



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGULATORY - PLANNING COMMITTEE

Report of the Executive Director - Place

- 1 Change of Use Application from a Guest House (C1) to a Children's Home (C2) at 2 Compton Road, Buxton, Derbyshire, SK17 9DN**
Applicant: Derbyshire County Council
Planning Application Code No. CD1/0722/11

1.1503.1

1. Divisions Affected

- 1.1 Buxton West.

2. Purpose

- 2.1 To enable the application to be determined by the Regulatory Planning Committee.

3. Information and Analysis

Introduction Summary

- 3.1 This report considers an application for the change of use of Griff House, 2 Compton Road, Buxton from its current use as a guest house (use classification C1) to a children's home (use classification C2). The property is located within the 'Buxton College' Conservation Area.
- 3.2 A change of use application is submitted to alter the use classification of an existing building. In this case, the use class would change from C1 to C2. Change of use applications do not seek to alter the physical appearance of the property, only the use classification.
- 3.3 The applicant has identified the need for the acquisition of Griff House and its subsequent change of use in order to meet the need for

children's homes in Derbyshire. Currently, several regulated children's homes in Derbyshire require full refurbishment. The applicant has considered a range of options to ensure best value and minimal impact on the children in care by maintaining their links with education and community. This evaluation identified the purchase of Griff House as the preferred option to meet the requirements.

- 3.4 I am satisfied that the proposal would accord with the relevant development plan policies and the National Planning Policy Framework (NPPF). The recommendation is therefore for approval, subject to appropriate conditions.

The Site

- 3.5 The property in question, Griff House, is located close to Buxton town centre. It is within the administrative boundaries of High Peak Borough Council and within the Buxton College Conservation Area. The property is located near to both Buxton Community School and Buxton Junior School, and fronts onto Compton Road, which is part of the Pennine Cycleway route.

- 3.6 The property lies on a corner plot bounded by Compton Road and Green Lane. Vehicular access to the site is from Green Lane. The locality is a predominantly residential area with several bed and breakfast businesses. Green Lane Children's Nursery is located approximately 25m from the property along Green Lane.

Proposed Development

- 3.7 The application proposes the change of use of Griff House, 2 Compton Road, Buxton from a guest house to a children's home. The children's home would be used to accommodate a maximum of six children aged between 11 and 17 at any given time. The home would employ three members of staff during the day and two overnight. The applicant initially identified four on-site parking spaces. A redesign of the parking arrangements has enabled the provision of a further space making a total provision of 5 spaces. No physical changes to the building are proposed as part of this application.

Consultations

- 3.8 **Local member**
Councillor Tony Kemp (Buxton West) has been notified and has no comments.
- 3.9 **High Peak Borough Council - Planning**
Has been notified. Nine neighbour comments have been received and forwarded by the Borough Council. These neighbour comments state

concerns in relation to highways safety, traffic and parking, impacts on the conservation area, overbearingness, noise disturbance and anti-social behaviour. Whilst not raising any specific objection to the proposal or setting out any conflict with policies of the High Peak Local Plan, High Peak Borough Council (HPBC) states “*the council do have doubt that this would be the correct location for a children’s home based on all of the reasons above*”.

3.10 High Peak Borough Council - Environmental Health

Has been notified and has no comments.

3.11 Highway Authority

Derbyshire County Council, in its statutory role as Highways Authority, has been notified and raise no objections.

Publicity

3.12 The application has been advertised by site notice, neighbour notification and press notice with a request for representations by 25 August 2022. Twenty eight representations have been received from 22 individuals a result of this publicity.

3.13 Twenty seven representations object to the proposal. The concerns raised can be summarised as:

- Impacts on the Conservation Area.
- Highway safety/car parking/traffic generation.
- Anti-social behaviour.
- Noise/disturbance.
- Lack of privacy/overlooking.
- Impacts on local businesses (due to impacts on the Conservation Area, noise and nuisances).
- Impacts on residential amenity/well-being of residents.
- Lack of reference to future developments.
- Unsuitability of the property for the proposed use.

