

DELEGATED DECISION REPORT

HPK/2025/0068
Valid 20/03/2025

17 LEVEL LANE
BUXTON

**THE ERECTION OF A NEW
SELF-BUILD RESIDENTIAL
DWELLING TO THE REAR OF
17 LEVEL LANE**

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design, Character and Appearance
- Amenity
- Ecology and BNG
- Nutrient Neutrality
- Trees
- Flooding and Drainage
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

The application relates to a parcel of land that lies towards the southern end of Level Lane immediately east of the public highway, at the south-western fringes of Buxton, and contains an existing detached dwellinghouse No.17 Level Lane, set within a generous plot with a large garden. Level Lane is a small cul-de-sac which is accessed off Macclesfield Old Road to the north.

Due to changes in topography and the garden sloping eastwards towards the River Wye, the dwellinghouse is split level, reading as a two storey dwellinghouse from the front and a three storey dwelling from the rear. The dwellinghouse is like others in the cul-de-sac, constructed in a light coloured stone with tiled roof.

The site is served by a private driveway that runs east of the northern gable leading to an area of hard standing that serves as a turning circle and detached single garage. At the end of the existing cul-de-sac, a separate private driveway runs parallel to the southern boundary that serve a pair of semidetached properties Nos. 53 and 54 Washbrook.

The garden contains a tree which is covered by a Tree Preservation Order (TPO) with a second protected tree covered by a TPO positioned immediately adjacent to the southern boundary of the site, not within the control of the applicant.

The site is bounded to the north by No.15 Level Lane, with open land immediately to the south. A detached dwelling 'Hawk How' lies at the end of the cul-de-sac.

For the purposes of the Local Development Plan, the site lies within the defined built-up area boundary of Buxton, and with the catchment area of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC).

PROPOSAL

The application seeks full planning permission for a single two storey residential dwellinghouse and associated ancillary garage, which is specified as being 'Self Build' in the description of development.

The proposed dwelling would be accessed via the existing driveway that extends southwards from Level Lane parallel with the existing house.

The siting and design of the proposed development has been subject to change during the consultation period. The latest Site Plan (Rev G) shows the proposed dwellinghouse to be sited at the flatter part of the rear garden east of No.17 Level Lane, orientated with its principal elevation fronting the private access road that runs to the south.

The proposed dwellinghouse in its latest form is shown to be two storey with gable ends facing east-west, with the single storey ancillary garage positioned behind to the north, with its roof form running parallel with the main house.

More detailed Floor Plans (Rev A) have been provided at the request of Officers which shows the function of each room and the associated internal floor area. The ground floor is shown to provide an open plan Kitchen, Dining and Living Room, together with small Utility, Pantry and WC. The first floor provides 2no Double Bedrooms one of which is served by an en-suite Bathroom, and 1no Single Bedroom, in addition to a shared Bathroom.

Further to ongoing discussions the latest Elevation Plans show the elevations to present a simple appearance, with traditional architectural detailing in the form of stone headers and sills surrounding fenestration and stone quoins where front and side elevations meet. Both the house and garage are shown to be constructed in traditional materials.

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
EQ5 Biodiversity
EQ6 Design and Place Making
EQ10 Pollution and Unstable Land
EQ11 Flood Risk Management
H1 Location of Housing Development
H3 New Housing Development
CF6 Accessibility and Transport

Supplementary Planning Documents

Residential Design Guide SPD (2005)
Design Guide SPD (2018)

National Planning Policy Framework 2024

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

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 8th May 2025
Neighbour consultation period ends: 16th April 2025
Press Advert: N/A

Public Comments

7no objections (2 being repeat objections from the same objector) have been received in connection with this application, which raise the following grounds of concern:

- Backland development not in keeping with existing pattern of development
- Concerns regarding water table
- Impact on Peak District Dales Special Area of Conservation (SAC)
- Inappropriate steep access – potential issues in winter with ice and snow
- Impact on neighbouring residential amenity
- Impacts on public health and amenity
- Impacts to highway safety – parking and increase in vehicle movements
- Harm to trees

- Concerns regarding use of plant and machinery and structural issues
- Lack of consultation

Town / Parish Comments

N/A

AES Waste

Properties should be planned so bins can be stored within the property boundary and be moved to the presentation point without the need to go up or down steps or through the property. Garden gates need to be wide enough to accommodate a standard 240l wheeled bin. Collection vehicles are unable to access the private drive up to the property so residents will have to present their bins at a point next to the nearest adopted highway on Level Lane.

