

DELEGATED DECISION REPORT

HPK/2023/0083
Valid 17/03/2023

DEVONSHIRE DOME
DEVONSHIRE ROAD
BUXTON

**INSTALLATION OF TWO
POSITIVE INPUT
VENTILATION SYSTEMS FOR
RADON MITIGATION AT
LISMORE VILLAS AND
NORTHELIGH HOUSE, WITHIN
THE CURTILAGE OF THE
DEVONSHIRE DOME**

**(LISTED BUILDING CONSENT -
ALTERATION)**

MAIN ISSUES

- Impacts to any features of special architectural or historic interest of the Listed Building

DESCRIPTION OF SITE

The application relates to two separate pairs of semi-detached residential properties known as Lismore Villas and Northleigh House, which are situated off Devonshire Road a short distance from and within the curtilage of the Grade II* Listed Devonshire Dome, Buxton.

The Devonshire Dome building dates from the late 18th Century with major remodelling works carried out in the late 19th Century. The residential properties on site, which includes Lismore Villas and Northleigh House subject of this application, were until recently in use as staff accommodation for the NHS hospital that occupied the site which closed in 2000.

Both properties have an attractive appearance displaying many of the traditional architectural features found within older properties within the Buxton area, which include their construction in a natural stone with slate tiled roofs, large bay windows and small pitched dormer windows.

Both properties suffer from high levels of Radon in the basement area.

PROPOSAL

This application seeks Listed Building Consent to install wall mounted ventilation and remediation (positive pressure) unit systems in both properties to mitigate the high levels of radon that have been identified in the interests of the amenity of current and future occupiers.

The Positive Input Ventilation (PIV) System works by drawing fresh air into the room and gently dispersing it through the area, with the rate at which air is drawn slightly exceeding the rate at which the air escapes the building, thus positively pressurising the space and inhibiting any radon from the exterior to enter the room by process of advection. The system also improves overall air quality by reducing relative humidity in the space, reducing the risk of mould and condensation.

At Lismore House, the Lower Ground Floor Plan shows that a proposed wall vent would be installed internally with the South-Western Elevation Plan showing the installation of an external box type unit of a modest scale, located under the sill of the ground floor window. A small pipe spanning a length of approximately 400mm extends upwards from the finished ground floor level to this unit.

The accompanying Design, Access and Heritage Statement states that due to the location of the room with highest radon levels, the location of the air intake pipe at Northleigh House must be located on the front elevation, as shown on the Proposed Elevation Plans, in the form of a pipe approximately 400mm above ground floor level, with the wall vent being installed internally.

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
EQ7 Built and Historic Environment

National Planning Policy Framework 2021

Achieving Sustainable Development	Chapter 2
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0002/3538	Gas Meter House and External Flues (Approved 16 th September 1985)
HPK/0003/9787	Change of Use from Hospital (C2 Use) to University (D1 Use) (Approved 25 th April 2001)

HPK/2002/0082	Listed Building Consent for Demolition of Joinery Shop/Ink Corridor, Greenhouse and Outbuildings (Approved 26 th March 2002)
HPK/2002/0435	Listed Building Consent for Removal Of Areas Of Ground Floor Ceilings To Carry Out Investigative Works And Future Strengthening (Approved 11 th November 2002)
HPK/2002/0436	Listed Building Consent for Remedial Works to Dome Floor (Approved 19 th July 2002)
HPK/2002/0921	Demolition of External Fire Escapes External Flues and Toilet Block (Permission Not Required 18 th December 2002)
HPK/2002/0923	Listed Building Consent for Alterations internally and externally for use by University. Demolition of 20 th Century additions and reinstatement of gates and piers with alterations to external works (Approved 22 nd May 2003)
HPK/2003/0312	Refurbishment of former Devonshire Royal Hospital into new campus with associated external works and demolition of outbuildings (Approved 12 th June 2003)
HPK/2017/0007	Listed Building Consent for the installation of 4No. de-stratification fans between the existing lamps to the Dome area in order to improve the energy efficiency of the building (Approved 19 th June 2017)
HPK/2022/0173 & HPK/2022/0174	Listed Building Consent and Advertisement Consent for Renewal of external signage in 3no. locations and introduction of external signage in 1no. location (Approved 13 th July 2022).

