

DELEGATED DECISION REPORT

NMA/2024/0017 103 GREEN LANE
Valid 26/06/2024 BUXTON

**NON MATERIAL AMENDMENT
TO HPK/2021/0122 -
REPLACEMENT OF FLAT
ROOF TO GARAGE AT
SLIGHTLY HIGHER LEVEL
THAN ORIGINALLY
PROPOSED.**

**(NON MATERIAL
AMENDMENTS)**

MAIN ISSUES

The main issue relates to whether the proposed amendment to the approved scheme is non-material.

DESCRIPTION OF SITE

The application relates to No. 103 Green Lane, Buxton, a detached two storey property constructed predominately of a traditional stone with elements of render that has previous historic ties with Poole's Cavern and the visitor centre. An associated car park, lies a short distance to the South-East. The site is within the Built-up Area Boundary, where the adopted High Peak Local Plan seeks to concentrate development. Furthermore, the site is within the Buxton College Conservation Area as well as the Buxton College Article 4 area. The site is bound by neighbouring buildings comprising a section of Green Lane. No. 103A Poole House, Green Lane is located to the North-West and Pooles Cavern, Green Lane is situated to the South-East. No. 105 Green Lane sits South-West of the site. The Green Lane highway runs adjacent to the site to the North.

PROPOSAL

The proposed amendment to the approved plans consists of increasing the height of the existing garage by approximately 0.32 metres externally. This has been proposed in order to meet requirements to accommodate a new utility vehicle in connection with Estate Management activities. There have been no other alterations proposed.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2021/0122 – Change of use of 103 Green Lane from residential to office accommodation. Approved.

NMA/2023/0002 – Non-material amendment relating to HPK/2021/0122 – Removal of redundant and poorly maintained chimney stack, insertion of conservation style roof lights and small canopy link between property and adjacent garage. Approved.

CONSULTATIONS

One objection received as follows:

The Planning Application Details form states incorrectly that the application is a Non-material amendment (NMA) to a previous application HPK/2001/0122. That reference is to an Application in 2001 in another part of the Borough. The Applicant's form correctly refers to HPK/2021/0122 which was the granting of Change of Use of 103 Green Lane in 2021. The Application should not be granted until this error is corrected.

The purpose of the Application is to gain approval for an increase of the height of the roof of the garage of 103 Green Lane. The Application includes two drawings, one being an amended version of RLM 1089/2D as a detailed drawing of the garage works proposed. The other drawing is a Site Plan RLM 1089/5 for which there is no explanation. This drawing shows as cross-hatched the area which serves as the driveway to the property. The note on the drawing refers to this area as ' COMPOUND/DELIVERIES '.

This Application should not be approved until the purpose of this second drawing is clarified. It may be that this is intended to indicate where the materials for the proposed works will be delivered and stored temporarily during the course of the works although we note that no similar drawing was provided by the Applicant for the more substantial works nearing completion under granted NMA/2023/0002 .

If instead this second drawing is intended as a restatement of the allowed use of the area on a permanent basis, that would represent an unacceptable major change from the established use of the area for the passage and parking of vehicles as was established in the submission from DCC Highways Dept to the 2021 Application which did not object ' subject to retaining on-site parking arrangements for vehicles '.

We OBJECT to the Application on the grounds that the Planning Application Details document is incorrect and that the purpose of the inclusion of RLM 1089/5 is unclear and could possibly be a proposal for an unacceptable permanent change to the granted Change of Use from 2021.

We are not opposed to increasing of the height of the garage of 103 Green Lane by 330mm as part of the replacement of the existing roof and would be happy to withdraw our objection if the two issues raised are resolved to our satisfaction.

OFFICER COMMENTS

There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

This application seeks to confirm whether a singular alteration to the approved plans for the change of use of 103 Green Lane from residential to office accommodation under the application HPK/2021/0122 would constitute a non-material amendment. This alteration consists of the replacement of the flat roof to the garage at a slightly higher level than originally proposed (by approximately 320mm). This has been proposed in order to meet client requirements to accommodate a new utility vehicle in connection with Estate Management activities. No further alterations have been proposed.

With regard to the nature and scale of the proposed amendment, it is considered that the amendment would not materially alter from the approved development scheme. It is considered that there is very little difference between the height of the existing garage and the height of the newly proposed garage demonstrated on the new plans (0.32 metres). The existing garage would not change in any other way from the approved garage, thus it would have no greater impact on the character of the dwelling or wider area. The neighbouring properties within closer proximity to the site would not be negatively affected by the change.

The proposed alteration is considered to be minor in nature and would not adversely affect the character or appearance of the development as approved. Thus, the character of the building and surrounding area would continue to be maintained despite the alteration to the approved development.

Other Matters

Although public consultation is not required for an NMA application, a comment has been received raising 2 points. Firstly a typographical error in the description of development and secondly confusion regarding one of the submitted plans.

The typo has been corrected and will read correctly on the decision notice

The agent requested that the plan in question be removed from the application. It will not be referred to on the decision notice and has been removed from the website.

CONCLUSION / PLANNING BALANCE

In conclusion, it is considered that within the context of the application, the proposed change is non-material. A change in the height of the existing garage by 0.32 metres would only slightly differ from what was approved under the original application and would not impact neighbour amenity any more than what has already been approved. Therefore it is recommended that the application is approved.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Hannah Varley

Recommendation Date: 24/07/2024

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council