

Mr Barar
Buckingham Hotel
Buxton
Derbyshire
SK17 9AS



High Peak Borough Council

working for our community

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Mr Barar
Buckingham Hotel
Buxton
Derbyshire
SK17 9AS

Application no: HPK/2016/0276

Determined on: 09/05/2017

Town and Country Planning Act 1990
Planning and Compensation Act 1991
Town and Country Planning (Development Management Procedure) (England) Order 2015

REFUSAL OF PLANNING PERMISSION

Location of Development:

1 2 Buckingham Hotel Burlington Road Buxton Derbyshire SK17 9AS

Description of Development:

Demolition of the Buckingham Hotel and erection of a new hotel comprising 110 rooms, ancillary facilities and sub-ground parking

High Peak Borough Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above in accordance with plans ref: BH_00, BH_01, BH_02, BH_03, BH_04, BH_05, BH_06, BH_07, BH_08, BH_09, BH_010, BH_011, BH_012, BH_014, BH_015, BH_016, BH_017, BH_018, BH_019, BH_020, BH_021, BH_022, BH_023, BH_024, BH_025, BH_026 for the reason(s) specified below:-

1. The proposed building, due to both its scale and mass is in stark contrast with adjacent developments and will produce a very dominant and ungainly building out of context within the street scene and in the Central Buxton Conservation Area. The proposal is therefore contrary to policies S1, S7 and EQ7 of the adopted High Peak Local Plan April 2016, the Buxton Conservation Areas Character Appraisal 2007 and design advice within the NPPF.

2. The proposed development will lead to less than substantial harm to the designated heritage assets comprising the Central Buxton Conservation Area and Listed Park and Gardens. The proposed development will lead to complete loss of a non-designated heritage asset comprising the Buckingham Hotel. The applicant has failed to demonstrate that this harm is outweighed by the public benefits of the proposal, including securing its optimum viable use and that these cannot be secured through conversion, adaptation and

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refurbishment of the existing hotel contrary to policy EQ7 and S7 of the High Peak Local Plan April 2016, the Buxton Conservation Areas Character Appraisal 2007 and NPPF, paragraphs 132, 134 and 135.

3. The proposal will result in the loss of all of the mature trees within the site which have high amenity value and make an important contribution to the character of the conservation area and defining Buxton as a whole. It is not considered that the proposed replacement planting outweighs the loss of these trees in biodiversity or amenity terms or the harm to the Conservation Area. The proposal is therefore contrary to policy EQ2 and EQ9 of the adopted High Peak Local Plan April 2016 and Paragraphs 118 and 134 of the NPPF

4. The proposal will impact adversely on the privacy and amenity of neighbouring occupiers, in both Burlington Road and St. Johns Road, and would have an overbearing effect when viewed from those properties contrary to Policy EQ6 of the adopted High Peak Local Plan April 2016 and para. 17 of the NPPF.

5. In the absence of adequate information on European Protected Species (i.e. bats), the Local Planning Authority is unable to discharge its duties in respect of regulation 9(5) of the Habitats Regulations. Therefore, it is considered that the proposal fails to meet the policy EQ5 of the adopted High Peak Local Plan April 2016 Biodiversity or the requirements of the NPPF

Informatives

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. However, it has not been possible to negotiate a solution which overcomes the environmental and social harm referred to above.

X 

Signed by: Jane Colley

On behalf of High Peak Borough Council





NOTES

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
2. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN online at <https://www.gov.uk/appeal-planning-inspectorate#other-ways-to-apply>. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.
3. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.