

Application Number	07/2019/2642/FUL
Address	Conservative Club Chorley Road Walton-Le-Dale Preston Lancashire PR5 4JA
Applicant	Sean OHagan
Development	Erection of raised decking area with ramp and level access and erection of 2.5m high fence to side and partial to front
Officer Recommendation	Refusal
Officer Name	Mr Chris Sowerby
Date application valid	05.04.2019
Target Determination Date	31.05.2019
Extension of Time	N/A



1. INTRODUCTION

1.1 This application is brought before the Planning Committee as a previous application on the site in 2018 (07/2018/6511/FUL) for the change of use of the premise to a drinking establishment, which also initially proposed an area of raised decking, was considered by the Planning Committee at their in December. At that meeting the Planning Committee decided to defer the application to allow the applicant to remedy concerns raised in relation to the

proposed area of raised decking. Amended plans were submitted omitting the proposed area of raised decking which were approved in January 2019 by the Planning Committee.

2. REPORT SUMMARY

2.1 The application relates to a two-storey building fronting Chorley Road which is now vacant, was previous the Walton-le-Dale Conservative Club. The application site is within a defined Local Centre as allocated under Policy E5 of the South Ribble Local Plan.

2.2 The proposal is for the erection of an area of raised decking (at a height of 0.4m) to cover a broadly triangular area of hardstanding measuring up to 11m (width) x 7.6m (depth) to the front of the building. A 2.2m high timber fence with 0.3m of trellis above is proposed along the western side of the decking. A ramped access is also proposed from the existing ground level to the level of the proposed decking.

2.3 Adjacent to the application to the west, and set slightly forward, are a pair of semi-detached residential properties (8 and 10 Chorley Road). The property nearest to the application site, 8 Chorley Road, has two windows on its eastern side gable directly onto the area of hardstanding to the front of the former Walton-le-Dale Conservative Club building. Both windows, neither of which are obscurely glazed, serve habitable rooms (the ground floor window serving as a secondary window to the living room and the first floor window serving as a secondary window to a bedroom).

2.4 A distance of 2.5m would be present from the unobscured ground floor window located centrally on the gable of 8 Chorley Road to the proposed fencing. As the ground is level, the proposed fence, at such close proximity to a ground floor habitable room window on 8 Chorley Road, would result in a significant overbearing effect on the occupants of 8 Chorley Road, even considering the window is a secondary opening. This is contrary to the requirements of Policy G17 (a) of the South Ribble Local Plan.

2.5 In addition to this a stair access to the area of raised decking is proposed on its western side within 3m of the unobscured ground floor window located on the gable of 8 Chorley Road. The potential for overlooking / loss of privacy from the use of the western stairs to access the area of raised decking would have a significant detrimental impact on the residential amenity on the occupiers of 8 Chorley Road contrary to the requirements of Policy G17 (a) of the South Ribble Local Plan.

2.6 The use of the proposed area of raised decking by patrons is of significant concern to Environmental Health. With the adjacent residential property to the west (8 Chorley Road) having a ground floor living room window and a first floor bedroom window directly facing the proposed area of raised decking at a minimum distance of 2.5m, together with residential properties on the opposite side of Chorley Road at a minimum distance of 14m, it is their view that the use of the area of decking by patrons would have a serious adverse impact on the amenities of nearby occupiers by reason of noise disturbance. It is not possible for the imposition of conditions on any given approval to overcome these concerns as the design and location of the proposed raised decking at the main entrance to the building and providing disabled access means that it would be extremely difficult for the proprietor to adhere with any condition restricting the times that the area can be used. The proposal therefore being contrary to paragraph 170 of the National Planning Policy Framework, Policy G17 (a) of the South Ribble Local Plan and Policy 17 (c) of the Central Lancashire Core Strategy.

2.7 The application is therefore recommended for refusal.

3. APPLICATION SITE AND SURROUNDING AREA

3.1 The application relates to a two-storey building fronting Chorley Road close to the mini-roundabout junction with Victoria Road and Higher Walton Road. The building, which is currently being renovated having previously being the Walton-le-Dale Conservative Club.

3.2 To the front of the property is an area of hardstanding which extends up to the adopted footpath along the Chorley Road frontage. Attached to the northern side elevation of the building is a dentist surgery with a hairdressers further round fronting Victoria Road.

