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High Peak Borough Council

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TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

FULL PLANNING APPLICATION

PERMISSION

Applicant Mr Trevor Osbourne
The Buxton Crescent & Thermal Spa Hotel Ltd
Rectory Lodge Combe Way
Bath
BA2 7EG

Agent Stride Treglowan Architects
CommercialWharf 6
CommercialStreet
Manchester
M15 4PZ

Application no. HPK/2011/0322

Registered on 15/06/2011

Determined on 21/10/2011

High Peak Borough Council hereby **PERMIT** this application for **FULL PLANNING PERMISSION** for

Proposed extension and redevlopment of the Crescent & Pump Room and part of the Old Hall basement into a Spa Hotel.
The Change of use of the "Bakery" at George Street from A1 to C1 for use in conjunction with the Hotel. at The Crescent Natural Baths And Pump Room The Crescent Buxton

in accordance with the submitted application, details and accompanying plans listed below subject to the following conditions and reasons:-

Conditions

1. The development to which the permission relates must be begun not later than the expiration of 5 years from the date of this permission unless some other specific period has been indicated in other conditions given.

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Planning Applications Manager

2. Prior to the development on site a schedule of works shall be submitted to and agreed in writing by the Local Planning Authority. This schedule shall include a detailed phasing programme to which the following matters shall relate.

3. Before any operations are commenced on site details shall be submitted to the Local Planning Authority for written approval indicating space for the storage of plant and materials, access, loading, unloading of goods vehicles, site accommodation, parking of site operatives and visitors vehicles associated with the construction works, the approved space being provided and maintained throughout the contract period free from any impediment to its designated use.

4 Prior to the commencement of development on site (or at any other time as agreed) of the main contract the following details shall be submitted to the Local Planning Authority for written approval:-

A) the design and construction of the forecourt area fronting the south of the premises (The Crescent),
B) access points to the remaining unclassified highway (The Crescent) from the forecourt, exhibiting 2.4m x 43m visibility splays in each direction, the area in advance of the sightlines remaining free from any obstructions to visibility over 1m high,
C) alignment and construction of the residual highway through route of The Crescent (carriageway and footway),
D) public on-street parking arrangements for the entire section of The Crescent,
E) details of any water feature fronting the hotel (on The Crescent), including measures to prevent water spray / run-off affecting the retained public highway / users,

The approved details / works being carried out strictly in accordance with the approved schemes and be in place in a timescale agreed in writing with the Local Planning Authority before works commencing on site or prior to any part of the building being taken into use, all as may be agreed with the Local Planning Authority.

5. Prior to the commencement of any works on site details of the access and boundary treatments, visibility splays and manoeuvring and entrance arrangements for the rear parking and servicing areas off George Street shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be laid out and constructed strictly in accordance with the approved drawings prior to any part of the building being taken into use and the areas in advance of the visibility splays being maintained clear of any obstruction greater than 0.6m in height.

6.Prior to any part of the building, the subject of the application, being taken into use the off-site parking shall be secured, laid out, marked and be available for use, all to the satisfaction and as may be agreed with the Local Planning Authority. The agreed parking provision to remain available and free from any impediment to its designated use thereafter.

7. The premises, the subject of the application, shall not be occupied until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes, which are acceptable to the Local Planning Authority and shall be implemented in accordance with the timetable set out therein, unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted

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annually, on each anniversary of the date of the planning consent, to the Local Planning Authority for approval for a period of five years from first occupation of the development.

8 The proposed forecourt area fronting the south of the premises (following the successful stopping up of highway rights) shall be managed and utilised for pedestrians, cyclists or the picking up or setting down of passengers visiting the premises only, as may be agreed in writing with the Local Planning Authority – the stopped up area shall not be used for private parking.

9.The pedestrian walkway between The Crescent and St Annes Square shall be available for use throughout the opening hours of the premises, maintained free from any impediment to its designated use throughout the life of the development.

