

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 17th April 2023

Application No:	HPK/2022/0521	
Location	Portland Hotel, St Johns Road, Buxton	
Proposal	Proposed Change of Use from Hotel (C1 Use) to Holiday Lets (C3 Use)	
Applicant	Belinda Anokye-Gyan, BELAG Properties	
Agent	Jake Rothwell, WBC Drawings	
Parish/ward	Corbar Ward	Date registered 25 th November 2022
If you have a question about this report please contact: James Stannard, Tel. 01298 28400 extension 4298, james.stannard@highpeak.gov.uk		

1. SUMMARY OF RECOMMENDATION

Approve with Conditions

1. REASON FOR COMMITTEE DETERMINATION

- 1.1 This application has been brought before the Development Control Committee because the application amounts to major development due to the size of the application site and in its original form, proposed 10no. new residential units.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application relates to the Portland Hotel, No.32 St Johns Road, an imposing two and a half storey building situated in a prominent location on St Johns Road. The building lies adjacent to and fronting the public highway to the south, with a small car park in between, close to the junction with Burlington Road. The site lies within the built-up area boundary and within the Buxton Park Conservation Area.
- 2.2 The building is characterised by ground and first floor bay windows with small pitched dormers piercing the eaves level above. The building is constructed in a natural stone.
- 2.3 The existing Hotel (C1 Use Class) is shown to have a Ground Floor that comprises an Entrance Hall that leads to a large Lounge/Bar/Dining Room, Reception, Office, and Sitting Room, with a flight of steps leading to 22no. hotel bedrooms all with en-suite bathrooms spread out across the first and second floor.

- 2.4 To the rear of the ground floor is a Commercial Kitchen and associated storage, whilst beyond the Entrance Hall is a bathroom, kitchen, bedroom and lounge which would appear to be serve as in house accommodation for the manager/owner of the Hotel.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 The application seeks full planning permission for a change of use from the existing Hotel (C1 Use) to Self-Catering Holiday Lets (C3 Use). Whilst the Heritage Statement states refers to external alterations in the form of a rear entrance door and the blocking up of an existing front entrance door, with internal alterations only, these do not amount to development, and as such the existing and proposed elevation plans showing no changes are accurate.
- 3.2 The application as originally submitted showed the lower ground floor (basement), which currently serves a cellar and toilet facilities to be converted to habitable accommodation.
- 3.3 However, in light of an objection from the Environmental Health Officer to these specific aspects of the proposals, due to potential issues relating to presence of radon gas, the applicant has submitted revised floor plans that shows the omission of any habitable accommodation at this level.
- 3.4 In its revised form, the plans show the following:

Ground Floor

Apartment 3	2no. bedroom	(109.2sqm)
Apartment 4	2no. bedroom	(109.7sqm)
Apartment 5	1no. bedroom	(74.6sqm)

First Floor

Apartment 6	2no. bedroom	(106.1sqm)
Apartment 7	1no. bedroom	(41.5sqm)
Apartment 8	2no. bedroom	(107.5sqm)

Second Floor

Apartment 9	2no. bedroom	(105.1sqm)
Apartment 10	1no. bedroom	(52.0sqm)

Each unit benefits from a Kitchen, a Living Room and a Bathroom or Shower Room.

4. RELEVANT PLANNING HISTORY

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

HPK/0002/5302	New Entrance Porch to Hotel (Approved 27/04/1987)
HPK/0002/5669	Spotlit Hotel Sign (Approved 11/11/1987)
HPK/0002/7408	Conservatory Extension to Hotel (Approved 11/01/1989)
HPK/0003/7263	Change of Use of Part of Hotel to Owners Flat (Approved 07/07/1998)
HPK/0003/9035	Tarmacing of Front Garden Area and Construction of Wall (Refused 05/06/2000)
HPK/2015/0584	Proposed demolition of existing conservatory and change of use of internal dining area and outdoor area to create an external terrace and cafe/restaurant with access to the cafe/restaurant (Approved 21/12/2015)
NMA/2016/0008	Non material amendment to HPK/2015/0584 for the addition of Ashlar stone, feature signage board, pedestrian entrance, ramps and steps and 1 no sliding door omitted (Approved 24/05/2016)

5. PLANNING POLICES RELEVANT TO THE DECISION

HIGH PEAK LOCAL PLAN 2016

S1	Sustainable Development Principles
S1a	Presumption in Favour of Sustainable Development
S2	Settlement Hierarchy
S7	Buxton Sub-area Strategy
EQ6	Design and Place Making
EQ7	Built and Historic Environment
EQ10	Pollution and Unstable Land
E6	Promoting Peak District Tourism and Culture
CF6	Accessibility and Transport

