

DELEGATED DECISION REPORT

HPK/2024/0375
Valid 26/09/2024

FLAT 15
HEATHFIELD GARDENS
PARK ROAD
BUXTON

REPLACEMENT OF EXISTING
WIDOWS TO FLAT 15 WITH
NEW UPVC DOUBLE GLAZED
WINDOWS.

(FULL - MINOR)

MAIN ISSUES

- Design and Conservation

DESCRIPTION OF SITE

The application relates to the external elevations of a block of residential retirement home apartments that form part of a wider group of three blocks known as Heathfield Gardens. The development is accessed via a private driveway from Park Road and contains a generous shared amenity area.

The site lies within the built-up area boundary of Buxton and within The Park Conservation Area.

PROPOSAL

The application seeks to replace existing timber casement windows serving Flat No.15 in the apartment block with UPVC windows of a black colour and design. The information submitted with the application shows the replacement windows to be produced by Resident 9 (R9) – a company specialising in windows and doors for sensitive areas including conservation areas.

The specifications submitted are identical to those submitted with similar applications which were granted to substitute windows at Flat 14 Heathfield Gardens (HPK/2021/0108) in May 2021 and Flat 8 Heathfield Gardens (HPK/2021/0310) in July 2021.

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
- S7 Buxton Sub-area Strategy
- EQ6 Design and Place Making
- EQ7 Built and Historic Environment

National Planning Policy Framework 2023

- Achieving Sustainable Development Chapter 2
- Achieving Well Designed Places Chapter 12
- Conserving and Enhancing the Historic Environment Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- HPK/0002/8644 Erection of 27no. Flats in 3 3-storey blocks
(Approved 07/12/1989)
- HPK/2020/0474 Replacement of existing timber windows with high performance
UPVC windows with matching colour and design in Flats 1-2-4-
7-10-11-13-16-17-18 (Approved 26/01/21)
- HPK/2021/0108 Replacement of existing timber windows with high performance
UPVC windows with matching colour and design to Flat 14
(Approved 19th May 2021)
- HPK/2021/0310 Replacement of Existing Windows (Approved 19th July 2021)

CONSULTATIONS

Publicity

Site Notice expiry date: 17th December 2024
Neighbour consultation period ends: 24th October 2024
Press Advert: 31st October 2024

Public Comments

None

Town / Parish Comments

N/A

HPBC Conservation Officer

No comments received at time of writing

Derbyshire County Council Highways

No comments received at time of writing

OFFICER COMMENTS

Principle of Development

The application seeks permission for replacement windows to a flat within an existing building, and thus does not benefit from Permitted Development rights. The block of flats lies within The Park Conservation Area within the built-up area boundary of Buxton.

As such, the application is subject to Local Plan (LP) Policy EQ7 and relevant restrictive policies that relate to heritage conservation contained under Chapter 16 of the NPPF. New development will only be supported where it can demonstrate compliance with such policies, notwithstanding any other material considerations.

Design & Conservation

Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

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 EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.

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.

Paragraph 135 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

Paragraphs 207-221 of the NPPF sets out how a local 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 application has been accompanied by a brochure that contains the detailed information for the proposed replacement windows. This information together with the submitted plans and elevations show that whilst the material would be different, the general visual appearance of the elevation and wider block of flats will be maintained in its current form.

Whilst no comments have been received from the Council's Conservation Officer, it is appropriate to consider previous comments made in connection with recent applications for similar development assessed and determined under the same Local Plan and NPPF.

The details of the proposed replacement windows are consistent with similar proposals approved by the Authority at Flats No.14 and more recently at No.8, whereby latterly the Conservation Officer confirmed that provided the details were consistent with those previously approved, they saw no reason not to replicate those. As the current proposals are identical to these earlier examples, it is considered that the new windows would enhance the building, reflecting others which have already been installed at the site.

In light of the above, and having regard to the fact that the proposal materials are consistent with other applications to replace windows on other flats, it is considered that the proposed replacement windows would continue to sustain and enhance the character and appearance of the existing building, The Park Conservation Area, and wider street scene, in accordance with LP Policies S1, EQ6 and EQ7, and restrictive policies contained under Chapter 16 of the NPPF, underpinned by Section 72 of the Act.

Other Issues

Amenity

The application does not give rise to any amenity concerns as the new windows would simply replace the existing windows.

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 contained within the National Planning Policy Framework. It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

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.

The application seeks to replace existing windows serving a residential flat within a wider block within the Heathfield Gardens complex with replacement windows of a similar appearance but different material.

An assessment of the application has found that in line with previous applications for similar development approved by the Local Planning Authority, the proposal presents a high quality specification of window design that will preserve the character and appearance of the building and wider setting of the Conservation Area. The windows are therefore considered to comply with all relevant Local Development Plan policies and other material considerations including restrictive policies relating to heritage conservation contained within the NPPF.

The application therefore constitutes 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: 17th December 2024

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council