County Tree Officer

I can confirm that consent for the removal of the Sycamore tree was granted in October 2023. Please see the attached consent notice for reference.
Our records indicate that the Ash tree is located within the neighbouring property boundary and should not affect or constrain the proposed development site.

Environmental Health

This looks very low risk from public health/ nuisance perspective, involving a new residential dwelling in existing residential garden area. Recommend standard conditions.

Natural England

No objections subject to proposed mitigation being implemented.

Derbyshire Wildlife Trust

We have reviewed the information submitted, inclusive of the Preliminary Ecological Assessment (Helen Hamilton Ecology, March 2025), Habitats Regulations Assessment (Dunelm Ecology, February 2025), Tree Survey and Arboricultural Impact Assessment (Peak Tree Consultancy, November 2024), and our Biological Record Centre Database (DBRC) and have the following comments and recommendations to make.

The Ecological Appraisal presents the results of a UKHabs Habitat Survey and protected species assessment undertaken in November 2024. The recommendations within the PEA have been informed by an appropriate desk study which highlights that the River Wye flows along the eastern boundary of the site as well as the presence of

Special Area of Conservation (SAC), Special Protection Area (SPA) and Sites Special Scientific Interest (SSSI) in the local area.

No statutory or non-statutory sites lie within the application site or immediately adjacent to. However, the site is situated between the South Pennine Moors SAC / Peak District Moors SPA and Poole's Cavern and Grin Low Wood SSSI, which triggered the need to undertake a Habitat Regulations Assessment (HRA), to examine likely impacts of the proposed development on statutory designated European sites. The HRA is considered to be robust, and after assessing the impacts of the proposals, we support the conclusion that there will be no *Likely Significant Effects (LSEs) arising from the proposed scheme on the Conservation Objectives or the qualifying features of the Peak District Dales SAC*.

The application site comprises developed land sealed surface, modified grassland / vegetated garden, suburban mosaic of developed and natural surface and individual trees. The habitats within the application site are considered to be of 'site' value in a geographical context.

However, we note that the River Wye flows immediately adjacent to the eastern boundary. Based on the current design proposals, there will be a 10m buffer from the river and development area, comprising vegetated garden and the retained trees along the riparian zone. It is therefore considered that a River Condition Assessment is not required. We support the need to secure appropriate pollution control measures and 10m buffer zone as part of a detailed Construction Environmental Management Plan: Biodiversity (CEMP).

The habitats to be directly impacted / cleared to facilitate the development (modified grassland and developed land) are considered to provide limited opportunities for protected species. No protected species records are present within the site or immediately adjacent to. However, foraging hedgehog are likely to be utilising the site on an intermittent basis. The mature trees and off-site River Wye are likely to constitute an important foraging and commuting habitat for local bat populations and other nocturnal wildlife.

We acknowledge that a 10m buffer from the development and River Wye will be implemented and therefore no further surveys pertaining to otter, water vole and white-clawed crayfish are required.

Furthermore, we consider that the above recommended CEMP: Biodiversity should secure appropriate precautionary working measures and pollution control measures. A sensitive lighting scheme should be secured by condition to retain the River Wye and associated riparian zone as a dark corridor (below).

Conditions

1. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been

submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be produced by an ecologist and shall include the following:

- Risk assessment of potentially damaging construction activities.
- Identification of “biodiversity protection zones”, inclusive of a 10m buffer zone between the development and the River Wye.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

2. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. The Strategy should refer to Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023) and explain how proposals have been designed in compliance with this document. Such approved measures will be implemented in full.
3. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
 - 1 x integrated universal nest box / swift brick in dwelling (avoiding southern elevations)
 - integrated bat boxes in dwelling (favouring southern elevations)
 - insect bricks in dwelling.
 - fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.
 - summary of ecologically beneficial landscaping, inclusive of native tree planting (full details to be provided in Landscape Plans).

