

**Town and Country Planning Act 1990  
(As Amended)**

Planning Statement and Heritage Impact  
Assessment

Application for Relevant Demolition in a  
Conservation Area

Site: Redundant Warehouses at Otter  
Controls, Hardwick Square South, Buxton

Document date: September 2015

Applicant: Amos Group Limited

**Ref:** AMO92/2

## **CONTENTS**

1.	INTRODUCTION .....	1
2.	SITE AND SURROUNDINGS.....	2
3.	THE PROPOSAL .....	5
4.	RELEVANT LEGISLATION .....	5
5.	ASSESSMENT .....	6
6.	CONCLUSION .....	12

## **1. INTRODUCTION**

- 1.1 This planning statement is being submitted by Knights on behalf of Amos Group Limited ('the applicant') to accompany an application for planning permission for relevant demolition in a conservation area (formerly known as 'Conservation Area Consent' prior to the abolition of that procedure in 2013 following the introduction of the Enterprise and Regulatory Reform Act 2013) to demolish a number of buildings within the Former Otter Controls site on Hardwick Square South, Buxton.
- 1.2 This application is submitted in accordance with Town and Country Planning Act 1990, which requires consent to first be obtained prior to the demolition of a non-listed building (with a cubic content exceeding 115 square metres) in a conservation area.
- 1.3 The application site's location within a conservation area requires this planning application to consider the proposed development's potential impact on the heritage assets contained within this area. As a consequence, in accordance with the requirements contained within the National Planning Policy Framework, this Planning Supporting Statement incorporates a Heritage Impact Assessment (which can be found within chapter 5 of this report).
- 1.4 Accompanying this application for relevant demolition are the following plans which demonstrate how the building would be converted:
- Site location plan.
  - Block plan as existing.
  - Block plan as proposed.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site comprises of a portion of land measuring 1,263 square metres (0.13 hectares), located within the Former Otters Controls Works that is located off Hardwick Square South on the outer fringes of Buxton's town centre.
- 2.2 The Otter Controls Limited factory complex first operated at this site in the late 1950s, following the establishment of the company in 1946. The northeast part of the site became the head offices for Otter Controls when a line of three terraced townhouses were converted to office use in 1984 (under planning application HPK/0002/0729). These offices are currently subject a Prior Notification application to convert them to provide 10 residential properties under the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (under planning application reference number DET/2015/0013). Otter Controls Limited have now relocated much of their operations elsewhere including to their main site at Tongue Lane in Buxton.
- 2.3 Otter Controls' Hardwick Square South premises have historically specialised in the production and testing of thermostat components for kettles and cars, and whilst commercial operations are still present at the site, the majority of the business has relocated to their Tongue Lane site nearby in Buxton.
- 2.4 The vast majority of the site is concealed within the backland created at the rear of a block of residential properties with South Avenue located to the south, Hardwick Square South to the north, Concert Place to the northwest, and Market Street to the west. The site has a number of accesses through the gaps in the residential properties particularly along South Avenue and Market Street. However the site is most prominent from Hardwick Square South. It is from Hardwick Square South where both the office building's northern elevation (referred to previously), and the north elevation of a single storey warehouse, form part of the street scene (the latter incorporating signage of the company's trading name). This building is flanked by two single vehicle width access tracks which lead into the site.
- 2.5 It is this warehouse which forms one of the two principal buildings which are intended to be demolished. This building is constructed around a steel framed construction with the wall constructed of brickwork along its lower half, with narrow windows sitting above running around the perimeter of the building and corrugated steel forming the upper part of the wall. The footprint of the building measures 703 square metres. The roof is constructed of metal panels incorporating a north light roof design. A recent survey of this building has identified that the roof contains asbestos, which is now degrading and is in urgent need of removal.
- 2.6 The other principal building which is proposed to be demolished is located to the rear of the offices and has a footprint of 443 square metres. It is accessed via the track to the west of the office building with the space created between these two buildings forming a courtyard (surfaced in tarmacadam). This building is attached to the

warehouse with the north light roof and abuts an elongated two storey building to the south, which runs east-to-west along the width of the factory complex. The eastern elevation of the building abuts the residential cul-de-sac of Hardwick Close. The building comprises of a collection of structures (creating an irregular L-shaped building with a gable facing north towards the main access) that have been erected and altered over time in order to meet the requirements of the commercial operations. These buildings are predominantly two-storey in height and of a traditional brick and tile construction with simple sash windows. However, additional elements of flat roofs and extensions have been incorporated into the western element of the building which were erected to secure more usable commercial floorspace. There is also a lean-to element of the building which provides an internal link sections of this building.

