

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**16<sup>th</sup> August 2021**

<b>Application No:</b>	HPK/2020/0352	
<b>Location</b>	1-2 Buckingham Hotel, Burlington Road, Buxton, SK17 9AS	
<b>Proposal</b>	Demolition of existing hotel and replacement with a 95 bedroom hotel.	
<b>Applicant</b>	Mr A Barar	
<b>Agent</b>	n/a	
<b>Parish/Ward</b>	Buxton	<b>Date registered: 28/08/2020</b>
<b>If you have a question about this report please contact: Rachael Simpkin</b> <a href="mailto:rachael.simpkin@highpeak.gov.uk">rachael.simpkin@highpeak.gov.uk</a> 01538 395400 extension 4122		

**REFERRAL**

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

**1. SUMMARY OF RECOMMENDATION**

<b>REFUSE on heritage matters contrary to local and national planning policy</b>
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**2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The 0.25 ha (hectare) application relates to the Buckingham Hotel which is a large three storey Victorian building in the style of a large villa, dated 1876. It was one of the first buildings to be developed along Burlington Road. The building occupies an important corner plot and serves as a key landmark and pivotal building at the junction of Burlington Road and St Johns Road. The existing building functions as a 37 bedroom hotel with onsite car parking for 31 guest vehicles.

2.2 The application site lies within the Buxton Central Conservation area, adjacent to the Buxton Park Conservation Area, and adjacent to the boundary of the Pavilion Gardens and Serpentine Walks Grade II\* Listed Historic Park and Gardens with the built up area boundary of Buxton.

2.3 The hotel's origins as two semi-detached villas, believed to be built as hotels, can be seen in its symmetrical design. The pair are believed to have been combined in the early 20th century. The property's stone construction and Victorian villa design are similar to many other Victorian buildings within Buxton and within the Buxton Park and Central Conservation Areas.

2.4 The application site is also located within the Buxton Water Source Protection Area – B.

**3. DESCRIPTION OF THE PROPOSAL**

3.1 The applicant seeks full planning permission for demolition of the existing Buckingham Hotel, and its replacement with a new 95 bed hotel building, with ancillary facilities and basement parking totalling 7043.0 sqm GIA (Gross Internal Area). A total of 50 full-time employees would arise from the scheme.

3.2 There has been a history of applications to demolish this building dating back to 2016 and to build a replacement hotel (initially 110 beds) with basement car parking. All have been refused principally on heritage grounds. The submission follows the refusal of planning permission for a similar scheme ref. HPK/2018/0241 at the 9<sup>th</sup> September 2019 Development Control Committee meeting. The scheme was refused as follows:

*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 structure, which is out of context within the street scene. The proposal is therefore contrary to Adopted Local Plan Policies SS1 'Sustainable Development Principles', EQ6 'Design and Place Making'; Council Design Guidance and the NPPF (National Planning Policy Framework).*

*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, however, 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 hotel building for existing and proposed uses or that the public benefits of the proposals would outweigh the heritage harm that has been identified to justify demolition. Accordingly, the scheme is contrary to Adopted Local Plan 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 mature trees would also lead to biodiversity concerns in relation to protected species to cause conflict with Adopted Local Plan 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 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 suitable disabled car parking provision. Accordingly, the scheme causes conflict with Adopted Local Plan Policies EQ 6 'Design and Place Making' and CF6 'Accessibility and Transport'.*

3.2 The applicant argues that the current building is structurally unsound and therefore replacement is the only viable option following consideration of alternative reuse options. The replacement hotel proposal is described in the Design and Access Statement as 'a faithful interpretation of the existing hotel in all key aspects (fenestration, roof profile, storeys and detailing) other than footprint'. The building would be clad in sandstone, with appropriate window details and landscaping.

3.3 Access is proposed to remain as currently, with provision of 92 onsite parking spaces (including 6 disabled bays), 16 cycle lockers and 4 motorcycle bays.

3.4 Further revisions to the submission include:

- Burlington Road Elevation – reduction in length
- South and West Elevations – additional openings on the ground floor
- Increase in roof depth by 0.5metre
- Living Walls
- Bat Survey and Biodiversity Calculations.

3.5 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?PKID=242072>

#### **4. RELEVANT PLANNING HISTORY**

HPK/0002/5782 - Bar Extension With Reception Room Below. APPROVED 22/09/1987

HPK/0003/8719 - Redevelopment Of Car Parking To Frontage. APPROVED 01/03/2000

HPK/2002/0072 - Four Storey Side/rear Extension To Form Additional Restaurant And Bedroom Accommodation. APPROVED 22/03/2002

HPK/2006/0802 - Renewal Of HPK/2002/0072 For Four Storey Side / Rear Extension To Form Additional Restaurant And Bedroom Accommodation. APPROVED 15/12/2006

HPK/2010/0642 – Signage. REFUSED (ADVERT) 15/02/2011

HPK/2011/0480 - Proposed Signage. APPROVED (ADVERT) 05/12/2011

HPK/2016/0276 - Demolition of the Buckingham Hotel and erection of a new hotel comprising 110 rooms, ancillary facilities and sub-ground parking. REFUSED 08/05/2017

HPK/2018/0241 - Demolition of hotel & erection of new hotel ancillary facilities with sub-ground parking. REFUSED 04/09/2018

HPK/2018/0620 - 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. REFUSED 16/09/2019

#### **5. CONSULTATIONS**

**Expiry:**

<b>Site notice</b>	9th October 2020
<b>Press notice</b>	1 <sup>st</sup> October 2020
<b>Neighbours</b>	24 <sup>th</sup> September 2020

**Public comments****Support:**

Two letters of support have been received, summarised as follows:

- The new plan for the hotel look very similar to the old Buckingham Hotel
- Buxton as a town would benefit as there is a shortage of bed space within the town during peak times, and,
- Nice design which is sympathetic to the existing crumbling building and would provide the area with a modern hotel/bar and associated amenities

**Objection:**

Eight letters of objection have been received, summarised as follows:

- Hotel is in the heart of Buxton
- Is one of the most important buildings in the Conservation Area
- The building is a landmark on a key plot
- Replacement building would not enhance the area
- Not in the public interest for this piece of heritage to be destroyed
- It is possible to continue use of historic buildings as demonstrated on St John's Road
- The new design is too large and impacts on openness
- The proposed design is a pastiche of the current style
- Does not enhance neighbouring parks
- Will set a negative precedent
- Agenda of profit to resubmit the planning application with only minor changes and the previous rejections should be respected
- The underground parking is unreasonable
- Should be encouraging conservation and regeneration.
- Basement rooms will be low quality and seem unsafe
- The Daylight and Sunlight report is that submitted in 2015 and therefore does not address the lower ground floor bedrooms with no natural light
- New Government rules on access to light on Permitted Development conversions signal changing Government viewpoints on natural light in general
- Nuisance from demolition work on a prominent corner
- Development is not in the Local Plan
- Access arrangements with cars leaving directly onto St John's Road will worsen congestion and parked delivery vehicles here are likely
- Proposed staff cars are not calculated for but are likely to park on the road
- Destruction of mature trees
- No public benefits

- Loss of neighbour amenity and light
- Excavation for basement threatens neighbouring properties
- Excavation for basement in area that already has water table issues
- Approval would send a signal that neglecting a property is a gateway to approved redevelopment
- Disruption on main route from ambulance station and through town, and,
- Buxton does not require additional hotel space at this time

