

DELEGATED DECISION REPORT

HPK/2023/0034
Valid 17/02/23

11A, SCARSDALE PLACE,
BUXTON, DERBYSHIRE,
SK17 6EF

CHANGE OF TWO FRONTAL
WINDOWS (FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design Considerations (including impact on Heritage Assets)
- Impact upon Residential Amenity
- Highway Safety
- Nutrient Neutrality

DESCRIPTION OF SITE

The application site lies within the development boundary for Buxton as defined by the Local Plan policies map. The application site is a mid-terraced three storey property with commercial use at ground floor. The site is located within the Town Centre for Buxton and is within the Buxton Conservation Area and an area of archaeological interest. The surrounding area is predominantly commercial in character.

PROPOSAL

This application seeks permission for the replacement of two first floor bay windows on a like for like basis. It is proposed that the windows be of matching design, and be of timber fabrication.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan (Adopted 2016)

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
S2 Settlement Hierarchy
S7 Buxton Sub-area Strategy
EQ1 Climate Change
EQ6 Design and Place Making
EQ7 Built and Historic Environment
CF1 Retail and Town Centres
CF5 Accessibility and Transport

Supplementary Planning Guidance/Documents

Residential Design (2005)

High Peak Design Guide (2018)
Buxton Conservation Areas Appraisal (2007)

National Planning Policy Framework

Section 7: Ensuring the vitality of town centres
Section 11: Making effective use of land
Section 12: Achieving Well-designed Places
Section 16: Conserving and enhancing the historic environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

Various relating to ground floor commercial premises.

CONSULTATIONS

Publicity

Site Notice expiry date: 06/04/23
Neighbour consultation period ends: 30/03/23
Press Notice: 30/03/23

Public Comments

None received

Councillor Comments

None received

Town / Parish Comments

None received

Conservation Officer

Objection.

The scheme is titled 'Change of two frontal windows', yet drwg ref: 1872-8 Rev A Construction Notes goes on to talk about: - Damp survey. - DPC injection. - New timber. - New masonry. - New steel work. - Concrete padstones. - Floor joists. - Underpinning. - Building stability. - Site clearance. - Studwalls. - Foundations and footings.

This does not marry up with the proposal title that indicates a minor intervention in comparison. I would not support some of the interventions above without a thorough and comprehensive survey, schedule of repair works, a detailed Design and Access statement that discusses the interventions, photos of the building and information of its existing status among other criteria.

Notwithstanding the lack of information to support the construction statement – there is no window specification, window detail or technical window drawings to support a window project. Further; drwg ref: 1872-1 Rev A depicts a residential interior consisting of bedrooms and the like. Though the existing status of the ground floor of this building is a small convenience shop.

The ramp leading to the inside and respective front elevation details is consistent with the building's present day use. As it stands I suggest refusal or withdrawal of the scheme.

DCC Highways

No objection

OFFICER COMMENTS

Principle of Development

The application proposes the replacement of existing windows to the front elevation of a building which is located within the town centre boundary for Buxton. Policy S7 confirms that within the Buxton Sub Area development should seek to protect and enhance the unique character of Buxton's spa heritage, townscape and natural environment through, inter alia, protecting and enhancing the historic environment. This matter is considered in more detail below, and subject to achieving these goals the principle of development would be acceptable.

With regard to development within the town centre, Policy CF1, which relates to Town Centres, confirms that the Council will seek to maintain and enhance the vitality and viability of town centres. The proposed development does not affect existing commercial floorspace and as such it is not considered that the proposed development would result in any conflict with Policy CF1 in terms of land use.

Design Considerations (including impact on Heritage Assets)

Policy S1 states that new development will be expected to make a positive contribution towards the sustainability of communities and where possible enhancing the environment which would be achieved by, inter alia, securing high quality and locally distinctive design. Policy EQ6 states that all development should be well designed and of a high quality and that this will be achieved by requiring development to be well designed to respect the character of the townscape, and requiring development to contribute positively to an areas character, identity and history in terms of scale, height, density, layout, appearance, materials and relationship with adjacent buildings. Policy CF1, with regard to development within the town centre, states that support will be given to proposals that seek to deliver qualitative environmental improvements and support the local distinctiveness of town centre environments through high quality design

Further guidance is contained within the High Peak Residential Design Guide SPD (2005), and the Design Guide SPD (2018).

The NPPF also seeks to deliver high quality design in development and, at paragraph 134, states that development which is not well designed should be refused.

Policy EQ 7 states that the council will conserve heritage assets in a manner appropriate to their significance. The application site lies partly within the Buxton Central Conservation Area, which is a designated heritage asset and within the Higher Buxton Character Area.

The Buxton Conservation Area Appraisal for the Higher Buxton character area identifies some of the main characteristics of the area being the inward-looking spaces; hard-edged with a strong, almost continuous, enclosure; intimate scale and glimpsed views; largest concentration of vernacular buildings; and a regular rhythm of three-storey commercial buildings and terraced houses.

The application proposes the replacement of the existing first floor windows within the front elevation of the building. The existing windows are of timber construction and appear tired and in need of attention. The proposals would be for the replacement on a like for like basis which includes the replication of the existing pattern and proportion of openings and framework. It is also proposed that the windows would be of timber construction. It is considered that this design approach for the replacement of windows is acceptable, and would be an enhancement to the existing building and wider setting of the Conservation Area. No harm to the significance of heritage assets would arise from these proposals.

The Conservation Officer has raised an objection to the proposals, citing an additional sheets provided within the plans package which details commentary on various works beyond what is proposed. It is clear from the application submission what is proposed, and that the proposals relate solely to the replacement of the existing windows on a like for like basis. Comment is also made that the floorplans indicate residential use of the building. The present lawful use of the first floor is not clear, nonetheless, the proposals are strictly for the operational development sought. With this in mind, and while the concerns of the Conservation Officer are noted, it is not considered that a refusal on the heritage grounds suggested could be sustained.

Amenity

Policy EQ6 requires development achieve a satisfactory relationship to adjacent development and not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

No amenity issues would arise from the replacement of the windows on a like for like basis.

Highway Safety

Policy CF6 states that the Council will seek to ensure that development can be safely accessed in a sustainable manner. Policy EQ 6 requires that public and private spaces are well-designed and safe, and that developments are easy to move

through and around, incorporating well integrated car parking, pedestrian routes and, where appropriate, cycle routes and facilities.

No highway safety issues would arise from the replacement of the windows on a like for like basis.

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. The proposal will not increase overnight stays or 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.

CONCLUSION / PLANNING BALANCE

It is considered that the proposals would comply with the policies contained within the Development Plan and guidance within the NPPF, and as such it is recommended that the application be approved.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Declan Cleary

Recommendation Date: 26/04/2023

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council