

## Application recommended for APPROVAL

FUL/2023/0325

Hapton with Park Ward

Application for Planning Permission:

Installation of 2 no electronically operated awnings with non-illuminated hotel name to front elevation;  
and installation of 3 no. air conditioning extraction units to side elevation (Retrospective Application)  
THE LAWRENCE HOTEL 28 CHURCH STREET PADIHAM BB12 8HG

Applicant: Mr M Huckerby

Agent: Avalon Town Planning Ltd

### Background:

This application follows investigation of a suspected breach of planning control. A breach was found to have occurred and in this case Officers consider the submission of a retrospective planning application is an appropriate way forward to regularise the situation.

This application is presented to Committee as three material planning objections have been received.

### Site Description:

This application relates to The Lawrence Hotel, a stone built property situated to the north of Church Street, a busy thoroughfare. The hotel comprises Numbers 26 and 28 Church Street, attractive late Georgian buildings fronting Church Street that have been integrated and remodelled to form a single unit with additional accommodation located in later extensions to the side and rear. The buildings are constructed in coursed sandstone rubble in a classical design resulting in a pleasing overall balance and symmetry. The set back from the pavement and slightly elevated position from Church Street adds to the prominence of what are otherwise quite simple buildings. The building's setting has undergone significant change in the last century with demolition and redevelopment of housing to the north, east and west. The western (side) elevation of the building is adjacent a narrow passageway and is largely screened from public view due to the relative proximity of The Mews development on Chapel Walk.



Image c. Google Streetview

The principal building, No 28 Church Street, is listed (Grade II) and No 26 is identified as a locally listed (non-designated heritage asset). The property is located within the Padiham Conservation Area, the special character and appearance of which is described within the Conservation Area Appraisal (June 2020). The surrounding area includes a mix of residential and commercial uses.

## Summary of Heritage Significance:

No 28 Church Street is a heritage asset of high significance reflected in its Grade II Listing. The nature of this significance lies chiefly in its architectural and historic interest. On the first count it holds value for its external qualities including its balanced facade, classical proportions and quality of materials which combine to form a distinguished example of late Georgian domestic architecture that retains the outer appearance of its principal facades largely unaltered. Features of particular note including the central doorway with semi-circular fanlight, paired windows with multi-paned sash windows and corbelled eaves. Later extensions have a negative impact in places. The building also draws significance from its setting within the Padiham Conservation Area and holds value at a local level in representing the history and growth of Padiham and makes a positive contribution to the significance of the conservation area through its aesthetic, historic and associative value.

The listing description refers only to the external features of the building, the authenticity and integrity of the interior having been compromised by modern interventions including the removal of most of the internal fittings and finishes; and through the conversion and adaptation to form guesthouse and hotel accommodation including alteration of the historic interior plan form and hierarchy.

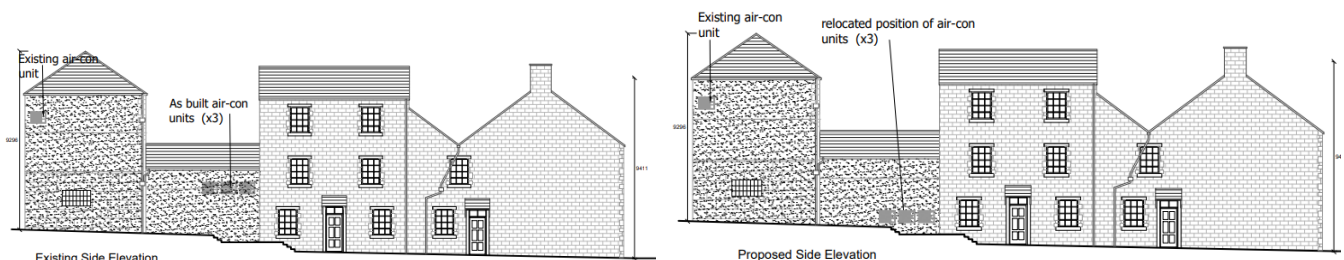
## Proposal:

This application seeks retrospective planning permission to regularise the following alterations:

### Installation of three external air conditioning units to side (west facing) elevation:

Each unit measures 716mm H x 820mm W x 315mm D. They are sited together on the side elevation of a lower level link building which faces the rear elevation of No 5 The Mews at a distance of approximately 6.0 metres across a narrow alleyway which has limited public views. The link building is a relatively modern extension which makes no contribution to the significance (special interest) of the listed building in terms of how the building and its heritage values are appreciated and understood and is therefore less sensitive to alterations. It is understood that the units are currently only used for cooling the building though they can also provide heating as required. The sound pressure level when operating at high capacity is 53/54 d/B(A).

