

Planning Committee 8th November 2022

APPLICATION NUMBER		22/00934/FUL	
SITE ADDRESS:		The Miners Arms Public House, Miners Hill, Brassington, Matlock, Derbyshire, DE4 4HA	
DESCRIPTION OF DEVELOPMENT		Erection of free standing pergola with retractable roof to cover rear terrace area.	
CASE OFFICER	Mr. Ecclestone	APPLICANT	Mr. Malone
PARISH / TOWN	Brassington	AGENT	Mr. Parker
WARD MEMBER(S)	Cllr. Mrs. Rose	DETERMINATION TARGET	11 th November 2022
REASON FOR DETERMINATION BY COMMITTEE	Called in by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the impact of the proposal on the setting of the Grade II Listed Buildings and the Conservation Area.

MATERIAL PLANNING ISSUES

- Impact on the setting of the Grade II Listed Buildings.
- Impact on the character and appearance of this part of the Conservation Area.
- Impact upon neighbouring properties.

RECOMMENDATION

Planning permission be refused.

1. THE SITE AND SURROUNDINGS

- 1.1 The Miners Arms, is a Grade II Listed, Public House, situated centrally in Brassington, close to the junction of Miners Hill with Church Street and within the Conservation Area. The pub has a small car park to the side and a paved area to the rear, with outdoor tables and chairs.



2. DETAILS OF THE APPLICATION

- 2.1 The proposal is for the erection of a pergola structure, with a retractable roof. It is proposed to be positioned in the outdoor area, at the back of the pub. Its dimensions would be 6m by 6m and 3.07m high at its highest point, with a sloping roof, which will be 2.3m high at its lowest point. The pergola would facilitate the use of outside seating during inclement weather.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):
S1: Sustainable Development Principles
S4: Development in the Countryside
PD1: Design and Place Making
PD2: Protecting the Historic Environment
HC15: Community Facilities and Services.
- 3.2 Other:
National Planning Policy Framework (2021)
National Planning Practice Guidance
Brassington Conservation Area Character Appraisal.

4. RELEVANT PLANNING HISTORY

11/00331/LBALT	External redecoration of premises.	Approved
03/07/0591	Erection of 5 fascia signs, 1 externally illuminated hanging sign, 3 lanterns and 1 flag pole.	Approved
03/07/0566	Advertisement Consent to display 5 fascia signs and 1 externally illuminated hanging sign.	Approved
03/02/0131	External redecoration of rendered surfaces.	Approved
03/02/0091	Erection of 6 fascia signs, 1 hanging sign and 5 lanterns.	Refused
03/02/0090	Advertisement consent to display 6 externally illuminated fascia signs and 1 externally illuminated hanging sign.	Refused
02/08/0659	Replacement window, relaying of roof, removal and reinstatement of steps and new gable sign.	Approved
02/08/0660	Internal alterations.	Approved
0798/0446	Display of advertisements to front	Approved

	and side elevations.	
0598/0275	Display of signs.	Approved
0397/0178	Formation of rear entrance door opening.	Approved
0297/0113	Rear entrance door opening.	Approved
0387/0165	Signs.	Approved
1086/0666	Alteration to Listed Building.	Approved
1086/0665	Rear entrance door to public bar.	Approved.

5. CONSULTATION RESPONSES

Local Highway Authority:

No objection.

Parish Council:

No objection.

Conservation Officer:

The introduction and presence of the proposed structure in its scale, location, construction and type of development will constitute a harmful impact on the setting and significance of the adjacent listed buildings and on the character and appearance of this part of the Conservation Area. This harm must be weighed against the public benefits of the proposal.

6. REPRESENTATIONS RECEIVED

6.1 Five representations of support has been received, which can be summarised as follows:

- The development will benefit the pub, which has limited seating. The development would allow the pub to seat more people bringing more people into the area and the Peak District.
- The pub is a community asset and offering new amenities to the village, such as cream teas and a longed for village store.
- The development would have no negative impact upon the village.

