

## DELEGATED DECISION REPORT

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HPK/2023/0246  
Valid 04/08/2023

60 WORKSHOP REAR  
OF FAIRFIELD ROAD  
BUXTON

PROPOSED EXCAVATION  
WORKS

(FULL - MINOR)

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### MAIN ISSUES

- Principle of development
- Impact on visual amenity
- Impact on neighbour amenity
- Nutrient Neutrality
- Highway Safety

### DESCRIPTION OF SITE

The application relates to a detached building located within Buxton. The building is a split level stone building with pitched tiled roof that stands to the rear (north west) of No.60 Fairfield Road and accessed via a narrow access from Nunsfield Road to the west. The north eastern elevation reads as a single storey whilst the south western elevation reads as a two storey building.

In 2021 consent was granted to change the use of the building from Class E to a 2-bedroom dwelling.

The site is not located within any areas of designated interest.

### PROPOSAL

Consent is sought for excavation works to the side of the property to then install a concrete retaining wall. The existing ground level will then be reinstated.

To the front elevation a landscaping strip is proposed that would be enclosed by a 1.2m high close boarded fence. The fence and landscaping are proposed to provide some privacy to the rooms on this elevation.

### RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

#### High Peak Local Plan 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  
CF6 Accessibility and Transport

## **National Planning Policy Framework**

Section 11,12 and 15

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

HPK/2021/0057 - Change of use from Class E Commercial, Business and Service to C3 Dwellinghouses. Conversion of former carpenters workshop to form 2 bedroom dwelling.- Approved with Conditions

## **CONSULTATIONS**

### **Publicity**

Site Notice expiry date: 09.10.2023  
Neighbour consultation period ends:09.09.2023  
Press Advert: N/A

### **Public Comments**

None received within consultation period.

### **Town / Parish Comments**

None received within consultation period.

### **Severn Trent Waters**

No objections

### **Derbyshire County Council Highways**

No objections

## **OFFICER COMMENTS**

### **Principle of Development**

The application property is located within the development boundary for Buxton the Local Plan identifies Buxton as a Market Town. Policy S7 states that the Council and its partners will seek to establish Buxton as England's leading spa town and consolidate its role as the principal service centre for the Peak District.

As the application relates to a development within the residential curtilage of the property the principle of the development is accepted subject to an assessment of its

impact on the Visual amenity of the area, Neighbour Amenity and Buxton's Nutrient Neutrality.

### **Impact on Visual Amenity**

The works to the front elevation of the dwelling are proposed to install a retaining wall and when completed the original level would be reinstated and therefore for this area the land would be relatively unchanged. The proposed development to the side elevation is the most visible elevation. The proposed development would install a 1.2m high fence with planting behind. This development would compliment the area as it would introduce green space on a brownfield site. The 1.2m high fence provides some privacy for the occupier but does not look out of keeping with the area. As such the proposed development is considered to have an acceptable impact on the visual amenity of the area.

### **Amenity**

The application site is surrounded by residential dwellings. As the development relates to the south east and south west elevations the neighbours with the most potential to be affected by the development are the terraced properties on Fairfield Road. The proposed excavation works would have minimal impact on these neighbours as once the retaining wall is in place this area would be reinstated to the original ground level. The proposed fence and landscaping buffer would also have minimal impact on these neighbours as the fence measures 1.2m in height and would not cause any loss of light or have an overbearing impact. Therefore, the development has an acceptable impact on neighbour amenity.

### **Highway Safety**

Due to the location of the works and the area (off the public highway) which allow any vehicles associated with the excavation works to park. The development will have an acceptable impact on highway safety.

### **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

### **Land Stability**

Paragraph 183 of the NPPF states that planning decisions should ensure that: a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability adequate site investigation information, prepared by a competent person, is available to inform these assessments. However paragraph 184 makes clear that Where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The proposed works are clearly intended to improve the stability of the sloping site and makes clear that the design will be subject to structural engineers and building inspector approval. However, it is considered to be prudent to attach a condition requiring a design and report to demonstrate that the construction retaining wall will not compromise land stability.

### **CONCLUSION / PLANNING BALANCE**

It is for the above reasons and having regard to all material considerations and matters raised that the application is recommended for approval.

**OFFICER RECOMMENDATION :** Approve with conditions

**Case Officer: Rebecca Bowers**

**Recommendation Date: 30.11.2023**

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Signed by: Ben Haywood

**On behalf of High Peak Borough Council**