3.3 Adjacent to the application to the west, and set slightly forward, are a pair of semi-detached residential properties (8 and 10 Chorley Road). The property nearest to the application site, 8 Chorley Road, has two windows on its eastern side gable directly onto the area of hardstanding to the front of the former Walton-le-Dale Conservative Club building. Both windows, neither of which are obscurely glazed, serve habitable rooms (the ground floor window serving as a secondary window to the living room and the first floor window serving as a secondary window to a bedroom).

3.4 On the opposite side of Chorley Road is a commercial premises and a terrace of 5 residential properties.

3.5 To the rear of the site are the yards of adjacent commercial premises and a customer car park for the Riverside Medical Centre.

3.6 The application site is within a defined Local Centre as allocated under Policy E5 of the South Ribble Local Plan.

4. SITE HISTORY

4.1 In January 2019 planning permission (07/2018/6511/FUL) was granted for the change of use of the premise from a private members club (Sui Generis) to a drinking establishment (Class A4), together with timber cladding, canopy and disabled access ramp to front and alterations to windows, a new door opening and the provision of a fire escape to rear. The application had previously being before the Planning Committee in December 2018 proposing an area of decking to the front, where concern was raised by Officers and Members of Committee in regard to the impact the proposed area of decking would have on residential amenity.

4.2 Under the current Premises License the approved drinking establishment is permitted to operate 8am – 11.30pm (Sunday to Thursday), 8am – 1.30am (Fridays and Saturdays) and 8am – 1am (Bank Holidays) however the applicant has indicated in submitted supporting information that they initially intend to operate 9am-9pm (Monday to Sunday).

4.3 An application for advertisement consent (07/2018/7506/ADV) was granted in December 2018 for an illuminated and non-illuminated signage scheme

5. PROPOSAL

5.1 The proposal is for the erection of an area of raised decking (at a height of 0.4m) to cover a broadly triangular area of hardstanding measuring up to 11m (width) x 7.6m (depth) to the front of the building. A 2.2m high timber fence with 0.3m of trellis above is proposed along the western side of the decking. A ramped access is also proposed from the existing ground level to the level of the proposed decking.

5.2 A 7m (wide) x 2m (deep) x 2.5-3.3m (high) canopy shown on the submitted plans has previously been approved under planning permission 07/2018/6511/FUL and does not form part of this application.

5.3 Within the submitted supporting statement the applicant affirms “*Approval was granted for a change of use and changes to the front façade application at the SRBC Planning*

Committee back in January 2019. A Premises Licence was also approved by the Local Authority in December 2018. The Planning approval came with restrictions such as not permitting any drinking or eating and no tables and chairs allowed to the front area of the building. However, the Premises Licence has granted permission to drink alcohol at the front of the building up to 9pm.”

5.4 The applicant continues to state “*The concept of the decking area is to provide customers with a place they can sit, relax and enjoy the outdoors in the summer months. An outdoor area to the front of the building with decking, tables and chairs for customers to eat and drink outside up to 9pm only. Smokers would not be allowed to take their drinks outside with them after 9pm. We believe that by enforcing these restrictions with support and guidance from the South Ribble Licensing Officer this should not cause any noise disruption to our neighbours. We believe that any noise up to 9pm is likely to be the same, if not less than that of the loud noise coming from the passing traffic.*

We also believe that when the sun moves away from the front elevation mid-afternoon, there will not be a large amount of customers wanting to use the outdoor facilities after midday.”

6. REPRESENTATIONS

1 letter of objection has been received in relation to the proposal. A summary of the points raised follows:

Relationship To Neighbours

- Overshadowing / overdominance from the proposed 2.5m high fence

Noise / Disturbance

- Noise and disturbance due to the use of the proposed area of decking to the front

7. CONSULTATION REPLIES

7.1 Environmental Health have objected to the planning application as it is their opinion that the use of the proposed area of raised decking by patrons would result in a serious adverse impact on the amenity of nearby residential properties by reason of noise, commenting:

“Given the proximity of the proposed decking to neighbouring residential properties, in particular a bedroom window on the side gable of 8 Chorley Road, and the difficulty for the proprietor to prevent use of such an area to the front of the premises by patrons, we are of the opinion that any condition imposed to restrict the hours of use of the decking would not resolve this issue. Additionally time restrictions would have no effect in mitigating the loss of amenity suffered by residents during the day. This department therefore recommends refusal of the application.”

7.2 County Highways have raised no objections to the proposal confirming that that site is outside of the adopted highway and should have a “*negligible impact on highway capacity and safety in the immediate vicinity of the site*”.

