

Full Planning Application

Raising the level of the beer garden to the rear and changes to the rear elevation  
HARE AND HOUNDS PUBLIC HOUSE 1 HALIFAX ROAD BRIERCLIFFE

**Agent:** HAD & Co Property Consultants Ltd

**Applicant:** E M Inns (Mr Matthew Evans)

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

**Site Description and Surrounding Area:**

The application site relates to the Hare and Hounds public house situated to the south of Halifax Road at its junction with Todmorden Road in the settlement of Haggate. This generously proportioned site comprises an early-nineteenth century public house with accommodation set over two stories and a modern single-storey extension to the rear (south) providing dining space opening onto a beer garden. The beer garden includes a paved patio (approximately 13.5m in length) tapering to a grassed area as it extends south along the boundary with Todmorden Road and falls with the natural slope of the land. The beer garden is elevated above Todmorden Road and is partially screened from the road by a high stone retaining wall, timber fence and hedge. The beer garden adjoins the car park which occupies the majority of the rear of the site. It has a capacity for 48 vehicles and is bound to its north and east by the rear gardens of Nos 5, 7 and 19 Halifax Road and screened by mature planting.



View north towards the dining room extension



View south along Todmorden Road



View south

View west

The site is intersected by the development boundary, as designated in Burnley's Local Plan, with the beer garden and car park located outside the development boundary being regarded as open countryside

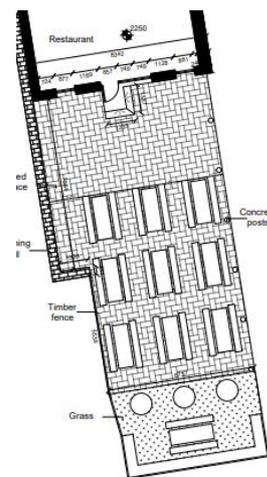
**Proposal:**

The pub operator is seeking to reconfigure the internal restaurant space and enhance the quality and practicality of the existing beer garden in order to maximize the number of customers that could be safely accommodated within social distancing measures.

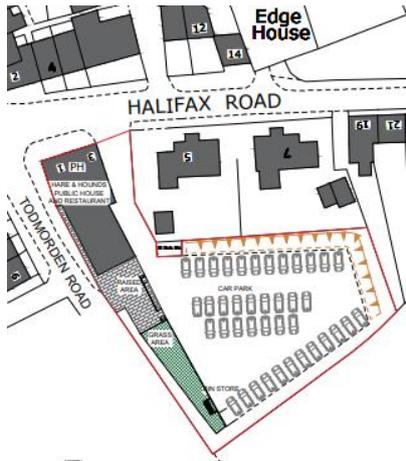
This application seeks planning permission to raise the level of the existing paved area of beer garden, by approximately 800mm at the lowest point and 300mm at the highest point (adjacent the dining room extension), so that it is level with the internal floor area of the dining room. Steps and a ramp will be incorporated along its eastern edge to accommodate the level change and allow direct access from the car park. The surface will be finished with reconstituted stone paving and a glazed balustrade with stainless steel handrail, at a height of 1100mm, will be installed around its perimeter as a safety measure. The rear (south) elevation of the dining room extension will also be altered with the insertion of bi-folding aluminium doors across its width connecting the internal space with the beer garden and taking advantage of the open countryside views. The grassed area at the far south of the beer garden will remain unaltered. The proposal does not include additional external lighting.



