

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

7th March 2021

Application No:	HPK/2021/0347	
Location	3 Temple Road Buxton SK17 9BA	
Proposal	Conversion, alterations and extensions to existing hotel/residential building to form 10 new apartments, 3 cottages and 1 townhouse; extension to building to create new townhouse, including demolition of existing garage; closing up of one access on Temple Road and improvements to other (existing) access points on Temple Road and College Road; formation of new car park; hard and soft landscaping; and other associated works, including engineering operations.	
Applicant	Amos Homes (Buxton) Ltd	
Agent	-	
Ward/Parish	Temple	Date registered 11 June 2021
If you have a question about this report please contact: Owen Gore owen.gore@highpeak.gov.uk 01538 395400 ext 4133		

1. SUMMARY OF RECOMMENDATION

Refusal

2. REASON FOR COMMITTEE DETERMINATION

- 2.1 This application has been brought before the Development Control Committee as it is a major planning application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application property is the former Alison Park Hotel, consisting of a large the existing building, which is positioned towards the south of the site in an elevated ground level on triangular, corner plot that is bounded by Temple road to the North and West and College Road to the East. The application site falls within a residential area which is characterized by large house with generous gardens, tall mature trees and a spacious feel. The site has a number of mature trees around the site and on the pavement beyond the boundary particularly along Temple Road. The gardens are to the 'front' of the property in the north corner and the site is accessed through six existing vehicular access, three off Temple Road and two off College Road.
- 3.2 The ground level falls from the south to the north and from west to east with the existing building sat on a raised platform with views out towards The Pavilion Gardens to the North.

- 3.3 The building itself is of a four storey, Arts and Crafts style, including key features and detailing, such as corner stone towers, the repetition of the half-timbered gables (some jettied out at the first floor), the stone mullions, leaded lights, oriel windows and chimneys. The building is designed to face each road as well as addressing the corner. The applicant has described the building as being dilapidated and in poor general overall condition.
- 3.4 The property sits on the corner of the two adjoining highways Temple road to the North and West and College Road to the East. The application site shares a boundary with two residential properties, No.5 Temple Road to the southwest and No.4 College Road to the south east. To the west and north west beyond the public highway No.6 and No.2 Temple road, and to the north east beyond the public highway between Spencer Road and West Road are a pair of semi-detached dwellinghouses, Farringford and Somersby, built in 1896, they are Grade II listed. Although they were built at a similar time to the other houses along this road the architectural style is more Arts and Craft, similar to the application building.
- 3.5 For the purpose of the Local Development Plan, the site lies within the built-up area boundary, the Buxton College Conservation Area and Article 4 area, and the Buxton groundwater source protection.

4. DESCRIPTION OF THE PROPOSAL

- 4.1 The application seeks consent for the conversion, alterations and extensions of the existing hotel/residential building to form 9 new, two bedroom and 1 one bedroom apartments, siting 3 two bedroom cottages to the 'rear' of the property adjacent to the southern boundary and 1 three bedroom and 1 four bedroom townhouses. The proposal includes the three storey extension to south elevation in the south east corner of the site, adjacent to the boundary with No.4 Collage Road, and a circulation core positioned centrally to all apartments to the rear of the building.
- 4.2 Following consultee comments to the original submission, the applicant has amended the scheme. The key alterations were the following: -
- Removal of rear dormer to the town houses, thus avoiding the need to alter this part of the roof. Obviously the new dwelling will involve a new roof but will follow the same ridge and pitch as the existing building;
 - Removal of a number of rooflights to front elevation;
 - Removal of porches over main entrance doors;
 - Removal of first floor balcony to apartment 6;
 - Alterations to parking layout, involving the reduction in spaces from 31 to 26 spaces, which still meets the Council's parking standards. Note that the reduction in parking allows for a large part of front lawn to be retained; and
 - They have simplified the dormer windows on front elevation, in particular removing pitched roofs to the dormers to apartment 10.

- 4.3 The amended proposal plans show that alterations to the Collage Road (east) elevation will include the additional side extension to the south east side of the building which will form a second 3 bedroom town house, that will continue the existing roofline of the gable on this side and a new front facing gable finished in Tudor revival style timber detailing. The existing northernmost gable on the east elevation will increase in height, adding an additional storey with a window in the apex; excavations will be carried out to create a sunken terrace area accessed from the lower ground floor accommodation of apartment No.4. Behind the parapet of the flat-roofed, north east corner turret, a dormer window will be added, set back to create a small amenity area for the accommodation within the roofspace at second floor level; there will also be alterations to the main door within this turret at ground floor level, increasing in size and new steps leading to it.
- 4.4 The alterations to the north elevation, facing the junction with Collage Road and Temple Road, will include the replacement of a single storey, lean-to extension with a new extension and adjoining ground floor level terrace, both covered hipped-roof. There will be an area at the base of the building that will be excavated to create basement level amenity areas for the lower ground floor apartment, off of the kitchen dining area and the bedroom. At second floor level the proposal will replace a long, flat-roofed, central dormer with small gable feature, with a taller flat-roofed dormer featuring bi-folding doors and glazed balustrade.
- 4.5 Alterations to the Temple Road (west) elevation include removal of a lean-to extension, revealing a large set of double doors and alterations to the narrow, two storey northernmost gable and dormer above, to increase the height to match the main roof; the adjacent, flat-roofed dormer will be replaced with a similar sized dormer featuring a sloping, tiled roof and tall, glazed, bi-folding doors and glazed balustrade. The southernmost gable on this side will also increase in height with the addition of a window in the apex and a new dormer on the south elevation.
- 4.6 A flat-roofed, glazed, infill extension will be introduced in the rear service area, replacing a warren of rooms and external staircases, to create a circulation space, lift shaft and staircase to serve the apartments, excluding apartment 4, which has a dedicated access. The removal of the existing, modern conservatory will allow for a new set of bi-folding doors to serve the bedroom of apartment No.2.
- 4.7 Three dormer cottages will be built to the rear (south) of the main building. The siting is such that it set back from the main highway with the front elevations in line with the rear elevation of the neighbouring No.5 Temple Road. A small garden, private garden area has been allocated to each of these properties.
- 4.8 Alterations are being made to the access points on Temple Road and College Road, including closing up of one access on Temple Road and improvements to others. A new car park, including hard and soft landscaping and other associated works will be formed in the garden areas to the north. Bin stores have been indicated on the submitted landscape plan that will enclosed within a treated

timber faced structures with access doors. The Primary bin store will be located to the south west of the site with direct access for kerb side refuse collection along Temple Road.

