

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 16th September 2024

Application No:	HPK/2024/0301	
Location	Buxton Opera House, Water Street, Buxton	
Proposal	Listed Building Consent for repairs to roof	
Applicant	Kate Nicol – High Peak Borough Council	
Agent	T.A.D. Architects	
Parish/ward	Corbar Ward	Date registered 17 th July 2024
If you have a question about this report please contact: Rachel Robinson, tel 07581044968 email rachel.robinson@highpeak.gov.uk		

1. SUMMARY OF RECOMMENDATION

Approve with conditions

1. REASON FOR COMMITTEE DETERMINATION

- 1.1 This application has been brought before the committee as the application site is owned by High Peak Borough Council

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The Buxton Opera House is a grade II* listed building. In respect to the exterior the official listing description states:

‘Opera house. 1901-03, restored 1979. Designed by Frank Matcham, restored by Derek Sugden of Ove Arup Partners. Coursed rock-faced gritstone with ashlar dressings and Welsh slate roofs. EXTERIOR: 2 storeys plus attic. East symmetrical entrance front has 5 windows with curved ends. Banded pilasters to ground floor with entablature, plain pilasters to upper floors. Central recessed entrance flanked by single fluted and banded Doric columns in-antis, with pair of glazed double doors and canted glazed side panels plus 4 overlights with circular glazing. Above a concave plaster with scrolls. Either side a round headed doorway with fanlight, that to right now blocked. Beyond single canted doorways with double panel doors. Central 3 bays covered by ornate iron and glass canopy supported on 2 columns each topped by an octagonal lantern. Above large central Diocletian window in moulded surround with keystone and curved balustrade, flanked by plain sashes in moulded surrounds with keystones. Topped by ramped parapet inscribed OPERA HOUSE with coat-of-arms above, flanked by balustrades with urn finials. Beyond curved sides have 2 plain sashes in moulded surrounds. Above, on either side 2 circular domed towers with paired squat Doric columns and 4 glazing bar windows, topped

with entablature, ramped parapet and pedimented finials. Ribbed lead dome to each tower surmounted by ball finial. North front to Water Street has irregular stepped frontage in 3 blocks each stepped forward to right. Left block, 3-storey and 4 windows, has curved projecting porch supported on 2 wooden columns and 2 double doors, above to right semi-circular projection with 3 windows and shallow lead bell-canted dome. Windows in moulded vertical panels those to first floor with blind round heads. Curved section to right has 2 windows to top floor. Central block, 2 storeys and 2 windows, has central canted porch with double doors to centre and left each topped with a pediment, right has external staircase wall. Above 2 Venetian windows. Right block, 3 storeys and 5 windows, has large segment headed doorway with keystone and double panel doors. Above a circular window with ornate iron hanging lantern flanked by thin pilasters and topped by pediment. To left single sash to each floor. To right 3 pairs of plain sashes to each floor, upper floors flanked by thin pilasters and topped by pediments. Beyond to right canted corner with large doorway with lintel inscribed STAGE ENTRANCE and above 3 plain sashes, above again 3 round headed sashes. Topped by ramped parapet with 6 ball finials, set back hipped roof topped by octagonal glass and iron lantern with pyramidal roof and finial.'

2.2 The application relates to the flat roof elements of the Opera House, which currently consists of a predominantly asphalt roof.

2.3 Buxton Opera House is located within the Buxton built-up area boundary and within the Buxton Central Conservation area.

3. DESCRIPTION OF THE PROPOSAL

3.1 Listed building consent is sought for repairs to the existing flat roof of the Opera House. The existing roof is predominantly asphalt with numerous previous repairs.

3.2 It is proposed to take 10 core samples, measuring 200mm by 200mm. these samples will establish the condition of the roof covering and determine the saturation levels beneath the asphalt. Once sampling is complete the affected areas will be filled and covered with patches made from charcoal grey roofing felt.