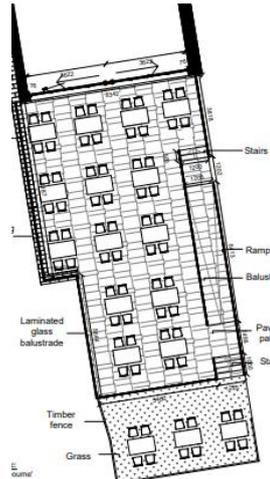
Existing Site Plan



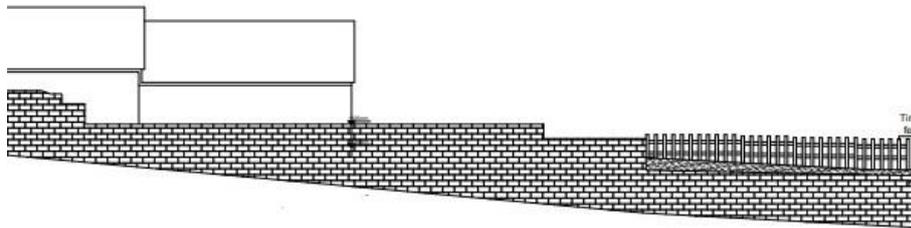
Existing Beer Garden Layout



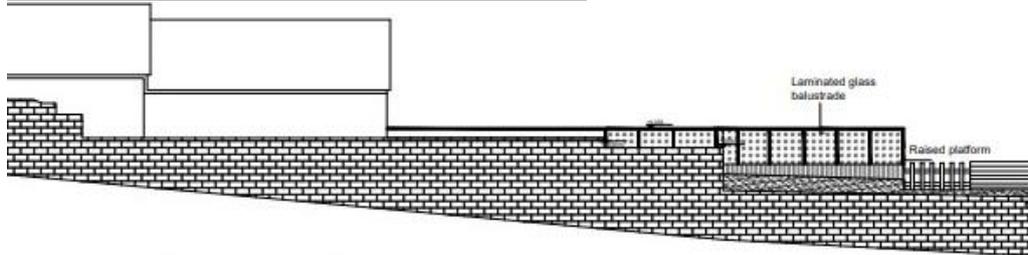
Proposed Site Plan



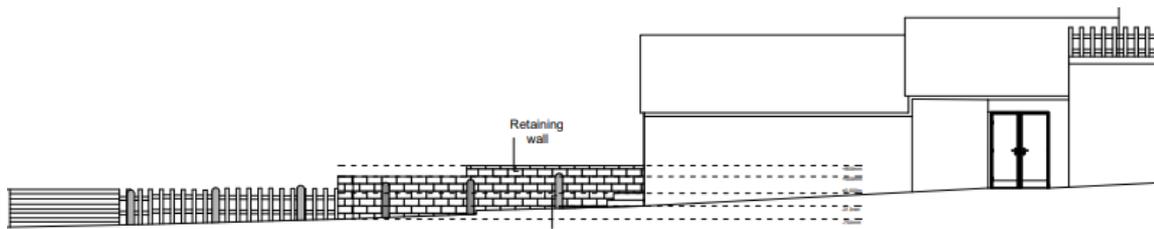
Proposed Beer Garden Layout



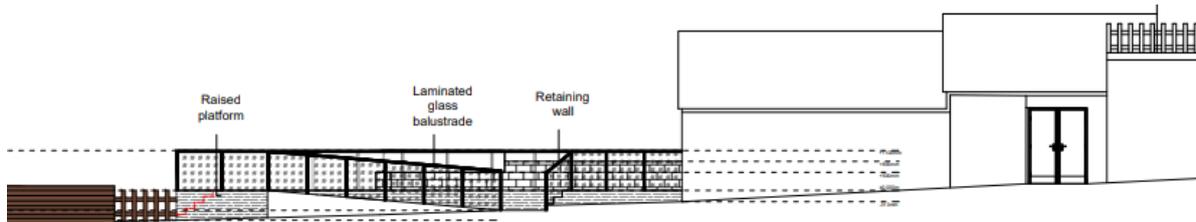
Existing West Elevation to Todmorden Road



Proposed West Elevation to Todmorden Road



Existing East Elevation to the Car Park



Proposed East Elevation to the Car Park



Existing Rear (South) Elevation



Proposed (South) Elevation

### **Relevant Policies:**

#### Burnley Local Plan (July 2018)

SP4: Development Strategy

SP5: Development Quality and Sustainability

EMP5: Rural Businesses and Diversification

NE3: Landscape Character

National Planning Policy Framework (2019)

**Relevant Recent Planning History:** None

### **Consultation:**

Licensing: Currently there are no conditions on the premises licence relating to the use of the beer garden. It is to be noted that the direction of travel being advocated by Government is to actively encourage pubs to utilise outdoor areas to increase capacity and reduce the impact of social distancing.

