

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 9th September 2019

Application No:	HPK/2018/0620	
Location	1-2 Burlington Road, Buckingham Hotel, Burlington Road, Buxton	
Proposal	Redevelopment of the Buckingham Hotel, the demolition of the existing Buckingham Hotel, the erection of a replacement hotel building (95 beds) with ancillary facilities and substantial basement parking.	
Applicant	Mr A Barar	
Agent	None	
Parish/Ward	Buxton	Date registered: 14/01/2019
If you have a question about this report please contact: Rachael Simpkin rachael.simpkin@highpeak.gov.uk 01538 395400 extension 4122		

REFERRAL

The full planning application is categorised as a small scale major.

1. SUMMARY OF RECOMMENDATION

REFUSE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The proposal scheme relates to the 37-bedroom Buckingham Hotel constituting an impressive 3-storey sandstone building dated 1876. It is prominently positioned at the junction of Burlington Road and St Johns Road within a c.0.25ha site area accommodating 31 parking spaces. It lies within the Buxton Central Conservation Area and is adjacent to the boundary of the Pavilion Gardens (Grade II* Registered Historic Park and Gardens) to the Burlington Road frontage. The Buxton Park Conservation Area is defined by the common boundary with no. 29 St. Johns Road (west) and the centre of St.Johns Road (north). The children's nursery is located to the site's common boundary (south). The site is located within walking distance of the town centre within a mixed use context.

3. DESCRIPTION OF THE PROPOSAL

3.1 The application scheme follows the more recent refusal of scheme reference HPK/2018/0241 for the demolition of the Buckingham Hotel and the erection of a new hotel accommodating 110 rooms, ancillary facilities, subterranean ground parking and a small vertical farm. The scheme proposed 4 storeys of accommodation inclusive of the roof space above

ground. Three floors of subterranean car parking would be provided. Refusal reasons related to heritage, ecology and tree related impacts.

3.2 The applicant seeks the demolition of the Buckingham Hotel and its replacement with a 95-bedroom hotel building with ancillary facilities and basement parking. Notwithstanding the application description, it is set out that the new building would be mixed use owing to the establishment of a pilot hydroponic vertical farm within the proposed basement.

3.3 The replacement building would be larger in area than the existing building with an overall footprint of 901sqm. It proposes 4-storeys of hotel accommodation inclusive of the roofspace. A total of 4 'accessible' bedrooms would be provided out of the 95 guest rooms. The central flat living roof would be surrounded on all sides by a narrow, steep mono pitch roof. Three floors of subterranean car parking would also be provided.

3.4 The proposed new building would be constructed in sandstone blocks beneath a new slate roof. Windows are proposed to be double glazed within powder coated metal frames. A detailed hard and soft landscaping scheme, including replacement tree planting has been submitted for consideration. However, all onsite trees would be removed with some replacement planting proposed along St. Johns Road.

3.5 No site access alterations are proposed. A total of 93 onsite car parking spaces, including 4 'accessible' bays would be provided.

3.6 The application and details attached to it, including the plans, supporting documents, representations and consultee responses can be found on the Council's website at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet>

3.7 The submitted Design & Access Statement is concluded as follows:

"The September 2018 decision listed a number of concerns with the design of the proposed replacement building; namely roof depth/pitch, insertion of an additional floor, bay window proportions, absence of chimney stacks, lack of symmetry and increased footprint. The rejected design was assessed by the LPA as causing less than substantial harm to the Conservation Area and setting of a Registered [Listed] Park and Garden.

The revisions made to the replacement building (which seeks to replicate the existing) acknowledges these concerns, except for the larger footprint which is considered acceptable, given the site is capable of accommodating the increase whilst still maintaining sufficient spacing between the roadside boundaries, and without adverse effect on neighbour amenity (as confirmed in the September decision).

Furthermore, the increase in footprint would be suited to the distinctiveness expected of a townscape asset. The hotel's importance in this matter was recognised by the Planning Inspectorate in 2009 in the case of 33 St. John's

Road, when the Inspector referred 'to the townscape importance of its corner site'. Appeal reference: APP/H1033/E/09/2103184 para 7).

Nevertheless, were any harmful effects on the development proven, they will be outweighed by the substantial public benefits from Buxton that will result from reinstating the building in the proposed form".

3.8 Revised information has been submitted principally in relation to local flood risk matters.

3.9 As well, further applicant commentary has been received in respect of scheme heritage and tree matters as is detailed below:

Date 23/06/19:

"With regard to the Arboricultural Officer's latest feedback, I would comment as follows:

- The officer still maintains there are 11 onsite trees rather than 9 (of which only 8 are currently retainable), despite the explanation provided in our May 2019 response which reconciled the difference in numbers reported in the 2014 & 2016 surveys.
- It is noted that 2:1 replacement is no longer being cited as an absolute requirement, if measures are taken to ensure the proposed scheme is of sufficient quality – suggested examples of suitable measures include additional rooting volume provided underneath surrounding hard surfaces and the planting of semi-mature trees to offer a noticeable level of immediate amenity.
- 3 revised replanting schemes were proposed in our May response – in all three, the St Johns Roadside planting strip is a similar length to existing and all trees were native species, with the number of trees based on industry advised spacings for eventual mature spreads.
- All 3 revised schemes (see below) featured both of the previously mentioned measures (enhanced below hard surface rooting volume & semi-mature trees):
- Nonetheless, the officer deemed all 3 revised schemes unsuitable (without referencing any specific deficiencies or alterations as to the number/species/location of the replacement trees)".

Date 17/05/19:

"Response to Conservation Consultee Comments (8 May 2019)

This response includes observations contained in the AHP Heritage Assessment (Feb 2013) and Counsel's Opinion (Oct 2018). The Conservation Comments regarding the design of the replacement building suggest the only remaining issue concerns 3 of the elevations (both sides and the rear) which lack detail and depth and result in a monolithic appearance and that the replacement building that would be overbearing within the street scene. It is noted that the comments state the existing elevations exhibit depth by virtue of their bay windows:

The mass and bulk of the existing building is further reduced by the projecting two storey bays that help to break up the front and side elevations and introduce depth and interest to the building.

St Johns Rd Elevation

The building is not identified in important views in the conservation area. Nonetheless, this is the most significant of the 3 elevations as it is the only one that is either road facing or capable of long views (via St Johns Rd) and most importantly, it features in the most significant view of the property at the junction of St John's Road. The AHP assessment concurs:

The most significant aspects of the hotel are the north and east elevations and its overall form. (AHP p22). The most significant view is at the corner of St John's Road, including the boundary walls, gate piers and ironwork overthrow (AHP p17). The proposed elevation is 2.37m (10.5%) longer than existing and features 11 windows + 2 dormers. The existing elevation includes 11 windows + 2 dormers, though 2 of the windows are a double bay.

A double bay can be added to the proposed elevation in lieu of two windows to create an identical scenario to existing.

Nursey/South Elevation

This elevation is only obliquely visible for a short distance from the east side of Burlington Road (less so from the west). Views from the Serpentine Walks are glimpsed and screened/obscured by mature trees, even in winter conditions. The existing elevation contains 13 windows (inc a triple bay) + 2 dormers whilst the proposed elevation has 12 windows + 6 dormers.

Once again, a double bay can be added to provide a similar feature to the existing elevation.

Rear/West Elevation

AHP consider the existing rear elevation is of low significance and does not contribute positively to the conservation area:

The use of random limestone for the basement storey to the rear and south elevation suggests that this area was not intended to be seen (AHP p8).

The rear of the building has low significance and being at a lower level and to the rear, can only been seen close at hand. This area exhibits obvious signs of alteration, and is also used for service access. The tarmac rear yard areas are typical of service areas and have no significance. The modern infill block is of low significance (AHP p18).

There is more scope to alter less significant heritage assets or parts of heritage assets, and where parts of a building or site do not contribute positively to a conservation area there may be scope for new development. This would apply to the rear (west) side of the hotel, where permission was granted for an extension in 2002, renewed in 2007, but now lapsed (AHP p20).

The existing elevation has 23 windows + 4 dormers. A number of these windows (relating to the modern infill) are uPVC and do not bear symmetry to the original windows.

The proposed elevation has 10 windows + 5 dormers. One reason for the reduction in the number of windows concerns neighbour amenity/overlooking of the St Johns Road garden - the proposed south-west trigger (which is not visible from the street) only features 3 windows + 1 dormer compared to the existing 8 windows + 2 dormers.

Street Scene

The Conservation Officer acknowledges the existing hotel is larger than adjacent developments and relates well to properties on Burlington Road, but states that the replacement building will be dominant within the street scene:

'It is noted that the existing Buckingham Hotel is of a larger size than adjacent development and compounded with its corner plot location, adds to its prominence within the street scene. However, it relates well to development along Burlington Road by reflecting a similar architectural style, mass, window proportions, roof pitch, materials and detailing'.

However, the form and scale of the buildings still results in a bulky and overly dominant presence within the street scene.

It is unclear whether the street scene referred to is Burlington Road or St Johns Road, though it is accepted by the officer that The Burlington Road elevation is more successful in addressing the mass.

However, no reference is made to the group of similar buildings on the opposite side of St Johns Road to which the hotel visually relates more strongly. This was recognised in both the AHP assessment and Counsel's Opinion (Oct 2018).

The best views of the hotel are from the north, from St John's Road (Area 5 of the Conservation Area), where other Victorian buildings which originated as hotels or boarding houses stand opposite (AHP p12).

Historically, aesthetically and functionally it has more in common with the other small hotels and houses on St John's Road, in Area 5 of the Conservation Area (AHP p13).

The hotel visually relates more strongly to the group of similar buildings along St John's Road than to later buildings on Burlington Road (AHP p17).

As far as I can tell there are four separate conservation areas in Buxton: the Central conservation area has been 'extended' in three directions, but the extensions have taken the form of new conservation areas, albeit that they do not have individual character appraisals. There is a complicated relationship between the conservation areas and the character areas. The site is within the Central conservation area but is on the boundary of the Park conservation area/extension. The site itself is within character area 4, but the area north of St Johns Road is entirely within character area 5. It is clear to me that a

principal impact of the redevelopment of this site will be on the character and appearance of St John's Road. Indeed to judge by Streetview, the existing building has obvious references to the buildings on the north side of St John's Road (Counsel's Opinion). Based on the above, any overbearing issues on the street scene should primarily be in reference to the large buildings on the north side of St Johns Road, and not to the properties on Burlington Road or the residential properties on the south side of St Johns Road. The Inspector's comments in Appeal Decisions APP/H1033/E/09/2103184 & APP/H1033/A/09/2103177 support this view:

'I recognise that there are buildings of similar scale to that proposed in close proximity to the appeal site. However, the hotel at the corner of St John's Road and Burlington Road has a scale that responds to the townscape importance of its corner site. The appeal site does not have the same status. Similarly, larger buildings on the north side of St John's Road form a group that is distinct from the group of which No.33 forms part(para 7)'.

Summary

The addition of a double bay to the St Johns Road and nursery elevations will replicate the present situation and add depth and interest to these elevations. It will also result in both existing and proposed St Johns Road elevations having identical fenestration (1 bay + 9 std + 2 dormers).

The proposed St Johns Road elevation is 0.3m lower and only 2.37m (10.5%) longer than existing. The modest increase in length will not appear overbearing in relation to the large building on the opposite side of St Johns Road with which the hotel is most closely identified”.

4. RELEVANT PLANNING HISTORY

HPK/2018/0241 – Demolition of hotel & erection of new hotel ancillary facilities with sub-ground parking. Refused September 2018.

HPK/2016/0276 - Demolition of the Buckingham Hotel and erection of a new hotel comprising 110 rooms, ancillary facilities and sub-ground parking. Refused May 2017.

HPK/2006/0802 - Four storey side / rear extension. Approved December 2016. Not implemented.