3.14 One representation supports the application. It refers some of the concerns raised in other representations and states that the applicant’s view that the move to Griff House having a minimal impact on the children and their wellbeing is welcomed.

3.15 The concerns raised, where they raise material planning considerations, shall be addressed throughout the report.

Planning Considerations

3.16 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the provisions of the development plan unless other material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the adopted High Peak Borough Council Local Plan (HPLP) (2016). Other material considerations include national policy, as set out in the National Planning Policy Framework (NPPF) (2021).

3.17 The principal development plan policies relevant to this application are:

3.18 **High Peak Local Plan (2016) Policies**

S1a: Presumption in Favour of Sustainable Development.

S2: Settlement Hierarchy.

S7: Buxton Sub-area Strategy.

EQ7: Built and Historic Environment.

3.19 **National Planning Policy Framework (2021)**

Chapter 2: Achieving sustainable development.

Chapter 4: Decision making.

Chapter 16: Conserving and enhancing the historic environment.

3.20 The key planning considerations for this application are:

- Need for the development.
- Location of development.
- Impact on the Conservation Area.
- Amenity Impacts.
- Highway impacts.

Need for Development

3.21 The applicant has identified the need to acquire Griff House, 2 Compton Road. The statement of need submitted by the applicant states that there are currently significant pressures on children's services due to the lack of sufficient places to meet the changing demands and the individual needs of children and young people.

3.22 Several regulated children's homes within Derbyshire currently require full refurbishment. One of the homes identified as requiring full refurbishment is Solomon House, which is also situated within Buxton College Conservation Area. In order to refurbish the home, it would need to be vacated for up to a year and alternative accommodation to house the children would need to be found for that period.

3.23 The applicant states that a range of options have been considered, including the building of a new home and refurbishing the current home, Solomon House. These two options have both been discounted by the applicant due to the associated impacts on the children and escalating costs. The preferred option is to purchase a new property as a replacement home. Purchasing would enable the acquisition of the replacement asset and any associated works could be completed prior to any children or staff members moving into the property. The applicant also considers that this option would result in the least disruption to the children in care as Griff House is within the locality of the current children's home, which the applicant considers would minimise the impact on the children's lives and education.

3.24 Policy S1a: Presumption in Favour of Sustainable Development, of the HPLP states that *"when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area"*.

3.25 Chapter 2: Achieving sustainable development of the NPPF states, *"So that sustainable development is pursued in a positive way, at the heart of the framework is a presumption in favour of sustainable development.*

For decision taking that means,

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important are out of date, granting permission unless:

i) the application of the policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the Framework as a whole."

3.26 Chapter 4: Decision making, of the NPPF states that *"local planning authorities should approach decisions on proposed development in a positive and creative way... planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise"*.

3.27 Taking into consideration the current situation identified within the statement of need, I am satisfied that there is a justified need for this

change of use, and that the change of use in principle, accords with the NPPF and policy S1a of the HPLP.

- 3.28 I now turn to the location of the property and the potential amenity impacts of its change of use.

Location of Development

- 3.29 Griff House is located to the south-east of Buxton town centre within a predominantly residential area. Several bed and breakfasts are located in the surrounding area, and Green Lane Nursery, Buxton Junior School and Buxton Community School are all within 350m of Griff House. Policy S2: Settlement Hierarchy, of the HPLP identifies Buxton as a market town. The policy states that *“market towns will be the main focus for housing, employment and service growth, consistent with maintaining and where possible enhancing their role, distinctive character vitality and appearance”*.