CONSULTATIONS

Publicity

Site Notice expiry date: 27th April 2023
 Neighbour consultation period ends: 13th April 2023
 Press Advert: 20th April 2023

Public Comments

None

Town / Parish Comments

N/A

Historic England

No comments

DCC Archaeology

The proposed works at Lismore Villas and Northleigh House will have no below ground archaeological impact and on this basis I have no objection. Please consult your own building and conservation officer regarding their potential impact on the setting of adjacent listed buildings.

HPBC Conservation Officer

No objection subject to following conditions:

1. As per Drawing Ref: 2248-02-19 South West Elevation as Proposed, prior to the commencement of works on site the proposed air intake for radon mitigation with 110mm UPVC waste pipe capped with mushroom cowl vent is to be a colour to match the front elevation stone at Lismore Villas. The matching colour code detail is to be provided to the Local Planning Authority. The development shall be carried out in strict accordance with the approved details
2. As per Drawing Ref: 2248-02-22 North East Elevation as Proposed prior to the commencement of works on site the proposed air intake for radon mitigation with 110mm UPVC waste pipe capped with mushroom cowl vent is to be a colour to match the front elevation stone at Northleigh House. The matching colour code detail is to be provided to the Local Planning Authority. The development shall be carried out in strict accordance with the approved details

OFFICER COMMENTS

Principle of Development

The application seeks Listed Building Consent for minor internal and external alterations to 2no. separate residential properties that are curtilage listed due to their proximity and spatial and historic relationship with the Grade II* Listed Devonshire Dome.

As such, the principle of development can only be supported where the application can demonstrate that the works will either preserve or enhance the special architectural features and historic interest of the buildings, in accordance with LP Policies S1 and EQ7, and relevant restrictive policies relating to heritage conservation contained under Chapter 16 of the NPPF, underpinned by Section 66(1) of the Town and Country Planning Act 1990.

Impacts to any features of special architectural or historic interest of the Listed Building

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.

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

Chapter 16 of the NPPF contains the relevant restrictive national planning policies that relate to heritage conservation. Paragraphs 199-202 set 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.

The two properties to which the application relates are highly attractive traditional properties which are curtilage listed due to their spatial and historic relationship with the Grade II* Listed Devonshire Dome which is one of the iconic and most prominent heritage assets in the Borough. As such any alterations regardless of their scale needs to be treated with the greater amount of sensitivity and care.

The application is accompanied by a detailed and thorough assessment of the historic significance of the buildings and an assessment of the potential impacts of the development upon these assets.

The proposed units required to mitigated radon levels in both properties are relatively modest with regards to their scale and would be relatively minor when read against the backdrop of the elevations on which they are situated. The external equipment would be close to ground floor level, allowing the units to be read in context of both the elevation and the hard standing immediately associated with the property. The potential for harm is obviously greater at Northleigh, given that the unit would be positioned on the front elevation, however it is very modest scale, and would not be easily visible, particularly within the context of the main listed building.

The Conservation Officer has reviewed all plans and documents submitted with the application and has confirmed that there are no objections, and thus no adverse impacts to the architectural interest or historic fabric of the two curtilage listed buildings and the setting of the Devonshire Dome, subject to appropriate conditions.

In light of these comments, no other objections and the level of detail within the application, Officers conclude that the introduction of the two radon mitigation units at the two curtilage listed properties Lismore House and Northleigh respectively would not result in any harm to the architectural features and historic fabric of any heritage asset, in accordance with Local Plan Policy EQ7, relevant restrictive policies relating to heritage conservation under Chapter 16 of the NPPF, underpinned by Section 66(1) of the Town and Country Planning Act 1990.

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. 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

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.

A detailed assessment has concluded that the proposed internal and external works associated with installation of mitigation measures in connection with radon levels would, subject to appropriate conditions, preserve the special architectural features and historic interest of two curtilage listed properties, in accordance with LP Policies S1 and EQ7, and relevant restrictive national policies contained under Chapter 16 of the NPPF, underpinned by Section 66(1) of the Act 1990.

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

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 11th May 2023

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council