

DELEGATED DECISION REPORT

**HPK/2022/0411 & 85 GREEN LANE
HPK/2022/0414 BUXTON
Valid 23/09/2022**

**FULL PLANNING & LISTED
BUILDING CONSENT FOR
MINOR ALTERATIONS AND
EXTENSION TO EXISTING
DWELLING**

**(LISTED BUILDING CONSENT -
ALTERATION)**

MAIN ISSUES

- Design & Conservation
- Archaeology
- Ecology
- Amenity
- Parking and Highway Safety

DESCRIPTION OF SITE

The application site comprises a roughly triangular plot of land, accessed via single width track land, situated on the southern side of Green Lane. The site contains No.85 Green Lane, a modest Grade II Listed detached limestone built property, last occupied as a dwelling surrounded by modest grounds enclosed by a low dry limestone wall.

The site lies outside of the built-up area boundary in the rural area and within the Buxton College Conservation which is constrained by an Article 4 Direction.

The building consists of three ground floor rooms accessed by two external doors. The first door leads into a single room which is separate from the rest of the dwelling. This room extends up to the underside of the roof structure and has no first floor.

The second entrance door leads directly into the main living room and has an original fireplace. An internal door leads into the third ground floor room, which contains the staircase leading to the first floor, and two further rooms. The dwelling has a small lean-to off outrigger to the rear which appears to have been added after the construction of the main dwelling.

At the time of the preparation of the submitted Structural Report (2019) the building was in a state of significant disrepair and in urgent need of maintenance to save the ongoing use of the building.

As stated by the applicant, and having regard to the delegated report prepared by Officers under HPK/2021/0246, the following emergency works have been undertaken, in liaison with the Council's Conservation Officer:

- Reroofing using existing stone slates with new to match as necessary
- Stabilising and repointing of masonry
- Replacement cast iron rainwater goods
- Rebuilding existing chimneys

PROPOSAL

The applicant seeks full planning permission (HPK/2022/0414) and Listed Building Consent (HPK/2022/0411) for extensions and alterations that are broadly consistent with the previous scheme approved under HPK/2021/0246) and are summarised as follows:

- A rear extension to replace the existing outshot privy which has an increase in floor area of approximately 6.8m², consistent with that granted Listed Building Consent in Sept 2007 under HPK/2007/0602
- Internal alterations comprising the kitchen and dining area to be grouped together, with the lounge being located at the other end of the house in the two storey former barn, and the bathroom brought into the central space.
- Introduction of 2no. conservation roof lights over the lounge to provide natural light, positioned on the rear slope, set within the plane of the slates including metal glazing bars in a traditional pattern

This report considers all planning material considerations associated with both the full planning application and Listed Building Consent application.

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
- S7 Buxton Sub-area Strategy
- EQ3 Rural Development
- EQ2 Landscape Character
- EQ5 Biodiversity

EQ6 Design and Place Making
EQ7 Built and Historic Environment
CF6 Accessibility and Transport

National Planning Policy Framework 2021

Achieving Sustainable Development	Chapter 2
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Natural Environment	Chapter 15
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2006/0469	Refurbishment and extension of dwelling (Permitted 18/07/2006)
HPK/2006/0473	Listed Building Consent for refurbishment and repair of cottage with enlargement of existing single storey extension to rear (Withdrawn 27/07/2006)
HPK/2007/0602	Listed building Consent – refurbishment and replacement of extension (Approved 25/09/2007)
HPK/2019/0191	Listed Building Consent for proposed renovation, alteration and extension to dwelling (Approved 23/02/2022)
HPK/2021/0246	Proposed refurbishment, alteration and extension of dwelling and demolition of existing lean-to (Approved 23/02/2022)

CONSULTATIONS

Publicity

Site Notice expiry date: 27th October 2022
Neighbour consultation period ends: 24th October 2022
Press Advert: 3rd November 2022

Public Comments

2 x representation has been received that disputes the extent of land ownership as shown on the submitted plans and other errors on the plans including a missing gate post.

Town / Parish Comments

N/A

Severn Trent Water

No objection – suggested informative

Derbyshire Wildlife Trust

We have reviewed the update building inspection (Protected Species Surveys, 2021). The report concludes that 85 Green Lane has continued to deteriorate and the potential for the existing building to support bats has further declined. The building has been determined to have negligible potential to support roosting bats, and given the direction of the building's condition we advise that the bat roost potential will remain the same.