**Neither:**

Two representations of neither support or objection have been received, summarised as follows:

- I agree with the Historic England advisory comments about the demolition of this prominent building and its impact on the Conservation Area
- Although not a listed building I feel that it contributes to the Conservation Area's character and looks in better condition than the Chesterfield Hotel and Bradbury Hall before its demolition, and,
- I fully support the application

**Councillor Tony Kemp** (Borough Councillor, Corbar Ward County Councillor, Buxton West)

*"I was aware that the applicant was to make some amendment and awaited the outcome.*

*Essentially, the issue remains the same as ever. The applicant seeks to demolish and replace a building that forms part of a long-standing and key street scene in the town, close to important heritage buildings.*

*The argument continues that the hotel is not a viable business as it is and requires costly and extensive remedial work. The former premise may or may not be correct. The latter is probably true - but arises from poor building work carried out in the past and inadequate investment over decades. Neglect by the current and/or past owners is not in my view a valid reason to demolish a part of the historic environment and permitting such an argument would create a dangerous precedent.*

*I oppose this application as I have done in regard to the many that precede it".*

**The 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 character of the current structure and its 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 trees will completely changing the character of this important corner plot. We note Amelanchier is a non-native tree of little use to wildlife.*

*Previous refused applications have mentioned that existing materials and architectural features from the demolished building will be used in the construction of its replacement. The document 'Construction Method Statement B' notes that Perimeter Cladding will be precast panels faced in brick, stone or similar. In other words there will be little or no reuse of reclaimed materials in this latest scheme. It will look like a modern hotel pastiche of the much loved Buckingham. If the scheme goes ahead the developer should recover as many materials as possible and use them on site and, in particular, the external faces of the hotel.*

*Our group are concerned about 3 basement levels and the effect of such a huge excavation on groundwater flows especially 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 house at 26? St John's Road should be used as a precedent. Multiple applications for demolition were made. The house has now been beautifully renovated in keeping with the area in which it stands.*

*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”.*

Consultees

<u>Consultee</u>	<u>Comment</u>	<u>Officer response</u>
<b>Ancient Monuments Society</b>	<b>Defer to officer judgment</b>	<b>Refer to Heritage Section</b>
<p>22.10.20:</p> <p>In light of the history of refusals on this site and the gradual process of development as the applicant tries to meet some of the stated objections, we are, at this stage, prepared to defer to your Council’s judgment on the present iteration. Even so, we do comment additionally :</p> <ol style="list-style-type: none"> <li>1. We note the reiterated objections of HE (Historic England). In our experience such a lengthy email of concern from HE on a non-designated heritage asset is rare and can be taken as a measure of its concern.</li> <li>2. There is much talk of the replacement structure replicating the existing and supporting information is provided on the scale, footprint and roofline.</li> </ol> <p>However :</p> <ol style="list-style-type: none"> <li>a. The new build, as proposed, would be a structure of less character but far greater bulk than the existing. 37 beds would be replaced by 95. The new shell will be squared off where the present structure of 1876, subsequently modified, gives the welcome sense of a genuine historic structure – a building altered and matured over the years.</li> <li>b. The Sections confirm not only the considerable depth of the intended building but the extent of the subterranean accommodation – the whole feels like a vast new structure in reinforced concrete which the external period detailing is attempting to contextualise – but does not succeed in doing, particularly on the return elevations.</li> <li>c. The newbuild would have to comply with Building Regulations which would again threaten genuine historic character. Will there be expansion joints ?</li> <li>d. We are unclear about the extent to which the “sandstone” and “limestone” is to be salvaged stone from the existing building. New stone would lack the subtle variegation of the existing. We trust that there is no question of the use of artificial or reconstituted stone.</li> <li>e. The new central door surround on the Burlington Road elevation is not appropriate. The architrave is far too fat, the lintol far too shallow.</li> <li>f. Powder-coated metal windows, as proposed, would be alien. We remain unreconciled to this proposal but given its exceedingly complicated history we are quite prepared to defer, at this stage, to High Peak.</li> </ol>		
<b>AES Waste</b>	<b>No objection</b>	<b>Refer to Highways Section</b>
<p>27.09.21:</p> <p>No issues regarding waste collections. Note: Commercial collections.</p>		
<b>County Highways</b>		<b>Refer to Highways Section</b>
<p>07.04.21:</p> <p>The revised details do not appear to have any impact on highway related proposals</p>		

that remain the same as those submitted under the previous application ref:-HPK/2018/0620. As such, it is considered that the Highway Authority comments and recommendations contained within the response of 4 February 2019 to the earlier application remain appropriate.

Date: 04.02.19

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.

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.

<b>County Urban Design Officer</b>	<b>Objection</b>	<b>Refer to Heritage / Design Section</b>
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24.11.21:

The size and configuration of a building and especially its scale in relationship to the surrounding context has a bearing on its townscape value.

The Buckingham Hotel was purpose built as two semi-detached small hotels or Villas around 1876. These have typical Victorian features and proportions with generous bay windows. Materials area local sandstone/slate roof and dressed stone detailing - characteristic of Buxton itself.

The setting of pavilion Gardens gives a direct visual relationship to the park despite there being trees along the road frontage. This reinforces the buildings townscape value. The current hotel fits in with nearby Victorian villas and is part of Buxton's sense of place. It stands imposingly on this corner plot and has been a permanent feature of this conservation area for over a hundred years. Its loss would diminish this value.

The newly proposed building attempts to replicate this architecture whilst expanding on the site. However, the design is not distinctive enough to overcome concerns about loss of architectural value of the existing building and reduces the authentic communal value of grouping of Victorian Villas which adds to townscape of the area.

On the main elevation the proposed new building has 4 bay windows spread across a much wider frontage with 7 less substantial secondary windows. Overall, the building has been stretched with wider gaps between the windows and the

central double front door. There are 5 dormer windows instead of the original 4 and the rear flat roof can be seen projecting beyond the roof slope. The roof itself is a similar profile and slightly raised at the apex by 300mm which will be negligible when viewed from the street. However, the overall impression is a much wider elongated version of the original architecture. Whilst this is an attempt to respect the character and style of the Conservation Area and buildings around it, it does not have the same proportions and verticality of the original Victorian architecture and this disproportionate response causes a dissonance within the streetscape.

It is an unauthentic response to the development of this site and will appear as a Victorian building out of perspective, especially when in scale comparison with other buildings and when relating it to the regular gaps and rhythm between other Victorian Villas in the area. This interrupts the street scene and townscape setting. The flat roof portions of the roofscape are an indication of the modernisation of the building, but the projecting dormer window effect is alien to the original architecture.

The St Johns Road Elevation becomes extended and elongated with a further substantial 3 storey projecting bay which although set back at a distance from the main part of the elevation, is still very visible and reads as part of the main building with no subservience to it. This again increases and alters the scale and massing of the whole building to give the impression of an inflated Victorian villa in all directions. I believe this will create a more dominant building within the street scene, almost doubling its volume and dwarfing the adjacent property.

The ramped access to the underground 3 level car park with central stair well and lift shaft project above the existing ridge line in Sections A-A and B-B but this is not clearly shown on the elevation drawings projecting above the roofline (unless it isn't) and I am unsure as to how this fits with the chimney stacks. This is not clarified on the roof plan.

