

## DELEGATED DECISION REPORT

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**HPK/2023/0253**  
**Valid 05/07/23**

**28, PARK ROAD, BUXTON,**  
**DERBYSHIRE, SK17 6SQ**

**CHANGE OF USE AND  
RENOVATION, INCLUDING  
REPLACEMENT WINDOWS  
AND REMOVAL OF REAR  
PORCH, TO FOUR SELF  
CONTAINED APARTMENTS  
(CLASS C3); DEMOLITION OF  
OUTBUILDING; ERECTION OF  
SAUNA AND SHOWER UNIT;  
INSTALLATION OF HOT TUB  
AND LANDSCAPED SEATING  
AREAS; AND WIDENING OF  
ENTRANCE DRIVEWAY (FULL  
- MINOR)**

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### 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 large three storey detached villa building. The lawful use of the building is shared student accommodation (House in Multiple Occupation), following the approved conversion from residential in 2011 under HPK/2011/0157. An ancillary garage that lies immediately adjacent to the main building was also granted permission for conversion to Student Accommodation subsequently in 2016 under HPK/2016/0211. The site is located on a corner plot at the junction of Park Road and Heathfield Gardens and benefits from a large curtilage to front and side. Access to the site is off both Park Road to the front and Heathfield Road to the rear. Large areas of off street parking are located to the front and rear of the site. The site is located within The Park Conservation Area.

### PROPOSAL

This application seeks permission for the conversion of the building and its annex into 4 apartments. Three apartments would be located within the main building, one across each floor (2 4-bed and 1 3-bed), one 3-bed apartment would be located within the annex. An existing porch to the rear of the building would be demolished,

along with an existing outbuilding in the rear courtyard. Windows within the main building would be replaced on a like-for-like basis. An additional outbuilding would be constructed in the courtyard, which would be a sauna and outdoor shower area. The scheme also includes a pizza oven, seating area with hot-tub, a pathway and seating area in the lower garden, bin store and cycle store, and the relocation of an existing gate pillar to widen the access of Park Road.

## **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
- H1 Location of Housing Development
- H3 New Housing Development
- 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 5: Delivering a sufficient supply of homes  
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**

HPK/0001/5084 - For Proposed Change Of Use - Dwelling House To Rest Home For 15 People In 7 Bedrooms, Plus 3 Residential Staff (Approved)

HPK/0003/4228 - Relaxation Of Condition 4 On Approval Ref. 015084 To Increase Bedrooms to 10 (Approved 30/01/1995)

HPK/0003/4891 - Rear Alterations To Reform Bathroom Facilities (Approved 16/10/1995)

HPK/0003/5554 - Demolition Of Wall And Outhouses At Rear (Approved 05/09/1996)

HPK/0003/6463 - Removal Of Dormer & Fire Escape & Removal Of Lean-to & Wall (Approved 03/09/1997)

HPK/0003/6474 - Change Of Use Of Top Floor From Living Accommodation To Additional Residential Home Use & Erection Of Lift/stairs (Approved 03/09/1997)

HPK/2009/0647 - Change Of Use From Residential Home To Multiple Occupancy Building (Approved 11/01/2010)

HPK/2011/0157 - Change Of Use From Domestic Accommodation To Student Accommodation (Approved 17/05/2011)

HPK/2016/0211 - Proposed conversion of detached garage to Student Accommodation and alterations to elevations (Approved 14/06/2016)

HPK/2022/0124 - Change of use from House of Multiple Occupation (HMO) to Holiday Lets (Approved 07/06/2022)

## **CONSULTATIONS**

### **Publicity**

Site Notice expiry date: 15/08/23

Neighbour consultation period ends: 10/08/23

Press Notice: 10/08/23

### **Public Comments**

One letter of support received:

If this brings the building back in to use and renovates the external elevations I am in support of this application. It's good to see Large old buildings being Updated to make sustained local homes whilst preserving the look of the conservation area

### **Councillor Comments**

None received

### **Town / Parish Comments**

None received

### **Conservation Officer**

Objection.

