

**HIGH PEAK DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

26th October 2023

Application No:	HPK/2019/0230	
Location	Cafe Pavilion Gardens St Johns Road Buxton	
Proposal	Listed Building Consent For New Entrance Lobby Within The Tea Room	
Applicant	Parkwood Leisure Limited	
Agent	N/A	
Parish/ward	Buxton	Date registered: 29 th May 2019
If you have a question about this report please contact:Rebecca Bowers, email: Rebecca.Bowers@highpeak.gov.uk		

REFERRAL

The application is before committee as the development is on council owned land.

1. SUMMARY OF RECOMMENDATION

REFUSE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site is within the Pavilion Gardens, which are located to the west of Buxton town centre. The Pavilion Gardens are primarily landscaped gardens and comprises a patchwork of open grassland and wooded areas, within which are a chain of lakes and ponds, as well as a lakeside pavilion, bandstand, and formal and informal play areas connected by a network of paths and bridges.

2.2 To the north of the Pavilion Gardens is a series of Pavilion buildings comprising the Buxton Opera House, the Conservatory, Buxton Cinema, Central Hall (Tea Room, Market Place, Ice Cream space and offices), the Octagon and Buxton Swimming and Fitness Centre, with formal promenade to the south overlooking the gardens, and separate two-storey and ground-level car park.

2.3 The Central Hall and attached Promenade is a Grade II listed building, located within the grounds of the Pavilion Gardens which is a Grade II* Registered Park and Garden and within the immediate proximity to several listed buildings/structures.

2.4 The listing description for the Central Hall and attached Promenade is as follows:

BUXTON SK0573SE ST JOHN'S ROAD, Pavilion Gardens 616-1/4/108 (South side) 04/10/88 The Central Hall and attached Promenade GV II

2.6 Central hall and promenade, now coffee shop, restaurant and small shops. 1870, central hall burnt 1982 , rebuilt 1984. By Edward Milner. Narrow coursed millstone grit with ashlar dressings, cast-iron and glass under Welsh slate roofs. EXTERIOR: single storey long range and two 2-storey halls. South front 18 windows, divided into 15 window single storey range to east and 3 window 2 storey block to west. East range has low stone walls and rusticated ashlar pilasters between windows, glazed roofs with ornate cast-iron ridge railings with crown finials. From left to right a gabled entrance with double doors and sidelights, a 4-light, a 2-light, a 3-light and a 2-light cross casement window, then 2 doorways both with glazed doors and overlights, then six 5-light similar windows, a pair of double doors and beyond a 2-light cross casement. Set-back behind bays 4, 5 and 6, a 2 storey square hall with 3 windows to 3 glazed facades, under glazed hipped roof. Central 3-light windows flanked by 2-light windows with cast-iron columns between and at corners. Central, square plan hall to west, 2 storeys, 3 windows, projects slightly. Divided 3:5:3 lights with window panels between floors, central section projects, with broad pediment to top. Ground floor has 9-pane lights and upper floor 12-pane lights. Tall cast-iron columns at corners and between windows, all with very ornate cast-iron capitals. Broad fascia board at cornice level, and slate roof topped by central octagonal cupola with 8 round headed windows and 2 stage octagonal spire. INTERIOR: open well to central hall with some free standing cast-iron pillars; they are octagonal on spreading base and have ornate capitals. The base bears the inscription N Bailey/SON AND CO /engineers /MILES /PLATTING /MANCHESTER. There are also ornate iron roof trusses, supported on stone corbels to rear and engaged iron columns to front. This hall and promenade were built as part of the complex of entertainment buildings constructed on the north side of the Pavilion Gardens, which were donated to the town by the 7th Duke of Devonshire. (The Buildings of England: Pevsner N: Derbyshire: Harmondsworth: 1953-1986: 117).

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 Listed building consent is sought for the installation of a new lobby within the tea room. The new lobby will have an aluminium square section frame with glazed doors and side elevation. The proposed lobby measures 2.2m by 1.6m with a total height of 3m.