5. RELEVANT PLANNING HISTORY

HPK/2007/0807 - Replacement Conservatory At Rear at 3, Temple Road, Buxton, , Sk17 9ba
[APPROVED - 26/11/2007]

HPK/0003/0683 - Conference Room And Wc at 3 The Alison Park Hotel Temple Road Buxton
[APPROVED - 30/07/1991]

HPK/0003/0242 - Foundations & Ret.walls For Modular Seminar Bldg To Be Replaced In Future By Single Storey Stone Structure For Primarily In-house Conferences at Alison Park Hotel Temple Road Buxton
[REFUSED - 13/03/1991]

HPK/0002/6762 - Erection Of New External Fire Escape To Replace Existing Internal Escape at 3 Alison Park Hotel Temple Road Buxton
[APPROVED - 18/07/1988]

HPK/0002/5710 - Change Of Use Of Residential Home For The Elderly To Hotel With Specialised Adaptations For Use By The Disabled at 3 Alison Temple Road Buxton
[APPROVED - 07/09/1987]

HPK/0000/8625 (Old Reference - 8625/HPK/8/78/743) - For Concrete Garage For Car And Caravanette at Alison Homes Limited Temple Road Buxton Derbyshire
[APPROVED]

HPK/0000/6222 - Alterations To Staff Quarters at 3 Temple Road, Buxton
[APPROVED]

6. PLANNING POLICIES RELEVANT TO THE DECISION

High Peak Local Plan 2016

Policy S 1 Sustainable Development Principles
Policy S 1a Presumption in Favour of Sustainable Development
Policy S 2 Settlement Hierarchy
Policy S 7 Buxton Sub-area Strategy
Policy EQ 1 Climate Change
Policy EQ 5 Biodiversity
Policy EQ 6 Design and Place Making
Policy EQ 7 Built and Historic Environment
Policy EQ 9 Trees, woodland and hedgerows
Policy EQ 11 Flood Risk Management

Policy E 6 Promoting Peak District Tourism and Culture
 Policy H 1 Location of Housing Development
 Policy H 3 New Housing Development
 Policy H 4 Affordable Housing
 Policy CF 6 Accessibility and Transport
 Policy CF 7 Planning Obligations and Community Infrastructure Levy

National Planning Policy Framework

Section 2 - Achieving sustainable development
 Section 5 -Delivering a sufficient supply of homes
 Section 9 -Promoting sustainable transport
 Section 11 -Making effective use of land
 Section 12 -Achieving well-designed places
 Section 14 -Meeting the challenge of climate change, flooding and coastal change
 Section 15 -Conserving and enhancing the natural environment
 Section 16 -Conserving and enhancing the historic environment

Supplementary Planning Documents and Guidance

Residential Design SPD (2005)
 High Peak Borough Council Design Guide SPD (2018)
 Water In Buxton (2021)

7. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 26 August 2021
Neighbour letters	Expiry date for comments: 27 July 2021
Press Advert	Expiry date for comments: 12 August 2021
Re-consultation	Expiry date for comments: 26 October 2021

The following is a summary of the key and relevant comments received from consultees and interested parties. Their full comments and any accompanying documentation are available to view on the Council's website.

Neighbours

7.1 Thirteen objections have been received, following the initial consultation and the subsequent re-consultation of the amended plans. Below are the key points raised: -

- Several objections support the redevelopment of the site/conversion of the existing building in principle, but object to the current proposals;
- Overdevelopment of the site with too many buildings, over massing of the area to utilise nearly every available piece of land for development;
- Cottages are more substantial and akin to townhouses, they don't respect the character of the neighbouring properties;

- The proposed development is entirely incongruous, does not respect the proportions of the neighbouring properties and will be out of character with the conservation area;
- Extension increasing the massing and leading to a terracing impact;
- Alterations, including new dormers, amount of glazing, especially to the roof area and increase in height, will be harmful to the character of the existing building. Glazed balconies do not fit with local architecture;
- Loss of the entire mature and substantial front and rear garden areas, with huge amount of hard standing and paving for car parking and would entirely ruin this highly attractive corner of the conservation area;
- Loss of gardens impacting biodiversity;
- Proposed lighting looks inappropriate and will increase light pollution;
- It will add to the existing traffic and parking problems in this area with Buxton Community school, Doctors Surgery and visiting public;
- Potential increase in risk to pedestrians from cars accessing and egressing the site;
- Not enough electric vehicle charging stations;
- Does not allow adequate external amenity space for all the occupants;
- Overlooking/loss of privacy to immediate neighbours;
- Visual intrusion, overbearing and overshadowing;
- Outdoor amenity space and bin storage area is likely to cause noise and nuisance to neighbouring properties'

7.2 Four comments have been received expressing neither objection nor support. Noting potentially important flowers on the site, requesting details of a potential legal agreement, explaining the current traffic/parking situation to request consideration to be made and a note from the adjacent Buxton medical practice to emphasise the need access to the surgery at all times for disabled, and vulnerable patients as well as the emergency services.

7.3 One letter of support has been received, stating that '...it will bring about a significant improvement in the building and provide much needed local accommodation within easy walking distance of the town. The proposed development will enhance the building and improve the appearance from the various changes that were made to the building by previous owners. Several large properties nearby in College Rd have been converted into flats and have had no impact on traffic and noise to nearby residents. Most noise is generated from school traffic and pupils around the area'.

Consultations

Consultee	Comment	Officer response
Town / Parish Comments	No comments at the time of writing.	
Economic Development	The economic development team provided initial comments, dated 19 September 2021, raising	

	<p>concern that the applicant had not submitted any evidence with the application for change of use, stating that 'therefore regeneration team have no option other than to oppose this application until such evidence of marketing has been supplied and can be assessed'. The comments continue by setting out a list of information which they consider to be the minimum necessary to assess whether an adequate marketing exercise has been carried out before the sale of the properties for conversion, in reference to the local plan Policy E4 Change of Use of Existing Business Land and Premises.</p> <p>Economic development updated their comments on 14 October 2021: -</p> <p>'Scarborough Tourism Economic Activity Monitor (STEAM) data has identified that there were 1.5 million day visitors to High Peak who have an economic impact/spend of £38.90 per person per day on average. In contrast, there were lower levels of overnight visitors, at 0.14m, who stayed an average 3 nights. However, despite the lower numbers the economic impact/spend value of £238.40 per visit or £79 per person per day is more than double that of the day visitor per day and the difference cannot be accounted for by the costs related to accommodation, as this accounts for only 18% of total expenditure. This means that staying visitors are worth significantly more to the local economy than day visitors, and all growth and tourism policies of the Council aim to retain/increase the amount of tourist accommodation and encourage the conversion of day visitors to staying visitors due to the positive impact that this has on the local economy.</p> <p>The Alison Park Hotel in Buxton had fourteen ensuite bedrooms, which assuming an average occupancy of 60% (industry standard) would result in 6132 guest-days per year. The potential loss of this staying audience could result in a negative impact of the local economy of a potential income £484,428 per annum (or £397,230 after accommodation costs are removed). This is a significant potential loss impacting on local shops and restaurants, attractions and the wider supply chain.</p>	
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	<p>The proposed loss of serviced accommodation is in direct opposition to policy E 6 ‘Promoting Peak District Tourism and Culture’ which states that the aim of ‘Retaining and enhancing existing serviced accommodation and supporting the provision of new serviced accommodation in towns and villages in order to encourage overnight visitor stays’;</p> <p>Taking into consideration both the potential negative impact on the local economy, and the conflict with the adopted policy, together with the fact that there appears to have been no attempt to advertise or sell the hotel in its existing use class, from a regeneration perspective we would oppose the change of use until such time as the applicant can show that they have approached the market and there is no commercial interest in taking over the site and operating it as a hotel’.</p> <p>The comments continue by setting out a list of information which they consider to be the minimum necessary to assess whether an adequate marketing exercise has been carried out before the sale of the properties for conversion.</p>	
<p>Derbyshire County Council Highways</p>	<p>‘The proposed retention/amendments/closure in respect of accesses is considered acceptable.</p> <p>The level of off-street parking is acceptable subject to the correct number of spaces being in the relevant areas to accommodate what the parking area is serving. Whilst visitor spaces are referred to, the number of spaces to be provided would not allow for separate additional visitor spaces based on two spaces per two/three-bedroom dwelling or three spaces per four/four plus bedroom dwelling.</p> <p>The provision of cycle parking and electric car charging points is welcomed. It is not considered, however, that the location of the cycle parking is entirely clear and you may consider this should be clarified.</p> <p>It is assumed that refuse/recycling collection arrangements are acceptable to the collection Authority.</p>	