The existing building already appears dominant on this corner, but still has the appearance of two separate buildings with two separate porches and fenestration arranged symmetrically with a slightly wider gap between the windows of the two separate former villas in the upper windows and dormer windows. Even though it is used as one building functionally it still reads as two. This has the impression of diminishing the dominance of the buildings to a proportion that reads better with other buildings scales in the street scene.

On the St Johns Road elevation, the widening of the proposed building will reduce the distance to the boundary where presently there is comfortably enough room to provide a sitting out area behind the tree line and hedge. This setback is typical of the building along St Johns Road and provides a comfortable ratio of elevation to street width. Bringing the building closer to the road edge will affect this proportion and be more imposing along the footpath and therefore be out of character. The replacement of a terrace sitting out alongside a service delivery point and ramped access to the basement car park all makes a much more cluttered frontage along this St Johns side of the building.

The St Johns Road elevation at pavement level is three storeys, but the existing boundary drops to 4 storeys at the rear as the land falls away. The garage at the adjoining property is right up against the boundary wall. Narrowing the gap at this point will create a pinch point and the increased sense of urbanisation and

overdevelopment of the site.

*Recommendation:*

I recommend *refusal* of the application on the grounds of scale and massing as the building already appears dominant on this corner and to increase the bulk of the building in this way will lead to disproportionate relationships between existing buildings and the streetscape. This affects the legibility and character of the conservation area.

<b>Derbyshire Trust</b>	<b>Wildlife</b>	<b>Conditional Response</b>	<b>Refer to Ecology Section</b>
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20.07.21:

*Bats*

Bat surveys have been undertaken at the above site by B J Collins – Protected Species Surveyors Ltd. to update the existing surveys from 2017, when a single common pipistrelle roost was identified. The update surveys and proposed mitigation are considered sufficient to enable the application to be determined.

A building inspection followed by two nocturnal bat surveys were undertaken in May 2021 and these identified three roost locations used by small numbers of common pipistrelles. These locations were different to that identified in 2017. In order to proceed with the demolition of the hotel, recommendations have been made to register the site under a low impact licence and provide mitigation in the new building in the form of integrated bat tubes. The lighting plan for the site has also been reviewed by the ecologists and designed to maintain an appropriate level of lighting around the proposed hotel for continued bat use.

*Biodiversity Net Gain*

Our response dated 6th April 2021 (DWTHPK575a) regarding the Biodiversity Net Gain Assessment is still relevant and we advise that the LPA should liaise with the applicants in terms of the design considered most suitable for the site. This should then be secured through a suitably worded planning condition(s), including a condition to secure appropriate management to optimise biodiversity value of the habitats created.

06.04.21:

A Biodiversity Net Gain assessment has been produced to demonstrate the losses/gains that would result from several landscaping scenarios at the above site. The Trust have reviewed the report and consider that it has been produced in line with current net gain guidance. We note the adjustments to the temporal multipliers and consider that these are justified, however we would suggest that 5 years is more reasonable than 3 years for the meadow turf to establish and reach a stable grassland community. These types of turf often change in composition in the early years until a stable grassland sward develops. With an adjustment to five years, it is possible that a net gain may still be achieved.

It is clear that adding living walls would further increase the biodiversity value of the site and we would encourage the feasibility of this to be further considered by the LPA.

Whilst the Trust does not support the removal of healthy, mature trees to facilitate a

development, we do note that five new lime trees are proposed to replace those to be lost, alongside an additional two amelanchier trees. There will also be 43 m of native species-rich hedgerow and flower-rich grassland, although please note that the grassland would have to be managed as tall sward to provide the biodiversity value and not mown as amenity.

Providing appropriate management is secured for the new habitats, the current landscaping proposals (ideally with additional green wall(s)) and thorough net gain assessment are sufficient for the Council to make a decision regarding biodiversity loss/gain.

19.11.20:

Further to our letter response dated 12th October 2020 and our conversation on the 16th November, I would reiterate that the current bat surveys at the site are now three years old and by the time of determination will be heading into the fourth year since they were carried out. I have attached the CIEEM guidance on lifespan of ecological data, which clearly states that surveys over three years old are unlikely to be considered valid. Bats are a highly mobile species and it is possible that the number and species of bats using the hotel could have changed in the interim period since the 2017 surveys. The features that are used on the building may also have changed.

It is important that these details are known and understood so that adequate mitigation is incorporated. We try to keep our advice consistent and in line with standard guidelines and therefore I would advise that update surveys should be undertaken prior to determination. It is not our intention to cause unnecessary delay and indeed it is a shame that at least some level of update survey was not undertaken this summer. I would add that the 2017 bat survey report does state the requirement for further surveys if the project is delayed:

Before a licence application can be submitted planning permission has to have been granted and any conditions relating to wildlife have to have been discharged. Further to this, if the proposed demolition extends beyond May 2018 then further emergence and activity surveys are required in support.

With regards to the loss of the lime trees, our letter response questions whether a net biodiversity gain would be achieved. There will be a net loss of a mature lime tree, plus the time it will take for the new trees to provide equivalent ecological benefits, assuming planting is undertaken and establishment is successful. If the applicant wishes to demonstrate that there will be no net loss/net gain, then we would advise their consultants review the biodiversity metric (DEFRA 2.0). Whilst this may be more often used for sites that support a larger amount of seminatural habitat, there is a category for street trees that could be applicable. This would take into account what is there now, what is proposed in terms of replanting and habitat creation and also the time lag. This would provide a quantifiable value for net loss/gain. In addition, the council may wish to review whether they have a policy for replanting ratios when trees are lost e.g. 2:1.

12.10.20:

The bat survey work that accompanies the application is now three years old (August and September 2017). Bat surveys were also undertaken in 2013, 2014 and 2015, prior to the most recent works. Only the 2017 surveys recorded roosting

bats, with a single pipistrelle bat roost identified, suggesting that the building may be becoming more suitable for roosting bats over time. Based on the 2017 results, a Bat Low Impact Class Licence was recommended to legalise the demolition of the building and destruction of a roost.

Best practice guidance (CIEEM, 2019) advises that survey work over 18 months *may* need updating, whilst survey work over three years is unlikely to be considered valid to support a planning application. In addition, up to date survey results (from the most recent survey season) will be required to obtain a licence from Natural England. The 2020 activity season for bats has now ended, so any update works would have to wait until May 2021 at the earliest.

The Trust does not support the removal of healthy, mature trees to facilitate a development and whilst we acknowledge that the proposed Tree and Hedgerow Planting Scheme (JCA, 2020) is an improvement on previous proposals, we would question whether the development will result in a measurable net biodiversity gain (NPPF 2019). There will still be a net loss of a mature lime tree, plus the time it will take for the new trees to provide equivalent ecological benefits, assuming planting is undertaken and establishment is successful.

**Historic England**

**Object**

**Refer to Heritage /  
Design Section**

22.07.21:

Our advice remains as set out in our letter of 30 September 2021. Historic England objects 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.

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.

30.09.21

*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 proposed scheme is to demolish the Buckingham Hotel and erect 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 15 May 2019, 3 September 2018, 27 June 2016 and 14 July 2016 on previous planning applications on this site and provided preapplication 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 5<sup>th</sup> 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 19<sup>th</sup> 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 Pavilion 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 proposed scheme is to demolish the Buckingham Hotel and erection of a new hotel with ancillary facilities and basement parking. It remains 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.

