

## **APPLICATION REPORT – 23/00430/FUL**

**Validation Date: 17 May 2023**

**Ward: Croston, Mawdesley And Euxton South**

**Type of Application: Full Planning**

**Proposal: Erection of raised decking with canopy (retrospective)**

**Location: Euxton Mills Hotel Wigan Road Euxton Chorley PR7 6JD**

**Case Officer: Mrs Hannah Roper**

**Applicant: Mr Paul Bowker**

**Agent: RS Design Consultancy Ltd**

**Consultation expiry: 29 June 2023**

**Decision due by: 12 July 2023**

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### **RECOMMENDATION**

1. It is recommended that planning permission is granted, subject to conditions.

### **SITE DESCRIPTION**

2. The application relates to the Euxton Mills Hotel Public House which is located at the junction of Wigan Road and Dawbers Lane in Euxton. The public house is a traditional white rendered building with a car park and outdoor seating areas to the west and south, with access points to and from both roads.
3. The surrounding area is varied in character with Euxton Park located on the opposite side of Dawbers Lane, an vehicle MOT and service centre to the south west and dwellings to the south, east (beyond Wigan Road) and west.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The application seeks planning permission, retrospectively, for the erection of a covered area of raised decking within the car park. Located in the south eastern corner of the site, it has a footprint of 6m by 5m and has a mono pitched roof with a maximum height of 2.6m. The decking is raised 0.25m off the ground and has a 1m high balustrade to its frontage.

### **REPRESENTATIONS**

5. 6no. representations have been received citing the following summarised grounds of objection:
  - Loud, incessant music playing late every weekend
  - No regard for local residents
  - Non locals visiting the pub can leave the noise, residents can't
  - Music played across the whole weekend until 10pm
  - Noise pollution is unbearable
  - The new landlords are the issue
  - Noise complaints have been made

- The applicants have not applied for change of use of the car park
  - The noise has been so bad residents have been forced to leave properties at times
  - Causes stress and anxiety
  - Can be heard as far as The Green
  - No issues with the PH only the use of the platform as a stage
  - Causes houses to vibrate
  - Loss of car parking spaces causes dangerous parking on Dunrobin Drive
6. 30no. letters of support have been received, the contents of which are summarised below:
- Brings people into Euxton
  - It has transformed the pub
  - Chorley Council should be supporting this application
  - Live music is capped until 8pm and played at standard volume
  - It is rare that music is played outside
  - Speakers always face away from houses
  - Landlords have authority over the pub and ask for the decking to be vacated by 10pm.
  - Neighbours are invited to big events
  - If you live near a pub you should expect noise
  - Just pointing fingers at a small business
  - Pub was previously in decline
  - The decking is only used for food service
  - Businesses need to evolve
  - Pub provides a community hub
  - Why should this structure require planning permission, where is the legislation?
  - There is nowhere near the number of events objectors have stated
  - Events take place on the decking and then in the crowd
  - There is no harm caused as it was erected by a reputable tradesman
  - This is a witch hunt over a small and insignificant planning matter
  - Stops the carpark being utilised as a cut through
  - These landlords always abide by the rules
  - Late acts are always moved into the pub

## **CONSULTATIONS**

7. Euxton Parish Council – no comments have been received.
8. Lancashire County Council Highway Services – have no objection.
9. Regulatory Services - Environmental Health – have raised concerns regarding the activities for which the decking would be used.
10. CIL Officers – have advised that the proposal is not CIL liable.

## **PLANNING CONSIDERATION**

### Design and appearance

11. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.
12. The covered decking is located in the south east corner of the site and is visible within the streetscene. To the south of the covered decking is a side road, beyond which is the gable end of a terraced property, no.254 Wigan Road.

13. The structure is set back from the carriageway and is modest in terms of scale and appearance. Given its location and the surrounding land uses, it is not considered to be detrimental to the streetscene or surrounding locality and, as such, does not form a discordant or harmful feature. It is considered that the proposal accords with policy BNE1 of the Chorley Local Plan in terms of design and appearance.

