

DELEGATED DECISION REPORT

**HPK/2024/0135&1 2 LONGDEN COURT
36 (LBC) BUXTON
Valid 15/04/2024**

**CONVERSION OF THE
GROUND FLOOR INTO A
SELF-CONTAINED TWO
BEDROOMS FLAT FROM
COMMERCIAL USE**

(FULL - MINOR)

MAIN ISSUES

- Change of use: commercial to residential
- Heritage: listed building & conservation area
- Residential Amenity
- Nutrient Neutrality

DESCRIPTION OF SITE

Longden Court is a three storey grade II listed building it is situated to the south of Spring Gardens and is accessed by a pedestrian access between 56 and 58 Spring Gardens and a vehicular access between 52 and 54 Spring Gardens. The building dates from 1799 and it is believed to constructed as a factory or workshop. The materials comprise gritstone walling, natural blue slate roof and vertical sashes windows and there two external stone staircases up to first floor level.

The site is situated in the Hardwick Conservation Area. The site is in Flood Zone 2 and 3.

PROPOSAL

The planning application HPK/2024/0135 seeks to convert the ground floor of the listed building into residential accommodation comprising a two bedroom flat. No external alterations are proposed to the building. The only internal alterations relate to the installation of a partition to create a bathroom and the removal of existing partitions around a WC to create a bedroom.

A corresponding LBC application HPK/2024/0136 has been submitted which relates to the internal alterations required throughout the building, it is only the change of use of the ground floor that requires planning permission. This report considers both applications.

During the course of the application a revised plan was submitted which removed one of the ground floor bathrooms (from two to one). A Nutrient Neutrality Assessment and Mitigation Strategy was also submitted. At first and second floors, two additional bathrooms are proposed.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
S 7 Buxton Sub-Area
EQ 6 Design and Place Making
EQ 7 Built and Historic Environment
EQ 11 Flood Risk Management
CF 6 Accessibility and Transport

National Planning Policy Framework

Chapter 2: Achieving sustainable development
Chapter 11: Making effective use of land
Chapter 12: Achieving well-designed places
Chapter 16. Conserving and enhancing the historic environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2025/0102: Application for listed building for retrospective consent for the addition of tie rods and plates, matching the existing plates that are in the building, to strengthen the building structure and ensuring its longevity. It also entails the removal of existing cables hanging from the building to install external lights
Approved.

HPK/2011/0677: Application for LBC for proposed internal alterations – Approved
27.01.12

HPK/2005/0661: Change Of Use From Offices To Three No Flats, Internal Alterations And Elevational Adjustments – Approved 03.11.2005

HPK/2005/0660 : Change Of Use From Offices To Three No Flats, Internal Alterations And Elevational Adjustments – Approved 03.11.2005

HPK/2004/0872 Change of use from existing offices to dwelling - Approved
15/11/2004.

CONSULTATIONS

Publicity

Site Notice expiry date: 24/05/24
Neighbour consultation period ends: 24/05/24
Press Advert: 23/05/24

Public Comments

No comments received.

Derbyshire County Council Highways

The application states that some parking is available in an adjacent yard but that the application itself will not provide any parking. Considering the existing use of the site and the locality of the application site, being in the town centre, with all of the expected amenities in close proximity to the site it is considered that a car free development is acceptable and will be no different from the current situation.

There are no highway authority objections to the application.

DCC Flood Team

Confirmed they do not respond to minor applications.

Historic England

We suggest that you seek the views of your specialist conservation and archaeological advisers.

Natural England

No objection – subject to appropriate mitigations being secured.

We consider that without appropriate mitigation the application could:

- have an adverse effect on the integrity of the Peak District Dales Special Area of Conservation
- damage or destroy the interest features for which the Wye Valley Site of Special Scientific Interest has been notified.

The LPA, as competent Authority, should undertake a HRA for this development and in doing so ensure that there will be no harmful discharges of foul or surface water from the application site into the River Wye or its tributaries.

Natural England advise that the development may have an impact on the Peak District Dales SAC without the following:

- Detailed design of mitigation proposals must be secured within the application, and subsequently implemented prior to occupation

Conservation Officer

Longden Court has undergone apparent extensive sanitisation and change over a period of time, evident for example in the lack of historic interest and survival of any of the interiors or legibility of its former past, floorplan or development. Its significance is therefore quite diluted. The Historic England listing description is detailed and does acknowledge later changes. Original joinery and fenestration

survives, provides some aesthetic interest and signs of age, along with the overall scale and form of the architecture, noting the vernacular.

The first page of the heritage statement demonstrates an image of one of its exteriors, cluttered with modern paraphernalia such as satellite dishes which should be noted are not PD and would listed building consent, and extensive external soil pipes. The rest of the building is not shown, and nor is it viewed clearly from any extensive points in the wider vicinity.

