

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 16th August 2021

Application No:	HPK/2021/0251	
Location	East Pavilion and North Entrance, Pavilion Gardens, St Johns Road, Buxton	
Proposal	Listed Building Consent - Minor alterations and refurbishment of existing East Pavilion building and adjacent North Entrance, Pavilion Gardens, Buxton. Alterations; New glazing to East Pavilion roof with the addition of 4nr actuated openers; Removal of retrofitted downpipes and reinstating original cast iron column downpipes to East Pavilion; New drainage channel internally to lower level of East Pavilion, with external drainage outlet to link to existing drainage. Potential location of lightning protection.	
Applicant	High Peak Borough Council	
Agent	Melanie Malcolm – TAD Architects	
Parish/ward	Corbar Ward	Date registered 7 th June 2021
If you have a question about this report please contact James Stannard, Tel. 01298 28400 extension 4298, james.stannard@highpeak.gov.uk		

1. SUMMARY OF RECOMMENDATION

Approve with conditions

1. REASON FOR COMMITTEE DETERMINATION

- 1.1 This application has been brought before the Development Control Committee as the applicant is High Peak Borough Council.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application refers to the East Pavilion and the adjacent North Entrance associated with Pavilion Gardens, Buxton, a cluster of Listed Buildings that date from the 1870's. The North Entrance foyer, ticket office and boiler room were added in the 1930's with its original design surviving largely unaltered.
- 2.2 The application relates to a Grade II Listed Building, lies within the setting of the Registered Historic Pavilion Park and Gardens and stands within the Buxton Central Conservation Area.

- 2.3 The wider site has recently been subject to a planning application (HPK/2020/0553) which was considered by the committee and granted Listed Building Consent for extensive works to the wider Pavilion Gardens site including the Conservatory, Central Hall with attached Promenade.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 This application seeks Listed Building Consent for the following works:

- Replacement of the roof of the East Pavilion (old patent glazing) with new patent glazing by The Standard Glazing Patent Company (Heritage Patent Glazing Bar)
- Incorporation of four actuated opening rooflights in the East Pavilion (2 east roof and 2 north roof)
- Replacement of all timber frames and panelling, matching the original detailing on the East façade
- Repairs to the joinery of the North Entrance
- Potential reinstatement of downpipes using the cast iron columns
- Installation of a ACO Hex drain in the conservatory floor to exit via a small hole drilled in the South elevation behind planting
- In the East Pavilion Glass is to be removed, cleaned and reinstated (including replacing broken panes and any Georgian wired glass)
- Glazing to the North Entrance is to be restored/cleaned
- Cast iron rainwater goods to be refurbished
- Redecoration (matching the colour scheme reintroduced at The Octagon.
- Installation of a lightening conductor

- 3.2 The supporting Statement confirms that existing external planting is to be retained, and existing tropical planting to the East Pavilion to be retained and protected throughout and duration of the works. Where elements are to be repaired, they will match those of the new colour scheme observed on The Octagon

- 3.3 The application can be viewed at the following link

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=244730>

4. RELEVANT PLANNING HISTORY

4.1 The site has been subject to a long planning history. The following applications represent the planning history within the last 10 years that refer specifically to the buildings subject to this application:

HPK/2015/0516	Proposed erection of temporary structure to accommodate different events – subsequently removed (Approved)
HPK/2016/0492	Listed Building Consent for repair and refurbishment of the Octagon and associated buildings (Approved)
HPK/2018/0121	Listed Building Consent for repair, conservation and redecoration of existing window and door joinery and isolated stone repairs (Approved)
HPK/2019/0230	Listed Building Consent for new entrance lobby within the tea room (Pending)
HPK/2019/0231	Listed Building Consent for glazed screen and double doors to main entrance (Pending)
HPK/2020/0553	Listed building consent for repairs to the core buildings within the Pavilion Gardens complex (Approved 30 th April 2021)

5. PLANNING POLICIES RELEVANT TO THE DECISION

High Peak Local Plan 2016

S1	Sustainable Development Principles
S1a	Presumption in Favour of Sustainable Development
S7	Buxton Sub-area Strategy
EQ7	Built and Historic Environment

Adopted Supplementary Planning Documents

Buxton Conservation Areas Character Appraisal	2007
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Revised National Planning Policy Framework 2021

Achieving Sustainable Development	Chapter 2
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Historic Environment	Chapter 16

6. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 4 th August 2021
Neighbour letters	Expiry date for comments: 8 th July 2021
Press Notice	Expiry date for comments: 15 th July 2021

Public Comments

6.1 No public comments received

Consultees

6.2 The following table shows the comments received from relevant statutory consultees in connection with the application in its revised form for two industrial units

Consultee	Comments
Historic England	No comments to make
HPBC Conservation Officer	<p>The Heritage Statement clearly outlines the significance of the structures. It should be noted that the East Pavilion originally had a slate roof and the cast iron roof structure and columns are part of the original 1870 construction. The ticket office is 1930s Art Deco and retains significant fabric from the period.</p> <p>The application is for the comprehensive refurbishment of the East Pavilion which serves as a plant conservatory and the North Entrance which also serves as a ticket office and houses a boiler room.</p> <p>The works are well specified and will enhance the heritage significance of the structure, as well as completing another phase of the building's refurbishment.</p> <p><u>Conditions</u></p> <ul style="list-style-type: none"> • Glass sample for any replacement glass and details of method to secure all reinstated glazing • Further details of works to timber transoms, any other main structural elements, and cast iron