We do not consider that the proposed replacement building would preserve or enhance the character and appearance of the conservation area nor the significance of the registered historic park and garden. We remain of the view that a building of the proposed 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 remain unconvinced 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 continues to advise 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.

<b>HPBC Officer</b>	<b>Aboricultural</b>	<b>Objection</b>	<b>Refer to Heritage / Design Section</b>
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13.04.21:

I note the proximity of the proposed replacement planting to the underground basement I have concerns that there may be an engineering object to the presence of trees when it comes to build this out/ I reviewed the tree planting specification and this does not take into account the need to build in structured tree planting pits to train roots and deal with drainage. It is possible to plan and retain trees in this location but it will require a specific condition which ensures that these trees will be planted as specified and details of the tree planting arrangements will be submitted.

<b>HPBC Officer</b>	<b>Conservation</b>	<b>Objection</b>	<b>Refer to Heritage / Design Section</b>
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03.08.21

I maintain my strong objection to the demolition of this building and its replacement with a larger, imitation of the former building. My comments should be read in conjunction with earlier consultation responses.

- The proposed building remains a large, uniform block. I note that the length of the building has been reduced facing Burlington Road and that the aim is to largely replicate the architectural detailing on this elevation but this is not the case for the other elevations. The St John's Road elevation is particularly unsuccessful in its design as the building has lost its verticality, symmetry and is not a unified composition. This will be compounded by the large ramp access to the underground parking and extent of hard surfacing.
- The West and South elevations have been improved with the addition of additional openings on the ground floor but the scale and form of the south elevation is large compared to the original and has lost its verticality, symmetry and architectural composition.
- It is of concern that the depth of the roof has increased by ½ metre, making the roof now appear top-heavy. This may have been done to mask the lift shafts.
- I am not convinced that the photo images are faithful in demonstrating that the lift shafts won't be visible. I can certainly see other views where the

roofscape can be clearly seen.

- Building footprint doesn't show the extent of the basement and its proximity to trees.
- Road access to Burlington Road appears to show wider vehicle access points which will affect the historic boundary wall and gate posts. There is also inconsistency between the drawings as the revised elevation BH05 Rev A shows the proposed new building more generously spaced from the nursery alongside and yet the footprint images show the building sited more closer to the nursery and part of the building behind the entrance gates.
- I have previously advised that the structural engineer's report should be assessed by heritage professional with an understanding of historic building defects and appropriate conservation-led repairs.
- Are living walls appropriate for a reproduction mid-19<sup>th</sup> century building? How practical is this given the height of the elevations, the number of openings, and the local climate? Given the high townscape quality and grouping of period buildings I would have considered that a consistency of building materials and detailing should take precedence to an unexpected walling element. There is also no detail about how the wall construction would be modified and how it could be integrated with the build.

The building is in a cohesive townscape of high quality 19<sup>th</sup> century buildings with a strong sense of place and function. Whilst the proposal attempts to replicate elements of the former building, it totally fails to understand the architectural rules of the period about scale, massing, proportion and legibility and for this reason the building will not integrate with the streetscape, looking like a modern structure (large bulk, dominant roof, boxy form and heavily engineered surroundings) whilst attempting to dress it up in period detail. It will not work, especially on such a prominent corner site, and maximising the building on the plot is a further disruption to the siting of buildings and the generous space/trees in-between.

27.10.21:

I note that there has been a history of applications to demolish this building dating back to 2016 and to build a replacement hotel (initially 110 beds). All have been refused. The current application seeks to build a replacement hotel with 95 beds and is similar in form, massing and detailing to those previous schemes.

#### *Changes introduced by current scheme affecting Heritage Matters*

The new application has introduced minor design changes. The proposed building is 0.3m lower than the existing hotel, features a central entrance as opposed to the existing two porches, bay windows have been added to the north and south elevations, the Burlington Road elevation is 7.4m longer (28% increase) and St John's Road elevation is 2.37m longer (10.6% increase).

A Heritage Statement has been produced by Boyarsky Murphy Architects (August 2020)

#### *Heritage value of the Buckingham Hotel and contribution made to designated heritage assets*

Arguments regarding the inherent value of the building and its contribution to designated heritage assets have previously been made by Joanne Brooks, the former conservation officer and Historic England. This case has been clearly made and there is no doubt that the demolition of this building would represent harm to

the character and appearance of the Conservation Area, harm to the significance of the Registered Park and Garden and would represent loss of an undesignated heritage asset. Demolition would also set a very dangerous precedent for other non-Listed Buildings in Conservation Areas, suggesting that positive buildings with architectural quality and a patina of age can be demolished and replaced in a facsimile or interpretation of that building. In this area there are many similar buildings representing an important period of Buxton's development when hotels and lodging houses flourished to accommodate the growing number of visitors but despite their quality few of these buildings are Listed. The character and appearance of the Conservation Area could be substantially undermined if its authentic historic buildings of architectural quality and townscape value are lost/replicated. The loss of mature trees along the road frontage would also undermine the character of the area and rhythm of generous plots with mature vegetation shielding and filtering views of its buildings especially so close to the Registered Park and Garden.

#### *Comments on Replacement Building*

The drawings are poorly detailed and do not provide any comfort that the architectural detailing is understood or will be accurately reproduced.

Larger footprint than existing building especially with regard to bringing the building line nearer to St John's Road. Buildings along St John's road have a largely consistent building line which gives a feeling of space to the roadside and allows for mature trees to shield the buildings and create a more landscaped frontage. The scheme represents over-development of the plot in contrast to the more generous planted grounds that surrounding buildings reside in.

Proportionally the building has become a large, uniform block. The current building has a long front elevation and narrower side façade which proportionately is balanced for this corner plot and creates more verticality, there is also more articulation of the building, breaking it down into smaller visual units. The proposed form and massing is too great which will result in a visibly large building on the corner, especially moving it closer to the St John's Road frontage, removing the mature trees and the engineered visibility splay and vehicular ramp down to the below ground parking. The proposed front elevation is too repetitive in its design making it look more like a terrace rather than a unified building. The south and west elevations also have largely blank ground floors which will make the building appear un-grounded, visibly floating, and not representative of the existing architecture, despite both elevations being visible from the road. The elevations have poor legibility with oddly positioned bay windows to the north and south elevations and on several elevations, doorways have the appearance of windows which is a confusing detail.

The proposed roofscape is of great concern. The outer pitched roof is effectively a faux roof with the majority of the roof being flat-roofed with prominent lift shaft projections. Chimneys are shown on some of the elevations but not accurately reproduced on all elevations and there is no indication of how these chimneys will be constructed or indeed how and where they will fit on the roof. There is no assessment of how this roof will be detailed or where it will be seen from. The upper section of the lift shafts will certainly be visible from a distance.

Overall, the proposed replacement building is attempting to replicate the prevailing

architecture of the building and its built context, but the proportion, design and detail fails to achieve this. The enlargement of the building footprint and siting closer to St John's Road will disrupt the prevailing building line, remove the mature trees and planting along the roadside and make this modern building much more dominant in the townscape. There are no photomontages to demonstrate how the building will fit into the townscape. The proposed building will cause harm to the character and appearance of the Conservation Area and setting of the Registered Park and Garden. It is not an acceptable replacement and in no way justifies the proposed demolition.