#### Publicity:

Seven letters of objection have been received with the main points summarised as follows:

- The car park is not sufficient to meet the increased capacity from the extra outdoor seating and will lead to inconsiderate and dangerous parking on Halifax Road. A third of the car park is taken up with an outdoor bar and tents
- The proposal will cause an unacceptable increase in traffic and congestion. The entrance to the car park is in close proximity to a busy crossroads and increased traffic can cause traffic disruption when people are alighting from vehicles.
- The increase in capacity could lead to extra comings and goings late at night including noise from customers leaving the premises and vehicles. The increased capacity could result in larger events i.e. weddings or live music events further impacting on amenity.
- The increase in level will result in customers seeing into gardens across the car park.
- External lighting will cause unacceptable reflection into neighbouring bedrooms

The above representations are a summary of the comments that have been received. Full details of the representations (with details redacted as relevant) can be inspected on the application file.

Comments refer to issues of noise, smells and disturbance associated with temporary structures that have been erected in the car park area close to neighbouring gardens. These

matters are not considered to be material to the consideration of this application and will be investigated separately through the Council's enforcement Officer.

### **Principle of Development:**

The application involves small scale development associated with improving the existing facilities at an established historic public house. The NPPF regards public houses as community facilities for their wider social role and contribution to the sustainability of local communities and states that decisions should ensure that such facilities are able to develop and modernise.

The site is partly located outside the development boundary being regarded as open countryside. Though the Local Plan seeks broadly to restrict development in the countryside it recognises the needs of rural businesses, the employment opportunities they create and facilities they can provide. Accordingly Policy EMP5 supports the retention or growth of all types of business in the open countryside and existing visitor and community facilities, including public houses, subject to meeting other relevant policy requirements of the Plan.

The application proposes small scale alterations to enhance the existing facilities at an established public house in the open countryside that would not result in any change to or intensification of the existing lawful use. The proposal is considered to be commensurate with the type and scale of the business operating on the site such that it is found to accord with the objectives of Policies SP4 and EMP5 and is acceptable in principle.

The main issues of consideration therefore relate to the impact of the development on the character and appearance of the building and the wider landscape setting; and the effect of the physical alterations on the residential amenity of neighbouring properties with regard to overlooking, lack of privacy or reduction of outlook or daylight.

### **Design and appearance (visual impact) in relation to the host building and its setting:**

Local Plan Policies SP4, SP5, and NE3 seek well designed developments that relate positively to local context and that respect the landscape character and appearance of the countryside.

The beer garden is confined to the rear of the public house. It is not visible from Halifax Road and only partially visible from Todmorden Road, and due to this, the proposed alterations and their overall visibility within the streetscene and wider views is limited. The increase in level of the existing beer garden will measure around 300mm where it meets the building increasing to a maximum of around 800mm as the land slopes away. This is considered to have negligible visual impact when considered in relation to the site as a whole. The design, materials and scale of the raised beer garden and associated ramp and steps are not considered to be incongruous in this location and would nevertheless be largely screened from the surrounding area by its position and existing boundary treatments.

It is acknowledged that due to the sloping topography, the glazed balustrade will be viewed from Todmorden Road above the stone retaining wall and hedgerow. The balustrade is of a modern and unobtrusive design. Its transparent characteristic will minimise its visual impact such that character and appearance of the immediate and wider setting is maintained and largely unaffected by its presence. Its height is appropriate and proportionate to the scale and massing of the beer garden and the building to which it relates.

With regards to the bi-folding doors, they are compatible with the proportions, materials and finish of existing openings such that they would not appear out of keeping with the host property.

