

DELEGATED DECISION REPORT

HPK/2025/0030
Valid 31/01/2025

12 EXETER HOUSE
TERRACE ROAD
BUXTON

CONVERSION TO 4 X
APARTMENTS

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design and Conservation
- Amenity
- Parking Provision and Highway Safety
- Nutrient Neutrality

DESCRIPTION OF SITE

The application relates to No.12 Exeter House, Terrace Road, Buxton, an attractive three storey semi-detached town house with further accommodation present in the roof space, located in a highly sensitive and prominent location within the Buxton Central Conservation Area, that fronts westwards towards the Grade II* Listed Registered Park and Garden.

A recent application for a Certificate of Lawful Development for an Existing Use (HPK/2024/0465) positively determined that the current lawful use of the property comprises 3no. residential units.

The roof is characterised by a small pitched dormer window which replicates a similar dormer at the adjacent semi-detached property, with a shared chimney stack sitting centrally within the block. The property is constructed in a high quality natural stone with slate tiled roof, with the principal elevation characterised by symmetrical bay windows at ground and first floor level, replicating a similar design in the adjacent neighbouring property.

The property benefits from a small area of off-street parking to the front adjacent to the highway with a garden situated to the rear.

PROPOSAL

The application seeks full planning permission to sub-divide the existing property to create one additional residential unit, thereby totalling 4no. separate apartments. The application as submitted proposes 2no. velux rooflights, one to the front and one to the rear.

The accommodation schedule including floor areas of each residential unit and bedrooms are included on the Proposed Floor Plans.

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
S2	Settlement Hierarchy
S3	Strategic Housing Development
S7	Buxton Sub-area Strategy
EQ5	Biodiversity
EQ6	Design and Place Making
EQ7	Built and Historic Environment
H1	Location of Housing Development
H3	New Housing Development
CF6	Accessibility and Transport

National Planning Policy Framework 2023

Achieving Sustainable Development	Chapter 2
Delivering a Sufficient Supply of Homes	Chapter 5
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed and Beautiful Places	Chapter 12
Conserving and Enhancing the Natural Environment	Chapter 15
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0001/5884	For Proposed Construction Of Vehicular Access To Provide Off-street Car Parking For One Flat (Approved)
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CONSULTATIONS

Publicity

Site Notice expiry date: 2nd July 2024
Neighbour consultation period ends: 19th June 2024
Press Advert: 27th June 2024

Public Comments

None

Town / Parish Comments

N/A

Natural England

No objection subject to mitigation measures being secured.

HPBC Conservation Officer

No comments at time of writing

DCC Archaeology

No objections

Derbyshire County Council Highways

We note a previously withdrawn application under HPK/2024/0224 for the conversion to 4 x apartments on this site.

Based on the analysis of the information submitted the HA concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion and confirm that the application proposes fewer bedrooms than those currently available in the premises, and when considering that the same parking layout and number of spaces are to be retained, it is considered that there are no grounds for the highway authority to object to the application.

AES Waste

Collection vehicles are unable to access private driveways so properties will have to present their bins at a point next to the nearest adopted highway.

There must be an area on the site to store the bins; this can be a hard-standing or a bin store structure. There must be sufficient space within the storage area to accommodate the correct number of bins to prevent waste being dumped on the floor.

The bins storage areas must be designed so they are easily accessible for all residents, including those with mobility problems. Bin stores must have adequate lighting and ventilation.

Bin store doors must open outwards and be wide enough to accommodate an 1100l wheeled bin.

Doors must be fitted with a catch or similar device, to lock the door back into position to allow the residents to move bins safely in and out of the store with both hands, without having to hold/open the doors. As there will be four properties on site the bin store will need to be large enough to either accommodate 2 x euro 240 litre bins per property or 3 if they have gardens. Alternatively 2 x Euro 1100 litre bins will need to

be provided - one for refuse and one for recycling. Additional storage will be required for organic waste.

There must not be steps or raised door surrounds on the floor at the entrance to the bin store, these prevent bins being wheeled safely and can be easily damaged.

Waste collection vehicles should be able to get within a minimum of 25m of the storage point and the gradient between the two should not exceed 1:12. However, BS 5906:2005 recommends shorter distances of 15m for two wheeled containers, and 10m for four wheeled contained. These recommendations should be followed where possible.

The access from the bin storage point to the collection vehicle should be concrete/paving/tarmac, not gravel or gravel. There must be dropped kerbs where necessary, no steps.

Pathways must be wide enough for an 1100l bin and must not be obstructed by planting, parked, cars or bollards.

If the bin structure has a roof it should be high enough for bin lids to open fully.

