



### 3.2 **Proposal**

The application seeks the demolition of the former public house. No plans for the future use of the site have been submitted.

### 3.3 **Relevant planning history**

06/2016/1157 – Prior notification submission for demolition of public house – Application withdrawn.

#### Other relevant history

Following its closure on 30<sup>th</sup> September 2016, the Boars Head Inn was added to the City Council's list of Assets of Community Value (ACV) on 31<sup>st</sup> January 2017. The ACV covered the former public house and surrounding land to the rear, including the former car park. This decision was reviewed in April 2017 with a decision made to retain the listing. A further request was made to review the ACV status in September 2017. In October 2017, a decision was made again to retain the listing of the asset.

Following the submission of this planning application in July 2018, a request for the City Council to review the ACV status was made again. On 17<sup>th</sup> December 2018 the Boars Head Inn and surrounding land was removed from the ACV list as the physical fabric of the building has continued to deteriorate and there has been no compromise between the Barton Heritage Group and the owners on what a reasonable sale price for the property might be. As such, it was concluded that there is no realistic prospect of the building remaining an asset of community value.

### 3.4 **Planning Policy Framework**

**Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.**

#### **The Development plan comprises:**

##### Adopted Central Lancashire Core Strategy

Policy 16 – Heritage Assets

Policy 25 – Community Facilities

##### Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies)

Policy AD1(a) – Development within (or in close proximity to) the Existing Residential Area

Policy AD1(b) – Small scale development within Existing Villages

Policy EN8 – Development and Heritage Assets

Policy ST2 – General Transport Considerations

Policy WB1 – Protection of Community Facilities

#### **Other Material Considerations:**

National Planning Policy Framework (The Framework)

National Planning Practice Guidance (NPPG)

### 3.5 Consultation responses

Greater Manchester Ecology Unit (GMEU) – No objections subject to conditions relating to protected species.

County Highways – No objections subject to a condition requiring a scheme for the suppression of dust from the highway to be submitted.

Barton Parish Council – Object to the application on the following grounds:

- The building is listed as an Asset of Community Value;
- The property has been left open and unsecured; and
- The building is locally listed.

Publicity – 47 letters of objection have been received which can be summarised as follows:

- The applicants have intentionally let the building fall into disrepair;
- The building has historical value in the community;
- The demolition of the building would undermine the Asset of Community Value status;
- The building is a non-designated heritage asset dating back to the 1800's;
- There is a lack of community facilities in Barton without losing the pub as well;
- The criteria of the Local Plan policy to protect community facilities has not been complied with;
- Loss of a heritage asset without adequate justification; and
- The adjacent church is inaccessible due to the loss of the car park.

A letter of objection from Ben Wallace MP has also been received reiterating the above points.

### 3.6 Analysis

#### Impact on the heritage asset

Policy 16 of the Adopted Core Strategy aims to protect and seek opportunities to enhance the historic environment, heritage assets and their settings by safeguarding heritage assets from inappropriate development that would cause harm to their significance; support development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk; and identifying and adopting a local list of heritage assets.

Policy EN8(a) of the Adopted Local Plan 2012-26 states that proposals affecting a heritage asset or its setting will be permitted where they:

- i) Accord with national policy on the historic environment and the relevant Historic England guidance;
- ii) Take full account of the information and guidance in the Council's Conservation Area Appraisals and Management Plans and other relevant policy guidance on the historic environment;
- iii) Make a positive contribution to the character and local distinctiveness through high quality new design that responds to its context;
- iv) Act as a catalyst for the regeneration of the area in accordance with the Council's

- objectives for regeneration;
- v) Are accompanied by a satisfactory Heritage Statement that fully explains the impact of the proposal on the significance of the heritage asset; and
- vi) Sustain, conserve and, where appropriate, enhance the significance of the heritage asset itself and the surrounding historic environment and where they have consideration to the following:
  - a) The scale, layout and appearance to the heritage asset and its setting; and
  - b) The proposed use of the heritage asset being appropriate in relation to its significance.

Policy EN8(b) states that proposals involving the total or substantial loss of a heritage asset or the loss of the elements that contribute to its significance will be refused. Proposals will only be granted in exceptional circumstances where they can be clearly and convincingly justified in accordance with national planning guidance on heritage assets. In addition to the requirements of national policy applicants will be required as part of the justification process to provide evidence that:

- i) Other potential owners or users of the site have been sought through appropriate marketing where the marketing includes the offer of the unrestricted freehold of the asset at a price that reflects the buildings condition; and
- ii) Reasonable endeavours have been made to seek grant funding for the heritage assets conversion; and
- iii) Efforts have been made to find charitable or public authorities willing to take on the heritage asset.

Policy EN8(c) states that where the loss of the whole or part of a heritage asset is approved this will be subject to an appropriate condition or planning obligation to ensure that any loss will not occur until a contract is in place to carry out a replacement development.

The Framework seeks to protect the historic character of listed buildings from inappropriate development. Paragraph 197 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 directly or indirectly affect the non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Paragraph 198 goes on to say local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. Paragraph 191 states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

The Boars Head is on the Council's Local List of non-designated heritage assets and is located adjacent to the Grade II listed St Lawrences Church. The application proposes the demolition of the non-designated heritage asset with no plans in place for the future use of the site. The Boars Head makes a positive contribution to the historic development of the area, the street scene and the local community.