Buxton Conservation Areas Character Appraisal

NATIONAL PLANNING POLICY FRAMEWORK 2021

Achieving Sustainable Development	Chapter 2
Building a Strong Competitive Economy	Chapter 6
Promoting Sustainable Transport	Chapter 9

6. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 12 th January 2023
Neighbour letters	Expiry date for comments: 27 th December 2022
Press Notice	Expiry date for comments: 5 th January 2023

6.1 3no. comments have been received in connection with the application including one representation from Councillor Hall. The issues raised within these representations are set out below:

- Application form is inaccurate as it refers to affordable housing
- Basement has insufficient light
- Noise potential issue
- Proposal will not enhance character and appearance of the conservation area
- Historic fabric will be harmed by boarding up of front door
- Clarification should be sought regarding connection to utilities
- Consideration must be given to neighbours during construction

6.2 The following comments have been received from relevant consultees

CONSULTEE	COMMENTS
Environmental Health	<p><u>Initial Response:</u></p> <p>OBJECTION:</p> <p>The development incorporates holiday let accommodation within basement areas. Buxton is an area prone to very high radon levels, and this could impact on the feasibility of the development. It may not be possible to reduce radon to acceptable levels.</p> <p>Geologically the property is sited on a thin sandstone/mudstone cap over the limestone usually associated with radon. This cap often inhibits the migration of radon, however local features (cracks and faults) within the sandstone can give rise to very high radon levels within individual properties.</p> <p><u>Further Response:</u></p> <p>No objection in light of the fact that the revised floor plans show the removal of any reference to</p>

	habitable accommodation in the basement
Conservation Officer	No issues in principle. Would like more clarity on what historic features are to be retained, repaired and such like where relevant including windows. I have no more comments to offer at this stage.
DCC Highways Authority	No highway objections to make.

7. OFFICER ASSESSMENT

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

Principle of Development

- 7.4 The site lies within the built up area boundary for Buxton and the Buxton Central Conservation area, whereby Policy S2 seeks to direct new development towards the most sustainable locations. Buxton is identified as one of the main market towns in High Peak. Policy S7 seeks to establish Buxton as one of England's leading spa towns, by encouraging the growth of tourism including the provision of additional visitor accommodation and facilities. Local Plan (LP) Policy E6 seeks to strengthen the tourism role of the area by supporting and

supplementing the tourism offer of the nearby Peak District National Park. This policy supports the retention and enhancement of serviced accommodation in order to encourage overnight visitor stays.

- 7.5 The site lies within a highly sustainable location within the built-up area boundary of Buxton within a short walking distance of the town centre, easily accessible by public transport, with good connections to services, facilities and local tourist attractions.
- 7.6 The proposal would see the loss of a large Hotel totalling 22no. bedrooms rooms but would be replaced with alternative type of tourist self-catering accommodation providing one and two bedroom holiday lets, and an overall total of 13 bedrooms. As such, the proposal will retain a form of tourist accommodation on site and as such there the proposals would comply, in principle, with LP Policies S7 and E6.
- 7.7 In light of the above, the principle of development can only be supported subject to the application demonstrating compliance with local and national policies relating to heritage conservation, and all other material considerations.

Design & Conservation

- 7.8 The site lies within the Buxton Central Conservation Area, and as such, the application must demonstrate compliance with LP Policy EQ7, and relevant paragraphs contained under Chapter 16 of the NPPF relating to heritage conservation, underpinned by Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.9 Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.
- 7.10 Paragraphs 199-202 of the NPPF set out how a local planning authority should assess the significance of a heritage asset and the potential impact of a development proposal upon that asset. Where a proposal will lead to substantial harm or total loss of a designated heritage asset, local planning authorities should refuse consent unless there are substantial public benefits that outweigh that harm. Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits.
- 7.11 LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