A statement of good practice including photographs shall be submitted to the local planning authority to fully discharge this condition, demonstrating that the

enhancements have been selected and installed in accordance with the approved Plan.

Derbyshire County Council Highways

The proposed new access to Level Lane is considered suitable and the proposed parking spaces meet the recommended minimum size.

The proposed parking spaces for the proposed dwelling are also considered suitable with space also available for vehicles to turn within the site.

Based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Conditions

1. The development hereby approved shall not be occupied until the access, parking and turning facilities for the proposed dwelling and the access and parking for the existing dwelling have been provided as shown on the submitted drawing(s).
2. The entire site frontage of the application site with Level Lane shall be cleared, and maintained thereafter clear, of any obstruction exceeding 1m in height (600mm for vegetation) relative to the road level for a distance of 2m into the site from the highway boundary in order to maximise the visibility available to drivers emerging onto the highway

OFFICER COMMENTS

Principle of Development

Local Plan (LP) Policies S1, S2 and S3 together comprise the strategic housing policies for the Borough and direct the focus of new housing development towards the larger Market Towns that sit at the top of the settlement hierarchy, owing to the fact that they contain the majority of services, facilities, employment opportunities and educational institutions.

LP Policy H1 sets out the locations where new housing development will be supported in principle, notwithstanding all other relevant local plan policies. The policy supports the development of unallocated sites within the built-up area boundary of the towns and larger villages.

Chapter 5 of the NPPF contains relevant national planning policies aimed at delivering a sufficient supply of housing. Paragraph 73 states that Local Authorities should support the development of windfall sites through their policies and decisions giving great weight to the benefits of using suitable sites within existing settlements.

The application seeks planning permission for one dwellinghouse that is situated within the built-up area boundary of Buxton, one of the larger Market Towns that sit at the top of the settlement hierarchy. As such, the application complies in principle with LP Policies S1, S2, S3 and H1 and relevant paragraphs contained under Chapter 5 of the NPPF.

Notwithstanding the above, at the time of writing, the Council are unable to demonstrate a 5 year supply of deliverable housing land and therefore the above policies are deemed out of date. As such, the application must be assessed and determined in line with the presumption in favour of sustainable development set out under LP Policy S1a and paragraph 11 of the NPPF. This means that the application will be approved unless there are any identified adverse harms that are judged to significantly or demonstrably outweigh the benefits associated with the proposal.

Design Character and Appearance

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.

The High Peak Design Guide SPD (2018) provide further useful guidance for designing proposals in an appropriate manner having regard to their immediate and wider context. Relevant guidance pertinent to this application is presented as follows:

- 3.1 *The setting of any building should be carefully considered. Attention should be paid to its impact on views into, over and out of the site.*
- 3.2 *In the countryside or on the edge of settlements, buildings should sit comfortably in the landscape. This is best achieved by emulating the horizontal, ground-hugging form of traditional buildings with their strong eaves and ridge lines and simple, low silhouettes parallel with the contours.*
- 3.5 *New development, be it a single building or a group, must respect the 'grain' of the settlement. By this is meant the relationship buildings have to the street and to each other. A new house adjacent to the footpath in a high density, close-knit village is likely to be designed very differently from one in a more open village where properties are spaced apart and set back from the road.*
- 3.7 *The architectural style of new development should be guided through an assessment and understanding of the character and context of the area. Sites may be capable of accommodating both contemporary and traditional forms of development that are high quality and functional. Design solutions should respond to the local tradition but without slavishly copying it.*

- 3.8 *A new building should respect the scale of those surrounding it. Jumps in scale can sometimes be acceptable and can be justified if the development occurs at key locations such as on corners or at the end of vistas.*
- 3.9 *New buildings should use facing materials that either match or complement those of the surroundings. Under certain circumstances, new materials can sometimes be used as a foil to more traditional materials to highlight and bring out their qualities.*

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.

