

Application Recommended for APPROVAL
Cliviger with Worsthorne Ward

FUL/2020/0568

TOWN AND COUNTRY PLANNING ACT 1990
FULL PLANNING APPLICATION

Proposed new lighting and timber window box planters to the façade facing Church Square. Installation of bi-fold doors to rear, installation of stretch awning to rear, creation of new cold rooms and covered walk-way access to cold rooms and installation of replacement kitchen extraction. At Bay Horse Hotel, 17 Church Square, Worsthorne-with-Hurstwood, Lancashire, BB10 3NH

Agent: Mr Chris Kennerk – Inventive Design Associates Ltd

Applicant: Mr Chris Allen – Star Pubs & Bars

This application is brought before Development Control Committee as objections have been received.

Background:

This application relates to a public house, Bay Horse Hotel, located within the historical village of Worsthorne. The village centres on an informal open area, Church Square, with the Church School, mill and other buildings (including the Bay Horse Public House) giving a strong enclosed character. Five streets lead out of the square. The Public House is sited on a corner plot of Raven Oak Lane.

The Public House is attached to two residential properties to the east, which complete the small terrace or properties. The site falls within Worsthorne Conservation Area and is Locally Listed.





Proposal:

Planning permission is sought for the installation of new lighting and timber window box planters to the façade facing Church Square. Installation of bi-fold doors to rear, installation of stretch awning to rear, creation of new cold rooms and covered walk-way access to cold rooms and installation of replacement kitchen extraction.

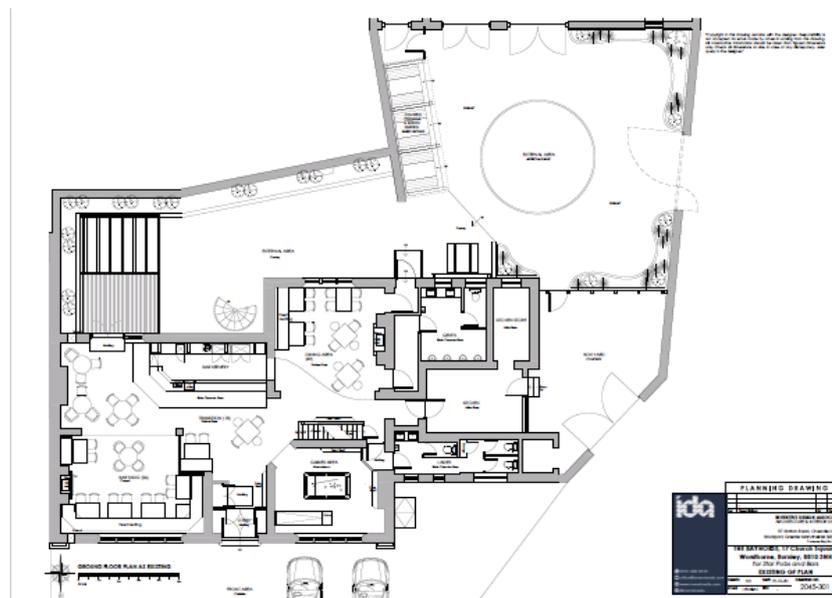
The original application included the construction of three covered seating booths in the rear beer garden. It was considered that the attachment of a condition restricting their use to set times would be required, which would have restricted the use of the rear yard beer garden also. The applicant did not wish for the use of the rear beer garden to be restricted and subsequently they were removed from the proposed scheme.

The proposed lighting and the timber window box planters are to be fitted on the façade facing Church Square. The proposed lighting will illuminate the front façade as well as the proposed new signage, which will be sought via an Advertisement Application following determination of this application.

