

DELEGATED DECISION REPORT

HPK/2025/0366	EAGLE PARADE DRINKING	APPLICATION FOR WORKS
HPK/2025/0367	CISTERN EAGLE PARADE	INCLUDING CONSERVATION
Valid 07/10/2025	BUXTON	REPAIR WORKS TO THE
		EXISTING CISTERN/CONDUIT;
		PROPOSED NEW STONE
		KERB AND STONE FLAGGED
		MARGIN AROUND
		STRUCTURE; AND
		PROPOSED NEW CAST IRON
		RAILINGS TO THE ORIGINAL
		DESIGN WITH A GATE TO
		ONE ELEVATION
		 (FULL – MINOR & LISTED BUILDING CONSENT)

MAIN ISSUES

- Impact upon the Listed Structure
- Design, Character and Appearance
- Impact upon Residential & Neighbouring Amenity
- Nutrient Neutrality

DESCRIPTION OF SITE

The application site refers to a Grade II listed Drinking Cistern located on Eagle Parade, within the defined Town Centre and settlement boundary of Buxton. Additionally, the site is also located within the Buxton Central Conservation Area.

The surrounding area comprises a wide mix of uses consistent with its town centre location.

The Historic England Listed Building Register describes the site as:

Drinking Fountain or Well Head. Early C19. Weathered dressed stone. Bowl shaped urn with rolled top on stepped base, supported by square stone pedestal with cornice to top. The pedestal base has recessed panels on 3 sides; that to front is arched possibly originally with raised motif and date 1840. The rear is of coursed stone blocks.

PROPOSAL

The application seeks full planning permission and listed building consent for repair and renovation works to the Drinking Cistern.

The proposals would also include the digging out of foundations, and the erection of perimeter fencing.

The proposals consist of dismantling the conduit and having the ashlar repair and new components replaced with the cistern to be rebuilt using a “skin” of blue engineering blocks, around which the cistern is to be rebuilt. The proposals also consist of a new reinforced concrete ground bearing slab and the conduit plinth to be repaired and reinstated. The works will also re-instate the original vase to be placed atop the re-built cistern with new iron railing and gritstone curb enclosing the re-built cistern.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
EQ 6 Design and Place Making
EQ 7 Built and Historic Environment

Supplementary Planning Documents

Residential Design Guide SPD (2005)
Design Guide SPD (2018)

National Planning Policy Framework

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

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS – N/A

CONSULTATIONS

Publicity

Site Notice expiry date: 20/11/2025
Neighbour consultation period ends: 31/10/2025
Press Advert: 13/11/2025

Public Comments

No public comments received.

Town / Parish Comments

N/A.

Conservation Officer

The Eagle Parade drinking cistern is a grade II listed structure located within the Buxton Market Place. The cistern was constructed in the early 19th century to serve as a drinking fountain (or well) for residents in Higher Buxton. The cistern originally had a urn on top which has since been removed. The cistern design boasts notes of neo-classicism, a design style characteristic of the market place found at the town Hall (Grade II), Eagle Parade Hotel (Grade II), and New Inn Public House (Grade II). The front elevation shows indications of a worn motif and date, describe in the listing description as 'front is arched possibly originally with raised motif and date 1840'. The listed cistern holds significance for both its architectural/aesthetic value as a neo-classical structure, and high communal value attributed to the structures origins as a communal drinking fountain and the Derbyshire 'Well-Dressing' traditions.

The application proposes a series of repair works to the grade II listed cistern. These works include the initial demolition of the current listed building, allowing for a reinforced concrete slab to be laid with new gritstone pavers atop the concrete slab. The cistern will then be rebuilt using a inner 'skin of blue engineering blocks, around which the cistern will be rebuilt. The original vase will be placed atop the re-built cistern with new iron railing and gritstone curb enclosing the re-built cistern.

Proposed plans show that a large proportion of the existing sandstone will be replaced during the re-building process. Over 50% (an estimated 70%) of the original sandstone will be lost during the re-building works. This is considered to be an exorbitantly high amount of original fabric to be lost. The application has not included any structural or condition surveys to justify the need for such notable and irreversible loss of the historic fabric. This would harm the evidential and architectural value of the grade II listed cistern creating a pastiche. The 1973 listing description acknowledges the cistern as 'Weathered'. This weathering has continued over the 50 years since the cistern was listed. The weathered appearance adds to the history and authenticity of the listed cistern.

Furthermore, the proposed plans introduce inappropriate and incompatible modern materials (blue engineering bricks and concrete). The use of a concrete slab foundation is incompatible with the sandstone cistern, and will allow water to become trapped in the natural stone facilitating stone erosion and cracking.

