

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 11th December 2023

Application No:	HPK/2023/0387	
Location	39 Park Road, Buxton	
Proposal	Installation of 13 solar panels on Rear Elevation. Replacement of timber framed glazing with heritage UPVC casement windows. French Doors on Rear Elevation	
Applicant	Cllr Madeline Hall	
Agent	N/A	
Parish/ward	Corbar Ward	Date registered 20 th September 2023
If you have a question about this report please contact James Stannard, Tel. 01298 28400 extension 4298, james.stannard@highpeak.gov.uk		

1. SUMMARY OF RECOMMENDATION

Approve with Conditions

1. REASON FOR COMMITTEE DETERMINATION

- 1.1 This application has been brought before the Development Control Committee as the applicant is an elected Ward Councillor.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application refers to No.39 Park Road, Buxton, a large detached residential dwellinghouse that has a rectangular form, with a principal elevation facing northwards on to the public highway, and the southern elevation facing a generous rear garden.
- 2.2 The dwellinghouse is constructed of an attractive natural stone with tiled roof, and lies within 'The Park' Conservation Area, within a residential area and in the built-up area boundary of Buxton.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 The application seeks full planning permission for 13no. Solar Panels on the rear elevation of the property, the replacement of existing timber window frames with a mock timber heritage style UPVC windows, and French Doors on the rear elevation.
- 3.2 The proposals are set out on the following plans and documentation:

- Location Plan
- Existing Site Plan
- Proposed Site Plan (including Solar Panels)
- Proposed Elevations
- Heritage Statement
- Project Solar Brochure
- Dekko Window Systems Brochure

3.3 Further to comments received by the Conservation Officer, the applicant has submitted a detailed plan showing joinery details, and further technical manufacturer details of the proposed Solar Panels and Window Casements.

3.4.1 The application can be viewed at the following link

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=263293>

4.0 RELEVANT PLANNING HISTORY

4.1 The site has been subject to the following planning history:

- | | |
|---------------|---|
| HPK/2008/0630 | Two storey side extension. Detached garage and widening of driveway with replacement gate posts and gate (Refused 20 th May 2009) |
| HPK/2009/0374 | Two storey side extension. Detached garage and widening of driveway with replacement gate posts and gate (Approved 7 th August 2009) |

5.0 PLANNING POLICIES RELEVANT TO THE DECISION

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S7 Buxton Sub-area Strategy
- EQ1 Climate Change
- EQ6 Design and Place Making
- EQ7 Built and Historic Environment

Adopted Supplementary Planning Documents

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

Revised National Planning Policy Framework 2023

- | | |
|-----------------------------------|------------|
| Achieving Sustainable Development | Chapter 2 |
| Achieving Well Designed Places | Chapter 12 |

CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 28 th November 2023
Neighbour letters	Expiry date for comments: 12 th October 2023
Press Notice	Expiry date for comments: 26 th October 2023

Public Comments

6.1 No public comments received

Consultees

6.3 The following table shows the comments received from relevant statutory consultees in connection with the application in its revised form for two industrial units

Consultee	Comments
HPBC Conservation Officer	<p><u>Initial Comments:</u></p> <p>This post war property is not listed though is in a construction faithful to the vernacular and traditional character of Buxton. The proposal sees a solar array to the rear of the property and appears to be inconspicuous to the wider street scene.</p> <p>The proposal sees the inclusion of new windows to replace the existing. The existing are not of any historic significance but do note some interesting design and are visually subservient in colour.</p> <p>There is no window schedule that accompanies the proposal in order to ascertain what amount of units are to be retained and or replaced. The proposed elevation drawing denotes some as existing. On investigation it appears to mark 1no. unit on south elevation. I cannot see where French doors are noted. Clarity required.</p> <p>No objections subject to following conditions:</p> <p>1. Prior to commencement of works on site a full window schedule concerning units to be replaced with full joinery details including colour code, opening type and mechanism, fixtures and fittings, putty, beading,</p>

	<p>material type and glazing type has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.</p> <p><u>Further comments:</u></p> <p>Further information received with thanks. I don't foresee any issues and the pre commencement condition can be changed to compliance condition</p>
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POLICY AND PLANNING BALANCE

Planning Policies

- 7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.
- 7.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the the High Peak Local Plan Policies Adopted April 2016.
- 7.3 Other material considerations include the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Paragraph 11 of the NPPF explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan, they should be approved without delay, but where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Principle of Development

- 7.4 The application seeks permission for alterations to an existing property that lies within 'The Park' Conservation Area, which is covered by an Article 4 Direction that removes permitted development rights for certain extensions and alterations to residential properties.