	<p>columns to be submitted once works have commenced but before these elements are replaced/repared/modified.</p> <ul style="list-style-type: none"> • Sample panel of re-pointing and agree extent of repointing • Location of lightening conductor • Details of operation of actuated openers
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7. POLICY AND PLANNING BALANCE

Planning Policies

- 7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.
- 7.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the the High Peak Local Plan Policies Adopted April 2016.
- 7.3 Other material considerations include the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Paragraph 11 of the NPPF explains that at the heart of the Framework is the 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, but where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Principle of Development

- 7.4 The application is for Listed Building Consent and various works to support the maintenance and upkeep of a section of the Pavilion Gardens, one of most iconic buildings within Buxton Town Centre. The proposals form part of an overall schedule of repair and maintenance works to the Pavilion Garden complex, following the successful completion of the comprehensive restoration of the Octagon concert hall. The Spatial Strategy for Buxton recognises that the historic character and distinctiveness of Buxton are key to the success of the town as a thriving tourist destination. The overarching vision of the

Place Making Strategy is for Buxton to become England's leading spa town at the heart of the Peak District. Local Plan policy S7 states that 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. 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 and act as a catalyst for tourism.

- 7.5 As the site relates to a Listed Building, the application must demonstrate compliance with Local Plan Policy EQ7, and relevant paragraphs contained under Chapter 16 of the National Planning Policy Framework and Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act). Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers, in considering whether to grant consent for development, which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses
- 7.6 Subject to demonstrating compliance with the above policy considerations, the principle of development is supported.

Impact on Listed Buildings

- 7.7 Paragraph 197 of the NPPF advises that in determining applications, 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 viability; and
 - C) The desirability of new development making a positive contribution to local character and distinctiveness.
- 7.8 Paragraph 199 of the NPPF states 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 (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.
- 7.9 Paragraph 201 of the NPPF set outs that where a proposal will lead to substantial harm or total loss of a designated heritage asset, local planning authorities should refuse consent unless there are substantial public benefits that outweigh that harm. Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits.

- 7.10 The Design, Access and Heritage Statement that accompanies the application provides a very and clear and comprehensive assessment of the significance of the structures to which the work relates. The application follows pre-application advice with the Council's Conservation Officer.
- 7.11 After reviewing the detailed statement and an extensive set of plans it is considered that the schedule of internal and external works will undoubtedly result in the overall enhancement of the buildings which form part of the Pavilion Gardens complex and contribute positively to their setting including from the adjacent Pavilion Gardens Historic Park.
- 7.12 The changes proposed involve the replacement of various elements, including external timber panelling and framework, the refurbishment of glazing and where broken or damaged, to be replaced, the refurbishment of existing cast iron rainwater goods and columns. Four new actuated opening rooflights in the East Pavilion, 2 on the eastern roof and 2 on the northern roof slope would be installed. The scheme of paintwork would comprise a dark plum and light stone colour to reflect the original colour scheme of the building and to complement the decoration elsewhere on the wider complex. Although the location of new lighting conductor is yet to be agreed, the indicative the plans show it could be positioned on the wrought iron cresting on the ridge. However, this matter will need to be the subject of an appropriate condition to secure its final position. The Conservation Officer has reviewed the works and wholly supports the proposals, subject to the imposition of a number of conditions.
- 7.13 In addition to the visual enhancement of the buildings and its setting, there will also be additional public benefits with regards to the overall impression of the building when visiting the town.
- 7.14 As such, it is concluded that subject to appropriate detailed conditions, the precise wording of which is to be agreed with the applicant, the proposed works will enhancement the significance of the buildings and areas of historic interest, thereby complying with the aims of Local Plan Policy EQ7, relevant national policies contained under Chapter 16 of the NPPF, and Section 66 of the Act.

Conclusions/Planning Balance

- 7.15 This application seeks approval for works required to facilitate the ongoing maintenance and repair of a Grade II listed building. The works will ensure that the long term condition of the building is secured, to the wider benefit of the Buxton. The development as a whole serves to support the significance of an important heritage asset and sustain the historic and architectural importance of the Pavilion Garden Complex. The works will result in the enhancement of the building that better reveals its historic significance which has an overall positive contribution to its setting and the wider town, thereby supporting the

aims of Local Plan Policies S7 and EQ7, relevant paragraphs under Chapter 16 of the NPPF, and Section 66 of the Act.

8. RECOMMENDATIONS

A. Approve subject the following conditions:

1. Development to begin within 3 years
2. Approved Plans
3. Glass sample for any replacement glass and details of method to secure all reinstated glazing
4. Further details of works to timber transoms, any other main structural elements, and cast iron columns to be submitted once works have commenced but before these elements are replaced/repared/modified.
5. Sample panel of re-pointing and agree extent of repointing
6. Location of lightening conductor
7. Details of operation of actuated openers

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Operations Manager – Development Services has delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

Site Plan