The proposal includes the introduction of incompatible materials alongside the loss of a high proportion of historic fabric. The application has not included adequate justification for the high level of intervention. A structural survey/assessment accompanied by a full schedule of works would be required to adequately justify the

proposal. The present scheme represents a large degree of harm to the significance of the listed building due to the loss of materials and proposed pastiche finish. The pastiche finish will also cause harm to the character and appearance of the conservation area.

The proposal to reinstate the urn vase is positive as it will allow the original silhouette of the cistern to be restored. Similarly, the introduction of iron railing to match those photographed in the early 20th century (pre- WW2) is encouraged.

In conclusion, the proposed scheme of works is considered to result in an unacceptable and unjustified loss of historic fabric, exacerbated by the introduction of inappropriate modern materials as outlined above. This is considered to result in a high level of harm to the significance of the Grade II listed cistern and the character and appearance of the Buxton Central conservation area. In terms of planning policy this amounts to less than substantial harm (NPPF para 215).

Some minor elements of the scheme are welcomed (the reinstatement of the Urn and iron railings). The potential need for a degree of intervention to conserve the listed cistern is accepted, however, a scheme of intervention should be properly informed by structural condition surveys. An appropriate scheme of intervention should aim to conserve as much of the original sandstone as possible and omit the introduction of inappropriate modern materials. Revisions to this effect would be welcomed, however, due to the degree of harm identified above, it is recommended that the current scheme is refused.

Historic England

Historic England supports the principle of conservation and repair works to the drinking fountain; however, we think the scheme would benefit from amendments. Specifically, we would like to see the retention of more original fabric and the omission of non-original materials in order to reduce harm to heritage significance, a requirement of paragraph 208 of the NPPF.

The fountain (or well head) is located within the marketplace (listed as 'Drinking Fountain' HER no: 1258032). It is principally significant as a good piece of classically styled street furniture from the early nineteenth century which helps tell the story of Buxton as a spa town built to rival Bath. The thermal springs of Buxton were exploited for health and restorative tourism by the Duke of Devonshire from the eighteenth century to the mid nineteenth century. The duke's patronage included a group of fountains and well heads for public use many of which are listed at Grade II. For this reason, the fountain has high associative historic value.

As a former working fountain, the structure has much communal value. By virtue of its function to provide mineral water to the public, it is an important monument to social history which was built at a time rife with waterborne disease and a major transition in attitudes towards public health. Locally, the fountain is significant for its role in well dressing ceremonies. These rituals date back to the Celtic times demonstrating the importance of water to Buxton's history. Architecturally, the fountain is austere. The urn vase forms a striking silhouette in the marketplace which

adds to its aesthetic value. Materially, the fountain is rooted in local vernacular: its stone slab construction has an attractive patina. However, its form also taps into wider fashions for neo-classicism. It has a positive influence on the character of the Buxton Central Character Area of the Buxton Conservation Area.

The proposal is to restore the fountain through reconstructing elements of the structure, reinstating the urn vase and re-landscaping the surrounds with cast iron railings. It is proposed that over half (about 70%) of the existing sandstone would be replaced: this would harm the fountain's architectural value through the loss of the stone's patina and authenticity which indicates its age and long use in the marketplace.

Whilst we acknowledge the application's mention of ground subsidence, the proposal to set the stone fountain on a reinforced concrete slab would be harmful to its architectural significance. Concrete is a non-compatible material to sandstone because it can trap water and lead to stone erosion and cracking (particularly after frost) thus catalysing decay. The use of a concrete slab would also appear incongruous beneath the fountain instead of a traditional stone base. We are pleased to see that lime mortar is proposed elsewhere on the structure. The rebuilding of the inner 'cistern' in a non-like for like manner would also harm an ability to understand the traditional construction of the fountain. Furthermore, we are concerned that blue engineering bricks might stress the existing stone of the cenotaph, but we would wish to see a structural assessment to confirm this.

The proposal to conserve and return the urn vase which includes repairing the crack, relining the feature with lead and the creating an urn lid is very positive and would reinstate the fountain's original appearance. Reinstating the cast iron railings is similarly positive. The proposed design is carefully researched and offers an enhancement to both the listed structure and the wider marketplace, which sits within a conservation area.

Overall, Historic England welcomes the principle of conserving and restoring the Grade II listed fountain, however, we think the current proposals should be amended to achieve a 'lighter touch' approach to its conservation. We are not convinced that the current proposal for whole dismantling is necessary and the loss of around 70% of the original stone would be regrettable. We would also like to change to proposed materials.

Whilst we are sympathetic to the issues of long-term disuse and subsidence at this site, we think the application would benefit from a submission of the condition survey cited in documents, and furthermore, a structural assessment to allow for a more in-depth understanding of the fountain's fabric and issues for rectification. Ideally, we would like to see more of the original sandstone structure retained and repaired as this would conserve the historic patina and integrity of the fountain and therefore reduce harm in line with paragraph 208 of the NPPF.