The application is accompanied by a Planning Statement which aims to address the criteria listed in Policy EN8(b) to justify the demolition of the heritage asset. With regards to Policy EN8(b)(i) the statement indicates that the current owners have received two bids from the

local heritage group to buy the building, however these fell below the asking price for the site. However, no evidence has been submitted to suggest that a) the site has been appropriately marketed; b) the marketing included the offer of the unrestricted freehold; and c) the asking price reflects the building's condition (which the applicants state is currently dilapidated). The Planning Statement contains no evidence that points ii) and iii) of Policy EN8(b) (namely that attempts have been made to secure grant funding for the buildings conversion and efforts made to find charitable or public authorities to take on the asset) have been addressed or attempted.

The application is also accompanied by a Structural Survey, completed in August 2017, and subsequent addendum dated July 2018. The 2017 survey assesses the condition of the building's internal and external walls, roof, ceilings, floors and rainwater goods and throughout recommends a number of remedial works. The survey then concludes that the building is "beyond the point of repair" and should be demolished, despite the survey not indicating any serious defects with the building. The July 2018 addendum goes on to state that in the intervening 10 months, the condition of the building has further deteriorated, however aside from the submitted addendum in letter form, no evidence of further deterioration has been submitted. The letter concludes that immediate action should be taken to avoid risk of collapse and danger to the public, however when the site visit for this application was conducted in August 2018 and again in January 2019, no attempts had been made by the owners to ensure the public are not at risk from the building, for example, by erecting security fencing, or securing the structure of the building with scaffolding. The City Council's Building Control Inspector has provided comments on the survey and state there is no evidence in the survey to suggest the building needs to be demolished.

Even if this evidence could be accepted as valid the Framework is also clear that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

The proposed development would result in complete loss of the non-designated heritage asset. As no future plans for the site have been submitted, there is no evidence to show how the future development of the site can be balanced with the loss of the heritage asset. There is public benefit to be had from retaining the heritage asset. Furthermore the cleared site will affect the setting of the adjacent Grade II listed church and the former school house to the north which is also on the local list. The proposed demolition would fail to preserve or enhance the historic interest of the building. The Framework is clear that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. As the application does not contain any future proposals for the site, there is no evidence to suggest future development would occur on the site. By allowing the demolition of the non-designated heritage asset, the subsequent cleared vacant site would not only result in the loss of the said asset, but also have a detrimental impact on the setting of the adjacent Grade II listed church.

It is therefore considered the proposed demolition of the non-designated heritage asset would result in the total loss of the asset without adequate justification and with no further development proposed, would leave a cleared site in the centre of the village which would have a significant detrimental impact on the setting of the adjacent Grade II listed church. As such, the proposal fails to comply with Policy 16 of the Adopted Core Strategy, Policy

EN8 of the Adopted Local Plan and Paragraphs 191,197 and 198 of the National Planning Policy Framework.

#### Impact on community facilities

Policy 25 seeks to ensure that local communities have sufficient community facilities provision by resisting the loss of existing facilities by requiring evidence that they are no longer viable or relevant to local needs.

Policy WB1 of the Adopted Local Plan 2012-26 states that the loss of community facilities will be permitted where it can be demonstrated that the use no longer serves the need of the community, adequate alternative provision has been made, or is already available, in the local area, the use is no longer financially viable or there is an amenity or environmental reason why the facility is no longer acceptable.

The Boars Head Inn closed in September 2016 after a period of poor trading and declining footfall. The supporting statement by the applicant indicates alternative community uses for the building were explored, such a convenience store on the ground floor, however there was no demand from the main retailers who did not feel they could commit to the site or location in general. No other viable community uses have come to light. Alternative eating/drinking provision is available in Barton in the form of The Sparling, a bar and restaurant and The Walled Garden, a restaurant, both located 0.1 miles north of the application site. Further afield, Barton Village Hall and the Barton Bangla Brasserie are located 0.6 miles north of the site and Guys Thatched Hamlet, an eating and drinking complex adjacent to the Lancaster Canal and The Roebuck public house are located 1.6 miles north of the site. Heading south, The Broughton Inn; Touch of Spice Restaurant; Chameleon restaurant; and Broughton & District Club are located 1.5 miles away. As such, it is considered there is adequate alternative eating and drinking provision within Barton and the surrounding area.

Following its closure the Boars Head Inn was added to the City Council's list of Assets of Community Value (ACV) on 31<sup>st</sup> January 2017. Following the submission of this planning application in July 2018, a request was made for the City Council to review the ACV status of the site. On 17<sup>th</sup> December 2018 the Boars Head Inn and surrounding land was removed from the ACV list as the physical fabric of the building has continued to deteriorate and there has been no compromise between the Barton Heritage Group and the owners on what a reasonable sale price for the property might be. As such, it was concluded that there is no realistic prospect of the building remaining an asset of community value.

As such, given the period of time that has elapsed since the public house closed, the range of alternative provision in the surrounding area and the removal of the Boars Head Inn from the ACV list, it is considered the loss of the community facility would comply with Policy 25 of the Adopted Core Strategy and Policy WB1 of the Adopted Local Plan 2012-26.

#### Other issues

A number of objections were received stating access to the pub car park was blocked and the car park was used by the adjacent church. The use of the car park and subsequent vehicular access is a civil matter and therefore cannot be considered as part of this application.

### **3.7 Value Added to the Development**

Scheme determined as submitted.

### **3.8 Conclusions**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.

Objections have been received in relation to the proposed demolition and have been fully considered as part of the analysis of the proposal. The proposal would result in the total loss of a non-designated heritage asset without any future plans for the redevelopment of the site in place which would have a detrimental impact on the setting of the adjacent Grade II listed building. The proposal therefore fails to comply with the relevant provisions of the Central Lancashire Core Strategy, the Preston Local Plan 2012-2026 (Site Allocations & Development Management Policies), the National Planning Policy Framework and there are no material considerations which outweigh this finding. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application is recommended for refusal.

### **3.9 Recommendation**

Refusal.