

# APPENDIX 1

## HIGH PEAK BOROUGH COUNCIL DEVELOPMENT CONTROL COMMITTEE

Date: 22<sup>nd</sup> May 2023

<b>Application No:</b>	HPK/2022/0376 (FULL) HPK/2022/0377 (LBC)		
<b>Location</b>	Grove Hotel, Grove Parade, Terrace Road, Buxton,		
<b>Proposal</b>	Full planning permission for 17 apartments and two extensions to the rear elevation, and, Listed Building Consent for 17 apartments two extensions to the rear elevation.		
<b>Applicant</b>	AH2 Buxton Limited		
<b>Agent</b>	Mr Chris Russell, Still House Design		
<b>Parish/ward</b>	Buxton Central Ward	<b>Date registered</b>	30 <sup>th</sup> September 2022
<b>If you have a question about this report please contact:</b> Rachael Simpkin rachael.simpkin@highpeak.gov.uk			

### 1. REFERRAL

- 1.1 This application has been brought before the Development Control Committee because the application is a small scale major residential scheme.

### 2. SUMMARY OF RECOMMENDATION

**APPROVE**, subject to recommended conditions for both application and securing a s106 planning agreement for HPK/2022/0376 (FULL).

### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The scheme relates to the Grade II listed former Grove Hotel, which has been redundant for some time and is located within the Buxton Central Conservation Area subject to an Article 4 direction. The building's listing is described as: "Formerly known as: Grove Coffee House Terrace Road. Includes: Nos.1, 3 and 5 Grove Hotel and Grove Parade Spring Gardens. Hotel with shops. c1770 and late C18 with canopy and shop fronts of 1883 at 1 2 & 3 Grove Hotel & Parade".
- 3.2 The 4-storey building built c.1770-1802 with associated external space to the rear occupies a prominent corner positioning to the east side of Terrace Road presented with a rendered frontage, sash windows, Welsh slate roof with grouped stone chimney stacks and cast iron glazed canopy over the ground shop frontages and hotel entrance. The rear of

the building has been subject to a number of unsympathetic alterations and extensions over time.

- 3.3 The site falls within the Town Centre, Primary Shopping Centre, Regeneration Area (DS22) within the defined built up area boundary of Buxton. Other site constraints include: Flood zones 2 and 3, Buxton Groundwater Source Protection Zone, Nutrient Neutrality: River Wye SSSI (Site Special Scientific Interest) and Peak District Dales Catchment SAC (Special Area of Conservation) and Radon Potential Area Class 5.

#### **4. DESCRIPTION OF THE PROPOSAL**

- 4.1 The proposal (as revised) is for the conversion and extension of the former Grove Hotel to provide 17 apartments with storage on the ground floor. The applications seek full planning permission for the change of use of hotel to residential with rear extensions and listed building consent for repair / refurbishment works and rear extensions all to create 6 x one-bedroom and 11 x two-bedroom apartments over three floor levels. The two ground floor apartments have been omitted to overcome Environment Agency objections and instead the ground floor would be designated for cycle storage and 'vacant' storage.
- 4.2 The scheme proposes two new infill areas to the existing building's massing at the rear to accommodate shared access stairs to the upper floors within one infill whilst extending the accommodation at the 2nd and 3rd floors within the other infill. The proposed new-build areas at the rear would be faced in a combination of render and stone below a pitched slate tiled roof. The new-build staircase core would include continuous glass curtain walling. New windows for the proposed accommodation would consist of timber sash windows.
- 4.3 A number of internal alterations are proposed including the removal of some staircases and a level of sub-division to achieve compartmentalisation. The existing central corridor on the upper floors would be retained to provide a protected corridor access to the apartment lobbies. In addition, the existing staircase at the ground floor level would also be retained. All other staircases above would be omitted and replaced by a single, centrally located staircase, which would be accommodated within the infill extension as mentioned above.
- 4.4 A cycle storage area would be sited within the ground floor area to the rear of the building. Whilst a covered bin storage area is proposed within the yard area.
- 4.5 Revised scheme drawings are detailed as follows:
- P001 Rev I Proposed Ground Floor Plan GA
  - P101 Rev G Proposed First Floor Plan GA
  - P201 Rev G Proposed Second Floor Plan GA
  - P301 Rev G Proposed Third Floor Plan GA

- P401 Rev F Proposed Third Floor (Higher level) GA
- P500 Rev B Proposed Planning Section
- P600 Rev B Proposed Roof Plan GA
- P700 Rev E Proposed Elevations - Sheet 1
- P701 Rev C Proposed Elevations - Sheet 2
- P750 Rev B 3D Massing Diagram - Front
- P752 Rev B 3D Massing Diagram - Rear
- P800 Rev A Proposed Canopy Works
- P1000 Rev G Proposed Site Plan
- L001 Rev C Location Plan

4.6 The scheme is accompanied by the following reports:

- Acoustic Report
- Asbestos Survey
- Bat Survey
- Energy and Sustainability Statement
- Flood Risk Assessment (revised)
- Heritage Statement
- Nutrient Neutrality Report (additional)
- Structural Report (additional)
- Transport Assessment
- Statement of Existing Fabric (additional)
- Structural Assessment (additional)

4.7 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:

*HPK/2022/0376:*

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=256711>

*HPK/2023/0377 (LBC):*

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet>

## **5. RELEVANT PLANNING HISTORY**

HPK/0002/2601 - Alterations To Vault Bar And Shop Front at Grove Hotel, Grove Parade, Terrace Road, Buxton. APPROVED 08/03/1985.

HPK/0002/2602 - Alterations To Vault Bar And Shop Front at Grove Hotel, Grove Parade, Terrace Road, Buxton. APPROVED 08/03/1985.

HPK/2005/0117 - New pub frontage and internal alterations at Grove Hotel (Charlies Bar), Grove Parade, Terrace Road, Buxton. APPROVED 11/04/2005.

HPK/2005/0118 - New pub frontage and internal alterations (listed building consent) at Grove Hotel (Charlies Bar), Grove Parade, Terrace Road, Buxton. APPROVED 11/04/2005.

HPK/2014/0406 - Listed Building Consent for removal of section of wall to rear elevation at ground floor level to allow for single storey extension with flat Roof and internal alterations at Grove Hotel, Grove Parade, Terrace Road, Buxton. APPROVED 06/10/2014.

HPK/2014/0504 - Proposed Single Storey Rear Extension with Flat Roof at Grove Hotel, Grove Parade, Terrace Road, Buxton. APPROVED 28/11/2014.

HPK/2016/0527 - Listed Building Consent to replace defective render to parts of the front elevation, replace the lead downpipe and improve the abutment gutter between the wall and flat roof of the shops, replacement windows, raising the thresholds to 2 No. door openings and 1 No. window opening on flat roof at 11 to 12 Grove Parade, Terrace Road, Buxton. INVALID.

HPK/2016/0701 - Listed Building Consent for emergency repair to front wall above shop unit known as 'Maggie May', No11 Grove Parade. Prop floors internally from cellar to roof level, take down stone rubble wall, replace decayed beams between existing masonry cross walls at 11 to 12 Grove Parade, Terrace Road, Buxton. APPROVED 13/04/2017.

## **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 S3	Strategic Housing Development
Policy S7	Buxton Sub-area Strategy
Policy EQ1	Climate Change
Policy EQ5	Biodiversity
Policy EQ6	Design and Place Making
Policy EQ7	Built and Historic Environment
Policy EQ10	Pollution Control and Unstable Land
Policy EQ11	Flood Risk Management
Policy H1	Location of Housing Development
Policy H3	New Housing Development
Policy H4	Affordable Housing
Policy CF3	Local Infrastructure Provision
Policy CF6	Accessibility and Transport
Policy CF7	Planning Obligations and Community Infrastructure Levy
Policy DS22	Station Road Buxton Regeneration Area

### **National Planning Policy Framework 2021**

### **National Planning Policy Guidance**

## **Supplementary Planning Documents (SPDs)**

*Station Road Design Framework 2007*  
*Buxton Design and Place Making Strategy 2009*  
*High Peak Design Guide 2018*  
*Water in Buxton 2021*

## **Emerging Supplementary Planning Documents (SPDs)**

*Developer Contributions (Unadopted) 2023*

The Council is preparing a Developer Contributions SPD which will set out guidance for affordable housing, open space, education, health and other forms of infrastructure required to address the impact of development and how contributions will be calculated. The Council identified a number of issues and options for consideration and inclusion within the SPD and consulted on these during March/April 2022. Following the consideration of responses to the consultation the Council has now prepared a draft SPD.

Consultation on the draft SPD, held from 19<sup>th</sup> January to 3<sup>rd</sup> March 2023 has now closed. Any comments received will be reported to Council and the new SPD will be adopted later in 2023.

