

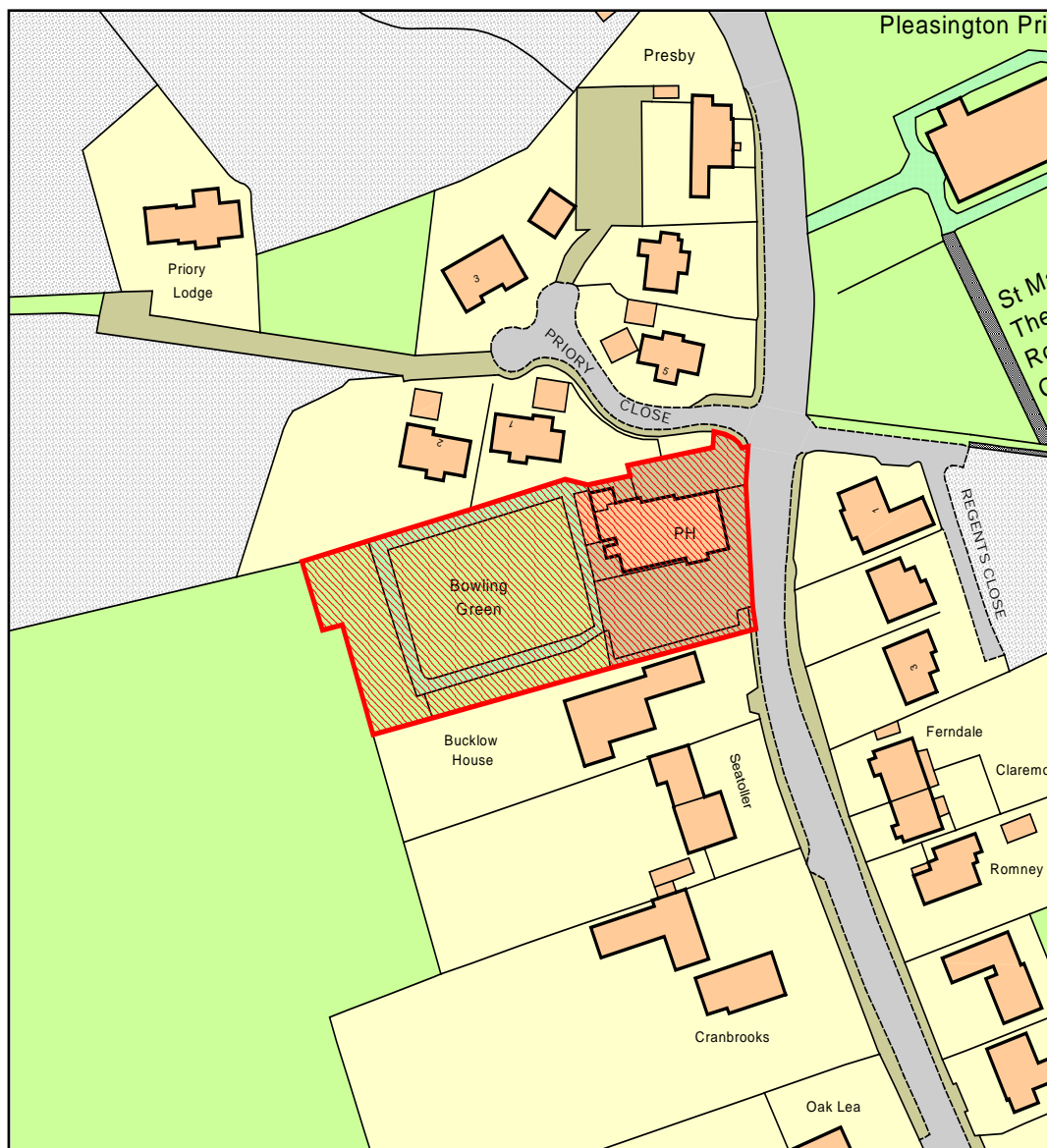
**Proposed development: Variation of condition for minor material amendment: Variation of Condition No.3 pursuant to planning application 10/17/0620; to allow for timber pergola and extension of decking to outside seating area.**

