

DELEGATED DECISION REPORT

NMA/2024/0022
Valid 28/08/2024

12 BROAD WALK
BUXTON

APPLICATION FOR A NON-MATERIAL AMENDMENT IN RELATION TO APPLICATION HPK/2018/0089 RE-

1. CONSTRUCTION OF A NEW SLATE ROOF OVER THE FORMER OIL TANK BASE
2. REVISED PARKING AND LANDSCAPING PROPOSALS ALONG FOUNTAIN STREET

(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 site relates to 12 Broad Walk, a Grade II Listed Building that occupies a prominent position in the Buxton Central Conservation Area. The site is a former nursing home located within a Grade-II listed building located within Buxton town centre and within the Buxton Central Conservation Area, on Broad Walk to the immediate south-east of Pavilion Gardens. Planning permission and listed building consent were granted in 2018 for the building to be converted into six flats, requiring a range of internal alterations including changes to the internal layout and external areas.

PROPOSAL

The application seeks a non-material amendment to planning approval HPK/2018/0089, which granted consent for the refurbishment and alternation to Derby House, in order to create 6 no. apartments with associated on-site parking provision and landscaping.

The amendments comprise of:

1. Removing the concrete block bund walls and extending the slate roof over the former oil tank across from the adjacent modern former office building to improve the appearance of this area.

2. A revised parking area, to relocate the parking closer to the long-established parking area in the North-West corner of the site, but with the new parking set back behind the line of the North-West elevation of the building (overlooking Broad Walk) and with additional planting proposed for visual screening.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2007/0401 Listed Building Consent – Construction of an office to replace timber store shed, the repair of three storage areas and replacement of the existing unsafe concrete and steel gantry. Approved

HPK/2007/0402 Construction of an office to replace timber storey shed, the repair of three storage areas and replacement of the existing unsafe concrete and steel gantry. Approved

HPK/2018/0090 (LBC) and HPK/2018/0089 (planning)- Refurbishment and alteration to Derby House, and conversion to six dwellings. Approved, 02/11/2018

HPK/2018/0089 Refurbishment and alteration to Derby House, and conversion to six dwellings (Change of Use). Approved 02/11/2018.

HPK/2022/0062 Amendments to internal layouts of proposed dwellings previously approved under applications HPK/2018/0089 and HPK/2018/0090.

CONSULTATIONS

Conservation Officer

1. Swap the last parking space that comes in front of the building line – to the other side of the third or uppermost space to ensure all three are set back behind said building line.
2. Bolster soft planting and existing to frontage, side and corner to show provision of enhancements and willingness to offset unnatural appearance of cars *that* close to Listed Building and in setting.
3. Show hardscaping/parking surface types/textures to be subservient/hardwearing/high quality colour and texture.
4. Bear in mind setting overlap in terms of next door (to the left when viewing straight on) and character and setting of Buxton Pavillion Gardens. This is a highly sensitive core area and we are proactive in controlling number of vehicles/views into and onto/ and proliferation of different angles of parked cars. As viewed, this is one area that currently works quite well opposed to the other side which is very open, vulnerable and has loss of setting.

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.

The proposed NMA seeks to amend the approved scheme through alterations to the design of the development through the construction of a new slate roof over the former oil tank base and revised parking and landscaping proposal along Fountain Street.

The proposed alterations would not increase the overall scale or mass of the building. The oil tank base as existing is redundant and unsightly, as such removing the concrete block bund walls and extending the slate roof across from the adjacent former office building will be considered to represent an overall enhancement to the design which does not present any design or amenity issues. Given the slate material, there would be no harm of effect to the conservation area and this element would be considered to represent a visual improvement.

Turning to the revised car parking and landscaping, the application as approved under HPK/2018/0089 included the removal of parking from the front of the building and the creation of 3 parking spaces to the rear, accessed from Hartington Road, and a further 3 spaces to be provided off Fountain Street and soft landscaping to the front of the building.

This NMA proposes revised parking and landscaping along Fountain Street, which consists of omitting the existing three parking spaces and changing the location of these to the bottom of Fountain Street, where there are two existing parking spaces with a dropped kerb that were used previously by care home staff. The application proposes adding one more space here and extending the dropped kerb slightly to provide three parking spaces in a more sensitive manner.

This is due to the issues associated with the approved parking provision, the new platform for parking off Fountain Street would need to be built up above existing levels, which would result in a change of level of 1.8m from the high point to the low point of the deck, at its highest point the deck is 750mm above the existing ground level (adjacent to the North-East corner of the building). The deck follows the steep slope of Fountain Street, but then also slopes down towards the building in order to reduce the deck height adjacent to the building (the latter reduces the maximum build up from about 1450mm down to 750mm).

As such the revised parking is considered to have a lesser impact on the Conservation Area, due to the fact Fountain Street flattens out towards the North West as it runs towards Pavilion Gardens. It is considered that the amendments would somewhat differ from the approved development scheme. However, it would result in less harm to the Conservation area than the approved parking under HPK/2018/0089 and would be considered to be an improvement and the uncontrolled on-street parking along Fountain Street would be left unaffected. As such, the proposed amendments are considered by the Council to be non-material in nature.

CONCLUSION / PLANNING BALANCE

In summary, it is considered that within the context of the original application, the proposed changes are within the scope of a non-material amendment application and are considered acceptable.

OFFICER RECOMMENDATION: **Approval**

Case Officer: Jennifer Robb

Recommendation Date: 31/01/2025

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council