- 2.7 In its wider context, the application site is located within the Buxton Conservation Area as identified in the Buxton Conservation Areas Character Appraisal (April 2007). The site is located on the fringes of Buxton Town Centre (to the north) and the surrounding area contains a wide mixture of uses including large community, commercial and municipal buildings along the northern side of Hardwick Square South such as the Buxton Museum & Art Gallery, Hardwick Hall, Buxton Infant School, Kings Head Hotel, St Anne's Roman Catholic Church and Buxton United Reform Church. A local shopping centre is located to the west of the site, arranged around Eagle Parade and anchored by the Town Hall to the north. This local shopping centre provides a wide range of retail units, community buildings and restaurants and public houses as well as a local bus interchange linked to the A515. To the south, southwest and southeast of the site, the area becomes increasingly residential in nature as the character of the area turns into the suburbs of the town.
- 2.8 The Otter Controls Limited premises itself is located within a block of terraced housing which fronts South Avenue to the south, Market Street to the west and Hardwick Square South to the north. The building on these roads range from two to three storeys in height with building lines positioned close to the highway in a typical Victorian townscape layout. Three storey properties are more predominant along Hardwick Square South, particularly the buildings which are immediately to the west of the application site. The Otter Controls' premises sit centrally within this block and have a number of site entrances on to these roads which are distributed throughout the site.
- 2.9 The application site is shown in context on the aerial photograph below:



**Figure 1 Aerial Photograph**

### **3. THE PROPOSAL**

- 3.1 This proposal seeks to demolish a number of 1960s warehouse buildings located within the wider complex of commercial buildings which recently formed part of the Otter Controls Works off Hardwick Square South. The buildings largely comprise of two large attached buildings which combine to form an L-shaped complex.
- 3.2 The buildings are largely no longer fit for purpose (with elements of the building containing asbestos), resulting in a potential liability in terms of health and safety.

### **4. RELEVANT LEGISLATION**

- 4.1 The Town and Country Planning Act 1990 was amended through Section 6 of Schedule 17 of the Enterprise and Regulatory Reform Act 2013, which makes it an offence to fail to obtain planning permission for demolition of unlisted buildings within conservation areas.
- 4.2 These provisions effectively abolished the Conservation Area Consent procedure and replaced it with the requirement to obtain consent to be gained through the planning application procedure instead.
- 4.3 Consent is therefore required for the demolition of any building with a cubic content which exceeds 115 cubic metre or any part of such a building.



## 5. ASSESSMENT

- 5.1 The Buxton Conservation Area Appraisal (published in April 2007) identifies the application site within the eastern fringes of Buxton's Conservation Area. This conservation area is divided into nine individual character areas; the buildings identified for demolition are located within the Hardwick Character Area. The westernmost portion of the site (and the access off Market Street) is located within the Higher Buxton Character Area. The site is shown in context in Figure 2.
- 5.2 The application site has only recently been incorporated within the conservation area boundary (since 2007) alongside the neighbouring properties to the east along the southern side of Hardwick Square South and the buildings located on either side of South Avenue.

