

DELEGATED DECISION REPORT

HPK/2023/0159
Valid 24/05/23

**BRANKSOME COTTAGE,
GADLEY LANE, BUXTON,
DERBYSHIRE, SK17 6UY**

**PROPOSED NEW ROOF,
REPLACEMENT DECKING,
REPLACE REAR WINDOW
WITH FRENCH DOOR AND
REPLACE EXISTING
POINTING WITH LIME
MORTAR (FULL -
HOUSEHOLDER)**

MAIN ISSUES

- **Principle of Development**
- **Design Considerations (inc Heritage Assets)**
- **Impact upon Residential Amenity**
- **Impact upon Highway Safety and the Network**
- **Impact upon Biodiversity**
- **Impact upon Protected Trees**
- **Flooding and Drainage**
- **Nutrient Neutrality**

DESCRIPTION OF SITE

The application site lies within the settlement boundary for Buxton as defined by the Local Plan policies map. The site relates to a two-storey detached property which is located on Gadley Lane, which is a street of low density, predominantly detached dwellings, which are surrounded by open space and woodland. Part of the site lies within a protected woodland (Woodland 6 of DCCTPO54). The River Wye runs through the site, as such parts of the site lie within Flood Zone 2 and 3. The site is located within the Buxton Conservation Area (Pavilion Gardens and Serpentine Walks). An Article 4 Direction affects the site which removes permitted development rights for various extensions and alterations to the building.

PROPOSAL

This application seeks permission for various elements:

- Proposed new roof, including works to the chimney;
- Replacement decking;
- Replacement of a rear window with French doors;
- Replace existing pointing with lime mortar.

The application has not been supported by any scaled drawings. A site plan has been provided which indicates, presumably, the location of the proposed decking. A

Heritage Statement has been provided which outlines some of the proposed works further.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan (Adopted 2016)

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
S7 Buxton Sub-area Strategy
EQ1 Climate Change
EQ5 Biodiversity
EQ6 Design and Place Making
EQ7 Built and Historic Environment
EQ8 Green Infrastructure
EQ9 Trees, Woodlands and Hedgerows
EQ10 Pollution Control and Unstable Land
EQ11 Flood Risk Management
CF6 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 9: Promoting Sustainable Transport
Section 12: Achieving Well-designed Places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 04/07/23
Neighbour consultation period ends: 05/07/23
Press Advert: 05/07/23

Public Comments

None received

Town / Parish Comments

None received

DCC Highways

There are no highway safety comments to make to the application

HPBC Conservation Officer

The Heritage Statement does not meet the requirements laid out as per NPPF wording, notably paragraphs 194. The document only outlines the work proposed as a Planning Statement normally would.

A Conservation Area is a designated heritage asset within its own right. The proposal concerns Buxton Park Conservation Area which doesn't appear to have been described or assessed at all.

The material palette described states the property is limestone/sandstone. These are two quite differing stones. The vernacular of Buxton is Limestone and Millstone Grit as identified by the Conservation Area Appraisal. The roof slates are proposed to be reused where relevant and the replacement are to match the existing, but it has not been identified to what the existing are, it is presumed Welsh slate? and where the reclaimed items will come from. If they are too starkly contrasting this will confuse built dates and material sources. The photographs show portions of the roof may have original smaller and traditional slates.

The document goes on to note the chimney bricks are deteriorated, and any repainting will match. Though the photographs don't show painted bricks. The water deterioration at the chimney stack looks to be due to lack of appropriate water drainage, uncapped gutter ends and lack of lead flashing (noted in the document) at the base of the stack meeting the eaves.

Further, there are no scaled drawings depicting any of the proposed works, or what the existing consists of. Most pertinently the roof, chimney and associated materials. At the rear there is a proposed alteration of a window reveal? Removal of stone and alteration at floor level? There are no scaled drawings to depict this or any details regarding window specification. Consequently, I am solely relying upon the minds' eye to envisage this.

Possible impact is regarded as being potential loss of aesthetic values, and loss of fabric. Notwithstanding this as above without a thorough understanding of the Conservation Area and it's setting, I am not confident the proposal has explored this enough as it has not made any concluding determination that there will be impact if any to the designated heritage asset.

