



Appeal Decisions

Site visit made on 22 December 2022

by D M Young JP BSc (Hons) MPlan MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 9 January 2023

Appeal A Ref: APP/H1033/W/22/3299229

The Old Clubhouse Public House, Water Street, Buxton, SK17 6XN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Joanne Bond c/o Greene King against High Peak Borough Council.
 - The application Ref HPK/2021/0711, is dated 14 January 2022.
 - The development proposed is alterations to the external customer seating areas around the Public House building to provide new seating, new timber framed shelter, new paved areas, new plants and new festoon lighting and timber support posts.
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Appeal B Ref: APP/H1033/Y/22/3299236

The Old Clubhouse Public House, Water Street, Buxton, SK17 6XN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent
 - The appeal is made by Ms Joanne Bond c/o Greene King against High Peak Borough Council.
 - The application Ref HPK/2021/0712, is dated 14 January 2022.
 - The works proposed are alterations to the external customer seating areas around the Public House building to provide new seating, new timber framed shelter, new paved areas, new plants and new festoon lighting and timber support posts.
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Decision

1. Appeal A is dismissed insofar as it relates to the erection of a timber pergola, the provision of timber planting troughs and the removal of existing planting and tree to the east of the site and the introduction of stone paving. The appeal is allowed insofar as it relates to the provision of new timber seating booths, tables and festoon lighting to the east and south of the main building, replacing the existing timber patio tables at The Old Clubhouse Public House, Water Street, Buxton, SK17 6XN in accordance with the terms of the application, Ref HPK/2021/0712, dated 14 January 2022 so far as relevant to that part of the development hereby permitted and subject to the conditions set out in the schedule to this decision.
2. Appeal B is dismissed insofar as it relates to the erection of a timber pergola, the provision of timber planting troughs and the removal of existing planting and tree to the east of the site and the introduction of stone paving. The appeal is allowed and listed building consent granted insofar as it relates to the provision of new timber seating booths, tables and festoon lighting to the east and south of the main building, replacing the existing timber patio tables at The Old Clubhouse Public House, Water Street, Buxton, SK17 6XN in

accordance with the terms of the application, Ref HPK/2021/0712, dated 14 January 2022 so far as relevant to the works hereby permitted and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

3. The appeals arise from the Council's failure to determine the applications within the prescribed time limit. The Council's Statement of Case confirms that had it been in a position to do so, it would have refused the applications on the basis that the proposed works would both individually and cumulatively result in a poor form of design that would cause significant adverse harm to the historic fabric of the listed building and wider setting of the Buxton Conservation Area (BCA), contrary to Policies S1, EQ6, EQ7 of the High Peak Local Plan 2106 (the LP), and relevant restrictive paragraphs contained under Chapter 16 of the National Planning Policy Framework (the Framework).
4. The submitted plans show the creation of a new outdoor drinking area to the west of the building in place of the existing bin store. Neither the Council nor the appellant have referred to this area in their written submissions. I have therefore assumed the Council has no objection to this element of the scheme.

Main Issue

5. The main issue is the effect of the development on The Old Clubhouse public house (Grade II listed) and the BCA.

Reasons

6. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
7. The Old Clubhouse is a well-preserved 18th Century Public House of significant architectural interest. It occupies a prominent 'island' location within the BCA between St John's Church to the north and the Opera House to the south. It is bounded by roads on three sides and was carefully designed with small boundary walls and landscaping which help the building assimilate successfully with its topography. According to the Council's Conservation Officer, the building is of vernacular coursed rock-faced Millstone Grit and has many significant and conscious historic design elements.
8. In order of significance and permanence, the proposed changes comprise:
 - 1) Installation of an open sided timber shelter to the east of the main building, with timber pitched roof with a grey coloured tile finish;
 - 2) Provision of a new timber bench type seating booths and tables to the east and south of the main building, replacing the existing timber patio tables;
 - 3) Provision of movable timber planting troughs to the eastern side of the site;
 - 4) Removal of a small area of planting and a single tree to the east of the site and introduction of stone paving to provide an increase in the customer seating area;