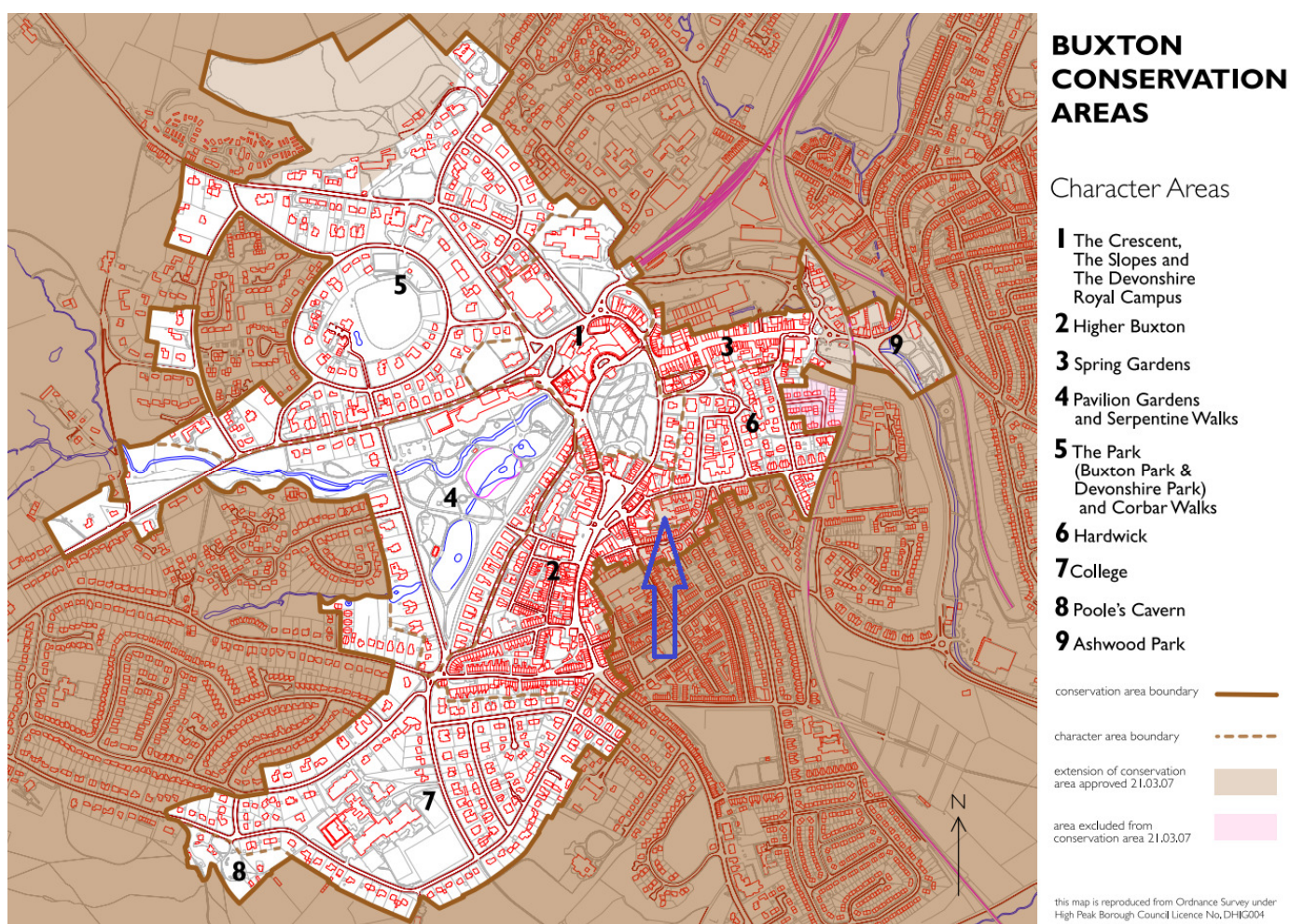


Figure 2 Buxton Conservation Area Map



- 5.3 Guidance contained within Chapter 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework (the Framework) states in paragraph 132 that:

*"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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. ... Substantial harm to or loss of a grade II listed building, park or garden should be exceptional."*

- 5.4 Paragraph 135 goes on to refer specifically to development within a conservation area stating that:

*"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

- 5.5 The 'saved' High Peak Local Plan (adopted 2005) contains a number of policies which are relevant to this application. These are summarised below:

Policy BC5 'Conservation Areas and their Settings'

*"Within Conservation Areas and their settings planning permission will be granted for development, including extensions, alterations and changes of use, provided that:*

- the use, siting, scale, detailed design, external appearance and landscape treatment of the development will preserve or enhance the special architectural or historic character or appearance of the area; and*
- important buildings, open spaces, views, trees, walls and other natural and man-made features which positively contribute to the special architectural or historic character or appearance of the area will be protected from harmful development."*

Policy BC6 'Demolition in Conservation Areas'

*"Planning Permission will not be granted for development in a Conservation Area which includes demolition of the whole of a substantial part of a building or structure, unless:*

- the demolition will not harm the special architectural or historic character or appearance of the Conservation Area; or*