## **Other Evidence Base**

Buxton Conservation Areas Character Appraisal 2007

## **7. CONSULTATIONS CARRIED OUT**

<b>Site notice posted</b>	23 <sup>rd</sup> December 2022
<b>Neighbour letters required</b>	27 <sup>th</sup> October 2022
<b>Press Notice published</b>	3 <sup>rd</sup> November 2022

## **Public comments**

Neither (3):

- I would like to see some plans and know who these apartments are aimed at
- In Buxton there is a lack of 'affordable' accommodation and the low waged cannot afford most of the available flats, houses etc that are available
- There is insufficient parking available allowing for the fact that taxis park by the rear entrance to the property
- I suppose anything is preferable to the historic building standing empty, but this is a very underwhelming proposal
- The plan will not help to liven up the centre of town or attract tourists to the area

- On the planning application form it states the property is not near any river or watercourse, however the river Wye runs beneath the properties and access road at back of Grove Parade
- If this development requires heavy machinery to be moved on the joint access road it may cause damage to the structure covering the river
- We have struggled for years with unauthorised parking on the access road and the back of Grove Parade preventing tenants accessing their homes and therefore are reassured there is to be no parking for these flats at the back.
- Who is going to take the rubbish bins onto the public road as there is no room for bin lorries to go down the access road

### Support (3)

- Positive car free development within an urban area
- Pennine Cycleway is not cycle infrastructure, rather it is a route on paper, which should be upgraded as a result of more car free development
- Cycle parking welcomed although two tiered stands are difficult to access, particularly with a heavy ebike, which should be encouraged to make difficult areas like Buxton more accessible
- Cycle spaces are limited to one per residence and would not be enough for apartments accommodating two or more people
- Plans should be amended to provide parking for non standard cycles
- Disagree that existing parking restrictions on the local network are well observed – cars are often parked in the restricted area on Station approach blocking disabled access and parking enforcement is quite poor in Buxton
- Therefore recommend a covenant on residential leases for a penalty should a parking contravention occur by future residents
- This conversion would be a good idea because it will enhance the area and form part of a possible regeneration of Spring Gardens.
- It would be good to convert several of the old buildings which are getting a bit dilapidated.

<b>Consultee</b>	<b>Comment</b>	<b>Officer response</b>
<b>Buxton Civic Association</b>	<b>Awaited</b>	<b>Refer to Update Sheet</b>
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<b>Buxton Mineral Water</b>	<b>Awaited (Revised)</b>	<b>Refer to Update Sheet</b>
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17.10.22:

The building's location is noted in close proximity to The Crescent. In these regards they have requested further information relating to the nature of the works involved, in particular below ground works required for the proposed for the extension.

**County  
Emergency  
Planning**

**Awaited**

**Refer to Update  
Sheet**

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**County  
Archaeology**

**No objection**

**Refer to Update  
Sheet**

11.05.23:

The Grove Hotel is Grade II Listed and the proposals may impact upon the heritage significance of this asset. Please be advised further by your Conservation Officer on this and any requirement for built heritage recording should the proposals gain consent.

Although the site is immediately adjacent to the adopted Area of Archaeological Interest relating to Roman Buxton, the current proposals are confined to the existing built form of the hotel and it is not considered that there will be any archaeological impact.

**County  
Highways**

**No objections.**

**Refer to the  
highways section  
of the main  
report.**

06.10.22:

The proposal seeks the conversion of an existing hotel to form 9no one-bedroom flats and 11no two-bedroom flats.

The proposal doesn't include any off-street parking provision to serve the proposed flats which is not ideal, however, Grove Hotel does not benefit from off-street parking and there is insufficient space within the site to provide off-street parking provision.

The site is located in Buxton town centre in the vicinity associated facilities with availability of public transport on the A515 and Station Road etc, and the site is in walking distance from Buxton Train Station, therefore, it is not

considered that residents of the proposed flats would be reliant on the use of motor vehicles.

There are instances of on-street parking on the surrounding highway network that could accommodate some parking for residents and there is a number of public car parks located around Buxton.

It is considered that the provision of cycle storage would be beneficial to the proposed development, which the applicant may want to consider.

Accordingly, the Highway Authority does not consider the proposal to be detrimental to highways safety. In view of the extant use of the site the lack of off-street parking provision would not be a sustainable reason for a highway objection, therefore, the Highway Authority has no objections to the proposal.

<b>County Flood Risk Management</b>	<b>No comment</b>	<b>Refer to the environmental matters section of the main report.</b>
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19.10.22:

We have no comment due to this request being a change of use and all changes are within the same building which doesn't increase surface water flood risk outside the building. Since this dwelling is within Zone 3a we will advise you seek advice from the EA.

<b>County Place</b>	<b>Awaited (Revised)</b>	<b>Refer to Update Sheet</b>
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14.04.23 (revised):

SUMMARY: The analysis indicates that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The County Council therefore requests financial contributions as follows:

£36,331.10 towards the provision additional education facilities for 2 junior places at Buxton Junior school.

<b>Derbyshire Wildlife Trust</b>	<b>No objection subject to conditions.</b>	<b>Refer to the ecology section of the main report.</b>
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30.11.22:

The development at Grove Hotel is supported by a Preliminary Roost Assessment (Whistling Beetle Ecological Consultants, 2021). The report



concludes that the hotel building has negligible potential to support roosting bats. Considering the recent significant works to the hotel roof, we advise that negligible potential is a fair assessment and no further surveys regarding bats are considered necessary. However, as this bat assessment was completed in November 2021, we only consider the results to be valid until the start of the 2023 bat activity season. If works have not begun by April 2023, a new update Preliminary Bat Roost Assessment will likely be required.

Recommendations

Our Derbyshire Local Record Centre holds multiple records of bats/bat roosts within 500m of the development. As a result, we recommend the council secures a biodiversity enhancement and a lighting condition to safeguard and enhance local bat populations. See below for conditions.

Lighting

Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Biodiversity Enhancement Plan

Prior to building works commencing, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2021. Measures shall include (but are not limited to) the following:

- 2x External Bat Box (Including details on position/specification)
- 3x External Swift Box (Including details on position/specification)

Such approved measures shall be implemented in full and maintained thereafter.

<b>Environment Agency</b>	<b>No objections subject to conditions.</b>	<b>Refer to the environmental matters section of the main report.</b>
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06.04.23 (revised):

Environment Agency position

The proposed development will only meet the National Planning Policy Framework’s requirements in relation to flood risk if the following planning condition is included.

### Condition

The development shall be carried out in accordance with the submitted flood risk assessment (ref 10794G/FRA/03, dated April 2023, compiled by WML Consulting) and the following mitigation measures it details:

- Finished floor levels of the ground floor shall be set no lower than existing (289.80 meters above Ordnance Datum (AOD)).
- Finished floor levels of the first floor shall be set no lower than existing (292.65 mAOD).
- There shall be no habitable units below the design flood height of 290.54mAOD (habitable accommodation shall be limited to the first floor or above).
- Access to the basement shall not be permitted to the residents or the public.
- Resilience measures shall be implemented as per section 5.36 of the FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

### Reasons

- To reduce the risk of flooding to the proposed development and future occupants.

### Advice to LPA

We strongly advise that the LPA considers the high level of flood risk associated with this 'more vulnerable' development. The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application, we recommend that consideration is given to the issues below:

- Adequacy of rescue or evacuation arrangements
- Details and adequacy of an emergency plan
- Details and adequacy of flood proofing and other building level resistance and resilience measures
- Details and calculations relating to the structural stability of buildings during a flood

Where necessary, the advice of relevant experts should be sought.

### Access and egress/emergency response

It is the responsibility of the Local Planning Authority to decide whether the access and egress arrangements during a flood are acceptable or not.

During a 1% AEP plus 30% climate change event, the ground floor of the development would be inundated with flood depths of 740mm (hazard rating of 'danger for most').

Although the residential area on the upper floors would remain dry, the ground floor and areas around the proposed development site would be inundated during the design flood, with depths significantly heightened should culvert blockages occur. The journey to safe, dry areas completely outside of the inundation zone could involve crossing areas of fast flowing and deep floodwater. We strongly recommend that occupants remain within the upper floors of the development during a flood event.

The river Wye and its tributaries are capable of producing very rapid responses to major rainfall events on the source catchments of the adjacent moors. The rapid response of this type of catchment means that flood warnings can give only very limited notice of a potential flood event. The steep gradients upstream also mean that these watercourses can have high sediment and debris loads which can result in rapid blockage of culverts, bridges and any other 'in channel' restrictions.

There are two culverts within close proximity to the development which have the potential for significant blockages to occur. The 'River Wye SFRM, Halcrow, August 2010' model contains blockage scenario modelling for these culverts. The increases in water level as a result of a range of culvert blockage scenarios are given below:

Flood event	Increase in water level
25% blockage - Spring Gardens culvert	57mm
75% blockage – Spring Gardens culvert	196mm
25% blockage – Bridge Street culvert	110mm
50% blockage – Bridge Street culvert	265mm
75% blockage – Bridge Street culvert	594mm

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

Planning practice guidance (PPG) to the National Planning Policy Framework (NPPF) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental

to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.

We have considered the findings of the flood risk assessment in relation to the likely duration, depths, velocities and flood hazard rating against the design flood for the proposal. We agree that this indicates that there will be a danger to most people (e.g. there will be danger of loss of life for the general public). This hazard rating could be higher during the event of a culvert blockage.

This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your emergency planners and the emergency services to confirm the adequacy of the evacuation proposals.

#### Structural stability and internal risk to the development

Buildings are at risk of becoming structurally unstable with external flood depths of 600mm and above. The flood depths on the ground floor could compromise the structural stability of the building. The applicant should provide appropriate structural survey and calculations to demonstrate that the building will be safe when subjected to the likely forces of flood water. High Peak Borough Council should consult an appropriate structural engineer to assess any proposals put forwards. The Wye SFRM 2010 hydraulic model includes flood velocity and depth information which can be used to assess the structural safety of the proposals.