I do not foresee contentious elements arising from this project, it is clear this building has unfortunately previously undergone substantial erasing of its past and significance leaving very little remaining.

No suggested conditions from a conservation perspective. They started some of the physical alterations earlier this year, which we have regularised through HPK/2025/0102.

OFFICER COMMENTS

Principle of Development

Policy S7 outlines the Buxton Sub-area Strategy which identifies the key priorities for the town which includes: protecting and enhancing the unique character of Buxton's spa heritage, townscape and natural environment, providing for the housing needs of the community, encouraging the growth of local employment opportunities.

The ground floor of the property has been most recently used for commercial purposes as an antique shop but has been vacant for several years. The first and second floor have previously been converted for residential use (planning and LBC granted in 2004 & 2005). The planning and LBC granted in 2004 and 2005 also proposed converting the ground floor to residential but these were never implemented. The plans for the 2011 LBC application for internal alterations show a commercial use at ground floor level. The site is outside of the primary shopping zone for Buxton town centre and therefore there is no objection to the loss of the commercial use as accepted that the building is not ideally suited for retailing or other commercial uses such as an office. Furthermore, historic planning permissions have previously granted change of use of the ground floor to residential.

Policy H1 relates to the provision of housing and encourages the conversion and change of use of buildings to housing on site suitable for that purpose. The part of the building proposed to be residential is considered suitable for this purpose and the proposals will ensure that the heritage of the building is preserved for the future.

The site is situated just off Spring Gardens, centrally within Buxton's main commercial area and is therefore a sustainable location where residential development is considered acceptable.

In addition, currently, the Council cannot demonstrate a five year housing land supply and therefore paragraph 11 d) of the NPPF applies and the tilted balance is engaged.

In this instance the application relates to a heritage asset which is listed in footnote 7 of the NPPF as an asset of importance and paragraph 214 is applicable regarding the assessment of public benefits in relation to heritage harm.

Impact on the character and appearance of a Grade II listed building

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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, in terms of scale, height, density, and layout.

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 in accordance with sub area strategy S7.

The NPPF states amongst other things that new development should add to the overall quality of the area, be visually attractive as a result of good architecture and sympathetic to the surrounding built environment.

Chapter 16 of the NPPF relates to heritage conservation and paragraphs 212-216 set out how a local planning authority should assess the significance of a heritage asset and the potential 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 Historic England National Heritage List describes the building as follows:

Longden Court was built during the late C18, probably as a lodging block to cater for the growing number of visitors to Buxton at the time. It is first mentioned in the Tithe Award of 1848, at which time it contained chambers for six occupants (rather than being listed as one or two houses). The fairly unadorned external finish and setting within a yard behind the commercial street of Spring Gardens suggests that the lodgings probably catered for visitors of more modest means, or workers employed in the operation or development of the spa town. The building appears to have originally been constructed with a symmetrical principal (north) elevation, with flights of steps

providing separate access to the first-floor lodgings. By 1879, a three-storey extension had been added to the east, matching the primary phase in design and materiality. By this time, an extension had also been added to the rear (south). This rear extension survived as late as the 1960s but was subsequently demolished. The 1967 OS map shows a linking passage between the western part of Longden Court and the rear of 54 Spring Gardens, but this link no longer exists. The building is now in use as a shop on the ground floor with residential accommodation above.

Longden Court is rectangular on plan with its longer, principal elevation facing north. It is of a uniform height of three storeys under a pitched roof punctuated by three, stone chimney stacks. The front (north) and rear (south) elevations are ten irregular bays wide, with the eight westernmost bays of the front elevation forming a symmetrical arrangement. On each half of this arrangement, there is a doorway in the innermost bay with a window immediately adjacent. A flight of stone steps leads to a doorway in the outermost bay of the first floor. There are two windows on the first floor, one adjacent to the door and the other directly over the ground floor doorway. There are two windows on the second floor, one set in line with the ground-floor doorway and the other set slightly staggered above the first-floor doorway. All doorways and windows are formed of unembellished ashlar with flat lintels. The windows across the primary, north elevation contain modern, timber, two-over-two sashes. The ground and first-floor doors are modern. The western flank wall has a single window on the ground floor while the eastern flank wall is blank. The rear, southern elevation has scattered fenestration, with a single ground-floor window in the westernmost bay, six windows to the first floor and three windows to the second floor. The easternmost bay contains a stone mullion window on each floor, with the ground-floor window being blocked up. Most contain timber, multi-pane casement windows.

It is noted that the property was not listed until 1997 by which time the internal fabric had been lost by unsympathetic alterations. It is because of its historic associations with the town that it is considered a heritage assets worthy of national listing.

The planning application relates solely to the ground floor use and no external alterations are proposed.

