

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

13th November 2023

Application No:	HPK/2023/0363	
Location	Buxton Leisure Centre, St Johns Road, Buxton	
Proposal	Installation of 144.no solar panels on the roof of the leisure centre building. Installation of a packaged plant room and evaporator decks on the ground floor of the multi-story car park, with pipework between the packaged plant and leisure centre main building (partially trenched).	
Applicant	Mr Gareth Knapper, HPBC	
Agent	Mr Ashley Davison, Leisure Energy	
Parish/ward	Corbar Ward	Date registered 24 th August 2023
If you have a question about this report please contact: Rachel Robinson rachel.robinson@highpeak.gov.uk		

1. REFERRAL

1.1 This application has been brought before the Development Control Committee as the proposal relates to HPBC property.

2. SUMMARY OF RECOMMENDATION

DELEGATE AUTHORITY TO APPROVE , subject to recommended conditions.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 The scheme proposals relates to the Buxton Leisure Centre and neighbouring car park. The building is located within the Buxton Pavilion Gardens, a Grade II* listed park and gardens. Buxton Leisure Centre is a 20th century building facilitating a small gym, swimming pool with fitness studio space on the first floor. The application site also includes the 2 storey car park located next to the leisure centre. The site neighbours the Grade II listed pavilion garden arts centre. The site lies within the Buxton Central Conservation Area. The site is shielded to the north and west by mature tree growth bordering the St Johns and Burlington Road. The site is accessed via access to the Burlington Road Car Park.

3.2 Site constraints include: Buxton Protection Area, the Buxton Conservation Area (Article 4 Direction), built up area boundary; source protection, smoke zone and radon potential.

4. DESCRIPTION OF THE PROPOSAL

- 4.1 The proposal is for the installation of 144 solar panels to the roof of the leisure centre building. It is further proposed to install a package plant room and evaporator decks on the ground floor of the multi-storey car park with pipework connecting it to the leisure centre building.
- 4.2 Solar panels will be installed onto both the main and lower flat roofs. a New cat ladder will be installed at the north-east corner of the building to provide maintenance access.
- 4.3 Pipework will run from the north elevation of the main roof along the western edge of the roof. This pipework will then run down the western elevation. This will then run underground to the ground floor level of the car park, connecting the leisure centre with the proposed air source heat pump. The installation of this pipework will require the removal of one existing tree.
- 4.4 Air source heat pump will be installed in the ground floor of the existing multi-storey car park, removing approximately 7 existing parking spaces. The proposed air source heat pumps will be enclosed with a green mesh security fence to match the existing fence which separates the public parking from the Buxton Crescent parking.
- 4.5 The application, the details attached to it, including the plans and the responses of the consultees can be found on the Council's website at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=263091>

5. RELEVANT PLANNING HISTORY

- 5.1 HPK/0003/7255 – construction of new car park deck over part of existing car park and construction of new toilets APPROVED 14/08/1998
- 5.2 HPK/2004/1137 and 1182 – Disability Discrimination Act Works Including New Access To Disabled Toilets, New Stairlift etc. APPROVED 17/02/2005

6. PLANNING POLICIES RELEVANT TO THE DECISION

High Peak Local Plan 2016

Policy S1	Sustainable Development Principles
Policy S1a	Presumption in Favour of Sustainable Development
Policy S2	Settlement Hierarchy
Policy S7	Buxton Sub-area Strategy
Policy EQ1	Climate Change

Policy EQ6 Design and Place Making
 Policy EQ7 Built and Historic Environment
 Policy EQ10 Pollution Control and Unstable Land
 Policy CF6 Accessibility and Transport

Buxton Conservation Areas Character Appraisal 2007

National Planning Policy Framework 2021

Section 2- Achieving Sustainable Development
 Section 12 – Achieving well-designed places
 Section 16 – Conserving and enhancing the historic environment

National Planning Policy Guidance

7. CONSULTATIONS CARRIED OUT

Site notice	Expired (17 th October 2023)
Neighbour letters	Expiry date for comments: 13 th October 2023
Press Notice	Expiry date for comments: 19 th October 2023

Public comments

- 0 – Objection comments
- 0 – Neither comments
- 9 – Support comments

Support comments summary:

- Encouraging to see the local authority taking steps to reduce the carbon emission of public facilities
- The air source heat pump may be quieter than the existing pant
- Solar panels will set an example to local residents
- This will positively contribute to the states HPBC policy to address climate change
- Support in favour of practical moves to reduce energy consumption
- These changes are a welcome addition to the building
- Good for the environment and supports de-carbonisation in the UK. Many large business and councils are doing similar. Cost to us locally will be minimal as most will be covered by grant(s).
- A great investment in the towns amenities