The Heritage Statement is weak and goes into no assessment of the designated heritage asset the site is located within: The Park Conservation Area. It appears to only discuss the existing building. Consequently, I am not sure how it can be determined at 5.8 that there will be no impact imposed. I don't believe NPPF paragraphs 194 and 195 have been satisfied.

28 Park Road is set back from the road among grounds like many of its respective Victorian Villa counterparts, evidence of the conscious historic town planning from J Paxton. The street scene at front elevation is open, with a vernacular dry stone wall boundary and two surviving stone gate piers. This is met at the south-east portion of the site closest to the intersecting roads of Park Road and Heathfield gardens with a low Connifer hedge.

The site is a short way from, and lies close to the Pavilion Gardens RPG (Registered Park and Garden) on St Johns Road. This is due to no.28 being at the southern portion of the circular road layout of Park Road. This is not taken into consideration in the Heritage Statement.

The scheme sees what appears to be a minimal intervention at the building itself. It would be conducive to see a window schedule of the existing, to be able to determine what exactly will be like-for-like as is proposed. The existing is showing large two pane sash windows, though the vernacular of the large Buxton Villas is four pane sashes with respective 4 pane centre and side two pane units in the bays. Subsequently I am under the impression the current windows are not original. I would encourage the faithful reinstatement of original styles which would be seen as an enhancement. I will invite a condition to monitor joinery information, colour codes and the like.

The landscaping plan for the scheme shows a multitude of items out of character for the Conservation Area. As noted above, the frontage is quite open and exposed, and there is some intervisibility due to its location adjacent to the vista (or view through) from St John's Road. As such, I am not confident what appears to be an alteration in land levels is feasible. Though this is not demonstrated through sectional drawings. See drwg ref: 12-Pr Landscape Plan, this shows an annotation of seating area lower and retaining walls within the grounds at principal elevation.

See the same drawing; other items of concern are what feels like the cramming in of outdoor showers, sauna, gas pizza oven, bike storage and car parking all within approximately 20 meters to the boundary. This seems quite adventurous and unnatural for the area, and I am not sure as to why when the change of use is for four contained apartments; that there is a provision of twelve parking spaces. Spaces 1-9 are directly in front of the principal elevation of the property, with further proliferation of hardscaping despite there being an extensive amount in the existing. The extensive provision of parking, hardscaping and its location appears to be quite enveloping of the site's natural and unassuming character.

Access along Heathfield Gardens hugs the east elevation of the site and the property, before continuing along behind to neighbours at Heathfield Gardens. I think perhaps outdoor showers and luxurious external elements are not best placed openly facing this public road.

To conclude; what appears to be locating as much as physically possible behind the building does not justify 5.7 of the Heritage Statement that the proposal has been designed to conserve the character of the site. Whilst I have no issue in principle with a Change of Use, I am not confident the site's remaining character has been enhanced, and therefore neither has its place within the Conservation Area. I believe

there is an opportunity to reinstate its original humble aesthetic, as it is at a prominent entry point on the southern part of Park Road.

Some of the external elements, and the amount of them are rather unnatural, and I would like to be able to understand the concept behind this.

I am not confident the scheme has been thoroughly explored and therefore justified. As such I cannot provide full support at this time and welcome revisions of the project.

## **DCC Highways**

None received

## **OFFICER COMMENTS**

### **Principle of Development**

The application proposes the conversion of a HMO into 4 dwellings. The application site lies within the Development Boundary for Buxton as defined by the Local Plan proposals map.

Policies S1 and S1a of the High Peak Local Plan the Council expect all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible enhancing the environment.

Policy S2, states that development will be directed towards the most sustainable locations in accordance with the settlement hierarchy and identifies Buxton as being a Market Town, which is one of the main settlements where housing, employment and service growth development will be directed. Housing development is generally acceptable in such locations, subject to compliance with other policies.

Policy S7 confirms that within the Buxton Sub-Area support will be given to the development of new housing on sustainable sites within the built-up area boundary primarily in Buxton. Policy H1 relates to the location of housing development and states that provision will be made for housing by promoting the effective reuse of land by encouraging housing development through redevelopment of all site suitable for that purpose, and supporting housing development on unallocated sites within defined built up area boundaries of the towns. The principle of housing development is deemed to be acceptable in this location, in compliance with Policy H1.