Objections have been received that contend that the proposed 'back land' development is not in keeping with the existing pattern of development. Whilst it is the case that the proposed dwelling would sit to the rear of an existing dwellinghouse, there is such a large gap between existing dwellings, that conversely this site would clearly read as its own separate planning unit and is in keeping with the more scattered density and pattern that occurs at the urban/rural fringe.

In reviewing the plans as originally proposed, Officers raised some concerns regarding the orientation of the dwellinghouse and what was considered to amount to an awkward relationship between the house and ancillary garage building. On submitting revised plans, Officers considered these to represent a significant improvement comparable to the plans as originally submitted albeit that further work was needed in relation to the overall appearance of the property, specifically with regards to materials and fenestration detailing. Suggested amendments were presented to the agent as follows:

"The property should be constructed in a natural gritstone or limestone which is entirely consistent throughout.

The current layout and design of fenestration presents quite significant issues with regards to legibility and proportionality and needs to be re-considered. The principal elevation should be characterised by a clear central entrance door that is flanked on either side by windows that are defined by traditional stone headers and sills. Stone quoins at corners would also be welcome to reference local traditional architectural detailing. The windows at first floor level of the principal elevation should replicate the positioning of that at ground floor to add symmetry and balance.

Bi-fold door should only be present on the rear elevation.

The eastern elevation needs to be re-designed so that the ground and first floor windows reflect those in the principal elevation (as required above) – being centrally located and of a consistent design, defined by headers and sills.

I'm also not persuaded by the design justification for the flat roof link between the house and the garage and don't believe that this is either necessary or appropriate.

This should be omitted to show a clear visual break between the house and ancillary garage.”

The latest Elevation Plans shows the latter concern regarding a link between the house and garage to be removed.

All elevations are now shown to be finished in a sandstone or gritstone, with architectural detail in the form of stone quoins, lintels, jambs and cills to all windows and doors also added. Fenestration alterations have also been implemented to show a better proportionality between ground and first floor and overall arrangement of windows and doors.

Subject to a condition which secures specific details of all facing materials, the proposed development in its latest revised form is considered to amount to high quality design that responds appropriately to its immediate and wider context, and upholds the design principle set out under LP Policies S1 and EQ6, relevant Supplementary Design Guidance, and relevant paragraphs contained under Chapter 12 of the NPPF.

Amenity

LP Policy H3 relates to all new housing development and requires that proposals provide a high standard of amenity for all future occupiers by demonstrating compliance with Nationally Described Space Standards (NDSS), which provide minimum internal floor areas for residential units based on the number of storeys, bedrooms and occupants, and also minimum standards for bedroom dimensions, again based on occupancy.

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 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.

LP Policy EQ10 seeks to ensure that people and the environment are protected from adverse impacts relating to issues including air pollution, noise, light pollution or any other nuisance or harm to amenity, by securing appropriate mitigation by way of planning conditions and obligations.

The High Peak Residential Design Guide SPD requires extensions to preserve the residential amenity of neighbouring properties, having regard amongst other things to the relationship between existing and proposed development, the positioning of windows, and the change in land levels. A minimum of 21m should be achieved between existing and proposed habitable windows, with this distance being increased by 0.5m for every 1m change in ground levels.

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

Paragraph 198 of the NPPF states that policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects of

pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development and in doing so should (amongst other things) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development.

Residential Amenity

The proposal would see the introduction of a two storey dwellinghouse shown to provide 2no Double Bedrooms and 1no Single Bedroom with a generous residential curtilage.

The latest floor plans show the property to have an overall internal floor area of 94m², which based on a maximum occupancy of 5, complies with NDSS. Each Double Bedroom is shown to have a minimum internal area of 11.5sqm with the Single Bedroom exceeding the minimum 7.5sqm required, and therefore the scheme as a whole fully complies with NDSS, and thus provides a high standard of amenity for future occupiers in accordance with LP Policy H3.

Objections have been raised from nearby residents in relation to potential impacts to their residential amenity arising from the proposal. The following paragraphs assess the relationship between existing properties and the proposed dwellinghouse.