- 7.12 LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.
- 7.13 LP Policy EQ7 has regard to the Built and Historic Environment. It states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.
- 7.14 The Buxton Conservation Areas Appraisal notes that the Portland Hotel is an example of a number of small hotels and lodging houses which can be found throughout Buxton, many of which are still in use for this purpose. The site lies within a highly prominent location adjacent to the public highway, close to the junction of St Johns Road and Burlington Road, within the Buxton Central Conservation Area, and as such any external alterations should be handled in a sensitive manner.
- 7.15 The supporting Heritage Statement refers to minor changes to the external appearance of the building amount to the introduction of a new rear entrance to serve one of the newly reconfigured apartments, and the 'blocking up' of one of the front entrance doorways. However, after clarification was sought from the applicant, the blocking up would amount to an internal alteration with the existing front door being retained. It is therefore clear that no material changes to the exterior of the building that requires planning permission are proposed.
- 7.16 Concerns have been raised in connection with the significant internal alterations proposed and the 'blocking up' of a front entrance door and its impact on the historic fabric of the building. In response to these concerns, it is important to note that such works do not require planning permission in their own right, as they do not amount to development.
- 7.17 It is noted that the Council's Conservation Officer, confirms no objection to the proposed change of use, advising that careful consideration needs to be given to any change to fenestration, which would require permission in its own right. A condition is recommended to ensure that the existing front door remains in situ, and an informative advising the applicant that any consent under this application does not relate to any external changes to the building.
- 7.18 Given that the building is not listed, and that the introduction of a new door sits to the rear of the building, it is considered that the proposed change of use would sustain the character and appearance of the existing building and the wider conservation area, in accordance with LP Policies S1, EQ6 and EQ7, and relevant paragraphs under Chapter 16 of the NPPF, underpinned by Section 72 of the Act 1990.

Public and Residential Amenity

- 7.19 LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.
- 7.20 LP Policy EQ10 seeks to ensure that people and the environment are protected from adverse impacts relating to issues including air pollution, noise, light pollution or any other nuisance or harm to amenity, by securing appropriate mitigation by way of planning conditions and obligations.
- 7.21 Paragraph 130 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.
- 7.22 Paragraphs 183-185 requires local planning authorities to ensure that a site is suitable for the proposed use taking account of ground conditions and any risks arising from land instability and contamination, including risk arising from natural hazards. Authorities should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment.
- 7.23 The existing building is situated to the south of No.31 and No.27 Park Road, to the west of The Hollies, St Johns Road (that is made up of individual flats) and to the east of No.34 St Johns Road. The proposed change of use from the existing building which functions as a Hotel to self-catering holiday let accommodation would not result in any material change to the relationship with any of these neighbouring properties. No additional windows are proposed or any external alterations which would harm the residential amenities of the neighbours.
- 7.24 Concerns have been raised in relation to the amenity for future occupiers of the apartments located within the lower ground (basement) floor concerning the availability of sunlight. However as the basement flats have been removed from the development due to potential impacts from radon gas, this element has now been removed, and these concerns are no longer relevant.
- 7.25 Comments have been received with regards to noise and disturbance caused during the conversion works and the potential impact on surrounding neighbours. Although the conversion works would be internal to the building, there is potential for working practices to cause noise and disturbance to the surrounding neighbours. Therefore a condition is recommended restricting working times between 0800 –

1800 Monday to Friday, 0800-1300 on Saturdays and no working on Sundays and bank holidays.

- 7.26 In light of the above, it is considered that the proposed change of use in its revised form without any habitable accommodation in the lower ground floor basement, would provide a high standard of amenity for future occupants, and satisfactorily preserve the amenity of neighbouring properties and the general public, in accordance with LP Policies EQ6 and EQ10, and relevant paragraphs under Chapters 12 and 15 of the NPPF.

Highway Safety

- 7.27 LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network. Suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan should be provided.
- 7.28 Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.
- 7.29 The site lies within a highly sustainable location within the built-up area boundary of Buxton within short walking distance of public transport links and public car parks. The site benefits from a small car park that has 11 no. spaces which are marked and laid out. The existing access arrangements would be retained.
- 7.30 The proposed site plan (Drawing Ref: 178/SJR/LP) shows that the existing 11 no. car parking spaces would be retained. In its revised form, the proposal would create 8 no. one and two bedroom apartments, with a requirement of 9 off road parking spaces to comply with the Council's parking guidance in Appendix 1 of the Local Plan. The proposal would therefore meet the Local Plan requirements in terms of off road parking.
- 7.31 It is noted that the Highways Authority have not raised any objections to the application. It is therefore considered that the proposed change of use would provide an appropriate level of off-street and would be in accordance with LP Policy CF6 and paragraph 110 of the NPPF.

Nutrient Neutrality

- 7.32 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.

- 7.33 The proposal is not directly connected with or necessary for the conservation management of a European site. Overall the proposal would involve a reduction in the number of bedrooms and ensuite facilities within the building and would not increase the overall number of overnight stays or surface water run-off from the site. Therefore, it will not risk having a significant negative effect on the SAC either on its own or in combination with other proposals and therefore it is not necessary to carry out an Appropriate Assessment.