10. The premises shall not be occupied until the proposed car parking and servicing areas to the north of the site, accessed via George Street, have been designed, laid out and constructed in accordance with the application drawings (including a scheme of surface markings) to be agreed in writing with the Local Planning Authority and maintained thereafter throughout the life of the development free from any impediment to its designated use.

11. Space shall be provided within or immediately adjacent to the application site for secure covered cycle parking for staff and visitors, located, designed, laid out and constructed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to any part of the building being taken into use.

12. The premises, the subject of the application, shall not be occupied until the existing on street parking restrictions in the immediate vicinity of the site have been modified to accommodate the proposed changes brought about by the development, including all associated surface markings and signage, located, designed and implemented all as agreed in writing by the Local Planning Authority in consultation with the Highway Authority.

13 (a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation"

"b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)."

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"c) The development shall not be occupied until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured."

14 Prior to the commencement of development (or such other date or stage in development as agreed), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:
all previous uses
potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and receptors
potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

15. Prior to the commencement of development (or such other date or stage in the development as agreed) a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

16. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the

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site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

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17. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

18 All inlet and extract ventilation systems shall be fitted with effective silencers in accordance with an acoustic scheme to be submitted to and agreed in writing prior to the installation of such system. The development shall be carried out in accordance with the approved details.

19 No discharges to the atmosphere of gaseous or particulate matter shall take place until full details of the siting and design of an odour control system to cooking equipment is submitted and agreed.

20 Prior to the installation of any cooking equipment details of all flues serving the cooking equipment shall be submitted to and agreed in writing by the Local Planning Authority. the development shall be carried out in accordance with the approved details.

Reasons

1. The time limit condition is imposed in order to comply with the requirements of sections 91, 92, 93 and 56 of the Town and Country Planning Act 1990 and section 51 of the Planning and Compulsory Purchase Act 2004.

2. For the avoidance of doubt and in particular to establish the phasing of the project to enable the discharge of conditions at appropriate times.

3. In the interests of highway safety and convenience and in accordance with Policy TR5 of the adopted High Peak Local Plan 2008.

4. In the interests of highway safety and convenience and in accordance with Policy TR5 of the adopted High Peak Local Plan 2008.

5.In order to provide a satisfactory level and layout of parking facilities in the interests of highway safety and convenience and to ensure a satisfactory standard of development, in accordance with Policy TR5 of the adopted High Peak Local Plan 2008.

6. In order to provide a satisfactory level of parking provision in the interests of highway safety and convenience and in order to ensure a satisfactory standard of development , and in accordance with Policy TR5 of the adopted High Peak Local Plan 2008.

7. In the interests of sustainability and to ensure a satisfactory standard of development in accordance with Policy TR5 of the adopted High Peak Local Plan 2008.

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8. In order to preserve and enhance the setting of the Listed Building in accordance with Policy BC7 and BC8 of the adopted High peak Local Plan 2008.

9. For the avoidance of doubt.

10. In order to provide a satisfactory level of parking provision and in the interests of highway safety, in accordance with Policy TR5 of the adopted High Peak Local Plan 2008.

11. In the interests of sustainability and to ensure a satisfactory standard of development in accordance with Policy TR5 of the adopted High Peak Local Plan 2008.

12. In the interests of highway safety and in accordance with Policy TR5 of the adopted High Peak Local Plan 2008.

13. In order to ensure that a full investigation takes place to record any archaeological findings. in accordance with advice in PPS5

14. In order to ensure a satisfactory standard of development, particularly with regard to possible ground contaminants in accordance with advice in PPS23.

15. In order to ensure a satisfactory standard of development, particularly with regard to possible ground contaminants in accordance with advice in PPS23.

16. In order to protect the watercourse in accordance with advice in PPS25

17. In order to protect the watercourse in accordance with advice in PPS25

18. In order to ensure a satisfactory standard of development in accordance with Policy GD5 of the adopted High Peak Local Plan 2008.

