

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**13<sup>th</sup> February 2023**

<b>Application No:</b>	HPK/2021/0347	
<b>Location</b>	3 Temple Road Buxton SK17 9BA	
<b>Proposal</b>	Conversion, alterations and extensions to existing hotel/residential building to form a total of 10 new apartments, 3 cottages and 2 townhouses including an extension to building to create one of new townhouse, demolition of existing garage; and improvements to 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.	
<b>Applicant</b>	Amos Homes (Buxton) Ltd	
<b>Agent</b>	-	
<b>Ward/Parish</b>	Temple	Date registered 11 June 2021
<b>If you have a question about this report please contact:</b> Jane Colley jane.colley@highpeak.gov.uk 01298 28400 ext 4981		

**1. SUMMARY OF RECOMMENDATION**

<b>Approval with S106 Agreement &amp; conditions</b>
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**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 houses 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, alteration and extension of the existing hotel/residential building to form 10 no. one, two and three bedroom apartments and 2no. four bedroom town house and the siting of 3 no. two bedroom cottages to the 'rear' of the property adjacent to the southern boundary. 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 on the original submission, the applicant has submitted two sets of revised plans to amend the scheme. The key alterations were the following: -
- Removal of rear dormers;
  - Removal of a number of rooflights to front elevation;
  - Removal of porches over main entrance doors;
  - Removal of first floor balcony to apartment 6;
  - Removal of large glazing fenestration to the basement flat, and replacement with smaller glazed windows/doors
  - 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
  - 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 College Road (east) elevation will include the additional side extension to the south east side of the building which will form a second 4 bedroom town house, that will have a lower roofline than existing and a new front facing gable finished in Tudor revival style timber detailing. The original proposals to increase the height of the existing northernmost gable on the east elevation have been removed. Excavations which were proposed to be carried out to create a sunken terrace area accessed from the lower ground floor accommodation of apartment No.4 have also been removed.
- 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 with a flat 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 the kitchen dining area and the bedroom.
- 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 new dormer spanning the width between the two gables. 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 or 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 Minor alterations are being made to the existing access points on Temple Road and College Road. 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 be enclosed within a treated timber faced structures with access doors. The Primary bin sore will be located to the south west of the site with direct access for kerb side refuse collection along Temple Road.
- 4.9 Details of the application can be found at

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=248450>

## **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**

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

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 for 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
<b>Economic Development</b>	The economic development team provided initial comments, dated 19 September 2021, raising 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.

Economic development updated their comments on 14 October 2021: -

‘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.

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.

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’;

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>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><b>Derbyshire County Council Highways</b></p>	<p>Original Plans:</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"> <li>• 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;</li> <li>• the provision of vehicle wheel cleaning facilities onsite during the construction period;</li> <li>• 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;</li> <li>• the redundant vehicular accesses, to be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway;</li> <li>• the parking and turn spaces for cars and other vehicles being laid out within the site in accordance with the application drawing; and</li> </ul>



	<ul style="list-style-type: none"> <li>• no gates or other barriers being installed on the accesses to the site;</li> </ul> <p>The comments also provide suggested informatives regarding: -</p> <ul style="list-style-type: none"> <li>• prior notification being given to the highways department regarding access works within the highway;</li> <li>• the applicants responsibility concerning loose material mud or other extraneous material being carried out of the site and deposited on the public highway;</li> <li>• the applicants responsibility concerning the closure of any redundant accesses and the reinstatement of the footway within the limits of the public highway, to seek formal written Agreement of the County Council as Highway Authority;</li> <li>• providing contact details for the Traffic Management team to provide advice regarding procedures; and</li> <li>• confirmation that any necessary diversion/protection/relocation of Statutory Undertakers apparatus or street furniture will be at their expense.</li> </ul> <p>Revised Plans:</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>
<b>AES Services</b>	<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>
<b>Environmental Health (Pollution)</b>	<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</p>