During the design flood event (1% AEP plus 30% climate change) the basement would be completely submerged. A mitigation plan may be required to drain the basement post-flood event. In addition, we advise the applicant ensures any sensitive infrastructure such as gas and water pipes or electrical cabling are located and designed to withstand the potential impacts of debris within flood water.

#### Advice to applicant - signing up for flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.  
For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

<b>High Access</b>	<b>Peak</b>	<b>Awaited</b>	<b>Refer to Update Sheet</b>
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<b>Historic England</b>	<b>No comment</b>	<b>Refer to the heritage section of the main report</b>
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25.10.22:

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

<b>HPBC Conservation Officer</b>	<b>No objections subject to conditions.</b>	<b>Refer to the heritage section of the main report.</b>
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22.03.23 (revised):

The rear elevation as seen in *Grove Hotel 3D Massing P752 Rev B* makes for a more interesting and lighter combination of elements in terms of massing, allowing for the rear of The Grove to be both developed appropriately to suit the new function and enhance the building without posing undue harm. The drawing accompanying this; *Grove Hotel Elevations proposed Sheet 1 P700 Rev E* shows the revised glazed element containing new stair access that is seen to provide a level of enhancement to the rear elevation. The second 'infill' outrigger looks to compliment the former and original by mimicking its unassuming and neutral design and scales. These elements are now seen to be acceptable within the scheme.

I note a now up to date statement describing the physical fabric; *Statement of existing fabric*. Though more information would be required regarding:

- 1) Stone cleaning. This was not raised at the latest meeting and it should be approached with caution. Happy to confirm details. It would be imperative not to go ahead with such works until details are agreed.
- 2) Front door below canopy, main (traditional) entry and wood panelling. Still awaiting further details regarding the panelling.
- 3) Pleased the canopy is now being included as part of the project, though a full assessment of repair works required would be preferred, including a series of photographs to properly ascertain its existing status. I am concerned the information provided is not enough when considering it is one of the only surviving ornate canopies in central Buxton and to my knowledge it has not been addressed for conservation for some time.

To conclude:

I await further correspondence regarding points 1-3 above and am happy to continue to advise. I have no objection to the updated scheme.

17.02.23:

Objection

Unfortunately it seems the scheme is not thoroughly realised despite discussion, and has a multitude of issues preventing full support from Conservation.

Currently, the most crucial is the lack of attention paid to the canopy at the front of the listed building. A very prominent element included in the listing description and of course attached physically to the main frontage. This decorative feature is very significant, forming part of the relationship across the historic frontages on the intersecting roads of Terrace Road. It is also in line of sight of The Crescent, and visually associated with a 'picture-postcard' introduction into the heart of the town. It pairs respectively with what is left of the historic canopy at the Buxton Baths and what is now the Cavendish shopping arcade. This feature no longer forms part of the HAZ (Heritage Action Zone) scheme and it is imperative it is included in any projects at The Grove Hotel.

There is little clarity on what interventions will occur on the physical fabric of the former Hotel as part of the conversion, as on site it was seen inside that a considerable amount of change has occurred over time. This includes the loss of some portions of historic lath and plaster walling, structural effects to flooring having a knock-on effect onto some period staircases and loss of rubble walling at the principle elevation around window reveals with unsympathetic use of cement.

Further, I am concerned the interventions focused at the rear elevation look to eliminate what remains as a well-read progression of historic alteration. Currently, the rear though of course being service areas and their respective features, looks quite humble and the simple linearity contributes to its subservience as it still forms part of the overall building. Initially, there was a modicum of concern regarding the extension, though now, with the scale and

use of some features; it does look to become quite visually jarring. The inclusion of a large block above the ground floor bay, (former reception space) makes for a bizarre top heavy elevation. The direction of the existing pitch roofs here mostly face east, and can be well read as secondary against the historic footprint of the core of the building. I am concerned the proposed rear looks to compete and risk merging the two, losing this legibility.

13.12.22:

Though I have no issue in principle with the revitalisation and reuse of the former Grove Hotel, I would like to ascertain further information as follows:

- What render is proposed to be used on the frontage?
- Will the existing render on the front elevation be removed prior to any repair works?
- Will there be any extraction installed in the en-suites/bathrooms?
- What works are proposed for the original frontage/entry, if any? Happy to advise.
- Will stone work lost/damaged due to the installation of new windows be rectified?

Other points I would like to make at this stage are:

- Where original laths have been lost on historic walling elements, these must be reinstated like-for-like.
- Where original windows remain in situ, in particular on the southeast portion of the site see elevation 'E007' on drwg: *Existing elevations – sheet 2*, these must be retained. The use of secondary glazing or shutters is appropriate to ensure comfort levels are met and Historic England Guidance is adhered to.
- The repair and renovation of the original decorative iron canopy running along the frontage must be included in the scheme as it is currently not applicable to the Buxton Heritage Action Zone project.

<b>HPBC Environmental Health</b>	<b>No objection subject to conditions.</b>	<b>Refer to the environmental matters section of the main report.</b>
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14.10.22:

Noise

The noise impact assessment submitted in support of the application may be accepted.

Ramboll, The Grove Hotel Buxton: Noise Impact Assessment (3482-RAM-xx-xx-RP-YA-00001), dated Dec 21

This demonstrates that noise issues are not expected to provide any significant impacts to the new residential units; acoustic ventilation will however, be required for all front facing bedrooms.

Where residential premises are attached to existing commercial premises PD allows for a broad range of use, some of which may have an impact on amenity in the residential units (noise). As Part E of the Building Regulations only applies to noise attenuation between residential premises condition 1 is recommended to protect amenity.

#### Construction

The construction/demolition stage of the development could lead to an increase of noise and dust etc. experienced at sensitive premises and subsequent loss of amenity, for this reason conditions 2 to 4 are suggested.

#### INFORMATIVE:

##### INF12 – DEMOLITION/REFURBISHMENT: ASBESTOS INFORMATIVE

A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition/renovation of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>

#### CONDITIONS:

##### 1. NSD10 - ACOUSTIC INSULATION BETWEEN RESIDENTIAL AND COMMERCIAL

No part of the development hereby permitted shall be brought into use until full details of a sound insulation scheme has been submitted to and approved, in writing by the Local Planning Authority. The scheme shall adequately demonstrate a system of sound insulation between commercial and residential uses, that is designed to achieve an sound insulation value of no less than:

- Airborne Sound Insulation 53 DnT,w+Ctr dB
- Impact Sound Insulation 64 L'nT,w dB

The approved scheme shall then be implemented prior to the permission being brought into use, to the written satisfaction of the Local Planning Authority, and maintained in use for the life of the development.

##### 2. CDD01B - CONSTRUCTION & DEMOLITION – DUST

No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority



3. NS02A - CONSTRUCTION & DEMOLITION WORKS: TIME OF OPERATIONS

Unless prior permission has been obtained in writing from the Local Planning Authority, all noise-generating activities shall be restricted to the following times of operations.

- 07:30 - 18:00 hours (Monday to Friday);
- 08:30 - 14:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

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

4. CDD14 - ON SITE RADIO

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

<b>HPBC Leisure / Recreation</b>	<b>No objection subject to a financial open space contribution</b>	<b>Refer to the planning obligations section of the main report.</b>
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<p>09.05.23 (Revised):</p> <p>Play - £192 x 17 = £3,264                  Parks &amp; Gardens - £489.40 x 17 = £8,319.80                  Outdoor Sports - £571 x 17 = £9707                  Allotments - £76.95 x 17 = £1308.15</p> <p>TOTAL = £22,598.95</p>		
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<b>HPBC Regeneration (Affordable Housing)</b>	<b>No objection subject to a financial affordable housing contribution</b>	<b>Refer to the planning obligations section of the main report.</b>
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<p>11.05.23:</p> <p>Revised figure is £22,939 based on 17 units based on Gross Internal Floor Area as follows:</p> <p>Existing GIFA 1,344 sqm</p>		
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Proposed GIFA 1,465sqm

$17 * 20\% / 100 = 3.4$  units

$(3.4 * \text{Existing @ } 1344 \text{ sqm} / \text{Proposed } 1465 \text{ @ sqm}) = 3.1$

$3.4 - 3.1 = 0.3$

In the emerging SPD, commuted sums will be calculated on the basis of the values that registered providers of affordable housing normally pay to acquire affordable housing.

As a consequence of Vacant Building Credit only 0.30 of a unit would be secured equating to a financial contribution of £22,939 towards offsite affordable housing provision.

<b>HPBC Waste</b>	<b>Awaited (revised)</b>	<b>Refer to Update Sheet</b>
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19.04.23:

Impending legislation (Environment Act) will require the Local Authority to provide a weekly food waste collection for all domestic properties from March 2025 so provision will need to include receptacles for the storage of this waste from each apartment. In addition it is likely that this new legislation will also require householders to separate paper and cardboard (fibre) from their other recyclable materials.....this may lead to additional bins being required.

Therefore it is AES's opinion that this bin store is not large enough to accommodate all of the waste that the residents from these 18 apartments will generate.....the allowance per property based on 15 x 360ltr bins is only 300ltrs. The current allowance for a property in High Peak is 3 (Domestic, Recycling and Food/Green) x 240ltr bins = 720ltrs. Whilst it is accepted that the residents of these properties will not require a green waste service they will need provision (as mentioned above) for the disposal of food waste.....this would probably be in the form of 25ltr Kitchen Caddies which they would keep in their apartment and then transfer to bins in the storage area. 18 x 25ltr = 450ltrs. However, we would not supply 360ltr bins for food waste due to the weight so they bins would be more likely to be either 140, 180 or 240ltr.....so space for another 3 bins would be required. This leaves the requirement for storage of bins for recyclables and normal residual waste.

