

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 9th May 2022

Application No:	HPK/2022/0127 & HPK/2022/0128	
Location	East Pavilion and North Entrance, Pavilion Gardens, St Johns Road, Buxton	
Proposal	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	
Applicant	High Peak Borough Council	
Agent	Melanie Malcolm – TAD Architects	
Parish/ward	Corbar Ward	Date registered 18 th March 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 applicant is High Peak Borough Council.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application refers to the East Pavilion and adjacent North Entrance associated with Pavilion Gardens, Buxton; 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, lies within the setting of the Registered Historic Pavilion Park and Garden and stands within the Buxton Central Conservation Area.
- 2.3 The wider site has recently been subject to a planning application (HPK/2020/0533) which was considered by committee and granted Listed Building Consent for extensive works to the wider Pavilion Gardens site including the Eastern Pavilion.
- 2.4 Further extensive works requiring Listed Building Consent were subsequently considered and approved by Committee in August 2021 under HPK/2021/0251.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 Following permission granted for a detailed schedule of works to the Pavilion Gardens building under HPK/2021/0251 which can be read in full within the appropriate Committee Report, the application seeks planning permission and Listed Building Consent for the following:
 1. Change from repair of existing timber fenestration to the East Pavilion to full replacement of fenestration in Accoya 'like for like', due to uncovering large sections of rotten timber when stripping back and subsequent timber specialist's report. (See detailed drawings 25 series, 32 series and PL-0007 for extent of replacement.)
 2. Structural repairs to East Pavilion roof, specifically replacement of 2 sections of rotten timber wall plate and new steel plate to eroded section of steel purlin, following stripping back of paintwork and subsequent Structural Engineer's recommendation.
 3. Reverting back to traditional aluminium glazing bars on East Pavilion glazed roof, where previous approval indicated moving to a 'Heritage' glazing bar. Glazing bar is deemed acceptable as has been approved on other phases of the Pavilion Gardens. (See detail drawings 24-1004, 24-1005)
 4. Applying to replace additional glass panes to North Entrance discovered to be cracked or Georgian wired. Replacing with clear or ribbed to match where appropriate. See drawing PL-0004 for additional panes shaded pink (Ribbed glass has been used to the protruding glazed window in the Ticket Office and the Boiler Room)
 5. Glazing clips to East Pavilion glazing. Replacing original copper clips securing single glazing with stainless steel clips as recommended by glazing manufacturer for more stability/longevity.

6. Upgrading electrical wiring and lighting fixtures to North Entrance lobby, Ticket Office and Boiler Room as original wiring required upgrading. Ticket Office and Boiler room to have new strip lights, and North Entrance to have new feature 'Spider bulb' light as used in the café area of the Pavilion Gardens.

3.3 The application can be viewed at the following link

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=254156>

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/2020/0533	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)

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

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: 5 th May 2022
Neighbour letters	Expiry date for comments: 13 th April 2022
Press Notice	Expiry date for comments: 21 st April 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
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 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 proposal supports the strategic aims under Local Plan Policy S7 which supports the distinctiveness of a number of quarters in Buxton, including Pavilion Gardens, in accordance with the specific development principles and design guidance within the Design and Place Making Strategy.
- 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, underpinned by Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act).
- 7.6 Subject to demonstrating compliance with the above policy considerations, the principle of development is supported.

Impact on Listed Buildings

- 7.7 Section 66(1) of the Act 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.
- 7.8 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.
- 7.9 Paragraphs 199-202 of the NPPF (2021) set out the relevant national planning policies relating to the conservation and enhancement of historic assets and how a local planning authority should assess the significance of a heritage asset and the potential impact of a proposal upon that asset.
- 7.10 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.
- 7.11 A detailed scheme of works to the Pavillion Gardens was previously approved under HPK/2021/0251 which cumulatively, were found to significantly enhance the overall aesthetics of the building.
- 7.12 A review of the proposed changes to the works as set out at paragraph 3.1 are considered to be relatively minor and both individually and cumulatively, are not considered to be harmful to historic fabric of the building, particularly as many of the proposed modifications, particularly to glazing have been found to be acceptable previously elsewhere on the building.
- 7.13 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 development will result in the significance of the buildings and areas of historic interest being enhanced and better revealed, thereby supporting 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

- 7.14 LP Policy S1a reflects the presumption in favour of sustainable development set out within paragraph 11 of the NPPF. For decision taking this means approving development proposals that accord with an up-to-date development 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 planning 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 Given that the application is for Listed Building Consent and relates to a number of statutory historic assets, the presumption in favour of sustainable development does not apply in this case.
- 7.16 However, having reviewed the documentation and extensive set of plans, and when having regard to comments received from statutory consultees, it has been found that the proposed changes to the proposed works previously approved will continue to preserve the historic fabric of the Listed Building and setting of adjacent historic assts. Any degree of residual harm, would be outweighed by the public benefit of securing the viable future use of the building as a community facility.in accordance with Local Plan Policies S7 and EQ7, relevant paragraphs under Chapter 16 of the NPPF, and Section 66 of the Act.
- 7.17 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 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 through 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