5. CONSULTATIONS

Expiry:

Site notice	Expired.
Press notice	14 th February 2019
Neighbours	4 th February 2019

Objection (7) including The Buxton Group:

Principle of Development:

- This development is not within the Local Plan for Buxton.

Heritage:

- The Park Conservation Area was put in place to protect Buxton's Victorian heritage and its place as one of the UK's leading spa towns;
- The proposed development is out of keeping with the locality and the Victorian buildings in the surrounding area;
- Its size and nature would detract from the vista afforded by the street scene along St. John's Road, that currently takes in St. John's Church, the Opera House and the Pavilion Gardens Octagon (an architectural landmark), together with that afforded by the street scene along Burlington Road and those from the Serpentine Walks and Pavilion Gardens;
- The proposed development would not enhance the Pavilion Gardens, the Serpentine Walks or the existing Victorian buildings along these roads;
- The Buckingham Hotel is placed in a commanding position at the apex of a triangle formed by St. John's Road, Burlington Road and Broad Walk;
- The proposed development would lead to the loss of one of Buxton's Victorian heritage buildings;
- It is not understood how the Buckingham Hotel can be proposed for demolition in view of the Conservation Area constraints, which cover such building details as glazing types and fences etc;
- The building proposed would have a significantly larger footprint than the existing building, extending further back into the site and giving the building a far greater scale than of its neighbours;
- The footprint of the proposed development is significantly out of proportion with reference to adjacent buildings and the Serpentine Walks;
- The rear of the existing hotel is of an irregular construction, typical of the period, breaking up the sight and building line so it does not appear too imposing;
- However, the rear of the proposed hotel is more reminiscent of a large, vertical, flat, Lego block construction;
- This incongruity would be significantly harmful with the proposal failing to preserve or enhance the character or appearance of the conservation area;
- The demolition of a period building and its replacement with an oversized box would be contrary to the Conservation Area and set a precedent for future development;
- If approved, any development should be no higher than the current hotel and on the same size footprint;
- The proposals, above ground at least, may have been made smaller but, in essence, the scheme is unchanged;
- HPBC has a good record of holding out for the right design solution and should continue to do so in this case.

Trees:

- The scheme would destroy all of the mature trees on the site and the proposed 4 trees to be planted along St. John's Road would not provide the function of the existing lime trees for a considerable period of time;

Highways:

- The parking spaces on the plan are only adequate for the hotel room numbers and it has been questioned where staff will park and how will deliveries would be managed;
- Staff vehicles would have to park on St. John's Road or adjacent roads, further increasing the congestion problems created by this significant development;
- Cars currently entering and leaving the hotel, exit directly onto the junction of St. John's Road and Burlington Road causing traffic problems;
- The junction of St John's Road and Burlington Road becomes congested at certain times of the day when there is heavy traffic in the town centre causing danger to pedestrians, cyclists and road users;
- The area of St. John's Road / Burlington Road where the Buckingham Hotel is situated is continually used for parking, due to its proximity to nearby tourist attractions and the Leisure Centre;
- The plans for the proposed new development show the vehicles using the underground car park as entering and exiting onto St. John's Road, in close proximity to the Burlington Road junction, which would exacerbate existing congestion problems and further worsened by the service vehicles using this access;
- Large delivery vehicles would park on St. John's Road (between the proposed delivery entrance to the new construction and the junction with Burlington Road) resulting in dangerous blind spots for both the junction and the top of the ramp as a result of insufficient turning space within the site;
- With the proposed excavation extending to the site boundaries, all wagons and lorries would have to park either on Burlington Road or St. John's Road causing significant traffic delays on St. John's Road each day;
- Ambulances frequently turn onto St. John's Road in a blue-light condition and the proposed increase in construction traffic and future hotel traffic would impede the deployment of these vehicles;

Land Instability:

- There is concern about the potential problems caused by the significant level of excavation that is proposed to create the lower floors of the hotel building;
- Notwithstanding that further information has been requested concerning the effects on the water system, it is suggested that a more thorough geological survey should be undertaken to assess impacts on

the surrounding properties, sewerage routes, the River Wye and the Pavilion Gardens car park;

- Should the Council grant this application, their liability and the provision of indemnity should problems occur to the foundations and fabric of the surrounding properties is questioned;

Privacy:

- There is concern about the lack of privacy in respect of the proposed viewing terrace that potentially gives a direct view into the nursery premises;
- Due to the child protection aspects of the nursery work any such area overlooking the premises would be inappropriate and unacceptable i.e. the opportunity for photos to be taken without employee knowledge;
- The proposed plans show a greater building proximity to its boundaries, which will narrow the space between the hotel and adjacent properties, significantly detracting from their residential amenities;
- The sunlight to our property and garden would be severely curtailed as the proposed hotel structure would block the daylight and overpower the skyline;
- By the proposers own admission, in their light survey, sunlight would be reduced in our home;

Amenity:

- The demolition of a large building at the junction of St. John's Road and Burlington Road would cause extreme nuisance and pose a safety hazard;
- This, together with the excavation would mean that fleets of wagons and lorries would be required to remove building and excavation materials and also bring construction materials in;
- The comings and goings of vehicles serving the hotel building would lead to a level of noise and disturbance that would have significant implications for the neighbouring occupiers;
- The living conditions and operation of the nursery during construction are a concern in respect of noise and pollution issues;
- There are particular health and safety impact concerns, especially during demolition concerning the nursery outdoor play area, which is utilised for most of the day;
- In respect of noise pollution, the children sleep between 12.30 and 2.30 pm;
- The monitoring of the ventilation noise and extraction smells from the kitchen is questioned;
- The proposed noise levels exceed the guidelines and if they cannot meet the standard then permission should be refused;

Other:

- The condition of the hotel has deteriorated since the present owner took over about 15 years ago;

- It is not understood how the building could have reached such an implied dilapidated condition as to require complete demolition when, in 2006, the applicant was proposing to extend the existing building;
- There are concerns over the level of business interruption that could ensue during construction, including damage to utilities;
- Staff and clients to the nursery must have unobstructed access to the nursery premises at all times of the day and not find the entrance blocked by deliveries to the site;
- The provision for reclaiming and storing the materials to be salvaged and reused on site has been questioned;
- The proposed scheme would not provide any public benefits;
- There is no suggestion within planning guidance that development should take place at the expense of conservation areas, the setting of Historic Parks and Gardens or the living conditions of nearby residents.
- With the opening of the Premier Inn and the forthcoming opening of the newly refurbished Crescent, together with other existing hotels, Buxton does not require any further hotel bed space;
- The economic case for building a large, low grade hotel at a high cost is queried given the site limitations, materials proposed and the excavation works involved;
- Each floor of the building (4 upper floors and 3 basement levels) is shown to be accessed off a single staircase, including the three floors of troglodyte dwellings where there is a single spiral staircase and legal compliance is queried;
- Who in their right mind would pay to come to Buxton, in the midst of our glorious countryside, to stay in a potential death trap three floors under a car park - and what positive contribution is that to the local economy?

Buxton Group:

“The Buxton Group would like to object to the latest proposal to demolish the Buckingham hotel and replace it with an enlarged modern version. The following are our main reasons for objecting:

The current building is an imposing and important part of the Buxton Conservation area and, along with many other buildings within the centre of old Buxton, together form an integral part of what makes Buxton a destination for many visitors and why people want to live here. It is a building that has much character and presence and should be appreciated and valued in its own right. This paragraph is an extract from the developer's own submission:

The site holds a prominent position within the conservation area and its corner location adds to its status as a landmark on a key route into Buxton. The hotel's importance in this matter was recognised by the Planning Inspectorate in 2009 in the case of 33 St John's Road when the Inspector referred to the townscape importance of its corner site.

The design of the new hotel bears some design echoes of the one to be demolished but is nevertheless a new building devoid of the history and importance to the townscape.

The hotel, like many other buildings within the conservation area, is not a listed structure. Although the stand-alone value of individual buildings within the area may be contested, together they are a grouping that is of irreplaceable value. This is why the conservation area was established in the first place and it should be defended without exception. Indeed there are only two properties on St. Johns Road that are listed, namely Claremont and Cranford. To allow the demolition of one unlisted building, especially a building so large and loved by many as the Buckingham hotel, will set a precedent that means the demolition of other unlisted but architecturally valuable buildings will be difficult to deny. The question will then be why have a conservation area at all if it can be unravelled site by site?

We note that the current planning application shows the proposed hotel to have a lower overall height than previous schemes, which is an advantage, but with an enlarged footprint over the existing structure, too large for the size of the plot in our opinion.

The loss of so many fine mature trees and replacing them with parked cars/delivery vans and a few small non-native trees will completely changing the character of this important corner plot. Use of Japanese maple is a poor choice.

Previous refused applications have mentioned that existing materials and architectural features from the demolished building will be used in the construction of its replacement. We are unable to find a full description of external materials or reuse of reclaimed materials in this latest scheme. The developer should recover as many materials as possible and use on site if the scheme goes ahead.

Our group are concerned about 3 basement levels and the effect of such a huge excavation on groundwater flows with water found in exploratory wells at a depth of only 2 metres. Not being experts in this field we make no further comment.

The Buxton Group urges High Peak Borough Council to refuse the current application and be prepared to defend this decision at any future Public Inquiry”.

Support (2) including Buxton Civic Association:

- In recent years Buxton has seen a number of privately owned hotels serviced accommodation providers close.
- If the town is to be a serious contender in the increasingly competitive tourist industry then it must provide high quality serviced accommodation.
- In addition to providing quality accommodation the applicant is seeking to increase the Buxton bed stock by some 50+ rooms which I am sure will be of great benefit for events such as the Buxton Festival etc.

Buxton Civic Association:

“BCA notes that the new Planning Application for the Buckingham Hotel has made considerable effort to address issues raised by HPBC in their refusal of the previous application. The proposed replacement hotel reflects and retains much of the existing frontage design but with a central main access to the hotel. It appears to positively reflect the surrounds and is a good quality. The reports submitted with the application suggest this is a sustainable good quality development.

BCA notes the following:

1 - the current building is unsound, in need of substantial works and would involve high costs to address structural issues related to the building and that the best option is demolition,

2 - the proposed design is in keeping with the general area,

3 - the scale of the development is in line with the current site, incorporates the sustainability protocol BREAM etc., and also includes an air sourced heat pump and hot water solar panels and if the hotel also uses a green electricity tariff heating and hot water would be carbon free which is really encouraging. This development would meet the HPBC energy policy

4 - the height of the proposed building is within existing elevations and the proposed increase in the footprint does not appear to adversely impact the area or neighbouring properties.

5 - it is recognised there is a shortage of space in the town and so the number of parking places required is understood.

6 - a detailed tree report has been submitted with the development outlining the measures to take during construction and the replacement of any trees lost during the redevelopment. We would wish to see any trees that are removed are replaced by the same (i.e. lime).

BCA wants to see the town retain its tradition as a beautiful high quality spa town and this proposed development is in keeping with this.

BCA support this Planning Application”.

Consultees

Consultee	Comment	Officer response
DCC Highways	No objections subject to conditions. See detail below.	
<p>Date: 04.02.19</p> <p>The Design & Access Statement states that this application has been prepared with a view to allaying the three Grounds of Refusal associated with the previous application ref:-HPK/2018/0241.</p>		

It is noted that none of the reasons for refusal of the earlier application were highway related and from a highways viewpoint, the submission is very similar to the previous ones i.e. a replacement hotel of 95no. bedrooms provided with 93no. off-street parking spaces, the majority of which are located in an underground car park served via the existing access with St John's Road. As such, the Highway Authority's view on the proposals remains largely the same.

Again, no revised Transport Statement has been submitted to this office although the Highway Authority saw no reason to disagree with the conclusions of the earlier Transport Statement supporting a larger development.