It would expected that adequate storage for 2 bedroom apartments would be the same as for a normal 2 bedroom domestic house which would be a 240ltr Residual Bin and a 240ltr Recycling Bin = 480ltrs x 14 Apartment = 3360ltrs per waste stream.

For a 1 bedroom apartment adequate storage could be reduced to 140ltrs per

waste stream = 4 x 140 = 1120ltrs.

Therefore to summarise the total waste storage for the 18 apartments would be as follows:

Residual Waste – 4480ltrs (This would require at least 12 x 360ltr bins)

Recyclable Waste – 4480ltrs (This would require at least 12 x 360ltr bins)

Food Waste – 450ltrs (This could be contained in 2 x 240ltr bins)

An alternative solution could be that they widen the doors to the bin store and rear access door to the outside to enable larger bins to be used. Although access must not be compromised.

**National  
Amenity  
Societies**

**Awaited**

**Refer to Update  
Sheet**

-

**Natural England**

**No objection**

**Refer to the  
environmental  
matters section of  
the main report**

23.03.23 (revised):

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

#### Peak District Dales Special Area of Conservation

The proposed development lies within the catchment of Unit 70 and 71 of the River Wye SSSI. This site is in unfavourable condition and is failing its conservation objectives as a result of nutrient enrichment. Point Source, i.e. foul water discharges from development (including via mains sewage treatment works), are one of the main contributors to nutrient enrichment. 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 SSSI. Our full updated advice was sent to your authority on 16th 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 into account by the competent authority within the HRA.

## Nutrient Neutrality

Natural England welcome the Nutrient Neutrality Report provided by the applicant, and advise that where a proposed development will give rise to a reduction in foul water discharge due to overnight stays, it is unlikely that the development will have an adverse impact on the Peak District Dales SAC. We acknowledge the changes made to the calculations in line with our previous comments (dated 9th March 2023) and have set out our comments below.

## Existing Use

### Occupancy

An occupancy rate for the existing hotel of 55% has been applied to the calculations, and is based on National data for hotels outside of London. We consider this figure to be appropriately precautionary.

Water use by non-overnight stay customers

Water use by non-overnight stay visitors has been removed from the calculations. This is in line with Nutrient Neutrality Guidance.

## Proposed Use

### Occupancy

The calculations have been amended to use the standard 2.4 people per dwelling occupancy rate, which is in line with Nutrient Neutrality Guidance.

## Residential Water Use

The average water use per person in the calculations have been altered to use the 120l per person per day in line with the Natural England Nutrient Budget Calculator.

## Surface Water

As the proposal will not alter the surface water drainage from the site, we consider impacts from surface water on the Peak District Dales SAC to be unlikely.

### Summary

The updated calculations indicate there would be a reduction of 1,966L per day in foul water discharging from the site due to overnight stays. This constitutes a significant level of precaution, specifically 27%, and increases the level of certainty that the development will lead to a reduction in phosphorous entering the site. As such, we consider likely significant effects on the Peak District Dales SAC to be unlikely.

### Other Advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A. The LPA should also be aware of the recent rulings, and implications of, the People Over Wind and the Dutch Nitrogen Cases. Details of these are attached below in Annex B.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

### Annexe B – Recent Rulings

Competent authorities undertaking HRAs should be aware of a recent ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (ref: C-323/17). The case relates to the treatment of mitigation measures at the screening stage of a HRA when deciding whether an appropriate assessment of a plan/project is required. The Court's Ruling goes against established practice in the UK that mitigation measures can, to a certain degree, be taken into account at the screening stage.

As a result, Natural England advises that any "embedded" mitigation relating to protected sites under the Habitat Regulations 2017 Regulation 63 (1) should no longer be considered at the screening stage, but taken forward and considered at the appropriate assessment stage to inform a decision as whether no adverse effect on site integrity can be ascertained. In light of the recent case law, any reliance on measures intended to avoid or reduce harmful effects at the likely significant stage is vulnerable to legal challenge.

You may also want to seek your own legal advice on any implications of this recent ruling for your decisions.

Your authority should also be aware of a recent Ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of Coöperatie Mobilisation (AKA the Dutch Case) (Joined Cases C-293/17 and C-294/17 ).

The Coöperatie Mobilisation case relates to strategic approaches to dealing with nitrogen. It considers the approach to take when new plans/projects may adversely affect the ecological situation where a European site is already in 'unfavourable' conservation status, and it considers the acceptability of mitigating measures whose benefits are not certain at the time of that assessment.

Competent authorities undertaking HRA should be mindful of these cases and should seek their own legal advice on the implications of these recent rulings for their decisions.

<b>Severn Trent Water</b>	<b>No objection subject to a condition.</b>	<b>Refer to the environmental matters section of the main report</b>
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31.10.22:

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Suggested Informative

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer

Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

## **7. POLICY, MATERIAL CONSIDERATIONS AND PLANNING BALANCE**

### Decision Making Framework

- 7.1 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 Adopted 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 for the borough consists of the Adopted High Peak Local Plan dated April 2016.
- 7.3 Achieving sustainable development sits at the heart of the NPPF. Paragraph 8 of the NPPF outlines that achieving sustainable development requires the consideration of three overarching and mutually dependant objectives being: economic, social and environmental where they are to be applied to local circumstances of character, need and opportunity of each area. These objectives are interdependent and should be pursued in mutually supportive ways and comprise;
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering well designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well being; and,
  - c) an environmental objective – to protect and enhance our natural, built and historic environment; including making the effective use of

land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 7.4 Section 5 of the Framework relates to delivering a sufficient supply of homes. Paragraph 60 identifies that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 7.5 LP (Local Plan) Policy S1a establishes a presumption in favour of sustainable development as contained within NPPF paragraph 11. It requires decision makers to apply a 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 or where the development plan is absent, silent or relevant policies are out of date, grant 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.
- 7.6 The Council can currently demonstrate 6.28 years supply of housing land (as at 1st April 2022). This represents a total annual housing requirement (April 2022 to March 2027) including a 5% buffer. Accordingly, for decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay within the context of NPPF paragraph 11.
- 7.7 On 23rd June 2022, the Council Executive agreed High Peak Local Plan Policies S3 'Strategic Housing Development' and Policy H4 'Affordable Housing' were deemed out of date for development management purposes, meaning less weight can be given to them when determining planning applications. For the avoidance of doubt, all other policies within the High Peak Local Plan should continue to be given full weight until further notice.

#### Principle of Development

- 7.8 LP Policy S1 'Sustainable Development Principles' states: *"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”.*

7.9 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.

7.10 LP Policy S7 ‘Buxton Sub-area Strategy’ sets out 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. Of relevance, Policy S7 states this will be achieved by: protecting and enhancing the unique character of Buxton’s spa heritage, townscape and natural environment to maintain the quality of life, act as a catalyst for tourism and providing for the housing needs of

the community by planning for sustainable housing. In addition, development proposals should have regard to the Buxton Mineral Water Catchment Area, Nitrate Vulnerable and Groundwater Source Protection Zones in terms of their impact on water quality and quantity.

7.11 The application site falls within the wider local plan allocation DS22 'Station Road and Spring Gardens Regeneration Area, Buxton'. The policy detail confirms land amounting to 3.34ha is allocated for town centre regeneration uses, including residential, office, hotel and tourist accommodation, leisure and cultural related developments. It confirms development will be subject to compliance with other relevant Local Plan policies, and should have regard to the Buxton Design and Place Making Strategy SPD as well as the Station Road Design Framework SPD. In addition, applications will be subject to the following requirements:

- *Applications for retail development outside of the Primary Shopping Area will require a sequential and impact assessment;*
- *Preparation of a comprehensive development plan and phasing programme, including a physical design assessment and viability appraisal;*
- *Heritage Assessment;*
- *Archaeological Assessment;*
- *Contributions towards infrastructure, services and other community needs, including: local labour agreement employment and training scheme; highway, parking and traffic management measures; greenways and public realm;*
- *Provision of additional parking (approximately 30 spaces) to serve Buxton Station to the north of Station Road*
- *Transport Assessment;*
- *Travel Plan;*
- *Environmental Impact Assessment if required;*
- *Ecological Survey;*
- *Hydrological Survey;*
- *Flood Risk Assessment, including surface water control measures via the use of SuDS.*

7.12 LP Policy H1 'Location of Housing Development' seeks to ensure provision is made for housing taking into account all other policies in the Local Plan. This will be achieved by, amongst other mechanisms, 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*".

7.13 Paragraph 60 of the NPPF states: "*To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements*

*are addressed and that land with permission is developed without unnecessary delay”.*

- 7.14 The residential conversion scheme proposes the reuse of an existing vacant hotel building within a sustainable town centre location. Accordingly, the principle of development is considered to be acceptable subject to the scheme according with the development plan as a whole and all materials considerations.
- 7.15 In consideration of the above principle policies, the main issues in the determination of the scheme proposals are:
- a) Whether the scheme addresses the housing needs of local people and meet the reasonable costs of related infrastructure,
  - b) Whether the proposed development would preserve the special architectural or historical interest of the Grade II listed building and its setting,
  - c) The effect of the proposed development on ecology including the impact on Nutrient Neutrality regarding the River Wye SSSI (Site Special Scientific Interest), and,
  - d) The effect of the proposed development having regard to local flood risk and Buxton’s Source Protection Zone.