	<p>Subject to the above, there are no objections to the proposal and it is recommended that the following conditions are included in any consent'.</p> <p>The comments continue by suggesting conditions to be attached to any grant of planning permission relating to: -</p> <ul style="list-style-type: none"> • detailed designs to be submitted and approved, for space within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles; • the provision of vehicle wheel cleaning facilities onsite during the construction period; • the proposed new vehicular and pedestrian access, as well as amendments to existing access be carried out in accordance with the application and that adequate visibility sightlines are provided; • the redundant vehicular accesses, to be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway; • the parking and turn spaces for cars and other vehicles being laid out within the site in accordance with the application drawing; and • no gates or other barriers being installed on the accesses to the site; <p>The comments also provide suggested informatives regarding: -</p> <ul style="list-style-type: none"> • prior notification being given to the highways department regarding access works within the highway; • the applicants responsibility concerning loose material mud or other extraneous material being carried out of the site and deposited on the public highway; • the applicants responsibility concerning the closure of any redundant accesses and the reinstatement of the footway within the limits of the public highway, to 	
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	<p>seek formal written Agreement of the County Council as Highway Authority;</p> <ul style="list-style-type: none"> • providing contact details for the Traffic Management team to provide advice regarding procedures; and • confirmation that any necessary diversion/protection/relocation of Statutory Undertakers apparatus or street furniture will be at their expense. <p>(dated 02 August 2021)</p> <p>Updated comments were provided on 03 December 2021, which stated ‘Subject to sufficient space for parking spaces 8 and 9 to operate satisfactorily, there does not appear to be any significant change from the highway point of view. On the basis of the above, there are no objections to the revised plan and it is recommended that the previous conditions and notes are included in any consent...’.</p>	
<p>Environmental Health (Waste minimisation and Recycling)</p>	<p>‘No issues regarding waste collections’ (dated 25 July 2021).</p> <p>The comments continue by noting the contact details for advice and purchasing large communal bins, which they have confirmed would be Approx. 4 x 1100 litre bins (refuse and recycling) for 10 dwellings.</p> <p>The comments were updated on 20 October 2021 following the re-consultation with the added note ‘Regarding the large bin store - please consider large communal bins rather than individual bins. This will help with collections and less bins to move’.</p>	
<p>Environmental Health (Pollution)</p>	<p>‘The Environmental Health Department has no objection to the proposed development subject to the conditions set out below being applied to any permission granted’. (dated 8 October 2021)</p> <p>The suggested conditions include: -</p> <ul style="list-style-type: none"> • confirming the noise mitigation measures consistent with those presented within the approved noise impact assessment; • requiring details, as well as a phased risk assessment and appropriate remediation 	

	<p>proposals if contamination or evidence of likely contamination not previously identified is found during development;</p> <ul style="list-style-type: none"> • the control of visible dust emissions beyond the site boundary associated with construction/demolition works; • the confirmation that waste material associated with the demolition or construction shall not be burnt on site; • that The best practicable means reduce noise and vibration from the site are employed at all times during construction; • confirming the times permitted for construction & demolition works; • details concerning the identification of Asbestos; and • confirmation of measures to control amplified music and/or radios during construction/demolition. <p>Following these comments, the applicant has provided an Asbestos Refurbishment / Demolition Report. It was also confirmed that the recommendations of this report have been implemented, and asbestos removed to avoid health risks. This report was send to the Environmental Health officer and it was agreed in the email dated 26 October 2021 that the details would avoid the need to add the relevant condition.</p>	
<p>Severn Trent Water Ltd</p>	<p>The comments dated 02 August 2021 suggest the inclusion of a condition being attached to any grant of planning permission requiring the submission and approval of a scheme for the disposal of surface water and foul sewage. The comments reference the Planning Practice Guidance and section H of the Building Regulations 2010 regarding the surface water disposal hierarchy.</p> <p>A suggested informative has also been included advising the applicant to contact Severn Trent Water to discuss the proposal, concerning sewers that have been recently adopted and to assist in obtaining a solution which protects both the public sewer and the building.</p> <p>The above comments were also reflected in the updated comments received on 22 October 2021.</p>	

<p>Lead Local Flood Authority (LLFA)</p>	<p>The initial comments dated 09 September 2021 confirmed that the LLFA recommends a holding objection due to a lack of necessary information provided in the original submission. It states ‘These details are required at the early planning stage to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage’.</p> <p>In the updated comments dated 06 December 2021, the Flood Risk Management officer confirmed that they were still unable to provide an informed comment until the applicant has provided further information. The comments requested additional information concerning greenfield runoff rate calculations, flow controls proposed and evidence that Severn Trent Water has authorised the 2 connections into the surface water sewers and agreed discharge rates.</p> <p>Following discussions between the Flood Risk Management officer and the applicant, final comments were provided dated 25 January 2022 and 31 January 2022 to confirm that the LLFA has no objection subject to conditions being attached to any grant of planning permission. The conditions concerned: -</p> <ul style="list-style-type: none"> • a detailed design and associated management and maintenance plan of the surface water drainage for the site; • a detailed assessment to demonstrate that the proposed destination for surface water accords with the drainage hierarchy; • details indicating how additional surface water run-off from the site will be avoided during the construction phase; and • a verification report to demonstrate that the drainage system has been constructed as per the agreed scheme; <p>A number of advisory/informative notes have also been recommended SuDS schemes and their future maintenance, the applicant’s responsibilities concerning watercourses and additional information relating to the requested conditions.</p>	
<p>Derbyshire</p>	<p>‘As enhancement for breeding birds, WDEC</p>	

<p>Swift Conservation Project</p>	<p>Environmental has recommended: “species-specific bird nest boxes, being incorporated into and on any new building/s”.</p> <p>We have 3 observations regarding these recommendations:</p> <ul style="list-style-type: none"> - integrated nest sites should always be the default when specifying nest sites; they are less subject to temperature variation, removal or vandalism and are far more durable and aesthetically pleasing than exterior mounted nest boxes. - current advice on the density of nest bricks is to install 1 nest brick per dwelling* - the birds most likely to use such nest sites are the rapidly declining and red listed house sparrow, starling, swift and house martin. All 4 of these urban species readily utilise swift bricks and these can be considered a “universal” nest site, so not restricting the enhancement to one species only. <p>Hence, we request that a condition is imposed to ensure this development is built with up to 14 internal nest bricks designed for Swifts as a universal biodiversity enhancement for urban bird species’ (dated 23 December 2021)</p>	
<p>Conservation Officer</p>	<p>The following comments were provided on 09 August 2021 based on the original submission. Unfortunately, it was not possible to seek additional comments on the updated scheme.</p> <p>‘The property is within the Buxton Conservation Area and regarded as a non-designated heritage asset. It is in close proximity to several Listed Buildings: Nos. 1 & 3 College Road, The Bath House on Macclesfield Road and 1-6 Bath Road, and there are clear site-lines though to Pavilion Gardens (Grade II* Registered Park and Garden). The Buxton Character Appraisal notes that Alison Park Hotel (APH) was built on a prominent corner of College Road and Temple Road on a raised platform, and the main elevation overlooking Pavilion Gardens in the distance was designed as a focal point. It shares design characteristics with Nos.1 & 3 College Road and others along College Road, built at the same period. They were built in the Arts and Crafts Style, making bold design statements, set</p>	