- *the building or structure to be demolished does not made a positive contribution to the special architectural or historic character or appearance of the area; or*
- *the state of structural repair of the building or structure is such that it is incapable of reasonable or economic re-use; or*
- *redevelopment will produce substantial benefits for the community which would materially outweigh the loss resulting from demolition; and*
- *there are detailed plans approved and contracts made to redevelop or otherwise environmentally improve the site."*

- 5.6 Turning back to the Buxton Conservation Area Appraisal, this document describes the wider Hardwick Character Area as having its main characteristics of comprising large detached and semi-detached houses with glimpsed views between local landmarks, long panoramic views north particularly from Hardwick Square South, tree-lined avenues and focusing around the landmark buildings of Trinity Church tower. The area immediately surrounding the application site is referred specifically to as the 'south side of Hardwick Square South' which was fully developed by 1897 (after Hardwick Square East and West). This area provided lower status housing compared to the residential areas to the north and comprises predominantly of long rows of terraced houses and complemented by street trees.
- 5.7 The appraisal goes on to identify a number of sites within the wider conservation area which are continued to represent negative buildings which have a long life ahead of them. For these sites, the Council recommend that development briefs be undertaken to ensure the improvements of these sites through forthcoming development schemes. The application site is not mentioned as one of these sites.
- 5.8 Taking the above into consideration, it is clear that the buildings in question do not represent original features of the wider Hardwick Square development (completed in 1897) given that Otter Controls set up at these premises in late 1950s. This was prior to the designation of the centre of Buxton as a conservation area in 1968 and most notably before the conservation area was extended to cover the Hardwick area in 1989. By this time, the Otter Controls business had expanded and developed within the site resulting in the significant adaptation and selective demolition of the buildings that were present on the site before their arrival, as well as involving the erection of significant levels of new commercial buildings throughout the site.
- 5.9 It is of significance, that the application site has only recently been incorporated within the conservation area boundary, in April 2007. This follows on from the adoption of the 2005 High Peak Local Plan (the proposals map does has not been updated to show this site within the conservation area boundary). However, as summarised above, the character appraisal of the area refers solely to the importance of the terraced houses around Hardwick South Square and does not refer to the Otters

Controls site when considering buildings of significance to the conservation area. This suggests that the primary reason for including this site was in order to accommodate the terraced properties along South Avenue as opposed to capturing this site in particular.

- 5.10 Both the Framework and the 'saved' Local Plan express the importance of ensuring the development makes a positive contribution to the character and appearance of a conservation area and judging whether the loss of a non-designated building is of significance to the setting of the area. The criteria set out in Policy BC6 of the 'saved' Local Plan set out the circumstances wherein the demolition of buildings within conservation areas is considered to be acceptable. This criteria are assessed in turn below:

Will the scheme harm the special architectural / historic character of the Conservation Area?

The buildings which are proposed to be demolished have either been erected in the 1950s and 1960s, or are buildings which have been significantly altered through modern extensions during this time to a degree which are no longer considered to retain any architectural significance. With regards to the latter, these buildings are located at the rear of the site and have very minimal presence within the street scene aside from brief glimpses down the site entrances past the buildings which front the highway (i.e. between the blocks of 27-31 Hardwick Square South and 15-25 Hardwick Square South). There are also some limited views from Hardwick Close which bounds the east of the site however the presence of the high boundary wall conceals much of the site, when viewed from the access road and circulation area. No demolition works are proposed to the terraced residential properties which front either Hardwick Square South or South Avenue which are specifically referred to in the Conservation Area Appraisal document as having particular significance to character and appearance of the area.

Do the buildings make a positive contribution to the special architecture or historic character or appearance of the area?

The predominant character of the Hardwick area (as identified within the Hardwick character appraisal) is one of predominantly residential development originating from the development of Hardwick Square in the late 19<sup>th</sup> Century. The buildings proposed for demolition are of a commercial nature which have emerged incrementally since the late 1950s either through new-build development or adaption of existing buildings. These buildings have then been altered over the course of Otter Control's operations at the site. The buildings now appear as anomalies to the wider character of the area in terms of both their form and function. The commercial nature of their construction is at odds with the traditional Victorian vernacular that is evident elsewhere within the surrounding area. Whilst the commercial operations at the business have some historic relevance to the area, these are only localised and stretch back in time to the 1950s. The nature of the commercial activities has now

changed significantly to when the business was in its hay-day with much of the operations relocated elsewhere in Buxton. It is therefore considered that the buildings have a negligible (or potentially negative) impact on the special architectural character and historic relevance of the area.