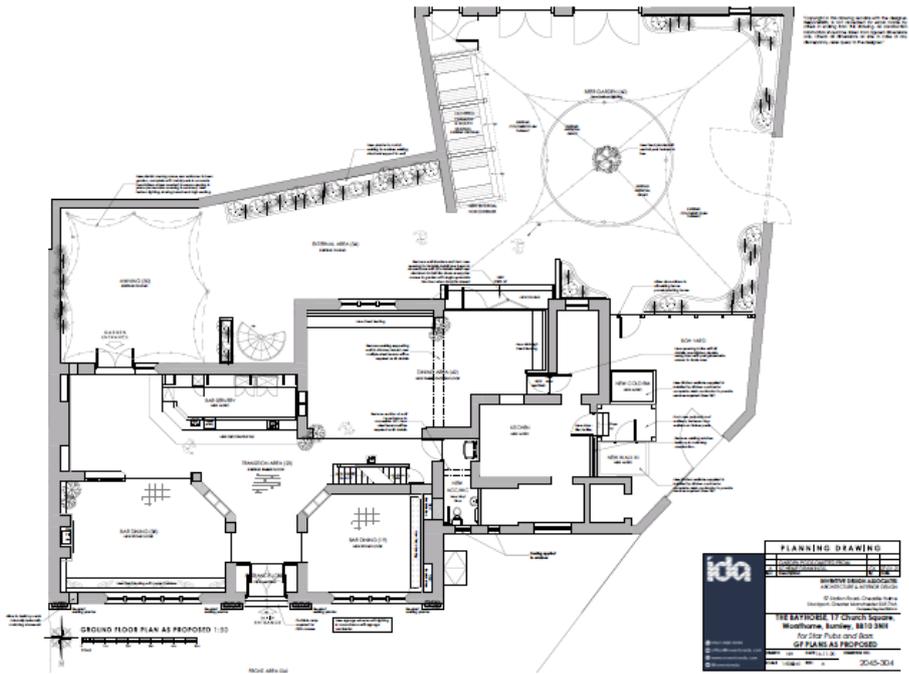
The proposed new cold rooms will be covered by a new polycarb roof walkway between the new walk-ins set on timber posts. The walk-ins along with the new roof walkway will be sited to the east of the single storey element which is sited to the east of the application main built form.

It is proposed to replace the existing kitchen extraction equipment with a 500mm diameter axial flow air input fan which will terminate with a wired end duct with bird mesh end and a 500mm diameter axial flow extract fan complete with flanges and 500mm diameter galvanised high velocity jet cowl set upon a specifically manufactured square to round duct sat on a timber upstand.

The works to the rear elevation involve the removal of the wall structure to the single storey side element to form a new opening which will be fitted with aluminium bi-fold doors measuring 4.465m wide. It is also proposed to remove the existing timber frame with a new stretch awning across the rear entrance to the rear beer garden, complete with metal posts in concrete foundations. The awning cover will be removable to allow it to be removed during the summer months. New festoon lighting, sharing benches and high seating is also proposed.



Existing Site Plan



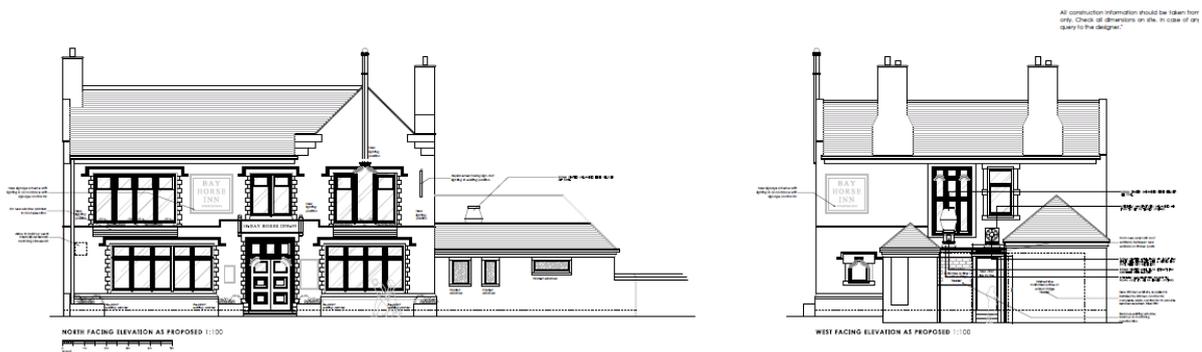
Proposed Site Plan



Existing Front and Side Elevation



Existing Side Elevation



Proposed Front and Side Elevation



Proposed Rear Elevation

Relevant Policies:

Burnley Local Plan (July 2018) Policies:

- SP1: Achieving Sustainable Development
- SP4: Development Strategy
- SP5: Development Quality and Sustainability
- EMP3: Supporting Employment Development
- IC1: Sustainable Travel
- IC3: Car Parking Standards
- Appendix 9: Car Parking Standards

National Planning Policy Framework (NPPF)

Relevant Planning History:

Consultation Responses:

Highways: Raise no objection to the principle of the development. The officer noted that there is no off street parking provided with the application, therefore, the officer recommended that the forecourt of the pub should remain clear of tables etc to allow for some off street parking. Whilst the existing premises show no provision the development will increase tables which will inevitably lead to an increase in car journeys to the premises. Should the application be recommended for approval the attachment of 2 conditions were requested:

1. Lighting General

Any external source of lighting shall be effectively screened from the view of a driver on the adjoining public highway.