The proposed servicing/delivery arrangements are identical to those previously submitted (i.e. appearing to be squeezed into the site rather than forming a part of the design brief) therefore, due to their proximity to the access and orientation, exit visibility from the access with St John's Road (and driver inter-visibility for those using the service bays) should be maximised by maintaining all areas of the site between the delivery area and highway boundary clear of all obstructions greater than 1.0m in height (600mm in the case of vegetation) relative to the nearside carriageway channel level. The Access Arrangement' drawing is annotated to this effect but does not identify the full extent of intervisibility to be maintained.

The swept path analysis suggests that extending the length of dropped kerbs across the existing access to St John's Road by around 1.0m to the east would be likely to prove beneficial for large car entry/ exit i.e. reduce the likelihood of vehicles turning left in having to encroach into the exit lane.

Availability of off-street parking on the Burlington Road frontage appears to be similar to the existing situation although it is not clear how use of this area is to be controlled e.g. intensification in vehicular use as a consequence of more visitors to a larger premises and the parking area being already at capacity. Parking space dimensions are less than those currently recommended and those designated for use by the disabled could prove to be problematic to use e.g. located within areas demonstrated as being hedges; lack of manoeuvring space; potential obstruction of the entrance from Burlington Road if a disabled passenger rather than driver; etc.

I trust that you will ensure that the proposed level of off-street parking is appropriate to meet your own Authority's standards. Any under-provision would be likely to increase demand for parking on the adjacent roads, a situation considered against the best interests of operation of the highway.

The potential implications on manoeuvring of service and delivery vehicles by vehicles parked on the opposite side of St John's Road to the proposed development access have been highlighted previously. With these in mind, it is recommended that funding is secured for investigation into, and any subsequent implementation of, traffic management measures that may prove necessary to allay any issues that arise within a period extending two years beyond the development being brought into full use.

It is recommended that the views of the local refuse collection service are sought

with respect to suitability of the proposals for their purposes.

Given the proposed scale and nature of the proposed development, in order to encourage alternatives to single-occupancy car use, it is recommended that a Travel Plan is prepared and subsequently implemented.

Therefore, should you be minded to approve the proposals as submitted, it's recommended that the aforementioned funding for traffic management measures is secured and the following Conditions are included within the Consent:-

1. Prior to the site compound (the subject of Condition 2 below) being brought into use, the existing vehicular access to St John's Road shall be modified to be provided with the requisite exit visibility sightlines in accordance with revised details first submitted and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

2. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicles of site operatives and visitors
- routes for construction traffic
- hours of operation
- method of prevention of debris being carried onto highway
- pedestrian and cyclist protection
- proposed temporary traffic restrictions
- areas for storage of plant and materials clear of the highway
- arrangements for turning vehicles

3. No part of the development shall be brought into use until space has been laid out within the site in accordance with the approved application drawings for vehicles to be parked, for the loading and unloading of vehicles, and for vehicles to turn so that they may enter and leave the site in forward gear.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage/car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging/parking of private motor vehicles associated with the occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

5. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the staff of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

6. There shall be no gates or other barriers within 10m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

7. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

8. No building or use hereby permitted shall be occupied or the use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

AES Waste	No objections	
	-	
Historic England	Objection See detail below.	

Date: 15.05.19

Summary

Buckingham Hotel, which is an undesignated heritage asset in its own right, makes a positive contribution to the significance, character and appearance of the Buxton Central conservation area. It also makes a clear, positive contribution to the setting and significance of the Grade II* Pavilion Gardens registered park and garden.

The proposal is for the demolition of the Buckingham Hotel and erection of a new hotel with ancillary facilities and basement parking. Historic England considers that the demolition of the hotel would cause harm to the significance of the conservation area and harm the significance of the registered park and garden which is in part derived from its historic townscape setting. It would obviously involve the total loss of the undesignated heritage asset itself.

Our advice is provided in line with the National Planning Policy Framework (NPPF), particularly paragraphs 8, 10, 11, 192, 193, 194 and 196, the NPPF Planning Practice Guide, and in good practice advice notes produced by Historic England on behalf of the Historic Environment Forum including Managing Significance in Decision-Taking in the Historic Environment. Historic England considers that the requirements of the NPPF have not been met by the proposed scheme. We object to the application for planning permission on heritage grounds. We recommend that your authority should critically assess both the viability figures presented and their underlying methodology using appropriately qualified professional expertise.

Historic England Advice

We previously provided advice on 3 September 2018, 27 June 2016 and 14 July 2016 on previous planning applications on this site and provided pre-application advice on 22 December 2017, 2 March 2018 and 26 March 2018.

Significance

The site of the proposed scheme lies within the Buxton Central conservation area and within the setting of Pavilion Gardens, a Grade II* registered park and garden.

In circa 1779 the development of Buxton as a spa town began in earnest when the 5th Duke of Devonshire conceived the idea of making Buxton into a second Bath and employed John Carr to take on the main projects including the Grade I listed Crescent. The dominance of the Devonshire family is clearly seen in the street names within the town, including that of Burlington Road. Prolific expansion continued into the 19th century and the popularity of Buxton as a visitor attraction grew with the advent of the railway and station which opened in 1863. Hotels and lodging establishments were built to facilitate the growing numbers of visitors.

Within this part of the conservation area, the 19th century expansion is reflected in the surviving historic townscape and buildings along Burlington Road and St John's Road. The former was laid out by 1879 and landscaped with gardens and woodland walks. As shown on map regression, the Buckingham Hotel site was the first to be developed with other establishments being constructed along St John's Road, taking advantage of the close location to the gardens and Pavilion leisure facilities. The Pavilions Gardens became a public park which probably originated as the private gardens of Buxton Hall in the 17th century and was laid out in 1871 to designs by Edward Milner incorporating part of an existing early to mid-19th century layout as the Serpentine Walks, by Joseph Paxton for the sixth Duke of Devonshire.

The setting of the gardens includes the 18th and 19th century townscape, including the Buckingham Hotel, and there is a direct historic relationship between the recreational use and enjoyment of the gardens with the surrounding town. This persists today and the experience and understanding of the gardens is enhanced by the survival of the historic townscape and built form. The Buckingham Hotel was purpose built as two semi-detached small hotels or lodging houses dated 1876. No.1 to the north as called Rockavon House and No.2 Buckingham House. At a later date the buildings became one hotel. Architecturally, the building is characteristic of its use and displays typical Victorian features and proportion with generous bay windows. It was built of local sandstone with slate roof and dressed stone detailing - characteristic of Buxton itself. The building is positioned at the corner of St John's Road and Burlington Road and forms part of a group of buildings along these streets.

The hotel makes a positive contribution to the significance, character and appearance of the Buxton Central conservation area. This lies in its evidential, historic and architectural value as forming part of the 19th century expansion of Buxton as a visitor destination and as a good example of Victorian townscape and architectural form. Accordingly it is integral to the significance, character and

appearance of the conservation area. The Buckingham Hotel, in its prominent location, also makes a clear positive contribution to the setting and significance of the Grade II* registered park and garden. The Buckingham Hotel is also an undesignated heritage asset in its own right.

Impact of proposal on significance

The proposal is for the demolition of the Buckingham Hotel and erection of a new hotel with ancillary facilities and basement parking. It is the view of Historic England that the demolition of the hotel would cause harm to the significance of the conservation area. We also advise that the demolition would harm the significance of the registered park and garden which is in part derived from its historic townscape setting. It would obviously involve the total loss of the undesignated heritage asset itself. Despite the existing tree coverage obscuring some of the direct views towards the building, there remains a direct visual relationship between the park and Buckingham Hotel. The way in which people experience the registered park in its setting is also influenced by other factors, by how one moves around the townscape and the understanding of the historic relationship between Burlington Road and St John's Road and the registered garden. The loss of the Buckingham Hotel would not preserve or enhance the character and appearance of the conservation area nor the significance of the registered historic park and garden.

Despite the improvements to the design of the proposed new building we do not consider that it would preserve or enhance the character and appearance of the conservation area nor the significance of the registered historic park and garden. A building of this scale/footprint would be harmful to the significance of the conservation area and registered park and garden. We are not convinced that the subtlety and quality of design of the existing building would be maintained.

Legislation, policy and guidance

As you are aware, the statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account by your authority in determining the application. Our advice also reflects policy and guidance provided in the National Planning Policy Framework (NPPF), the NPPF Planning Practice Guidance and in good practice advice notes produced by Historic England on behalf of the Historic Environment Forum including Managing Significance in Decision-Taking in the Historic Environment and Note 3 the Setting of Heritage Assets.

The importance attached to setting is recognised by the principal Act, by the NPPF, by the accompanying Planning Practice Guide and in the Historic Environment Good Practice in Planning Note 3: The Setting of Heritage Assets. The Planning Practice Guidance gives as an example – 'buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each'.

There is a presumption in favour of sustainable development in the NPPF (paragraphs 10 and 11, NPPF). Achieving sustainable development means that the planning system has three overarching objectives - economic, social and environmental (paragraph 8, NPPF). The environmental objective includes contributing to protecting and enhancing our built and historic environment

(paragraph 8, NPPF).

The NPPF goes on to say that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation, (paragraph 193, NPPF). Any harm or loss to significance, including from development within the setting of a heritage asset, 'should require clear and convincing justification' (paragraph 194, NPPF). It will be for your authority to robustly assess the information provided including a critical assessment of both the viability figures presented and their underlying methodology using appropriately qualified professional expertise. In heritage terms we do not consider that the proposed scheme is justified. We are not convinced that the existing building cannot be adapted to meet current standards for continued hotel use.

Local authorities should recognise that heritage assets are an irreplaceable resource (paragraph 184, NPPF and the Planning Practice Guidance paragraph: 003 Reference ID: 18a-003-20140306). Your authority should also take account of the desirability of sustaining and enhancing the significance of heritage assets (paragraph 192, NPPF). We advise that as this planning application would result in the total loss of a non designated heritage asset and harm to designated heritage assets it would therefore not sustain or enhance the significance of the conservation area or registered park and garden.

We refer you to paragraph 130 of the NPPF regarding design. We also refer you to paragraphs 200 and 201 of the NPPF - the latter, states that 'loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole'. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Position

Historic England advises that the proposed demolition would not meet the requirements of the National Planning Policy Framework on heritage grounds and we do not consider the new building would be an acceptable replacement nor would it justify the proposed demolition. The harm identified would be less than substantial harm, which does not equate to acceptable harm or make this application appropriate or justified. It would be for your authority to assess whether the harm to heritage assets is outweighed by any public benefits deriving from the scheme, including assessing arguments based on the viability figures submitted. It is essential that your authority gives the heritage assets their proper weight and special regard in accordance with the 1990 Act when weighing up all planning considerations with this scheme.

Recommendation

Historic England objects to the application on heritage grounds. Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest

opportunity.

**HPBC Conservation
Officer**

Objection

See detail below.

Date 08.05.19:

Proposals:

The application is for the demolition of the existing Buckingham Hotel and the erection of a new hotel accommodating 95 bedrooms, ancillary facilities and substantial basement parking.

The replacement building is larger in area than the existing building and proposes 3 storeys of hotel accommodation plus a further floor in the roof space. In addition, 3 floors of car parking and additional bedrooms are subterranean. The footprint of the proposed hotel is larger than the existing being some 7.4 metres wider at its frontage and approximately 2.4 metres deeper. In height, the proposed building is 300mm lower. The proposed footprint takes into account the previously consented extension ref HPK/2006/0802 albeit on a slightly smaller footprint.

The proposed new building will be constructed in stone with slate roof and powder coated window details. The central roof area will be flat and surrounded on all sides by a mono pitch slate roof.

Based upon the existing and proposed site plans, it is assumed that most of the trees will be removed and be subject to some replacement planting.

No access alterations to the site are proposed.