We would extend our concerns to the proposed materials. The application intends to line the stone cenotaph with engineering brick. It is unclear from the application what impact this would have on the sandstone slabs. It would be helpful to see other

options put forwards for securing the cenotaph. This could be achieved from a structural assessment.

Furthermore, we think the reinforced concrete base could harm the stone structure as a non-breathable material which is incompatible with sandstone. If a structural survey has been undertaken, it would be useful to see the justification for concrete as well as other options to secure the structure against subsidence. We would also encourage the design of the plinth to incorporate a gradient which would help direct water away from the fountain.

We are pleased to see that the proposed reinstatement of the urn vase and cast-iron railings are carefully considered through documentary research. We think both elements would enhance the architectural significance of the conduit and the character of the Buxton Central Character Area of the Buxton Conservation Area, aligning with paragraph 212 of the NPPF.

The local planning authority will also need to weigh the harm, which we assess to be less than substantial, against the public benefits of this proposal, as described in paragraph 208 of the NPPF. We cannot comment on public benefits but can comment on heritage benefits. We think this scheme offers heritage benefits in the form of reinstating the urn vase and the lost cast iron railings.

Derbyshire County Council Archaeology

In relation to below-ground archaeology the site is within the Buxton Area of Archaeological Interest which principally relates to Roman Buxton but also spans the area of the medieval town. The current site may be a little peripheral to the Roman activity (though I note the record for a paved road at South St only about 90m away to the E); it would however be squarely in the medieval centre of the settlement. It is therefore a location of archaeological potential.

The application is a little unclear in terms of the depths and extents of ground excavation proposed, but there does seem to be an intention to dismantle the fountain and what is referred to as a 'conduit' beneath. The applicant notes that they have carried out underground surveys of this but this information does not appear in the application as available to me online. A new concrete base to the 'conduit' is proposed, and presumably this will require a certain depth of excavation – and this process may therefore have archaeological implications in exposing and/or impacting on stratigraphy beneath the Market Place with medieval or even Roman origins.

On the information available I recommend that archaeological monitoring of these groundworks would be appropriate in line with NPPF para 218 (in addition to any recording recommended by your Conservation Officer), and that this should be secured by a planning condition as follows:

“No development shall take place until a written scheme of investigation (WSI) for archaeological monitoring has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall

take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.”

Derbyshire County Council Highways

Highways Development has no objection. As commented in the submitted details, the applicant will require authorisation to undertake the works under S50 of the NRSWA. Based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

OFFICER COMMENTS

Principle of Development

This application seeks full planning permission and listed building consent for the repair and renovation of the existing Listed Structure. The proposed works are consistent with the extant use of the site. Accordingly, the general principle is acceptable, subject to other considerations including the impact upon the heritage asset and residential amenity.

Design and impact upon the Conservation Area

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.

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.

Paragraph 135 of the NPPF states amongst other matters that new developments should add to the overall quality of the area, be visually attractive as a result of good architecture and sympathetic to the surrounding built environment.

Section 16 Paragraph 212 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.

Paragraph 215 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' .

The proposed development seeks to carry out intrusive works to renovate the existing cistern, through partially demolishing and rebuilding the historic structure with replacement components.

The proposed works would result in a significant change in the appearance of the existing listed structure through the use of modern building materials further to the use of a concrete slab foundation which is judged to be highly inconsistent with the existing sandstone cistern and would also allow for water to become trapped in the natural stone further exacerbating the erosion of the stone and would likely to cause cracking.

The proposals would also add a pastiche finish which is not judged to not complement the existing structure and as such would result in adverse harm to the cistern. The Conservation Officer has also objected to the proposals and partly on the grounds that the proposed pastiche finish will also cause harm to the character and appearance of the conservation area. As such the development is deemed to have an unacceptable impact upon the character of the existing structure, the conservation area and would not be in keeping with the surrounding area.

Whilst the works identified above are judged to be unacceptable the proposals would re-instate the original urn / vase on top of the cistern and the re-introduction of iron railings is encouraged to re-instate the cistern original silhouette with the railing providing additional security and protection to the heritage asset.

Consequently with regard to the above, the proposed development would be contrary to Local Plan Policy EQ6, EQ7, and the Design Guide SPD further to national policy contained within the NPPF.

Impact upon the Listed Building

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant consent 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.

Section 16 Paragraph 212 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.

Paragraph 215 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' .

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.

The proposed works seek to partly demolish and rebuild the existing designated heritage asset with new components and the re-instating of the original urn / vase and iron railings.

The Conservation Officer has objected to the proposed development and Historic England have identified that they cannot support the proposals in their current guise.