	<p>October 2021)</p> <p>The suggested conditions include: -</p> <ul style="list-style-type: none"> <li>• confirming the noise mitigation measures consistent with those presented within the approved noise impact assessment;</li> <li>• requiring details, as well as a phased risk assessment and appropriate remediation proposals if contamination or evidence of likely contamination not previously identified is found during development;</li> <li>• the control of visible dust emissions beyond the site boundary associated with construction/demolition works;</li> <li>• the confirmation that waste material associated with the demolition or construction shall not be burnt on site;</li> <li>• that The best practicable means reduce noise and vibration from the site are employed at all times during construction;</li> <li>• confirming the times permitted for construction &amp; demolition works;</li> <li>• details concerning the identification of Asbestos; and</li> <li>• confirmation of measures to control amplified music and/or radios during construction/demolition.</li> </ul> <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><b>Severn Trent Water Ltd</b></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</p>

	<p>comments received on 22 October 2021.</p>
<p><b>Lead Local Flood Authority (LLFA)</b></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"> <li>-</li> <li>• a detailed design and associated management and maintenance plan of the surface water drainage for the site;</li> <li>• a detailed assessment to demonstrate that the proposed destination for surface water accords with the drainage hierarchy;</li> <li>• details indicating how additional surface water run-off from the site will be avoided during the construction phase; and</li> <li>• a verification report to demonstrate that the drainage system has been constructed as per the agreed scheme;</li> </ul> <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><b>Derbyshire Swift Conservation Project</b></p>	<p>As enhancement for breeding birds, WDEC 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"> <li>- 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</li> </ul>

	<p>aesthetically pleasing than exterior mounted nest boxes.</p> <ul style="list-style-type: none"> <li>- current advice on the density of nest bricks is to install 1 nest brick per dwelling*</li> <li>- 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.</li> </ul> <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><b>Conservation Officer</b></p>	<p>Revised comments:</p> <p>Firstly, regarding the three new cottages numbered ‘1, 2, and 3’ on drwg ref: Ground floor plan as proposed PL_12 Rev E. I don’t foresee any heritage issues here. I note the use of existing context to inform the design of these though they don’t accurately resemble Almshouses (See Milnthorpe Almshouses, Macclesfield Road for example), these new structures look to be more like Lodges which do suit the setting.</p> <p>Second, having regard to drwg refs:</p> <ul style="list-style-type: none"> <li>PL_08 Rev H Elevations as proposed.</li> <li>PL_09 Rev E Elevations as proposed.</li> <li>PL_11 Rev C Basement floor plan as proposed.</li> <li>PL_12 Rev E Ground floor plan as proposed.</li> <li>PL_13 Rev D First floor plan as proposed.</li> <li>PL_14 Rev F Second floor plan as proposed.</li> <li>PL_17 Rev C Site plan as proposed.</li> </ul> <p>The revised drawings as noted above show the relevant amendments made as per prior comments. The scheme now looks to make a respectful reinstatement of original features paired with complimentary new elements to best utilise the site. I am happy the dormers and rooflight items have been removed from the roofplan and ones that remain seem to be more balanced across the frontages.</p> <p>PL_17 Rev C site plan as proposed shows a more interesting landscaping schedule, this is seen to be an enhancement for this corner plot.</p> <p>No objection. Subject to the following conditions:</p> <ul style="list-style-type: none"> <li>-</li> </ul> <p>The development once approved in writing by the Local</p>

Planning Authority shall be carried out in accordance with the following plans:  
PL\_08 Rev H Elevations as proposed.  
PL\_09 Rev E Elevations as proposed.  
PL\_11 Rev C Basement floor plan as proposed.  
PL\_12 Rev E Ground floor plan as proposed.  
PL\_13 Rev D First floor plan as proposed.  
PL\_14 Rev F Second floor plan as proposed.  
PL\_17 Rev C Site plan as proposed.

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Prior to the commencement of works on site technical specification outlining the where new relevant window types and colour including mechanisms and opening types shall be submitted to the Local Planning Authority. The development shall be carried out in accordance with this specification once approved in writing by the Local Planning Authority.