**Site address:  
The Butlers Arms  
Victoria Road  
Pleasington  
BB2 5JH**

**Applicant: Mr M Hales**

**Ward: Livesey with Pleasington**

**Councillor John Pearson  
Councillor Derek Hardman  
Councillor Paul Marrow**



## **1.0 SUMMARY OF RECOMMENDATION**

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

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

- 2.1 The planning application, submitted under Section 73 of the Town and Country Planning Act 1990, is presented to Committee, as a proposed amendment to a development previously approved by Committee in September 2017 under the Chair Referral Process; in accordance with the Scheme of Delegation.
- 2.2 The amendment considers the inclusion of a circa 7.5m extension of the decking to its southerly edge and a reduction to the easterly edge of circa 1.3m; resulting in an overall addition of circa 35 square metres of decking, together with the erection of a pergola around its perimeter.
- 2.3 The key issues to be addressed are as follows:
- Impact of the development upon neighbouring residential amenity
  - Highways and transportation impact
  - Design
- 2.4 Careful consideration has been applied towards the impact of the amendment against neighbouring residential amenity, adequacy of on-site parking provision and the proposed design principles.
- 2.5 It is acknowledged that unauthorised works have been undertaken, prior to the determination of this application. Works have since ceased pending its outcome.

## **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 envelope of Pleasington, Blackburn. The Public House is a traditional style detached venue, typical within a village setting, serving food and drink to 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 team.
- 3.1.2 In addition to the Public House, Pleasington Lane is generally straddled by residential properties to the east and west, beyond which lies the Green Belt.

## **3.2 Proposed Development**

- 3.2.1 An amendment is sought to planning permission previously granted for timber decking to the existing outdoor area, to the rear of the public house. The amendment proposes an extension to the southern edge of the decking; a reduction to the easterly edge and erection of a timber pergola; as set out in the submitted drawings.

## **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 6 – Village Boundaries
- 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
- Policy 39 – Heritage

## **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 making, this means approving development proposals that accord with the development plan without delay (paragraph14)

## **3.5 Assessment**

### **3.5.1 Principle**

The principle of the original proposal is established, having had due regard to the status of the application site as an 'Asset' of Community Value; registered as such 12<sup>th</sup> December 2016. The additional decking is recognised as

encroaching onto the bowling green along the previously approved horizontal plane by a distance of circa 7.5m to the west. Encroachment to the east is reduced by circa 1.3m. This additional encroachment is not considered to unduly compromise the dynamics of the bowling green, ensuring its continued functionality. The principle of the amendment is, therefore, compliant with The Framework (para 70), which emphasises the need to plan positively for the provision of community facilities, and Policies CS1 and C11 of the Core Strategy which encourage new development and a range of quality public facilities, 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 Impact upon residential amenity

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

3.5.3 The additional decking proposed will continue the westerly edge of the approved decking by circa 7.5m, towards the residential property known as Bucklow House. As with the original assessment, the proposed amendment should be viewed in the context of the pre-existing outdoor area, rather than the introduction of an additional outdoor area into the confines of the Public House.

3.5.4 Whilst it is accepted that the amendment will introduce a larger seating area, it is not considered that the area will result in a significant degree of additional noise from patrons, beyond that of the approved decking or indeed noise capable of being generated from the long established outdoor area, prior to its enhancement.

3.5.5 The proposed pergola is typically open sided - save for the elevation facing the car park - and open topped. The decked area, therefore, remains open to the elements as originally intended and its use will continue to be largely dictated by the weather. Concern has been expressed about the possibility of planting being provided that may establish to the extent that it climbs the pergola frame, resulting in a covered and somewhat weatherproofed area. Planting, however, falls outside of the scope of development and is not, therefore, controllable under the planning process. The assessment is based on the submitted details alone, which are not considered to present any amenity threat beyond the original approval.

3.5.6 Public Protection colleagues offer no objection to the amendment. However, in acknowledgment of the potential for noise impact, particularly during the evenings, the availability of Public Protection powers to address the issue should be reinforced in this assessment by reiterating that sensible noise conditions will be secured through a variation of the premises license agreement and that general noise nuisance complaints can be investigated by Public Protection colleagues, under provisions of the Environmental Protection Act 1990.