#### House Mix & Type

- 7.16 LP Policy H3 ‘New Housing Development’ requires all new residential development to address the housing needs of local people, including the provision of affordable housing as set out in LP Policy H4 ‘Affordable Housing’. LP Policy H3 Criteria b) states proposals should provide for a range of market and affordable housing types and sizes that can reasonably meet the requirements and future needs of a wide range of household types including for the elderly and people with specialist housing needs, based on evidence from the Strategic Housing Market Assessment (SHMA) or successor documents. The HELNA (High Peak Housing and Economic Land Needs Assessment) dated September 2022 includes the Council’s latest analysis of the housing mix required across the Borough and is a successor document to the 2014 SHMA.
- 7.17 The recommendations from the 2022 HELNA in relation to the mix of market and social housing for both High Peak as a whole as well as the Buxton Area are outlined in the table below alongside the existing housing stock in Buxton Central Ward and proposed housing mix from the scheme. The recommendations in the HELNA for Buxton include a market adjustment to reflect the need for larger properties precipitated by the pandemic and shift towards home working. This has resulted in a 15% reduction in the number of smaller (1-2 bedroom) dwellings and a commensurate increase in 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 a permanent)*

*shift towards homeworking and the need for larger properties to accommodate this” (HELNA, para 12.34).*

<b>Mix following 15% Market Profile Adjustment</b>	<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>4-bed</b>	<b>5+ bed</b>
HPBC (MARKET)	8%	32%	44%	13%	3%
HPBC (SOCIAL)	41%	25%	28%	7%	0%
Buxton Area (MARKET)	18%	27%	44%	9%	1%
Buxton Area (SOCIAL)	42%	22%	30%	6%	0%
% of existing housing stock in Buxton Central Ward (MARKET & SOCIAL COMBINED)	27%	28%	24%	21%	0%
Scheme Units	35%	65%	0%	0%	0%

7.18 The number of one and two-bedroomed dwellings provided by the development would not closely align with the HELNAs recommended percentages for Buxton (with a 15% market profile adjustment applied). The scheme’s emphasis on 1 and 2-bedroomed dwellings at 35% and 65% of the proposed overall mix sharply contrasts with the 18% (1-bedroom) and 27% (2-bedroom) proportion of the mix recommended in the HELNA for market housing in Buxton. Furthermore, the HELNA for Buxton recommends 44% of the market housing mix should be 3-bedroomed dwellings and 9% should be for 4-bedroom dwellings whereas no properties of this type are proposed within the scheme. It is acknowledged in the Buxton Central Ward 27% and 28% of the existing housing stock consist of one and two-bedroomed properties. As the proposal would not provide any 3-bedroomed or 4-bedroom units, it would not reasonably meet nor contribute towards the wider housing need across Buxton and would cause friction with LP Policy H3 in these regards.

7.19 In addition, parts c) and e) of LP Policy H3 require all new residential development to contribute positively to the promotion of an inclusive community by supporting dwellings designed to provide flexible accommodation capable of future adaption by seeking to achieve adequate internal space for the number of internal occupants in accordance with the NDSS (National Described Space Standards) and to be delivered to meet accessibility standards set out in the Optional Requirement M4(2) of Part M of the Building Regulations. This requirement is further endorsed by the evidence in the HELNA which recommends 50% of new housing should meet these accessibility standards, However, the scheme does not appear to provide for any specialist housing need including its scoring against accessibility standards as set out in the Optional Requirement M4 (2) of Part M of the Building Regulations. The applicant has stated the dimensions, capacity or shape of internal spaces for each individual dwelling could

not be adapted to achieve this requirement given listed building constraints as well as flood risk matters preventing residential accommodation on the ground floor level.

7.20 In addition, statutory guidance in the form of 'Technical Housing Standards – nationally described space standards' sets out minimum gross internal floor area standards, amongst other more internal detailed property requirements. Scheme house plans would meet overall minimum property sizes as detailed in the table below.

1	2 bedroom 3 person	64.9m <sup>2</sup>	61.0m <sup>2</sup>
2	2 bedroom 4 person	85.5m <sup>2</sup>	70.0m <sup>2</sup>
3	1 bedroom 1 person	39.3m <sup>2</sup>	37.0m <sup>2</sup>
4	2 bedroom 3 person	61.0m <sup>2</sup>	61.0m <sup>2</sup>
5	1 bedroom 2 person	61.3m <sup>2</sup>	50.0m <sup>2</sup>
6	2 bedroom 3 person	62.6m <sup>2</sup>	61.0m <sup>2</sup>
7	2 bedroom 3 person	64.9m <sup>2</sup>	61.0m <sup>2</sup>
8	2 bedroom 4 person	85.5m <sup>2</sup>	70.0m <sup>2</sup>
9	1 bedroom 1 person	39.1m <sup>2</sup>	37.0m <sup>2</sup>
10	2 bedroom 3 person	61.8m <sup>2</sup>	61.0m <sup>2</sup>
11	1 bedroom 2 person	56.8m <sup>2</sup>	50.0m <sup>2</sup>
12	2 bedroom 3 person	71.5m <sup>2</sup>	61.0m <sup>2</sup>
13	1 bedroom 2 person	56.0m <sup>2</sup>	50.0m <sup>2</sup>
14	2 bedroom 4 person	80.0m <sup>2</sup>	70.0m <sup>2</sup>
15	2 bedroom 3 person	63.0m <sup>2</sup>	61.0m <sup>2</sup>
16	2 bedroom 3 person	63.4m <sup>2</sup>	61.0m <sup>2</sup>
17	1 bedroom 1 person	37.0 m <sup>2</sup>	37.0m <sup>2</sup>

7.21 In this case and notwithstanding other detailed NDSS technical criteria, all apartments would meet with the minimum space standard in respect of overall Gross Internal Area (GIA), bedroom sizes and individual storage requirements. In these circumstances, the accommodation would be deemed to be acceptable to provide for acceptable living conditions for its future occupiers in terms of internal floor space considerations. Matters of access to light and outlook will be discussed further in the relevant amenity section below.

7.22 The scheme, however, would not provide for an appropriate housing mix / type given the emphasis on 1 and 2-bedroomed dwellings and omission of both 3 and 4-bedroomed units together with accessibility issues as identified above. It is acknowledged the nature of the listed building may sometimes compromise on space and adaptability in order to achieve a satisfactory heritage outcome.

7.23 As a consequence, there would be conflict with the housing mix and accessibility requirements of LP Policies SS1, S5, H3 and H4 as well as the NPPF. This matter will be returned to in the planning balance and conclusion section below.

## Affordable Housing

- 7.24 LP Policy H4 'Affordable Housing' is triggered by the proposed scheme totalling 17 apartments requiring 20% of affordable housing provision onsite. In these circumstances, the scheme would generate a requirement for a total of 3.4 affordable housing units to be provided within the development site. In exceptional circumstances, the Council may allow the provision offsite or a financial contribution of broadly equivalent value if this is deemed to be acceptable. The emerging Development Contributions 2022 SPD has now been through consultation and attracts more weight in decision making, however, has not yet been adopted which is expected in the summer of 2023.
- 7.25 Paragraph 64 of the NPPF states to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. Footnote 30 confirms the contribution to be "*equivalent to the existing gross floorspace of the existing buildings*" excluding "*vacant buildings which have been abandoned*".
- 7.26 The 'Vacant Building Credit' was introduced by the Government in 2016 as an incentive for brownfield development on sites containing vacant buildings. The NPPG states: "*Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace*".
- 7.27 The guidance stipulates the existing floorspace of a vacant building should be credited against the floorspace of the new development e.g. The Grove Hotel building has a gross floorspace of 1362 sqm and is to be extended as part of the proposed scheme with a gross internal floor area overall floorspace of 1473 sqm. As a consequence, the affordable housing contribution would be 0.30 units of normal policy requirements or the financial equivalent value of £22,939 to be secured by a s106 planning legal agreement. The vacant building credit only applies where the building has not been abandoned considering: (1) the condition of the property, (2) the period of non-use, (3) whether there has been an intervening use and (4) any evidence regarding the owner's intention.
- 7.28 In these regards, the applicant has confirmed following closure of the hotel in 2013 some significant building repair works were carried out on the upper floors of the building including stabilisation of the front elevation, replacement slate roof covering and new vertical sliding sash windows. These works have ensured the buildings has remained dry, free of dry rot and weather proof whilst vacant. There has been no intervening use of the upper floors. However, the ground floor retail units have remained open and trading throughout. The applicant purchased

the building in August 2022 for proposed refurbishment and reuse by creating apartments on the upper floors with the ground retail units remaining intact. Business Rates records confirm The Grove Hotel as empty since December 2014. Whilst Council Tax records confirm the domestic element of the property vacant since early 2015.

7.29 In addition, the NPPG states: *“The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. 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”*. In consideration of the above, the Grove Hotel building does not appear to have been made vacant for the sole purposes of redevelopment nor is it covered by an extant or recently expired planning permission for the same or substantially the same development.

7.30 The scheme will make an efficient use of a former hotel which closed in 2013 and in a central sustainable location to assist in meeting the growth needs of the Borough whilst securing an appropriate affordable housing commuted sum to assist in bringing the empty building back into use. Accordingly, the scheme would comply ‘with LP Policy H4 ‘Affordable Housing’ as well as the NPPF.

