

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 6th June 2022

Application No:	HPK/2022/0124	
Location	28 Park Road, Buxton	
Proposal	Change of use from House of Multiple Occupation (HMO) to Holiday Lets	
Applicant	Mr Matthew Ruston	
Agent	N/A	
Parish/ward	Corbar Ward	Date registered 25 th March 2022
If you have a question about this report please contact: James Stannard, Tel. 01298 28400 extension 4298, james.stannard@highpeak.gov.uk		

1. SUMMARY OF RECOMMENDATION

Approve with Conditions

1. REASON FOR COMMITTEE DETERMINATION

- 1.1 This application has been called to Committee by Councillors Kemp and Hall to fully consider the potential impacts of the proposed use on the immediate surroundings

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application relates to No.28 Park Road, Buxton, an attractive three storey building which is situated to the north of Park Road and to the south of the Heathfield Gardens flatted development.
- 2.2 The site benefits from a vehicular access from Park Road. The lawful use of the building is shared student accommodation (House in Multiple Occupation), following the approved conversion from residential in 2011 under HPK/2011/0157. An ancillary garage that lies immediately adjacent to the main building was also granted permission for conversion to Student Accommodation subsequently in 2016 under HPK/2016/0211.
- 2.3 The site benefits from a large area to the front of the property that is utilised for off-street parking.

- 2.4 The existing floor plans show that the building currently contains 13no. bedrooms that have shared living, kitchen and toilet facilities.
- 2.5 The site lies within the built-up area boundary of Buxton and within 'The Park' Conservation Area.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 The application seeks planning permission for the Change of Use of the building from Student Accommodation to Holiday Let Accommodation, that would be rented out on a short term basis to families or groups either as a whole building or as individual units.
- 3.2 The application is supported by the following plans which are subject of consideration within this report:
- Location/Existing Site Plan
 - Proposed Site Plan
 - Existing Floor Plans
 - Proposed Floor Plans
 - Existing/Proposed Elevations
 - Parking Layout Plan
- 3.3 The plans show that no new external changes will be made, with the exception of some roof repairs on a like for like basis.
- 3.4 The proposed floor plans shows a small amount of internal works that would see a reduction in the number of bedrooms to 10 by removing partition walls, thus increasing their size. Officers are currently awaiting confirmation from the applicant on whether the former garage forms part of this application, and therefore further details will be provided on the updates sheet. Moreover, incorrect elevation plans have been submitted, and therefore revised plans are awaited.
- 3.5 The Parking Plan shows that 14no. car parking spaces are provided within the curtilage. The 6no. spaces to the rear would be accessed from a rear access whilst the remaining 8no. spaces would be accessed from the vehicular access to Park Road. An additional space reserved for emergency services is shown (Bay No.9).
- 3.6 The application is available to view online at the following link <http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=254153>

4. RELEVANT PLANNING HISTORY

- 4.1 The site has been subject to the following planning history:

HPK/0001/5084	For Proposed Change Of Use - Dwelling House To Rest Home For 15 People In 7 Bedrooms, Plus 3 Residential Staff (Approved)
HPK/0003/4228	Relaxation Of Condition 4 On Approval Ref. 015084 To Increase Bedrooms to 10 (Approved 30/01/1995)
HPK/0003/4891	Rear Alterations To Reform Bathroom Facilities (Approved 16/10/1995)
HPK/0003/5554	Demolition Of Wall And Outhouses At Rear (Approved 05/09/1996)
HPK/0003/6463	Removal Of Dormer & Fire Escape & Removal Of Lean-to & Wall (Approved 03/09/1997)
HPK/0003/6474	Change Of Use Of Top Floor From Living Accommodation To Additional Residential Home Use & Erection Of Lift/stairs (Approved 03/09/1997)
HPK/2009/0647	Change Of Use From Residential Home To Multiple Occupancy Building (Approved 11/01/2010)
HPK/2011/0157	Change Of Use From Domestic Accommodation To Student Accommodation (Approved 17/05/2011)
HPK/2016/0211	Proposed conversion of detached garage to Student Accommodation and alterations to elevations (Approved 14/06/2016)

5. PLANNING LEGISLATION RELEVANT TO THE DECISION

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S7 Buxton Sub-area Strategy
- EQ6 Design and Place Making
- EQ7 Built and Historic Environment
- EQ10 Pollution Control and Unstable Land
- E6 Promoting Peak District Tourism and Culture
- CF6 Accessibility and Transport

National Planning Policy Framework 2021

Achieving Sustainable Development	Chapter 2
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

6. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 5 th May 2022
Neighbour letters	Expiry date for comments: 22 nd April 2022
Press Notice	Expiry date for comments: 28 th April 2022

6.1 2 x representations objecting to the proposed change of use – one from the Ward Councillor, Cllr Hall, has been received in connection with this application. The grounds of objection are summarised as follows:

- Inappropriate use in this location
- Inaccurate description of existing use
- Concerns regarding noise and disturbance from future occupiers
- Holiday accommodation is not in short supply and thus this proposal is not required
- Insufficient detail to consider potential impacts
- Lack of detail regarding securing future alternative accommodation for existing tenants, management arrangements for holiday lets, and overall business plan
- The works also include works to the roof which is not mentioned in the description of development

6.2 The following table shows the comments received from relevant statutory consultees in connection with the application.