To conclude; I cannot confidently support this application based on insufficient information

Environment Agency

Presence of legally protected species and no evidence that the risks have been assessed and addressed satisfactorily

Environment Agency position - Biodiversity

Legally protected species may be present at this site. There's no evidence that the risks posed to them have been assessed and addressed satisfactorily.

We object to the replacement decking and new roof proposed as part of this planning application due to the likely effect this will have on otters and bat species. Insufficient information has been provided to assess the risks posed by this activity to potential otter resting places under the existing decking and bat roost potential of the existing slate roof. We therefore recommend that planning permission is refused.

Reasons

Otters and bats are protected species under the Conservation of Habitats and Species Regulations 2019. The proposed decking and new roof may have a detrimental effect on these species. The application does not include adequate information about the measures proposed to protect the otters and bats in this location.

This objection is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity in and around developments should be encouraged.

Overcoming our objection

A suitably qualified ecologist should inspect the decking for evidence of use by otters as a resting place. The ecologist should also carry out a bat roost suitability inspection of the roof/ roof void. Please provide an ecologist's report documenting the results of the otter and bat inspections, to include suitable mitigation measures as required

Environment Agency position – Flood Risk

This proposal falls outside flood zone 3b (functional floodplain) therefore we have no objection to the application.

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)

- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

OFFICER COMMENTS

Principle of Development

The application proposes householder development to a property which is located within the settlement of Buxton as defined by the Local Plan Policies Map. Within such locations householder development is generally acceptable, as a matter of principle. The main considerations in this instance whether the design is appropriate, taking into consideration its location within a Conservation Area, whether an amenity issues would arise, whether there would be an impact upon highway safety or the network, the impact on biodiversity, the impact on protected trees, the impact on flood risk and drainage, and nutrient neutrality.

Design Considerations (Impact on Heritage Assets)

Policy S 1a states that all new development should contribute to sustaining communities and protected and/or enhance the environment. Policy EQ 6 states that all development should be well designed, of a high quality and respond to the areas character, history and scale. Policy EQ 7 states that the council will conserve heritage assets in a manner appropriate to their significance.

The High Peak Design Guide (2018), at paragraph 5.5 states that, *“All extensions should harmonise with the parent building. An extension should respect the dominance of the original building and be subordinate to it in terms of its size and massing. Setting back the new section from the building line and keeping the eaves and ridge lower than the parent building will normally help”*. The High Peak Residential Design SPD (2005), at 9.0 states that *“Extensions and alterations to existing houses can have a significant impact on the appearance of a house, neighbouring property and the street scene. It is important, on all types of houses, that domestic development is carefully designed”*, and at 9.1 that *“Extensions should be designed so as to subordinate to the main form of the house. It is important that the extension results in a dwelling that is well designed in itself”*.

The application site lies within The Pavilion Gardens and Serpentine Walks Character Area of the Buxton Conservation Area which is a designated heritage

asset. The Conservation Area Appraisal (CAA) with reference to the sub area, identifies the main characteristics of the area as being gardenesque and serpentine landscaped public parks of the 19th century, highly unusual and individual public and semi-public buildings, and a series of inward looking spaces. The CAA identifies that the serpentine wood, follows the route of the River Wye up to the old Gadley Lane parish boundary. The CAA identifies that there are significant views/viewpoints from St Johns Road, towards the application site. The landscaped setting of this part of the Conservation Area forms part of the significance of the heritage asset. The application site is immediately adjacent to the River Wye and woodlands, and forms part of this setting, and has a positive contribution to the character and appearance of the area.

This application proposes the replacement of the existing roof, works to its chimney, a proposed replacement decked area, and the repointing of the building. The application has been supported by a Heritage Statement. Policy EQ 7 of the Local Plan states that the LPA will require *“all works that could impact on a heritage asset or its setting or sites with the potential to include assets, to be informed by a level of historical, architectural and archaeological evidence proportionate to their significance and sufficient to understand the potential impact of a proposal”*. This is consistent with the requirements of the NPPF, set out in paragraph 194.

