

DELEGATED DECISION REPORT

HPK/2026/0040
Valid 27/01/2026

6 WHALEY LANE
WHALEY BRIDGE

CHANGE OF USE FROM A 6
PERSON HMO TO TWO
FLATS. INCLUDES ONE NEW
WINDOW OPENING

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design and Conservation
- Amenity
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

This application relates to No.6 Whaley Lane, Whaley Bridge, a two-storey building situated adjacent to the public highway on a bend, so that the principal elevation follows the contours of the highway.

The building is currently in use as a House in Multiple Occupation (HMO) for 6no people (Sui Generis) with each of the proposed flats split across the two floors. A two-storey outrigger sits adjacent to the side gable which provides access to Flat No.2, with Flat No.1 sitting at first floor level above.

The rear of the building fronts on to a small yard area associated with the neighbouring property No.4 Whaley Lane.

The site lies within the built-up area boundary of Whaley Bridge and also within the Whaley Bridge Conservation Area.

PROPOSAL

The application seeks full planning permission to convert the building into 2no separate residential units (flats), with one at ground floor, and the internal layout mirrored at first floor level.

The Floor Plans show provision for a Living Room, Kitchen, a larger Double Bedroom and a smaller Single Bedroom, with shared Shower Room. In order to demonstrate full compliance with Nationally Described Space Standards (NDSS), revised Floor Plans (Ref: 04A) have been submitted for consideration which shows the smaller bedroom to have an internal floor area measuring 7.5m².

Externally, a new additional window is proposed serving a first floor Kitchen in the northern elevation, characterised a stone head and cill, with the window stated within the Design and Access Statement as matching the existing character of the building.

The Design and Access Statement states that a 1.1m metal railing painted black will be introduced to allow for the drop at the retaining wall, which in turn allows the paved area to be used for amenity purposes.

A revised Site Plan (Ref: 03A) has been submitted showing the introduction of black painted metal railings that would stand at a height of 1.1m.

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 Whaley Bridge Neighbourhood Plan (2024) and 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
- 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 Homes	Chapter 5
Promoting Sustainable Transport	Chapter 9
Effective Use of Land	Chapter 11
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 11th March 2026

Neighbour consultation period ends: 25th February 2026
Press Advert: 26th February 2026

Public Comments

1no representation has been received from a neighbouring property that states that whilst there are no objections to the proposed change of use, there are concerns in relation to the following:

- Compliance with Building Regulations
- Structural Maintenance and Party Wall Responsibilities
- Incorrect Plan (PL03) shows incorrect boundaries
- Potential for overlooking and loss of privacy – requirement for obscure glazing on rear windows overlooking No4's back yard and into the kitchen, noise deadening panels on party walls should also be a requirement
- Ginneel Access – no indication on plans with regards access to rear garden in relation to covenants and access rights

Whaley Bridge Town Council Comments

No comments received

HPBC Conservation Officer

Summary of Significance

6 Whaley Lane is located within the Whaley Bridge conservation area. Whaley Bridge is situated on the crossing of the River Goyt at the base of the Goyt Valley. The conservation area was designated for its position and importance in relation to various transport routes, its mining and textile activities. The Canal Basin, Cromford and High Peak Railway contributed to the towns importance as a transshipment point. Demand for coal and textiles being produced locally and the ease of transportation fuelled the towns growth in the 19th century.

6 Whaley Lane is located on a corner location opposite Whaley Bridge Railway station. The property is located at the edge of the commercial core of the conservation area and acts as a transition building as the area switches from commercial to residential in character. As such the property occupies a prominent location along Whaley Lane.

Assessment and Impact

The application seeks to convert the existing 6 bed HMO into two residential apartments. The principle of the proposed conversion and associated internal works will not impact upon the character and appearance of the conservation area.

The proposed elevation details demonstrate that one additional window will be inserted on the first floor of the north elevation. Elevational details also show the ground floor windows to be altered. The existing windows on site are an bulky white uPVC one over one casement windows. This is an unfortunate trend within residential buildings in the conservation area. which cumulatively harms the conservation area.

A more sympathetic sliding sash window would be more appropriate for installation within the conservation area. It is therefore recommended that details of all new windows are agreed via condition.

Conclusion and Recommendation

In conclusion, there are no heritage objections to the principle of the building conversion. However, details of any new window should be agreed prior to installation in order to preserve and enhance the character and appearance of the Whaley Bridge Conservation Area.

1. Prior to the installation of the windows hereby approved, details of their material, design, specification, method of opening, method of fixing and finish, and trickle vent details in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed details.

Environmental Health

This looks very low risk from public health/ nuisance perspective, involving an existing residential HMO converted into 2 flats. You may want to consider model construction conditions as you see appropriate.

Network Rail

No objections.

Derbyshire County Council Highways

It is noted that the premises has no off street parking provision.

The application site is located in close proximity to the town centre and public transport facilities and has good access to the footway network and as such will allow potential occupants good access to sustainable travel options. There are also extensive waiting restrictions on Whaley Lane in the vicinity of the application site which control on street parking.