Protected Species Survey's report recommends a precautionary approach whereby cavities are checked again by an ecologist. This approach is considered acceptable in this instance and is likely to safeguard and potential individual bats, and allow for a mitigation strategy to be produced, if deemed necessary. The applicant should be aware that this approach carries a risk of delay if bats are discovered during the ecologist's checks.

We recommend the following conditions are attached to any planning approval to safeguard bats and provide a nett gain, in line with guidance set out in the National Planning Policy Framework (2021).

1. Prior to any stripping, demolition or restoration works, a precautionary inspection of 85 Green Lane shall be undertaken by a suitably qualified ecologist to ensure roosting bats are not present. Particular attention shall be paid to the features previously identified in the Bat Survey Report (Protected Species Survey 2018) and shall include endoscopic inspection where appropriate. If evidence of roosting bats is found, no works shall commence until a suitable mitigation strategy has been produced (including licensing where necessary) and submitted to the Local Planning Authority.
2. Prior to restoration works, a Biodiversity Enhancement Plan shall be submitted to and approved by the Local Planning Authority to achieve a net gain for biodiversity, in accordance with the NPPF 2021. This shall provide details of nesting and roosting opportunities for birds and bats and may include retention of existing building features, creation of new features, incorporation of integrated boxes and consideration of external and tree-mounted boxes.

DCC Archaeology

No 85 Green Lane is Grade II listed (DDR6652), is of national significance and is an extremely rare survival of a 17th century labourer's cottage which has largely avoided modernisation and adaptation and its significance extends to its external appearance, its internal layout and features (fire places, first floor flue) and boundary walls.

I note that a WSI for building recording and archaeological monitoring works has been submitted with this application. This is the same as that submitted in 2021 and while this WSI was originally approved by this office in 2021, it now requires revising

and updating to reflect both the new timetable of works, and in the light of previous advice by your conservation officer, the building recording and archaeological elements of the proposed works should also be upgraded in line with the recommendations of the submitted HIA, to ensure that a more complete record of this extremely rare survival is compiled to offset the loss of evidential value during renovation.

Such works should comprise

- Pre-start Level 3 Building recording
- Structural (building recording) watching brief during works to upstanding fabric.
- Archaeological excavation and recording of deposits below extant flagstone floor/floor levels of the interior of the building to the depth of the base of development.
- Archaeological monitoring and recording, scalable to excavation during any external groundworks within the confines of the site red line boundary.
- Unified archaeological report of above and below ground archaeology, incorporating space syntax analysis as per Hillier and Hanson (1990).

Such works could be achieved, should you be minded to grant consent, by inserting the following conditions to planning which could read.

Historic building recording

- a) "No development shall take place until a Written Scheme of Investigation for historic building recording has been submitted to and approved by the local planning authority in writing, until all pre-start building recording elements of the approved scheme have been completed to the written satisfaction of the local planning authority, and until the provision to be made for analysis, reporting, publication and dissemination of the results and archive deposition has been secured. The Written Scheme of Investigation shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
 2. The programme and provision for post-investigation analysis and reporting
 3. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 4. Provision to be made for archive deposition of the analysis and records of the site investigation
 5. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"
- "b) No development shall take place other than in accordance with the Written Scheme of Investigation for historic building recording approved under condition (a)."
- "c) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the

programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured."

Archaeological Excavation and Monitoring

- "a) No development shall take place until a Written Scheme of Investigation for archaeological excavation within the building and monitoring of groundworks within the RLB has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
 2. The programme and provision to be made for post investigation analysis and reporting;
 3. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 4. Provision to be made for archive deposition of the analysis and records of the site investigation
 5. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"
- "b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)."
- "c) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured."

Following the completion of the pre-start building recording, rather than await a report, I will happily inspect the primary record on site to ensure it is fit for purpose, allowing works to proceed rather than awaiting a report.

The prospective archaeological contractor should be professionally recognised, with demonstrable expertise in both above and below ground archaeology, preferably with corporate membership of the Chartered Institute for Archaeologists.

HPBC Conservation Officer

Initial Response:

Grade II Listed No.85 Green Lane is a simple agrarian building in the vernacular rubble stone. Exhibiting a classic rural building style through its heavyset stone walling and intimate details such as small window openings, and interior spaces. Its modest features contribute to its interest and therefore historic significance in this relatively untouched pocket of Buxton. It clearly hasn't been lived in or used for a very long period of time so I am keen to encourage a sensitive approach with the interventions.

I am happy to see the fireplace/hearth and location of the stairs have been retained in their original location albeit with minor reorientation.