### Heritage & Design

7.31 LP Policy EQ6 ‘Design and Place Making’ states:

*“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 will be achieved by:*

- *Requiring development to be well designed to respect the character, identity and context of High Peak's townscapes and landscapes*
- *Requiring that development on the edge of settlement is of high quality design that protects, enhances and / or restores landscape character, particularly in relation to the setting and character of the Peak District National Park*
- *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*
- *Requiring 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*

- *Requiring 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*
- *Requiring that developments are easy to move through and around, incorporating well integrated car parking, pedestrian routes and, where appropriate, cycle routes and facilities*
- *Requiring that developments are designed to minimise opportunities for anti-social or criminal behaviour and promote safe living environments*
- *Requiring the inclusive design of development, including buildings and the surrounding spaces, to ensure development can be accessed and used by everyone, including disabled people*
- *Requiring new homes in residential developments meet environmental performance standards in accordance with Local Plan Policy EQ1;*
- *Requiring that commercial developments, meet environmental performance standards in accordance with Local Plan Policy EQ1*
- *Ensuring that development takes account of national design guidance and Supplementary Planning Documents”.*

7.32 The Council's 'Station Road Design Framework' SPD covers a significant proportion of Buxton Town centre including the primary retail focus of lower town of Spring Gardens and Spring Gardens Shopping Centre. It references the study area playing a pivotal role by acting as the main gateway into and arrival point to the town centre and as a key destination within it. In addition, the relationship between the study area, Upper Town centre and wider heritage attractions is considered as fundamental to the future economic, social and cultural well-being of the town centre as a whole.

7.33 The Design Framework establishes a number of design principles which respond to specific pressures and opportunities facing the area. These principles will inform and direct future developers and their design teams. The Framework does not attempt to provide a masterplan or comprehensive design for the study area. In terms of design principles, however, development should:

- *realise the full potential of the area as the gateway to the town centre;*
- *promote and secure the sustainable design of the area;*
- *address the negative impacts of Station Road;*
- *reveal and integrate the River Wye (whilst addressing flood risk considerations); improve pedestrian movement and connectivity to key destinations*
- *establish a vibrant mix of uses across the area; and*
- *secure high quality, place specific development.*

7.34 In terms of scale, the Framework seeks to achieve development which exploits the sloping landform of the area to enhance the town and its landscape setting by ensuring height, scale and massing is related to surrounding buildings, respects the existing skyline, does not adversely



affect key views and vistas (in and out, across and within the area) and avoids obtrusive roof forms and roof top plant. Moreover, development should respond to the sloping topography of the study area, steps up the valley side to the Railway Station avoiding blank facades and large monolithic building blocks with poor permeability.

- 7.35 Specifically in terms of character, the Framework envisages design which should avoid pastiche in favour of high quality contemporary architecture responding to the distinctive building and townscape qualities of Buxton town centre and the integration of local art and craft traditions to reveal and communicate the place qualities of Buxton through the incorporation of art works and details within building and public space designs.
- 7.36 The Buxton Design and Place Making Strategy SPD *“provides a clear vision for how Buxton’s town centre will look as it continues to attract an increasing amount of development and regeneration activity and a set of design principles to guide and manage future changes. It promotes the highest standard of urban design and architecture and is rooted in a careful analysis of the town centre and the characteristics that make it work and make it special”*. The Grove Hotel falls within overlapping character areas of ‘The Quadrant’ *“A ‘cosmopolitan’ area with an interesting high quality mix of businesses including independent and branded shops, restaurants and bars”* and ‘Spring Gardens’ *“a ‘smart high street’ area containing a number of national multiples, as well as local retailers, to serve Buxton and its hinterland”*.
- 7.37 For ‘Spring Gardens’, the strategy states *historic buildings must be conserved and enhanced in order to protect the character of the main shopping street* and *“vacant upper floors should be brought back into use, either business (office) or residential accommodation. A mix of uses and reuse of existing historic buildings is encouraged to promote sustainability*. In relation to ‘The Quadrant’, the Grove Hotel is stated as occupying a key location at the head of Spring Gardens and *“existing historic buildings must be conserved and enhanced to protect the character of the area”*. In addition, *“historic shop fronts should be preserved and promoted”* and *“active ground floor uses are encouraged to ensure continuity and enclosure is maintained along the street”*. Whilst *“reinvigorated, diverse uses will help create diversity and a street full of character and activity. A mix of uses creates vibrant streets. The reuse and refurbishment of existing historic buildings, will ensure the economic, social and environmental sustainability of the Quadrant area”*.
- 7.38 In addition, the Grove Hotel falls within the Buxton High Street Heritage Action Zone, which is a nationwide government funded programme delivered by Historic England for part grant funding towards conservation-led external repairs and restoration for owners / lessees of all eligible buildings within the zone. The programme is intended to breathe new life into town centres, making the high street a more attractive, engaging and vibrant place for people to live, work and spend

time. Importantly, the Grove Hotel and its ornate cast iron canopy is one of only two buildings which are identified as key projects within the zone (the other one being the former White Lion PH). It is understood grant funding has been allocated to three other projects and the conversion of the Grove Hotel does not rely on public funding.

7.39 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.

7.40 LP Policy EQ7 'Built and Historic Environment', states "*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: ...Listed Buildings, Conservation Areas, Archaeological sites*". "*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*".

7.41 The 4 storey Grade II listed Grove Hotel building is located to the east side of Terrace Road, set back from the wide pavement with a frontage parade of shops with glazed cast iron canopy to the ground floor. The Grove Hotel is situated within the Buxton Central Conservation Area. The Appraisal places The Grove Hotel within Character Area 3 (Spring Gardens) whereby its arched west elevation is referred to as a focal point of Character Area 1 (The Crescent). The Grove Hotel is considered to have a gating effect to Spring Gardens but shares a close relationship to Character Area 1 containing The Crescent, The Slopes and the Royal Campus. The appraisal mentions The Grove Hotel as an example of rendered walls from the Georgian period.

7.42 Paragraph 194 of the NPPF states: "*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance*". Annex 2 of the NPPF defines an heritage asset as follows: "*A building, monument, site,*

*place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)".*

7.43 The applicant's submitted Heritage Statement assesses significance of The Grove Hotel as follows:

#### *Significance*

*"As a listed building, designated at grade II, Historic England defines the property as being of special interest".*

#### *Evidential (archaeological) Value*

*"The building forms part of a phase of Georgian development and provides evidence of construction methods, fabric and the architectural style from the period".*

#### *Historical Value*

*"The historic value of the building is derived from its group value as part of the development phase undertaken as part of a comprehensive scheme to raise the profile of the town. The evolution of its form represents periods of prosperity and popularity in the area largely aided by the spa, local landscape, and general prestige and fashionable image of the town".*

#### *Aesthetic (architectural/artistic) Value*

*"Aesthetically, the value of the building is in the way it connects to Spring Gardens, rounding the corner and forming a gating effect to the street. A particularly celebrated feature of the property is the ornated glass and cast iron canopy and arched entrances which span the west and south elevations covering the historic shopfronts".*

#### *Communal Value*

*"The property has communal value in relation to the conservation area and as part of the area's historical and architectural development. Therefore, the building contributes to a sense of place, the social, domestic, and architectural history of the area".*

#### *Overview*

*"The significance of the Grove Hotel is defined by its history as part of the development and investment phase in Buxton and the role it played in the town's early tourism industry and trade as a coaching house and hotel. It also has architectural character both in its own right as well as part of the historic streetscape. It is the principal street elevations that*

*carry the most significance whilst the much altered and obscured rear of the property is of lesser value”.*

#### *Level of Significance*

*“The significance of the main elevation is considered to be of medium significance due to post construction changes and the addition of modern fabrics such as windows and cement render. The rear elevation has been extended and altered over the years and as such lacks cohesive architectural style or historic context and is considered to be of low significance. Any original internal features historical features are considered to be of medium significance, however, some aspects of the internal form have been subjected to alteration and redesign over the 20<sup>th</sup> century which has impacted on originality in places”*

#### *Setting*

*“The setting of the building is defined by the neighbouring historic properties, landscaped parks and town planning in Buxton Central Conservation Area. The setting to the front of the building is considered to be of high significance. The setting to the rear has been impacted by 20<sup>th</sup> century extensions to facilitate the use of neighbouring properties for retail and commercial use which has largely interrupted any remaining original historic character and therefore has low significance”.*

#### *Significance of Winster Place*

*“The significance of Winster Place is derived from its architectural merit as an example of the grand mid-18<sup>th</sup> century development of central Buxton and for the contribution it makes to the streetscape of Spring Gardens. It also holds historic value having originally been a hotel during the height of the town’s popularity in the Victorian era. Winster Place is a heritage asset considered to be of medium significance”.*

#### *Significance of other Listed Buildings*

*“The significance of the listed buildings on the street and wider conservation area, like the Grove Hotel, are also defined by their architectural character, local stone construction materials, and history as part of the Dukes of Devonshire’s development phases. The buildings contribute to the wider setting and streetscape of the area”.*

#### *Significance of Buxton Central Conservation Area*

*“The significance of the conservation area is derived from its historical development of late 18<sup>th</sup> to mid-19<sup>th</sup> century architecture. These developments were executed in Georgian and Victorian styles and forms fashionable at the time of construction and inspired by other spa towns such as Bath. A number of prominent architects from the period enlisted*

*by the Duke(s) of Devonshire to create their designs resulting in some exceptional examples of historic buildings from the period.*

*Buxton Conservation Area is a heritage asset considered to be of high significance”.*

7.44 When determining applications, paragraph 197 of the NPPF 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”.*

7.45 The schedule of proposed works for the conversion of the hotel into 17 one and two-bedroomed apartments on the first, second and third floors with ancillary residents’ storage on the ground floor is detailed as follows:

- Two infill additions to the eastern (rear elevation) for accommodation and stairwell including glazing curtain and traditional sash windows
- Removal of existing staircases to provide for additional accommodation
- Interior repartitioning of room spaces, including infilling of existing doorways surplus to requirements
- Installation of new plumbing for kitchen and bathrooms

7.46 The applicant’s heritage statement considers the proposed works focus on the interior and rear elevations only, with no changes visible from the public realm to conclude no impact to the historically significant Crescent/Slopes area heritage assets. Whilst the significance of the Buxton Conservation Area is considered to be high, impact to building setting, including the Conservation Area is considered to be negligible.