	<p>in spacious gardens with thickly planted boundaries. APH is identified in the character appraisal as being an important architect-designed building with other buildings of similar styling and status in the immediate area. Although APH has witnessed some minor unsympathetic alterations to some elevations, including piecemeal dormers, window alterations and small additions, its over-riding design quality, architectural intent and presence on the street is maintained. Its set back from the road, elevated position and green, open frontage adds greatly to the feeling of spaciousness around this road junction. The impact of the sweeping front garden and how it connected with the gardens of adjoining properties and Pavilion Gardens can be seen in the 1927 ariel photo in the Heritage Statement.</p> <p>Key features of the building include the Arts and Crafts detailing including the corner stone towers, the repetition of the half-timbered gables (some jettied out at the first floor), the stone mullions, leaded lights, oriel windows and chimneys. The building is designed to face each road as well as addressing the corner.</p> <p>The Heritage Statement notes that APH was designed by W. R. Bryden (along with The Towers, College Road) and built in 1904. It notes that the building displays some important architectural elements, including its asymmetric plan form, its Tudor-style timber detailing, jettied windows, ashlar dressings and mock towers. It confirms that its significance is in the preservation of its original fabric, its Arts and Crafts/Tudor Revival architectural detailing and its historic value as a hotel. It comments, however, that its overall significance has been severely eroded by modern alterations and additions on all of its elevations and deterioration in its fabric has also reduced significance.</p> <p>It notes that the grounds have become overgrown and unkempt but the building and those in the area retain the historic character of the area.</p> <p>It should be noted that the Heritage Statement incorrectly identifies the Listed Bath House which</p>	
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	<p>is actually the 18th century house on Macclesfield Road, towards Pavilion Gardens.</p> <p>Assessment of Significance</p> <p>The Heritage Statement is useful in understanding the site and its significance, it clearly highlights the fact that this architect-designed building remains a landmark in the Conservation Area and has a group value with other buildings of the same age and character in the area. The Arts and Craft, Tudor inspired architecture and its characteristic setting in spacious, landscaped grounds all add to the building's significance. I consider that the Heritage Statement underplays the grandeur of the building, failing to include key views (such as from College Road and from the frontage), no analysis of key features of the building or historic photos. There is no detailed assessment of the number of external modern alterations and I would not agree that the significance of the building has been severely eroded by modern alterations and additions. An assessment of these elevations show that the three elevations have only received two, small lean-to extensions to create bay windows and an unsightly dormer window facing Temple Road. In addition there are a scatter of UPVC windows, but the majority of windows to the main elevations are historic. All of these alterations are easily reversible and the survival rate of the buildings features and preservation of its garden setting is high. The Heritage Statement fails to mention the raising of the height of historic gables and ridges and the impact this will have on significance.</p> <p>Proposal</p> <p>The application seeks radical change both in raising the height of key parts of the building, increasing its footprint and introducing prominent new elements to key elevations. It also seeks to introduce car parking across the majority of the landscaped grounds. The proposal totally fails to work with the historic and architectural significance of the building and its setting. Particularly harmful elements include:</p> <ul style="list-style-type: none"> • The extension facing College Road which 	
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	<p>will not be a visually subordinate addition and will harm one of the key historic views of the building with its four half-timbered gables</p> <ul style="list-style-type: none"> • Raising the height of three half-timbered gables and interfering with their architectural detailing • The dominant dormer window facing Temple Road which jars with the building's architecture • The proposed balconies to the front elevation and altering the historic dormer • Introducing a dormer above one of the corner towers • The proliferation of rooflights • Porches which visually disrupt the historic legibility of the building and its historic access points. • Creating a basement apartment and excavating the ground on the NE elevation which will be a discordant feature • The extent of car parking and hardstanding in place of the landscaped garden setting <p>The Heritage Statement has highlighted the importance of the survival of historic fabric and its architectural detailing but the proposal sets out to erode this, creating a building of similar form and scale throughout, interfering with historic details and introducing new, prominent elements which will detract from the historic architecture. It represents less than substantial harm to the character and appearance of the Conservation Area and setting of the nearby Listed Buildings.</p> <p>This constitutes a substantial planning objection and I would suggest substantial revision or withdrawal.</p>	
<p>Arboricultural Officer</p>	<p>'The proposals impact on several mature trees to be retained within the curtilage of the property .</p> <p>All these trees are protected by virtue of being within the Conservation area. A combination of existing hard surfacing and or ground level being retained such that a three dimension geogrid construction can be used to support hard</p>	

	<p>surfacing and limit damage to the root system</p> <p>Subject to these proposed works being undertaken to BS5837:2021 and a suitable method statement being submitted and supervised and implemented in full there is no overriding arboricultural objection to the proposals</p> <p>However the property and its setting is prominent within the Conservation area at the junction of Temple Road and College Road. It was clearly designed as a focal point. The property was deliberately set within spacious gardens with thickly planted boundaries of hedging such as beech. The proposals do not respect the historic landscape setting of this property or its prominent location. A number of trees and hedges were removed prior to the application being submitted the landscaping should also aim to redress the loss of these trees as well.</p> <p>The proposals consist of very unsympathetically designed car parking. I consider that the landscaping and parking element of the proposals need to be carefully considered to ensure that the original character of this corner plot is respected and that there is sustainable planting of trees, shrubs and hedges designed such that they limit the visual impact of the parking and respect the original arts and crafts garden design.</p> <p>This will require a redesign of the layout of the parking and a reduction in the area of hard surfacing were possible' (dated 15 December 2021)</p>	
<p>HPBC Parks Team</p>	<p>Obviously with it being a small development we wouldn't be requesting any on-site open space or recreational provision so would be seeking off site contributions.</p> <p>Whist the current SPD is hopefully being updated, we are using 11 units as the threshold for contributions (which is what I think will be included in the new SPD), so with this being 14 we would be seeking the following:-</p> <ul style="list-style-type: none"> - Play towards the Pavilion Gardens - £192 x 14 = £2,688 	

	<ul style="list-style-type: none"> - Parks and Gardens towards the Pavilion Gardens - £571 x 14 = £7,994 - Outdoor sports to within a 2km radius of the development site - £489.40 x 14 = £6,851.60 	
<p>Strategic Housing</p>	<p>‘From an affordable housing perspective I have the following comments:</p> <ul style="list-style-type: none"> • Local Plan policy H4 requires a 20% affordable housing contribution on sites 5-24 units (amended to 10 units, following guidance in the Ministerial Statement). • The vacant structure on site, formally the Alison Park Hotel ceased trading on 1/06/20. • Through the PPG, the government has introduced the Vacant Building credit, which provides an incentive for brownfield development on sites containing vacant buildings. The guidance states para 28, that the credit applies to where the building has not been abandoned. In deciding whether a use has been abandoned, account should be taken of all off relevant circumstances such as: <ul style="list-style-type: none"> • Condition of the property • The period of non-use • Whether there is an intervening use: and • Any evidence regarding the owners intention. • In considering how the vacant building credit should apply to a particular development the council should consider: <ul style="list-style-type: none"> • Whether the building has been made vacant for the sole purpose of redevelopment • Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development. • It’s for you to judge if you feel the building meets the PPG criteria. My view is that the building hasn’t been vacant for long and as mentioned by colleagues from Economic Development no evidence of lack of demand for business use has been submitted. 	