The application proposals would contribute towards the delivery of housing in a sustainable location. The main considerations are therefore the effect on heritage assets, residential amenity, highway safety and nutrient neutrality.

### **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 application site lies within The Park Conservation Area which is a designated heritage asset. The Conservation Area appraisal with reference to The Park sub area, identifies one of the main characteristics as being large detached and semi-detached villas set in large mature gardens. The dwellings and their setting contribute towards the significance of the heritage asset.

The existing villa building would remain largely as existing with the exception of the removal of a small porch to the rear, which is not considered to be a negative intervention. The scheme proposes the replacement of the existing openings on a like-for-like basis. The windows are timber framed one up one down sash windows. The Conservation Officer has raised concern with regard to the replacement, as the traditional style of windows within the villa comprises 4 panes. While this concern is noted, the replacement of existing openings on a like-for-like basis is considered to be neutral in terms of its effect on the character and appearance of the Conservation Area.

The extent of hardstanding to provide parking areas is largely as existing with a similar parking layout being approved under the recent permission to convert the building holiday lets. The remaining garden is two tiered as existing and it is proposed to provide a seating area on this lower land. Amended plans have been provided which clarify that:

- this is proposed to consist of a 1 metre high circular wall constructed of local stone enclosing a stone paved area;
- the wall will be a freestanding wall (not retaining, as we had discussed) and will utilise the existing ground level, so no change in levels is required;
- the seating to be placed in this area will be moveable furniture; and
- this will not be visible from beyond the site boundary

This is well screened from public vantage points and as such would not have any adverse effect on the character or appearance of the Conservation Area.

To the rear, the annex building would remain as existing in terms of form and openings. There is an existing courtyard to the rear which includes a blockwork outbuilding. This would be removed and replaced by a sauna building and showers. A tall brick wall defines the rear boundary and these structures would not be prominent from Heathfield Gardens. The effect on the character and appearance of the Conservation Area would be neutral.

It is proposed that the sauna building as originally proposed would be clad in timber, while the bike shelter and bin store screen would also be timber. The use of such materials is not traditional in High Peak, as confirmed by the Design Guide, and as such would be unacceptable. Amended plans have now been provided and the sauna and bike store are now proposed to be clad with artificial stone and, is not visible from outside the site boundary, as the existing stone wall around the rear of the site is proposed to be retained. It is noted that the plans make reference to cladding the existing brick wall around the yard with timber panels. However, this can be excluded by condition.

There is also concern with regard to the siting of the bin store, which projects beyond the developed site and would be clearly visible from the rear access road. The re-siting of this could also be secured via condition.

The marginal widening of the site access off Park Road is not considered to cause harm to the character and appearance of the Conservation Area, subject to the existing gate post being reinstated in its wider position.

With the application of necessary conditions as detailed above, the proposed development would have a neutral effect on the character and appearance of the Conservation Area, and as such its character and appearance would be preserved. Therefore, whilst the concerns of the conservation officer are noted, having regard to the fall back position, and also considering the amended plans which have been submitted and further improvements which can be secured by condition the proposals are therefore acceptable in this regard.

## **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 application site would have a close relationship with neighbouring properties. However, new built form would be kept to a minimum and away from neighbouring properties. The location of principal openings would be as existing and as such there would be no greater effect on the amenity of neighbouring properties than the existing relationship.

With regard to the amenity of future occupants of the development. The scheme would provide an appropriate level of shared amenity space and facilities to serve future occupants.

### **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.

It has been demonstrated that the site can accommodate an appropriate level of off-street parking to serve the dwellings, which would be provided on existing hardstanding areas on land used for parking under its lawful use. Appropriate access arrangements, which use existing points of access, would be provided. No highway safety issues would arise from the development.

### **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 compared to the lawful use of the site. However, the proposal does involve additional hard surfacing and roof area and will therefore increase surface water run-off. However, given the very limited extent of the additional roof and 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 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: 27/11/2023**

X *B.J. Haywood*

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Signed by: Ben Haywood

**On behalf of High Peak Borough Council**