Do not provide combined bike and bin stores.

OFFICER COMMENTS

Principle of Development

The application seeks to sub-divide the existing nine bedroom residential dwellinghouse into 4 no. apartments (individual planning units) on a site that lies within the built-up area boundary and within the designated Town Centre of Buxton, one of the larger Market Towns that stand at the top of the settlement hierarchy under Local Plan (LP) Policy S2, with excellent access to everyday services, facilities, and public transport links.

Having regard to strategic policies LP Policy S1, S2, S3 and H1 that set out the strategy for the delivery of housing and where it will be located, the application fully aligns with such policies and thus with regards to its location, the principle of development is acceptable.

The site lies within the Buxton Central Conservation Area, and as such is subject to LP Policy EQ7 and relevant restrictive policies contained under Chapter 16 of the NPPF, underpinned by Section 72(1) of the Act 1990. In order for the application to be acceptable, any aspects of development that materially affects the external appearance of the building must preserve or enhance the character and appearance of the building and wider setting of the conservation area. Where harm is identified, a planning judgement is required as to whether any benefits outweigh such harm.

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 212-221 of the NPPF sets out how a Local Planning Authority should assess the historic significance of a heritage asset and how to assess the potential impact of a development proposal upon that asset.

The sub-division of the existing residential property does not in its own right result in any material change to the external appearance of the building or wider conservation area.

2no. Velux rooflights are proposed to facilitate the proposed conversion, one to the front and one to the rear. As an Article 4 Direction is in place that removes permitted development rights, both aspects of development require planning permission.

Whilst no comments have been received from the Conservation Officer in connection with this application, comments were received in relation to the previously withdrawn application under HPK/2024/0465 for identical elevational changes. These comments raised no objections to the rear velux rooflights but did raise concerns for the proposed velux on the principal roof slope, which can be summarised as follows:

- No clear justification for two rooflights
- Introduction of rooflight on front elevation is harmful on the pair of villas
- Neighbour already has two rooflights – a third would disrupt symmetrical and uniform appearance, resulting in visual clutter

Whilst these comments are noted and fully understood, the plans show that the velux rooflight to the front would provide the only source of natural light to the Lounge serving Apartment No.4, and is shown to be of a siting, scale and appearance that mirrors the rooflight that adorns the roof slope of the neighbouring property north of the pitched dormer.

Having visited the site and fully considered the proposals, it is judged that the proposed velux rooflight on the principal roof slope would be of a modest scale that preserves the uniformity and symmetry seen in the semi-detached block as a whole.

When viewed from the public highway and the Slopes Park and Garden, the eye would be drawn towards the central aspect of the shared chimney, with a velux window of similar scale and appearance sitting either side of it, thus reading as a proportionate and symmetrical addition.

As such, it is considered as a matter of judgement whilst acknowledging and respecting the views of the Council's Conservation Officer, Officers find that, subject to a suitably worded condition that secures the specific design and technical specification of the roof light, the introduction of a single velux rooflight serving a habitable room to the principal roof slope would not result in any harm to and would preserve the character and appearance of the existing property, the wider street scene and the setting of historic assets. The development is therefore considered to comply with LP Policies S1, EQ6 and EQ7 and relevant paragraphs contained under Chapter 16 of the NPPF, underpinned by Section 72(1) of the Act.

Amenity

LP Policy H3 relates to all new housing development and requires proposals to provide a high standard of amenity for all future occupiers by securing accommodation that accords with National Described Space Standards (NDSS) published by DCLG (2015).

LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes the residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.

Paragraph 135 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

The proposal sees the sub-division of the property into 4no. Apartments, which is made up of the following, as shown on the latest Proposed Floor Plans:

Apartment 1

Occupancy:	3 Bedroom 6 Person
Total Floor Area:	187.80sqm
Bedroom (1) Floor Area:	18.20sqm
Bedroom (2) Floor Area:	12.60sqm

Bedroom (3) Floor Area: 12.40sqm

Apartment 2

Occupancy: 1 Bedroom, 1 Person
Total Floor Area: 42.50sqm
Bedroom Floor Area: 12.10sqm

Apartment 3

Occupancy: 1 Bedroom, 2 Person
Total Floor Area: 55.40sqm
Bedroom Floor Area: 13.10sqm

Apartment 4

Occupancy: 2 Bedroom, 3 People
Total Floor Area: 73.50sqm
Bedroom (1) Floor Area: 12.40sqm
Bedroom (2) Floor Area: 8.50sqm

The above schedule confirms that the proposed residential units are compliant with NDSS for the occupancy specified, and therefore application is in accordance with LP Policy H3, and will provide a high standard of amenity for future occupiers.