	<ul style="list-style-type: none"> • If you were minded to implement the VBC, then a 'credit' would be applied which is equivalent of the gross floorspace of any relevant vacant building being bought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. If based on the evidence you felt the case for VBC hadn't been met, we would seek to secure a contribution in line with policy H4'. <p>(dated 02 September 2021)</p> <p>In further updates, it was confirmed that Strategic Housing would be looking to secure an off-site contribution in this instance, as the provision of 3 units on site would be complicated given the shared access to the apartments and shared communal gardens.</p>	
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8. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE

Principle of Development

- 8.1 The proposal is for the conversion and alterations (including demolition of existing extensions and garage) to the former Alison Park Hotel building, to form 10 apartments, 2 town houses, and 3 cottages, along with changes to access, new parking, landscaping and associated works.
- 8.2 Policy S 1 'Sustainable Development Principles' states that 'The Borough Council will expect that all new development makes a positive contribution towards the sustainability of communities and to protecting, and where possible enhancing, the environment; and mitigating the process of climate change, within the Plan Area. This will be achieved by:
- Making effective use of land (including the remediation of contaminated land and reuse of brownfield land), buildings and existing infrastructure;
 - Making efficient use of land by ensuring that the density of proposals is appropriate (and informed by the surrounding built environment);
 - Taking account of the distinct Peak District character, landscape, townscape, roles and setting of different areas and settlements in the High Peak;
 - Protecting and enhancing the natural and historic environment of the High Peak and its surrounding areas including the Peak District National Park;
 - Providing for a mix of types and tenures of quality homes to meet the needs and aspirations of existing and future residents in sustainable locations;
 - Minimising the need to travel by promoting development in locations where there is access to a broad range of jobs, services and facilities which are

accessible by foot, cycle or public transport with minimal reliance on the private car;

- Requiring that all new development addresses flood risk mitigation/adaptation, ensuring for example that sustainable drainage systems are considered at the outset within proposals (and to comply with legislative requirements);
- Seeking to secure high quality, locally distinctive and inclusive design in all development that can be accessed and used by everyone including disabled people;
- Seeking to secure developments provide a high standard of amenity for all existing and future occupants of land and buildings, ensuring communities have a healthy, safe and attractive living and working environment and the risks from potential hazards are minimised

8.3 In all cases development should not conflict with the relevant policies in this Local Plan. Development should be designed to be sustainable; seek to enhance the environment; have regard to both its direct and indirect cumulative impact over the longer term; and should provide any necessary mitigating or compensatory measures to address harmful implications’.

8.4 Policy S 1a ‘Presumption in Favour of Sustainable Development’ states that ‘When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area’.

8.5 Policy S 2 ‘Settlement Hierarchy’ states that ‘Development will be directed towards the most sustainable locations in accordance with the following settlement hierarchy’. The hierarchy lists Market Towns at the top, of which Buxton is the first one listed; it continues by stating that these towns ‘will be the main focus for housing, employment and service growth, consistent with maintaining and where possible enhancing their role, distinctive character vitality and appearance’.

8.6 Policy S 7 ‘Buxton Sub-area Strategy’ states that 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 ...Protecting and enhancing the historic environment [and] Continuing to support regeneration projects that protect and enhance the town's spa heritage and historic character...
2. Providing for the housing needs of the community by planning for sustainable housing and mixed-use developments by Supporting the development of new housing on sustainable sites within the built up area boundary primarily in Buxton’.

- 8.7 The policy continues by stating that it will also aim to achieve the goals set by 'Protecting the quality and supply of natural mineral water. Development, including proposals for Sustainable Drainage Systems (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'.
- 8.8 In terms of the loss of the hotel use, Policy E 6 'Promoting Peak District Tourism and Culture' states that 'The Borough Council will support the development of Peak District tourism and culture. This will be achieved by...Retaining and enhancing existing serviced accommodation and supporting the provision of new serviced accommodation in towns and villages in order to encourage overnight visitor stays'.
- 8.9 Whilst the economic development team provided initial comments citing Policy E4 'Change of Use of Existing Business Land and Premises', they later updated their comments, stating that 'The proposed loss of serviced accommodation is in direct opposition to policy E 6...'. The comments continue by stating that object '...until such time as the applicant can show that they have approached the market and there is no commercial interest in taking over the site and operating it as a hotel'.
- 8.10 Policy E6 does not emphasise the need to demonstrate poor suitability or commercially viability for a serviced accommodation via marketing evidence in the same way that it does for Policy E4. Whilst the policy does aim to retain and enhance existing serviced accommodation, this is carried out with less of a strict test and more of a balanced decision, based on the merits of the application.
- 8.11 The information provided by the Economic Development team relates the benefits of visitors staying overnight in the borough/town, which are significant, and they also describe the potential occupancy per year; however, they don't necessarily reflect the actual accommodation provided, which in specific instances appears to be poor quality. The applicant has stated that the overall condition of the building is poor and that the property, along with the grounds, now appear visibly run down and badly in need of attention and new investment. It is obvious at the time of visiting site that there have been various unsympathetic changes and additions over the years; including removal of the majority of the original leaded windows, addition of porches, a conservatory, various alterations to the roof.
- 8.12 In terms of the creation of new residential accommodation on the site, Policy H 1 'Location of Housing Development' states that 'The Council will ensure provision is made for housing taking into account all other policies in this Local Plan by...Promoting the effective reuse of land by encouraging housing development including redevelopment, infill, conversion of existing dwellings and the change of use of existing buildings to housing, on all sites suitable for that purpose'
- 8.13 Policy H 3 'New Housing Development' states that 'The Council will require all new residential development to address the housing needs of local people by: a) Meeting the requirements for affordable housing within the overall provision of

new residential development as set out in Policy H4...c) Providing a mix of housing that contributes positively to the promotion of a sustainable and inclusive community taking into account the characteristics of the existing housing stock in the surrounding locality, [and] e) Supporting dwellings designed to provide flexible accommodation which is capable of future adaptation by seeking to achieve adequate internal space for the intended number of occupants in accordance with the Nationally Described Space Standard and delivered to meet accessibility standards set out in the Optional Requirement M4(2) of Part M of the Building Regulations’.

- 8.14 ‘Where the provision of affordable houses proposed is below the requirements set out above, the Council will require applicants to provide evidence by way of a financial appraisal to justify a reduced provision. Affordable housing provision should normally be provided within the development site itself and in perpetuity. In exceptional cases, the Council may allow provision off-site or a financial contribution of broadly equivalent value’.
- 8.15 The proposal will make effective reuse of land by changing of use of an existing building and redeveloping a site within an existing residential area to create additional housing, and in this case, based on the location and the overall size of the site, it is considered suitable for that purpose. The proposed development will make efficient use of a vacant building, and in a location (Buxton) that is expected to play an important role in meeting the growth needs of the Borough.
- 8.16 In this case the nature and mix of the properties proposed are considered to contribute positively to the promotion of a sustainable and inclusive community, which is described in the Council’s latest Strategic Housing Market Assessment and Housing Need Report dated April 2014 (SHMA), which identifies a need for flats/apartments and promotes the provision of 2 bed accommodation. Details of the affordable housing have been addressed in the appropriate sections below.
- 8.17 In terms of the provision of the new dwellings/apartments, the Council has published its Five Year Housing Land Supply Update which indicates that the Council cannot currently demonstrate a 5 year supply of housing. Paragraph 11 of the NPPF states that ‘Plans and decisions should apply a presumption in favour of sustainable development’ noting that for decision-taking this means: d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (i.e. where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), granting permission unless: ...i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed’, which includes designated heritage assets. This considered in further detail below
- 8.18 The principal is acceptable, subject to the considerations below, and in particular those relating to heritage assets.