Consultee	Comments
DCC Highways	No highway safety comments to make given previous HMO use and availability of on-site parking.
Severn Trent	Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects

	both the public sewer and the proposed development.
AES Waste	No objection

7. OFFICER ASSESSMENT

- 7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.
- 7.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the the High Peak Local Plan Policies Adopted April 2016.
- 7.3 Other material considerations include the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Paragraph 11 of the NPPF explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan, they should be approved without delay, but where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Principle of Development

- 7.4 The site lies within the built-up area boundary of Buxton, identified as one of the larger Market Towns under Policy S2, which contains a large number of services, facilities and cultural/tourist attractions, and good access to public transport. Local Plan (LP) Policy S2 sets out that such towns are to be the focus for new housing and economic growth.
- 7.5 LP Policy E6 seeks to promote Peak District Tourism and Culture through a number of ways which includes strengthening the tourism role of the High Peak by supporting tourism and provision for visitors which is appropriate to the settlements and in countryside locations. This policy identifies Buxton as one of England's leading spa towns.

- 7.6 Chapter 6 of the NPPF contains national policies aimed at building a strong and 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.
- 7.7 The proposed use of the building for the purposes of short term holiday lets would comply with the provision of LP Policy E6 and relevant policies under Chapter 6 of the NPPF.
- 7.8 However, the application site is located within the 'Park' Conservation Area and as such, the application is subject to LP Policy EQ7 relating to the Built and Historic Environment, and the relevant restrictive policies under Chapter 16 of the NPPF, underpinned by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.9 The application can thus only be supported in principle where it can demonstrate compliance with policies relating to heritage conservation.

Impact on the Conservation Area

- 7.10 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.
- 7.11 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.
- 7.12 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.
- 7.13 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.
- 7.14 Paragraph 130 of the NPPF states amongst other matters new development should add to the overall quality of the area, be visually

attractive as a result of good architecture and sympathetic to the surrounding built environment.

- 7.15 Paragraphs 199-201 of the NPPF 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 proposal will lead to substantial harm or total loss of a designated heritage asset, local planning authorities should refuse consent unless there are substantial public benefits that outweigh that harm. Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits.
- 7.16 The adopted Buxton Conservation Areas Appraisal identifies the important features associated with the Park conservation area. Specifically, it sets out that the main characteristics of this area are large detached and semi detached villas set within large mature gardens, with soft planted boundaries and level lawns surrounded by planted shrubberies. The application site reflects this description.
- 7.17 The application proposes very minimal external changes which include the repair of the existing roof. Provided that any repair works are sympathetic to the existing roof, by the use natural slate tiles, which can be secured by an appropriate planning condition, the change of use would continue to sustain the heritage asset. It is therefore considered that the proposed change of use would sustain the character and appearance of the existing building and wider Conservation Area, in accordance with LP Policies S1, EQ6 and EQ7, relevant Supplementary Design Guidance and relevant paragraphs set out under Chapter 12 and 16 of the NPPF.

Impact on Residential Amenity

- 7.18 LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings to protect the 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.
- 7.19 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.
- 7.20 Paragraph 130 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.
- 7.21 Paragraph 185 of the NPPF states that policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution and health, living conditions

and the natural environment, and that development should (amongst other things) mitigate and reduce potential adverse impacts resulting from noise from new development and limit the impact of light pollution on local amenity.

- 7.22 Concerns have been raised by members of the public surrounding concerning impact of the proposed change of use on neighbouring amenity, particularly with regards to noise and disturbance from future occupiers.
- 7.23 The current use of the building is a larger HMO Student Accommodation, which is essentially up to 13no. students living independently with shared facilities. Students tend to be young adults which typically have busy social lives that frequently extend into the early hours.
- 7.24 Having regard to the above, it is considered that given the reduction in the overall number of bedrooms to 10, and that the demographic of future occupiers of the holiday let would be variable, the proposed use of the building would not be materially different to the existing lawful use. Accordingly, with regards to the use of the building for holiday let purposes, and the impact neighbouring residential amenity, it is not considered to be significantly different.
- 7.25 Any noise or disturbance that does arise would be a matter for the relevant authorities, including the Environmental Health Department and Derbyshire Police to address.
- 7.26 The proposed use is considered to be entirely appropriate for its location, being within the built-up area boundary of Buxton, within a short walking distance of the Town Centre and a number of tourist and cultural attractions. Moreover, in terms of accessibility the site does lie within walking distance of the train station, with good pedestrian routes to the town centre.
- 7.27 For the reasons set out above, it is considered that the proposed use would not give rise to any adverse harm to neighbouring residential amenity, in accordance with LP Policies EQ6, EQ11 and paragraphs 130 and 185 of the NPPF.