No objection subject to following conditions:

1. Drawing No: 3038-2002 shows the addition of the dining room through a fairly wide opening in the historic fabric from the kitchen. This entryway should be reduced in width to be in keeping with the traditional scale and massing reflective of the age of the building. Imposition of this will see this intervention respect of the pattern of the historic floorplan and have it remains legible.
2. Drawing No: 3038-2004 shows two double fully glazed doors both sides of the dining room extension (NW and SE). This sees the extension becoming cumbersome and cause visual confusion against the simple stone building. I don't see the need for two sets of these glazed doors on the new structure and it feels as though it would look like a corridor. I would like to see this extension be clearly read as a secondary element to this intricate dwelling and not in competition with the simple and traditional styling. I recommend retaining the north facing set and reverting the south facing set into a smaller window
3. Drawing No: 3038-2004 shows the dining room extension seeming to extend the line down from the principal building's eaves. I would be keen to see the size of the extension reduced to refrain from attempting to blur the two structures together as mentioned above: to have the interventions be clearly read and secondary, and not in competition.
4. Drawing No: 3038-2004 indicates doors and windows will be 'painted timber'. Clarity is required on what specifically is proposed in regard to the material, colour and style etc. A technical specification should be provided outlining this prior to any works being undertaken
5. Drawing No: 3038-2003 indicates conservation rooflights are to be installed. Clarity is required and technical drawings outlining this should be provided prior to any works being undertaken.
6. I would like to see specification outlining what the intended products and methods are in regard to insulation, methods of heating and what repointing and rendering methods will be used prior to any works being undertaken (ht Lime, Limewash etc.). The Design and Access Statement indicates 'lightweight stud walling' to a degree but further clarity is required, certainly in the ground floor bathroom (Drawing Ref: 3038-2002).
7. I note that historic stone flags are in situ on the ground floor. Will all be retained? Will any works affect these? Are they of significance? Please clarify.
8. In addition to the above, what flooring is proposed in the dining room extension?

Further Response:

Having regard to my previous comments regarding this application dated 31/10/22 I am content with the amendments and clarity presented in the following drawings:

- 3038-2002A
- 3038-2003
- 3038-2004A
- 3038-4001
- 3038-4002
- 3038-4003

No objection subject to the following condition

1. *The development once approved by the Local Planning Authority shall be carried out in accordance with the amendments previously discussed on the first response letter dated 31/10/2022 and further outlined on the drawings listed above*

Derbyshire County Council Highways

No comments to make

OFFICER COMMENTS

Principle of Development

The application seeks full planning permission and associated Listed Building Consent for minor extensions and alterations to a residential property (albeit in a dilapidated state) on a site that lies outside of the built-up area boundary in the open countryside.

Local Plan (LP) Policy EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness. The policy supports extensions and alterations to existing dwellings provided they are subsidiary to the building and do not have an adverse impact on the character of the landscape.

The application refers to a Grade II Listed Building and lies within the Buxton College Conservation Area. As such, in addition to adhering to LP Policy EQ3 and relevant local and national design policies, the application is subject to LP Policy EQ7, relevant restrictive national policies relating to the conservation and enhancement of the historic environment contained under Chapter 16 of the NPPF, underpinned by Sections 66 and 72 of the Act 1990.

Having regard to the above, the principle of development can only be supported where it can be demonstrated that the extensions and alterations preserve or enhance the rural landscape character and either sustain or enhance both the historic fabric and architectural interest of the building and the wider character and

appearance of the Buxton College Conservation Area, notwithstanding all other material planning considerations.

Design, Heritage and Conservation

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

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 EQ2 seeks to protect, enhance and restore the landscape character of the Plan Area by requiring development to have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, and that are sympathetic to and are informed by the distinctive landscape character areas as identified in the Landscape Character Supplementary Planning Document.

LP Policy EQ3 supports extensions and alterations to existing dwellings provided they are subsidiary to the building and do not have an adverse impact on the character of the landscape.

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.

The High Peak Residential Design Guide SPD (2005) and more recently adopted Design Guide SPD (2018) contains further design guidance for extending and altering domestic properties. Extensions and alterations should respect the scale and height of the parent building reading as a subordinate and secondary addition and respecting the character and appearance of the building through an appropriate choice of materials.

Paragraph 130 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 relevant restrictive policies relating to the conservation and enhancement of heritage assets. Paragraphs 199-202 set out how a local 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.

The application relates to a Grade II Listed Building that is currently in a worsening state of disrepair. The application is supported by a detailed Heritage Statement prepared by Jessops Consultancy (dated December 2019) which covers both No.85 and No.87 Green Lane. This document notes that both properties are labourer's cottages that date from the mid-17th to mid-18th Century, and are of national significance on account of their architectural and historical interest as rare survivals of labourer housing in the local vernacular, making a key, positive contribution to the significance of the Conservation Area.

