

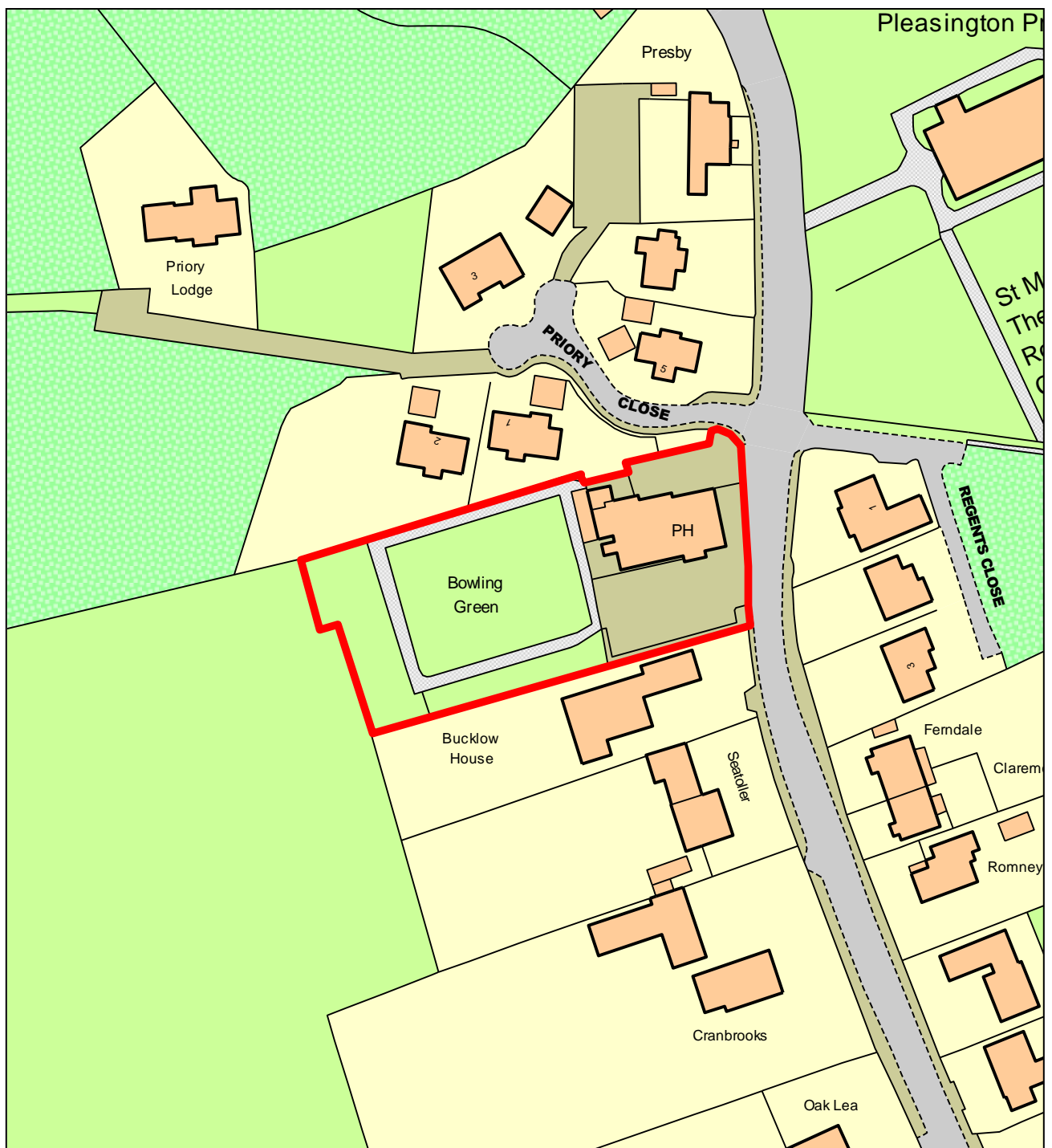
**Proposed development: Full Planning Application External decorative lighting additional outside seating area and outside bar to the rear of the public house**

**Site address: Butlers Arms, Pleasington Lane, Pleasington, Blackburn, BB2 5JH**

**Applicant: Mr M. Hales**

**Ward: Livesey with Pleasington**

<b>Councillor Derek Hardman</b>	
<b>Councillor John Pearson</b>	
<b>Councillor Paul Marrow</b>	



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 The planning application is **recommended to be approved** planning permission subject to the conditions as stated in paragraph 4.1.

