

DELEGATED DECISION REPORT

HPK/2024/0316
Valid 02/09/2024

8 BRIDGE STREET
WHALEY BRIDGE

DEMOLITION OF
OUTBUILDINGS TO THE REAR
YARD OF AN EXISTING
PUBLIC HOUSE TO
FACILITATE THE FORMATION
OF AN EXTERNAL DRINKING
AREA TO INCLUDE RAISED
DECKED AREA, FIXED
SEATING, SMOKING SHELTER
AND FESTOON LIGHTING

(FULL - MINOR)

MAIN ISSUES

- Design & Conservation
- Amenity

DESCRIPTION OF SITE

The application relates to No.8 Bridge Street, 'The Goyt Inn' Public House located on the fringes (just outside) of Whaley Bridge Town Centre immediately north of the public highway, within the confines of the Conservation Area.

The main Public House building is two storey constructed of stone. The rear curtilage comprises a small area of hard standing and 3no. single storey ancillary outbuildings, which are bounded on three sides by a stone boundary wall.

The site lies within a predominately residential area. The eastern wall enclosing the rear of the site is shared with a hard tarmacked area with a veterinary practice beyond, whilst the rear elevations of two storey properties Nos. 1 and 2 Honeysuckle Cottage, located on Chapel Street sit a short distance to the north-west. The western boundary is shared with the rear amenity area serving Nos. 5 and 6 Bridge Street.

PROPOSAL

The application seeks full planning permission to demolish two of the three ancillary outbuildings within the rear yard area closest to the Pub in order to facilitate an outdoor seating and amenity space to serve the patrons of The Goyt Inn, supplemented by a decked area, smoking shelter and lighting.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the Whaley Bridge Neighbourhood Plan (2024) and the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

Whaley Bridge Neighbourhood Plan 2024

WB-H1	Heritage
WB-E1	Sustainable Design

High Peak Local Plan 2016

S1	Sustainable Development Principles
S1a	Presumption in Favour of Sustainable Development
S2	Settlement Hierarchy
S6	Central Sub-area Strategy
EQ6	Design and Place Making
EQ7	Built and Historic Environment
CF5	Provision and Retention of Community Facilities

National Planning Policy Framework 2023

Achieving Sustainable Development	Chapter 2
Building a Strong Competitive Economy	Chapter 6
Promoting Healthy and Sustainable Communities	Chapter 8
Achieving Well Designed and Beautiful Places	Chapter 12
Conserving and Enhancing the Natural Environment	Chapter 15
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0000/8134	Proposed alterations and extensions to the existing ladies and gents toilets (Approved)
HPK/0002/4780	Extension at first floor level to form private kitchen (Approved 13/11/1986)
HPK/2007/0549 & HPK/2007/0550	Conservation Area Consent for new signs (Permitted 17/08/2007)

CONSULTATIONS

Publicity

Site Notice expiry date: 24/10/2024

Neighbour consultation period ends: 23/09/2024

Press Advert: 03/10/2024

Public Comments

1no. neutral comment has been received from a local resident which whilst not objecting, seeks reassurances that opening times will be controlled in order to preserve their amenity

Whaley Bridge Town Council

No comments received at time of writing

HPBC Conservation Officer

No comments received at time of writing

Coal Authority

No comments – refer to standing advice

Network Rail

No objections subject to conditions

Derbyshire Constabulary

There are no known operational issues at the premises in question which might cast the application into doubt.

The licencing Officer and I are of one mind that approval should be the subject to the following:

1. CCTV coverage of the external drinking and smoking area
2. Restriction of access to external gardens via main premises, with no permitted public access or egress through the rear gates off Chapel Street or via the side alley off Bridge Street.
3. Restriction on hours of use of, and the playing of amplified music within, the outdoor space

If you feel that these matters are not appropriate for planning conditions, or if the setting of conditions in this instance is seen as too onerous in context, we would be

happy with an informative note, on the understanding that the requirements would be fleshed out during the premises licence variation.

Canals and Rivers Trust

No comments

HPBC Environmental Health

No objections subject to conditions:

1. Outside seating areas shall not be utilised after 22:00 hours on any day. Any tables or chairs in the external seating area shall be rendered unusable by 22:00 hours each day. Artificial lighting associated with the outside seating area shall not be illuminated after 22:00
2. There shall be no external speakers, or speakers within the external seating area.

Derbyshire County Council Highways

No comments received at time of writing

OFFICER COMMENTS

Principle of Development

The application seeks planning permission for alterations contained within the curtilage of an existing Public House which include the demolition of existing ancillary outbuildings to introduce an outdoor seating and smoking area for patrons of the pub.

These alterations will enhance the facilities associated with the existing Public House located within the built-up area boundary of Whaley Bridge on the fringes of the Town Centre which in turn would help to secure the longer term viability and sustainability of a business which is essentially a Community Asset. The development therefore complies with Local Plan (LP) Policy CF5 and relevant paragraphs contained under Chapters 6 and 8 of the NPPF.