6.2 Two objections have also been received, which can be summarised as follows:

- The development would be 7.5m from the neighbouring property and 1m from its garden.
- The development would not be in keeping with a Grade II Listed Building, situated within a Conservation Area.
- The request for lighting and heating within the pergola suggests that it will become a year-round extension of the public house.
- Since the current tenant has been in place, during the summer months music from two speakers in the pub garden has been playing from mid-morning throughout the day. The proposed structure will only make matters worse. The pergola would amplify the music, which is likely to be played all year round.

7. OFFICER APPRAISAL

7.1 The property is an established public house within the village. Policies S4 and HC15 support development which improves community facilities. Therefore the proposed development is acceptable in principle. The pub and adjacent house are Grade II listed and the site is within the designated Conservation Area. Therefore the key issues are whether the development would conserve the setting of the listed buildings and the Conservation Area in accordance and the amenity of neighbouring properties in accordance with policies PD1 and PD2.

7.2 Policy PD2 of the Adopted Derbyshire Dales Local Plan 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. Particular protection will be given to designated and non-designated heritage assets and their setting, including Listed Buildings. This will be achieved by requiring proposed developments that affect a heritage asset and / or its setting, including alterations and extensions to demonstrate how the proposal has taken account of design, form, scale, mass, use of materials and detailing.

- 7.3 In assessing the application the Local Planning Authority is obliged to 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. The Local Planning Authority is also obliged to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
- 7.4 The pergola structure would be positioned in the outdoor seating area to the rear of the pub. Nevertheless the structure would be visible from public vantage points from the footpath and the Royal British Legion Hall to the south. The pub and the adjoining Grade II listed house (Palmer's House) are visible from these vantage points and therefore the development would be viewed in the context of these listed buildings.
- 7.5 It is considered that the erection of the pergola structure in this location would be harmful due to its scale, position and construction. The pergola would result in a harmful visual impact to the setting of the adjacent listed buildings and therefore would also result in harm to the Conservation Area. The development would not result in substantial harm to these heritage assets, nevertheless, local and national policies make a strong presumption against the development unless it can be demonstrated that the harm would be outweighed by public benefits.
- 7.6 The public house is a valued community facility and it is acknowledged that the provision of covered area over the outside seating area would be likely to increase its use during the evening and inclement weather. This therefore would be a benefit to the pub and the local community as it may assist with the on-going viability of the community facility. However, there is no evidence of such a structure in this location historically and the pub has operated therefore without a covered outdoor space.
- 7.7 Critically, while it is generally accepted that the development would provide a benefit to the pub and the community. There is no evidence that the development is required to secure the viability of the pub or that this development is the only means of achieving this benefit. Therefore, any public benefits would be limited and would not outweigh the harm that has been identified. In these circumstances policy PD2 and the National Planning Policy Framework is clear that planning permission should be refused.
- 7.8 Concern has been raised in regard to the potential impact upon neighbouring properties. Given the size, height and construction of the structure there are no concerns that the development would be overbearing or result in any significant loss of light or privacy. The development would facilitate the use of the outdoor space during evenings and inclement weather, but this land has been used historically in association with the pub and therefore the proposal must be considered in that context. Therefore, the development would not result in any significant additional disturbance from activities associated with the pub and would not harm the amenity of neighbouring properties.
- 7.9 The development would not affect existing access or parking arrangements and therefore would not harm highway safety.
- 7.10 Conclusion
The proposed pergola structure would result in harm to the setting of the listed buildings

and the Conservation Area. Whilst the harm caused would not be substantial, the public benefit of the pergola, is not considered to outweigh the harm and so a recommendation of refusal is put forward on this basis.

7.11 The representations of support have been taken into consideration whilst processing this planning application, but they are not considered to provide grounds for approval in this case.

8. RECOMMENDATION

8.1 Planning Permission be refused for the following reasons:

8.2 The development would harm the setting of the Grade II listed Miners Arms Public House, the Grade II listed Palmers House and the Brassington Conservation Area. The development is therefore in conflict with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017). The public benefits associated with the development would not outweigh the harm identified and therefore the development is contrary to the National Planning Policy Framework (2021).

9. NOTES TO APPLICANT:

9.1 This Decision Notice relates to the following documents:

Planning application form and drawings, received by the Council on 10th August 2022.

9.2 The Council provides a positive and proactive pre-application advice service.

Unfortunately however, this was not taken up in this case. The application was therefore considered as submitted and it was judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis, the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a Decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.