Original Plans:

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 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.

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.

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.

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.

It should be noted that the Heritage Statement incorrectly identifies the Listed Bath House which is actually the 18th century house on Macclesfield Road, towards Pavilion Gardens.

#### Assessment of Significance

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

	<p>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"> <li>• The extension facing College Road which 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</li> <li>• Raising the height of three half-timbered gables and interfering with their architectural detailing</li> <li>• The dominant dormer window facing Temple Road which jars with the building's architecture</li> <li>• The proposed balconies to the front elevation and altering the historic dormer</li> <li>• Introducing a dormer above one of the corner towers</li> <li>• The proliferation of rooflights</li> <li>• Porches which visually disrupt the historic legibility of the building and its historic access points.</li> <li>• Creating a basement apartment and excavating the ground on the NE elevation which will be a discordant feature</li> <li>• The extent of car parking and hardstanding in place of the landscaped garden setting</li> </ul> <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>
<b>Arboricultural</b>	The proposals impact on several mature trees to be retained

<p><b>Officer</b></p>	<p>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 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><b>HPBC Parks Team</b></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 being updated, we are using 11 units as the threshold for contributions, so with this being 14 we would be seeking the following:-</p> <ul style="list-style-type: none"> <li>- Play towards the Pavilion Gardens - £192 x 14 = £2,688</li> <li>- Parks and Gardens towards the Pavilion Gardens - £571 x 14 = £7,994</li> <li>- Outdoor sports to within a 2km radius of the development site - £489.40 x 14 = £6,851.60</li> </ul>



<p><b>Strategic Housing</b></p>	<p>From an affordable housing perspective I have the following comments:</p> <ul style="list-style-type: none"> <li>• 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).</li> <li>• The vacant structure on site, formally the Alison Park Hotel ceased trading on 1/06/20.</li> <li>• 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"> <li>• Condition of the property</li> <li>• The period of non-use</li> <li>• Whether there is an intervening use: and</li> <li>• Any evidence regarding the owners intention.</li> </ul> </li> <li>• In considering how the vacant building credit should apply to a particular development the council should consider: <ul style="list-style-type: none"> <li>• Whether the building has been made vacant for the sole purpose of redevelopment</li> <li>• Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.</li> </ul> </li> <li>• 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.</li> <li>• 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.</li> </ul> <p>Revised comments:</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</p>
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	<p>complicated given the shared access to the apartments and shared communal gardens.</p>
<p><b>Natural England – Original comments</b></p>	<p>This proposal potentially affects European Sites vulnerable to nutrient impacts. Please refer to Natural England’s overarching advice dated 16<sup>th</sup> March 2022 and sent to all relevant Local Planning Authorities.</p> <p>When consulting Natural England on proposals with the potential to affect water quality resulting in nutrient impacts on European Sites please ensure that a Habitats Regulations Assessment is included which has been informed by the Nutrient Neutrality Methodology (provided within our overarching advice letter). Without this information Natural England will not be in a position to comment on the significance of the impacts. For large scale developments, Natural England may provide advice on a cost recovery basis through our <a href="#">Discretionary advice service</a>.</p> <p>All queries in relation to the application of this methodology to specific applications or development of strategic solutions will be treated as pre-application advice and therefore subject to chargeable services.</p> <p>29/4/22</p>
<p><b>Natural England - Revised comments</b></p>	<p>No objection - subject to appropriate mitigation being secured.</p> <p>We consider that without appropriate mitigation the application would:</p> <ul style="list-style-type: none"> <li>• have an adverse effect on the integrity of The Peak District Dales Special Area of Conservation (SAC)</li> <li>• damage or destroy the interest features for which the Wye Valley Site of Special Scientific Interest has been notified.</li> </ul> <p>The LPA, as competent Authority, should undertake a HRA for this development and in doing so ensure that there will be no harmful discharges of foul or surface water from the application site into the River Mease or its tributaries.</p> <p>Natural England advise that the development will have no Adverse Effect On the Integrity of the Peak District Dales SAC as long as the following are secured:</p> <p>-</p> <p>Development is implemented in conformity with the Drainage Plan provided (Drawing No. AP-LE-GEN-XX-DR-CE-500 Rev F, also attached to our response) to ensure the</p>

calculated flow reductions to the Wastewater Treatment Works are achieved.  
Any mitigation measures identified within the HRA as necessary to achieve this should be secured via an appropriate planning condition or obligation and must be in place prior to occupation/function of the development.