The only changes externally are roof lights and a small dormer window, which would not result in any overlooking or loss of privacy, and therefore would not be harmful to the amenities of existing neighbours in accordance with LP Policy EQ6, the Residential Design Guide SPD, and paragraphs contained under Chapter 12 of the NPPF.

Parking Provision & Highway Safety

LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network and provides suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan.

Paragraph 114 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 115 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The existing property is made up of 3no residential flats, two of which contain two bedrooms with the third containing three bedrooms, for which parking guidelines require a total of 5 parking spaces. The creation of a fourth residential unit with two bedrooms would create the need for a further 1.5 spaces.

Whilst it is clear that the off-street parking provision to the front of the property falls short of parking guidelines contained within Appendix 1 of the Local Plan, it is clear that there would be no further harm as a result of the proposed sub-division.

Moreover, the site lies within a highly sustainable location within the Town Centre of Buxton, within easy walking distance of a larger number of shops, services, facilities and public transport links, and thus there is less of a requirement for off-street parking.

When considering the existing context of the site, and its highly sustainable location, having regard also to comments from Highways raising no objection, it is considered that on this occasion, the conflict with LP Policy CF6 with regards to off-street parking provision is limited, and not sufficient to warrant a sustainable reason for refusal that could be defended at appeal.

Nutrient Neutrality

LP Policy EQ5 requires all new development proposals to demonstrate that any protected species and habitats within the site will not be adversely affected and seeks to promote a nett gain in biodiversity by securing appropriate mitigation and ecological enhancements where appropriate. Chapter 15 of the NPPF contains the relevant national planning policies relating to the conservation and enhancement of the Natural Environment.

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 Certificate of Lawful Development recently issued under HPK/2024/0465 has established that the current premises is made up of 3no residential units. Owing to the fact that the creation of an additional unit would result in an increase in overnight stays, this triggers the need for the Local Planning Authority to carry out an Appropriate Assessment.

The Appropriate Assessment that accompanies this report is informed by a Nutrient Neutrality Assessment and Mitigation Strategy prepared by Water Design Engineers dated 07/03/2025, and comments received from Natural England.

The assessment confirms that the proposed development would generate a phosphorus load of 0.02kgTP per year, which requires mitigation in order to achieve nutrient neutrality.

Section 7.0 of this technical document sets out the on site mitigation measures in the form of a SUDS (Sustainable Drainage Systems) scheme which includes bioretention features including a rain garden, and permeable paving, which would remove a proportion of the phosphorus from the surface water runoff.

The mitigation strategy calculates that after on site SUDS are implemented, the total phosphorus load would be – 0.00648 kgTP per year, thus achieving nutrient neutrality. Natural England have reviewed this document and the proposed mitigation included within and confirmed that there are no objections provided that this mitigation is achieved.

As such, subject to an appropriate condition which requires the mitigation to be fully installed prior to first occupation of the proposed development, the Council are satisfied that the application achieves nutrient neutrality, and would thus preserve the Peak District Dales SAC, in accordance with LP Policy EQ5 and relevant paragraphs under Chapter 15 of the NPPF.

Other Matters

Bin Storage and Waste Collection

In order to ensure that points raised by the Council's Waste Collection Service are fully addressed, a condition is recommended that requires details of bin storage to be submitted and approved prior to first occupation of any residential unit.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework.

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 strong 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 full planning permission to sub-divide an existing 9no. bedroom three storey town house adjacent to Terrace Road, Buxton, located in a

sensitive and prominent location within the Buxton Central Conservation Area, within the setting of the Grade II* Listed 'The Slopes' Registered Park and Garden.

Whilst the concerns of the Conservation Officer raised in connection with the previously withdrawn application which contained identical external changes to front and rear elevations have been fully considered, for the reasons outlined within the body of this report, it is judged that the introduction of the single roof light serving a habitable room to the front elevation would preserve and not harm the character and appearance of the building and wider setting, thereby demonstrating compliance with all relevant local and national planning policies relating to heritage conservation.

The proposed residential units would provide a high standard of amenity for future occupiers subject to a compliance condition restricting occupancy in line with Nationally Described Space Standards, and would not result in any harm to highway safety by virtue of a shortfall in off-street parking, given its highly sustainable location.

As such, the application is considered to align with all relevant Local Development Plan policies and other material considerations including the NPPF, and constitutes a sustainable form of development. In line with LP Policy S1a and paragraph 11 of the NPPF the application is recommended for approval subject to appropriately worded conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 13th May 2025

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council