8. MATERIAL CONSIDERATIONS

Policy Considerations

8.1 i) NPPF

8.1.1 The NPPF promotes a presumption in favour of sustainable development and supports sustainable economic development, stating: “*Planning policies and decision should help create the conditions in which businesses can invest, expand and adapt*” with significant weight to be placed on “*the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*”.

8.2 ii) Core Strategy Policy Considerations

8.2.1 Policy 1 of the Core Strategy is entitled ‘Locating Growth’ and encourages the focussing of growth and investment in the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble.

8.2.2 Policy 9 of the Core Strategy is entitled ‘Economic Growth and Employment’ and encourages the focussing of economic growth in existing main urban areas.

8.3 iii) South Ribble Local Plan 2012-2026

8.3.1 The application site is within a defined Local Centre as allocated under Policy E5 of the South Ribble Local Plan. Policy E5 highlights a list of commercial uses which are potentially appropriate within Local Centres and includes “A4 (*Drinking Establishments*)”. The impact that the works proposed under this planning application to a consented drinking establishment still however require consideration. This is provided in the following sections of this report.

8.4 Character / Appearance

8.4.1 The proposed area of raised decking to the front, part under the cover of a canopy, will not have an adverse impact on the streetscene which is varied in terms of design and character.

8.4.2 The proposed fencing, which would extend to 2.2m above ground floor level when set on the decking with 0.3m of trellis above would be set against the backdrop of the existing residential property at 8 Chorley Road given the staggered relationship between the two buildings. This inter-relationship would help to reduce the overall prominence of the proposed fencing to the front of the premise to such an extent that the proposal is not deemed to have a significant detrimental impact on the character and appearance of the area.

8.5 Relationship To Neighbours

8.5.1 Properties to the east and north on Victoria Road are wholly in commercial and non-residential uses.

8.5.2 Residential properties are present to the west and south on Chorley Road with the adjacent property immediately to the west (8 Chorley Road) having two windows on its eastern side gable directly onto the area of hardstanding to the front of the former Walton-le-Dale Conservative Club building. Both windows, neither of which are obscurely glazed, serve habitable rooms (the ground floor window serving as a secondary window to the living room and the first floor window serving as a secondary window to a bedroom).

8.5.3 Whilst activity is likely to have occurred historically on the area of hardstanding to the front of the former Walton-le-Dale Conservative Club building, and a canopy has previously been approved to act as a smoking shelter on the front of the building, the proposed area of raised decking would likely encourage patrons to use this external area for extended periods of time.

8.5.4 In considering planning application 07/2018/6511/FUL in December 2018 Members raised concern in relation to the use of a proposed area of raised decking. This was subsequently addressed by the applicant omitting the proposed area of raised decking from the plans prior to the application being determined in January 2019. The applicant now proposes a 2.2m high timber fence with 0.3m of trellis above along the western side of the decking in order to try and address the concerns previously raised.

8.5.5 The elevated position of the first floor window on the side elevation of 8 Chorley Road, together with it being set towards the front end of the gable, reduces the degree of potential

overlooking/loss of privacy from the proposed raised decking and any potential overshadowing/overdominance from the proposed fencing to the extent that this impact is not considered to be significant to this window.

8.5.6 A distance of 2.5m would be present from the unobscured ground floor window located centrally on the gable of 8 Chorley Road to the proposed fencing. As the ground is level, the proposed fence, at such close proximity to a ground floor habitable room window on 8 Chorley Road, would result in a significant overbearing effect on the occupants of 8 Chorley Road, even considering the window is a secondary opening. This is contrary to the requirements of Policy G17 (a) of the South Ribble Local Plan.

8.5.7 In addition to this a stair access to the area of raised decking is proposed on its western side within 3m of the unobscured ground floor window located on the gable of 8 Chorley Road. The potential for overlooking / loss of privacy from the use of the western stairs to access the area of raised decking would have a significant detrimental impact on the residential amenity on the occupiers of 8 Chorley Road contrary to the requirements of Policy G17 (a) of the South Ribble Local Plan.

8.6 Highway Issues

8.6.1 The proposal will not increase the overall floor area and/or capacity of the premise, however it is possible that the proposed area of raised decking may result in an increase in customers frequenting the business at times. The site is however in a highly sustainable location within a Local Centre and is close to bus connections and a public car park. County Highways have raised no objections to the proposal having considered the highway and pedestrian safety implications associated with the proposed development.