19. In order to ensure a satisfactory standard of development in accordance with Policy GD5 of the adopted High Peak Local Plan 2008.

20. In order to ensure a satisfactory standard of development in accordance with Policy GD5 of the adopted High Peak Local Plan 2008.

Summary of reasons for granting permission

The decision to grant planning permission has been taken because the Council considers that the application has put forward a proposal that will preserve and enhance the character and appearance of the Grade 1 Listed building and provide an appropriate, economically beneficial use within the town centre. It is not considered that the proposal will cause any undue harm to interests of acknowledged importance.

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The decision to grant planning permission has also been taken having regard to all other relevant material planning considerations and to the following relevant policies and proposals in the Development Plan.

POLICIES RELEVANT TO THIS DECISION

High Peak Local Plan Saved Policies

BC5 - Conservation Areas
GD2 - Built up area boundaries
TC1 - Town Centres
TC2 - Town Centre Environment
GD13- Buxton Mineral Water
BC7- Alterations and Extensions to Listed Buildings
BC8- Settings of Listed Buildings
BC10- Archaeological and Other Heritage Features
LT10- Buxtons Spa Heritage
TR5- Access Parking and Design

Buxton Conservation Areas Character Appraisal 2007

National Planning Policy

PPS4 Planning For Sustainable Economic Growth
PPS5 Planning for the Historic Environment
PPS23 Planning and Pollution Control
PPS25 Development and Flood Risk

Notes to Applicant

The applicant is advised to carry out an up to date Flood Risk Assessment for approval by the Environment Agency prior to the commencement of development.

The applicant is advised that the Environment Agency require an 8m easement to the zone of the River Wye Culvert. Any works within that easement shall only be carried out with the authority of the Environment Agency.

The development shall also be carried out in accordance with conditions contained in the corresponding Listed Building Consent ref: HPK/2011/0323

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Michael Green
Planning Applications Manager

Plans

The plans to which this Notice refers are listed below:

37882-002
37882-003
37882-004
37882-005
37882-006
37882-007
37882-008
37882-009
37882-010
37882-011
37882-012
37882-013
37882-014
37882-015
37882-016
37882-017
45177-020
45177-021
45177-022
45177-023
45177 AL(21) 0204 Rev O
45177 AL(21) 0205 Rev O
45177 AL(21) 0206 Rev O
45177 AL(21) 0207 Rev J
45177 AL(21) 0208 Rev K
45177 AL(21) 0209 Rev J
45177 AL(21) 0210 Rev I
45177 AL(21) 0211 Rev A
45177-081 Rev A
45177 AL(6) 0204
45177 AL(6) 0205
45177 AL(6) 0206
45177 AL(6) 0207
45177 AL(6) 0208
45177 AL(6) 0209
45177 AL(6) 0210
45177 L[2] 300 Rev C
45177 L[2] 301
37882 095
37882 0260
37882 0261
37882 0262
37882 0263
37882 0264
37882 0265

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37882 0266
45177-276
45177 L(90) 100 Rev H
45177 SK001
45177 SK002
45177 SK003
45177 SK004
45177 SK005
45177 SK006
45177 SK008
45177 SK010 Rev K
45177 SK011 Rev K
45177 SK012 Rev J
45177 SK017
45177 SK023
45177 SK024 Rev I
45177 SK033
45177 L(2) 302 Rev B
45177 270 Rev C

Please Note: This decision notice does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section on 0845 129 7777.

Any other statutory consent necessary must be obtained from the appropriate authority.

Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority, Derbyshire, County Council at County Hall, Matlock, Derbyshire, tel. 01629 580000.

This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of condition. Please refer to our web site : www.highpeak.gov.uk for details.** If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a “condition precedent”. The following should be noted with regards to conditions precedent:
(a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.

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(b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

The permission is granted in strict accordance with the approved plans. It should be noted however that:
(a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
(b) Variation to the approved plans will require the submission of a new planning application.

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Michael Green
Planning Applications Manager