7.47 The Heritage Statement considers there to be negligible impact on significance regarding remodelling works in relation to circulation / living spaces as well as the proposed infilling / removal / replacement of later additions including fireplaces, doors, fixtures and plumbing. The removal of existing staircases, however, would constitute a moderate impact to the property’s existing building context and circulation and is stated as causing less than substantial harm (at the lower end of the scale) overall. In these regards, the applicant sets out there are five existing staircases in the building and none of them serve all the floors. The stairs serving the basement from the ground floor will be retained for maintenance access. In addition, the main ‘feature’ staircase rising from the main entrance up to the first floor would also be kept in situ as requested by the Council’s Conservation Officer. Whilst the other three sets of stairs are scattered across the building, ‘rear left’, ‘front centre’

and 'rear right' and are in a poor condition. The requirement to keep the existing central main entrance and central feature stair from ground to first floor together with the wide frontage and narrow depth of the property means that a single central stair core would be the only way to achieve a floor layout with apartments to meet with the requirements of Part B of the Building Regulations and safe escape in the event of fire as justified by the applicant. The proposed scheme would be for a new stair core provided from the top of original staircase within the proposed addition to the rear of the property to serve all upper floors, which in turn minimises the alterations to the existing fabric by removing the need to create new openings within in the existing floors.

7.48 The Council's Conservation Officer considers the rear elevation as revised to make for a more interesting and lighter combination of elements in terms of massing, allowing for the rear of The Grove to be both developed appropriately to suit the new function and enhance the building without posing undue harm. In further detail, the revised glazed element containing a new stair access is seen to provide a level of enhancement to the rear elevation. Whilst the second 'infill' outrigger appears to compliment the former and original by mimicking its unassuming and neutral design and scales. The previously objected to unsympathetic extensions are now seen to be acceptable within the overall scheme and she raises no objection to the revised proposal.

7.49 Some details, however, remain outstanding in relation to stone cleaning, the main entrance (front door) and status of internal wooden panelling. There is particular concern regarding the omission of a full assessment of repair works to the cast iron canopy, particularly given its significance as a surviving ornate canopy within central Buxton, which does not appear to have been addressed for conservation for some time and therefore is an important aspect of the scheme to be resolved. The Conservation Officer, however, considers these matters can be dealt with by means of suitably worded planning conditions. Planning conditions are also proposed for matters including joinery (windows and doors), boundary treatment (rear) and external bin store (rear). Comments are outstanding in relation to recently updated floorplans, which seek a betterment in property floor standards and Members are directed to the Update Sheet in these regards.

7.50 Whilst paragraph 199 of the NPPF states: "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*".

7.51 Paragraph 202 of the NPPF states: "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable*

use". Identifying and assessing any 'benefits' to weigh against harm to a heritage asset are also matters for the decision-maker as is the weight to be given to such benefits as material considerations. A potentially relevant 'public benefit', which either on its own or with others might be decisive in the balance can include a heritage-related benefit as well as one that has nothing to do with heritage. The relevant guidance in the NPPG applies a broad meaning to the concept of 'public benefits'. While these "may include heritage benefits", the guidance confirms that "*all types of public benefits can be taken together and weighed against harm*".

7.52 Derbyshire County Council Archaeology note the Grove Hotel lies immediately adjacent to the adopted Area of Archaeological Interest relating to Roman Buxton, but consider as the scheme is confined to the existing built form of the hotel there will not be any archaeological impact.

7.53 In these regards, the public benefits (environmental and social) to be derived from the scheme include the conversion of the building for dwellings meeting modern day living standards whilst ensuring the building (The Grove Hotel) is well maintained by ending a period of long term vacancy being broadly consistent with the building's conservation. Public benefits (economic and environmental) can also be realised from sustaining and / or enhancing the significance of the heritage asset and the contribution to its setting for this prominently located town centre property, which is sited within the LP allocation DS22 'Station Road and Spring Gardens Regeneration Area' whilst living above the shop would help create diversity and a street full of character / activity to overall outweigh matters of 'less than substantial harm' concerning the proposed removal of internal staircases within the Grove Hotel. This matter will be returned to in the planning balance and conclusion section below.

### Amenity

7.54 LP Policy EQ6 'Design and Place Making' requires development to achieve a satisfactory relationship to adjacent development, which 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. Whilst paragraph 130(f) requires a high standard of amenity for all existing and future users of land and buildings.

7.55 The Council's Residential Design SPD at paragraph 8.6.1 states "*As a guide a distance of 21 metres between habitable room windows of adjacent properties will provide an acceptable level of amenity*". Whilst paragraph 8.8 states: "*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*".

- 7.56 In terms of living conditions, the revised scheme has resolved the main area of conflict regarding the omission of ground floor residential accommodation whereby future occupiers of such flats would have had a limited and potentially materially harmful level of outlook and light from such windows. Instead the ground floor accommodation will now be appropriately dedicated to ancillary residential storage including a secure bike store area. Whilst the layout of the scheme is constrained to a large extent by the form of the existing listed building within the built up town centre, the applicant has achieved a broadly satisfactory level of amenity for all apartments and these are distributed within the existing building to optimise the use of existing windows in lounge and bedroom spaces assisted by the open aspect to the front and rear of the Grove Hotel.
- 7.57 Overall, the levels of amenity afforded to prospective occupants of the proposed apartments are of an acceptable level on a scheme wide basis. Accordingly, the scheme achieves compliance with LP Policy EQ6 in particular as well as the NPPF.

#### Nutrient Neutrality

- 7.58 The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC) and River Wye SSSI. The Council has been notified 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 should be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail.
- 7.59 The application site (excluding parade of shops) was formally used as a hotel, for which floor plans have been provided. The applicant has provided a further revised Nutrient Neutrality Report dated March 2023 to demonstrate there would be no increase in the number of overnight stays over and above the building’s lawful fallback position as a hotel. The report is based on a 26 bedroom hotel with staff accommodation set against an 18 unit apartment scheme.
- 7.60 Regarding the revised Nutrient Neutrality Report, Natural England state an occupancy rate for the existing hotel of 55% has been applied to the calculations based on national data for hotels outside of London whilst water use by non-overnight stay customers has been removed from the calculations. In addition, the occupancy calculations have been amended to use the standard 2.4 people per dwelling occupancy rate to accord with Nutrient Neutrality Guidance. Whilst the average water use per person in the calculations have been altered to use the 120l per



person per day to accord with the Natural England Nutrient Budget Calculator. Natural England note as the proposal will not alter the surface water drainage from the site, it considers impacts from surface water on the Peak District Dales SAC to be unlikely. As a consequence, Natural England also confirm the updated calculations indicate there would be a reduction of 1,966L per day in foul water discharging from the site due to overnight stays. This constitutes a significant level of precaution, specifically 27% and increases the level of certainty that the development will lead to a reduction in phosphorous entering the site. As such, Natural England consider significant effects on the Peak District Dales SAC to be unlikely. There is no requirement to further consult with Natural England concerning the scheme reduction from 18 to 17 units which represents a betterment of the level of phosphorous entering the SAC.

- 7.61 *Screening Assessment.* The proposal is not directly connected with or necessary for the conservation management of a European site. The proposal would not increase overnight stays or surface water run-off from the site. As a consequence, the scheme would 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 in these circumstances.

#### Highway Safety

- 7.62 LP Policy CF6 'Accessibility and Transport' seeks to ensure development can be safely accessed in a sustainable manner and all new development is located where it can be satisfactorily accommodated within the existing highway network.
- 7.63 Whilst County Highways consider the lack of any off-street parking provision for the proposed apartments to be undesirable, the town centre location with associated facilities and availability of public transport, including Buxton Train Station in close proximity would result in future residents of the scheme not being overly reliant on the use of motor vehicles. Although, some availability of on-street parking on the surrounding highway network which could accommodate some parking capacity for residents, together with a limited number of public car parks located around Buxton is highlighted. The provision of cycle storage, which would be beneficial to the proposed development has been recommended. In these regards, the scheme would benefit from secure, indoor cycle store with capacity for 26 no. spaces and therefore over and above local plan requirements. The Council's Waste Department have been consulted on the revised external waste arrangements and Members are directed to the Update Sheet in these regards.
- 7.64 Accordingly, the Highway Authority does not consider the proposal to be detrimental to highway safety, which has considered the lawful use of the site and town centre location to raise no overall objections to the scheme. In these regards, the residential scheme, including an

appropriate level of secure cycle parking would be in accordance with LP Policy CF6 as well as the NPPF.