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

- 2.1 The planning application is presented to the Committee through the Chair Referral Process in accordance with the Scheme of Delegation.
- 2.2 The proposed decking will provide an enhanced outdoor seating area, expanding the available drinking and dining area, which will extend from the rear of the public house out into the north east corner of the bowling green to create what the applicant informally describes as an 'infinity green'.
- 2.3 The key issues to be addressed are as follows:
- Principle of the development
  - Impact of the development upon neighbouring residential uses
  - Highways and transportation impact
  - Design
- 2.4 Careful consideration has been applied towards the principle of the proposal, in view of the application sites status as an 'Asset of Community Value', together with the impact of the development against neighbouring residential amenity, adequacy of on-site parking provision and the proposed design principles.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The application site is the Butler's Arms Public House, located to the west of Pleasington Lane, within the village of Pleasington, Blackburn, outside of the defined urban area. The Public House is a traditional style detached venue, typical within a village setting. Food and drink is served, catering for the local community and beyond. To the rear of the building lies an existing outdoor seating area and bowling green, which plays host to the Public House's crown green bowling club.
- 3.1.2 Pleasington Lane is straddled by residential properties to the east and west, beyond which lies the Green Belt.

## **3.2 Proposed Development**

3.2.1 Planning permission is sought for the erection of outdoor decking to the rear of the public house building, to provide a seating and dining area; as set out in the submitted drawings.

3.2.2 A small bar is also proposed within an existing outbuilding adjacent to the decking, together with a television, a fence around the perimeter of the decking and decorative string lighting; none of which amount to development requiring planning permission and do not, therefore, form part of this assessment.

## **3.3 Development Plan**

3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Core Strategy and the adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal the following are considered to be the most relevant policies:

### **3.3.3 Core Strategy**

- CS1 – A Targeted Growth Strategy
- CS11 – Facilities and Services
- CS16 – Form and Design of New Development

### **3.3.4 Local Plan Part 2**

- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 35 – Protection of Local Facilities

## **3.4 Other Material Planning Considerations**

### **3.4.1 National Planning Policy Framework (The Framework).**

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking, this means approving development proposals that accord with the development plan without delay (paragraph14)

## **3.5 Assessment**

### **3.5.1 Principle**

The Framework (para 70) emphasises the need to plan positively for the provision of community facilities. Policies CS1 and C11 of the Core Strategy encourage new development and a range of quality public facilities, which is central to the Council's vision of an 'improved offer', to attract people to move or to remain in Blackburn and Darwen.

3.5.2 Paragraph 80 of The Framework is also clear in its support for positive planning decisions for the delivery of community facilities to facilitate social interaction.

3.5.3 The applicant emphasises the support of the bowling club, who voted in favour of the proposal at their AGM and the prospect of grant funding to further develop the club going forward, should the application be supported. The sustained success of the bowling club is seen as paramount in complementing the Public House, ensuring its continued success as an important community facility.

3.5.3 The application site is recognised as an 'Asset of Community Value' gaining inclusion on the Council's Local Assets of Community Value Register on 12<sup>th</sup> December 2016 (ref: BL/2016/ENQ/07261). Accordingly, the Policy 35 of the Local Plan Part 2 should be considered. The Policy states that proposals for the change of use of buildings identified as assets of value to the local community, as being important to the sustainability of the community, will not be permitted except where it can be demonstrated that the use is no longer viable or required by the local community and that the use is not capable of being supported by enabling development or a diversified use, and that supporting evidence must be provided demonstrating that the property has been offered for sale on the open market for a period of at least 12 months at a realistic price and that no reasonable offers have been refused. Clearly the proposed development does not involve the change of use of the public house building, as it relates only to the installation of a decking area to the rear of the building, ensuring the retention of the facility and no policy conflict. In addition, it has been confirmed from the applicant that the use of the bowling green will not be affected.

3.5.4 The Principle of the proposal is, therefore, acceptable.

### **3.5.5 Impact upon residential amenity**

3.5.6 Local Plan Part 2 Policy 8 requires development to contribute positively to the overall physical, social, environmental and economic character of the area and secure satisfactory levels of amenity for surrounding uses, with reference to noise and privacy.

3.5.7 The decking area proposed will cover and extend beyond an existing outdoor seating area, serving patrons of the public house. Its impact should, therefore, be viewed on the context of a pre-existing outdoor area, rather than the introduction of a new outdoor area.

3.5.8 Whilst it is accepted that the development will introduce a larger seating area, additional noise generated by its use is unlikely to be excessive, given the reasonable separation that will exist between Bucklow House to the south and nos. 1 and 2 Priory Close to the north and the substantial hedgerows, which form boundary treatments to these properties and which will offer a degree of noise mitigation.

3.5.9 Public Protection colleagues have offered no objection to the proposal but do acknowledge the potential for noise impact, particularly during the evening. The application of sensible noise conditions will, therefore, be secured through a variation of the premises license agreement; separate from the planning application process.

3.5.10 It should also be recognised that noise nuisance complaints can be investigated by Public Protection colleagues, under provisions of the Environmental Protection Act 1990.