Design & Heritage

- 8.19 Policy EQ 6 'Design and Place Making' states that 'All development should be well designed and of a high quality that responds positively to both its environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place'. This policy continues 'Requiring development to be well designed to respect the character, identity and context of High Peak's townscapes and landscapes' and 'Requiring that development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features'.
- 8.20 Policy EQ 7 'Built and Historic Environment', states that 'The Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment in accordance with sub area strategies S5, S6 and S7. Particular protection will be given to designated and non-designated heritage assets and their settings including: ...Conservation Areas'
- 8.21 It continues 'This will be achieved by: ...Requiring 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'.
- 8.22 It also states that 'This will be achieved by: ...Preventing the loss of buildings and features which make a positive contribution to the character or heritage of an area through preservation or appropriate reuse and sensitive development, including enabling development, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or other relevant provisions of the NPPF apply.
- 8.23 The property is within the Buxton Conservation Area and regarded as a non-designated heritage asset. It is in close proximity to several Listed Buildings: Nos. 1 & 3 College Road, The Bath House on Macclesfield Road and 1-6 Bath Road, and there are clear site-lines though to Pavilion Gardens (Grade II* Registered Park and Garden).
- 8.24 The Buxton Character Appraisal notes that Alison Park Hotel was designed by W. R. Bryden in 1904 along with No.2 College Road. It states that 'The Alison Park Hotel, built on the prominent corner of College Road and Temple Road was set upon a raised platform and this main elevation, overlooking Pavilion Gardens in the distance, was designed as a focal point. It shares design characteristics with Nos. 1 & 3 College Road, which was built at the same time as the other, more conservative, properties on College Road'.
- 8.25 The Character appraisal notes that 'Although only Nos. 1 & 3 College Road are listed, there are still a number of important individual, architect-designed buildings; Temple Court, 12, 14, 26 & 30, 3 (Alison Park Hotel) & 2 College Road, 11, 25 & 27 & 29'. The application site is identified as being an important

architect-designed building with other buildings of similar styling and status in the immediate area.

- 8.26 It is noted by the Conservation Officer that although the application property has witnessed some minor unsympathetic alterations to some elevations, including piecemeal dormers, window alterations and small additions, its over-riding design quality, architectural intent and presence on the street is maintained. Its set back from the road, elevated position and green, open frontage adds greatly to the feeling of spaciousness around this road junction. The impact of the sweeping front garden and how it connected with the gardens of adjoining properties and Pavilion Gardens can be seen in the 1927 ariel photo in the Heritage Statement.
- 8.27 The application seeks consent for the conversion, alterations and extensions of the existing hotel/residential building to form 9 new, two bedroom and 1 one bedroom apartments, siting 3 two bedroom cottages to the 'rear' of the property adjacent to the southern boundary and 1 three bedroom and 1 four bedroom townhouse. The proposal includes the three storey extension to south elevation in the south east corner of the site, adjacent to the boundary with No.4 Collage Road, and a circulation core positioned centrally to all apartments to the rear of the building, as well as various alterations to the external elevations.
- 8.28 The High Peak Borough Council Design Guide SPD, chapter 5, paragraph 5.5 states that 'All extensions should harmonise with the parent building. An extension should respect the dominance of the original building and be subordinate to it in terms of its size and massing. Setting back the new section from the building line and keeping the eaves and ridge lower than the parent building will normally help'. Paragraph 5.6 states that 'In some circumstances it may be acceptable to consider extensions which do not emulate the style of the original building. A more contemporary approach to an extension in terms of style and materials, will provide a more honest recognition of the building's evolution and retain its historic integrity. These need to be handled carefully and must respond to the scale and character of the host building'.
- 8.29 Paragraph 5.8 states that 'Irrespective of size, however, all buildings can reach a threshold point beyond which further extension is just not possible without destroying their character'.
- 8.30 The Conservation Officer reviewed the original submission, after which the applicant was given the opportunity to amend the scheme. It was not agreed that the significance of the building has been severely eroded by modern alterations and additions.
- 8.31 The Conservation Officer in assessing the existing property concluded that, the three main facing elevations have only received two, small lean-to extensions to create bay windows and an unsightly dormer window facing Temple Road. In addition there are a scatter of UPVC windows, but the majority of windows to the main elevations are historic. All of these alterations are easily reversible and the survival rate of the buildings features and preservation of its garden setting is high.

8.32 Unfortunately, it was not possible to seek additional comments on the updated scheme; however, despite amendment, the application still seeks radical change both in raising the height of key parts of the building, increasing its footprint and introducing prominent new elements to key elevations. It also seeks to introduce car parking across the majority of the landscaped grounds. The Conservation Officer listed the particularly harmful elements of the original submission. Following amendment the following elements do not appear to have been addressed: -

- Despite the amendment to continue the existing roofline, the extension facing College Road will not be a visually subordinate addition and will harm one of the key historic views of the building with its four half-timbered gables;
- Raising the height of three half-timbered gables and interfering with their architectural detailing;
- The dominant dormer window facing Temple Road which jars with the building's architecture;
- Whilst the proposed first floor balconies were removed from the north elevation the upper ground floor will feature a new covered balcony below, which due to the excavated ground to create a lower ground floor terrace, will appear to sit at higher level;
- Creating a basement apartment and excavating the ground on the NE elevation which will be a discordant feature
- The replacement of the dormer on the north elevation with a taller dormer with a vertical emphasis;
- Introducing a dormer above one of the corner towers;
- The extent of car parking and hardstanding in place of the landscaped garden setting

8.33 The Conservation officer continues by stating that 'The Heritage Statement has highlighted the importance of the survival of historic fabric and its architectural detailing but the proposal sets out to erode this, creating a building of similar form and scale throughout, interfering with historic details and introducing new, prominent elements which will detract from the historic architecture. It represents less than substantial harm to the character and appearance of the Conservation Area and setting of the nearby Listed Buildings'.

8.34 In addition to the comments from the Conservation Officer, the Arboricultural Officer has provided comments to the amended scheme. They note that the proposals impact on several mature trees to be retained within the curtilage of the property, which are protected by virtue of being within the Conservation Area. Whilst there was no overriding arboricultural objection to the technical information provided, subject to these proposed works being undertaken to BS5837:2021 and a suitable method statement being submitted and supervised and implemented in full, the Officer expressed concerns regarding the property and its setting is prominent within the Conservation area at the junction of Temple Road and College Road.

8.35 They stated that 'It was clearly designed as a focal point. The property was deliberately set within spacious gardens with thickly planted boundaries of

hedging such as beech. The proposals do not respect the historic landscape setting of this property or its prominent location. A number of trees and hedges were removed prior to the application being submitted the landscaping should also aim to redress the loss of these trees as well. The proposals consist of very unsympathetically designed car parking. I consider that the landscaping and parking element of the proposals need to be carefully considered to ensure that the original character of this corner plot is respected and that there is sustainable planting of trees, shrubs and hedges designed such that they limit the visual impact of the parking and respect the original arts and crafts garden design’.

- 8.36 Therefore, in line with the professional advice given by the Council’s Conservation Officer and Arboricultural Officer, the current proposal is considered to be inappropriate within the historic context of the building, harming its individual character and appearance and that of the surrounding area, and it is considered not preserve or enhance the character of the Conservation Area. This proposal will in fact cause less than substantial harm to the historic asset.
- 8.37 As set out in paragraph 202 of the NPPF where development would cause less than substantial harm, this harm should be weight against the public benefits of the proposal. Paragraph 203 states that ‘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’. In defining the term public benefits Paragraph: 020, Reference ID: 18a-020-20190723 of the Planning practice guidance ‘Historic environment - Advises on enhancing and conserving the historic environment’ states that ‘Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). 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’.
- 8.38 In this instance the public benefits are likely to be the retention of the existing non-designated heritage asset and its future preservation, the benefits that this would have on the wider Conservation Area and the setting of the adjacent Listed Buildings, and the creation of additional housing at a time of housing under supply.
- 8.39 However, the applicant has stated that the hotel officially closed for business in June 2020, but had been vacant for some months before this due to Covid-19 restrictions. Whilst the property may be tired and in need of investment, the description appears to confirm that it operated as a hotel until the pandemic required the closure of all tourist accommodation. In correspondence provided by the applicant’s agent, the agent responsible for the sale of the hotel state that they were initially invited to view and value the property on 26th April 2018. This correspondence states ‘During my discussions with the vendors, they informed me that they did not wish the property to appear on any property portals or indeed to be generally marketed in the normal way, i.e. brochures, For Sale

boards etc, due to the fact that The Alison Park Hotel was a going concern'. The agents also confirmed that they had no developer contacts in the hotel industry.