Firstly, the existing property No.17 Level Lane is a split-level dwelling that stands to the west of the proposed dwelling with its rear elevation and habitable windows facing on to the site. The western gable of the proposed dwelling is shown to stand some 15m distant from this existing house and contains secondary windows serving the ground floor Kitchen and first floor Bedroom.

At this distance, it is not considered that the proposed dwellinghouse would be overbearing, especially given the sharp drop in land levels, as indicated by the Street Scene Elevation (Ref: A-LLB-P-425 Rev E) and subject to a condition requiring these secondary windows to be obscured glazed, would not result in any privacy or overlooking issues. Incidentally, owing to these rooms being served by larger primary windows on its southern elevation, there would not be any harm to the amenity of future occupiers with regards to outlook. As such, there are not considered to be any adverse amenity issues to any property on Level Lane.

The proposed internal access road would extend eastwards close to the boundary of No.15 Level Lane, extending further into the garden area than at present. Owing to the fact that this is consistent with the existing access associated with No.17 Level Lane, and is only a marginal increase in its depth, this aspect and the low number of vehicle movements does not result in any adverse harm to the amenity of this neighbouring property.

The northern boundary of the site is shared with the large residential plot that contains No.65 Anncroft Road. This property is orientated at an angle to the rear elevation of the proposed dwellinghouse situated in excess of 30m distant. At this distance, and when taking into account boundary treatment, it is considered that this property and all other properties on Anncroft Road will not be adversely affected and would more than meet the Council's privacy standards.

No.53 and 54 'Washbrook' Level Lane are situated east of the proposed dwellinghouse. Given that they are located some 60m distant there are not considered to be any adverse impacts to these properties as a result of the proposed development.

In light of the above analysis, it is considered that the proposed development would provide a high standard of amenity for future occupiers and would preserve the residential amenity of all neighbouring properties, in accordance with LP Policy EQ6, the Residential Design Guide SPD, and relevant paragraphs contained under Chapter 12 of the NPPF.

Public Amenity

Turning to matters of public amenity, objections have been received in relation to potential impacts on public health particularly during the construction phase of development.

The Environmental Health Officer has confirmed that there are no objections subject to standard conditions that include restrictions on the hours of construction including delivery of materials.

Subject to these conditions, it is not considered that there would be any adverse harm to public amenity in accordance with LP Policy EQ10 and relevant paragraphs contained under Chapter 15 of the NPPF.

Ecology and BNG

The Environment Act (2021) places a legal requirement on all development to provide a 10% uplift in Biodiversity Net Gain on site, or, if this can't be achieved, via off site contributions, unless falling within one of the few exemptions.

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.

Paragraph 187 of the NPPF states that policies and decisions should contribute to and enhance the natural and local environment by (amongst other things):

- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs

Paragraph 193 goes on to state that where determining applications, local planning authorities should apply a number of principles which includes the following:

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts),*

adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

Aside from being located within the Peak District Dales SAC (see Nutrient Neutrality section below), the application site is not constrained by any statutory ecological designation.

The site is however located within an area that contains suitable habitat for protected species, and as such the application has been supported by a Preliminary Ecological Appraisal (Helen Hamilton Ecology, March 2025).

This has been reviewed by Derbyshire Wildlife Trust who have confirmed that there are no objection with regards potential impacts on protected species and habitat subject to conditions which secure ecological enhancements.

The application is for a 'Self Build' dwellinghouse, the application therefore meets one of a small list of exemptions contained under the Environment Act and as such is not required to deliver a 10% uplift in Biodiversity Net Gain onsite. A restrictive condition will be required in order to control this exemption.

Subject to appropriate conditions, the application is considered to comply with LP Policy EQ5, relevant paragraphs contained under Chapter 15 of the NPPF and the Environment Act (2021).

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. However, the proposal will increase overnight stays over and above the current situation. Accordingly, it is necessary to undertake a Habitat Regulation Assessment.

Appropriate Assessment

Appendix 1 provides a copy of the Council's Habitat Regulations Assessment.

