

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 3rd October 2022

Application No:	HPK/2022/0184		
Location	Café, Pavillion Gardens, Buxton		
Proposal	Installation of new boiler and boiler flue		
Applicant	High Peak Borough Council		
Agent	AHR Building Consultancy Ltd		
Parish/ward	Corbar Ward	Date registered	28 th June 2022
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 building is owned by High Peak Borough Council.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application refers to the Café component of the Pavilion Gardens, Buxton which forms a cluster of Listed Buildings that dates from the 1870's. The North Entrance foyer, ticket office, and boiler room, was added in the 1930's, its original design surviving largely unaltered.
- 2.2 The application relates to a Grade II Listed Building, which lies within the setting of the Grade II* Registered Historic Pavilion Park and Garden and stands within the Buxton Central Conservation Area.
- 2.3 The aspect of the building subject to this application is the northern elevation that fronts onto Water Street. The elevation comprises a single storey elevation serving a rear entrance, alongside a two storey aspect, with the roof containing existing ventilation infrastructure.
- 2.4 The wider site has recently been subject to a planning application (HPK/2020/0553) which was considered by committee and granted Listed Building Consent for extensive works to the wider Pavilion Gardens site including the Eastern Pavilion.

- 2.5 Further extensive works requiring Listed Building Consent were subsequently considered and approved by the Committee in August 2021 under HPK/2021/0251 and in May 2022, ref HPK/2022/0128.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 The application seeks permission for the installation of a boiler in a location on the ground floor of the northern elevation of the Pavilion Gardens serving a staff room near the existing kitchen area, together with an associated flue positioned on the exterior of the building.
- 3.2 The proposed galvanised steel flue is shown to sit vertically on the roof of the two storey aspect and would at a height of approximately 1.3m. A second steel flue is shown to sit horizontally underneath the eaves level of the roof of the single storey aspect.
- 3.3 The application is accompanied by the following plans and documents:

Plans

- Location Plan
- Block Plan
- Proposed Floor Plans and Elevations
- Vertical Flue Kit Technical Specifications

Technical Documents

- Design and Access Statement
- Heritage Statement
- Structural Survey

- 3.4 The application can be viewed at the following link

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=254711>

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)
HPK/2021/0251	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 (Approved 17 th August 2021)
HPK/2022/0127 & HPK/2022/0128	Planning and Listed Building Consent for Minor alterations and refurbishment of existing East Pavilion building + adjacent North Entrance, Pavilion Gardens, Buxton. Alterations: New glazing bars to East Pavilion roof, to match those on the Octagon refurbishment. Cracked/georgian glazing panes to North Entrance to be replaced with ribbed/clear glazed panes to match existing. New timber fenestration and timber panelling to East Pavilion with accoya 'like for like'. New stainless steel glazing clips to East Pavilion dry glazing in lieu of existing copper clips. Structural works to East Pavilion roof in accordance with Structural Engineer's comments. New upgraded internal lighting to North Entrance (Approved 10 th May 2022)

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

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: 2 nd Sept 2022
Neighbour letters	Expiry date for comments: 28 th July 2022
Press Notice	Expiry date for comments: 4 th August 2022

Public Comments

6.1 No public comments received.

Consultees

6.3 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
HPBC Conservation Officer	No objection. I'm happy with the documents and can see that there will be negligible impact imposed on the fabric and significance during this necessary and small scale work.
DCC Highways	No comments to make.

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 This application for Listed Building Consent seeks consent to install a new boiler and flue 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.
- 7.5 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.
- 7.6 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

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. Paragraph 202 sets out that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits.
- 7.10 LP Policy EQ7 has regard to the Built and Historic Environment. It states that 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.
- 7.11 The application relates to a part of the Pavilion Gardens northern elevation which fronts Water Street. Whilst the elevation as a whole is very striking and considered to be of significant historic interest, the specific area subject of the application is considered to have a lesser degree of sensitivity, due to the presence of an unsympathetic staircase, ventilation infrastructure and bin storage.
- 7.12 The application has been accompanied by a Heritage Statement, which together with the proposed plans and other accompanying information, has been reviewed by the Council's Conservation Officer, who

considers the proposal will have no impact upon the historic fabric and significance of the Listed Building. The flue has been designed to match existing materials of elements on the building. Minimal external works are proposed, the pipe will run along the back end of the wall which will mostly be covered by existing flues that protrude out the roof therefore not affecting the integrity and design of the listed status of the building. The proposed works will improve the thermal comfort and building performance in that area of the building.

- 7.13 Given the nature and modest height of the proposed development, the reduced sensitivity of the site in comparison with much more sensitive and significant parts of the building, and having regard to the conclusions of the Conservation Officer, it is considered that the introduction of the proposed boiler and associated flue would sustain the historic fabric and significance of the building, in accordance with LP Policies S7 and EQ7 of the adopted Local Plan, relevant paragraphs under Chapter 16 of the NPPF, and Section 66(1) of the Act.

Conclusions/Planning Balance

- 7.14 This application seeks approval for works required to facilitate the thermal efficiency of the building. The works will ensure that long term condition of the buildings is secured, to the wider benefit of the Buxton. The development as 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 sustain the 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.
- 7.15 As such, it is concluded that the application comprises a sustainable form of development and is recommended for approval subject to appropriate conditions.

8. RECOMMENDATIONS

A. Approve subject the following conditions:

1. Development to begin within 3 years
2. Approved Plans

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 through 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