The Proposals Map (2016) shows that the site lies within the 'urban' Landscape Character Area (LCA) lying adjacent to the 'Settled Valley Pastures' LCA. Having regard to the characteristics of the latter, the site conveys many of these aspects, including simple elevations with minimal detailing. As such, it is considered appropriate that any alterations and extensions are introduced in conjunction with and respect the characteristics of the Settled Valley Pastures LCA.

Previous full planning and Listed Building Consent applications for the refurbishment, alteration and extension of the building have been approved within the last three years but have not been implemented. In the interests of ensuring that this important heritage assets survives and continues to make a positive contribution to the local setting, any proposals for the appropriate restoration and alteration of either building will be welcomed and encouraged by the Local Planning Authority.

The plans submitted with the original full planning and Listed Building Consent applications were reviewed by the Council's Conservation Officer, who set out a number of points of clarification and necessary amendments (labelled as conditions) that required actioning prior to determination.

A suite of revised plans have subsequently been received which show the provision of a modest single storey lean-to extension that sits below the eaves height of the main building reading as a subordinate and secondary structure, constructed of matching traditional materials, in accordance with supplementary guidance.

The restoration makes use of existing openings, again in line with supplementary guidance, with two velux rooflights added to the south-western elevation. The latest

submission includes details of roof lights, windows and doors, all of which have been found to be acceptable by the Conservation Officer.

Original comments from the Conservation Officer raised a point of clarification with regards to the historic stone flags and whether these will be retained in situ on the ground floor. The updated Ground Floor Plan contains notes that address this point, to the satisfaction of the Conservation Officer.

In light of these latest comments, it is considered that the proposed restoration, alteration and extension of this building will allow the significance of building to be enhanced, in a manner that responds positively to the character and appearance of the existing building and wider conservation area, enhancing the immediate and wider rural landscape character, fully supporting the aims and objectives of LP Policies S1, EQ2, EQ3, EQ6, and EQ7, all relevant Supplementary Design Guidance, and relevant paragraphs under Chapter 12 of the NPPF, and restrictive paragraphs under Chapter 16 of the NPPF, underpinned by Sections 66 and 72 of the Act 1990.

Archaeology

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.

Paragraph 194 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk based assessment, and where necessary, a field evaluation.

The application has been supported by a Archaeological Evaluation Assessment Report prepared by Arc Heritage which includes a Written Scheme of Investigation (WSI) that has been found by the County Archaeological Officer is the same as that submitted in 2021, who states that it now requires revising and updating to reflect both the new timetable of works, and upgraded to ensure that a more complete record is compiled to offset the loss of evidential value during renovation.

As such, conditions are recommended in connection with Historic Building recording and Archaeological Excavation and Monitoring. Subject to these (pre-commencement conditions) attached to the Listed Building Consent application – that do not require written consent from the applicant, as they would with a full planning application – matters of Archaeology are considered to be satisfactorily addressed, in accordance with LP Policy EQ7 and relevant policies contained under Chapter 16 of the NPPF.

Ecology

LP Policy EQ5 requires all new development proposals to demonstrate that any protected species and habitats within the site will not be adversely affected and seeks to promote a nett gain in biodiversity by securing appropriate mitigation and ecological enhancements where appropriate.

Paragraph 180 of the NPPF requires local planning authorities to consider the potential impacts on ecological assets, which includes protected species and habitats, securing a nett gain in overall biodiversity where possible.

The applications have been accompanied by a letter prepared by Ecological Species Survey. The letter refers to an updated building assessment carried out in May 2021 by a licenced bat worker, in order to update results of a single nocturnal survey carried out in August 2018, which observed no bats were observed either emerging or entering either building.

This letter, together with all other plans and documentation submitted with the application have been reviewed by Derbyshire Wildlife Trust, who have confirmed that the approach to assess the potential impacts to protected species and ecological assets is acceptable, and that there are no objections subject to appropriate conditions relating to a precautionary inspection and a biodiversity enhancement plan.

Subject to such appropriate conditions, it is considered that matters relating to ecology have been satisfactorily addressed, in accordance with LP Policy EQ5 and relevant paragraphs under Chapter 15 of the NPPF.

Amenity

LP Policy H3 requires all new housing development to provide a high standard of amenity for future occupiers by demonstrating compliance with Nationally Described Space Standards, published by DCLG (2015).