- 8.40 It is therefore considered that the reason that the building became vacant was the social restrictions placed on the country as a whole and with the aid provided by the government it is reasonable to assume that the hotel business could have resumed following the lifting of restrictions, as may other similar businesses did.
- 8.41 Whilst the Council cannot demonstrate a 5 year supply of housing and the proposal provides mix of the properties in line with the Council's Strategic Housing Market Assessment and Housing Need Report (SHMA), this is considered not to tilt the planning balance so as to outweigh the harm of the proposed external alterations and the impact that these have on the character and appearance of the non-designated heritage, the wider character of the area and Conservation Area and the setting of the adjacent Listed Buildings.
- 8.42 The proposal will fail to preserve or enhance the character of the Conservation Area and will in fact cause less than substantial harm to it without providing sufficient benefit to the public at large, enough to tilt the planning balance favour of the proposal. It is considered that the proposal will have a significant, harmful impact on the character and appearance of the property, a non-designated heritage asset and the surrounding area. The development is therefore considered to be contrary to Policies S1, EQ6, and EQ 7, of the High Peak Local Plan, the guidance contained within the Residential Design SPD, High Peak Design Guide, and Sections 12 and 16 of the National Planning Policy Framework.

Amenity

- 8.43 Policy EQ 6 'Design and Place Making' requires that '...development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 8.44 The property sits on the corner of the two adjoining highways Temple Road to the North and West and College Road to the East. The application site shares a boundary with two residential properties, No.5 Temple Road to the southwest and No.4 College Road to the south east. It was noted that the properties at No.5 Temple Road and No.4 College Road both sit at a higher ground level to the application site with the ground floor level of the property at No.5 Temple Road being at the approx. level of the roof of the existing extension to the rear (south) of the main application building. The ground level of No.4 College Road appears to be approx. 1.5m above that of the application building.
- 8.45 The Council's Residential Design SPD, paragraph 9.2 states that 'Domestic extensions should be of a scale and be designed and positioned to avoid undue harm to the amenity of neighbouring properties. They must have regard to the orientation of adjacent homes, the number and position of windows and land levels'.

- 8.46 Paragraph 8.6.1 states that 'As a guide a distance of 21 metres between habitable room windows of adjacent properties will provide an acceptable level of amenity. Where changes in levels on site are evident or where taller buildings are present, these distances should increase by 1 metre for every 0.5 metre difference in height between the smaller to the taller building' and paragraph 8.8 states that 'The layout and format of windows will be important in establishing views, overlooking and privacy. Where buildings are located closer than 21 metres, the layout of windows and doors should avoid creating direct views from properties'.
- 8.47 In this instance there is an existing relationship between the application building and the two adjacent neighbouring properties, with the first and second floor elements at the 'rear' being approx. 19m to the closest boundary with No.4 Collage Road and the side element of the Temple Road elevation being approx. 15m from the closest boundary with No.5 Temple Road. Although there is development in the form of the glazed circulation space and a new dormer on these aspects, neither of these are considered to significantly alter that relationship.
- 8.48 The fundamental aspects that create the potential for additional impacts, particularly in terms of overlooking, to these two neighbouring properties is considered to be the extension to the south east elevation to create the additional townhouse, and the proposed dormer cottages to the south of the application site.
- 8.49 In this instance, the neither the proposed townhouse nor the end cottage includes windows to the side (south) elevations. Each are however orientated so that the rear elevations to face the rear elevations of the neighbouring properties with the cottages facing No.4 Collage Road and the townhouse facing No.5 Temple Road; the distances between these elevations are approx. 24m and 32m respectively. Therefore impact therefore in terms of overlooking is considered unlikely to be significant.
- 8.50 The location of these two closest neighbouring properties to the south of the applications site means that they are unlikely to have any impact in terms of overshadowing and the separation distances noted above, as well as the ground level differences between the sites and the lack of any main windows serving habitable room, on the side elevations of these properties means that any impact in terms of overbearing are considered unlikely to be significant.
- 8.51 The orientation of the proposed extensions and new buildings on the application site does create the potential for overlooking between the proposed properties with the windows of the townhouses overlooking, down over the cottages at a distance of approx. 15m and a potential overshadowing and overbearing impact on the bedrooms of the new ground floor apartment No.2 from the adjacent cottages. Whilst this relationship is not ideal, the proposed accommodation will be open market dwellings and therefore subject to "Caveat Emptor".

8.53 The proposal is therefore considered unlikely to have a significant, harmful impact on the amenity of the neighbouring properties. The development is therefore considered to be in accordance with Policies S1, and EQ6, the guidance contained within the Residential Design SPD, High Peak Design Guide, and Section 12 of the National Planning Policy Framework.

Highway Safety, Parking and Access

8.53 Policy EQ 6 'Design and Place Making' requires that '...developments are easy to move through and around, incorporating well integrated car parking, pedestrian routes and, where appropriate, cycle routes and facilities'. Policy CF 6 'Accessibility and Transport' states that development should not 'lead to an increase in on street parking to the detriment of the free and safe flow of traffic'.

8.54 The Derbyshire County Council Highways team have reviewed the submitted details and have confirmed that 'The proposed retention/amendments/closure in respect of accesses is considered acceptable' and 'The level of off-street parking is acceptable subject to the correct number of spaces being in the relevant areas to accommodate what the parking area is serving'. Subject to the above, no objections are raised to the proposal and it is recommended that the advised conditions are included in any consent.

8.55 Therefore the proposal is considered to comply with local plan policy CF6 in this regard.

Trees

8.56 Policy EQ 6 'Design and Place Making' requires that '...public and private spaces are well-designed, safe, attractive, complement the built form and provide for the retention of significant landscape features such as mature trees'.

8.57 Policy EQ 9 'Trees, woodland and hedgerows' states that 'The Council will protect existing trees, woodlands and hedgerows, in particular, ancient woodland, veteran trees and ancient or species-rich hedgerows from loss or deterioration'. In doing so, the policy requires that '...existing woodlands, healthy, mature trees and hedgerows are retained and integrated within a proposed development unless the need for, and benefits of, the development clearly outweigh their loss'.

8.58 The site has a number of mature trees around the site, located along the street and on the site western boundary along Temple Road. The boundary treatment comprises of early to semimature Beech, Privet and Lilac hedgerows to the East and West boundaries and timber fencing to the Northern boundary. The applicant has provided details in the arboricultural survey and constraints report.

8.59 The Councils Arboricultural Officer has reviewed these submitted details and states that 'A combination of existing hard surfacing and or ground level being retained such that a three dimension geogrid construction can be used to support hard surfacing and limit damage to the root system'

8.60 'Subject to these proposed works being undertaken to BS5837:2021 and a suitable method statement being submitted and supervised and implemented in full there is no overriding arboricultural objection to the proposals'. They did however raise concern regarding the character of the site, the surrounding area and the Conservation Area, which have been dealt with in the design and heritage section above.

Biodiversity

8.61 Policy EQ 5 'Biodiversity', states that 'The biodiversity and geological resources of the Plan Area and its surroundings will be conserved and where possible enhanced by ensuring that development proposals will not result in significant harm to biodiversity or geodiversity interests'.

8.62 The applicant has submitted a Bat Roost Appraisal Survey Report which found that there was no evidence of bats (of any species) was discovered anywhere within the building and that there was no evidence of a barn owl discovered anywhere within the building. The report did however conclude that additional surveys would be required in this instance due to the high potential for bats for a building of this age and type.