Consultee	Comment	Officer response
HPBC	No Objection	Refer to heritage

Conservation Officer		section of the main report
<p>In detail:</p> <p>The Buxton leisure centre is enveloped by highly significant heritage assets making for a sensitive vicinity. The assets include but are not limited to:</p> <ul style="list-style-type: none"> - Pavilion Gardens RPG. Grade II*. - The Octagonal*. Grade II. - Pavilion Suite and Attached Railings. Grade II. - The Central Hall and Attached Promenade. Grade II. - The Opera House. Grade II*. - Cranford. Grade II. - Bridge over River Wye. Grade II. <p>The proposal sees a solar array focused at the flat portion of the roof of the swimming pool. The topography of the land here is such that there will be limited intervisibility into and across the site. The mature greenery and shrubs to the north of the site create a visual buffer between St Johns Road and the vicinity.</p> <p>The array is not ground mounted and is seen to pose no harm on the Pavilion Gardens RPG. Further, I do not assess there will be harm imposed on the Octagonal (also known as the Octagon*). These two elements are considered primary in this instance due to the immediate proximity.</p>		
HPBC Environmental Health Officer	No objection	Noted
<p>The solar array appears to be low impact from a public health point of view. No objections or recommended conditions.</p> <p>There is a submitted noise report but this focuses on a air source heat pump located within the ground floor area of the 2-level car park structure. Not sure how relevant this is to these planning proposals, as the ASHP isn't really mentioned elsewhere.</p>		
HPBC Arboricultural Officer	No Objection Subject to condition	Refer to main section of report
<p>There is no objection to the proposal, however the following will be required:</p> <p>A condition requiring a method statement confirming how the trench will be created and how any roots found within the area will be managed. This a recommendation in their own tree report. Or if they can get that detail before committee then that would be better.</p> <p>Two replacement trees to replace the lost tree. I can provide locations within Pavilion Gardens for where they can go.</p>		

Method statement condition:

**PROTECTION OF EXISTING TREES AND PLANTING LOCATIONS
(DEMOLITION & CONSTRUCTION)**

No operations (including initial site clearance) shall commence on site in connection with development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees and their roots has been submitted and its installation on site has been approved in writing by the Local Planning Authority.

All protection measures must fully detail each phase of the development process taking into account demolition/site clearance works, all construction works and hard and soft landscaping works. Details shall include the following:

- Excavation method.
- How uncovered roots shall be managed and protected during the excavation.
- How they will be cared for whilst uncovered.

Reason: To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of the local environment, air quality and adapting to and mitigating climate change in accordance with policies EQ1, EQ2, EQ5 and EQ9 of the Local Plan.

HPBC Service Commissioning Team	None Received	Noted
HPBC Asset Management	No Objection	Noted – applicant made aware of their none planning requirements

From a planning perspective there is no objection. From building maintenance / management and legal perspective the following needs to happen and be approved

- 1 Lease / licence (if panels are owned by a third party)
- 2 Installation, service and maintenance plan / specification
- 3 Condition survey / record of the current installation area(s) pre and post installation.

DCC County Planning (Highways)	No Objection	See Main Section of Report
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According to the application, the works associated with the installation of the solar panels will reduce the number of parking spaces by 7. The submitted plans do not make it clear which parking spaces will be removed; however, it is considered that the removal of 7 spaces will not lead to a significant

<p>increase in on street parking which would have a detrimental impact on the safe and/or efficient operation of the highway network. You may wish to assess whether the remaining number of parking spaces accords with the parking guidance in your Local Plan.</p> <p>There are no highway authority objections to the application.</p>		
DCC County planning (Archaeology)	No Objection	Noted
<p>Thank you for consulting on the above planning application. The proposals will have no archaeological impact.</p>		
Severn Trent Water Ltd	None Received	Noted
Buxton Mineral Water Ltd	None Received	Notes
Sport England	No Comment	Noted
<p>Thank you for consulting Sport England on the above application. The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306) and, therefore, Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.</p>		
Historic England	Comments awaited	Noted
Garden History Society	Comments awaited	Noted

2. POLICY, MATERIAL CONSIDERATIONS AND PLANNING BALANCE

Planning Policy

- 7.1 The determination of a planning application should be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.
- 7.2 Section 38(6) requires the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications, the Local Planning Authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan currently consists of the High Peak Adopted Local Plan Policies April 2016. The NPPF is considered to be a material consideration in any planning decision.