DESCRIPTION:

The Buckingham Hotel is an impressive 3 storey stone building dated 1876. It was one of the first buildings to be developed along Burlington Road and provides an important focal point and pivotal building at the junction of Burlington Road and St Johns Road. The hotel originally consisted of two semi-detached properties with gardens to the rear and sides and a shared crescent drive at the front. It is believed that these were purpose built as a pair of small hotels or lodging houses and combined in the early 20th century.

The building is constructed in local coursed gritstone with dressed stone detailing and slate roof. The property contains double height bay windows to both the front and side elevations. With the exception of later porch additions to the front entrances, the building is particularly well preserved and retains its traditional joinery and architectural details. In terms of its architectural style, detailing and construction materials, it is typical of many other Victorian buildings within Buxton. This large concentration of Victorian properties makes a significant contribution to defining the character of the Buxton conservation area.

The application site lies within the Buxton Park Conservation Area and adjacent to the boundary of the Pavilion Gardens (including Serpentine Walks) Registered

Historic Park and Gardens (grade II*).

The building itself is a non-designated heritage asset but makes a positive contribution to the significance of the Buxton Conservation Area (being located within it) and the setting of the Grade II* registered Pavilion Gardens which includes Serpentine Walks.

Background:

Planning History: A planning application to extend the Hotel at the rear was approved in 2002 and renewed in 2006. This consisted of a 3-storey extension (1 floor below ground level) that wrapped around the southern corner of the existing hotel.

Pre-application advice regarding the demolition and redevelopment of the site has been given in 2015 and 2016. Both responses did not support the principle of demolition and redevelopment of the site on heritage and design grounds. Despite this pre-application advice, an application to demolish the hotel and redevelop the site with a 110 bedroom hotel and subterranean parking (ref HPK/2016/0276) was submitted and refused in May 2017. For the following reasons:

- Scale and mass
- Harm to designated heritage assets
- Loss of trees
- Impact on privacy and amenity of neighbours
- Lack of bat survey

In 2018, application HPK/2018/0241 was submitted for the demolition of the hotel and construction of new 108 bed hotel. This was refused in September 2018 for the following reasons:

- Scale and mass
- Harm to designated heritage assets
- Loss of trees

Comments:

The following comments are made in accordance with:

- The revised NPPF published 24 July 2018 (Section 16 Conserving and enhancing the historic environment paragraphs 196, 197 & 200).
- High Peak Local Plan – Adopted April 2016 (Policy EQ 7 – Built and Historic Environment).
- Adopted Buxton Conservation Area Character Appraisal (April 2007)

Principle of Demolition:

Whilst the Buckingham Hotel is not a designated heritage assets itself, the demolition of the building and redevelopment of the site has the potential to impact upon several designated heritage assets as listed below:

- The Buxton Central Conservation Area
- The setting of the Pavilion Gardens and Serpentine Walks (Registered Grade II* Parks and Gardens).

In assessing, the impact and the harm caused to both heritage assets the Adopted Buxton Conservation Area Character Appraisal (April 2007) makes the following observations that are relevant to the determination of the application:

1. *Buildings types are dominated by villas, hotels and lodging houses (pg 3).*
2. *As well as the main hotels, a large number of small hotels and lodging houses were built around the town, many of which are still in use for this purpose. The character of these small hotels and lodging houses relates closest to the 19th century villas (pg 41).*
3. *There are several hundred villas in Buxton, most of which make a strong contribution to the character of the conservation areas. Almost every one of these houses or lodgings was built from high quality materials – gritstone with natural slate roofs and bespoke joinery. Most have additional details, in the form of stone carving or unusual joinery at the eaves or verge, that make them unique or unusual. With the amount of tree growth in the town, obscuring views and encasing private gardens, it is sometimes difficult to appreciate just the enormous quantity of villas within the conservation areas and the variety of detail. These take a large number of forms although the predominant model had a symmetrical front elevation, sometimes shared by a pair of semi-detached houses (pg 41).*
4. *One of the most common devices found on both two and three-storey detached villas is the use of a symmetrical frontage with a central door and a segmental arched window or aedicule above, framed by a two storey bay window on either side. This is commonly used along St. John's Street and Broad Walk. Elsewhere, the semi-detached houses either double up this model or adopt a Gothic character (pg 41).*
5. *Part of the architectural quality of the town is the relationship between the buildings and their immediate garden and wider parkland setting. The main public parks lie within the bottom of the Wye valley, and thread together along the route of the River, but there are large areas of public walks within the woods created by the Dukes of Devonshire on the surrounding hillsides (e.g. Corbar & Grinlow) and these are an important part of the setting of the conservation areas (pg 39).*
6. *The tall, mainly three-storey houses along the west side of the street (Burlington Road) are set back, deep within large grounds and are only obliquely visible in short range views from along the street. The boundaries are generally formed by a low coursed gritstone wall supplemented with tall privet hedges, but each entrance is emphasised with a statuesque pair of ashlar gate piers, much grander in scale than in many other parts of the conservation area (pg 83). Although It should be noted that the application site is more open at the front than other development along Burlington Road and offers a more prominent view.*

The site is located within sub- area 4 – Pavilion Gardens and Serpentine Walks. Whilst not individually identified, the character appraisal notes the strong relationship with which development along Burlington Road has with the public

park and how this development contributes towards the setting of these and illustrates the close relationship and proximity of the gardens and 19th century townscape.

In summary, I would conclude that the building is identified as making a positive contribution to the significance of the Buxton Central Conservation Area and the setting of the registered park. As such, the principle of its demolition should be resisted for the reasons set out in the character appraisal above and summarised below:

- It remains a fine example of typical Victorian lodging houses/small hotel that developed and expanded in Buxton to provide visitor accommodation at a particular time as Buxton's destination as an inland holiday resort was established.
- It provides an important focal building at the junction of Burlington Road and St Johns Road.
- It is a good example of typical Victorian architecture and is constructed in a style and materials representative of many other Victorian buildings within Buxton.
- It forms one of several hundred Victorian buildings that are central in defining the characteristics of Buxton and significantly contributes towards its designation as a conservation area.
- It forms part of and contributes towards the wider setting of Serpentine Walks and Pavilion Gardens (registered park and garden).

After careful consideration of the proposals and the view held by HE on previous applications and pre-app advice¹, I would determine the demolition and loss of the Buckingham Hotel would cause harm to the designated heritage assets – Conservation Area and Registered Park. The level of harm is assessed as being less than substantial harm. Despite the judged level of harm, paragraph 193 of the NPPF 2018 states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (the more important the asset, the greater the weight should be) irrespective of level of harm'.

We remain of the view that the loss of the existing building, which is integral to the significance, character and appearance of the conservation area and makes a positive contribution to it, would be harmful to the conservation area and registered park and garden.

The case for demolition:

Since the submission of the previous planning applications there have been 3 structural reports completed on the buildings as follows:

H & H Structural Report March 2013 and updated July 2015:

This concludes that the hotel is suffering from several serious structural defects and many more minor ones. The cost of the repairs will be significant and do not allow for general improvements for guest comfort such as sound proofing, improved disabled facilities, new lift, heating and ventilation systems. The cost of essential repair work (prepared by Level Projects May 2013) totalled £959,475 (exc VAT). This has been updated in March 2018 and proposes an additional/modified total of £74,000 in addition to the previous estimate.

C Pike Structural Report Feb 2017:

This concluded that there is evidence of longstanding, current and progressive structural movement affecting:

- The front bay window structures (4No) facing Burlington Road.
- The central bay window structure facing St. Johns Rd on the North elevation.
- The rear SW corner outrigger extension.

The structural movement and cracking is not considered that major to merit the local taking down and rebuilding of elements except for the two middle front bay windows. There is also some commentary on the report by H & H which in summary suggests that the defects or structural integrity is not as fragile as suggested in the H & H report.

The recommended repairs have been costed at £492,735. This report was undertaken on behalf of High Peak Borough Council.

PKD Structural Report Nov 2017:

The most recent report from PKD recommended the following areas for repair:

- 1) Underpin 4 of the front bay windows including middle section of wall between the central bays.
- 2) Underpin the right-hand gable bay window.
- 3) Underpin the SW Corner / left-hand rear extension wall.
- 4) Rebuild the two central bay windows and middle section of wall between.
- 5) Lateral restraint ties along all elevations.
- 6) Where internal walls have cracked, these should be tied back to the main walls.
- 7) Crack stitch repairs on the right-hand side rear wall.
- 8) Install suitable steel beams to strengthen staircase and handrails.
- 9) Rebuild the party wall within the front cellar 'snooker room'.
- 10) Replace the two double steel beams in the Cavendish room.
- 11) Install a steel column along the party wall / front elevation junction within the Cavendish room.
- 12) Replace the timber beam in Ramsay bar with a suitable steel beam.
- 13) Window and Roof repair / replacement as stated in Specialist reports.

The report is a factual report on the condition of the building and the actions required to remedy this. It makes no recommendation upon the demolition of the building or any comment on costs involved to complete the works.

I can see no further updated structural reports appended to this current application.

Valuation:

The previous valuation by Bruton Knowles (March 2016) places a value of £750,000 on the likely market value on the basis the building is structurally sound. This could increase to £1.125m after the hotel refurbishment.

A more recent valuation from Lambert, Smith, Hampton dated 2 May 2018 concludes a present value of the hotel if repaired at £615,000.

Viability:

A viability position has been submitted in the document entitled 'Loss of Existing Building'. A commentary of repair costs and conservation deficit has been updated to reflect Lambert Smith Hampton's 2018 valuation of £615,000. Assuming essential repair costs of £1,066,370, the conservation deficit based on the updated 2018 valuation is £451,370.

Alternative uses for the building such as flats, offices and care home have been reviewed by the applicant and produce varying conservation deficits of between £717,403 - £1,174,725. The Council may wish to seek independent advice on the applicant's commentary regarding the proposed conservation deficit and viability of alternative uses.

The applicant argues that the redevelopment of the site will deliver economic, social and environmental benefits. However, many of the benefits outlined in the applicants Heritage Statement could be delivered through the refurbishment of the existing hotel or alternative uses on the site that retain the existing building. The benefit seems to be driven by the economics of the redevelopment that would ultimately be to the benefit of the owner. The derived harm needs to be weighed against the public benefit NPPF para 196. The harm caused to the heritage assets (whilst less than substantial) are not outweighed by the perceived public benefits.

High Peak Adopted Local Plan – Policy EQ 7:

The proposed demolition of the building does not accord with the policy EQ7 in the High Peak Adopted Local Plan. This states: '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'.

'Preventing the loss of buildings and features which make a positive contribution to the character or heritage of an area through preservation or appropriate reuse and sensitive development, including enabling development, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or other relevant provisions of the NPPF apply'.

Design merits of replacement building:

Irrespective of the concerns regarding the demolition of the existing building. The design merits of the scheme are addressed below.

It is noted that the existing Buckingham Hotel is of a larger size than adjacent development and compounded with its corner plot location, adds to its prominence within the street scene. However, it relates well to development along Burlington Road by reflecting a similar architectural style, mass, window proportions, roof pitch, materials and detailing. The mass and bulk of the existing building is further reduced by the projecting two storey bays that help to break up the front and side elevations and introduce depth and interest to the building. In addition, the building, whilst in single use, still retains the scale, symmetry, proportions and detailing that reflect its previous use as a pair of lodging houses.

This further helps to reduce its mass and scale.

The design of the replacement building has evolved from the original pre-application discussions into a scheme that has been tempered somewhat in appearance and detail and has become more reflective of the existing building.

The size of the replacement buildings is larger in plan form but not height than the existing building and its increased plan form takes into account the previous approved extension to the south corner. It should be noted however, that the previous consented extension was confined to the south corner only and set well back from the frontage facing Burlington Road. Whilst the elevational details and proposed height is more acceptable, I still have concerns over the form and bulk of the building. The Burlington Road elevation is more successful in addressing the mass but the building still appears overbearing and bulky on other elevations. A lack of detail and depth to these elevations compounded with scale produces a stark and monolithic appearance to the building.