### Flood Risk and Drainage

7.65 LP Policy EQ11 'Flood Risk Management' states "*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*".

7.66 The applicant's submitted flood risk assessment (as revised) in relation to potential sources of fluvial (river) flooding, confirms the Grove Hotel is located within Flood Zone 3 (high risk), i.e. a 1% or greater probability of fluvial (river) flooding occurring in any year whereby this potential flood risk is generated by the River Wye which flows west to east in culvert just to the north of the site. The River Wye is classed as a "main river", and is therefore falls under the jurisdiction of the Environment Agency.

7.66 The Environment Agency no longer objects to the scheme following the submission of the further revised flood risk assessment dated April 2023 and the following mitigation measures it details as follows: (1) Finished floor levels of the ground floor shall be set no lower than existing (289.80 meters above Ordnance Datum (AOD)), (2) Finished floor levels of the first floor shall be set no lower than existing (292.65m AOD), (3) There shall be no habitable units below the design flood height of 290.54m AOD (habitable accommodation shall be limited to the first floor or above), (4) Access to the basement shall not be permitted to the residents or the public and (5) Resilience measures shall be implemented as per section 5.36 of the flood risk assessment. These matters would be dealt with via a suitably worded planning condition, including an implementation clause for mitigation measures to be fully implemented prior to occupation of the building to reduce the risk of flooding to the proposed development and its future occupants.

7.68 Notwithstanding the withdrawal of its objections, the Environmental Agency has strongly advised the Local Planning Authority to consider the high level of flood risk associated with this 'more vulnerable' development, which falls outside of its remit and prior to the determination of the application scheme as follows:

1. Adequacy of rescue or evacuation arrangements
2. Details and adequacy of an emergency plan
3. Details and adequacy of flood proofing and other building level resistance and resilience measures
4. Details and calculations relating to the structural stability of buildings during a flood.

7.69 In these regards, County Emergency Planning have been consulted with regard to points 1 and 2 regarding the adequacy of the evacuation and

emergency plan. Whilst confirming points 3 and 4 are outside of their remit or area of expertise to be able to comment and therefore fall to the Local Planning Authority to assess. In addition, the applicant has further updated its Flood Risk Assessment triggering a reconsultation with the Environment Agency. Members should therefore consult the Update Sheet in these regards.

- 7.70 The Lead Local Flood Authority (LLFA) make no comment on the scheme given the change of use proposed, which would not increase surface water flood risk outside the building. In addition, Severn Trent Water have suggested the inclusion of a planning condition requiring the submission and approval of a scheme for the disposal of surface water and foul sewage.
- 7.71 There are outstanding matters in relation to local flood risk, which are subject to further consultation with relevant experts. On the basis these are found to be acceptable, then the scheme would accord with LP Policy EQ11 as well as the NPPF.

#### Environmental Matters

- 7.72 LP Policy EQ10 broadly seeks to protect people and the environment from unsafe, unhealthy and polluted environments. NPPF paragraph 174(e) of the NPPF states "*new and existing development should not contribute to, or be put at an unacceptable risk from, or be adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability*".
- 7.73 The Council is required to ensure the source protection zone within Buxton is safeguarded as per LP Policy S7 Sub Area Strategy. Buxton Mineral Water has been consulted on the application submission and noted the building's location in close proximity to The Crescent. In these regards they have requested further information relating to the nature of the works involved, in particular below ground works required for the proposed extension works. The application drawings confirm the rear extension works are infill, which extend from first floor upwards to leave the ground undisturbed in these regards. These matters have been confirmed with Buxton Mineral Water, although a response remains outstanding. Notwithstanding this, there are no concerns raised concerning the safeguarding of Buxton's source protection zone to comply with LP Policies S7 and EQ10 in particular and the NPPF.
- 7.74 The Council's Environmental Health Officer confirms the acceptability of the applicant's Noise Impact Assessment dated December 2021, which demonstrates no significant amenity impacts to new residential units subject to thermal glazing with acoustic rated ventilation for all front facing bedrooms windows. The Council's Conservation Officer has agreed to secondary glazing to those frontage apartments, with original windows, which overlook the pedestrian area of Spring Gardens, together with new timber double glazing units to replace the existing

modern units. Acoustic ventilation may not be possible to those original windows with proposed secondary glazing owing to listed building constraints leading to some potential amenity harm (when such bedroom windows are open) to apartment units: first floor 2, 3, 4, second floor: 8, 9, 10 and third floor 14, 15 and 16 containing frontage bedroom windows. The recommendation for noise attenuation between the existing commercial premises and residential premises falls away given the omission of residential accommodation from the ground floor.

7.75 A planning condition would ensure the protection of local amenity during the construction stage of the proposal.

7.76 As a consequence, there would be some conflict with the environmental requirements of LP Policy EQ10 as well as the NPPF regarding acoustic attenuation of some frontage apartments. This matter will be returned to in the planning balance and conclusion section below.

### Ecology

7.77 LP Policy EQ5 'Biodiversity' advises both biodiversity and ecological resources should be conserved. It states development will not be permitted which would have an adverse impact upon protected species. Para 180 (a) of the NPPF states: "*if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*" and "*(c) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate*".

7.78 The application scheme is supported by a Preliminary Roost Assessment dated 2021 and concludes the hotel building has negligible potential to support roosting bats. DWT (Derbyshire Wildlife Trust) have assessed this document and confirm negligible potential is a fair assessment given the more recent significant works to the hotel roof and therefore advises no further bat surveys are considered to be necessary. Should the hotel conversion works not commence by April 2023, then a new update Preliminary Bat Roost Assessment will likely be required as advised by DWT. The Council's Conservation Officer has permitted works in relation to the following matters which commenced November 2022: demolition of all modern non-load bearing stud walls which formed ensuite bathrooms to hotel rooms, taking down of existing ceilings to expose the original floor and roof timbers (which has included the ceilings on the top floor to expose the existing roof trusses and purlins), stripping out of the electrical and plumbing services of the old hotel and removal of plant and kitchen equipment of the old hotel and therefore in these circumstances a further bat survey is deemed as unnecessary.

DWT recommend a biodiversity enhancement and a detailed lighting strategy planning condition to safeguard and enhance local bat populations.

7.79 Subject to the imposition of these conditions, the scheme is considered to comply with LP Policy EQ5 as well as the NPPF.

#### Planning Obligations

7.80 The applicant has agreed draft Heads of Terms as follows:

- Offsite affordable housing financial contribution subject to Vacant Building Credit financial contribution of £22,939
- Offsite Public Open Space financial contribution of £22,598.95
- Education School Places financial contribution of £36,331.10 (18 units)

7.81 The County Education revised comments concerning the further reduction of scheme units totalling 17 units are awaited and Members are directed to the Update sheet in these regards.

7.82 All of these contributions would be secured by means of a section 106 agreement and are considered to be reasonable and necessary to support the infrastructure requirements of future residents.

#### Planning Balance & Conclusion

7.83 The proposal would provide for a small scale housing scheme within a prominent town centre location and reuse a vacant Grade II building with its associated economic, social and environmental benefits. In turn, the listed building would be conserved in a manner appropriate to its significance and provide a viable use broadly consistent with its conservation to overcome less than substantial in relation to the removal of historical staircases.

7.84 Set against this, the proposed development would result in some modest harm regarding the noise impacts for those frontage bedroom windows, which are not subject to secondary glazing in relation to those identified apartments above owing to listed building constraints. The scheme, would not provide for a housing mix / type which would comply with the HELNA given the emphasis on 1 and 2-bedroomed dwellings and omission of both 3 and 4-bedroomed units together with accessibility issues as identified above. As a consequence, there would be conflict with the housing mix and accessibility requirements of LP Policies SS1, S5, H3 and H4 as well as the NPPF. However, it is acknowledged the nature of the listed building may sometimes compromise on housing mix, space and adaptability in order to achieve a satisfactory heritage outcome.

- 7.85 Overall, the levels of amenity afforded to prospective occupants of the proposed properties are of an acceptable standard on a scheme wide basis.
- 7.86 Members will be updated on matters of flood risk / waste storage and are directed to the Update Sheet in these regards.
- 7.87 On balance, having regard to the relevant local plan policies as set out above and all other material considerations raised, the scheme is considered to be sustainable development and approval is recommended.

## **9. RECOMMENDATIONS**

### **9.1 It is recommended that the Committee**

**A. APPROVE the planning application subject to the conditions outlined below:**

- 1. Standard Time Limit**
- 2. Schedule of Drawings**
- 3. Schedule of works to repair the historic fabric of the building including works to front door, cast iron glazed canopy, walls, timber panelling and historic staircase**
- 4. Scheme of work to renovate existing windows and doors, including details of secondary glazing**
- 5. Joinery details for new windows (including the bay window surround) and external doors, including glazed screens to the stables and details of their position within the reveal.**
- 6. Method of Stone Cleaning**
- 7. Intercom System**
- 8. Vents and ducts**
- 9. Rainwater goods**
- 10. Surfacing and boundary details**
- 11. Retention of historic features**
- 12. Bat and Bird Boxes**

**B. GRANT listed building consent subject to the following conditions**

- 1. Standard Time Limit**
- 2. Schedule of Drawings**
- 3. Schedule of works to repair the historic fabric of the building including works to front door, cast iron glazed canopy, walls, timber panelling and historic staircase**