Highway safety and parking considerations

- 7.28 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. Off road parking should be provided in accordance with the Councils guidelines as set out in Appendix 1 of the Local Plan.
- 7.29 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 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.

- 7.30 The site is currently served by two vehicle access points, one onto Park Road, and the other to the rear, via a track from Heathfield Gardens. It is not proposed to make any alterations to the existing access points. At the request of Officers, the applicant has submitted a parking layout plan which shows the provision of 14no. parking spaces laid out within the confines of the grounds, 8 to the front and a further 6 to the rear in a tandem arrangement. There are currently 10 spaces provided within the grounds.
- 7.31 The parking guidelines set out within Appendix 1 of the Local Plan set out that holiday residences should provide 1 space per 1 & 2 sleeping rooms, 2 spaces per 3 sleeping rooms and 1 secure cycle stand. The resultant building would contain 10 bedrooms, which would need 7 off road parking spaces, which can easily be accommodated within the curtilage of the property.
- 7.32 DCC Highways confirm that they have no objection to the proposed use in light of the current lawful use, which have been based on a review of the application including the parking plan.
- 7.33 In light of the above, and when considering the highly sustainable location in relation to public transport and the services, facilities and tourist/cultural attractions within Buxton Town Centre, it is considered that the level of off-street parking provision is appropriate and there would be no any adverse harm to highway safety in accordance with LP Policy CF6 and paragraph 110 of the NPPF.

Other Matters

- 7.34 Other comments received in connection with this application, include a lack of (insufficient) detail to assess the impacts of the application, and no details on how the applicant will help existing tenants of the building to find alternative accommodation.
- 7.35 Firstly, officers consider that the level of information submitted is wholly sufficient to assess the application with regards to the key planning issues set out above.
- 7.36 Whilst it is of course desirable to ensure that all existing tenants find suitable alternative accommodation, the planning system has no control over this issue. An owner can serve notice on a tenant at any time, irrespective of any planning application.
- 7.37 Recent guidance issued by Natural England, accompanied by a letter from the Chief Planning Officer on 16th March 2022 refers to the issue

of Nutrient Neutrality and potential impacts of new development upon affected Habitat Sites, which includes the River Wye (and Catchment Area). There would be no adverse impacts on the recently designated “Nutrient Neutrality” zone, particularly as the number of overnight stays would be reduced comparable with the existing use, and no new physical development is proposed. The development would not, therefore, result in additional nitrogen or phosphate discharge into the River Wye or increase surface water run off.

Planning Balance and Conclusions

- 7.38 LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF). It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.
- 7.39 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.
- 7.40 The application seeks a change of use of No.28 Park Road, Buxton from a larger House in Multiple Occupation (HMO) which serves as student accommodation, to a building which functions as a short term holiday let business.
- 7.41 The application complies with the aims and objectives of Local Plan Policy E6 and the relevant paragraphs under Chapter 6 of the NPPF. The building lies within the built-up area boundary of Buxton and is within easy walking distance of a number of shops, services, tourist/cultural attractions and public transport links. As such the site lies within a sustainable location.
- 7.42 The application includes very minimal external changes to the building which would continue to sustainably the character and appearance of the building or the wider Conservation Area. The development therefore meets the requirements of Policy EQ7.

- 7.43 It is considered that there would be no adverse impacts on residential amenity and sufficient off-street parking provision can be provided, without harm to highway safety.
- 7.44 There would be no impacts on nutrient neutrality given the number of overnight stays would be reduced comparable with the existing use. Accordingly there would be no additional surface run off or increased discharge of nitrogen and phosphates into the River Wye.
- 7.45 Having regard to the above, it is considered that the application constitutes a sustainable form of development and subject to appropriate conditions including one that restricts the occupancy of the building, the application is recommended for approval.

8. RECOMMENDATIONS

A. Approve subject to Conditions

1. 3 Year Time Limit
2. Approve Plans
3. Building shall not be occupied by any person(s) for a period of longer than 2 calendar months and no person(s) who has occupied the holiday let shall occupy the holiday let again at any time within six months of the day of the last occupation of the building. The building shall not be sold, let or otherwise occupied as a permanent place of residence at any time. A register of occupants and their permanent addresses shall be maintained and made available for inspection by the Local Planning Authority upon request.
4. All roof repairs to comprise natural slate.

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informative/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Operations Manager – Development Services has delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

Site plan