Are the existing buildings capable of being re-used for another economic purpose?

These commercial buildings are now some 60 years old and no longer fit for purpose to align with modern commercial enterprises. Hence it has been necessary for the Otters Controls Limited to undertake much of its processes off-site. The buildings are in need of significant repair and it is therefore more economical to demolish them and construct new buildings as required. Furthermore, asbestos has been found within the main north light warehouse which is now beginning to degrade, resulting in a potential risk to public health. It is therefore necessary to remove the roof at the earliest opportunity. The site's close proximity to established residential properties means that any future intensification of this commercial site may be limited by Environmental Health regulations which in itself limits the economic re-use of the site.

Will redevelopment provide substantial benefits for the community to outweigh loss resulting from the demolition?

As set out previously, the buildings proposed for demolition are considered to currently represent a negligible (or indeed an adverse) impact on the character and appearance of the conservation area (as the proposed demolition of the buildings in their own right are considered to result in significant improvements to the character and appearance). At present, there are no firm plans to redevelop the wider site in the short term however any future development proposals would now have the opportunity to be reviewed afresh and scrutinised against the current policies of the Framework and the Local Plan to ensure that any new development would have a positive impact on the character and appearance of the street scene as well as conform with other relevant policies. The Local Planning Authority will be aware of a Prior Notification that has recently been submitted by the applicant to convert the Otters Controls headquarters, 27-31 Hardwick Square South, to provide a residential development (LPA reference number DET/2015/0013). This proposal currently seeks to provide car parking within the courtyard that is served by these commercial buildings, and the demolition of the buildings would enable this land to be utilised to provide additional car parking and amenity space within this area. This is considered to significantly improve the appearance of the area whilst providing substantial benefits to the community that would significantly outweigh the loss of the buildings.

Are there detailed plans to redevelop or improve the site?

As stated previously, there are no plans in place to redevelop the site. However it is proposed that the land be made good once the demolition works are completed. Any new development proposals for the site would be undertaken through liaison with the

Local Planning Authority and would be in compliance with the relevant policies of the Development Plan.

- 5.11 In light of the above, it is considered that the demolition of these buildings are in full conformity with Policy BC.6 of the 'saved' Local Plan as well as guidance contained within the Framework, which adequately justifies that the demolition of these buildings are acceptable.
- 5.12 In addition to the above, it is noted that there is an established tree located on the public highway directly to the north of the buildings that are proposed to be demolished. This building is located outside of the application site on the edge of the carriageway. The trunk of the tree is surrounded by hardstanding which forms the public footpath and covers the entirety of root spread. This hardstanding will provide an established source of protection to the tree from any works being undertaken on the adjoining land as a result of the demolition operations and will ensure that the tree remains unaffected during these works. Notwithstanding this, measures to protect the tree will be undertaken in accordance with BS5837 including protective fencing and a construction management plan.

## **6. CONCLUSION**

- 6.1 This planning statement has been submitted by Knights Professional Services Limited on behalf of Amos Group Limited to accompany a planning application for relevant demolition of buildings at Otters Controls on Hardwick Square South, Buxton.
- 6.2 It has been demonstrated that the proposed development complies with both the policies contained within the High Peak Borough Council's 'saved' Local Plan and the guidance contained within the Framework, most notably the requirements set out in saved Local Plan Policy BC.6.
- 6.3 The buildings are in a poor state of repair, with portions of the buildings containing asbestos which is beginning to seriously degrade and is in urgent need of removal. These commercial buildings are also considered to be visually at odds with the predominantly character of this area of the Buxton Conservation Area which is predominantly residential in character, ever since the original masterplan for the Hardwick area was enacted in late 19<sup>th</sup> Century. The buildings are therefore considered to make no positive contribution to the special architectural or historic character of the area and it is opined that their removal would produce substantial benefits for the community.
- 6.4 In light of the above we would urge the Local Planning Authority to fully support this planning application to enable these buildings to be demolished.

**Carl Copestake BA (Hons), Dip. UPI, MRTPI**  
**Partner**  
**Knights**

**Michael Askew Dip T&CP, MRTPI**  
**Senior Planner**  
**Knights**