DELEGATED DECISION REPORT

HPK/2024/0166 AND HPK/2024/0167 Valid 14/05/2024	**39 THE JODRELL ARMS HOTEL MARKET STREET WHALEY BRIDGE**	**VARIATION OF CONDITION 2 RELATING TO HPK/2021/0611 AND LISTED BUILDING CONSENT TO ENCLOSE THE CURRENTLY EXPOSED GROUND FLOOR COURTYARD TO INCORPORATE THIS AREA INTO PART OF THE RESTAURANT/BAR, THIS WORKS WILL INCLUDE ADDING A ROOF WITH ROOF LANTERN TO THE COURTYARD.** **(FULL – MINOR AND LISTED BUILDING CONSENT)**

MAIN ISSUES

- Heritage Asset – Grade II Jodrell Arms Hotel
- Heritage Asset – Whaley Bridge Conservation Area

DESCRIPTION OF SITE

The application relates to No.39 Market Street, also known as the former Jodrell Arms, Market Street, Whaley Bridge. The site comprises a cluster of buildings that following the granting of various planning permissions between 2020 and 2022, is in the process of being renovated and converted. The renovated building will comprise a bar and dining room at ground floor level with residential accommodation in the upper floors.

The site lies within the Town Centre of Whaley Bridge in a prominent location in the Whaley Bridge Conservation Area.

PROPOSAL

Planning and listed building consent are sought to amend the approved scheme granted under consent HPK/2021/0611 and HPK/2021/0612. Alterations include the demolition of a 20th C section of wall to the rear, allowing for a glazed infill extension to be constructed. The proposed infill will have a pitched glazed roof with a flat roof

boarder. Revised plans were requested to ensure that the proposed glazed infill would properly drain water from the flat room.

Internally it is proposed to relocate the kitchen and toilets. This requires some demolition as demonstrated on revised demolition plan. Revised plans were requested, and submitted, to remove one of the proposed toilets allowing a historic section of wall to be retained.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
EQ6 Design and Place Making
EQ7 Built and Historic Environment

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2020/0321 & HPK/2020/0322 Full Planning and Listed Building Consent for Proposed restoration of Jodrell Arms Hotel – Demolition and modifications to internal layout, changes to fenestration, and external flight of stone steps (Approved 15th December 2020)

HPK/2021/0611 & HPK/2021/0612 Full Planning and Listed Building Consent for Proposed works including the repair and conversion of the Jodrell Arms Hotel. Ground Floor to be retained as public bar with residential accommodation to the first and second floor (Approved 12th May 2022)

HPK/2024/0214 Application for removal or variation of a condition 3 in relation to application HPK/2021/0611 (Approved 11the October 2024)

CONSULTATIONS

Publicity

Site Notice expiry date: 27/06/2024
Neighbour consultation period ends: 11/06/2024
Press Advert: 20/06/2024

Public Comments

None received at time of writing

Whaley Bridge Town Council Comments

The town council supports this application.

Environmental Health
No comments to make.

Derbyshire County Council Highways
No objection.

Network Rail
The developer must liaise with Network rail directly before commencement of works.

Historic England
No comments to make.

Derbyshire County Council Archaeology
Support subject to condition.

HPBC Conservation Officer
No comments in received regards to revised plans

Initial Comments 30th July 2024
Designs of the covered courtyard need to be shown better. At the moment there are limited 2D views in elevation, it is not very clear in plan (with one showing two pillars?) and the proposed north elevation shows an uncomfortable pitch roof; inset *within* the confines of the edges of the crittal glass box structure.
The images are limited and I cannot assess this.

OFFICER COMMENTS

Principle of Development

Local Plan (LP) Policy S 2 states that development should be directed towards sustainable locations, including Market Towns such as Whaley Bridge. The site is situated within this built-up area boundary.

LP Policy S 4 states that the council will maintain and where possible enhance the economic base of the Plan Area. LP Policy S 4 hopes to achieve this by:

- 'Protecting and promoting town centres as the focus for retail, leisure and office development'

LP Policy CF 1 states that 'the council will seek to maintain and enhance the vitality and viability of town centres and local centres as defined on the Polices Map in accordance with their function and scale as identified in Policy S2 (Settlement Hierarchy) and identified development needs'

The proposal seeks to redevelop a former public house located within the Whaley bridge town centre. The redevelopment will include reopening of the ground floor to a restaurant/café. This is in keeping with the provisions of LP Policies S2, S4 and CF Therefore the principle of development may be considered acceptable, provided that the scheme does not harm the heritage asset. Impact upon the heritage asset is assessed below.