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

3.5.8 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.

3.5.9 The amendment will provide additional outdoor seating for drinking and dining, as demonstrated by the indicative covers shown on the submitted drawing. No additional off street parking is proposed. It is again important to recognise that use of decking will largely be dictated by the seasons and weather conditions and that an extension to the public house is not proposed. Highway impact is, therefore, assessed in the context of the pre-existing capacity of the Public House and associated outdoor area. Consequently, off street parking arrangements are considered adequate; as recognised by the absence of an objection from Highway's colleagues.

3.5.10 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.

3.5.11 Design / Character and Appearance / Heritage

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.

3.5.12 The amendment is considered to further enhance the outdoor space. The overall scheme, including introduction of the pergola, is considered to positively contrast with the traditional form of the host building rather than detract from it. The enclosed rear section of the pergola, consisting of cedar panelling, although visible from the street scene is not overly prominent and is considered appropriate to the setting.

3.5.13 Whilst the age of the building and its heritage value is recognised, as a non-designated asset that is neither listed nor located within a Conservation Area, limited weight can be attached to the impact of the proposal. The original features of the buildings are unaffected. Moreover, as an enhancement to the existing outdoor space, the proposal is considered to assist in sustaining the long term viability of the public house.

3.5.14 The amendment is, therefore, considered compliant with Local Plan Part 2 Policies 11 and 39.

## **4 RECOMMENDATION**

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

- 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 PLANNING HISTORY**

- 5.1.1 10/00/0634 - rear single storey extension;  
10/07/1132 - rear single storey extension;  
10/17/0620 - rear decking

## **6 CONSULTATIONS**

- 6.1.1 18 neighbouring properties were consulted by letter and a site notice was displayed. 4 letters of objection have been received. The material issues raised have been considered in this assessment and are summarised as follows:

- An increase in patrons resulting in noise, behaviour and parking issues in the context of the proximity to residential properties.
- Design / character and appearance of the pergola and decking and impact on the heritage value of the building.

- 6.1.2 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.

- 6.1.3 The marriage license application is not material to this assessment and is instead controlled under the separate licensing regime.

- 6.1.3 Highways Officer – no objection

- 6.1.4 Public Protection Officer – no objection

## **7 CONTACT OFFICER: Nick Blackledge, Planner.**

## **8 DATE PREPARED: 29<sup>th</sup> March 2018.**

## 9.0 SUMMARY OF REPRESENTATIONS

Objection John. C. Pearson, 1 Priory Close, Pleasington, Blackburn

Dear Nick,

### **Re Butler's Arms, Pleasington – Planning Application 10/18/0132**

Thank you for your letter of consultation dated 8<sup>th</sup> February 2018 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 object to this application.

#### Background

The Applicant had a preceding scheme ref. 10/17/0620 approved by The Planning & Highways Committee in July 2017. I wrote to you at the time and whilst broadly supporting that scheme is the interests of sustainability of our Village I wanted to see restrictions to safeguard against bad behaviour, excess and obtrusive noise together with considerate parking from the likely increased patronage. No such restrictions were imposed on the Planning Consent that was granted.

#### The Application

Given that this Application significantly extends the size and area of the decking approved last time and it also introduces an element of overhead cover and vertical cladding, I believe the likely patronage will be considerably increased over that envisaged previously. This will be both in volume because of the larger extent of the decking and seating facilities but also in time due to the addition of cover and cladding, which, with inevitable planting, will allow usage during periods of variable weather. This latter aspect was not the case before.

I understand that the Applicant has made a parallel application under The Marriages (Approved Premises) Regulation 1995 reg. 4, for the solemnisation of Marriages and Registration of Civil Partnerships, on the premises. Whilst this may not be directly relevant to the Planning process, but if approved, indicates a further likelihood of increased patronage with consequent issues for Behaviour, Traffic, Parking and Noise nuisances.

My concerns about nuisance to Residents and the Community arising from increased road traffic, car parking, noise and bad behaviour are therefore significantly greater than last time. In addition, it seems to me that the Council should consider aspects of this development under their published policies as follows:

Butler's Planning Application 28-02-18.docx

## Policy 8 – Development & People

This development is in the historic village of Pleasington and therefore the question should be asked “Does this development contribute positively to the overall physical, social, environmental and economic character of the area in which the development is sited”?