The roof form, its slope and depth are more reflective of the existing building, including the insertion of chimney stacks, which is welcome. The symmetry of the front elevation has been retained albeit with only 1 entrance point. The height and proportions of the bays and other window openings are commensurate with the existing building, although a lead roof detail over the second floor bay would help accentuate this.

In summary, the appearance and detail has been somewhat enhanced over previous submissions. However, the form and scale of the buildings still results in a bulky and overly dominant presence within the street scene.

Conclusion:

- The Buckingham Hotel is a non-designated heritage asset that makes a positive contribution to the significance and character of the Buxton Conservation Area and setting of the registered Park (Heritage Assets).
- Its demolition would cause harm (less than substantial harm) to the significance of the heritage assets and great weight should be given to the conservation of these assets.
- The viability of alternative uses and resultant conservation deficit should be assessed for accuracy by the Council in order to address the applicant's economic argument for demolition of the building.
- The proposed plan form and resultant massing produces a bulky replacement building that would be overbearing within the street scene and fail to enhance or better reveal the significance of the heritage assets.
- The proposals do not accord with para's 196, 197 and 200 of the NPPF 2018 or the policy EQ7 contained within the High Peak Adopted Local Plan.

DCC Archaeology

Awaited.

Previous:

The Buckingham Hotel is some way from the edge of the Buxton Area of Archaeological Interest corresponding to the likely extent of Roman activity in the

town (and see Local Plan Policies). This lies about 370m to the east. It therefore seems unlikely that the proposals will have any impact with regard to below-ground archaeological remains.

In relation to justification of the proposed demolition I note and support the comments of Historic England, and the local planning authority's conservation officer. The building contributes to the significance of the Buxton Central Conservation Area and the Grade II* Registered Pavilion Gardens. Harm to significance must be justified in terms of outweighing public benefits, and I agree with other consultees that this case is not at present made. In particular, the proposed replacement building would be harmful to the significance of the designated assets.

HPBC Arboricultural Officer	Objection See detail below.	
--	--	--

Date 29/07/19:

I have noted the comments but reiterate my previous position which is that the scheme should seek to retain the existing mature trees in particular the lime trees. Only if planning balance dictates that the removal of the trees is justified then is it appropriate to discuss this ensuring there is adequate provision for tree planting and other landscaping.

Date 18/06/19:

I have read the response to the arboricultural objections to the scheme but I do not intend to rebut these in detail at this time

I have made it clear in my previous comments that the initial stance would be to retain the existing mature trees and that the proposals should be designed to seek to do this

However if the proposals require the trees to be removed and the planning balance is in support of the proposals then in accordance with our policy EQ9 we will be seeking suitable mitigation. This policy seeks to obtain planting of a 2:1 ratio. In this case with the loss of 11 trees this would make a requirement of 22 trees. However it is at the discretion of the council to consider whether any scheme put before us is suitable and adequate mitigation. To date we have not been presented with a scheme which is suitable.

It is possible that we may well accept a scheme with less than a 2: 1 replacement ratio if the quality of the landscaping scheme is high for example if to accommodate suitable trees in an appropriate location it is necessary to install underground structures so that hard surfacing can be constructed around them and /or if the trees to be planted are put in at a larger size to make a more immediate impact. As a part of the assessment we will be looking closely at how the landscaping compliments and enhances the proposed development and its integration in to the conservation area.

HPK/2018/0620

Date: 23/04/19

This application is accompanied by various Arboricultural reports and proposed replacement schemes. It is not clear which one the applicant is basing the proposals on. I have reviewed my comments for the previous application these are attached below. The only amendment I would make to these comments is with regards to the replacement planting.

This layout shows 6 trees planted as replacement for the 11 trees to be felled this still fall short of the requirement of EQ9 for a 2:1 replacement. However the layout of the site has not provided adequate space for tree planting or landscaping in general.

There is little detail about the planting. The species selected are not necessary in keeping with the Conservation Area.

3 trees have been accommodated in the parking toward the front of the site. I consider that more could be done here to provide a landscaped frontage, including a hedge or shrub border which would be interspersed with trees.

There is an Arboricultural objection to these proposals on the basis of loss of mature trees and inadequate and inappropriate mitigating landscaping proposals

HPK/2018/0241

Date: 15/8/2018

1. The application

The proposals area for the Demolition of hotel & erection of new hotel ancillary facilities with sub-ground parking.

The proposals require the removal of all existing 11 trees on the site.

The proposals allow for the replacement of trees with 3 birch trees.

2. Policy Background

HPBC Local Plan Policy EQ9 Trees, woodland and hedgerows:

Requiring 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.

Requiring new developments where appropriate to provide tree planting and soft landscaping, including where possible the replacement of any trees that are removed at a ratio of 2:1.

The conservation Area appraisal for Buxton notes that:

The distinctive characteristics of Buxton can be summarised as follows:

..... dense concentration of mature trees forming a fringe to the bowl-shaped valley and a backdrop to the town. Mature deciduous trees forming avenues

within the streets. An exotic mix of conifers and evergreen shrubs creating points of interest within the large residential gardens ...

And also that

From within Buxton, trees are one of the most significant elements that help to define the character of the town and its landscaped setting ...

The proposals will lead to the loss of healthy mature trees and these should be considered in light of their contribution to the Conservation Area. If the benefits of/ or the need for the development do not outweigh their loss the application should be refused. This is a question of planning balance and the impact on trees is only one element of this. I consider that if the original building was to be renovated the trees could be retained. If it is essential that the building is demolished then the design of a new building should accommodate the main existing trees and allow sufficient space for replacement planting.

Tree Amenity

The submitted report only deals with the removal of 4 lime trees adjacent to St Johns Road. These trees are classified as a group by various reports submitted by the application as Category B in accordance with Table 1 BS5837:2012.

Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality

As individuals category C

Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories

I consider that as individuals they should be Category B trees

Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation

However discussion of the amenity of the trees is academic as the HPBC policy does not reference to the amenity category in the policy on that the trees are healthy mature specimens. This has not been disputed by the applicant.

Replacement planting

If the judgement is that the need for the demolition and rebuilding of a new hotel at this location is demonstrated then the replacement planting needs to reflect the tree loss.

HPBC policy states that 2:1 should be provided where possible. In this case only

3 trees are accommodated and 11 are to be lost. On this basis where possible 22 trees should be planted. The current proposals do not allow any adequate space for the tree planting required by Policy EQ9.

The replacement planting is important in this prominent location within the conservation area.

I note the various comments about species selection and biodiversity etc . However the proposals to replace 11 trees, the majority of which are healthy mature specimens with 3 trees.

DWT (Derbyshire Wildlife Trust)	Objection See detail below.	
--	--	--

Date: 01.02.19

Our comments dated the 31st August 2018 on application HPK/2018/0241 are still applicable to the new application.

Date: 31.08.18

Response

The Trust previously commented on the development of the above site in 2016 (application: HPK/2016/0276). The current application has a marginally smaller building footprint. Proposals still include the removal of the mature lime trees along St John's Road, to be replaced with three silver birches.

A Preliminary Bat Roost Assessment and subsequent nocturnal surveys have been undertaken in August/September 2017 to update the previous bat survey work in 2013, 2014 and 2015. A single common pipistrelle bat was recorded emerging from the lead flashing on the southernmost chimney on one survey occasion. Survey work is compliant with standard guidelines and we advise that works can proceed under a Bat Low Impact Class Licence, as recommended in the Bat Survey Report (BJ Collins, October 2017). We welcome the proposed mitigation and enhancement. We advise that sufficient survey work has been undertaken to determine the planning application, however additional survey is likely to be required for the licence.

We consider the suspected swallow nest recorded in 2016 highly likely to be a house martin nest, as swallow nests are not typically found on external faces of buildings, particularly in urban areas. We therefore advise that house martin nest cups are incorporated in the new building design.

Whilst the Trust acknowledge the information provided by the applicant regarding tree replacement, we do not support the removal of five mature lime trees. The trees are used by foraging and commuting bats and there will be a considerable time lag until the new trees provide the function of the existing limes. We support previous comments made by the Tree Officer.

Should the council be minded to approve the application, we advise that the

following conditions are attached:

Bat Licensing and Mitigation

The demolition of the building shall not take place until either an ecological consultant who holds a Bat Low Impact Class Licence has been engaged or a European Protected Species licence has been obtained from Natural England. Any additional survey work required to inform the licence shall be undertaken. Works shall then proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in the Bat Survey Report (BJ Collins, October 2017). Such approved mitigation will be implemented in full and confirmation, including photographs, will be submitted to the LPA once all mitigation is installed.

Nesting Birds

No stripping or demolition works shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

To provide a net gain for nesting birds, three house martin double nests cups shall be attached at eaves level to the building, avoiding south facing aspects. They will be sited away from doorways and ideally above a garden/green space area. Confirmation, including photographs, will be submitted to the LPA once all mitigation is installed.

LLFA (Lead Local Flood Authority)

No objections subject to conditions.

See detail below.

Date 20.06.19:

The applicant is proposing to discharge surface water to a Combined Sewer along Burlington Road, at a discharge rate no greater than 6.7 l/s. The LLFA will require the applicant to demonstrate at detailed design stage that the proposed destination for surface water accords with the hierarchy in paragraph 80 of Planning Practice Guidance.

The applicant proposes to attenuate surface water up to the 1 in 100 rainfall event, with this storage provided by 2 vertically connected attenuation tanks located within the car parks on Basement levels 2 and 3. The applicant has stated that due to the location of this within the car parking floors protection from vehicular damage will be provided by min. 1 m high crash protection bollards. Due to the depth of this storage a pumped discharge will be used, with the applicant indicating that the pump and tank will have a warning system, and a safe overflow pipe to allow gravity flow into the combined sewer, to avoid flooding in a pump failure event. The LLFA requires, at detailed design stage, evidence that the drainage network and the proposed attenuation features are sized appropriately to manage the surface water on site.

The LLFA requires at detailed design stage evidence that the drainage network

and the proposed attenuation features are sized appropriately to manage the surface water on site, including a 40% allowance for climate change.

The LLFA will require a robust management and maintenance plan at the detailed design stage, demonstrating the maintenance requirements for the drainage infrastructure on site, details of the party appointed to be responsible to manage and maintain the infrastructure for the lifetime of the development and an alternative should the maintenance requirements not be met. Due to the location of the attenuation feature this plan should be encompass maintenance for all proposed failure controls, to reduce the residual flood risk.

To ensure adherence to National Planning Policy Framework, DEFRA's Non-statutory technical standards for sustainable drainage systems and local guidance, these recommended conditions should not be altered without consulting the County Council Flood Risk Management team.

1. "No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

a. 'Buckingham Hotel, Buxton' (RAB Resilience and Flood Risk, 2nd April 2019, Version 1.0) and 'Buckingham Hotel, Buxton – Surface Water Drainage Addendum' (RAB Resilience and Flood Risk, 16.05.2016, Version 1.0) including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team

b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing."

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

2. "No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 of the planning practice guidance."

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options.

The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

I. into the ground (infiltration);

II. to a surface water body;

III. to a surface water sewer, highway drain, or another drainage system;

IV. to a combined sewer.

3. "Prior to commencement of the development, the applicant shall submit for

approval to the LPA, details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.”

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

Date 14.06.19:

Having reviewed the information, the LLFA are satisfied that the proposed overflow pipe is designed appropriately to prevent flooding to the site in a pump failure scenario.

There has not however been any details given for protection of the attenuation tanks in the car park, as noted in my previous e-mail. Can the applicant confirm if there is protection proposed for the attenuation tanks in the car park?