3.5.11 It is, therefore, considered that the development will not excessively erode residential amenity; in compliance with Local Plan Part 2, Policy 8.

3.5.11 Accessibility and Transport

Local Plan Part 2 Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for vehicular access, off-street servicing and parking.

3.5.12 The proposal will provide additional outdoor seating for drinking and dining, as demonstrated by the indicative covers shown on the submitted drawing. Whilst no additional off street parking is proposed, it is considered that the existing off street parking arrangements are adequate and that on street parking is capable of absorbing additional numbers.

3.5.13 It is also important to recognise the proposal as an outdoor area, the use of which will be dictated by the seasons and weather conditions, unlike an extension to the public house which would potentially generate additional customers consistently throughout the year and have a greater impact on current parking capacity.

3.5.14 Accordingly, it is considered that the development provides sufficient off street parking and will not prejudice highway users; in compliance with Local Plan Part 2, Policy 10.

### 3.5.15 Design

Local Plan Part 2 Policy 11 requires development design to be of a good standard and demonstrate an understanding of the wider context and make a positive contribution to the area.

3.5.16 The decking whilst providing additional functionality will also enhance the appearance of the outdoor area. It will present in the form of an extended drinking and eating area directly from the rear of the building and extend beyond the existing seating area, encroaching onto a section of the north east corner of the bowling green up to a maximum distance of 2.5 metres. Whilst unusual in concept, the visual appearance of the development is considered appropriate, in terms of scale and use materials; in compliance with Local Plan Part 2 Policy 11.

## 4.0 **RECOMMENDATION**

4.1 **APPROVE** subject to the following condition:

- Development to be commenced within 3 years of approval
- Materials to be submitted prior to commencement for approval
- Development to be carried out in accordance with approved drawings.

## 5.0 **RELEVANT PLANNING HISTORY**

5.1 10/00/0634 (rear single storey extension); 10/07/1132 (rear single storey extension).

## 4.0 **CONSULTATIONS**

4.1 18 neighbouring properties were consulted by letter and a site notice was displayed. 3 letters of objection have been received, summarised as follows:

- Associated noise and hours of use, given the proximity to residential properties, including noise from television and outside bar.
- Loss of part of the bowling green

4.2 Noise associated with the television and outside bar is not material to this assessment, given that neither amount to development. The outside bar will be introduced within an existing outbuilding and will be an ancillary feature to the main public house.

4.3 Whilst the loss of a corner of the bowling green is acknowledged as having the potential to alter the dynamic of the game, the bowling club are fully supportive of the proposal and are satisfied that the bowling green will still comfortably comply with the minimum size standard and

that the development will not prejudice the ability to host competitive matches. Regardless, the absence of a relevant policy to consider this element of the proposal dictates that it is not material to the overall assessment.

4.2 Highways Officer – no objection

4.3 Public Protection Officer – no objection

**5.0 CONTACT OFFICER: Nick Blackledge, Assistant Planner**

**6.0 DATE PREPARED: 7<sup>th</sup> September 2017**

## 9.0 SUMMARY OF REPRESENTATIONS

### Objection John C Pearson, 1 Priory Close, Blackburn 03.07.17

Dear Nick,

#### **Re Butler's Arms, Pleasington – Planning Application 10/17/0620**

Thank you for your letter of consultation dated 8<sup>th</sup> June 2017 to me as an immediate neighbour to the proposed development at the Butler's Arms. So as to be clear and in the light of my public office, I am writing here in my private capacity as an ordinary citizen to make comment on this application.

#### Background

I have lived at this address since 2001 and at the time of our acquisition, I and my late wife, considered carefully the implications of living next door to a Public House. At that same time the place was empty and under re-furbishment however we met the incoming landlord who outlined his plans to make the place a success. We happily accepted that situation and the pub subsequently grew into a very popular and successful venue serving the community and beyond. During the subsequent years the bowling green was very well used and we became accustomed, and indeed enjoyed (vicariously from our garden) the gentle banter and general hub-bub from the crowd which gathered on bowling days & evenings during the summer bowling season. The conduct of the premises, in "the round" was exemplary and epitomised the village pub serving drink and food.

After some years the landlord left and the pub gradually declined in its offering due, in my opinion, to the general decline in the "pub" industry coupled with a succession of poor landlords and possibly avaricious Brewery Pub Companies.

In recent times and with the occupation by the current tenant, matters have started to improve. This fact together with the pub and bowling green, now having the additional security of being listed as a "community asset" bodes well for the future. I have also spoken directly with the Applicant and he has assured me of his intent to make the place successful in co-operation with customers, users, neighbours and the community. I understand he also has a long term security in the place.