- 3.30 Policy S7: Buxton Sub-area Strategy of the HPLP states that *“The Council and its partners will seek to establish Buxton as England’s leading spa town and consolidate its role as the principal service centre for the Peak District. This will be achieved by:*

- 1. Protecting and enhancing the unique character of Buxton’s spa heritage, townscape and natural environment to maintain the quality of life and act as a catalyst for tourism...*
- 2. Providing for the housing needs of the community by planning for sustainable housing and mixed-use developments...*
- 3. Encouraging the growth of local employment opportunities and supporting the diversification and growth of the local economy...*
- 4. Supporting enhancements to key community services, infrastructure and connectivity to allow to Buxton to consolidate its role as a self-contained service centre and support growth...”*

- 3.31 The change of use of Griff House from a guest house providing tourist accommodation (use classification C1), to a children’s home (use classification C2) would help to supply the housing needs of the local community. Griff House would provide a home environment for children in care, with a maximum of six young people aged 11 to 17 years old living at the property where staff would provide 24-hour supervision. As such, the property would remain residential in nature, and I therefore consider the proposed change of use would not change the fundamental use of the building.

- 3.32 I consider the proposal to be in accordance with policies S2 and S7 of the HPLP. However, the property, Griff House, is located within the

Buxton College Conservation Area, and this is given consideration below.

Impacts on the Conservation Area and residential amenity

- 3.33 Griff House is located within Buxton College Conservation Area. The Conservation Area character appraisal identifies the main characteristics associated with this Conservation Area. These include three-storey gritstone Victorian and arts and craft style houses, wide streets defined by avenues or metre high gritstone boundary walls, roads laid out on gradual curves and the spacious setting of wide roads and large gardens.
- 3.34 Policy EQ7: Built and Historic Environment, of the HPLP 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 in accordance with the sub area strategies”*.
- 3.35 Chapter 16: Conserving and enhancing the historic environment of the NPPF, states that: *“not all elements of a conservation area or a world heritage site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of a Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole”*.
- 3.36 Paragraph 202 of the NPPF states: *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighted against the public benefits of the proposal where appropriate securing its optimum viable use”*.
- 3.37 I have assessed the proposed change of use against the criteria set out in the NPPF and do not consider that it would be likely to cause harm to the Conservation Area. I am satisfied that, should there be any harm, it would be less than substantial. The reason for this is because the application does not propose any external alterations to the building and access onto the site would remain in the current configuration. The property would not be altered externally and the change of use from tourist accommodation to a children’s home would not change the buildings primary function as a residential unit. As such I am of the view

that the change of use would not harm the significance of the Conservation Area and its setting.

- 3.38 Although some residents are concerned about the potential effects of the property's change of use regarding noise and anti-social behaviour, no evidence is available to suggest the change of use would have a substantial impact on residential amenity. The property would remain in a residential use with six residents. Any impacts from noise, for example, are likely to be similar to other types of residential occupation.
- 3.39 I acknowledge that the proposed change of use could be perceived as potentially having a negative effect on the amenity of the locality. However, as identified by the applicant the intention is to provide a residential environment for a maximum of six young people, managed by a minimum of two members of staff present on site at any time. As the application seeks planning permission to change the use of the existing guest house, and that there is no further development (i.e. expansion of the existing dwelling), I am satisfied that the property will continue to be akin to a large family home rather than that of an institutional facility. Therefore, I am satisfied that the proposed change of use would not result in harm to the character of the surrounding residential area or have an unacceptable impact on the amenity and wellbeing of other residents.
- 3.40 I see no substantive reason why the proposal would not be appropriate within a residential area and, in doing so, I take full account of the Conservation Area status. The change of use would not affect the appearance of the building, or local amenity, and I am satisfied that the proposal would not conflict with the NPPF or with the policies contained within the HPLP.

Highways Impacts

- 3.41 Several of the neighbour representations have raised concerns regarding highways safety, car parking and traffic generation. The applicant has identified five off-road car parking spaces and has also stated that the likely traffic activities would include the three day staff members and two night staff members to park on-site. Grocery deliveries, likely twice per week, would back into the drive and deliver via the rear door. Visitors to the property would park on-site if sufficient space, otherwise they would park on the road, and mail and parcel deliveries would also park on the road.
- 3.42 The applicant has identified parking spaces for staff members. This would therefore not impact on street parking. However, on road parking has been identified as a possibility for visitors and is likely in the case of mail and parcel deliveries. Traffic restrictions on the junction of Green

Lane and Compton Road (no waiting 8am-6pm) would prevent parking on the junction. I do not consider that traffic movements would greatly increase as a result of the proposed change of use. I therefore, cannot envisage that the change of use would significantly alter traffic generation or street parking.