*Structural Condition*

The Structural Reports (H & H dated March 2013 and PKD dated Nov 2017) have previously been commented on by Joanne Brooks. There is nothing further to add other than to comment that I would normally expect such a report to be produced by a Conservation Accredited Structural Engineer with a specialist understanding of traditional building defects and sympathetic repair. In the absence of this I would recommend that the report is assessed by a conservation specialist to assess whether the defects and dilapidations merit the action proposed.

*Conclusion*

I object to this application. The demolition of the Buckingham Hotel is harmful to the character and appearance of the Conservation Area, harmful to the setting of the Registered Park and Garden and would represent the loss of an undesignated heritage asset. The replacement building would not preserve or enhance the character or appearance of the Conservation Area or setting of the Registered Park and Garden. The scheme would represent less than substantial harm which is a substantial planning objection. In accordance with the NPPF the harm will need to be assessed against the planning benefits of the scheme. The legislative and policy background is clearly stated in the Historic England consultation.

<b>HPBC Health</b>	<b>Environmental</b>	<b>Conditional Response</b>	<b>Refer to Section</b>	<b>Amenity</b>
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08.12.21:

In addition to general recommendations made with regard to HPK/2018/0620 the following conditions should also be considered:

*FED08 - FUME EXTRACTION – ODOUR*

Prior to the use hereby permitted commencing, a scheme for the installation of equipment to control the emission of fumes and odour from the premises shall be submitted to and approved in writing by the local planning authority. The scheme shall demonstrate compliance with, and be consistent with EMAQ Industry Guidance, "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018)". The approved schemes shall be implemented in full. All equipment installed as part of the odour control scheme shall thereafter be operated and maintained to ensure compliance with EMAQ (2018) and in accordance with the manufacturer's instructions.

Inlet ventilation provision shall be of an adequate capacity, capable of achieving 40 air changes per hour in the kitchen and connected to a variable fan speed control switch.

#### *FED09 - FUME EXTRACTION - NOISE CONTROL*

Prior to the use hereby permitted commencing, a report detailing the noise emissions from the proposed extract ventilation system shall be submitted to the Local Planning Authority for approval. This shall incorporate noise assessment and monitoring undertaken inline with BS4142.

Where significant loss of amenity is identified in the approved report the cooking equipment extract shall be fitted with effective silencers in accordance with an acoustic specification to be agreed with the Local Planning Authority. The approved silencers shall be installed prior to commencement of the use of the development hereby approved and subsequently maintained.

The extraction system serving cooking equipment shall incorporate anti-vibration mounts and flexible couplings to prevent structure-borne noise to adjoining occupiers.

#### *NSD12 - BEST PRACTICAL MEANS*

The best practicable means, as defined in Section 72 of the Control of Pollution Act 1974 to reduce noise and vibration from the site to a minimum, shall be employed at all times during construction.

In this condition, a noise-generating activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

#### *CLD11 - ASBESTOS: REQUEST FOR INFO*

Prior to commencement of development the developer must either submit evidence that the building was built post 2000 or submit a intrusive pre-demolition asbestos survey in accordance with HSG264 and a mitigation plan to reduce risks to potential occupiers and the wider public. The report shall be approved in writing by the LPA.

NB it should be noted a management survey report is unlikely to be acceptable as this does not meet the requirements of the guidance.

The approved mitigation scheme must be carried out in accordance with its terms prior to the commencement of development.

#### *CDD14 - ON SITE RADIO*

During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.

#### *HPK/2018/0620*

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 1 to 5 are suggested.

**COMMENT: LAND CONTAMINATION**

The submitted Sub Soils report (Sub Soils, ref: 2012/97-002-CON-Rev0, dated 8<sup>th</sup> April 2013) may be accepted for this stage of the application process; however this it 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 18<sup>th</sup> July 2016) recommends that additional investigations and assessment are required.

To protect the health of the public and the wider environment condition 6 is recommended.

**COMMENT: EXTERNAL LIGHTING**

Condition 7 is recommended to protect general amenity, with regard to light spill/pollution.

**COMMENT: BUXTON THERMAL SPRING**

Conditions 3 and 8 are recommended to protect Buxton Thermal Spring from damage, contamination, pollution, disruption or interruption.

Refer to public file for full consultation response.

**HPBC Planning Policy**

**Commentary**

**Refer to Policy Section**

Under EQ7 it is vital that the proposed development of the Buckingham Hotel should ensures building style and features of the heritage of the area and surrounding buildings, protecting and enhancing heritage assets.

In line with policies EQ6 Design and EQ2 consideration should be given to how the development reflects the setting and character of the area.

**LLFA (Lead Local Flood Authority)**

**Conditional Response**

**Refer to Drainage Section**

**TBC.**

**Nestle Waters**

**Conditional Response**

**Refer to Source Protection Section**

30.09.20:

The hotel is located approximately 450m from the Buxton Crescent where the Buxton Thermal Water Source is located. The construction of a basement and associated drilling of boreholes, piles, excavation and dewatering poses a potential risk to the thermal source by the way of:

- Reduction of the downward force provided by the mass of shale resulting in the potential creation of a new thermal outflow, driven by the thermal artesian head and alteration of the thermal water flow paths.
- Thermal water being encountered during drilling of boreholes resulting in alteration of thermal flow paths.

- Demolition and construction activities have the potential to result in groundwater contamination if not properly managed.
- The Groundwater Assessment Report dated July 2016 recommended further investigations including the drilling of 4 boreholes up to 25m deep to confirm the ground conditions and groundwater regime. Subsequently a borehole, excavation and dewatering risk assessment report dated November 2016 was submitted to support the recommendations in the Groundwater Assessment Report.
- The data used in the Groundwater Assessment report is not sufficiently detailed or site specific to assess the risk posed to the thermal system from the development.

In line with the recommendations for further investigations, it is recommended that the development should be subject to the following conditions:

- At least one of the 25m boreholes recommended to be drilled from the Groundwater Assessment Report should be cored to enable appropriate geological, hydrogeological and geotechnical data to be collected to further inform the groundwater assessment.
- Prior to the drilling of additional boreholes, the borehole, excavation and dewatering risk assessment should be updated in line with the most recent HPBC code of practice for drilling of boreholes and excavations in the vicinity of Buxton Thermal Springs and should include:
  - Detailed method statements and risk assessments incorporating supervision, inspection pits, drilling methodology and equipment, drilling fluids, actions if elevated groundwater temperatures or artesian conditions are encountered, casing and backfill materials, waste collection and disposal and fuel storage and refuelling.
  - HPBC to review and approve the method statements and risk assessments prior to any intrusive work commencing and be informed of the dates and times of when any intrusive work is undertaken.
  - Prior to any construction, an updated groundwater assessment using additional information collected, should be submitted and reviewed by HPBC.

## **6. PLANNING POLICIES RELEVANT TO THE DECISION**

### **High Peak Local Plan Adopted April 2016**

Policy S1	Sustainable Development Principles
Policy S1a	Presumption in Favour of Sustainable Development
Policy S2	Settlement Hierarchy
Policy S7	Buxton Sub-area Strategy
Policy EQ1	Climate Change
Policy EQ5	Biodiversity
Policy EQ6	Design and Place Making
Policy EQ7	Built and Historic Environment
Policy EQ9	Trees, Woodlands and hedgerows
Policy EQ10	Pollution Control and Unstable Land
Policy EQ11	Flood Risk Management
Policy EQ6	Promoting Peak District Tourism & Culture
Policy CF6	Accessibility and Transport

Policy CF7 Planning Obligations and Community Infrastructure Levy

**National Planning Policy Framework (NPPF) 2021 (as revised)**  
**National Planning Practice Guidance (NPPG)**

High Peak Design Guide 2018 SPD (Supplementary Planning Document)  
Buxton Design and Place Making Strategy SPD 2009

Buxton Conservation Areas Character Appraisal 2007

## **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. 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 Adopted High Peak Local Plan 2016.