## Policy 9 – Development & the Environment

This development restricts the use the long-standing village Bowling Green and therefore the following question applies “Does the development involve the partial loss of any unidentified area of open space, including playing fields, or affect its function”?

## Policy 39 – Heritage

Given that Butler Bowden’s Arms was shown as one of the very few buildings in Pleasington in the 1845-7 Map Survey does the proposed development satisfy the policy requirement “Does the development, by reference to its setting, sustain or enhance the significance of the Asset”?

## The Applicant’s Approach

On my return from holiday on 13<sup>th</sup> February I noticed that works had commenced at the site and was told by others that these works were being constructed to the newly proposed plan and not the approved plan. I called to site and was allowed to measure the work. At that time, the area of decking, for which foundation had been constructed, at 19 metres long, was at least 3 metres greater than the approved plan and was relocated by a further 2 metres in a southerly direction. In other words, the works were being constructed not the approved plan but to the proposed and unapproved plans. I believe Council Officers advised the Applicant to cease these unapproved works. In addition to this issue, the Contractor was disposing of waste material each day by means of a bonfire on the site. I understand that, again, Council Officers advised the Applicant and his Contractor that such activities must cease.

This approach taken by the Applicant and his agents, in my mind at least, militate with his publicly announced desire to consult and co-operate with the local community so as to proceed in developing his business in harmony with Residents. This may be indicative of future lack of concern for the Community in driving his business forward as he sees it.

According, I wish to make my objection to this Application absolutely clear and request the Council does not approve the Application.

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Objection Mr & Mrs Caton, Bucklow House, Pleasington, Blackburn

Dear Sirs

RE: 11/18/0132 – Variation of condition 3. Pursuant to planning application 10/17/0620 to allow for timber pergola frame to be constructed on outside seating area

As owners of the adjacent property Bucklow house, we wish to object to the above application for reasons as set out below.

Condition 3 wording;

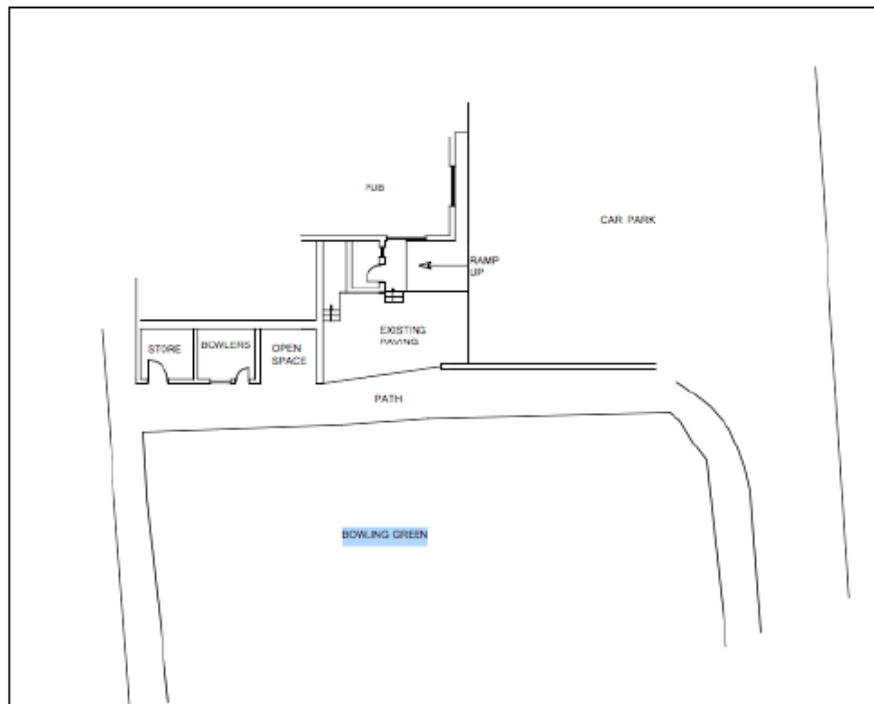
*' This consent relates to the submitted details marked received on 15<sup>th</sup> May 2017 and amended plans received on the 10<sup>th</sup> August 2017; and any subsequent amendments approved in writing by the Local Planning Authority.'*

We acknowledge that this is variation of a condition (as above) to a planning application that has already been approved, and that the principle of development has been established as part of the consent for 10/17/0620.