#### Impact on the amenity of neighbouring occupiers

14. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development including free standing structures provided that the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts or an unacceptable degree of noise disturbance to surrounding land uses.
15. There is a row of terraced properties located directly to the south of the covered decking. The gable end of the nearest dwelling is located 4.7m away and is separated by the access road to the car garage to its rear. An approximately 1.3m high stone wall forms the boundary treatment to the perimeter of the application site on this side. Whilst the gable end of the dwelling has a side facing window, the structure is not of a sufficient scale to result in an overbearing impact. Further, given that the structure has a semi solid rear elevation, it improves the situation with regards to privacy from that previously experienced where patrons of the public house had direct views towards the dwelling.
16. It is noted that concerns relating to noise have been raised by several objectors in relation to the application. In determining the application, the Local Planning Authority must be mindful that the public house is well established and can be seen on historic mapping in the late 19<sup>th</sup> century before surrounding dwellings existed. The use of the car park for congregation and drinking took place prior to the erection of the covered decking area and would not in itself require planning permission.
17. It is not considered that the existence of the covered decking area in itself would notably increase impacts upon residential amenity over and above the previous situation, subject to its use being restricted. It is considered necessary to restrict the use of the decking area to drinking and eating, the hours of use to 8am to 10pm and to prohibit the playing of music. Should the Council receive complaints of noise from the decking area or other areas, there are alternative mechanisms and legislation under which this can be investigated and potentially controlled. The proposal is, therefore, considered to accord with policy BNE1 of the Chorley Local Plan with regards to residential amenity, subject to the imposition of conditions.

#### Highway safety

18. Policy ST4 of the Chorley Local Plan 2012-2026 requires that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for drinking establishments within Chorley Town Centre as being 1 space per 6sqm of public floor space. Policy ST4 does provide some flexibility in the parking standards and locations that are considered to be more sustainable and well served by public transport may be considered appropriate for lower levels of provision.
19. The erection of the raised decking has resulted in the loss of a small amount of parking at the site, however Lancashire County Council Highway Services have been consulted on the proposal and do not consider that it results in a detrimental impact on highway safety or amenity with sufficient parking retained to meet demand. As such, the proposal is considered to be acceptable in respect of highway safety considerations.

#### **CONCLUSION**

20. The proposed development would not result in a detrimental impact on the character of the area or on neighbouring residents over and above the situation prior to the erection of the structure. There are no concerns regarding the loss of parking given the sustainable

location of the site. The proposal, therefore, accords with the Chorley Local Plan 2012-2026.

#### RELEVANT HISTORY OF THE SITE

**Ref:** 00/00361/FUL      **Decision:** PERFPP      **Decision Date:** 27 June 2000  
**Description:** Extension at rear to provide covered access to first floor manager's flat

**Ref:** 07/00668/FUL      **Decision:** PRRRTF      **Decision Date:** 30 July 2007  
**Description:** Retrospective application for the installation of a free-standing double awning, and glass screening to front and side

**Ref:** 21/00514/ADV      **Decision:** PERADV      **Decision Date:** 1 July 2021  
**Description:** Application for advertisement consent for the display of 9no. pole and wall mounted signs

**Ref:** 21/00513/FUL      **Decision:** PERFPP      **Decision Date:** 1 July 2021  
**Description:** Installation of camera and column, camera cabinet and column protector to facilitate the provision of a car park management system

**Ref:** 19/00141/OUT      **Decision:** PERFPP      **Decision Date:** 26 September 2019  
**Description:** Outline planning application for 1no. dwellinghouse, including access. All other matters reserved.

**Ref:** 15/00768/OUT      **Decision:** PEROPP      **Decision Date:** 30 October 2015  
**Description:** Outline application (specifying the access) for a two storey dwelling and detached garage.

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

#### Suggested conditions

1. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
PLAN AND ELEVATIONS OF EXISTING RAISED DECKING WITH CANOPY	PR-01	17 May 2023

*Reason: For the avoidance of doubt and in the interests of proper planning.*

2. The raised decking with canopy, for which planning permission is hereby granted, shall be used only for the purposes of eating and drinking and shall not at any time be used for the hosting of outdoor entertainment or playing of live or recorded music.

*Reason: In the interests of the amenity of neighbouring residents.*

3. The development hereby approved shall not be used outside the hours of 8:00am and 10:00pm on any day of the week.

*Reason: In order to protect the amenities of the occupiers of nearby properties.*