

DELEGATED DECISION REPORT

HPK/2025/0064
Valid 17/03/2025

50A MARKET STREET
NEW MILLS

PROPOSED CHANGE OF USE
OF THE EXISTING
RESIDENTIAL FLAT (USE
CLASS C3), LOCATED ABOVE
THE COFFEE SHOP (USE
CLASS E(B)), TO CREATE A
MULTIFUNCTIONAL SPACE.

(FULL - MINOR)

MAIN ISSUES

- Design and Conservation
- Amenity
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

The application relates to No.50A Market Street, New Mills, a two storey property that sits at the corner of Sett Close and Market Street. The building is in use as a retail unit (Class E) at ground floor level, with a one bedroom residential flat (C3 Use) – a separate planning unit, situated at first floor level, containing a bedroom, living room, kitchen and bathroom.

The site lies within the built-up area boundary of New Mills and within the Conservation Area.

PROPOSAL

The application seeks full planning permission to change the use of the existing first floor residential flat to create what is referred to as a multifunctional space, as set out in full on the Application Form:

“The proposal seeks to change the use of the existing residential flat (Use Class C3) located above the coffee shop (Use Class E(b)) to create a multifunctional space. The proposed use falls under Class E, encompassing space for community activities, offices, meeting rooms, and occasional use by the coffee shop. The change of use aims to support flexible, mixed-use purposes that benefit the local community, providing adaptable facilities for various activities. No structural alterations are proposed as part of the application.”

The floor plans show that what currently serves the living room and bedroom to become offices, with the kitchen and bathroom remaining in situ.

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
- E1 New Employment Development
- EQ6 Design and Place Making
- EQ7 Built and Historic Environment
- CF6 Accessibility and Transport

National Planning Policy Framework 2024

Achieving Sustainable Development	Chapter 2
Delivering a Sufficient Supply of Housing	Chapter 5
Building a Strong Competitive Economy	Chapter 6
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0000/8288	Change of use flat above shop to small café (Withdrawn)
HPK/0002/5762	Change of use shop to café (Approved 22/09/1987)
HPK/2004/0404	Change Of Use From Restaurant To Class A2 (financial And Professional Services) (Approved 17/06/2004)
HPK/2006/0687	Alterations To Side Elevation To Enlarge Shop Display Window (Approved 01/11/2006)
HPK/2009/0231	Change Of Use From A2 To A3 And Change Of Use From A2 To B1a (Approved 26/06/2009)
HPK/2010/0103	Revise Shop Front To Existing Shop Unit And Change Window At First Floor Level To Traditional Style Window (Approved 04/05/2010)
HPK/2010/0104	Signage (Approved 04/05/2010)

CONSULTATIONS

Publicity

Site Notice expiry date: 30th April 2025
Neighbour consultation period ends: 10th April 2025
Press Advert: 24th April 2025

Public Comments

None

New Mills Town Council Comments

No comments received at time of writing

Conservation Officer

No objections

Derbyshire County Council Highways

No objections

OFFICER COMMENTS

Principle of Development

The application seeks permission to change the use of an existing first floor residential flat to a multifunctional commercial space (Class E), for use by community groups and businesses, on a site that lies within the built-up area boundary of New Mills, one of the larger Market Towns that sit at the top of the settlement hierarchy under Local Plan (LP) Policy S2 and which are the focus for housing and economic growth.

The proposed use would fully support the aims and objectives of LP Policy E1 and relevant paragraphs contained within Chapter 6 of the NPPF, by virtue of enhancing the local economy.

The site is situated within the New Mills Conservation Area and therefore the application must be considered in line with LP Policy EQ7, and relevant restrictive policies contained under Chapter 16 of the NPPF, underpinned by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

As such, the principle is fully supported subject to demonstrating compliance with relevant heritage policies and all other material considerations.

Design & Conservation

LP Policies S1, EQ6 and EQ7 are the relevant Local Plan policy considerations relating to matters of design and heritage conservation. Other considerations are relevant national policies contained relating to Design (under Chapter 12) and Heritage Conservation (Chapter 16) of the NPPF, the latter underpinned by Section 72 of the Act 1990.

Owing to the fact that the proposal does not involve any exterior changes to the building, there would be no material impact to the character and appearance of the building or the wider setting of the New Mills Conservation Area, thereby demonstrating full compliance with the above policy context.

Amenity

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 198 of the NPPF requires that decisions 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, which includes mitigating for noise impacts.

The site is located within the centre of New Mills but nevertheless is located close to other residential properties, including adjacent first floor flats.

The description of development does not specify which parts of Class E would be enacted by this proposed multi functional space, and has not provided any details relating to the hours of operation, both of which are considered to be material issues.

Given the fact that Class E encompasses a very wide scope as to the lawful uses that fall within that use class, it is necessary to fully consider the potential impacts on public and neighbouring amenity that could arise as a result.

Class E allows for the following:

- a) *for the display or retail sale of goods, other than hot food, principally to visiting members of the public,*
- b) *for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,*
- c) *for the provision of the following kinds of services principally to visiting members of the public—*
 - (i) *financial services,*
 - (ii) *professional services (other than health or medical services), or*
 - (iii) *any other services which it is appropriate to provide in a commercial, business or service locality,*

- d) *for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,*
- e) *for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,*
- f) *for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,*
- g) *for—*
 - (i) *an office to carry out any operational or administrative functions,*
 - (ii) *the research and development of products or processes, or*
 - (iii) *any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.*

Having regard to the above, it is considered that the uses as specified under sub-paragraphs (a), (c), (d), (e), and (g)(i) would, subject to an appropriate condition restricting hours of operation to those akin to standard working hours (08:00 to 18:00), not result in any harm to public or residential amenity. This is particularly necessary with regards to the use of the space for indoor sport and recreation (e.g. a Gym).

Given the potential issues regarding noise and odour, it is considered appropriate to withdraw permitted rights to change to uses falling under sub-paragraph (b) (f) and (g)(ii) and (iii).

Subject to conditions which both withdraw certain specific uses under Class E that are not suitable for its location, and limit the hours of operation of the site to standard working hours, it is considered that the proposed change of use would not give rise to any adverse impacts to public or residential amenity, in accordance with LP Policies EQ6 and EQ10 and relevant paragraphs contained under Chapter 15 of the NPPF.

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 115 of the NPPF states that in assessing sites for specific applications, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 116 goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact impacts on the road network would be severe.

Parking guidelines set out under Appendix 1 relate to the Use Classes Order that was in place prior to significant changes being enacted in 2021, which includes the amalgamation of certain uses into Class E. Given that different individual parking guidance exists for the now superseded A1, A2, B1 and D1 uses, all of which have been mothballed into the provisions of Class E that are considered to be acceptable on this site, the appropriate level of parking provision is a matter of planning judgement.

The site which contains a ground floor retail/commercial unit and one bedroom residential flat above does not currently benefit from any off-street parking provision, that when having regard to parking guidelines, is required to provide 3no. spaces.

The use of the first floor flat as a multi-functional space will inevitably lead to a greater demand for parking, due to being used by group as opposed to one or two permanent residents, and thus an absence of parking triggers a degree of conflict with LP Policy CF6.

However, in light of the Highways Authority raising no objections to this proposal, and given the highly sustainable location of the site within the centre of New Mills within walking distance of public car parks, and public transport links, it is considered that on this occasion, as a matter of planning judgement, that the absence of off-street parking provision does not amount to a level of harm to highway safety that would warrant a sustainable reason for refusal.

As such, it is considered that the proposal would be acceptable with regards to its potential impact on highway safety, despite the absence of any off-street parking provision.

CONCLUSION / PLANNING BALANCE

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:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong 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 this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use

of land, securing well-designed places and providing affordable homes, individually or in combination

The application seeks full planning permission for the change of use of an existing one bedroom first floor residential flat above an existing retail/commercial premises, to a use described as multi-functional, to be used by various community groups, under Class E.

Due to the fact that there are no physical extensions or alterations associated with the proposal, there would be no material change to the character and appearance of the building or wider Conservation Area, in accordance with LP Policies S1, EQ6 and EQ7, and relevant paragraphs contained under Chapter 16 of the NPPF.

For the reasons outlined in the report, it has been considered necessary to restrict the use of the property to only certain uses contained within the sub-paragraphs to Class E, and furthermore to limit the hours of operation to between 08:00 and 18:00, given the proximity of neighbouring residential units in the interest of their amenity.

Despite there being an inevitable demand for off-street parking as a result of the intensification of the use on site, it has been judged that on this occasion, owing to the highly sustainable location of the site and comments received from the Highways Authority, that there would not be any level of harm to highway safety that would warrant a reason for refusal. In any event, the social and economic benefits arising from the proposal far outweigh any technical conflict with LP Policy CF6 in that regard.

As such, Officers consider the application to constitute a sustainable form of development and subject to appropriate conditions, the application is therefore recommended for approval.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 13th May 2025

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council