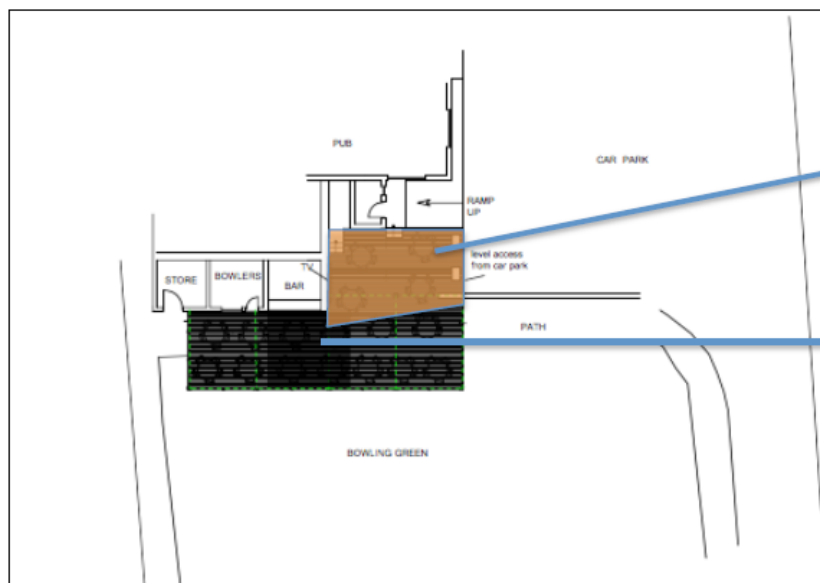
Our main concern is the potential increase in noise and disturbance as part of this new application which seeks consent to extend the size of the outdoor seating area, by approximately 33sqm. This additional area will be positioned closer to our property, and whilst there is an established tree lined boundary, it is not unreasonable to have concerns about the potential noise increase. We appreciate that the application makes reference to adding screens to help reduce the noise, but question how this will have any considerable impact. For example last year there was a function held at the pub in an external marquee on the car park near to where the proposed additional seating is, the noise from this event was significantly loud enough to be intelligible inside our property.

As the following map extract shows, the approved seating area is already substantial in size. The concern is the cumulative increase of useable outdoor space for the PH and the potential impacts on the amenity of surrounding properties.

