contained within.

Having established that the proposed development complies with all relevant parameters under Paragraph MA.1 and thus constitutes permitted development, the Local Authority now must consider the potential impacts and acceptability of the proposal having regard to all matters of Prior Approval and relevant conditions set out under Paragraph MA.2.

Matters of Prior Approval are considered below.

Transport impacts of the development, particularly to ensure safe site access;

Chapter 9 of the NPPF contains the relevant national planning policies relating to highway safety.

Paragraph 114 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 115 of the NPPF states 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 application site lies within the built-up area boundary of Buxton in a predominantly residential area. The proposal seeks the conversion of the existing building to residential accommodation.

The site doesn't benefit from any formal parking. However an area of hard standing exists between the principal elevation of the building and highway which is utilised for informal off-street parking. In any event, the site lies within a highly sustainable location well connected to services, facilities and other amenities, and is well served by public transport links, and public car parks. As such, on this occasion, particularly in the absence of any objection from the Highways Authority, there are no concerns with regards to the provision of off-street parking associated with the residential flats.

The Highways Authority have requested that conditions be applied to ensure highway safety and as such, subject to compliance with such conditions, there are not considered to be any conflict with relevant paragraphs under Chapter 9 of the NPPF.

As such, Prior Approval is required in this regard, in order to ensure that appropriate planning conditions can be applied in the interests of highway safety. Subject to these conditions, no further information is required to determine this application.

Contamination risks in relation to the building;

Chapter 15 of the NPPF contains national planning policies aimed at conserving and enhancing the natural environment. Paragraph 191 requires decisions to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

The site is currently in use as commercial offices at ground and first floor level, with an existing residential property in situ at first floor level. Whilst no comments have been received from the Council's Environmental Health Officer at the time of writing this report, it is considered that given the history of the site, there are not considered to be any contamination risks in connection with this building and thus Prior Approval is not required in this regard.

Flooding risks in relation to the building;

Chapter 14 of the NPPF contains the relevant policies relating to the challenge of climate change including the need to address flood risk. The site lies within Flood Zone 1 within the urban area and the application does not include any new physical development. As such, Prior Approval is not required with regards to Flood Risk.

Impacts of noise from commercial premises on the intended occupiers of the development;

Paragraph 191 of the NPF states that decisions should ensure that new development is appropriate for its location taking account of the likely effects of pollution on health living conditions and the natural environment, including the need to mitigate and reduce to a minimum potential adverse impacts resulting from noise.

The building is located within a predominantly residential area and already contained a residential flat at first floor level. As such, whilst no comments have been received from Environmental Health at the time of writing, there are not considered to be any adverse noise impacts for residents. Prior Approval is thus not required with regards to noise impacts.

Where the building is located in a conservation area, and the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

The provision of adequate natural light in all habitable rooms of the dwellinghouses;

The Proposed Floor Plans show that all habitable rooms in each flat are served by generously sized windows, and as such all residential units will be adequately served by natural light, providing a high standard of amenity for future occupiers. Prior Approval is thus not required with regards to provision of natural light.

The impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses

The building is located within a predominantly residential area and already contained a residential flat at first floor level. As such, whilst no comments have been received from Environmental Health at the time of writing, there are not considered to be any nearby uses of heavy industry, waste management, storage and distribution facilities, that would give rise to any harm to the amenity of future occupiers. Prior Approval is not required in this regard.

Where the development involves the loss of services provided by a registered nursery, or a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost;

Not applicable.

Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

The building is two storey and has a height of less than 18 metres thereby not triggering the need to consult the Fire Service. Building Regulations that sit outside of the planning system are understood to cover fire regulations and subject to compliance with such regulations there are not considered to be any issues in this regard. Prior Approval is thus not required with regards to fire risk.

OTHER MATTERS

Compliance with Nationally Described Space Standards (NDSS)

The GPDO requires all applications for Prior Notification which include the creation of new residential units to demonstrate compliance with Nationally Described Space Standards (NDSS), which are as follows:

1 Bedroom 1 Person	39m ²
1 Bedroom 2 Persons	50m ²
2 Bedroom 3 Persons	61m ²
2 Bedroom 4 Persons	70m ²

In addition, a single bedroom must have a minimum width of 2.15m and an overall floor area of 7.5m², whilst every double bedroom must have a width of 2.75m and floor area of 11.5m².

At the request of Officers, the Proposed Floor Plans have been updated by the agent to include floor areas for each residential property and dimensions of each bedroom, which are presented as follows:

Flat 1 (First Floor)

Total Area:	39.0m ²
No of Bedrooms:	1
Bedroom Area:	10.19m ²
Minimum Bedroom Width:	3.07m

Flat 2 (Ground Floor)

Total Area:	110.0m ²
No of Bedrooms:	1
Bedroom Area:	23.72m ²
Minimum Bedroom Width:	4.46m

Flat 3 (Ground Floor)

Total Area:	59.0m ²
No of Bedrooms:	1
Bedroom Area:	15.35m ²
Minimum Bedroom Width:	2.86m

Flat 4 (Ground Floor)

Total Area:	45.0m ²
No of Bedrooms:	1
Bedroom Area:	11.7m ²
Minimum Bedroom Width:	1.89m

Based on the above, and having regard to NDSS, it is the case that whilst Flats No.2 and No.3 are capable of accommodating double occupancy, Flats No.1 and No.4 are only capable of single occupancy. As such, a restrictive planning condition will be necessary in order to ensure compliance with NDSS and the GPDO.

Nutrient Neutrality

The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out “likely significant effects” on the SAC.

A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail.

The application relates in the creation of residential units and thus will result in an increase of phosphorus and nitrate into the SAC by virtue of there being an increase in overnight stays.

In light of the CG Fry & Son Ltd Judgement this issue applies not just to full and outline planning applications, and reserved matters and discharge of condition applications where Nutrient Neutrality has not previously been considered at earlier stages of the decision making process, but also to Prior Notification applications.

Consistent with other LPA’s and the determination by High Peak Borough Council of other Prior Notification applications submitted under Class MA, an informative will be applied to the decision notice which makes clear that a Regulation 77 application should be made to demonstrate that the proposal is nutrient neutral and to secure appropriate mitigation where necessary prior to occupation.

CONCLUSION / PLANNING BALANCE

The above assessment confirms that the application complies with all parameters set out under Schedule 2, Part 3, Class MA of the GPDO thereby constituting permitted development. An assessment of all matters of Prior Approval has concluded that whilst Prior Approval is required with regards to Transport Impacts, no further information is required in order to determine this application on the basis that conditions recommended by the Highways Authority are applied to any consent.

It has been found that Prior Approval is not required in conjunction with any other matter of Prior Approval set out under Paragraph MA.2.

As such, it is recommended that Prior Approval is required and approved subject to appropriately worded conditions.

OFFICER RECOMMENDATION : **Prior Approval Required and Approved
Subject to Conditions**

Case Officer: James Stannard

Recommendation Date: 9th September 2024

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council