The submitted Heritage Statement lacks sufficient detail in identifying the significance of the heritage assets affected by the development. Furthermore, the application as a whole does not provide sufficient information to enable the LPA to determine the effects of the development on the Conservation Area. The application lacks any clarity through scaled plans. There is elevational detail with regard to where the proposed French doors would be positioned, or their size, and any lintel detail. There are elevational and plan details with regard to the decking, the level at which it would sit against the rear elevation, the position of any steps, and heights of balustrades. However, these plans cannot be scaled from and therefore it is unclear as to the manner in which works to the rear and the works to the chimney would be altered. The Conservation Officer has raised similar concerns with regard to the level of detail provided.

Therefore, there is insufficient information to determine the effects that the development would have on the host building and the Conservation Area.

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.

The Residential Design SPD states, at 9.2, that extensions should *“be of a scale and be designed and positioned to avoid undue harm to the amenity of neighbouring properties. They must have regard to the orientation of adjacent homes, the number and position of windows and land levels. Excessive overshadowing of neighbouring habitable rooms windows, glazed doors and private garden/amenity areas should be avoided.”*

While the LPA has insufficient detail with regard to the proposed development. It is probable that the effects on neighbouring properties would be no greater than existing given the general locations and nature of the proposed works.

Highway Safety

The proposal would not increase the number of bedrooms within the development and as such would not result in an increased demand for off street parking arising from the proposals. No Highway Safety issues are anticipated.

Biodiversity

Policy EQ5 states that biodiversity will be conserved and where possible enhanced by ensuring that development proposals will not result in significant harm to biodiversity interests. Policy EQ8 states that the Council will develop, protect and enhance networks of Biodiversity and Green Infrastructure.

The River Wye intersects the application site, with works proposed within very close proximity to this corridor. Given the proximity to the river corridor, the proposed development has the potential to affect protected species and their habitats. Furthermore, the scheme includes works to the existing roof and given the age of the building, and its woodland setting, there is potential that the development could affect bats. No ecology information has been provided and as such (although the applicants sets out that they have not witnessed any otter or bats), the EA have objected to the development based on insufficient information, due to potential impacts to otters and bats, which is considered to be reasonable. Given the surroundings of the site is considered that other species could be affected, such as water vole or white-clawed crayfish, therefore an initial Preliminary Ecological Appraisal would be necessary, which will inform any further specific surveys necessary.

In summary, there is insufficient information to demonstrate the effect of the development on protected species and their habitats contrary to EQ5 and EQ8.

Impact on Trees

Policy EQ8 states that the Council will develop, protect and enhance networks of Biodiversity and Green Infrastructure. Policy EQ9 states that protection will be given to existing trees, woodlands and hedgerows.

The application site is located adjacent to a woodland which is covered by a TPO, within the site are trees which fall under that TPO. The woodland forms an integral part of the Conservation Area, while it also forms a clear Green Infrastructure corridor.

Insufficient information has been provided which accurately plots the trees, RPA and the extent of their canopy. Given the importance of the trees and the potential proximity of development to the trees, including during construction, it is considered appropriate surveys and reports should be provided. This would determine the

proximity of works and identify any mitigation and/or methods of works which may be required.

Without such information, the proposals would be contrary to Policies EQ8 and EQ9 of the Local Plan.

Flooding/Drainage

Policy EQ11 states that support will be given to development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere.

The application site lies within Flood Zone 2 and 3. The EA has identified that the works would lie outside of Flood Zone 3b, which is the functional floodplain, and as such have raised no objection on these grounds.

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. However, the proposal does involve additional hardstanding area and will therefore increase surface water run-off. However, given the very limited extent of the additional hardstanding it will not significantly increase run-off from the site and in turn 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 fail to comply with the policies contained within the Development Plan and guidance within the NPPF, and as such it is recommended that the application be refused.

OFFICER RECOMMENDATION: REFUSE

Case Officer: Declan Cleary

Recommendation Date: 13/07/2023

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council