Other Matters

- 7.34 A local Councillor questioned the accuracy of the application form and the reference to affordable housing. For the avoidance of doubt, based on telephone discussions with the applicant, the self-catering holiday let apartments are not social housing and would not be sold or let on the open market. In any event the development amounts to the conversion to 8 units, and Policy H4 only requires the provision of affordable housing on developments comprising 10 dwellings or more.
- 7.35 A local resident has requested that clarification be sought in relation to waste and water pipes to connect to outside pipes. These matters are covered by other legislation outside of the planning system (e.g. Building Regulations).
- 7.35 It is also considered necessary to impose an occupancy restriction to ensure that the use of the building remains for holiday let purposes only. As set out in Policy E6, development which involves the retention and enhancement of tourism accommodation will be supported. As the proposal involves holiday accommodation, and the associated economic and tourism benefits which will arise from its use for overnight stays, it is considered necessary and reasonable to impose such a condition.

Planning balance & Conclusion

- 7.36 LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF). It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

- 7.37 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay.
- 7.38 The application seeks permission for a change of use of the Portland Hotel, St Johns Road, Buxton (C1 Use) to provide 8 no. one and two bedroom self-catering holiday let apartments (C3 Use), facilitated by extensive internal remodelling and alterations and the introduction of a new door to the rear elevation.
- 7.39 An assessment of the application has found that the proposal is acceptable in principle having regard to LP Policies S7 and E6. The development proposals would sustain the character and appearance of the building and wider conservation area, in accordance with relevant Local Development Plan policies and relevant restrictive policies relating to heritage conservation contained under Chapter 16 of the NPPF, underpinned by Section 72 of the Act 1990.
- 7.40 No harm to existing residents or the future occupiers has been identified and no highway safety concerns arise from the proposed development.
- 7.41 In light of the above, it is concluded that the application constitutes a sustainable form of development and therefore in line with LP Policy S1a and paragraph 11 of the NPPF, and subject to appropriate conditions, the application is recommended for approval.

8. RECOMMENDATIONS

A. APPROVE, subject to the following conditions:

1. 3 year time limit
2. Approved Plans
3. Working times
4. Occupation restricted to holiday lets only.
5. Existing front door to be retained.

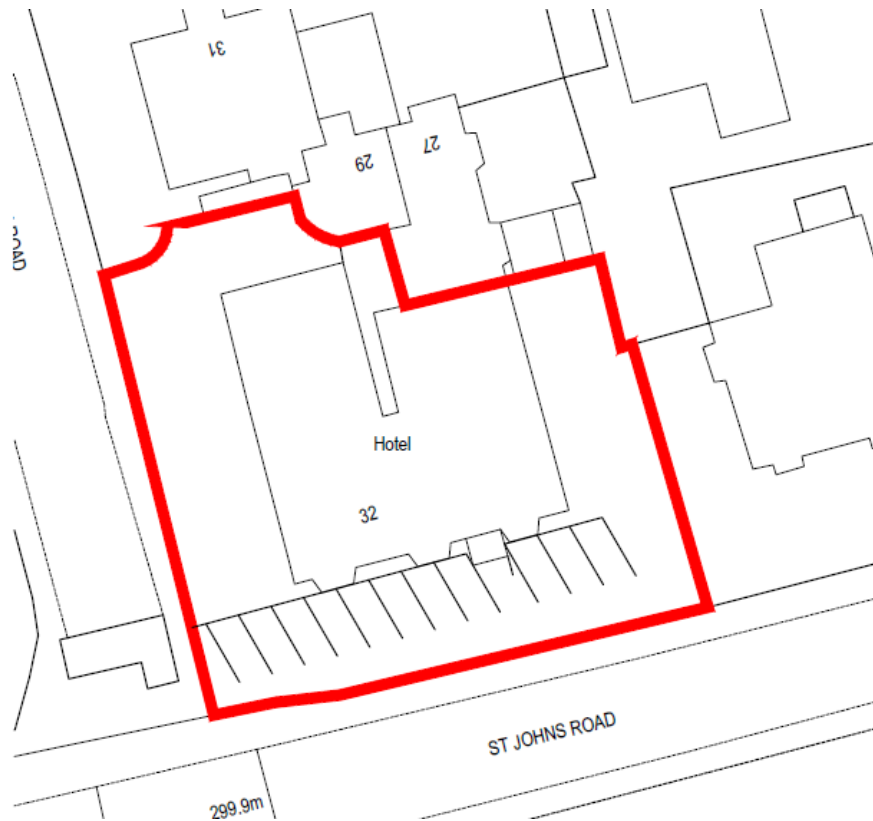
Informative:

The applicant attention is drawn to the need for separate planning permission should any external alterations be required . You are advised to contact the Planning Department to discuss this matter.

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/informative/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Operations

Manager – 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



This recommendation is made following careful consideration of all the issues raised through the application process and through discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.