3.3 The application, the details attached to it including the plans, comments made by residents and the responses of the consultees can be found on the Council's website at <http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=267620>

4. RELEVANT PLANNING HISTORY

4.1 The site has been subject to the following planning history:

HPK/2017/0017 - Listed Building Consent for proposed repointing and renovation works to the external walls; replacement of the existing lantern roof deck, roof covering and finial; replacement of some sections of the rwp's and soil stacks and painting of the new and existing rwp's and soil stacks; repainting of the external faces of the existing window frames; replacement of 2 existing internal structural beams including associated decorations APPROVED 01/03/2017

HPK/2017/0586 - Install steel work support to existing roof structure to corroded steelwork, embedded within the roof structure. Works will also include fire protection of new steelwork and decoration of affected areas. APPROVED 20/12/20217

HPK/2018/0032 – Variation of condition 1 relating to listed Building Consent HPK/2017/0568 APPROVED 17/04/2018

HPK/2022/0184 – Installation of a new boiler and boiler flue APPROVED 04/10/2022

5. PLANNING POLICIES RELEVANT TO THE DECISION

High Peak local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S 7 Buxton Sub-area Strategy
- EQ6 Design and Place Making
- EQ7 Built and Historic Environment

Supplementary Planning Documents

Buxton Conservation Areas Character Appraisal (April 2007)

National Planning Policy Framework 2023

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

6. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 21 st August 2024
Neighbour letters	Expiry date for comments: 7 th August 2024
Press Notice	Expiry date for comments: 15 th August 2024

Public Comments

6.1 At the time of writing no public comments have been received

Consultee Comments

6.2 The following comments have been received from consultees:

Consultee	Comments
DCC Highway Authority	No comments to make – no material impact on the public highway
DCC Archaeology Officer	No comments received
Severn Trent Water Ltd	No comments received
HPBC Conservation Officer	No comments received
Historic England	No comments to make
National Amenity Societies	No comments received

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 High Peak Local Plan Policies Adopted April 2016.
- 7.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in assessing planning applications the local planning authority has a duty to have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest.
- 7.4 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.

- 7.5 Local Plan policy S1a establishes a presumption in favour of sustainable development as contained at paragraph 11 of the NPPF.

Principle of Development

- 7.6 Paragraph 203 of the NPPF states 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 vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

- 7.7 Paragraph 205 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 7.8 LP Policy EQ 7 states that the council will conserve heritage assets in a manner appropriate to their significance.

- 7.9 LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.

- 7.10 LP Policy S7 states that the council will seek to establish Buxton as England's leading spa town 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 by protecting and enhancing the historic environment.

- 7.11 The application seeks listed building consent for roof repairs to the Grade II* listed Buxton Opera House. The principle of development can therefore only be deemed acceptable if the proposed development sustains and enhances the heritage asset. In this instance the heritage asset refers to the listed Buxton Opera House.

Design, Character and Heritage Impact

- 7.12 The Buxton Opera house is noted within the Buxton Conservation Areas Character Appraisal as one of Buxton's landmark buildings.
- 7.13 The site relates to the grade II* listed Opera House, which lies within the Buxton Central Conservation Area, in close proximity to a number of designated heritage assets, including the Octagon and Pavilion Gardens. The proposed works will include sampling of the existing roofing material prior to its replacement. Such methods will ensure that only the areas which require replacement, will be addressed, minimising the loss of the whole of the existing fabric of the roof.
- 7.14 The proposed repairs will be finished in a charcoal grey roofing to match the existing roofing material. This finishing is considered an appropriate material for repair, which will not harm the character of the listed building.
- 7.15 Furthermore, the proposed repairs will not be visible from the street scene, nor will the repairs be visible from any surrounding vantage points within the Conservation area. The proposed works are considered important to the overall maintenance of the listed building, which will ensure that it continues to make a positive contribution to historic environment of Buxton. Accordingly, it is considered that the works will sustain the importance of the heritage asset, including the wider conservation area.

Planning balance & Conclusion

- 7.16 LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).
- 7.17 The proposed work repairs will constitute minimal intervention to the original fabric of the listed building. The proposed works will not be visible from any public vantage points, nor from the street scene. It is considered that the proposal will sustain the listed building and conservation area, and will not harm the historic fabric of the listed building or its surroundings.
- 7.18 A detailed assessment of this application, has, when taking account of all material considerations including local and national planning policies, and supplementary design guidance found that the principle of development is acceptable, demonstrating compliance with LP Policies S7, EQ6 and EQ7, and relevant restrictive policies contained under Chapter 16 of the NPPF.

8. RECOMMENDATIONS

A. APPROVE subject to conditions as follows;

- 1. 3 Year Time Limit**
- 2. Approved Plans**
- 3. Materials to match existing**

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.

Site Plan

