

Item 3E **15/00159/FUL**

Case Officer **Caron Taylor**

Ward **Brindle And Hoghton**

Proposal **Retrospective application for the installation of a timber decking area with balustrade around the front of premises.**

Location **The Sirloin Inn
Station Road
Hoghton
Preston
PR5 0DD**

Applicant **Black Napkins North West Ltd**

Consultation expiry: **26th March 2015**

Decision due by: **16th April 2015**

Recommendation
That the application is refused.

Representations

Hoghton Parish Council objects to the application on the grounds that the appearance of the decking is not in keeping with the area and there is no disabled access provided.
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In total 10 representations have been received which are summarised below
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Objection:

Total No. received: 10

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| <ul style="list-style-type: none"> • This structure is completely out of character with the inn itself and the area of Station Road • Decking covering 100 year old cobble stone the decking is high, obtrusive and not in keeping within the rural area; • As in close proximity to a level crossing and right up to the road as causing line of sight and possible parking issues; • It obscures most of the frontage of the building and the materials are not sympathetic to the character of this traditional old pub; • The decking has been built on what preciously were several parking spaces and this has resulted in people parking opposite on the main road in close proximity to the level crossing; • The seating area is in an elevated position which means anyone seated can see over the wall which is supposed to shield the houses directly opposite; • There is considerable noise, often offensive language, from people using the decking, and this is a nuisance to local residents as it encourages people to congregate outside the pub. • Noise from the pub can be excessive. At a recent beer festival there were a number of people sat out on the decking at the front consuming alcohol at midnight; • It is very close to the road and is not safe should children be on it; • The Sirloin is a listed building and should not be visibly ruined; • It is not helped by the large banners that are tied at the front of the decking; • Pedestrians are forced to walk in the road and any vehicles parking would be required to partially block Station Road outside the pub, especially when there is an event on and the pub carpark is closed; |
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- The decking is partially open and a child could fall through it onto the road;
- It encourages noise and disturbance at night affecting local residents.

Consultees

Consultee	Summary of Comments received
Lancashire County Council Highways	Have no objections to the application.
Chorley's Conservation Officer	See body of report.
Chorley's Environmental Services	<p>This department has received 4 separate noise nuisance complaints from residents and one from a Councillor on a resident's behalf between the period of July and September 2014. One further noise nuisance complaint has been received in March 2015 and is currently under investigation. The initial complaint pertained to noise from an event on the rear car park and the remainder from noise emitting from the premises, including the external rear patio and rear decking areas allegedly on a regular basis.</p> <p>All complaints were investigated under Statutory Noise Nuisance procedures. To date the Council has been unable to gather sufficient evidence to substantiate the existence of a statutory noise nuisance.</p> <p>In respect of this application, none of the complaints received have explicitly related to the front decking area and this area has not been identified as an area of concern during conversations with complainants. As such, there is no evidence to suggest that the use of this area by patrons will result in a statutory nuisance and therefore this department has no objection to the application.</p> <p>Furthermore, an application to vary the premises licence has been received and is currently in progress and as such the premises as a whole are being reviewed in relation to the licensing objectives including the prevention of public nuisance [this has now been determined – see body of report].</p>

Assessment

Principle of the Development

1. The emerging Chorley Local Plan 2012 – 2026 is at an advanced stage in its preparation. The Inspector's Partial Report found that the plan was sound with the exception of matters relating to Gypsies and Travellers and indicated that subject to the modifications set out in the report, significant weight could be given to policies that are amended accordingly. In the light of this, it is considered appropriate to give significant weight to policies of the emerging Local Plan because they are likely to be adopted in their current form and these carry more weight than the policies of the Adopted Chorley Local Plan 2003.
2. The property is within the settlement of Hoghton as identified in the emerging Local Plan, therefore in accordance with Policy V2 of the emerging Local Plan within settlements areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development, subject to material

planning considerations and the other Policies and Proposals within this Plan. The proposal is therefore acceptable in principle.