8.7 Noise / Disturbance

8.7.1 The use of the proposed area of raised decking by patrons is of significant concern to Environmental Health. With the adjacent residential property to the west (8 Chorley Road) having a ground floor living room window and a first floor bedroom window directly facing the proposed area of raised decking at a minimum distance of 2.5m, together with residential properties on the opposite side of Chorley Road at a minimum distance of 14m, it is their view that the use of the area of decking by patrons would have a serious adverse impact on the amenities of nearby occupiers by reason of noise disturbance. It is not possible for the imposition of conditions on any given approval to overcome these concerns as the design and location of the proposed raised decking at the main entrance to the building and providing disabled access means that it would be extremely difficult for the proprietor to adhere with any condition restricting the times that the area can be used.

8.7.2 During the course of the previous planning application on the site the applicant highlighted a number of other pubs and drinking establishments in the Borough where associated external areas are in close proximity to residential properties. Each application has however to be judged on its own merits and it is the view of Environmental Health Officers that the inter-relationships in this case, particularly with the two habitable room windows on the side elevation of 8 Chorley Road, cause them significant concern.

8.7.3 For the above reasons the proposal would be contrary to paragraph 170 of the National Planning Policy Framework, Policy G17 (a) of the South Ribble Local Plan and Policy 17 (c) of the Central Lancashire Core Strategy.

8.8 Premises License

8.8.1 The consented change of use application which allows the premise to operate under Class A4 as a drinking establishment has planning conditions attached which prevent seating and tables being provided externally without prior consent from the Local Planning Authority, fitting speakers externally and the installation of floodlighting or patio heaters without prior consent from the Local Planning Authority.

8.8.2 Whilst in supporting information the applicant appears to assert that the Premise License, which permits external seating, takes precedence over the planning permission. This view is incorrect, and should this planning permission be granted a variation of condition application would need to be submitted and approved to allow permit seating and tables to be provided externally otherwise a breach of condition would occur.

9. CONCLUSION

9.1 The stair access to the western side of the proposed area of raised decking to the front of the building would have significant detrimental impact on the residential amenity of the owners/occupiers of 8 Chorley Road in terms of overlooking / loss of privacy to the ground floor window on the eastern side elevation contrary to the requirements of Policy G17 (a) of the South Ribble Local Plan. The proposed fencing along the western side of the raised decking area, within 2.5m of an unobscured window serving a ground floor habitable room in 8 Chorley Road, would result in a significant overbearing effect on the occupants of 8 Chorley Road, even considering the window is a secondary opening. This is contrary to the requirements of Policy G17 (a) of the South Ribble Local Plan.

9.2 Furthermore the use of the proposed area of raised decking by patrons would result in a serious adverse impact on the amenities of owners/occupiers of nearby residential properties, particularly 8 Chorley Road, by reason of noise contrary to paragraph 170 of the National Planning Policy Framework, Policy G17 (a) of the South Ribble Local Plan and Policy 17 (c) of the Central Lancashire Core Strategy.

9.3 The application is therefore recommended for refusal.

RECOMMENDATION:

Refusal.

REASONS FOR REFUSAL:

1. The proximity of the stair access to the western side of the proposed area of raised decking to the ground floor habitable room window on the eastern side elevation of 8 Chorley Road would lead to a loss of privacy by way of overlooking which would be detrimental to the residential amenity of neighbouring residents. As such, the proposed development is contrary to Policy G17 (a) of the South Ribble Local Plan.
2. The height and proximity of proposed fencing along the western side of the proposed area of raised decking to the ground floor habitable room window on the eastern side elevation of 8 Chorley Road would result in overshadowing and an overbearing effect which would be detrimental to the residential amenity of neighbouring residents. As such, the proposed development is contrary to Policy G17 (a) of the South Ribble Local Plan.
3. The area of raised decking will encourage patrons to congregate outside the drinking establishment resulting in increased noise and disturbance which will have a detrimental impact on the residential amenities of the locality, particularly the two habitable room windows on the eastern side elevation of 8 Chorley Road. The proposal is therefore considered to be contrary to paragraph 170 of the National Planning Policy Framework, Policy G17 (a) of the South Ribble Local Plan and Policy 17 (c) of the Central Lancashire Core Strategy.

RELEVANT POLICY

- 1 Locating Growth (Core Strategy Policy)
- 9 Economic Growth and Employment (Core Strategy Policy)
- 17 Design of New Buildings (Core Strategy Policy)

POLE5 Local Centres

POLG17 Design Criteria for New Development

NPPF National Planning Policy Framework

Note:
