

DELEGATED DECISION REPORT

DET/2025/0016
Valid 01/08/2025

**THE STEPS 2 LIGHTWOOD
ROAD
BUXTON**

**APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED TO CONVERT THE
EXISTING OFFICE (USE
CLASS E) TO A 1 BEDROOM
DWELLING.**

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

MAIN ISSUES

- Whether the development complies with Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

DESCRIPTION OF SITE

The application site relates to a three storey traditional stone end of terraced building located on Lightwood Road within the defined settlement boundary of Buxton. The site is lies on a prominent corner plot with the west facing elevation border Lightwood Road and the east facing elevation facing Fairfield Road. The application site is currently in use as an office (class E).

PROPOSAL

This Prior Notification application has been submitted under the provisions of Schedule 2, Part 3, Class MA of the General Permitted Development Order (GPDO) and proposes to convert an existing office into a one bedroom dwelling.

No external works are proposed as part of this application.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0002/4579: Change of use from post office to insurance brokers Office (residential on two upper floors to remain) - Approved 22/08/1986

HPK/0002/5166: Projecting sign – Approved 06/04/1987

HPK/0003/8682: Three internally illuminating fascia signs & one projecting sign –
Approved 14/03/2000

CONSULTATIONS

Neighbour consultation period ends: 25/09/2025

Comments:

I have received notification of the intention for change of use of The Steps, 2 Lightwood Rd which is directly opposite my own home.
I have concerns about the implications for parking in changing this from offices to a dwelling. (The Old coach house was recently refurbished as a rental property with no allowance for parking.)
Lightwood Rd is already used as a 'free' parking area for people visiting the town centre.
Please can you consider parking permits for residents ONLY and let me know what the plans are for parking for the new dwelling.

Alliance environmental Services (Objection)

Clear information needs to be provided on waste provision. Whilst there is an outside area for bins to be stored the steps are not suitable for bringing the bins down and these go straight onto the road which will cause a hazard. The property could be serviced via sacks but again these need to be stored and have a place to be presented. If you look at the property next door, they have a cut out with a bin store - this a reasonable example of what could be provided.

Derbyshire County Council highways (No Objection)

The property has no off street parking provision but the site is located close to the town centre providing good access to services and sustainable modes of transport.

Considering the existing/former use of the property, it is considered that the proposed change of use would not have an unacceptable impact on highway safety.

Based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

OFFICER COMMENTS

Whether the development complies with Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Permitted development

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 (dwellinghouses) of Schedule 1 to that Order. (**Complies** – *The site is in a commercial use and seeks to convert the site to a residential Class C3 use*)

Development not permitted

MA.1.—(1) Development is not permitted by Class MA—

(b) 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;

(**Complies** - *the application site has been in use as a Class E formerly Class B1 Office since 1986*)

(d) if land covered by, or within the curtilage of, the building— (N/A)

(i) is or forms part of a site of special scientific interest; (N/A)

(ii) is or forms part of a listed building or land within its curtilage; (N/A)

(iii) is or forms part of a scheduled monument or land within its curtilage; (N/A)

(iv) is or forms part of a safety hazard area; or (N/A)

(v) is or forms part of a military explosives storage area; (N/A)

(e) if the building is within—

(i) an area of outstanding natural beauty; (N/A)

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981; (N/A)

(iii) the Broads; (N/A)

(iv) a National Park; or (N/A)

(v) a World Heritage Site; (N/A)

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

(g) 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. (N/A)

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

(i) Class A1 (shops);

(ii) Class A2 (financial and professional services);

(iii) Class A3 (food and drink);

(iv) Class B1 (business);

(v) Class D1(a) (non-residential institutions – medical or health services);
(vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
(vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink; (b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

Conditions

MA.2.—(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport impacts of the development, particularly to ensure safe site access;

Complies - The site as existing does comprise a vehicular access and an area of hardstanding however there is no off street parking provision afforded by the building. Neighbour concerns about parking are noted. Nonetheless given the location close to Buxton Town centre, the site has previously been in part residential use, the conversion of the site into a full residential use is not judged to result in any increase in vehicle traffic. Additionally it is noted that DCC highways have not raised any objections to the proposals from a highway safety objective.

(b) contamination risks in relation to the building;

Complies - As the building has been used as an office there are not anticipated to be any contamination concerns.

(c) flooding risks in relation to the building;

Complies - The site is located in Flood Zone 1 and is not judged to give rise to any concerns regarding flood risk

(d) impacts of noise from commercial premises on the intended occupiers of the development;

Complies - The site is located in a predominantly residential area not adjacent to any commercial premises.

(e) where—

(i) the building is located in a conservation area, and

(ii) 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;

(N/A)

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses; The building contains two ground floor windows and a doorway which are considered to provide adequate light in all habitable rooms.

Complies – The building comprises a number of windows as existing and is therefore judged to provide adequate light in all habitable rooms.

(g) 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;

Complies - The site is not located in an area of heavy industry or other business uses.

(h) where the development involves the loss of services provided by—

(i) a registered nursery, or **(N/A)**

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 200657 , the impact on the local provision of the type of services lost; and **(N/A)**

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building. **(N/A)**

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021. **(Complies)**

(4) The provisions of paragraph W. These have been assessed above.

Other Matters

Arrangements required for the storage and management of domestic waste.

Comments by AES Waste highlight that clear information has not been provided on waste provision and provides a recommendation to use sacks or preferably a cut out with a bin store.

The applicant has since responded to say that “We can use sacks as suggested and there is ample space externally for this. Furthermore, the existing commercial property has no problems with removing/storing waste.

A future planning application could apply for the cut out bin store.”

In light of the above, it is concluded this matter can be conditioned, such that details are required to be submitted and approved prior to any occupancy of the permitted residential accommodation.

Nutrient Neutrality

As the proposal relates to the change of use to include new dwelling(s), it would fall within the scope of Nutrient Neutrality. Permitted development rights and the prior approval process does not override the requirement to comply with other permissions, regulations or consent regimes.

Therefore, in accordance with Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, the permitted development cannot lawfully commence until an application under Regulation 77 of the Conservation of Habitats and Species Regulations has been submitted to and approved in writing by the Local Planning Authority. Failure to gain approval under Regulation 77 of the Habitats Regulations prior to the commencement of development will render the development unlawful.

Although this is an application submitted under Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, the Local Planning Authority is required to determine the application in accordance with the requirements of the Order and the developer will not be required to address the issue of nutrient neutrality at this stage.

An informative will thus be added to the Decision Notice advising that the approval under Regulation 77 of the Habitats Regulations must be obtained before the development can commence.

CONCLUSION

This application for Prior Approval complies with Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015.

It is recommended that Prior Approval can be granted subject to a pre-occupancy condition requiring detailed plans of bin / waste sacks storage to be submitted and approved prior to first occupation, notwithstanding matters relating to Nutrient Neutrality outlined above.

OFFICER RECOMMENDATION : Prior Approval is required and Granted

Case Officer: Stuart Talbot

Recommendation Date: 25/09/2025

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council