Heritage and Design
Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 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.

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.

Section 12 Paragraph 135(c) of the NPPF states that development should be sympathetic to the character and history of the area, while not restricting change.

Paragraph 213 of the NPPF continues that 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.

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

LP Policy EQ 6 states that all development should be well designed, of a high quality and respond to the areas character, history and scale.

The High Peak Design Guide (SPD) (2018) paragraph 5.6 states that in some circumstances it may be acceptable to consider extensions which do not emulate the style of the original building. A more contemporary approach to an extension in terms of style and materials, will provide a more honest recognition of the building's evolution and retain its historic integrity. These need to be handled carefully and must respond to the scale and character of the host building.

The Jodrell arms is a Grade II listed building located within the Whaley Bridge Conservation Area. As such the historical and architectural significance of the building should be conserved or enhanced.

The applications propose to alter an existing approval (HPK/2021/0611 and HPK/2021/0612). Alterations include the addition of an infill extension. This will require the demolition of a small 20thC addition to the building. This addition does not contribute to the significance of the listed building, as such its loss is considered acceptable. The proposed extension will be of a glazed structure with a pitched roof set within a flat roof boarder. The HPBC Conservation officer commented that this appears visually uncomfortable. Visually the pitch of the glazed roof matches that of

the gable of the host building. The applicant confirmed that the pitched roof sits within a flat roof to allow sufficient space for drainage channels to avoid still water sitting adjacent to the walls of the listed building which would potentially lead to damp. The applicant has provided additional details, including sections to demonstrate that this drainage system will sufficiently protect the listed building from damp. The conservation officer has not provided further comment on the matter. However, it is considered that the pitched design complements the host building, while allowing for sufficient mitigation to protect the historic fabric of the listed building.

Furthermore, the proposed glazed design of the infill allows the extension to visually read as later addition to the listed building recognising the buildings evolution inline with HPBC design guide para 5.6. The proposed extension will be recessed from the rear elevation, with a lower ridge hight, as such visibility of the extension from Buxton Road will be limited.

The proposal also includes internal reorganisation. This includes the changing the internal location of the Kitchen toilets in comparison to the previously approved HPK/2021/0611 and 612 locations. The original submission included the demolition of an historical section of wall. Revised plans were sought and submitted to omit one additional toilet, allowing this section of wall to be retained. Overall, additional internal demolition is limited, with minimal loss of historic fabric as such not harming the significance of the heritage asset.

Overall, the proposed amendments to the HPK/2021/0611 and 612 scheme preserve the significance of the heritage asset in line with Sections 66(1) and 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF and LP Policies EQ 6 and EQ 7.

Archaeology

Section 16 Paragraph 215 of the NPPF 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.’

DCC Archaeology support the scheme subject to condition. However, the current scheme is a variation on HPK/2021/0611 and 612. No archaeological conditions were included within HPK/2021/0611 or HPK/2021/0612. It is unusual to re-consider such matters when amending an earlier scheme.