The works are deemed to be highly invasive in their nature and would result in the loss of a substantial amount of historic fabric. According to the Conservation Officer's assessment the proposed rebuilding works would result in approximately 70% of the original historic fabric being lost. This historic fabric is to be removed and replaced with modern engineering bricks, (to be covered with new sandstone and some partial restoration of sandstone) and the use of a concrete slab both of which are judged to be wholly unsuitable for a listed building which in this instance comprises a sandstone construction and finish. The use of concrete and modern engineering blocks would undermine the historic fabric and character with the existing cistern.

The application is not afforded by any structural or condition surveys to justify such a loss of historic fabric. Additionally, it is also noted that the listing description on the Historic England Listed Building register acknowledges in 1973 the cistern as "weathered". This weathering has continued over time since the 1970s and its weathered appearance is judged to add to the character of the listed building in that it adds to the history and authenticity of the listed cistern. Therefore in the absence of any structural reports to justify that such intrusive works are necessary, the loss of this level of historic fabric is deemed to be unacceptable and would have a significant degree of adverse harm upon the established character of the listed building. Historic England comment that they would like to see more of the original sandstone structure retained and repaired as this would conserve the historic patina and integrity of the fountain

Additionally comments received from the Historic England officer raised that *"It is proposed that over half (about 70%) of the existing sandstone would be replaced: this would harm the fountain's architectural value through the loss of the stone's patina and authenticity which indicates its age and long use in the marketplace."*

The Historic England Officer has also identified that *“the reinforced concrete slab which would form the new foundation of the cistern would be harmful to its architectural significance.”* As noted by both the Historic England and HPBC Conservation Officers, concrete is not a compatible material to sandstone as it can trap water and lead to stone erosion and cracking (particularly after frost) catalysing the decay of the designated heritage asset. The Historic England Officer has also stated that *“The use of a concrete slab would appear incongruous beneath the fountain instead of a traditional stone base”.*

Historic England have also raised that *“the rebuilding of the “inner cistern” in a non-like for like manner would also harm the ability to understand the traditional construction of the fountain and there are concerns the engineering bricks might stress the existing stone.”*

Nonetheless despite the above the proposals to return the urn vase, relining the feature with lead and placing atop the listed cistern is judged to be positive and its inclusion is supported. The re-instatement of the cast iron railing is similarly supported in that it would afford the listed structure greater protection and security whilst also featuring a design which has been carefully researched and offers an enhancement to both the listed building and the wider marketplace. This will provide the cistern with an additional element of physical protection, as such this is judged to provide some form of limited public benefit.

The proposed works are deemed to be wholly unacceptable in that they would cause a significant degree of adverse harm to the designated heritage asset which has not been justified. The use of modern and incompatible materials is judged to be inappropriate as is the removal of substantive amounts of historic fabric without sufficient justification. The development is therefore contrary to Local Plan Policy EQ7 and national policy detailed in the NPPF.

Amenity

LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.

The proposed development consists of minor alterations which would not increase the building footprint of the site or increase any additional outlooks from the site. Consequently, the proposed development is judged to not have any unacceptable impacts upon residential amenity. The development accords with local plan policy EQ6, the Residential Design Guide SPD and national policy in the NPPF.

Nutrient Neutrality

The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action

must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out “likely significant effects” on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail.

Screening Assessment

The proposal is not directly connected with or necessary for the conservation management of a European site. The proposal will not increase overnight stays or surface water run-off from the site. Therefore, it will not risk having a significant negative effect on the SAC either on its own or in combination with other proposals and therefore it is not necessary to carry out an Appropriate Assessment.

CONCLUSION / PLANNING BALANCE

The proposed works by virtue of the substantial removal of historic fabric without adequate justification is deemed to be unacceptable and additionally would cause significant adverse harm to the listed building exacerbated by the use of inappropriate materials.

However, the Conservation Officer has identified that there would be less than substantial harm to the heritage asset and as such this needs to be weighed against the public benefits of the proposal. The application contends that the proposals would provide public benefit in terms of health and safety impacts and potential risks around an unsafe structure. However no structural reports have been provided to indicate that the listed building is unsafe and as such very limited public benefit is afforded in this regard. Whilst it is supported that the proposals would return the structure to its original silhouette through the placing of the original urn vase to the top of the structure and the re-instatement of traditional iron railing is supported this would provide somewhat limited public benefit given the scale of intervention proposed. No other public benefit has been identified given the significant loss of historic fabric. Overall, whilst the proposals would cause less than substantial harm to the heritage assets, this would not be outweighed by the limited public benefit identified.

OFFICER RECOMMENDATION : Refuse Planning and Listed Building Consent

Case Officer: Stuart Talbot

Recommendation Date: 02/12/2025

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council