Considering the locality of the application site and the good opportunities for occupants to use other modes of transport other than a private vehicle as well as the existing situation which also has no off street parking provision, the lack of parking provision is not considered likely to have a detrimental impact on the highway network in the vicinity of the application site.

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.

Canals and Rivers Trust

No comments to make

OFFICER COMMENTS

Principle of Development

The application seeks full planning permission to convert an existing two storey building that is currently functioning as a large HMO (Sui Generis) to 2no independent residential flats, together with minor external alterations.

The site lies within the built-up area boundary of Whaley Bridge within easy walking distance of the defined Town Centre, and the plethora of services, facilities, amenities and public transport links that exist in this area.

As such, the application is fully supported by Whaley Bridge Neighbourhood Plan Policy WB-G3, Local Plan (LP) Policies S1, S2, S3 and H1, and relevant paragraphs contained under Chapters 5 and 11 of the NPPF which taken together seeks to direct housing and economic growth towards the built-up areas of the larger Market Towns which includes Whaley Bridge, and encourages the redevelopment and conversion of existing buildings for housing.

Owing to the site being located within the Whaley Bridge Conservation Area, any external alterations and development must be assessed having regard to LP Policy EQ7 and relevant restrictive paragraphs relating to heritage conservation contained within Chapter 16 of the NPPF, underpinned by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

The principle of development can only be supported in this regard where the application is judged to preserve or enhance the character and appearance of the building and wider Conservation Area, or, if harm is identified, where there are public benefits associated with the application which are found to outweigh any identified harm.

Design & Conservation

Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

Whaley Bridge Neighbourhood Plan Policy WB-H1 relates to Heritage, but specifically relates to extensions, shop fronts and the 'Shallcross incline' and therefore is not relevant to this application.

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.

LP Policy EQ7 has regard to the Built and Historic Environment. It states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.

Chapter 7 of the Design Guide SPD (2018) considers Materials. The following guidance is considered relevant to this application:

- 7.5 *There are many traditional window patterns found locally. Nearly all however have a vertical emphasis to their overall shape as well as some degree of subdivision to the frame.*
- 7.6 *The traditional materials used in window construction are timber, cast metal or lead. In sustainability terms, timber is today by far the best material to use. UPVC by contrast, is often inappropriate as an alternative to more traditional materials – particularly in historically sensitive areas such as in conservation areas or on listed buildings. They often have very heavy sections and profiles and lack the detail and finesse of their timber equivalents.*
- 7.7 *The design of replacement or new windows needs to relate to the age and style of the property in question as well as to the local context. Modern windows often do not look appropriate when the subdivision of panes is handled badly and lacking a vertical emphasis.*

Paragraph 135 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.

Chapter 16 of the NPPF contains the national planning policies aimed at conserving and enhancing the historic environment. Paragraph 212-221 sets out how a local planning authority should assess the significance of a heritage asset and the potential impact of a development proposal upon that asset.

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits.

The application relates to a two storey property that straddles a sharp bend in the public highway. Combined with being situated in an elevated position relative to the level of the highway, this gives the building a degree of prominence and therefore any external changes to boundary treatments and fenestration detailing must be handled in a sensitive manner.

The application seeks to introduce a first floor window in the principal elevation of the two storey outrigger facing Whaley Lane. The window is appropriately sited just below the eaves level and shows architectural detailing in the form of stone heads and sills that are consistent with the current characteristics of the property.

The comments from the Conservation Officer relating to the preferred material and recommended condition requiring the window be a sliding sash are noted and in the vast majority of instances, this would indeed be the correct approach to take in the interests of good design and heritage conservation.

However, on this occasion, it is judged that given that all of the existing windows in the property are of a similar character and appearance, it would not be appropriate or indeed reasonable to require an additional window to change course from this consistent character.

It is therefore recommended that as opposed to a sliding sash window, a compliance condition is applied which requires this window to be consistent with other windows in the property with regards its material and complimentary architectural features (stone heads and sills) in accordance with the Proposed Elevation Plans (PL05).

Turning to the proposed railings, an updated Site Plan (PL03A) has been submitted at the request of Officers owing to these details not being shown on plan in its original form. The Site Plan shows that the railings would be 1.1m in height and be finished in black metal.

Internal discussions with the Council's Conservation Officer have confirmed that the principle of this aspect of development is satisfactory but that Elevation details are required prior to their implementation, which can be suitably controlled by condition. Discussions have also confirmed that the railings should be finished iron, consistent with what is likely to have been in situ historically.

In light of the above analysis, Officers are satisfied that subject to appropriate conditions, the external alterations to this property and the proposed change of use will sustain the character and appearance of the building, the street scene and the significance of the Whaley Bridge Conservation Area, in accordance with LP Policies S1, EQ6 and EQ7, the Design Guide SPD (2018) and relevant paragraphs contained under Chapters 12 and 16, the latter underpinned by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Amenity

LP Policy H3 relates to all new housing development and requires all proposals to deliver a high standard of amenity for all future occupiers by demonstrating compliance

with Nationally Described Space Standards (NDSS), both with regards the overall floor space and size of bedrooms, relative to the number of occupants.