- 3.43 The Highways Authority has been consulted and raises no highways safety concerns or any objection to the proposal.

Representations

- 3.44 The concerns raised within the neighbour representations have been summarised within Paragraph 3.12.
- 3.45 Impacts on the Conservation Area, residential amenity and wellbeing, anti-social behaviour, noise and disturbance, highways safety, car parking and traffic generation have been addressed within previous sections of the report.

Lack of Privacy and Overlooking

- 3.46 The proposed change of use would not alter the external appearance of the property. As such, the amount of overlooking and privacy pertaining to neighbouring properties would not alter due to the change of use.

Future Development of the Property

- 3.47 This application pertains to the change of use from a guest house to a children's home. Any future development, if sought, may require planning permission in its own right and subsequent public consultation would be required under the new application.

Suitability of the property

- 3.48 The Council's children's services will have assessed the property's suitability for a children's home. The assessment of the property's suitability as a children's home is not a matter that should be regulated through the planning system.

Impacts on local businesses

- 3.49 The change of use would not alter the primary function of the property as a residential property no evidence is available to suggest that the change of use would have a substantial impact on the surrounding businesses.

Conclusions

- 3.50 A clear need has been identified for the proposed change of use of Griff House from a guest house to a children's home. The site is located with Buxton College Conservation Area. However, I do not consider that this

development would have an adverse impact on the Conservation Area, residential amenity, or character of the locality.

- 3.51 I do not consider that the proposed development would cause any other adverse impacts and I am therefore satisfied that the proposal would not conflict with the NPPF, or with the policies contained within the development plan. The proposal is therefore recommended for approval, subject to the conditions set out below.

4. Implications

- 4.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

5. Background Papers File no. 1.1503.1

- 5.1 Application form dated 6 July 2022.
- 5.2 Planning Statement dated 30 June 2022.
- 5.3 Site location plan (521230-CDP-ZZ-XX-DR-A-0004) dated 24 June 2022.
- 5.4 Parking plan (521230-CDP-ZZ-XX-DR-A-0005) dated 23 August 2022.

6. Appendices

- 6.1 Appendix 1 - Implications.
- 6.2 Appendix 2 – Site Plan.

7. Recommendation

- 7.1 That the Committee resolves to **grant** planning permission subject to the following conditions:

Conditions

Commencement

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: The condition is imposed in accordance with Section 91 of the Town and County Planning Act 1990.

- 2) The development shall take place in accordance with the details in the 1APP form dated 6 July 2022, the Planning Statement date 30 June 2022 and the accompanying drawings 521230-CDP-ZZ-XX-DR-A-0004 entitled 'Site Location Plan' and 521230-CDP-ZZ-XX-DR-A-0005 entitled 'Site Plan Parking Arrangement.'

Reason: To enable the County Planning Authority to monitor the development in the interests of local amenity.

- 3) Prior to the first occupation, spaces shall be provided for the parking of vehicles associated with the Childrens Home in accordance with the approved plan(s) and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, such space shall be maintained throughout the life of the development free of any impediment to its designated use.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway(s) and to ensure that the facilities provided are reserved for the benefit of the development for which they are specifically required.

- 4) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates / bollards / chains / other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the County Planning Authority.

Reason: In the interests of highway safety.

Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The Authority has requested clarification on the application where required, which the applicant has provided.

Implications

Financial

1.1 The correct fee of £462 has been received

Legal

2.1 I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the delegated decision.

Human Resources

3.1 None.

Information Technology

4.1 None.

Equalities Impact

5.1 Not applicable.

Corporate objectives and priorities for change

6.1 None.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 **Environmental and Health**
As indicated within the report.

Appendix 2 - CD1/0722/11