- 7.3 Paragraph 11 of the National Planning Policy Framework (NPPF) states that plans and decisions should apply a presumption in favour of sustainable development. As before, for decision-takers (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies, which are most important for determining the application are out-of-date, granting planning permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.
- 7.4 The policies contained in the Framework are supplemented by the National Planning Practice Guidance (NPPG), which is also a material consideration in the determination of applications.
- 7.5 NPPF para 189 identifies heritage assets as an irreplaceable resource which should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 7.6 The Borough's settlement hierarchy as set out at Local Plan (LP) policy S2 directs development towards the most sustainable locations. The market towns, including Buxton 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.
- 7.7 LP policy EQ 7 states that The Council will conserve heritage assets in a manner appropriate to their significance. This should 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 the relevant sub area strategy.

Main Issues

- 7.8 In consideration of the above principle policies, the main issues in the determination of the proposal is whether the proposed development would preserve the special architectural or historical interest of the wider conservation area and surrounding listed buildings as well as the Listed Park and Garden.

Heritage Assets

- 7.9 The statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving listed buildings or their setting or any

features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

- 7.10 When determining applications, NPPF para 197 – states: “local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness”.
- 7.11 The Council's Conservation Officer has supported the proposed works. They are satisfied that the scheme will not harm wider conservation area or any other surrounding heritage assets (listed buildings and listed park). The Conservation Officer is satisfied that the solar array will be of limited visibility due to the sites topography and surrounding tree cover.
- 7.12 The proposed air source heat pump and related pipework will likewise have minimal impact on the relevant heritage assets. The air source heat pump will be located within the existing car park structure, therefore making no alteration to the existing views in the area. The proposed pipework will be mostly relegated to the roof of the leisure centre with some pipework being visible from the pedestrian path down from the first floor of the car park. However, this pipework will be largely shielded from public view by the existing tree cover, creating minimal visual impact.

Highway Safety

- 7.13 The proposed air source heat pump will require the removal of 7 parking spaces from the underground parking area. These spaces are currently reserved for the use of valet parking for guests at the Buxton Crescent Hotel. As such the number of spaces available to the public will not be affected.
- 7.14 Never the less the HPBC Local Plan (2016) states that a swimming baths over 1000 Sq M requires one parking space for every 22 Sq M. The Buxton Leisure Centre is approx. 1,132.8 Sq M. It would therefore require 52 parking spaces. The Burlington Road car park will still have well over 52 parking spaces following the removal of the 7 spaces. As such the loss of these 7 spaces raises no highway safety concerns.

Amenity

- 7.15 Noise - The proposed air source heat pumps may generate some noise pollution. The provided noise survey demonstrates that no. 30 – 26 St John's Road would be most impacted by the potential noise, registering a 'low-impact'. However, the proposed location (within the existing car

park) and the surrounding mature tree cover will deaden the majority of the noise pollution. As such the potential amenity impact of the associated noise is considered to be low.

Other Matters

7.16 Trees – no objection has been raised to the removal of one existing tree at the application site. To mitigate the loss of this tree it is recommended that a condition be attached to any approval requiring two replacement trees to be planted elsewhere to replace that which is lost.

7.17 Furthermore, it is recommended that a condition be attached to require an adequate Arboricultural method statement to be submitted prior to any works. This is to ensure the protection of the remaining mature trees which surround the proposed pipe trench.

Nutrient Neutrality

7.18 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

Screening Assessment

7.19 The proposal is not directly connected with or necessary for the conservation management of a European site. The proposal will not increase 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.

Planning Balance & Conclusion

7.20 The Framework advises that proposals which comply with the development plan should be approved “without delay”.

7.21 The proposal aims to provide the existing leisure centre with renewable energy sources. The scheme will preserve both the wider conservation area and nearby heritage assets. However, at the time of report preparation comments were awaited from Historic England the Garden History Society with regard to the impact on the historic park and garden.

Whilst Officers do not anticipate any objection the application cannot be determined until these comments have been received and therefore, it is recommended that delegated authority be granted to The Head of Development Services to approve the application in the event of no objection being raised.

7.22 The proposal will not negatively impact trees or public amenity.

7.23 Overall the scheme is considered to be sustainable and approval is recommended.

9. RECOMMENDATIONS

9.1 It is recommended that the Committee GRANT DELEGATED AUTHORITY to the Head of Development Services to APPROVE the application subject to no objection being raised by Historic England or the Garden History Society and the conditions outlined below:

- 1. Standard Time Limit**
- 2. Schedule of Drawings**
- 3. Two replacement trees to be planted elsewhere**
- 4. Arboricultural method statement**

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.



0 50
Metres