Date 11.04.19:

Following the applicants submission of the surface water Management document (Titled ‘Buckingham Hotel, Buxton’ version 1.0, by rab, 2nd April 2019), the LLFA have reviewed this and have the following comments to make:

Could the applicant clarify the invert level of the proposed safe overflow pipe, and the general arrangement for this? The LLFA would expect the invert of this overflow pipe to be low enough to ensure that in the event of pump failure all overflow is carried away by this, and no water backs up through and out of the private drainage network. The overflow invert should allow a suitable fall gradient to gravity feed into the combined sewer.

Can the applicant confirm if there is protection proposed for the attenuation tanks in the car park? Due to the location of the attenuation tanks the LLFA would expect suitable protection, such as bollards, for the tanks from potential damage from vehicle movements which could lead to failure.

HPBC Environmental Health	No objections subject to conditions.	
	See detail below.	

The Environmental Health Department has no objection to the proposed development subject to the conditions set out below being applied to any permission granted.

Comment: Construction

The construction/demolition stage of the development could lead to an increase of noise and dust etc. experienced at sensitive premises and subsequent loss of amenity, for this reason conditions are suggested.

Comment: Land Contamination

The submitted Sub Soils report (Sub Soils, ref: 2012/97-002-CON-Rev0, dated 8th April 2013) may be accepted for this stage of the application process; however this is somewhat out of date, has insufficient data to properly characterise the site and does not adequately assess the risk to ground waters and surface waters. It should be noted that the submitted groundwater assessment (WJ Groundwater Ltd, ref: 464-2175 Rev2, dated 18th July 2016) recommends that additional investigations and assessment are required. To protect the health of the public and the wider environment a further contamination condition is recommended.

Comment: External Lighting

A condition is recommended to protect general amenity with regard to light spill/pollution.

Comment: Buxton Thermal Spring

Conditions are recommended to protect Buxton Thermal Spring from damage, contamination, pollution, disruption or interruption.

Conditions

1. HR01 HOURS OF CONSTRUCTION

No construction work at the site shall take place outside the following hours:-

- a) 08:00 hours to 19:00 hours Mondays to Fridays.
- b) 09:00 hours to 13:00 hours on Saturdays.
- c) At any time on Sundays or Public Holidays except by agreement with the Local Planning Authority.
- d) All deliveries to the site shall be limited to within the above hours.

Any equipment which needs to be operated outside the hours specified above shall be acoustically screened in accordance with a scheme to be agreed with the Local Planning Authority.

2. EXCAVATION AND CONSTRUCTION OF BASEMENT

Prior to commencement of development an Environmental Impact mitigation scheme shall be submitted to, and approved in writing by the LPA. The scheme shall identify potential sources of nuisance due to the excavation of the basement, and construction of the building foundations, including (but not limited to) from noise and vibration, dust, odour, and artificial lighting. The report shall include an options appraisal assessment identifying suitable mitigation measures for the reduction of nuisance and shall identify specific measures to be utilized on site that are consistent with best practical means. The approved scheme shall be implemented in accordance with its terms, unless agreed in writing by the LPA

3. PILING

If piling is necessary a written method statement shall be submitted to the Local Planning Authority. This method statement should be inline with the following

- Environment Agency guidance (Environment Agency (2001), Piling and Penetrative Ground Improvements on Land Affected by Land Contamination NC/99/73.
- C475 Code of Practice Excavations Draft to HPBC
- C476 Code of Practice Drilling Draft to HPBC

The affects of noise generation (hours of operation) should also be considered, and should include noise mitigation measures consistent with best practical

means. No piling shall take place until the method statement has been approved.

4. MS12 DEMOLITION – DUST

There shall be no visible dust emissions beyond the site boundary associated with construction/demolition works undertaken at the site. In controlling dust on site, the contractor shall have due regard to the Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456).

5. MS13 CONSTRUCTION AND DEMOLITION – WASTE DISPOSAL

Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment.

6. CL02 Contaminated Land (DCLG Condition) For Complex Applications

Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 6a to 6d have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 6d has been complied with in relation to that contamination.

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination;
- an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and

other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 6a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6b, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6c.

7. EXTERNAL LIGHTING

External artificial lighting shall be installed in accordance with the submitted lighting assessment (Lighting Assessment and Plan, dated May 2018), to ensure that artificial lighting does not exceed that recommended by the Institution of Lighting Engineers (for site within Zone E3) in their Technical Report No.5 (2005)

8. EXCAVATIONS & INTRUSIVE GROUND TECHNIQUES

Unless agreed in writing with the LPA all excavations, and intrusive ground investigation and techniques shall be undertaken in accordance with:

- C475 Code of Practice Excavations Draft to HPBC
- C476 Code of Practice Drilling Draft to HPBC

Severn Trent Water	Awaited.	
	-	
Nestle Waters	Awaited.	

	-	
--	---	--

6. PLANNING POLICIES RELEVANT TO THE DECISION

High Peak Local Plan Adopted April 2016

- Policy S 1 Sustainable Development Principles
- Policy S 1a Presumption in Favour of Sustainable Development
- Policy S 2 Settlement Hierarchy
- Policy S 7 Buxton Sub-area Strategy
- Policy EQ 1 Climate Change
- Policy EQ 5 Biodiversity
- Policy EQ 6 Design and Place Making
- Policy EQ 7 Built and Historic Environment
- Policy EQ 9 Trees, Woodlands and hedgerows
- Policy EQ 10 Pollution Control and Unstable Land
- Policy EQ 11 Flood Risk Management
- Policy EQ 6 Promoting Peak District Tourism & Culture
- Policy CF 6 Accessibility and Transport
- Policy CF 7 Planning Obligations and Community Infrastructure Levy

Buxton Conservation Areas Appraisal 2007

National Planning Policy Framework (NPPF) 2018

National Planning Practice Guidance (NPPG)

7. POLICY AND MATERIAL CONSIDERATIONS

Planning Policy Context

7.1 The determination of a planning application should 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 considerations 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 currently consists of the Staffordshire Moorlands Core Strategy 2014.

7.3 The NPPF (National Planning Policy Framework) as revised was issued in February 2019. The NPPF is considered to be a mandatory material consideration in decision making. The applicable contents of the NPPF will

be referenced within the relevant sections of the officer report as detailed below.

7.4 As before achieving sustainable development sits at the heart of the NPPF as referred to within paragraphs 10 and 11. This requires the consideration of three overarching and mutually dependant objectives being: economic, social and environmental matters where they are to be applied to local circumstances of character, need and opportunity as follows:

- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering a well designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well being; and,*
- c) *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making the effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

7.5 LP (Local Plan) Policy S1a establishes a presumption in favour of sustainable development as contained within NPPF paragraph 11. It requires decision makers to apply a 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 or where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless:-

- i) 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*
- 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.*

Principle of Development

7.6 The proposal for a replacement hotel requires the consideration of LP Policy E 6 'Promoting Peak District Tourism and Culture'. The policy seeks to retain and enhance 'existing serviced accommodation and supporting the provision of new serviced accommodation in towns and villages in order to encourage overnight visitor stays'. The proposal would provide a modern

hotel facility to bring about direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain, creation of employee and associated service industry jobs as well as additional business rates revenue. These matters constitute material considerations of a significant weight. The scheme for a new hotel within Buxton would be supported by Policy E 6, however, it requires the consideration of other relevant development plan policies and the NPPF / NPPG where applicable.

Heritage

7.7 The application site lies within the Buxton 'Central' Conservation Area and is adjacent to the boundary of the Pavilion Gardens (including the Serpentine Walks) Registered Historic Park and Gardens (Grade II* Listed). It also adjoins 'The Park' Conservation Area to the west and lies adjacent to its northern boundary to the centre of St. Johns Road. The Buckingham Hotel building itself is categorised as a non-designated heritage asset but makes a positive contribution to the significance of the 'Central' and 'The Park' Conservation Areas and the setting of the Grade II* registered Pavilion Gardens.

7.8 In relation to the setting of the Grade II* registered Pavilion Gardens, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for the development, which affects a listed building or its setting, to 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. In addition Section 72(1) also requires the decision maker, when considering any planning application that affects a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Accordingly, the Council has a statutory duty to consider the scheme's effect on the Grade II* Listed Historic Park and Gardens and The Central and Park conservation areas.

7.9 Overarching LP (Local Plan) Policy S1 'Sustainable Development Principles' requires new development to protect the historic environment of the High Peak. As well, LP Policy S 7 'Buxton Sub-area Strategy' seeks to protect and enhance the unique character of Buxton's spa heritage and townscape. In greater detail, LP Policy EQ 7 'Built and Historic Environment' seeks to protect the historic environment and conserve heritage assets in a manner appropriate to their significance with particular protection being given to Listed Buildings, Conservation Areas, Historic Parks and Gardens etc. The policy also states that the Council will seek to prevent the loss of buildings and features, which make a positive contribution to the character or heritage of an area through the preservation or appropriate reuse and sensitive development. This is unless it can be demonstrated that the substantial harm or loss is necessary to achieve 'substantial' public benefits that outweigh such harm or loss or other relevant provisions of the NPPF apply.

7.10 The Buckingham Hotel was one of the first buildings to be developed along Burlington Road and provides an important focal point and pivotal building at the junction of Burlington Road and St Johns Road. The hotel

originally consisted of two semi-detached properties with gardens to the rear and sides and a shared crescent drive at the front. It is believed that these were purpose built as a pair of small hotels or lodging houses and combined in the early 20th century. The building is constructed in local coursed gritstone with dressed stone detailing and slate roof. The property contains double height bay windows to both the front and side elevations. With the exception of later porch additions to the front entrances, the building is particularly well preserved and retains its traditional joinery and architectural details. In terms of its architectural style, detailing and construction materials, it is typical of many other Victorian buildings within Buxton. The evidential large concentration of Victorian properties makes a significant and positive contribution to defining the character of Buxton conservation areas and the setting of the Pavilion Gardens (including the Serpentine Walks) Registered Historic Park and Gardens (Grade II* Listed).

7.11 The Council's Conservation Officer has responded to the scheme particulars, including the submitted Heritage Statement as is set out in full in the relevant section above. It has been highlighted that the principle of the demolition of the Buckingham Hotel should be resisted for the reasons as set out in the Buxton Conservation Areas Character Appraisal, summarised as follows. It: remains a fine example of typical Victorian lodging houses/small hotels that developed and expanded in Buxton to provide visitor accommodation at a particular time as Buxton's destination as an inland holiday resort was established; provides an important focal building at the junction of Burlington Road and St Johns Road; is a good example of typical Victorian architecture and is constructed in a style and materials representative of many other Victorian buildings within Buxton; forms one of many Victorian buildings that are key in defining the characteristics of Buxton and significantly contributes towards its designation as a Conservation Area and forms part of and contributes towards the wider setting of the Pavilion Gardens Registered Park and Garden (Grade II* Listed).

7.12 In terms of the resubmitted scheme, the size of the replacement building is significantly larger in plan form, which takes into account the previously approved (lapsed) extension to the south corner whilst overall building height is broadly maintained. This 'lapsed' consent, however, was confined to the south corner of the site and set well back from the frontage facing Burlington Road. There are remaining concerns regarding the overall form and bulk of the proposed building despite the elevational details and proposed height being more acceptable. It is acknowledged that the Burlington Road elevation would more successfully address massing issues. However, the overall building would still appear overbearing and bulky to its other elevations. As well, a lack of elevational detailing and depth compounded with its scale would produce a stark and monolithic appearance to the replacement building.

7.13 As to other matters, the roof form, its slope and depth are now more reflective of the existing building, including the insertion of chimney stacks and are welcomed. The symmetry of the front elevation has been retained albeit with only a single entrance point. The height and proportions of the bays and other window openings are commensurate with the existing building, although a lead roof detail over the second floor bay would help to accentuate this.

The applicant's further comments as stated above have been considered, including the proposal for the addition of a double bay to the St Johns Road and nursery elevations. This is intended to replicate the present situation and add depth and interest to these elevations. The appearance and detail of the replacement building has been enhanced over previous submissions. However, its overall form and scale would result in a bulky and overly dominant presence to the detriment of the street scene.