7.2 The NPPF (National Planning Policy Framework) was revised in July 2021 and is a mandatory material consideration in decision making. For sustainable development Paragraph 8 of the NPPF states: "*Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

*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 present and future generations; and by fostering a well-designed, beautiful and safe places, 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 protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

7.3 LP (Local Plan) Policy S1a 'Presumption in Favour of Sustainable Development' establishes a presumption in favour of sustainable development as contained within paragraph 11 of the NPPF. For decision taking with the Brough, Paragraph 11 requires:

*c) approving development proposals that accord with an up-to-date development plan without delay;*

### **Principle of Development**

7.4 Development will be directed towards the most sustainable locations in accordance with the settlement hierarchy set out at LP Policy S2 'Settlement Hierarchy'. In accordance with the settlement hierarchy, Buxton is regarded as a 'Market town' where a moderate scale of development may be acceptable, consistent with meeting local rural needs and maintaining or enhancing their role, distinctive character or appearance whilst also maintaining existing facilities and services.

7.5 Of relevance, LP Policy S7 'Buxton Sub-area Strategy' states: *The Council and its partners will seek to establish Buxton as England's leading spa town and consolidate its role as the principal service centre for the Peak District. This will be achieved by:*

*(1) Protecting and enhancing the unique character of Buxton's spa heritage, townscape and natural environment to maintain the quality of life and act as a catalyst for tourism by:*

- *Implementing the Buxton Design and Place Making Strategy to support the distinctiveness of the following quarters of Buxton Town Centre ... the Pavillion Gardens. Design within these quarters should accord with the specific design principles and guidance specified in the Design and Place Making Strategy ...*
- *Protecting the quality and supply of natural mineral water. Development, including proposals for Sustainable Urban Drainage (SuDS) should have regard to the Buxton Mineral Water Catchment Area, and Nitrate Vulnerable and Groundwater Source Protection Zones in terms of their impact on water quality and quantity ...*
- *Protecting and enhancing the historic environment ...*

*(4) Encouraging the growth of local employment opportunities and supporting the diversification and growth of the local economy by:*

- *encouraging the growth of tourism including the provision of additional visitor accommodation and facilities that reflect Buxton's status as a spa town at the heart of the Peak District*

7.6 LP Policy E6 'Promoting Peak District Tourism and Culture' will be achieved by: *Maintaining and where possible enhancing existing tourist, visitor cultural and recreational facilities ... The provision of new visitor and cultural attractions and facilities that expand the breadth and quality of tourism offer without prejudice to the character of the Peak District ...*

7.7 The proposed scheme to demolish the Buckingham Hotel and erection of a new hotel with ancillary facilities and basement parking would be viewed as a moderate scale of development to meet with settlement hierarchy policy. From an economic perspective alone, the provision of a 95-bedroom hotel taking into consideration job creation, increase in business rates, multiplier benefits to the local area and the impact on the local business supply chain would also be supported by LP Policy E6 and attracts notable weight in the overall planning balance. This viewpoint, however, is caveated by the requirement for development to 'reflect Buxton's status as a spa town at the heart of the Peak District' and 'without prejudice to the character of the Peak District'.

7.8 Consideration of heritage matters in particular as well as other relevant development plan will be discussed in the relevant sections below.

### **Design and Heritage**

7.9 The current scheme seeks to demolish the existing Buckingham Hotel and build a replacement hotel with 95 beds. It is similar in form, massing and detailing to those previous schemes. A Heritage Statement has also been submitted dated August 2020.

7.10 LP Policies S1 'Sustainable Development Principles, EQ6 'Design and Place Making' and EQ7 'Built and Historic Environment' 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. Paragraph 134 of the NPPF advises:

*Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (Contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

7.11 The proposal affects a site within the Buxton 'Central' Conservation Area and adjoins 'The Park' Conservation Area to the north and west. The site also lies between the boundaries of the Pavilion Gardens and Serpentine Walks (Registered Grade II\* Parks and Gardens). The Buckingham Hotel building itself is categorised as a non-designated heritage asset. As described by Historic England, it 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.

7.12 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.

7.13 Paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

7.14 In detail, LP Policy EQ7 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. It requires authorities to prevent 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. LP Policy E7 also requires development proposals in Conservation Areas to demonstrate how the proposal has taken account of the distinctive character and setting of individual Conservation Areas including open spaces and natural features and how this has been reflected in the layout, design, form, scale, mass, use of traditional materials and detailing, in accordance with Character Appraisals where available.

7.15 Paragraph 199 of the NPPF states that in determining applications, local planning authorities should take account of:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

7.16 Whilst Paragraph 207 of the NPPF states:

*Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. 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 200*

*or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.*

7.17 HE (Historic England) set out in detail the significance of the designated heritage assets of relevance to the scheme as follows:

*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 5<sup>th</sup> 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 19<sup>th</sup> 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 Pavilion 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.*

7.18 The NPPG (National Planning Practice Guidance) states:

*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.*

7.19 The Buckingham Hotel is also described in the Buxton Conservation Areas Character Assessment, not as one of the main hotels but a smaller hotel building that relates closely to other 19<sup>th</sup> Century villas, similar to the Portland which is almost adjacent. These villas are described as making a strong contribution to the character of the conservation areas, with high quality materials and individual detailing. The Character Appraisal describes these villas as often obscured in views due to tree growth, but the Buckingham Hotel, occupying a large and prominent corner plot, is much more visible and forms a more substantial landmark. The character appraisal also sets out the value of the building regarded as a remaining 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 and is constructed in a style and materials representative of many other Victorian buildings within Buxton that are key in defining the characteristics of Buxton.

7.19 Historic England further state:

*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.*

7.20 Accordingly, the Buckingham Hotel is clearly integral to the significance, character and appearance of the conservation area. Also, the Buckingham Hotel, in its prominent location also makes a clear positive contribution to the setting and significance of the Grade II\* registered Pavilion Park and Garden. Whilst the Buckingham Hotel is also an undesignated heritage asset in its own right.