8.63 A further report of the Preliminary Bat Roost Assessment and Bat Activity Surveys was provided which concluded that no bats were observed emerging or re-entering the building with the only activity taking place outside the site, particularly focused on Collage Road. The report included some recommendations that should be carried out for all future works on the site and could be included on any scheme granted on the site.

8.64 The Derbyshire Swift Conservation Project commented on the application, noting the enhancement for breeding birds, recommending "species-specific bird nest boxes, being incorporated into and on any new building/s". they have provided observations regarding these recommendations concerning integrated nest sites, density of nest bricks and utilising 'swift bricks' as they can be considered a "universal" nest site, so not restricting the enhancement to one species only. They recommend that a condition be added to ensure compliance with the recommendations.

8.65 Subject to these conditions the proposal is considered to comply with local plan policy EQ5 in this regard.

Drainage

8.66 Policy EQ 11 '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 a sustainable pattern of development. When considering planning applications the Council will also have regard to all relevant Catchment Flood Management Plans and the Local Flood Risk Management Strategy'. It continues 'Management of flood risk will be achieved by:

- Development proposals should consider opportunities to contribute towards the objectives of the relevant Catchment Flood Management Plan. Wherever possible, development should promote the reduction of flood risk by...limiting of surface water runoff to Greenfield rates via the use of sustainable drainage techniques.
- Wherever possible SuDS will be expected to contribute towards wider sustainability considerations, including amenity, recreation, conservation of biodiversity and landscape character, making use of the role that trees, woodland and other green infrastructure can play in flood alleviation and water quality control.

8.67 The applicant has been in discussions with the Lead Local Flood Authority (LLFA) and following the submission of additional information the LLFA have confirmed that they have no objection subject to conditions being attached to any grant of planning permission.

8.68 Severn Trent Water Ltd have suggest the inclusion of a condition being attached to any grant of planning permission requiring the submission and approval of a scheme for the disposal of surface water and foul sewage.

8.69 On this basis the proposal is considered to comply with local plan policy EQ11 of the local plan.

Planning Obligations

8.70 Policy H 4 'Affordable Housing' states that 'The Council will seek to maximise the delivery of affordable housing across the plan area by working in partnership with the Homes and Community Agency, Registered Providers, Developers and Local Communities'. This policy continues 'In order to address the need for affordable housing, residential developments should seek to achieve the following proportions of residential units as affordable housing...20% affordable housing on sites of 5-24 units (0.16ha or larger)'.

8.71 The applicant has drawn attention to paragraph 64 of the NPPF states that to 'support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution should be reduced by a proportionate amount'. The reduction is known as a vacant building credit (VBC), and is intended by the government as incentive for developers to bring forward brownfield sites with vacant buildings.

8.72 The National Planning Practice Guidance (PPG) Paragraph: 027 Reference ID: 23b-027-20190315, provides further details of how VBC works in practice. It states "Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable

housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided’.

- 8.73 Paragraph: 028 Reference ID: 23b-028-20190315 states that ‘The vacant building credit applies where the building has not been abandoned. The courts have held that, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as: the condition of the property; the period of non-use; whether there is an intervening use; and any evidence regarding the owner’s intention. Each case is a matter for the collecting authority to judge’.
- 8.74 It continues ‘...In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.
- 8.75 In doing so, it may be appropriate for authorities to consider: whether the building has been made vacant for the sole purposes of re-development; and whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development’.
- 8.76 In this case the applicant’s agent has provided correspondence from the estate agents (Jon Mellor & Company) that were involved in the sale of the property. The correspondence states that the estate agents ‘were initially invited to view and value the property on 26th April 2018 and continues “During my discussions with the vendors, they informed me that they did not wish the property to appear on any property portals or indeed to be generally marketed in the normal way, i.e. brochures, For Sale boards etc, due to the fact that The Alison Park Hotel was a going concern”.
- 8.77 The estate agents were asked to act on an introduction basis only due to the their experience, and they were asked ‘to approach all and any residential developer contacts that we knew of’. They confirm that ‘The Alison Park Hotel was also in need of a substantial amount of modernisation throughout and the vendors themselves felt that it’s future lay in redevelopment rather than its current usage surrounded by residential homes’. Upon signing a sole agency agreement with the estate agents for an introduction only, the agents contacted various residential developers including The Amos Group and at that time all of their contacts were not interested.
- 8.78 The correspondence specifically states that the estate agents explained that they had no developer contacts in the hotel industry and that they and the agents both agreed that this approach was not viable and that residential developers would be the target market.
- 8.79 As above the estate agents did only low key or passive marketing via word of mouth from the office in terms of marketing, to avoid adverse impacts on the continuing business and indicate that no contact was made to any hotel business/operators.

- 8.80 In line with the National Planning Practice Guidance, the condition of the property, although tired, was serviceable for use as tourist accommodation up to the point at which they were obligated to close during the government lockdown restrictions. The period of non-use is formally as of June 2020, although restrictions were formally introduced in February 2020. It is not specified in the submission when ownership was transferred but it is noted that the current application was received on 11 June 2021 including a signed Certificate A and indicating Amos Homes (Buxton) Ltd as the applicant. There is no evidence of an intervening use, although refurbishment works began prior to the site visit on 05 August 2021. The above details taken from the correspondence that was provided by the applicant's agent appears to indicate the previous owners intention.
- 8.81 In this case, there are no extant or recently expired planning permission for the same or substantially the same development; however, from the information provided, it is clear that the building has been made vacant for the sole purposes of re-development, as the option of exploring contacts within the tourist accommodation industry were not only unavailable as the estate agent did not have any, but also as the correspondence confirms that the original owners had agreed with them that they would actively pursue contact with residential developers.
- 8.82 It is therefore considered that this does not accord with the intention of the national policy and in line with the National Planning Practice Guidance Paragraph: 028 it is considered that a vacant building credit should not be granted in this instance. In the event that a planning permission is granted, the full the affordable housing requirement under Policy H 4 should be sought.

9. PLANNING BALANCE AND CONCLUSION

- 9.1 For the reasons outlined above, the development is considered to conflict with the relevant policies contained in the High Peak Local Plan and the NPPF. As such the application is recommended for refusal.

10. RECOMMENDATIONS

A. Refusal for the following reasons: -

- 1. The proposed development, by virtue of its form, design, materials, detailing and landscaping, would fail to preserve or enhance the character of the Conservation Area and would cause less than substantial harm to it. Alterations to historic detailing of the non-designated asset such as raising the height of three half-timbered gables and creating a basement apartment and excavating the ground on the north east elevation, as well as the addition of modern features such as the visually competing extension to the south east elevation, replacement dormers and balconies with a vertical emphasis, including above one of the corner towers, are considered to unacceptably**

interfere with its historic, architectural detailing and will harm the key historic views of the building within the Buxton Collage Conservation Area. The extent of car parking and hardstanding in place of the landscaped garden setting, which is a clear focal point of the historic design, does not respect the historic landscape setting of this property or its prominent location. The public benefits of the proposal, including provision of housing when the Council cannot demonstrate a 5 year supply are considered not to outweigh the harm to the host building, as well as the character and appearance of the surrounding area, Conservation Area and the setting of the adjacent Listed Buildings, Farringford and Somersby. The development is therefore considered to be contrary to Policies S1, EQ6, and EQ7, of the High Peak Local Plan, the guidance contained within the Residential Design SPD, High Peak Design Guide, and Sections 12 and 16 of the National Planning Policy Framework.

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

Site Plan
(Not to scale)