Overall, it is considered that the proposed alterations are appropriately designed and would not have a detrimental impact upon the visual amenities of the public house and its associated outdoor space, the Halifax Road and Todmorden Road street scenes or the wider landscape setting. The application therefore accords with the principal determining criteria in Policies SP4, SP5, and NE3

### **Impacts on neighbour amenity:**

Local Plan Policies SP5 and EMP5 seek to ensure there is no unacceptable adverse impact on residential amenity.

The proposal relates to operational development. It maintains the existing footprint and floorspace of the beer garden and does not result in any change to or intensification of the existing lawful use. The main issues of consideration therefore relate to the effect of the physical alterations on the residential amenity of neighbouring properties with regard to overlooking, lack of privacy or reduction of outlook or daylight.

There are residential properties located within 30m of the application site on Todmorden Road and Halifax Road. The relationship of these properties to the public house varies in terms of both distance and orientation. The nearest residential neighbour is No 5 Halifax Road whose rear garden boundary is around 5m from the edge of the beer garden and the dwelling itself some 16m to the east. The car park and vehicle access associated with the public house is located between the beer garden and the property and mature planting partially screens the garden at the common boundary. No 9 Todmorden Road lies some 15m to the west. Neither property has a direct line of sight with the beer garden. The low rise nature of the alterations and relationship of the beer garden to the neighbouring properties is such that the proposal would not give rise to any unacceptable loss of amenity, in respect of overlooking, lack of privacy or reduction of outlook or daylight, beyond that of the existing situation. No other surrounding neighbours are identified as being materially impacted by the proposal.

As set out above, the proposal would not give rise to any unacceptable adverse impacts upon neighbouring amenity beyond that of the existing situation such that a refusal would be warranted. The application is therefore found to comply with the principal determining criteria in Policies SP5 and EMP5.

### **Other Matters:**

Neighbour objections raise concerns in respect of highway safety and parking. The works proposed do not impact on the vehicular access to the site and the capacity of the existing car park is also unaffected by the development proposed. The application therefore raises no issues in terms of highway safety.

Whilst the objections raised by nearby residents in relation to the potential for increased noise and disturbance, as a result of any potential increase in use of the beer garden, are recognised. It is to be accepted that the proposal relates to operational development and does not result in any change in the existing lawful use. Whilst the physical works are not considered to result in unacceptable harm to neighbouring amenity that would warrant refusal of this application, this would not preclude investigation under separate legislation against any reports of noise disturbance amounting to a statutory nuisance.

Neighbour objections raise concern in respect of external lighting. The proposal does not include additional external lighting and therefore the scheme would not have any more of an adverse impact to the occupiers of residential properties than the existing situation in terms

of light pollution and spillage. Any additional external lighting will be controlled through condition.

**Conclusion:**

The proposal complies with the Local Plan and represents a sustainable form of development and there are no material considerations which would outweigh this finding.

**Recommendation:** Approve with conditions.

**Conditions and Reasons:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this 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 hereby permitted shall not be carried out other than to the approved drawings and the specifications as indicated thereon except where modified by the conditions of this consent. The approved drawings are Drawing No HAD3189-02 (Site Plans Scale 1:500); Drawing No HAD3189-03 (Existing and Proposed Site Plans at Scale 1:100); Drawing No. HAD3189-04 (Front and Rear Elevations at Scale 1:100); Drawing No HAD3189-05 (Todmorden Road Side Elevations at Scale 1:100); Drawing No HAD3189-06 (Car Park Side Elevations at Scale 1:100); Drawing No HAD3189-07 (Details at Scales 1:50 and 1:20) received on the 18 September 2020.

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 Policies SP5, HS5 and HE2 of Burnley's Local Plan (July 2018).

4. No external lighting shall be installed unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority. Any external lighting that is installed shall accord with the details so approved

Reason: To safeguard visual amenity and the amenities of nearby residents in accordance with Policies SP5 and NE5 of Burnley's Local Plan (July 2018).

5. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 08.00 hours and 17.00 hours on Mondays to Fridays and between 08.00 hours and 13.00 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with Policies SP5 and NE5 of Burnley's Local Plan (July 2018).

Principal Planner  
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