Design and Layout

3. Given the nature of the objections the Council's Conservation Officer has been consulted on the application. The application site is neither a listed building nor is it a 'Locally Important Building', however it is clearly a building of some historic interest and local significance. As such it is considered that this local significance is worthy of consideration within the planning process and building is considered to be a 'heritage asset' as defined by Annex 2 to the National Planning Policy Framework.
4. The National Planning Policy Framework (the Framework) at Paragraph 129 under Conserving and Enhancing the Historic Environment states that, *'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.'*
5. Paragraph 131 states that, *'in determining planning applications, local planning authorities should take account of:*
 - *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - *The desirability of new development making a positive contribution to local character and distinctiveness.'*
6. Paragraph 135 states that, *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*
7. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to, *'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by:*
 - a. *Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'*
8. The emerging Chorley Local Plan 2012 – 2026, Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, *'Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate the enhancement of the setting of heritage assets.'*
9. Whilst it is accepted that the building in question is of relatively low significance, it is nonetheless of some local historic value. The building was previously known as the Railway Tavern, being in close proximity to Hoghton railway station on the Preston to Blackburn Branch of the Lancashire & Yorkshire Railway. It is, however, probably older than the railway, which was constructed in the 1840s, and could have been a coaching inn on the Blackburn turnpike road, which then took the route of the present day Station Road at this point. It is thought that the building could date to the latter part of the 18th Century.

10. It is constructed of local sandstone with a welsh slate roof and displays many typical vernacular details such as a projecting string course between ground and first floor, a dentil course just below the eaves and cut stone detailing for window and door surrounds, plus a simple 18th Century styled porch hood.
11. It is considered that the raised timber decking with close-boarded fencing, detracts from the attractive frontage to the building to such an extent that it causes substantial harm to the significance of the building. Whilst the colour at least tones with that of the stone, it is the feeling of being hemmed in that the screens create that causes the greatest visual blight to the building. The Conservation Officer also questions the necessity for the raised decking, which again obscures the building frontage. It is considered the fact that the building is clearly located on sloping ground all adds to its vernacular charm and character and this should be celebrated rather than being ignored or hidden.
12. The decking is therefore considered unacceptable on the basis of its materials and that it obscures the front façade of the building which is a heritage asset.

Impact on Neighbours

13. The decking is to the front of the public house which is situated in a largely residential area with a railway line to the northwest with a level crossing. The side/rear garden of number 42 Fowler Close is directly opposite the site, the property known as Neuadd Wen is next door to the southeast but set back from the road by approximately 40m. Next door to the northwest is no.1 The Crossings, which faces towards Station Road, set back by approximately 26m.
14. The decking to the front is not licenced for the sale of alcohol, but rather for the consumption of alcohol. It is covered by the premises licence as an outdoor area. A condition on the most recent premises licence prevents consumption of alcohol in the outdoor areas after 11pm. Although it is accepted that the decking is more likely to encourage people to sit at the front of the property, this area could be used anyway up until 11pm and chairs could be put outside for this purposes without planning permission. The properties immediately adjacent at either side are set back behind the frontage of the public house and therefore the impact of the front decking in neighbour amenity terms is considered acceptable.
15. No. 42 Fowler Close is opposite the site but is separated by Station Road. Although it is side onto the application site and has a window in its side elevation its main windows face northwest and southeast. Considering that the premises licence allows outside consumption until 11pm including on the area where the decking is, even if that had not been erected, it is considered an acceptable relationship with this property.

Highways

16. The decking is fronting Station Road, on an area of cobbles to the front of the public house. It does not however reduce visibility from The Crossings, the entrance to the public house car park, or the property called Ellisland, as the pavement either side of the decking projects beyond it.
17. Representations state that the decking is on an area of parking and therefore these spaces have been lost. Although cars may have parked on the cobbled area in the past, the public house as a car park to the rear. It is accepted that when a special event is on at The Sirloin and the car park is closed this does result in parking on Station Road. It is not considered however that the proposal could be refused on the grounds of parking given the size of the rear car park and the limited times this is closed for parking.

Overall Conclusion

18. The decking is considered unacceptable on the basis that its materials are not in keeping with the building and that it obscures the front façade of the building causing substantial harm to the significance of the building as a heritage asset. The proposal is therefore contrary to The Framework, Policy 16 of the Adopted Central Lancashire Core Strategy and Policy BNE8 of the emerging Chorley Local Plan 2012 – 2026.

Planning Policies

19. 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 Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
04/01371/FUL	Retrospective application for the formation of a rear decking area	Permitted	14 th February 2005

Reason for Refusal

No.	Reason
1.	The decking is considered unacceptable on the basis that its materials are not in keeping with the building and that it obscures the front façade of the building causing substantial harm to the significance of the building as a heritage asset. The proposal is therefore contrary to The Framework, Policy 16 of the Adopted Central Lancashire Core Strategy and Policy BNE8 of the emerging Chorley Local Plan 2012 – 2026.