7.14 In conclusion, the Buckingham Hotel is a non-designated heritage asset that makes a positive contribution to the significance and character of the Buxton Conservation Areas and setting of the registered Grade II* Listed Pavilion Historic Park and Gardens. Its proposed demolition and replacement plan form and resultant massing would produce a cumbersome building, which would be viewed as overbearing within the street scene. Clearly, in these circumstances the scheme would fail to enhance or better reveal the significance of the heritage assets to cause a 'less than substantial harm' to the significance of the heritage assets. Historic England has advised that the proposed demolition would not meet the requirements of the NPPF on heritage grounds. They do not consider that the new building would be an acceptable replacement nor would it justify its proposed demolition. They have agreed that the harm identified would be 'less than substantial harm', which would not equate to acceptable harm or make this application appropriate or justified.

7.15 In these circumstances, the Council is required to assess whether the harm to heritage assets is outweighed by any 'public benefits' deriving from the scheme, including where appropriate, securing its optimum viable use. This would include assessing arguments based on the viability figures submitted, including the feasibility of alternative uses and resultant conservation deficit in order to address the applicant's justification for the demolition and replacement of the building.

7.16 The NPPG advises that "Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. Examples of heritage benefits may include: sustaining or enhancing the significance of a heritage asset and the contribution of its setting, reducing or removing risks to a heritage asset and securing the optimum viable use of a heritage asset in support of its long term conservation".

7.17 The applicant has set out in detail resultant scheme benefits categorised as economic, social and environmental for the proposal to constitute sustainable development. These are summarised below.

7.18 In terms of economic benefits, it is stated that the new hotel and horticultural businesses would create over 60 full-time jobs. It would also deliver a contemporary, sustainable and accessible hotel to support the local economy by attracting over 50,000 overnight stay visitors per annum. The social benefits are defined by the applicant as the advantages of sustainable design being related to improvements in the quality of life, health, and well-being i.e. building occupants, the community, and society in general. An accessible, high quality built environment for occupants, including the

provision of five wheelchair habitable bedrooms is highlighted. It is stated that the new hotel would continue its community role as a meeting place for individuals, local groups and organisations. Resultant behavioural changes from visitors / employees may include increased recycling, purchasing green products and investing in energy-efficient technologies as a result of being in a sustainable environment. This would also include the 'pilot' hydroponic vertical farm, which it is stated would offer opportunities for education, training and research. Environmental benefits refer to a high quality design, which would include conservation and resource measures, concealed car parking, new landscaping and replacement trees with biodiversity gains. It is also stated that the provision of a new landmark would identify and signify this part of the Conservation Area.

7.19 Such scheme benefits identified above would neither sustain or enhance the significance of the identified heritage assets nor contribute to their setting. This is with particular regard to the scheme's resultant significant tree felling and associated biodiversity loss as is discussed within the relevant sections below.

7.20 On matters of 'optimum viable use', the NPPG states: "If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents".

7.21 Within the current submission, the applicant has examined the alternative use options for the building as follows: residential, care home and office uses and is supported by correspondence from a valuation consultancy. The exercise has relied on the basis that the building would be suitably repaired, internally gutted utilising an internal structural steel frame and then converted to either residential, care or office use. In these regards, the applicant's consultant has relied on a repair cost of £1.1m, build costs of £2.25m to total 3.3m, which have been provided by the applicant.

7.22 The applicant has, however, failed to justify both the complete stripping out of the existing building (excluding floors) to create a shell for conversion to alternative uses as well as evidence actual costs of works for doing so or considered the appropriate extension of the building in any viability exercise. Nor have the proposed alternative uses been compared to the development costings for the new-build hotel scheme (including its conversion) to enable the Council to be able to assess alternative options in the context NPPF para 196, which deals with securing optimum viable use. This aspect requires further investigation by the applicant to assess any alternative viable options, together with up-to-date marketing evidence.

7.23 On heritage matters, the scheme for the demolition and replacement of the Buckingham Hotel would have a significant adverse effect on the setting

of the Buxton 'Central' and 'Park' Conservation Areas and registered Grade II* Listed Pavilion Historic Park and Gardens to materially harm the significance of these assets. The resulting effect would amount to a 'less than substantial harm' in the terms of the NPPF. A finding of 'less than substantial harm' should not be equated with a less than substantial planning objection. In turn, the applicant has failed to demonstrate that the optimum viable use cannot be secured through conversion and adaptation of the building, including the refurbishment / extension of the hotel for existing and proposed uses or that the public benefits of the proposals would outweigh the heritage harm that has been identified. Accordingly, the proposal would conflict with LP Policies SS 1, SS 7 and EQ 7 in particular and the NPPF. The scheme clearly fails on heritage matters to constitute a reason for refusal in these regards.

Design

7.24 LP Policies S 1, EQ 6 and EQ 7 all seek to secure high quality design in all developments that responds positively to its environment and contributes to local distinctiveness and a sense of place by taking account of the distinct character, townscape and setting of the area. The design merits of the scheme are addressed below in the context of identified policies, including the NPPF.

7.25 The Buckingham Hotel is of a grander scale than neighbouring development and compounded with its corner plot location contributes to its prominence within the street scene. Despite this, it still relates well to development along Burlington Road by reflecting a similar architectural style, massing, window proportions, roof pitch, materials and detailing. The overall scale and massing of the existing building has been reduced by the projecting two storey bays, which assists in breaking up the front and side elevations and introducing depth and interest to the building's facade. Despite the single hotel function, the building still retains the scale, symmetry, proportions and detailing reflective of its previous use as a pair of lodging houses to further assist in reducing overall form.

7.26 The design of the replacement building is materially larger in plan form than the existing building even with the removal of a floor of accommodation and marginal reduction of the height of the scheme by 300mm below the existing building's height. The proposed roof depth and pitch would create a building with a significantly greater massing than its neighbours. As discussed above, the appearance and detail of the proposed scheme has been enhanced over previous submissions. Notwithstanding this, its overall form and scale, however, would result in a bulky and overly dominant presence to the detriment of the street scene. Furthermore, the former scale and symmetry of the semi-detached lodging houses has been lost and replaced with one larger unit. As well, the proposed roof articulation has omitted the prominent chimneystacks, which are typical of buildings within Buxton.

7.27 Accordingly, the proposal would conflict with LP Policies SS 1, SS 7 and EQ 6 in particular and the NPPF to constitute an additional reason for refusal.

Trees and Landscaping

7.28 LP Policy EQ 9 seeks to protect trees and hedgerows. NPPF para 175 (c) advises that where development would result “in the loss of deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) it should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. NPPF footnote 58 gives such examples as including “nationally significant infrastructure projects”. NPPF Annex 2: Glossary defines ‘Ancient or veteran tree as: “A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value”.

7.29 There are a number of mature trees around the site boundary, which could be impacted by the proposal scheme. The applicant’s resubmitted Arboricultural Impact Assessment 2016 confirms that the construction of the new building would require the removal of all trees and hedges with replacement tree planting proposed. It concludes that the trees have no special merit other than bringing the benefits that all trees provide. Finally the scheme would provide wider benefits to be weighed against the harm that may arise from the removal of such moderate value trees.

7.30 The Council’s Arboricultural Officer has examined the resubmitted proposals and maintains an objection to the scheme on the basis that it would lead to the loss of healthy mature trees as is detailed in the relevant section above. This significant tree loss should be considered in light of their contribution to the significance of the Conservation Area(s) and setting of the Grade II* Listed Pavilion Historic Park and Gardens. In these circumstances, the planning judgment would be to balance scheme benefits against heritage harm as is concluded above. Clearly, the retention of the existing building would not lead to the loss of valuable trees, which contribute to the significance of designated heritage assets. Notwithstanding these significant concerns, the applicant cannot in any case achieve replacement planting on a 2:1 basis. A total of 3 replacement trees are proposed in lieu of the 11 to be felled as a result of the scheme.

7.31 Clearly, the scheme proposal does not allow for adequate space within the application for the tree planting as is required by LP Policy EQ 9 to constitute a further reason for refusal.

Ecological impact

7.32 LP Policy EQ 5 ‘Biodiversity’ advises that biodiversity and ecological resources should be conserved. It states that development will not be permitted which would have an adverse impact upon protected species. NPPF para 17 (a) states “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”.

7.33 The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places in the interests of public health and public safety, or for other

imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment. This is provided that there is no satisfactory alternative and no detriment to the maintenance of the species population at favourable conservation status in their natural range.

7.34 The application has been accompanied by a Preliminary Bat Roost Assessment dated October 2017. DWT (Derbyshire Wildlife Trust) has stated that the bat report is still valid and enhancement / mitigation proposals are welcomed. It is confirmed that a bat license would be required which may need to be supported by additional survey work prior to any demolition of the building. DWT confirm that their comments made previously dated 31st August 2018 remain applicable to the scheme as are detailed in the relevant section above. The ecological information submitted by the applicant is deemed to be sufficient information and that conditions should be imposed in the event of approval to protect bat and nesting bird interests.

7.35 Notwithstanding this, DWT do not support the removal of the 5 mature lime trees as they are used by foraging and commuting bats and there would be a considerable time lag until the new trees would provide the function of the existing limes.

7.36 NEs (Natural England's) standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs (Local Planning Authority's) should consider whether NE is likely to grant a licence. If unlikely, then the LPA should refuse permission. If likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

7.37 In this case: (1) There are no imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, for allowing the development. Indeed, it is concluded that there would be environmental and social harm arising from the development which would not be outweighed by the economic, social and environmental benefits (2) there appears to be a satisfactory alternative in the form of the retention and refurbishment of the hotel and (3) However, subject to conditions it is not considered that there would be detriment to the maintenance of the species population at favourable conservation status in their natural range.

7.38 The scheme's proposed tree loss causes friction with LP Policy EQ 5 to lead to a further reason for refusal in these respects.

Highway Safety

7.39 LP Policy CF 6 'Accessibility and Transport' seeks to ensure that new development can be safely accessed in a sustainable manner and minimise the need to travel, particularly by unsustainable modes. The application site on the edge of town centre is within easy access of public transport, walking and cycling routes and key services and facilities.

7.40 NPPF para 109 advises 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”.

7.41 DCC Highways have been consulted on the application particulars and their comments are detailed within the relevant section above. DCC note that in ‘highway’ terms, the re-submission is similar by proposing a 95 bedroom hotel provided with 93 off-street parking spaces. The majority spaces are located in an underground car park served via the existing access with St John’s Road. Despite no Transport Assessment being submitted with the current application, the Highway Authority has confirmed no reasons to object to the conclusions of the earlier Transport Statement supporting a larger hotel development. The recommended Travel Plan for the scheme would need to be secured via a s106 agreement.

7.42 The Highways Officer notes that the proposed servicing / delivery arrangements once again appear to be squeezed into the site rather than forming an integral part of the design brief. DCC Highways have stated that there could be potential implications on manoeuvring of service and delivery vehicles by vehicles parked on the opposite side of St John’s Road to the proposed development access. In these circumstances, it is recommended that funding is secured for investigation and implementation of traffic management measures. This request, however, would not meet the CIL (Community Infrastructure Levy) tests for planning obligations as set out in the relevant guidance. The Highways Authority has therefore been requested to comment on whether this aspect of the proposal would lead to the refusal of the scheme as it stands. An update to Members will be provided on the Late Representations report.

7.43 It is also advised that the proposed level of off-street parking should be appropriate to meet Council standards as any under-provision would be likely to increase demand for parking on the adjacent roads. DCC Highways consider this to be a situation against the best interests of operation of the highway. It is further noted that parking space dimensions do not meet recommended standards and those designated for the disabled could prove to be problematic to use. The availability of off-street parking on the Burlington Road frontage is also queried given it is at capacity and intensification of hotel use.