3.2 Details of the application scheme can be viewed at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=232590>

4. RELEVANT PLANNING HISTORY

HPK/2022/0184- Installation of a new boiler and boiler flu- Approved

HPK/2022/0128/ HPK/2022/0127- Listed Building Consent and FP 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

DOC/2021/0089- Discharge of conditions 1, 2, 3, 4, 5, 6, 8 & 9 relating to HPK/2020/0553- Approved

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

HPK/2020/0553- Listed building consent for repairs to the core buildings within the Pavilion Gardens complex.- Approved

HPK/2019/0231- LBC for glazed screen & double doors to main entrance.- pending

5. PLANNING POLICIES RELEVANT TO THE DECISION

High Peak Local Plan

5.1 The Development Plan comprises the Local Plan Development Document (adopted September 2020).

5.2 The following Local Plan policies are relevant to the application:

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
EQ 7 Built and Historic Environment

5.3 The following sections of the NPPF are particularly relevant to this application:

- 2: Achieving sustainable development
- 4: Decision making
- 5: Delivering a sufficient supply of homes
- 9: Promoting sustainable transport
- 12: Achieving well-designed places
- 16: Conserving and enhancing the historic environment

6. CONSULTATIONS

Public response to consultation

6.1 One letter of representation has been received with the objections.

- Site Notice posted late.

- What Parkwood Leisure are doing and have already done to the building is inexcusable and they believe that High Peak Council are ignoring residents and locals.

Parish Council

6.2 No comments were received.

Conservation Officer

6.3 No object to the installation of the glazed lobby but consider that the lobby they propose is too chunky in its framing and looks dated. The lobby would be an introduction to this space and should be more light weight and frameless to be less obtrusive. The Conservation Officer considers that the development is not acceptable at present and requires modification to the frame is required.

7. OFFICER COMMENT AND PLANNING BALANCE

Main Issue

7.1 The main issues relate to the impact on the designated heritage asset

Principle of Development

7.2 The application is for works to a listed building. In principle repairs and renovations are welcome and, in some cases, do not require consent however this proposal includes the erection of a new lobby within the tearoom. The LPA has a duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 have very special regard to maintaining or enhancing its special interest.

Impact on significant of designated heritage asset.

7.3 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.

7.4 Policy EQ 7 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.

7.5 The Central Hall and attached Promenade is a Grade II listed building, located within the grounds of the Pavilion Gardens which is a Grade II* Registered Park and Garden and within the immediate proximity to several listed buildings/structures. The application proposes to install an entrance lobby within the tea room.

7.6 The application is supported by a heritage statement which states that the purpose of the proposed entrance lobby is to reduce heat loss from the Central Hall and improve the comfort for users within the Tea Room. The design of the proposed screen has been to mimic the existing entrance lobby also located within the Tea Room situated to the east of the application site, in terms of design, scale and materials.

7.7 The comments from the Conservation Officer have been taken into consideration and they consider that the existing lobby within the tearoom they propose to match is to chunky in its framing and looks dated. A more lightweight and frameless lobby would be less obtrusive. The Conservation Officer raised these concerns with the applicant's agent and it was agreed to amend the plans to propose a light weight frame. However, no amended plans have been forthcoming. The harm to the special architectural and historic interest and setting of the listed building does not include loss/alteration to irreplaceable historic fabric and is termed 'less than substantial'.

7.8 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

7.9 This harm is not outweighed by the public benefit the benefits to the comfort of users of the tea room in relation to the rooms temperature and applicant does not suggest any other public benefits for consideration. Therefore the application is in conflict with Paragraph 202 of the NPPF.

Planning Balance & Conclusions

7.10 Therefore, in giving considerable importance and weight to the duties at section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in consideration to NPPF, NPPG and Policy EQ7 of the High Peak Local Plan it is recommended that listed building consent be refused.

8. RECOMMENDATION

A. That listed building consent be REFUSED for the following reason:

1.The proposed development, by virtue of its design would result in the installation of a incongruous form of development which is harmful to the special architectural and historic interest of the listed building. This harm has not been outweighed by public benefit. As such, the proposal would be in direct conflict with Sections 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy EQ7 of the High Peak Local Plan and the relevant sections of the National Planning Policy Framework.

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 Head of Development Services has delegated authority to do so in consultation with the Chairman of the Development Control 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. However, the applicant has declined the opportunity to amend the scheme.