Reason: To avoid glare, dazzle or distraction to passing motorists.

2. Construction deliveries outside peak traffic

Deliveries to the approved development shall only be accepted between the hours of (9.30am) and (2.30pm) Monday – Friday, to avoid peak traffic on the surrounding highway network.

Reason: In the interest of highway safety.

Further information was requested regarding the proposed lighting. – *subsequently further information has been submitted regarding the proposed lighting addressing the Highways Officers concerns.*

Environmental Health: No comments have been received

Conservation: No comments have been received

Worsthorne with Hurstwood Parish Council: No comments have been received

Councillor Cosima Towneley: No comments have been received

Public Consultation: 6 letters of representation have been received objecting to the proposal with the following material considerations:

- Increase in noise from patrons in the outside areas
- Lack of parking provision
- Increase in vehicles will lead to more vehicles being parking around the square impacting on residents
- Lack of privacy
- The proposed lighting will have an adverse impact on neighbouring properties
- Impact of cigarette smoke will have an adverse impact on occupiers using their outdoor amenity space
- Noise implications from loud music and voices of patrons using the outdoor beer garden areas

Planning and Environmental Considerations:

When assessing this application there are a number of important material considerations that need to be taken into account. They are as follows:

- Principle of Development;
- Visual Impact / Design;
- Impact on Heritage Assets;
- Residential Amenity; and
- Highways

Principle of Development:

Local Plan Policy SP1 sets out a presumption in favour of sustainable development and makes clear that development proposals that are sustainable will be welcomed and approved without delay. In order to be sustainable, development must accord with national and local policy and have regard to, amongst others, the priority afforded to accommodating growth within the development boundary through the efficient use of land and buildings; and the need to develop sites that are well located in relation to services and accessible by public transport, walking and cycling.

The application site is located within the development boundary for the urban area of the village of Worsthorne, as defined in Burnley`s Local Plan. It would, therefore, be considered to be sited within a sustainable location.

Policy EMP3 of the Local Plan relates to supporting employment development. For new and improved sites and premises any expansion, upgrading or establishment of a new business premises within the Development Boundaries will be supported where they comply with other relevant policies in the Plan and where:

- a) They do not by reason of the nature of their operation or vehicle access arrangements, have an unacceptably negative impact on surrounding uses, residential amenity or the environment; and
- b) They do not (either individually or cumulatively) through their form and design have an unacceptable impact on the landscape or townscape.

It is considered that the proposed development meets the requirements of Policy EMP3 as the proposed development will help support an existing business, an in-depth consideration of the aforesaid issues will be addressed later in this report.

Therefore, the principle of the development is accepted, in accordance with the NPPF`s presumption in favour of sustainable development and Policy SP1 of the Burnley Local Plan which reiterates this stance, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified; subject to assessment of the following matters:

Visual Impact / Design:

Paragraph 124 of the NPPF states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This is reiterated by Local Plan Policy SP5 which seeks high standards of design that positively address local context and characteristics.

The proposed window planters and lighting to the front façade will not alter the appearance or character of the principal façade significantly enough to warrant the refusal of this application due to the alterations reflecting existing arrangements present at the site. Existing planters are present around the ground floor windows and the proposed plans show that the applicant intends to replant these to match the proposed new planter to help the development assimilate. The proposed lighting is considered minor in nature by virtue of its size and siting, it would represent a form of development appropriate for public houses.

The proposed cold room and walk in will be screened by the existing single storey element sited to the west of the main public house building and by the proposed polycarb walkway. The proposed replacement extraction equipment will be partially screened when viewed from the principal elevation, however, would be highly visible when viewed from the side elevation. The proposed extract fan and jet cowl is similar in nature, style, design and size to the existing it is replacing and therefore, will have a negligible impact. The proposed input fan is a typical feature seen on restaurant establishment and will have no greater and impact than the proposed extract fan and jet cowl. They would not adversely impact the character and appearance of the host property to an extent significant enough to cause significant harm.

The proposed bi-fold doors and awning would be screened by the public house building by virtue of their siting to the rear of the property. The development would be partially visible

when viewed over the boundary wall from the west side elevation. It is considered that the proposed development would not cause harm to the character or appearance of the public house. They reflect development typically found at establishments of this type.

It is, therefore, considered that the proposed development would accord with Policy SP5 of the Local Plan and Paragraph 124 of the NPPF.