7.44 In these regards, LP Policy CF 6 requires applicants to provide an assessment of parking needs of the development and the impact on the surrounding road network. LP Appendix 1 – Parking Guidance confirms for a hotel use 1 space per bedroom and 1 secure cycle space parking stand for every 10 car parking spaces (subject to a minimum of 2 cycle spaces for customers) will be required. Whilst for staff 1 space is required for 10 bedrooms with the same standard applied for cycle parking. This equates to a parking shortfall of 12 spaces and a requirement for 15 cycle stands. Although, the level of parking shortfall cannot be relied upon owing to the insufficient bay dimensions, which in some instances, are shorter in length than is required to meet with highway standards.

7.45 In these circumstances, the applicant has failed to demonstrate that the scheme can accommodate the required level of off-street car parking, including cycle stands for hotel guests and employees to ensure that the impact on the surrounding road network would not be unduly affected as a result of the scheme against the best interests of the operation of the highway. As well, the layout would not provide for a suitable disabled car parking provision. Accordingly, the scheme causes conflict with LP Policies EQ 6 'Design and Place Making' and CF 6 'Accessibility and Transport'.

Environmental Matters

7.46 Of relevance, LP Policy EQ10 'Pollution Control and Unstable Land' seeks to protect people and the environment from unsafe and polluted environments, requiring mitigation if necessary. The phase 2 contamination assessment has been re-submitted in support of the application (Sub Soil NW Ltd, ref: 2012-97-002-CON-Rev0, dated 8th April 2013. As set out in detail above, the Council's Environmental Health Officer has recommended a condition requiring further investigations to be carried out and details of any necessary remediation to be submitted and agreed. This is particularly given that the sub-soils report is somewhat out of date, has insufficient data to properly characterise the site and does not adequately assess the risk to ground waters and surface waters. It should also be noted that the aforementioned groundwater assessment (WJ Groundwater Ltd, ref: 464-2175 Rev1, dated 30 March 2016) recommended that additional investigations and assessment are required. These matters could be appropriately dealt with by the recommended 'Contaminated Land for Complex Applications' planning condition. Other highlighted issues could be secured through the conditions as also recommended by Environmental Health, which also include matters relating to the construction phase of the development (including excavation / construction of the basement and piling) for the scheme to accord with LP Policies EQ 10 and the NPPF. To note, that healthy and safety concerns raised in respect of the basement construction, including site stability are matters to be dealt with separately by the Building Control regulations.

7.47 LP Policy EQ11 'Flood Risk Management' discusses that the Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere, where this is viable and compatible with other policies aimed at achieving sustainable patterns of development. The LLFA (Lead Local Flood Authority) have confirmed that the applicant is proposing to discharge surface water to a Combined Sewer along Burlington Road. In addition, it also stated that the applicant proposes to attenuate surface water by 2 vertically connected attenuation tanks located within the car parks on basement levels 2 and 3. The LLFA therefore requires at detailed design stage, evidence that the drainage network and the proposed attenuation features are sized appropriately to manage the surface water on site. Accordingly, subject to appropriate recommended conditions, the scheme can be determined as complying with the terms of LP Policy EQ 11 'Flood Risk Management' and the NPPF.

Buxton Thermal Springs

7.48 The Buckingham Hotel lies outside the Environment Agency Source Protection Zone for Buxton thermal springs but within a more recently defined special protection area for the Buxton Thermal Springs as set out in a document recently commissioned by the Council. This is for the purposes of ensuring that protection zones for the thermal spring reflect current understanding of the mechanism through which the thermal spring arises. Within this area it is important that special consideration is given to the potential for disruption to the thermal springs. The thermal water is bottled as Buxton Water. The Crescent buildings are being regenerated as a Spa Hotel using the thermal water for treatments, and are expected to lead to increased tourism and income generation for the town. Water quality or flow impacts to the Buxton Thermal Spring could be irreparable and cause significant economic damage to the town of Buxton.

7.49 In relation to Buxton Thermal Waters, objector concerns still relate to excavation as the scheme proposes the construction of a 3-storey basement that would penetrate up to 9.2m below ground level. In turn, dewatering was further highlighted as an issue owing to the basement level, which would be at a similar elevation to the natural head of the thermal springs. In terms of water supply and waste water disposal, it was assumed that the development would use mains water. In these circumstances, there would be no applicant intention to abstract groundwater and hotel waste water would be disposed of to the mains sewer to overcome such concerns. These matters were dealt with extensively in the determination of planning permission refusal ref. HPK/2018/0241. During which time additional and extensive information was requested from the applicant as advised by a Council appointed Hydrogeologist in order to determine whether appropriate measures would be taken to protect the thermal springs, both during construction of the new hotel and its subsequent operation. Nestlé Waters do not appear to have commented upon the current submission. Despite this, the risks are judged to be low and would be subject to control via condition as recommended above.

7.50 Accordingly, on this basis satisfactory mitigating measures can be secured by condition in relation to excavation and dewatering to protect and conserve the thermal springs. This approach has been confirmed by Environmental Health for the scheme to be in accordance with LP Policy S 7 and EQ 10 and the NPPF.

Amenity

7.51 LP Policy EQ6 'Design and Place Making' stipulates that development should achieve a satisfactory relationship to adjacent development and should not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing or other adverse impacts on local character and amenity. Similarly NPPF para 137(f) requires a high standard of amenity for existing and future users'. The adopted SPD on 'Residential Design' states that the distance between habitable room windows should be 21m and for every change in level of 0.5m increase the increase in distance between the properties should be 1.0m. The guidance in the SPD allows for variation in distances in order to accommodate particular site circumstances.

7.52 The surrounding development comprises a residential property to the west boundary in St. Johns Road and a nursery school to the south in Burlington Road. Both properties have raised concerns regarding residential amenity impacts as a result of the scheme.

7.53 The much earlier scheme involved a significant number of principal windows in the elevation facing the adjoining property in St. Johns Road, which would have resulted in overlooking, both actual and perceived to the rear garden of that dwelling. Furthermore, the property in St. Johns Road appeared to have a principal window in the side elevation, which could also be impacted by overlooking. Whilst it was acknowledged that the proposed hotel was only marginally taller than the existing building and there are currently windows facing towards this property; the number of windows proposed was significantly greater. Moreover, the new building, which was significantly greater in bulk and massing would have been located only 2.0m from the common boundary. Thereby leading to significant privacy and overbearing concerns in these regards. There would also have been a loss of privacy and overbearing impacts to the nursery school on similar grounds. Accordingly this earlier scheme was considered to be unacceptable in amenity terms and contrary to relevant planning policy and guidance.

7.54 As before, the revised scheme under consideration has reduced the footprint of the building and as a result its elevations would be located further away from the common boundaries of these neighbouring properties. Furthermore, the number of window openings overlooking the neighbours has been significantly reduced. On this basis, a reason for refusal on amenity grounds could no longer be sustained. Accordingly, there is scheme compliance with LP Policy EQ 6 and the NPPF.

8. PLANNING BALANCE & CONCLUSIONS

8.1 The Buckingham Hotel building is a non-designated heritage asset that falls within and makes a positive contribution to the significance of both the Buxton Central and Park Conservation Areas and setting of a Registered Grade II* Park and Garden, all of which are designated Heritage Assets.

8.2 Despite its revision, the proposed replacement building owing to its scale, massing and lack of appropriate detailing would result in a building, which would be in stark contrast with adjacent developments and out of context within the street scene to this prominently viewed corner site.

8.3 The proposal would also result in the loss of the mature trees within the site which have high amenity value and make an important contribution to the significance of the Conservation Areas / Pavilion Gardens and define Buxton as a whole. Such loss of trees as part of the development scheme would also lead to a 'less than substantial harm' to the designated heritage asset that are the conservation areas.

8.4 In these circumstances, the proposal would lead to a 'less than substantial harm' to identified heritage assets in the terms of the NPPF. As noted in the NPPF, heritage assets are irreplaceable, any harm or loss should require

clear and convincing justification. The applicant has failed to demonstrate that this harm is outweighed by the public benefits of the replacement proposal, including securing its optimum viable use through conversion, adaptation and refurbishment of the existing building rather than its demolition. Accordingly, the scheme is contrary to LP Policies SS 1 'Sustainable Development Principles' and EQ 6 'Design and Place Making', EQ 7 Built and Historic Environment', Buxton Conservation Area Areas Appraisal, relevant local Design Guidance and the NPPF. The loss of the trees would also lead to biodiversity concerns in relation to protected species to cause conflict with LP Policy EQ 5 'Biodiversity' and the NPPF.

8.5 On highway matters, the applicant has failed to demonstrate that the scheme can accommodate the required level of off-street car parking, including cycle stands for hotel guests and employees to ensure that the impact on the surrounding road network would not be unduly affected as result of the scheme against the best interests of the operation of the highway. As well, the layout would not provide for a suitable disabled car parking provision. Accordingly, the scheme causes conflict with LP Policies EQ 6 'Design and Place Making' and CF 6 'Accessibility and Transport'.

8.6 It is acknowledged that the provision of a new hotel and tourist facility would have clear economic benefits in terms of the construction and spending in the local economy. It would provide employment for local people, which would be socially beneficial. There would also be some modest sustainability benefits arising from the scheme's inclusion of the urban hydroponic farm.

8.7 The scheme for the demolition and replacement of the Buckingham Hotel, however, would have a significant adverse effect on the setting of the Buxton 'Central' and 'Park' Conservation Areas and registered Grade II* Listed Pavilion Historic Park and Gardens to materially harm the significance of these assets. The resulting effect would amount to a 'less than substantial harm' in the terms of the NPPF. A finding of 'less than substantial harm' should not be equated with a less than substantial planning objection. In turn, the applicant has failed to demonstrate that the optimum viable use cannot be secured through conversion and adaptation of the building, including the refurbishment / extension of the hotel for existing and proposed uses or that the public benefits of the proposals would outweigh the heritage harm that has been identified.

8.8 Accordingly, the proposal constitutes an unsustainable form of development, contrary to the Development Plan and NPPF and is therefore recommended for refusal.

9. RECOMMENDATIONS

A. REFUSE for the following reasons:

- 1. The proposed building, due to both its scale and mass would be in stark contrast with adjacent development to provide for a dominant and ungainly building, which is out of context within the**

street scene. The proposal is therefore contrary to Local Plan Policies S1, S7 and EQ6; Council Design Guidance and the NPPF.

2. The scheme for the demolition and replacement of the Buckingham Hotel would have a significant adverse effect on the setting of the Buxton 'Central' and 'Park' Conservation Areas and registered Grade II* Listed Pavilion Historic Park and Gardens to materially harm the significance of these assets. The resulting effect would amount to a 'less than substantial harm' in the terms of the NPPF. A finding of 'less than substantial harm' should not be equated with a less than substantial planning objection. In turn, the applicant has failed to demonstrate that the optimum viable use cannot be secured through the conversion and adaptation of the building of the hotel for existing and proposed uses or that the public benefits of the proposals would outweigh the heritage harm that has been identified. Accordingly, the scheme is contrary to LP Policies SS1 'Sustainable Development Principles', EQ6 'Design and Place Making', EQ7 Built and Historic Environment'; Buxton Conservation Area Areas Appraisal, Council Design Guidance and the NPPF. The loss of the trees would also lead to biodiversity concerns in relation to protected species to cause conflict with LP Policy EQ 5 'Biodiversity' and the NPPF.
3. The applicant has failed to demonstrate that the scheme can accommodate the required level of off-street car parking, including cycle stands for hotel guests and employees to ensure that the impact on the surrounding road network would not be unduly affected as result of the scheme against the best interests of the operation of the highway. As well, the layout would not provide for a suitable disabled car parking provision. Accordingly, the scheme causes conflict with LP Policies EQ 6 'Design and Place Making' and CF 6 'Accessibility and Transport'.

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 Development Control Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Informative

1. The recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraphs 186 and 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