Peak District Dales Special Area of Conservation:

The proposed development lies within the catchment of Unit 70 and 71 of the River Wye Point Source, i.e. foul water discharges from development (including via mains sewage treatment works), are one of the main contributors to nutrient enrichment at this site. As such, any development which will cause an increase in overnight stays within the catchment must calculate a nutrient budget and provide mitigation which will prevent any increase in nutrients entering the River.

Natural England have updated our advice regarding the Peak District Dales SAC and the River Wye 16<sup>th</sup> SSSI. Our full updated advice was sent to your authority on March 2022.

For more information regarding the site's designated features, condition assessment and conservation objectives visit Natural England's Designated Sites View.

Habitats Regulations Assessment (HRA)

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

The following advice should be taken in to account by the competent authority within the HRA.

Further Advice on Mitigation

The Nutrient Neutrality Assessment provided by Thomson Environmental Consultants has used Natural England's Nutrient budget Calculator to quantify the additional nutrient input to the sensitive area of the Peak District Dales SAC. The report then continues to detail how

this nutrient loading will be mitigated. We welcome the use of the calculator, and concur with the conclusion of the report, that when the mitigation measures are implemented, the development will not have an adverse impact on the integrity of the Peak District Dales SAC.

The calculations within the nutrient budget calculator include a reduction in the assumed water use per person as a result of the development, due to the use of water efficient appliances, fixtures and fittings. We consider that, in this scenario, this reduction is acceptable, due to the age and condition of the existing building, and the likelihood that new appliances and fixtures/fittings will continue to become more water efficient in future, thus reducing the possibility of alterations to appliances in future causing an increase in water use. We welcome the fact that the figures for water use are also in keeping with the building regulations lower water use figure, plus 10L of uncertainty.

The application also plans to utilise rainwater harvesting, which will reduce the water use of the development significantly, although, from the plans, it is unclear whether this will reduce the volume of flow to the Wastewater Treatment Works. Nonetheless, no reduction is being relied upon to provide the necessary mitigation.

As the surface water from the site currently discharges to the combined sewer, is likely to provide further reductions in flow to the Wastewater Treatment Works. These have not been quantified, but we consider their use to offset some of the uncertainty around the reductions in water use created by the water efficient appliances; as the rainwater harvesting system would be built into the infrastructure of the building, we consider that this will remain in perpetuity.

The overall results of the nutrient budget calculator show that there will be an additional 432L/day flowing to the combined sewer as a result of the development. This additional flow would lead to an addition of 0.03kg TP/year discharging from Buxton Wastewater Treatment Works, which may then reach the sensitive area of the Peak district Dales SAC. As the development site currently discharges its surface water to the combined sewer, the proposed mitigation of permeable paving to replace existing impermeable hardstanding, is likely to give rise to a reduction in flow to the combined sewer. This has been calculated as 523L/day. This will result in an overall reduction of flow to the treatment works of approximately 91L/day.