A Nutrient Neutrality Assessment and Mitigation Strategy supports the application prepared by Enviren (2300307-ENV-S1-EM-TR-E-0001, 6th Dec 2004) which asserts

that the application can achieve Nutrient Neutrality and mitigate the increase in phosphorus being discharged to the River Wye catchment area through the installation of a Sustainable Drainage Systems (SUDS) scheme.

The proposed development was calculated as having the following outputs:

Annual wastewater (Phosphorus)	TP Load	0.02kg TP/year
Annual Phosphorus	TP/year	0.11kg

Section 4.0 of the Assessment and Mitigation Strategy states that run-off from the site will be treated by permeable paving with a phosphorus removal rate of 39%.

SUDS components include the following aspects:

- Swale
- Detention Basin
- Retention Basin
- Pond
- Flooding Wetland
- Bioretention Zone
- Tree Pit
- Filter Strip
- Filter Drain
- Willow Bed
- Permeable Pavement
- Vortex Grit Separator
- Oil Water Separator
- Stormwater Filter
- Granular Media
- Rainwater Capture

Natural England have confirmed that subject to these mitigation measures being secured and implemented, the application will not give rise to any adverse impacts to the Peak District Dales SAC and will achieve Nutrient Neutrality. As such, a pre-commencement condition is recommended to secure a detailed drainage strategy, in the interests of preserving the SAC. Subject to compliance with this condition, this issue is considered to be satisfactorily addressed.

Trees

LP Policy EQ9 relates specifically to trees, woodland and hedgerows, and requires that existing woodlands, healthy mature trees and hedgerows are retained and integrated within a proposed development unless the need for, and benefits of, the development clearly outweigh their loss. The policy also requires development where appropriate to provide replacement tree planting at a ratio of 2:1 and soft landscaping.

Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments and that policies and decisions should ensure that where possible existing trees are retained.

Information held by HPBC shows that the site contains 1no tree that is protected by a Tree Preservation Order (TPO) which is located immediately adjacent to the existing single storey garage. A second TPO tree lies beyond the southern boundary however as confirmed by the County's Tree Officer, this tree is not a constraint to the proposed development.

Upon further investigation, it has come to light that the tree referenced above adjacent to the existing garage was removed with permission from Derbyshire County Council in 2023. As such, the site no longer contains any TPO within its boundary.

A Tree Survey and Arboricultural Impact Assessment prepared by Peak Tree Ecology (Ref: PTC-2471-003.1, dated 22nd November 2024) supports the application and was produced after the former TPO tree was removed.

The survey identifies 3no individual trees within proximity of the development in addition to 3no additional group of trees as follows:

T1	Beech	(Category A)
T2	Ash	(Category C)
T3	Oak	(Category B)
G4	Mixed Hawthorn, Rowan and Cotoneas	(Category C)
G5	Mixed Cedar and Sycamore	(Category B)
G6	Hornbeam	(Category C)

All trees identified above are shown to be retained with no trees required to be removed to facilitate the proposed dwellinghouse. Subject to standard compliance conditions requiring mitigation measures within the Appendix 5 of the Assessment to be adhered to, it is judged that the application will not result in any direct or indirect harm to trees in accordance with LP Policy EQ9 and paragraph 136 of the NPPF.

Flooding and Drainage

LP Policy EQ11 refers to Flood Risk Management and requires all applications to demonstrate that the proposed development will not give rise to any unacceptable increase in flood risk either onsite or elsewhere in the Borough.

Chapter 14 of the NPPF contains the relevant national policies that are in place to meet the challenge of climate change which includes preventing flood risk.

Concerns have been raised in connection with the water table on site and potential impacts of the proposed development with regards to flooding, drainage and sewage, including surface water runoff towards existing properties east of the development.

The site is located in Flood Zone 1 and as such the application is not required to be accompanied by a Flood Risk Assessment. The EA Map does however show that the site is prone to surface water flooding and therefore precautions are required to mitigate this potential impact.