Impact on Heritage Assets:

The application site is located within Worsthorne Conservation Area and is locally listed. As outlined in the Planning (Listed Buildings and Conservation Areas) Act 1990, the local authority should have a desirability of preserving the Listed Building and any features of special interest which it possesses (s.16 and 66) and preserving or enhancing the character and appearance of the Conservation Area (s.72).

The National Planning Policy Framework (NPPF) outlines that, in determining applications, the local authority should take account of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation (par.192). It highlights that any harm to the significance of a designated heritage asset should require clear and convincing justification (par.194) and great weight should be given to the conservation of designated heritage asset (par.193).

Local Plan Policy HE2 reiterates the above, stating that proposal affecting designated heritage assets and/or their settings will be assessed having regard to desirability of sustaining and enhancing the significance of the asset and, where appropriate, secure a viable use most consistent with its conservation. All levels of harm should be avoided. Having regard to the significance of the heritage assets it is considered the proposals are justified and proportionate and would facilitate the continued use of the building in support of its long-term conservation. Moreover, the proposed alterations will result in a relatively minor change to the appearance and fabric of the building and when considered against the character, fabric and significance of the locally listed building and conservation area as a whole and would not be considered to result in harm to the significance of the listed building or the conservation area.

The proposal would preserve the special interest of the heritage assets and therefore complies with the guidance relating to conservation of the historic environment in the NPPF (section 16) and Local Plan Policy HE2 which seeks to avoid harm to the significance (interest) of heritage assets.

Residential Amenity

Policy SP5 of the adopted Local Plan seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking.

It is considered that the proposed lighting to the principal elevation will have a negligible impact given that the principal façade of the public house fronts onto the highway with an area of open space on the adjacent side. It will be sited a considerable distance away from the neighbouring properties attached to the public house also. Taking into consideration, its siting and the direction the light will omit it is considered that whilst the lighting may have a slight harm to the neighbouring properties it would not be considered significant enough to result in an adverse impact to their privacy.

Given that the existing rear yard area already benefits from a timber canopy and outdoor seating it is considered that the proposed awning will have no greater an impact. The proposed rear yard of the property is surrounded by residential dwellings to the west and south. The proposed new awning and additional seating by their very nature, lead to an

intensification in use of the outside area at the side of the Public House. This will lead to more external noise and associated disturbance being expelled from the grounds of the Public House. With appropriate management this is likely to be acceptable during the day and early evening. It is likely to give rise to noise disturbance later in the evening and into the night. However, given that the rear yard is currently used as a beer garden it is considered that the proposed alterations would have no greater an impact than the existing arrangement.

Taking into account the above, it is considered that the proposed development would not have an adverse impact upon the amenity of neighbouring residential properties to such an extent which would warrant the refusal of this application and the impact can be efficiently dealt with by the attachment of a condition. The development, therefore, accords with Policy SP5 of the Local Plan.

Highways:

Policy IC1 seeks to ensure sustainable travel, highway safety and a safe and convenient means of access for all users. Policy IC3 requires the adequate provision of car parking for developments in accordance with specific parking standards set out in Appendix 9. In applying the parking standards Appendix 9 allows for local circumstances to be taken into account which includes the accessibility of the site by public transport, walking and cycling; the availability of existing public parking provision or on-street parking nearby; and whether any under-provision might cause or exacerbate congestion, highway safety issues or on-street parking problems.

The Highways Officer makes reference to the lack of off-street parking provision associated with the Public House. However, the site has always existed as a Public House with parking available to the front of the forecourt and locally around the site, the proposed development will not change this or impact upon this. There is no available area in the pub demise for additional parking to be created.

Taking into account the nature of the proposed works, it is considered that the works would not increase the number of patrons to visit the Public House to such an extent which would adversely impact the surrounding highway network. There is adequate parking to the front of the forecourt and the surrounding area to accommodate residents or nearby residential dwellings and visitors to the Public House without causing significant harm.

The development is, therefore, considered to accord with Policies IC1 and IC3 of the Local Plan.

Conclusion

It is considered that the proposed development is acceptable in principle, it will not have an unacceptable impact on the character and appearance of the host building or surrounding area, it will not impact the significance of the locally listed building or conservation area, nor will it have an adverse impact upon highway safety or residential amenity of neighbouring properties.

Accordingly, the proposed development is considered to comply with the requirements of the Local Plan.

Recommendation: APPROVAL subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the approved plans listed on this notice below.

REASON: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity

3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings and shall not be varied without the prior written approval of the Local Planning Authority.

REASON: To ensure that the development will be of a satisfactory appearance and to comply with Policy SP5 of Local Plan.

Planning & Compliance Officer
RH