In terms of the assessment of heritage harm (NPPF para 212-216), the proposed alterations would not cause any harm the integrity of the listed building. The changes proposed amount to the insertion of partitions to create the additional bathrooms proposed, without involving any historic fabric.

It is considered that the scheme provides an optimum viable use for the building. There are environmental benefits by the proposals giving a purpose to vacant space and ensuring the longevity of a designated heritage asset (listed building in a Conservation Area setting) which can also be considered a social benefit. Overall there would be no harm to the integrity of the historic asset.

Impact on Character and Appearance of Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires that, in assessing planning applications in respect to any land or buildings in a Conservation Area the LPA has a duty to pay special attention to the desirability of

preserving or enhancing the character or appearance of that area.

The site is in the Hardwick Conservation Area. The Buxton Conservation Area Character Appraisal does not make any specific references to Longden Court but the conservation map for Spring Gardens and the accompanying text makes reference to the glimpse views from Spring Gardens:

“to the south of the street, which contained inns and their stables and some low quality lodgings. As a consequence, the area is characterised by glimpses of back street buildings and development behind the main frontage.”

There are no proposed external changes to the building which will have an impact on the character or appearance of the conservation area so the glimpsed views will remain unchanged. The proposed residential use is considered compatible to the site and its surroundings and complementary to the conservation area setting.

The proposal therefore complies with the general design and conservation tenets of Local Plan policies EQ6, EQ7, S1 and S7 and those outlined in sections 12 and 16 of the NPPF

Design & Amenity

LP Policy EQ6 state 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. It also requires that all development achieves a satisfactory relationship with adjacent properties. It must not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity

In terms of design, no external alterations are proposed and the internal layout of the ground floor flat seems appropriate, working with the existing structure with no need for further window or door openings. The change of use of the property from commercial to residential is compatible with its surroundings as the properties on the floors above are already in residential use. Therefore, the potential for any disturbance to amenity is considered minimal.

Policy H3 requires all new dwellings to meet the Nationally Described Space Standard. Both bedrooms are considered double bedroom as they exceed the minimum NDSS floorspace of 11.5 sq.m so the property is considered to be 4 person 2 bedroom property. The NDSS floorspace requirement for a 4P2B property is 70sq.m and the property meets this requirement. It is noted that there is no external amenity space provided, given the constraints of the site. However, the site is located centrally in Buxton with good access to public open space, including Pavilions Gardens.

The proposals therefore satisfy the design considerations of EQ6 and the NPPF.

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.

There is no ability to provide car parking within the application redline boundary. It is accepted that this is no change to existing situation and that the site is in a highly sustainable location close to shops and local facilities with bus stops and the railway station a short walk away. The applicant mentions in the accompanying DAHS that there is communal parking available at Nall's Yard adjacent to the site. The Highway Authority has responded that they have no objections to the proposals.

Accordingly, the proposals are considered acceptable with regards to highway considerations.

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.

The proposal is not directly connected with or necessary for the conservation management of a European site. However, the proposal will increase overnight stays over and above the current situation. Accordingly, it is necessary to undertake a Habitat Regulation Assessment. Appendix 1 provides a copy of the Council's Habitat Regulation Assessment

A Nutrient Neutrality Assessment and Mitigation Strategy (Water Design Engineers Issue 01.04.25) was prepared to assess the NN impact of the proposal. This report identified that the development would result in a 0.02 kg/TP/yr Phosphorous load requiring mitigation.

To mitigate this impact, it has been identified that a septic tank will be upgraded at Bailey Flat Farm, Redgap Lane, Buxton SK17 7JG. A S106 is being drafted with the applicant, landowner of Bailey Flat Farm and the Council to secure the installation of the septic tank which includes monitoring post installation to ensure the new system is effective.

The Nutrient Neutrality Assessment and Mitigation Strategy has been reviewed by Natural England who have confirmed that they have no objection to the application subject to the mitigation being secured.

In conclusion although the development without mitigation is likely to have a significant effect on the European and Internationally protected species, this can be mitigated by the bespoke off-site mitigation measures proposed by the applicant to ensure that there is no likelihood of significant effects on the integrity of the designated site. It is noted that Natural England concur this conclusion.

CONCLUSION / PLANNING BALANCE

Overall, this planning application is considered to represent an appropriate use of this listed building in a conservation area setting. No external alterations are proposed to the building. The internal works are relatively minor and would not compromise the integrity of the listed building. The Listed Building Consent is therefore also acceptable. The applicant is willing to enter into a S106 to address nutrient neutrality. Accordingly, both applications are recommended for approval subject to conditions and S106.

OFFICER RECOMMENDATION : Approve LBC and Planning and subject to S106

Case Officer: Rosie Dinnen

Recommendation Date: 09.05.25

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council