- 5) New festoon lighting cables spanning between timber support posts to the east and west of the site with 7 square timber support posts to the east, and 5 to the west.
9. The most significant of the proposed alterations would be the introduction of a timber pergola with a grey slate roof over the seating area to the east of the building. In my view, the pergola would cause harm to the building's significance as it would conceal one of the building's principal elevations and in particular the ground floor fenestration. This would significantly diminish the public's enjoyment of the building particularly when viewed from sections of Water Street/The Square to the east of the site. From here the pergola would be a conspicuous addition, drawing the eye and marring what is currently a very attractive view of the host building. The incongruence of the pergola would be exacerbated by the choice of materials which would jar with the traditional gritstone and natural slate of the appeal building. Finally, I share the Council's concerns that the pergola would impinge on other important views in this highly sensitive part of the BCA. This would adversely affect the setting of several nearby buildings, including but not limited to, views to and from the Grade II* listed Opera House.
10. According to the plans, the new fixed seating booths would be set back from the low stone wall which bounds the southern site boundary in a similar way to the existing outdoor seating. Accordingly, I am satisfied that the proposed booths and tables to the left of the front entrance would not harm the public's appreciation of the building or any features of special architectural or historic interest which it possesses. Similarly, the creation of a new external drinking area to the west of the building together with festoon lighting to both seating areas would have a neutral effect on the building.
11. I am however less satisfied with the removal of the existing landscaping and the introduction of additional seating enclosed by timber planters. Even in December, I saw that the appeal building, and its surrounds are already landscaped to a very high standard. The tree and planting to the east of the projecting bay are an integral component of this. There is simply no justification to remove the existing natural landscaping and to replace it with alien, man-made troughs and more seating. I also reject in the strongest possible terms the suggestion that the site's appearance needs to be 'softened' with additional clutter to the sensitive front elevation of the building.
12. The Framework sets out 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). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
13. I have found that the erection of a timber pergola, removal of tree and existing landscaping and the creation of a new seating area enclosed by timber troughs would cause less than substantial harm to the appeal building, the setting of other listed buildings nearby and the character and appearance of the BCA. This harm has to be weighed against the public benefits of the scheme. While I accept the challenges facing the hospitality industry, there is no substantive

evidence before me to indicate that the proposed works would deliver public benefits of the scale necessary to outweigh the harm I have identified.

14. For the reasons set out above, I find that the works described in indents 1, 3 and 4 to paragraph 7 to be unacceptable. Conversely, I have found 2 and 5 to be acceptable. It appears to me that the former works are severable both physically and functionally from the latter. I therefore intend to issue a split decision in this case and grant planning permission and listed building consent for the replacement of the existing benches with seating booths and tables to the east and south of the main building and new festoon lighting and timber support posts to the eastern and western seating areas.

Conditions

15. Despite being chased by the Case Officer on two separate occasions, the Council have not provided a list of planning conditions. I have therefore imposed conditions covering time limits, the approved plans, treatment of the seating and lighting posts and a replacement bin storage area. I have considered the conditions recommended by the Council's Environmental Health team. However, save for the small drinking area to the west of the building, the approved elements relate to existing outdoor seating areas. I am not therefore persuaded that the suggested conditions are either necessary or proportionate.

Conclusions

16. For the reasons given above Appeals A and B are allowed insofar as they relate to the replacement seating booths and tables to the east and south of the main building and provision of festoon lighting to the eastern and western seating areas. Appeals A and B are dismissed insofar as they relate to the erection of a timber pergola, the provision of timber planting troughs and the removal of existing planting and tree to the east of the site and the introduction of stone paving.

D. M. Young

Inspector

SCHEDULE OF CONDITIONS

Appeal A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans: 960-(P)-03 and 960-(P)-05 insofar as they relate to the replacement seating booths, tables and festoon lighting.
- 3) Before development commences, details of the replacement bin storage area shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in accordance with an agreed timetable and so retained thereafter.

Appeal B

- 1) The works hereby permitted shall begin not later than three years from the date of this decision.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans: 960-(P)-03 and 960-(P)-05 insofar as they relate to the replacement seating booths, tables and festoon lighting.
- 3) No works shall take place until details of the colour finish to the seating booths, tables and lighting posts have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.