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

Firstly with regards to the standard of amenity for future occupiers of the residential property, the resultant dwelling would contain 2no. bedrooms over two storeys. For a 3no. person occupancy, Nationally Described Space Standards requires the overall

floor area of a dwelling to be a minimum of 61sqm, with a 4no. person occupancy having a slightly enlarged minimum floor area of 70sqm.

The total internal floor area of the resultant dwelling totals 55sqm and therefore would fail to meet NDSS. Whilst it is acknowledged that the occupiers of the dwelling would be somewhat constrained by modern standards, this has to be balanced with the fact that the internal layout is some 200 years old, and that in order to ensure a viable use for the building and thus enhance its significance, it is considered that in this instance any conflict with LP Policy H3 is outweighed by the public benefits associated with the restoration and enhancement of the Listed Building.

The introduction of 2no. velux rooflights in the roof serving the Lounge will allow sunlight into this habitable room. Both bedrooms are served by a habitable windows.

Nos.85 and No.87 Green Lane are both currently vacant with the rear elevation of No.85 facing the front elevation of No.87.

The proposed layout shows that there are no habitable windows in the rear elevation of the building, with the only opening serving the ground floor bathroom which would be obscure glazed. The rear extension also shows a single window serving the dining room facing northwards away from the neighbouring building and would thus not give rise to any overlooking or loss of privacy.

For the reasons set out above, it is considered that the proposed development will, on balance, provide an appropriate level of amenity for future occupiers of the dwelling house and preserve the residential amenity of neighbouring properties, in accordance with LP Policy EQ6, the Residential Design Guide SPD and paragraph 130 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 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.

The dwelling would be served via an existing shared access track that serves No.87 and No.89 Green Lane. The site contains sufficient space to accommodate a level of off-street parking provision that aligns with the Council's Parking Guidance and suitable turning and manoeuvring to allow vehicles to exit the site in a forward gear. The Highways Authority have raised no objection and as such there are not considered to be any adverse highway safety impacts that arise from this application,

thereby demonstrating accordance with LP Policy CF6 and paragraph 110 of the NPPF.

Other Matters

Nutrient Neutrality

The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out “likely significant effects” on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail.

Screening Assessment

The proposal is not directly connected with or necessary for the conservation management of a European site. Given that the existing lawful use of the building is a residential dwelling, and that the internal layout of the building would not be altered, the proposal is not considered to result in an increase of overnight stays or additional surface water run-off from the site. Therefore it will not risk having a significant negative effect on the SAC either on its own or in combination with other proposals and therefore it is not necessary to carry out an Appropriate Assessment.

Land Ownership

Comments have received from a neighbour querying land ownership and the access identified. However, it is clear from the Application Forms that appropriate notice (Certificate B) has been served on the land owners (Nos. 91, 93, 95, 97 and 99 Green Lane) and thus matters of land ownership do not prejudice the determination of both applications.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).

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.

Full planning permission and Listed Building Consent is sought for minor alterations and a single storey rear extension to No.85 Green Lane, Buxton to create a 2no. bedroom dwelling.

The building is Grade II Listed, and lies within the Buxton College Conservation Area, outside of the built-up area boundary in the open countryside.

Further to revised plans submitted in response to initial comments from the Conservation Officer, a detailed assessment has concluded that the proposed development is welcomed in so far as it will enhance the historic significance of the building by cementing its viable use. The proposed extension and alterations will preserve the historic fabric and architectural interest of the Listed Building, respecting the character and appearance of the building, the setting of the Conservation Area, and the immediate and wider rural landscape, in accordance with LP Policies S1, EQ2, EQ3, EQ6 and EQ7, relevant Supplementary Design Guidance, relevant paragraphs relating to design under Chapter 12 of the NPPF and relevant restrictive paragraphs relating to heritage conservation under Chapter 16 of the NPPF, underpinned by Sections 66 and 72 of the Act 1990.

Whilst the resultant dwelling would fail to comply with Nationally Described Space Standards and thus there would be a degree of conflict with LP Policy H3, it is acknowledged that the internal floor layout and sensitivity of the building does not allow for these modern standards to be achieved, and that on balance, the benefits of securing the ongoing viable use of the building as a dwelling outweighs any harm resulting from any conflict with LP Policy H3. The proposed development would not result in any adverse harm to the amenity of neighbouring properties.

Technical issues regarding ecological and archaeological assets have been satisfactorily addressed, and there would be no adverse harm to highway safety.

As such, the applications in their final revised form is considered to amount to a sustainable form of development, and in line with LP Policy S1a and paragraph 11 of the NPPF are recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 20th December 2022

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council