7.21 Paragraph 200 of the NPPF states:

*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*

The applicant's Heritage Statement acknowledges that the building has landmark value. They also acknowledge that *the significance of the listed park (derived in part from its townscape setting) is capable of being affected by the existing/replacement building, which forms part of that townscape.*

7.22 The proposed scheme is to demolish the Buckingham Hotel and erect a new hotel with ancillary facilities and basement parking. It remains the view of Historic England that the demolition of the hotel would cause harm to the significance of the conservation area. They 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. In addition, the demolition of the hotel would involve the total loss of the undesignated heritage asset itself. Furthermore, 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. The County Urban Design Officer emphasises the building's value: *It has been a permanent feature of this conservation area for over a hundred years. Its loss would diminish this value.*

7.23 The Council's Conservation Officer considers that the Buckingham Hotel is in a cohesive townscape of high quality 19<sup>th</sup> century buildings with a strong sense of place and function. She considers that: *Demolition would also set a very dangerous precedent for other non-Listed Buildings in Conservation Areas, suggesting that positive buildings with architectural quality and a patina of age can be demolished and replaced in a facsimile or interpretation of that building.* Noting: *The character and appearance of the Conservation Area could be substantially undermined if its authentic historic buildings of architectural quality and townscape value are lost/replicated. The loss of mature trees along the road frontage would also undermine the character of the area and rhythm of generous plots with mature vegetation shielding and filtering views of its buildings especially so close to the Registered Park and Garden.*

7.24 Historic England confirm that the proposed demolition of the Buckingham Hotel would not meet the requirements of the NPPF on heritage grounds. The proposal also fails to accord with the Buxton Design and Place Making Strategy which states that distinctive buildings should not be demolished unless there is a compelling case to do so and definite proposals to replace with them with development that will substantially improve the area.

7.25 In comparison to previous schemes, the new application has introduced only minor design changes. The proposed building would be 0.3m lower than the existing hotel featuring a central entrance as opposed to the existing two porches. Bay windows have also been added to the north and south elevations. The Burlington Road elevation would be 7.4m longer (28% increase) and the St. John's Road elevation 2.37m longer (10.6% increase). This would provide for a larger footprint than the existing Buckingham Hotel particularly in bringing the building line closer to St John's Road.

7.26 The Council's Conservation Officer considers that the scheme: *is attempting to replicate the prevailing architecture of the building and its built context, but the proportion, design and detail fails to achieve this. The enlargement of the building footprint and siting closer to St John's Road will disrupt the prevailing building line, remove the mature trees and planting along the roadside and make this modern building much more dominant in the townscape. There are no photomontages to demonstrate how the building will fit into the townscape. The proposed building will cause harm to the character and appearance of the Conservation Area and setting of the Registered Park and Garden. It is not an acceptable replacement and in no way justifies the proposed demolition.* This

viewpoint is echoed by the County Urban Design Officer who recommends the refusal of the scheme as it would lead to disproportionate relationships between existing buildings and the streetscape affecting the legibility and character of the conservation area. 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.

7.27 Despite the submission of a revised scheme, the Council's Conservation Officer maintains her strong objection to the demolition of this building and its replacement with a larger, imitation of the former building. In particular: the St John's Road elevation is particularly unsuccessful in its design as the building has lost its verticality, symmetry and is not a unified composition (compounded by the large ramp access to the underground parking and extent of hard surfacing); the scale and form of the south elevation is large compared to the original and has lost its verticality, symmetry and architectural composition; the depth of the roof has increased by 0.5m making it appear top-heavy; the photo images do not appear as faithful in demonstrating that the lift shafts will not be visible; the road access to Burlington Road appears to show wider vehicle access points which will affect the historic boundary wall and gate posts; there is inconsistency between the revised elevation BH05 Rev A and the footprint images and it is queried whether living walls are appropriate for a reproduction mid-19<sup>th</sup> century building.

7.28 Historic England maintain that the proposed replacement building would neither preserve or enhance the character and appearance of the conservation area nor the significance of the registered historic park and garden. HE remain of the view that a building of the proposed scale / footprint would be harmful to the significance of the conservation area and registered park and garden and that the subtlety and quality of design of the existing building would be maintained. Considering the new building to be an unacceptable replacement to justify the proposed demolition of the Buckingham Hotel equating to 'less than substantial harm' and a substantial planning objection nevertheless.

7.29 The County Urban Design Officer echoes this view, stating that the replacement hotel design is not distinctive, and the proposal would be disproportionate and unauthentic, and cause harm to the Conservation Area. The Council's Conservation Officer stating: *'the character and appearance of the Conservation Area could be substantially undermined if its authentic historic buildings of architectural quality and townscape value are lost/replicated'*.

7.30 In conclusion, the demolition of the Buckingham Hotel is harmful to the character and appearance of the Conservation Area, harmful to the setting of the Registered Park and Garden and would represent the loss of an undesignated heritage asset. The replacement building would not preserve or enhance the character or appearance of the Conservation Area or setting of the Registered Park and Garden. The scheme would represent less than substantial harm which is a substantial planning objection. In accordance with the NPPF the harm will need to be assessed against the planning benefits of the scheme.

7.31 Paragraph 202 of the NPPF is therefore triggered which states:

*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 including, where appropriate, securing its optimum viable use.*

7.32 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 Buckingham Hotel. Historic England advise that the heritage assets should be given their proper weight and special regard in accordance with the 1990 Act when weighing up all planning considerations for this scheme.

7.33 In heritage terms, however, HE consider that the proposed scheme is not justified and *remain unconvinced that the existing building cannot be adapted to meet current standards for continued hotel use.*

7.34 Paragraph 203 of the NPPF also states:

*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

7.35 The NPPG advises: *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.* Historic England have already confirmed that the proposed demolition of the Buckingham Hotel would not meet the requirements of the NPPF on heritage grounds.

7.36 The Design and Access Statement outlines scheme benefits as summarised below: Economic: 50 full-time jobs, modern guest facilities, 45,000 overnight stay visitors per annum and increased business rates. Social: accessible, improved employee conditions, a place for community interaction and model for sustainable behaviour. Environmental: conservation of natural resources, including climate change mitigation; concealed car parking and reclamation and reuse of natural materials

7.37 In further, it is stated that the new hotel would deliver a contemporary, sustainable and accessible hotel to support the local economy by attracting over 45,000 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 4 wheelchair habitable bedrooms is also

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 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 building would identify and signify this part of the Conservation Area.

7.38 Such scheme benefits as identified above would neither sustain or enhance the significance of the identified heritage assets nor contribute to their setting other than the provision of concealed car parking as generated by the intensified scheme.

7.39 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.*

7.40 The applicant has resubmitted earlier structural reports (H & H dated March 2013 and PKD dated Nov 2017) with resultant conservation deficit of £451,370. Whilst not disputed earlier, the Council's Conservation Officer advises that such a report should be produced by a Conservation Accredited Structural Engineer with a specialist understanding of traditional building defects and appropriate conservation-led repairs. To address previous scheme criticisms, the applicant has also submitted a Viability Report to demonstrate that the optimum viable use of the existing building cannot be secured through the conversion and adaptation of the hotel for existing and proposed uses. It concludes that hotel, residential, care or office uses are not viable either if the existing building was repaired / extended / converted. The report is limited in that the detailed breakdowns behind the headline cost figures have not been provided. Additionally, the report confirms that a detailed trading feasibility study has not been undertaken at this stage for the proposed hotel use. Additionally, the submitted marketing report is considered to be insufficiently detailed and out-of-date.

7.41 In these circumstances, 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 contrary to heritage planning policy. The comments of County Archaeology are outstanding and will be reported in the Update Sheet if there are any.

## **Amenity**

7.42 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 130(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.

7.43 Adjacent to the site is a residential dwelling on St John's Road, and to the rear is a nursery school on Burlington Road. The most recent application HPK/2018/0620 followed an earlier application that presented significant amenity issues, with substantial overlooking concerns from principle windows and an overbearing effect due to the position of the building within the plot. HPK/2018/0620 provided amendments to earlier proposals, reducing the footprint and amending window placement. This revised scheme was judged to no longer pose amenity issues. The current scheme is very similar in amenity terms. A bay window has been added on the ground and first floor on the side elevation facing the nursery school, but this is not judged to be of significance from an amenity perspective.