	<p>As a result of the above, Natural England advise that an adverse effect on the integrity of the Peak District Dales SAC can be ruled out within the appropriate assessment stage of your HRA.</p> <p><u>Monitoring/Maintenance</u></p> <p>The measures used to provide mitigation, in this case permeable paving, must be in place for the lifetime of the development. We consider that permeable paving is a permanent measure, which is unlikely to be altered; thus advise that it can be assumed it will remain in situ for the lifetime of the development.</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 alteration (including demolition of existing extensions and garage) of 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 they 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 former hotel which closed in July 20202, 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 Housing and Economic Land Needs Assessment (HELNA). The study provides an updated analysis of the housing mix required across the Borough as well as providing a more fine assessment of the recommended housing mix across each of the Local Plan sub area. The HELNA is deemed to be the successor document to the SHMA as referenced in Policy H3. Details of the affordable housing have been addressed in the appropriate sections below.
- 8.17 The recommendations from the 2022 HELNA in relation to housing mix of market housing for both High Peak and Buxton identify the need to reduce the overall number of smaller units (1 and 2 bedroom units) and increase the number of 3 and 4 bedroom properties to reflect *“the very pronounced socio-economic shock precipitated by the pandemic and the strong (and what appears to be permanent) shift towards homeworking and the need for larger properties to accommodate this.”* (HELNA para 12.34). Whilst the proposed mix is heavily reliant on two bedroom units (12 in total), the proposals do involve the conversion of an existing building whereby by its character and impact on the conservation area, lends itself more readily to smaller apartments. Consequently, whilst the housing mix does not comply with Policy H3 and the HENLA, in this particular case the provision proportion of smaller units is considered to be acceptable.
- 8.18 In terms of the provision of the new dwellings/apartments, the Council published its Five Year Housing Land Supply Update in September 2022, which indicates that the Council can currently demonstrate a 5 year supply of housing. The presumption in favour of sustainable development does not apply to sites in conservation areas, the test is whether there are other policies, relating to matter such as heritage assets, which provide a clear reason for refusing development (footnote 7).



- 8.19 Therefore, the principle can only be regarded as acceptable provided that all matters relating to heritage assets are acceptable, in addition to all other materials considerations.

### **Design & Heritage**

- 8.20 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'.
- 8.21 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'
- 8.22 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'.
- 8.23 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.
- 8.24 The property is within the Buxton Conservation Area and is 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).
- 8.25 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’.

- 8.26 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.
- 8.27 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.
- 8.28 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. Two sets of amended plans have been received.
- 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 The final set of revised plans remove a number of original radical changes, by removing the harmful elements of raising the height to key parts of the building, and introducing prominent new elements to key elevations. The amended plans now introduce much smaller interventions into the building. The plans show a total of 26 car parking spaces across the site, which has allowed much of the landscaped grounds towards the junction with Temple Road and College Road to be retained. The Conservation Officer listed the particularly harmful elements of the original submission. Following the amendments, the following elements have been addressed: -

- The extension facing College Road (to form one of the town houses) will form visually subordinate addition, having a lower ridgeline when set against the original building with its four half-timbered gables;
- The height of three half-timbered gables will now be retained, with the exception of one gable on the western elevation;
- Whilst the proposed first floor balconies have been removed from the north elevation the upper ground floor will feature a new covered balcony below. However the balcony has been designed to reflect Nos 1 and 3 College Road and would not appear out of character.
- Removal of roof lights across the majority of the roofscape
- It is still proposed to create a basement apartment, which will involve excavating the ground on the NE elevation. However the extent of excavation is minimal and views into the space will be limited from the adjoining roads.
- The replacement of the dormer on the north elevation with a taller dormer with a vertical emphasis. The dormer now has similar proportions to the existing dormer but will span between the two gables.
- The original proposed dormer above the corner tower on the northern elevation has now been removed.
- The extent of car parking has been reduced from 31 spaces to 26 spaces which will allow an increased area of the existing landscaping to the junction with Temple Road and College Road to be retained.

8.33 The Conservation Officer originally noted 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 Following the receipt of the latest set of revised plans, the Conservation Officer confirms that she raises no objection to the proposals commenting that the development “now looks to make a respectful reinstatement of original features paired with complimentary new elements to best utilise the site. I am happy the dormers and rooflight items have been removed from the roof plan and ones that remain seem to be more balanced across the frontages. PL\_17 Rev C site plan as proposed shows a more interesting landscaping schedule, this is seen to be an enhancement for this corner plot.” The basement flat is still showed to be retained, utilising the existing basement floor area. Whilst this part of the proposal has not been amended, the harm caused to the heritage asset is

considered to be at the lower end of less than substantial harm. Prior to the works commencing on site, building and its landscaped garden had a run-down appearance. The public benefits of bringing a hotel which has remained closed since July 2020, and back into a different use, will enhance the visual character and appearance of the site itself along with the wider conservation area.