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.

The High Peak Residential Design Guide SPD requires extensions to preserve the residential amenity of neighbouring properties, having regard amongst other things to the relationship between existing and proposed development, the positioning of windows, and the change in land levels.

Paragraph 135 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

Firstly, with regards to NDSS, the plans as submitted showed the 2no bedroom flats to exceed the minimum overall floor area of 61m², with each flat shown to have a living space of 78m², with the first-floor flat totalling 91m² including the hallway.

However, the smaller bedroom as submitted was shown to have a floor area totalling just 7.2m², which does not provide sufficient space for a single bedroom. Further to concerns being shared with the agent in this regard, revised Floor Plans (04A) have been submitted which shows this bedroom in both flats have an increased floor area of 7.5m², with a slightly smaller Shower Room, thereby addressing this issue and demonstrating compliance with NDSS and LP Policy H3.

It is acknowledged that the 2no flats would benefit from little outdoor amenity space, with the rear yard being shared with its neighbour No.4 Whaley Lane. However, it is common place for flats within urban centres to not benefit from any outdoor amenity space, and given that the site is within easy walking distance of communal parks and recreational areas, which includes Whaley Bridge Memorial Park (approx. 700m), this lack of amenity space is not considered to result in any level of adverse harm to the amenity of future occupiers that would generate a sustainable reason for refusal.

Lastly with regards to potential impacts upon neighbouring amenity, the rear of No.6 fronts on to a shared yard area with No.4 Whaley Lane. Representations have been received from this neighbouring property that raises concerns with regards to overlooking and loss of privacy triggered by rear windows fronting on to this shared amenity space. This representation also raises noise as a potential issue and that deadening panels should be installed.

A site inspection shows that an existing first floor window serving HMO No.6 currently overlooks this yard area, which serves habitable living accommodation. This would become a Kitchen for the first floor flat.

It is true that this first floor rear window would overlook into the shared yard area, however it is the case that the occupants of the flats would also have access to this yard.

Given that a new first floor window is to be inserted to the front elevation of the two storey outrigger serving this Kitchen, the rear window overlooking the yard will become secondary, and therefore in the interests of addressing neighbour concerns, a condition is recommended to obscure glaze this window to preserve amenity of neighbouring properties.

Taking account of the established and proposed use, there are not considered to be any adverse public health issues arising from this proposal that warrant the application of any further planning conditions beyond that relating to obscure glazing set out above.

As such, having regard to revised plans and subject to appropriate planning conditions, the application in its latest form is considered to provide an acceptable standard of amenity for future occupiers and preserve the amenity of existing neighbours, in accordance with LP Policies H3 and EQ6, the Residential Design Guide SPD, and relevant paragraphs contained under Chapter 12 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 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 of the NPPF 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.

The property does not benefit from any off-street parking provision to serve 6no small 1 bedroom HMO units, which could arguably generate one vehicle per flat (6 in total).

Parking guidelines contained within Appendix 1 of the Local Plan state that for 2no bedroom residential units, a total of 1.5 spaces should be provided, therefore the total parking demand for this proposal would be 3no parking spaces.

It is acknowledged that the application cannot provide the appropriate amount of off-street parking provision as required by the Council's parking guidelines.

However, given that the premises does not currently benefit from any off-street parking, that the proposed use will likely generate less demand for parking than the current use, and the highly sustainable location of the site, relative to Whaley Bridge Town Centre and public transport links, there is not considered to be any adverse harm to highway safety resulting from the absence of parking provision in this instance.

Owing to the specific characteristics of this site and its surroundings and the proposed nature of development, it is judged that there is no conflict with LP Policy CF6 and relevant paragraphs contained under Chapter 9 of the NPPF.

Other Matters

Comments received by the neighbour refers to the need to comply with Building Regulations. Whilst this is noted, and important, this is not a material consideration in the assessment and determination of this application. Structural maintenance and party wall responsibilities are similarly not a material planning condition and matters which rest with all parties to resolve.

The neighbouring comments refers to the existing Site Plan (PL03) showing an incorrect boundary and that the plans do not show the access to the rear garden that is subject to covenant and access rights. Having sought clarification from the applicant's agent, Officers are satisfied that the boundary is drawn correctly. The applicant owns all land within the red edge and therefore Certificate A is correctly completed on the Application Form. Neighbours do have a right of way via the path to the rear of the property. Covenants and access rights are not matters that are material to a planning application, rather they are civil matters.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework. It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

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 No.6 Whaley Lane, Whaley Bridge from a large HMO (Sui Generis) to 2no residential flats (C3 Use). The site lies within the built-up area boundary of Whaley Bridge and within the Conservation Area.

For the reasons set out within this report, the application is judged to comply with the Local Development Plan, Supplementary Design Guidance, and the NPPF, which includes restrictive policies relating to heritage conservation, subject to appropriate planning conditions.

As such, the application constitutes a sustainable form of development, and therefore in line with LP Policy S1a and paragraph 11 of the NPPF, the application is recommended for approval subject to conditions.

OFFICER RECOMMENDATION: Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 11th May 2026

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council