7.44 Accordingly, no amenity issues are posed by the proposal in the current application. The proposal is in accordance with LP Policy EQ6, the Residential Design Guide and the NPPF.

### **Highway Safety**

7.45 NPPF para 111 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.

7.46 Access is proposed to remain as currently, with provision of 92 onsite parking spaces (including 6 disabled bays), 16 cycle lockers and 4 motorcycle bays. The majority of car parking spaces are located in an underground car park served via the existing access with St John's Road.

7.47 County Highways have been consulted on the application particulars and reiterate earlier comments made for ref. HPK/2018/0620 as set out in the consultation section above. Whereby they confirmed the acceptance 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.

7.48 Highways also noted that the proposed servicing / delivery arrangements were crammed into the site rather than forming an integral part of the design brief. Leading to 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. They recommended that funding was secured for

investigation and implementation of traffic management measures, however, this would not meet the CIL (Community Infrastructure Levy) tests for planning obligations as set out in the relevant guidance.

7.49 In addition, County Highways previously 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. In addition, insufficient bay dimensions were highlighted in some instances, being shorter in length than is required to meet with highway standards.

7.50 LP Policy CF6 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. For staff 1 space is required for 10 bedrooms with the same standard applied for cycle parking. This equates to a parking shortfall of 10 spaces and a requirement for 20 cycle stands. A Technical parking Justification note accompanies the current application scheme. Concluding: *it has been demonstrated that the proposed parking provision for the redevelopment of Buckingham Hotel would be sufficient to accommodate the likely demand without any residual impact on the local highway network. It is expected that parking demand can be managed through the use of the Burlington Road public car park opposite the site, with an agreement to fund the provision of a set number of season tickets for members of staff.* Any offsite parking agreement for the scheme would also need to be secured via a s106 agreement.

7.51 The comments of County Highways are awaited and their response will be provided in the Update Report before highway safety matters can be satisfactorily concluded.

### **Environmental Matters**

7.52 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.

7.53 The Council's Environmental Health Section have assessed the potential environmental impacts of the scheme. No objections are raised to the scheme subject to planning conditions intended to protect local amenity with regard to potential noise and light pollution impacts of the scheme and to control the construction stage of the build. It is also confirmed that the submitted Sub Soils Report (Sub Soils, ref: 2012/97-002-CON-Rev0, dated 8<sup>th</sup> April 2013) may be accepted for this stage of the application process. Given that it is out of date, has insufficient data to properly characterise the site and does not adequately assess the risk to ground waters and surface waters (as confirmed by the submitted groundwater assessment WJ Groundwater Ltd, ref: 464-2175 Rev2, dated 18<sup>th</sup> July 2016) additional investigations and assessment are required. A further condition is recommended in these regards.

7.54 Accordingly the scheme meets with LP Policy EQ10 Pollution Control and Unstable Land and the NPPF in these regards.

## **Local Flood Risk / Drainage**

7.55 LP Policy EQ11 'Flood Risk Management' states 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.

7.56 The applicant proposes to attenuate surface water discharge with basement-level stormwater tanks. This was mentioned in the previous application in the supporting documents but not shown on the plans. The stormwater tanks are now clearly visible on the elevations provided. The comments of the LLFA (Lead Local Flood Authority) are awaited and their response will be provided in the Update Report.

## **Buxton Thermal Springs**

7.57 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 newly 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.

7.58 The Buxton Water SPD (Supplementary Planning Document) is only an emerging draft and is not yet published. The document, however, outlines the vital need to protect the quality and quantity of mineral water. The document expands on the local policies (including LP Policy S7) recognising the need to protect the water supply, providing guidance to ensure development preserves the quality and supply of the water. One of the main concerns of the proposed development is groundwater disturbance. In policy S7 the site is within core protection area B and there is a need to protect the quantity and quality of mineral water by avoiding underground excavation within the core protection area. Drilling and excavation can influence the supply of natural mineral water and potentially lead to contamination. Reference should be made to this draft guidance to ensure that the correct action is taken to minimise the risk to water. This includes the Code of Practice: Drilling of Boreholes in the Vicinity of Buxton Thermal Springs.

7.59 Nestle Waters still raise concerns regarding risks to the thermal source at the Buxton Crescent. They state that the Groundwater Assessment is not sufficiently detailed or site specific to address these risks and recommend conditions, should the application be granted, to ensure that the applicant collects sufficient data and addresses risks before commencing work.

7.60 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. Despite this, the risks are judged to be low and would be subject to control via condition as recommended above.

7.61 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 Policies S7 and EQ10 and the NPPF.

## **Ecology**

7.62 LP Policy EQ5 '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 180 (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* and (c) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate*".

7.63 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.

7.64 Following the submission of further information from the applicant, with particular reference to bats and biodiversity loss, DWT (Derbyshire Wildlife Trust) raise no objection to the scheme subject to securing recommended conditions. DWT also confirm that the bat surveys have been undertaken at the above site both in 2017, when a single common pipistrelle roost was identified and update surveys (with proposed mitigation) in 2021 are considered sufficient to enable the application to be determined. Recommendations have been made to register the site under a low impact licence with Natural England and provide mitigation in the new building in the form of integrated bat tubes. The lighting plan has been designed to maintain an appropriate level of lighting around the proposed hotel for continued bat use.

7.65 DWT further advise that the Biodiversity Net Gain Assessment is still relevant to the application scheme and whilst the Trust does not support the removal of healthy, mature trees to facilitate a development, it notes that five new lime trees are proposed to replace those to be lost, alongside an additional two amelanchier trees. The scheme would also incorporate 43.0m of native species-rich hedgerow and flower-rich grassland and adding living walls to further increase the biodiversity value of the site. DWT therefore advise the Council to secure the design considered most suitable for the site with appropriate management to optimise biodiversity value of the habitats created.

7.66 Subject to these matters being secured through suitably worded planning conditions, the scheme is considered to accord with LP Policy EQ5 and the NPPF.

## **8. PLANNING BALANCE & CONCLUSIONS**

8.1 The starting point for the determination of any planning application is 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. Section 38(6) states that planning applications should be determined in accordance with the development plan, unless there are material considerations which indicate otherwise.

8.2 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.

8.3 It is acknowledged that the provision of a new hotel and tourist facility would have clear economic benefits in terms employment, increased business rates and spending in the local economy.

8.4 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.

8.5 There is also the matter of potential unresolved highway safety concerns which have previously generated an objection from County Highways. Furthermore, Lead Local Flood Authority and County Archaeology comments are yet to be confirmed.

8.6 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 development scheme would make a positive benefit to the local economy both in terms of direct employment by generating additional employment and also through increased multiplier spend based on the predicted visitor stays. The demolition of the Buckingham Hotel is harmful to the character and appearance of the Conservation Area, harmful to the setting of the Registered Park and Garden and would represent the loss of an undesignated heritage asset. The replacement building would not preserve or enhance the character or appearance of the Conservation Area or setting of the Registered Park and Garden. The scheme would represent less than substantial harm and is a 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 is contrary to Policies SS1, S7, EQ6, EQ7 and E6 of the Adopted High Peak Local Plan 2016; Buxton Conservation Area Areas Appraisal, High Peak Design Guidance 2018, NPPG and NPPF.**

**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.**

# Site Plan