As set out above, the proposed development will incorporate a SUDS scheme in order to mitigate phosphorous discharge to the Peak District Dales SAC, which also deals

with surface water drainage. For developments of this size, drainage forms part of Building Regulations outside of the planning system. Given that a SUDS scheme needs to be agreed in order to deal with Nutrient Neutrality, it is considered that this is sufficient to effectively address all potential drainage issues on site, in accordance with LP Policy EQ11 and relevant paragraphs under Chapter 11 of the NPPF.

Parking Provision and 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 115 of the NPPF states that in assessing sites for specific applications, it should be ensured that safe and suitable access to the site can be achieved for all users.

Paragraph 116 of the NPPF goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact impacts on the road network would be severe.

The site is shown to be accessed via an existing vehicular access that extends eastwards from the public highway parallel to the gable of the existing property No.17 Level Lane. The curtilage associated with the proposed property includes a single ancillary garage, with sufficient space for 3no vehicles (including the garage) to park turn and exit the site in a forward gear.

This level of parking provision aligns with the Council's parking guidelines set out under Appendix 1 of the Local Plan.

Parking for No.17 would be transferred to the front of the house immediately off Level Lane, served by a newly proposed dropped kerb with space provided for 2no vehicles to serve the 3no bedroom dwellinghouse.

The proposal would see a negligible increase in vehicle movements that would utilise an existing adopted highway and private internal access road. The Highways Authority raise no objections to the access or internal parking layout (including the steepness of the drive which is a point of concern raised by objectors) subject to appropriate conditions. Subject to these compliance conditions, it is considered that all potential issues relating to highway safety have been satisfactorily addressed, and therefore the application is compliant with LP Policy CF6 and relevant paragraphs contained under Chapter 9 of the NPPF.

Other Matters

Objections make reference to a lack of consultation. The Council have carried out and in fact exceeded its statutory obligations under the Town and Country Planning

(General Management Procedural) (England) Order to notify in writing all neighbours who adjoin the site, and members of the public by way of a site notice.

The decision as to whether to re-consult the public and neighbouring properties rests with the Local Planning Authority and depends on the nature and extent of any amendments and the nature of an objection.

Given that the changes showed a re-orientation which would improve the relationship between neighbouring properties, and that all other changes related to specific design details of the house and garage (layout and design of fenestration detail and choice of materials), it was judged on this occasion that a re-consultation was not necessary.

An objection has been received in connection with the gradient of the internal access and potential impacts in snowy and icy weather. The gradient of the access would not change comparable to the existing access. Any risks associated with snowy and icy weather would need to be handled by the future occupiers as per any other private residential property. The Highways Authority have raised no objection in relation to this gradient and not requested any conditions requesting a specific gradient.

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-date⁸, granting permission unless:
 - i) 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
 - ii) 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination

This application seeks full planning permission for a single 'self-build' dwellinghouse on land that lies within the built-up area boundary of Buxton.

Notwithstanding the fact that the principle of development is supported by relevant Local Development Plan policies and the NPPF, the Council are unable to

demonstrate a 5 year supply of deliverable housing land and therefore the application must be assessed in relation to the presumption in favour of sustainable development set out under LP Policy S1a and paragraph 11 of the NPPF.

This means that applications will be approved unless there are significant and demonstrable harms that outweigh any public benefits associated with the scheme. This balance is undertaken below.

Benefits

The application will deliver one dwellinghouse which is for the benefit of the applicant and their family being a self build property, and therefore there are no public benefits associated with the application.

Harm

For the reasons out within this report, subject to compliance with relevant conditions, the proposed development is not considered to result in any adverse harm to the amenity of future occupiers or existing occupiers of neighbouring properties. Mitigation measures ensure that no harm will come to trees and ecological assets including the Peak District Dales SAC.

As such, there are no harms or conflict with Local Development Plan policies arising from the proposed development.

Planning Balance

In this instance, the application is considered to comply with the Local Development Plan and other relevant material considerations and therefore constitutes a sustainable form of development. In line with LP Policy S1a and paragraph 11 of the NPPF the application is thus recommended for approval subject to conditions.

OFFICER RECOMMENDATION: Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 18th November 2025

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council