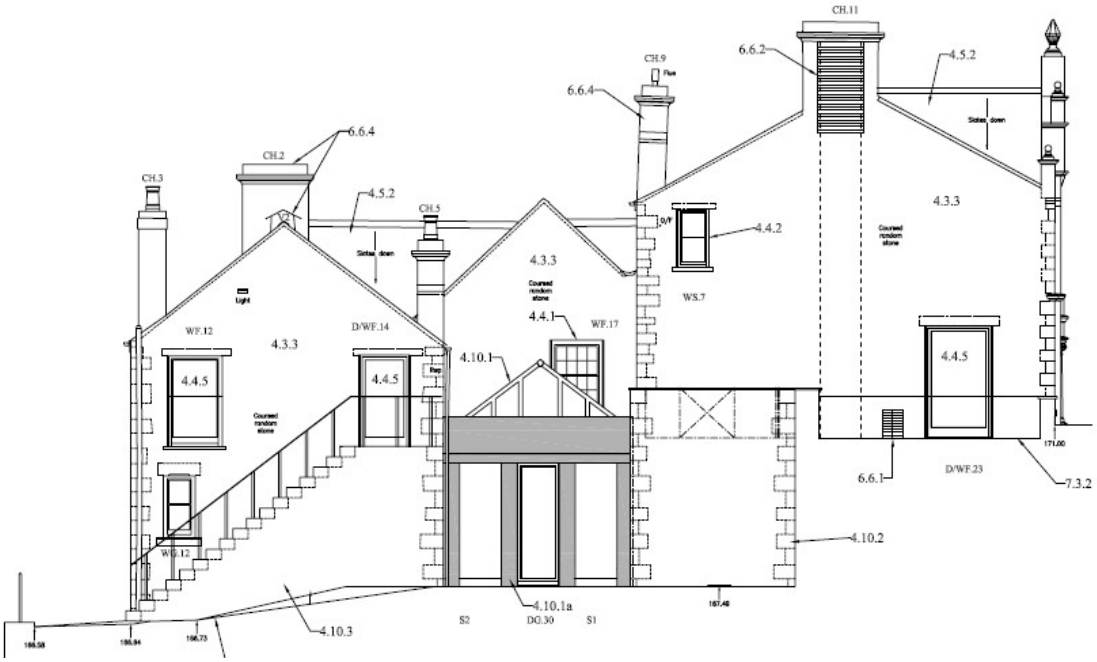

Figure 1 – HPK/2008/05890 approved rear elevation.

It has been brought to light that the current variation is similar in nature to an earlier scheme (HPK/2008/0589 – figure 1), upon which an archaeology condition was applied. The applicant has confirmed that groundworks have taken place already, which breached the 2008 approval. This breach likely resulted in the loss of archaeology evidence, resulting in harm the archaeological heritage significance of the site. However, 10 years have passed since a material start was made upon the 2008 approved scheme. Therefore, due to this length of time no enforcement action can be taken in regards to the breach now identified.

While harm to the archaeological heritage asset has been identified this must be weighed against the public benefits of the scheme. The Jodrell Arms is a listed building, located within the Whaley Bridge Conservation area. Furthermore, the building is located in the Whaley Bridge Town Centre, and has been unoccupied for many years, resulting in a degree of dereliction to the site. The benefits of bringing the listed building back into active use, demonstrates the public benefits of preserving a heritage asset. Furthermore the scheme will facilitate the reopening of a commercial business in the town centre providing public benefits through economic contributions to the town and providing an amenity asset. Therefore the scheme is considered to contribute a level public benefit, which outweighs the harm identified in accordance with the NPPF (para 215).

Amenity

LP Policy EQ 6 states that all development should achieve a satisfactory relationship to adjacent development and doesn’t cause unacceptable effects by reason of vision intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

The application site is located adjacent to the railway station, with over 21m distance between any existing or proposed window/glazing and neighbouring buildings. As such the proposed works will not impact upon residential or public amenity.

Highway Safety

The highway access, and parking arrangement have not been altered following the HPK/2021/0611 and 0612 approval. Furthermore, the proposed changes do not alter demand for parking at the application site. DCC Highways have no objections to the proposed changes, as such they are considered acceptable in terms of highway safety.

Other Matters

Material Start

The HPK/2021/0611 and 0612 granted approval for the convert the first and second floor of the building to residential accommodation. Work has commenced upon the conversion upper floors. This constitutes a material start to the HPK/2021/0611 scheme. As such the current FULL application variation does not require a time limit condition as the application varies an existing extant permission.

Opening Hours

Previous application HPK/2024/0214 granted approval to vary the opening times of the restaurant/café at ground floor level. This included earlier opening hours. Due to the relationship between the ground floor restaurant/café and residential accommodation at first and second floor level an additional condition restricting the hours when music can be played was imposed upon HPK/2024/0214.
It is considered appropriate to reinstate the HPK/2024/0214 opening hours and music restrictions upon the current Full application.

LBC Conditions

HPK/2021/0612 included a number of conditions which have not been discharged. The applicant has not provided additional information fulfil these conditions within the current submission. As such for consistency, and the protection of the heritage asset these LBC conditions will be reimposed.

CONCLUSION / PLANNING BALANCE

In conclusion, the proposed alterations to the HPK/2021/0611 and HPK/2021/0612 approval appear acceptable in terms of design, amenity, highways and archaeology as laid out above. Furthermore, the proposed scheme will bring the disused public house back into use as a restaurant/café without harming the heritage asset. Although it has been identified that there would be some harm to archaeology, this harm is considered to be outweighed by the benefits of bringing a Grade II listed building, at the heart of Whaley Bridge back into use, for the public benefit of the wider community. As such the proposed variations will preserve the significance of the heritage asset in accordance with Section 16 of the NPPF. As such the application is recommended for approval in line with the National Planning Policy Framework and HPBC Local Plan.

OFFICER RECOMMENDATION : Approval

Case Officer: Rachel Robinson
Recommendation Date: 9th June 2025

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Signed by: Jane Colley Signature
On behalf of High Peak Borough Council