- 8.35 On the opposite side of the road, to the east are numbers 1 and 3 College Road, Grade II listed buildings. Mature trees form the eastern boundary of the site with the application building set behind. It is considered that the intervening landscaping would ensure that the development proposals would not harm its setting.
- 8.36 In addition to the comments from the Conservation Officer, the Arboricultural Officer 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.
- 8.37 With the removal of five parking spaces, the focal point towards the junction with Temple Road and College road will now be retained as soft landscaping. The property was deliberately set within spacious gardens with thickly planted boundaries of hedging such as beech. The revised plans now respect the historic landscape setting of this property. A number of trees and hedges were removed prior to the application being submitted and new landscaping should aim to redress the loss of these trees as well.
- 8.38 Therefore, in line with the advice given by the Council's Conservation Officer and Arboricultural Officer, overall, the current proposals are considered to sustain the importance of the building within the historic context of the site and would not harm its individual character and appearance and that of the surrounding Conservation Area. Whilst there is less than substantial harm, by virtue of the retention of the basement level flat, this is outweighed by the positive aspects of the scheme, in bring in back into use a building which as a hotel has been closed since July 2020. The development is therefore considered to be comply with 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**

- 8.39 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.

- 8.40 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.
- 8.41 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'.
- 8.42 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'.
- 8.43 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.
- 8.44 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.
- 8.45 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 College Road and the townhouse facing No.5 Temple Road; the distances between these elevations are approx. 22m and 32m respectively. Therefore impact therefore in terms of overlooking is considered unlikely to be significant.

- 8.46 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.
- 8.47 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".
- 8.48 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**

- 8.49 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'.
- 8.50 The Derbyshire County Council Highways team have reviewed the submitted details and have confirmed that the use of the existing four vehicular access points 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 in highway safety terms and it is recommended that the advised conditions are included in any consent.
- 8.51 Therefore the proposal is considered to comply with local plan policy CF6 in this regard.

### **Trees**

- 8.52 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'.
- 8.53 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'.

- 8.54 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.
- 8.55 The Councils Arboricultural Officer has reviewed these submitted details and states that a combination of existing hard surfacing and 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, does make the scheme acceptable.
- 8.56 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'.

### **Biodiversity**

- 8.57 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'.
- 8.58 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.
- 8.59 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.
- 8.60 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.

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

### **Drainage**

- 8.62 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.

- 8.63 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.

- 8.64 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. Since their initial comments a revised drainage scheme has been submitted, and comments are awaited on the revised details.

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

### **Nutrient Neutrality**

- 8.66 The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As



such, the Council cannot grant consent for development unless it can rule out “likely significant effects” on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail.

- 8.67 The proposal is not directly connected with or necessary for the conservation management of a European site. However, the proposal will increase overnight stays over and above the current situation. Accordingly, it is necessary to undertake a Habitat Regulation Assessment. Appendix 1 provides a copy of the Council’s Habitat Regulation Assessment which confirms that although the development without mitigation is likely to have a significant effect on the European and Internationally protected species, this can be mitigated by the bespoke on-site mitigation measures proposed by the applicant to ensure that there is no likelihood of significant effects on the integrity of the designated site. It is noted that Natural England concur this conclusion.

### **Planning Obligations**

- 8.68 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)’. Policy CF7 states that development proposals will be required to provide, or meet the reasonable costs of providing on site or off site infrastructure, facilities, and/or mitigation necessary to make development acceptable in planning terms through appropriate use of planning obligations.
- 8.69 In respect of affordable housing, 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.
- 8.70 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’.