- 7.5 The introduction of PV Solar Panels fully supports the aims and objectives of Local Plan (LP) Policy EQ1, and would enable the property to enhance its green and sustainability credentials.
- 7.6 Given its location within the Conservation Area, the application is subject to LP Policy EQ7, relevant restrictive policies contained under Chapter 16 of the NPPF relating to heritage conservation, underpinned by Section 72(1) of the Act 1990.
- 7.7 The application can thus only be supported in principle where it can demonstrate compliance with the above legislative, local and national policy context relating to heritage conservation.

Design & Conservation

- 7.8 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.
- 7.9 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.
- 7.10 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.
- 7.11 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.
- 7.12 The High Peak Residential Design Guide SPD (2005) and more recently adopted Design Guide SPD (2018) contains further design guidance for extending and altering domestic properties. Alterations are to be undertaken with care, using a sensitive approach that respects the existing character of the building and its context.
- 7.13 Paragraph 130 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.

- 7.14 Paragraphs 199-202 of the NPPF sets out how a local authority should assess the significance of a heritage asset and how to assess the potential impact 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.
- 7.15 Whilst set back from the public highway, the existing property is a large striking building that stands in a prominent location in the street scene. As such, any alterations and additions should be handled in a careful and sensitive manner.
- 7.16 The proposal seeks to introduce domestic Solar PV panels to the rear of the property and replace the existing timber window casements with a 'mock' timber heritage style replacement.
- 7.17 Having not objected to the number, scale and positioning of the proposed panels, the Conservation Officer did request further detail with regards to joinery associated with the replacement windows.
- 7.18 A detailed plan supported by other technical information has subsequently been submitted by the applicant. A review of this information has led to the Conservation Officer confirming that these details are satisfactory and that subject to standard compliance conditions, there would not be any harm to either the character and appearance of the building or the wider setting of the Conservation Area.
- 7.19 As such, the application, which includes all original and further submitted plans and supporting technical information, is considered to align with LP Policies S1, EQ6 and EQ7, relevant Supplementary Design Guidance, and restrictive paragraphs under Chapter 16 of the NPPF, underpinned by Section 72(1) of the Act 1990.

Conclusions/Planning Balance

- 7.20 LP Policy S1a reflects the presumption in favour of sustainable development set out within paragraph 11 of the NPPF. For decision taking this means approving development proposals that accord with an up-to-date development 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 planning permission, unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.21 The application seeks permission for alterations to an existing dwelling, which amounts to the introduction of Solar Panels and replacement windows, on a site that lies within the built-up area boundary of Buxton and within 'The Park' Conservation Area.
- 7.22 An assessment of the application has found that upon receiving additional technical details and a plan showing joinery details, the Conservation Officer has confirmed that the proposed development would preserve the character and appearance of the building and wider setting of the Conservation Area, and would thus not result in any harm to heritage assets.
- 7.23 In light of the above, the application is considered to accord with LP Policies S1, EQ6 and EQ7, relevant Supplementary Design Guidance, and relevant paragraphs contained under Chapters 12 and 16 of the NPPF, the latter underpinned by Section 72(1) of the Act 1990.
- 7.24 As such, the application is considered to constitute a sustainable form of development, and in line with LP Policy S1a and paragraph 11 of the NPPF, is recommended for approval subject to appropriate conditions.

8. RECOMMENDATIONS

A. Approve subject the following conditions:

- 1. Development to begin within 3 years**
- 2. Approved Plans and Documentation**

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 187 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

Site Plan

