

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 23rd January 2023

Application No:	HPK/2022/0465 & HPK/2022/0466	
Location	Buxton Opera House, Water Street, Buxton	
Proposal	Full Planning & Listed Building Consent for Replacement of 5no. Existing beaver-tailed glass panels in the conical domed North Entrance	
Applicant	High Peak Borough Council	
Agent	Melanie Malcolm TAD Architects	
Parish/ward	Corbar Ward	Date registered 13 th October 2022
If you have a question about this report please contact: James Stannard, Tel. 01298 28400 extension 4298, james.stannard@highpeak.gov.uk		

REASON FOR COMMITTEE DETERMINATION

This application has been brought before the Development Control Committee because the applicant is High Peak Borough Council

1. SUMMARY OF RECOMMENDATION

Approve Planning Permission & Listed Building Consent with Conditions
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2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application for full planning permission (HPK/2022/0465) and Listed Building Consent (HPK/2022/0466) relates to Buxton Opera House, a Grade II* Listed Building which lies within the Buxton Conservation Area and within the setting of a number of other heritage assets, most notably the Pavillion Gardens Grade II Registered Park and Garden.
- 2.2 The North Entrance and adjoining East Pavilion is understood to date from the 1930's and its original design and survived largely unaltered.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 The buildings have been subject to a large programme of restoration and refurbishment works. In the process of carrying out these works to the East Pavilion and North Entrance, subject of Listed Building Consents under HPK/2021/0251 and HPK/2022/0128, beaver-tailed glazing to the wrought iron conical domes over the North Entrance was removed for cleaning and replaced with the metal frames.

3.2 Due to de-lamination of the existing causing weakness, 5no. panes cracked after reinstalling. The proposal such seeks permission for the replacement of these cracked panes, like for like.

4. RELEVANT PLANNING HISTORY

4.1 The site has been subject to a lengthy planning history none of which is relevant or to these applications.

5. LOCAL AND NATIONAL PLANNING POLICIES

5.1 Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

5.2 The Local Development Plan for this site comprises the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

HIGH PEAK LOCAL PLAN 2016

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
EQ7 Built and Historic Environment

NATIONAL PLANNING POLICY FRAMEWORK 2021

Achieving Sustainable Development Chapter 2
Conserving and Enhancing the Historic Environment Chapter 16

6. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 7 th December 2022
Neighbour letters	Expiry date for comments: 15 th November 2022
Press Notice	Expiry date for comments: 24 th November 2022

6.1 The following comments have been received from relevant consultees

CONSULTEE	COMMENTS
Historic England	No comments to make
Conservation Officer	No objections
DCC Highways Authority	No comments to make

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7. OFFICER ASSESSMENT

Principle of Development

- 7.1 The application seeks works to an existing Grade II* Listed Building which lies within the Buxton Central Conservation Area and within the setting of a number of historic assets.
- 7.2 As such, the application is subject to Local Plan Policy EQ7, and relevant restrictive national planning policies set out under Chapter 16 of the NPPF, underpinned by Sections 66(1) and 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.3 The principle of development can thus only be supported where the applications can demonstrate that the historic and architectural interest of the building, and the setting of the wider conservation area, can be preserved or enhanced, or, where harm is identified, where there are sufficient public benefits that outweigh such harm in the overall planning balance.

Design & Conservation

- 7.4 Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall 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.
- 7.5 Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area
- 7.6 LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.
- 7.7 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.

- 7.8 Chapter 16 of the NPPF contains the relevant restrictive national planning policies relating to heritage conservation. Paragraphs 199-202 set out how a Local Planning Authority should assess the significance of a heritage asset and the potential impact of a development proposal upon that asset.
- 7.9 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 proposals form part of a wider large programme of important refurbishment and maintenance works to the building and the adjacent Pavilion Gardens building that will as a package, preserve and to some degree enhance the historic interest of these important heritage assets and the wider setting of the Conservation Area.
- 7.11 The proposals involve the like for like replacement of elements that have been damaged. Having regard to comments received from the Council's Conservation Officer, it is considered that this proposal is wholly appropriate and necessary to ensure that the historic interest of the building is preserved.
- 7.12 As such, subject to appropriate compliance conditions, the proposals are considered to be compliant with LP Policies S1, EQ6 and EQ7, relevant restrictive planning policies relating to heritage conservation contained under Chapter 16 of the NPPF, underpinned by Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning balance & Conclusion

- 7.13 LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF). It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.
- 7.14 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.15 The applications seeks full planning permission (HPK/2022/0465) and Listed Building Consent (HPK/2022/0466) for minor works to the Grade II* Buxton Opera House that amount to the like for like replacement of cracked glass panes, in the interest of preserving the historic interest of the building.
- 7.16 An assessment of the application has found that these proposals are highly appropriate and important as part of the wider package of refurbishment and maintenance works and are considered to fully align with LP Policies S1, EQ6 and EQ7, relevant restrictive planning policies relating to heritage conservation contained under Chapter 16 of the NPPF, underpinned by Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.17 The applications are thus considered to constitute a sustainable form of development and in line with LP Policy S1a and paragraph 11 of the NPPF is recommended for approval subject to appropriate conditions.

8. RECOMMENDATIONS

A. GRANT PLANNING PERMISSION with conditions

1. **3 year time limit**
2. **Approved Plans**

B. GRANT LISTED BUILDING CONSENT with conditions

1. **3 year time limit**
2. **Approved Plans**

C. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informative/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of 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 187 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