## Existing Site Plan (extract from application 10/17/0620)



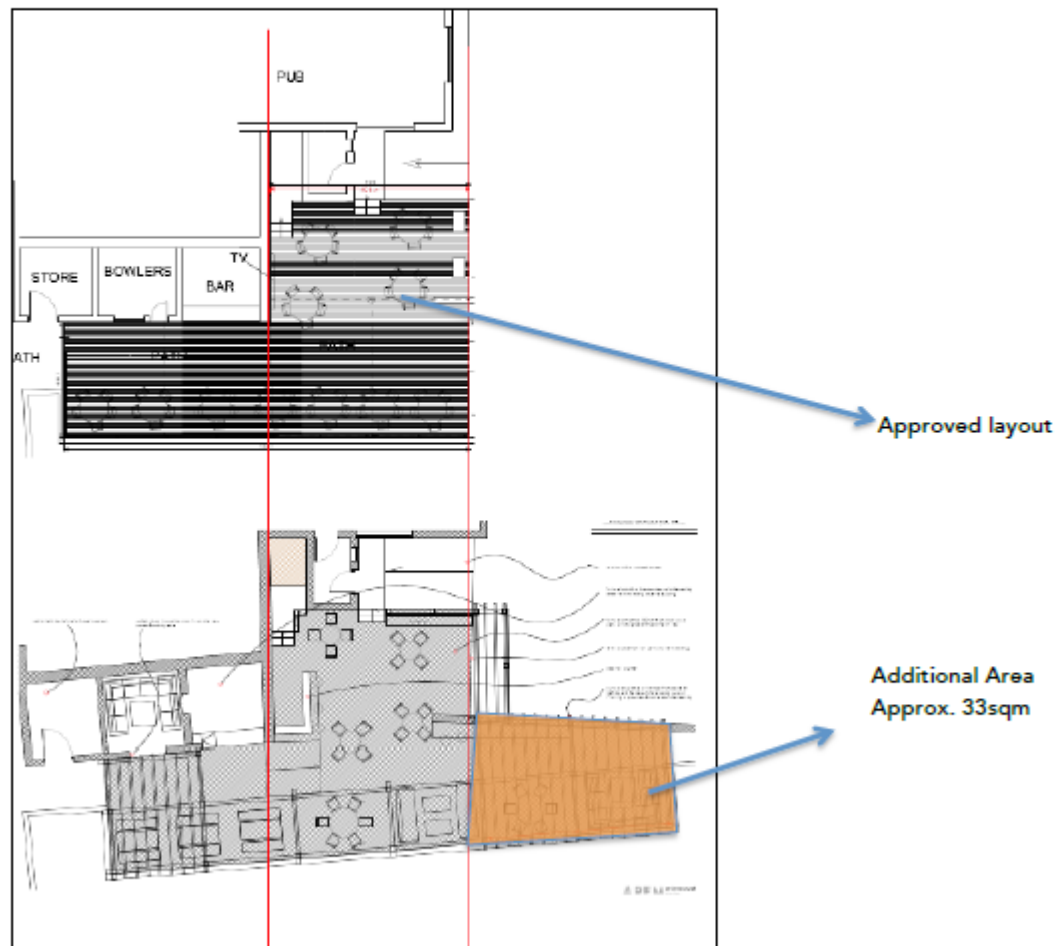
## Proposed Site Plan (as approved 10/17/0620)



Re-use of existing seating area

Area in black the new space which represents almost 100% increase from what exists

Comparison showing approved layout and current application 11/18/0132



The noise associated with outdoor dining, drinking, music and TV has the potential for nearby properties especially later in the evening when we may be sleeping or reasonably expect a greater degree of quiet. It should be noted that currently there are no loudspeakers for background music on the outside of the pub at all, so a reasonable request would be for it be considered as a condition that no form of additional music systems be installed.

In the case officers report for 10/17/0620 it is noted that the Public Protection Officer commented; 'acknowledge the potential for noise impact particularly during the evening'.

If there was concern in the original consent, then surely the increase in seating area will only increase this concern.

NPPF, mainly paragraphs 122 and 123, advises that decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

It is not uncommon for conditions to be placed which help to mitigate the level of noise, one such condition can relate to restriction on the opening of doors and windows, as the example is set out:

*'That the ground floor doors and any opening windows shall remain closed between the hours of 2100 hours and 0700 hours on every day of the week, except when in use to enter/exit the building.'*

We understand that the hours of operation and issues around noise are already conditioned through the premises license agreement. For the benefit of ourselves and other nearby residents could the hours of operation and noise conditions be shared so we know the detail.

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## Objection Pleasington Parish Council

Re : Planning Application 10/18/1032  
Butlers Arms, Pleasington

Pleasington Parish Council have considered this application and wish to object for the following reasons :

1. We consider this to be more than a minor amendment, the floor area increasing by more than 30% from the original application.
2. The requested amendment takes over more of the bowling green than in the original application. The bowling green is a community asset and erosion in small tranches seeks to circumvent this listing.
3. The pergola would look unsightly, would create a barrier to the bowling green and would be of no more benefit to the seating area than temporary/moveable parasols. It would also open the possibility of a future application to develop it into a more substantial structure.

Eileen Smith, Clerk to Pleasington Parish Council.

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Mrs J Barker, 3 Regents Close, Pleasington, 27<sup>th</sup> February 2018:

To The Attention of Mr. N. Blackledge

Re: The Butlers Arms, Pleasington

I write with reference to my phone conversation of today's date.

My main concern is traffic and parking problems. The Butlers Arms has a small car park and with the enhancement of the area traffic problems will follow.

Weddings are now listed on the board outside The Butlers. Therefore late night trade would be a nuisance creating noise from cars and people returning home.