#### The Application

Given that situation, the external nature of the proposals being made and my proximity as a neighbour, I am open minded and prepared to broadly accept the proposed application in the interests of the local community into which the "Butlers" belongs but with some caveats for my protection. I ask that the Planning Application be carefully scrutinised and if necessary restrictions placed so as to safeguard against, bad behaviour, excess and obtrusive noise together with considerate parking by the potentially increased patronage. The premises trades, in part, on its quiet village setting, therefore it is in its interests as well as mine and those of my neighbours that this context is maintained.



Given the external nature of the proposed development, I am concerned that it's usage will, no doubt, coincide with my private enjoyment of my own garden. In this context, I find the inclusion of an external TV screen somewhat incongruent and likely to generate excessively noisy viewer participation if sporting events were shown. Likewise the inclusion of decorative lighting / floodlighting may encourage extended evening usage. I have also heard rumours of the possible inclusion of a "fire pit". These facilities must surely be intended to extend the usage beyond the time at which our normal weather is conducive to such external events. So despite the Applicant's claim that the area will be for quiet and enjoyable external dining during the day and early evening, which would be quite acceptable, I worry that we may end up with loud and boisterous behaviour for extended periods into the evenings and on far more occasions throughout the year than the present bowling activity. I would not find this acceptable. By way of example you will be aware of course of the recent wedding event where a marquee was placed over the car park (week-end 17<sup>th</sup> & 18<sup>th</sup> June) and where I understand (I wasn't at home) that we neighbours, whilst naturally not invited, "might as well have been". given our closeness to events! I would not

To conclude, it therefore seems to me reasonable that the planning consent, if given, be dependent on conditions to restrict usage to certain times, days and seasons and to further control and monitor noise & nuisance. On this last point, I understand that the Applicant's parallel Licensing Application may well also have to consider these matters. The Council must therefore ensure that nothing can slip between these two routes to approval.

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## Objection Mr & Mrs JC Caton, Bucklow House, Blackburn 28.06.17

Re – Application 10/17/0620 – Butlers Arms

Dear Sirs,

We are the owners of the adjacent property (Bucklow House) and would like to register our objection to the above application.

Whilst we acknowledge that we moved to a house adjacent to the pub we feel that with the proposed application the main impact this would have in respect of our property is the significant increase in noise that will occur, both with the addition of the extra seating areas, customers and the proposed outdoor TV (and associated electronic sound systems).

More details on our reasons for objection are stated below;

### **1 Noise from additional covers**

There is already a significant amount of noise generated from the current seating areas, by adding 50 more covers which would almost double the current numbers, will substantially increase the levels of sound.

### **2 Noise from proposed Television**

The application includes a television which would directly face our property, if there is associated sound from the television in order for this to be audible it would need to be at a level louder than the ambient noise and therefore this would create a significant increase in noise levels. In addition, there would be increased noise from people watching the television.

### **3 Noise from entertainment systems**

Whilst the application does not include any additional equipment specifically we are concerned that there would be more activity externally and this would include the use of entertainment music systems, for example there was recently a wedding held in the same area in a marquee which generated so much noise through the PA System and associated guests that we were unable to hear our television over it.

### **4 Hours of use**

The application does not indicate the hours that this area would be able to be used, with the addition of the lighting as per the indicated scheme by default this could now be the same as per the pub opening hours. We are very concerned that without a restriction to the hours of use that this would significantly increase the noise levels to our property at unsociable hours.

Should you require to discuss any of this with me please contact me as below,

Yours Sincerely,

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Pleasington Parish Council comments 15<sup>th</sup> July 2017:

I refer to the above planning application and enclose the response from Pleasington Parish Council.

While the Parish Council wish to support the interests and development of local businesses as far as possible, this must be balanced against the interests of local residents. We have two main observations to make on this application.

1. The plans include the loss of a part of the crown bowling green. The bowling green is a much appreciated local asset, as evidenced by numerous mentions in a recent residents questionnaire (undertaken by the Parish Council as preparation for the production of a Local Plan) and also by its inclusion on the Community Asset register. Loss of part of the playing surface would adversely affect the activities of the bowling club.
2. An outside bar area has the potential for causing a considerable noise nuisance to neighbouring properties, especially with live TV available. Live sporting events on TV during the summer would no doubt attract large crowds. In the application to vary the premises licence (associated with this planning application) no opening times are stated except for the present opening hours of the pub - 0800hrs - 0030hrs every day. Noise from outdoor activities very early and/or very late during these hours would be unacceptable.

Eileen Smith, Clerk to Pleasington Parish Council

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Additional comments from the applicants dated 14<sup>th</sup> August 2017:

We secured the full support of the bowling club and its future by allowing the club at the AGM to vote in favour of the plans to develop the outside areas using the green to create an infinity green., this 40K project not only supports the club but enhances the availability for grants to develop and expand the club in line with my ethos here around working and supporting the community.

The future of the bowling teams and club is paramount to the success of The Butlers Arms.

Many thanks

Michael Ian Hales

Director

The Butlers Arms

Pleasington

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