- 8.71 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’.
- 8.72 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.
- 8.73 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’.
- 8.74 It has been confirmed that the applicant took ownership of the hotel in February 2020, with the hotel officially closing for business in July 2020. Whilst the property may have been tired and in need of investment, it is evident that the applicant owned the building in early 2020, but did not submit this application until June 2021, some 18 months later for redevelopment.
- 8.75 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 COVID lockdown restrictions. The period of non-use is formally as of July 2020, and there is no evidence of an intervening use, although refurbishment works began prior to the site visit on 05 August 2021.
- 8.76 Moreover, there are no extant or recently expired planning permissions for the same or substantially the same development. However, from the information provided, it is clear that the building had been made vacant for the sole purposes of re-development, as the option of exploring contacts within the tourist accommodation industry were not pursued by the applicant.
- 8.77 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. A vacant building credit should not be granted in this instance, because the timings of ownership and subsequent application for planning permission indicate that the site was bought with the aim of redevelopment for residential uses.
- 8.78 Following ongoing discussions with the applicant, he confirms his intention to provide an off site contribution towards affordable housing. The Council’s Housing Officer states that an off site contribution of £76,350 is required, rather

than on site provision, due to the shared access and communal gardens, which is unlikely to be acceptable to a registered provider. It is also noted that off site contributions will also be required towards Play (towards the Pavilion Gardens) amounting to £2,688, Parks and Gardens (towards the Pavilion Gardens) amounting to £7,994 and outdoor sports provision totalling £6,851.60. All of these contributions will be secured by way of a section 106 agreement and are considered to be reasonable and necessary to support the infrastructure requirements of future residents.

## **9. PLANNING BALANCE AND CONCLUSION**

9.1 For the reasons outlined above, the development is considered to comply with the relevant policies contained in the High Peak Local Plan and the NPPF. The development would sustain the importance of the heritage asset, and would not give rise to any harm to residential amenity, highway safety, flooding, ecology or trees.

## **10. RECOMMENDATIONS**

**10.1 It is recommended that the Committee APPROVE the application subject to the completion of a Section 106 Agreement to secure financial contributions towards off site affordable housing, play space, parks and gardens and outdoor sports provision, and subject to the conditions outlined below:**

- 1. Standard Time Limit**
- 2. Schedule of Drawings**
- 3. Material samples, including external walls and roof tiles**
- 4. Details of rain water goods**
- 5. Details of windows, including opening mechanism, materials, position in opening and colour to be submitted.**
- 6. Details for the provision of internal and external swift boxes**
- 7. Details for the storage of materials, plant and equipment, and location of site operatives vehicles**
- 8. Pedestrian and vehicle accesses to be provided with visibility splays**
- 9. College Road access to be modified in accordance with revised plans.**
- 10. Provision of car parking and turning spaces before occupation.**
- 11. No gates or other barriers to be provided at vehicle access points.**
- 12. Details for secure cycle parking facilities.**
- 13. Detailed design for surface water drainage**
- 14. Detailed assessment to demonstrate proposed destination for surface water**
- 15. Surface water drainage to be carried out in accordance with approved drainage scheme**
- 16. Verification report to confirm implementation of drainage system as per the approved scheme**
- 17. Scheme of parking and access to be undertaken in accordance with BS5378:2021 and method statement to be submitted and undertaken under supervision**

18. Scheme to confirm method of disposal for surface water and foul sewerage.
19. Boundary treatment to be submitted and implemented prior to occupation.
20. Landscaping scheme to be submitted and implemented.
21. Any plants or trees which die or are removed within 5 years to be replaced.
22. All hard surfacing to comprise permeable surfacing and retained in perpetuity.
23. All construction and deliveries to be undertaken between the following hours:  
0800-1800 Monday to Friday  
0800-1300 on Saturdays  
No working on Sunday, bank and public holidays
24. Noise mitigation to be carried out in accordance with Peak Acoustic Noise Assessment.
25. If contamination is found during development a risk assessment remediation report to be submitted.
26. There shall be no visible dust beyond the site boundary.
27. Any waste materials shall not be burnt at the site

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

### **Site Plan**