Design & Conservation

Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

Whaley Bridge Neighbourhood Plan Policy WB-H1 relates to Heritage, and states that proposals for alterations will be informed by a heritage statement that clearly describes the significance of the asset including the contribution that the setting makes its significance.

LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

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 things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

Chapter 16 of the NPPF contains the relevant restrictive policies relating to heritage conservation. Paragraphs 205-209 sets out how a local authority should assess the significance of a heritage asset and the potential impact of a development upon that asset. 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.

The application relates to the rear yard area associated with The Goyt Inn Public House (No.8 Bridge Street) which lies within the Whaley Bridge Conservation Area. The rear yard is enclosed by a relatively high stone boundary wall with single storey ancillary outbuildings contained within.

The application is accompanied by a Heritage Statement prepared by Stephen Griffiths of Mouteer Ltd, which contains a number of photographs of the buildings set to be demolished. It is clear from Photographs 11-14 that these buildings do not depict any architectural merit, and that the removal of such buildings would have little to no material impact on the significance of the existing Public House or indeed the wider Conservation Area. As such, the removal of such buildings are not considered to be problematic or harmful with regards to heritage assets.

Turning to the proposed development, the plans show that an area of existing concrete is to be resurfaced with a new resin bonded gravel, which would serve as a patio area. A small lean-to canopy slate roof would cover a part of this patio serving as a covered smoking area. This aspect is very modest in scale and finished in appropriate materials, thereby preserving the character and appearance of the building and its wider setting within the Conservation Area.

In addition, 3no. benches would be introduced adjacent to the western boundary, supplemented by new brick buttresses, and 3no. metal posts adjacent to the eastern boundary. These posts stand approximately 2.5m above ground floor level, which equates to just 0.7m above the height of the existing stone boundary wall. These posts would facilitate external festoon lighting.

The proposed development lies in a relatively discrete location to the rear of an existing Public House. The buildings to be removed are not considered to have any meaningful heritage value or significance and thus their removal to facilitate the enhancement of facilities associated with the Public House is considered to be acceptable.

In order to avoid pre-commencement conditions the applicant has submitted a Remedial Works plan showing the extent of the brick buttresses, which are to be painted white in keeping with the existing wall, and have also confirmed that the metal poles will be 80mm x 80mm painted black (RAL No. 9005). These details are considered to be acceptable and therefore subject to appropriate compliance conditions there are not considered to be any harm to the heritage asset in accordance with WBNP Policy WB-H1, Local Plan Policies S1, EQ6 and EQ7, and relevant restrictive policies under Chapter 16 of the NPPF, underpinned by Section 72 of the Act 1990.

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.

LP Policy EQ10 seeks to ensure that people and the environment are protected from adverse impacts relating to issues including air pollution, noise, light pollution or any other nuisance or harm to amenity, by securing appropriate mitigation by way of planning conditions and obligations.

Paragraph 135 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

Paragraph 191 of the NPPF makes clear that decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, including those relating to noise and disturbance.

The application relates to an existing Public House which is located near to existing residential properties. As such, any intensification of the rear yard in association with the Pub must be carefully considered in the interests of public and residential amenity.

1no. neutral comment has been received from a local resident which whilst not objecting, seeks reassurances that opening times will be controlled in order to preserve their amenity.

Whilst there would not be any issues relating to overlooking or loss of privacy arising from the proposed development, there are potential issues relating to noise and disturbance, and additional potential issues relating to external lighting.

The Environmental Health Officer has confirmed that subject to appropriate conditions that place strict limits on the access and operations of the outside external areas to 22:00, and that no amplified music/speakers are introduced to this area, this would mitigate any potential impact to neighbouring amenity with regards to noise and disturbance. Similarly, the comments from Derbyshire Constabulary do not raise any objections subject to conditions, which include access to this external area being solely from within the premises and not the side gate.

Subject to compliance conditions that secure the above mitigation, it is considered that the application will not give rise to any harm to public or residential amenity in accordance with LP Policy EQ6 and EQ10, and relevant paragraphs under Chapters 12 and 15 of the NPPF.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework. It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan 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 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.

The application seeks full planning permission for demolition of 2no. small scale ancillary outbuildings contained within the curtilage of an existing Public House and small scale alterations to facilitate the use of the rear of the site as outdoor seating space for patrons.

An assessment of the application has concluded that owing to the little heritage value that the two outbuildings have, their removal would not give rise to any harm to the character and appearance of the building or wider setting of the Conservation

Area. Subject to conditions controlling their material and colour, the brick buttresses and metal poles facilitating external lighting are also considered to preserve the character and appearance of the building and wider Conservation Area.

Subject to compliance conditions restricting hours of operation, that prohibit the use of amplified music, and restrict access solely from within the premises, it is considered that the proposed use of the yard area and supplementary external lighting would not give rise to any harm to residential or public amenity.

As such, the application is considered to be compliant with all relevant Local Development Plan policies and other material considerations including the NPPF, and therefore amounts to a sustainable form of development. In line with LP Policy S1a and paragraph 11 of the NPPF, the application is recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 11th November 2024

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council