The position of the units is largely dictated by function. Their current position is readily visible in direct views from habitable room windows at No 5 The Mews. Following negotiation with the applicant it is proposed to re-position the units at a lower (close to ground) level, below the height of the existing boundary fence, in order to preserve views from neighbouring habitable room windows and to provide a degree of buffering against any instances of air blowing out of the units, as noted from consultation responses. A revised drawing showing the amended position on the elevation was submitted and re-consultations carried out. The revised drawing is supported by an expert assessment which confirms that the repositioning of the units will not affect their technical performance.



Existing Side Elevation

Proposed Side Elevation with AC units repositioned

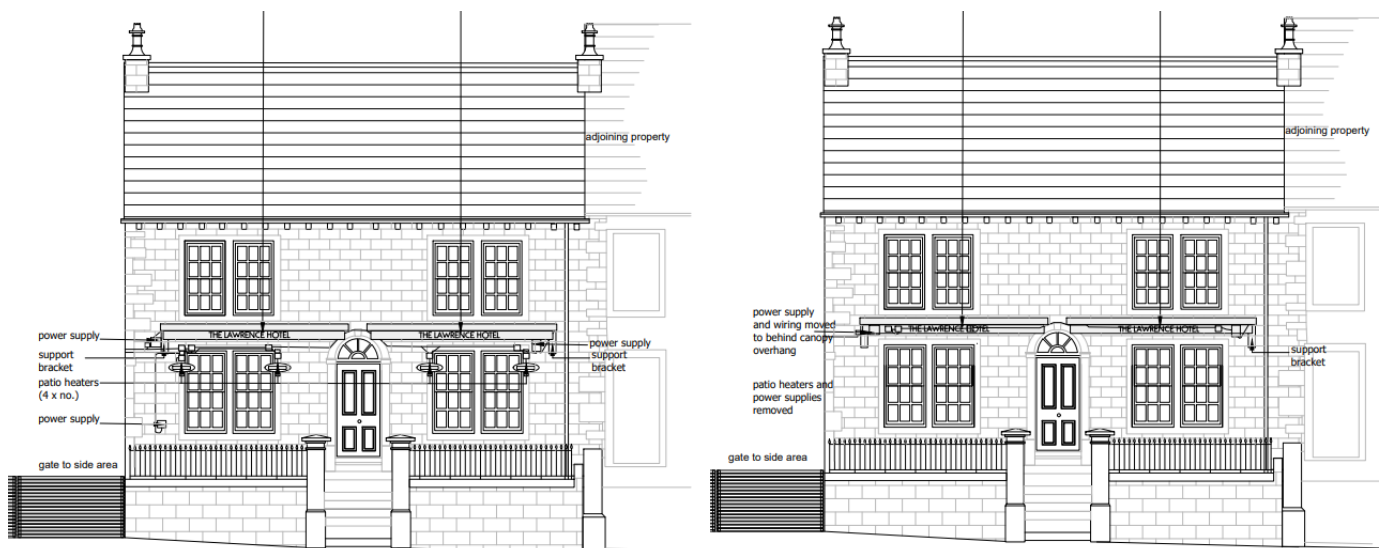
The applicant considers air conditioning is paramount to the comfort of guests using the function and guest rooms which are otherwise poorly ventilated. This is expected of a modern hotel and without which, the hotel would struggle to compete with other venues.

### Installation of two awnings with non-illuminated hotel name to front (south) elevation

The awnings were installed in 2020 to enable customers to comfortably dine outdoors during the Covid 19 Pandemic. Retractable side screens and patio heaters were also mounted on the front elevation. Following negotiation, the applicant agreed to remove the 4 patio heaters and 2 retractable sides which were considered to cause an unacceptable level of visual clutter to the frontage. A revised drawing was submitted and re-consultations carried out.

The awnings are sited to either side of the doorway between the ground and first floor windows and offset from the sides of the building. This reinforces the symmetrical appearance of the front elevation and avoids the need to obscure any architectural features or horizontally dissect the full width of the façade. The awnings are a modest traditional form and comprise a muted coloured canvas cover with a valance displaying the name of the Hotel. They project out from rollers on wall mounted brackets with the electrical power supply and wiring hidden behind the awning valance. Each awning measures 4.0m in width and has a projection of approximately 2.0m over the garden forecourt when fully extended such that they do not appear overly bulky in profile or unduly prominent. In their retracted state, the awnings appear as relatively discreet, slim cylinders displaying the name of the Hotel.

The applicant considers the awnings are a vitally important to the business, providing shelter to the main outdoor amenity space which has become a significant part of the facility used largely for wedding parties including their photography, enabling the hotel to compete with other local wedding venues. This, in turn, supports the optimum viable use of the building.



Existing Elevation showing wall mounted heaters and services

Proposed Elevation

There is a concurrent listed building consent application for the alterations (Ref LBC/2023/0326). The application is the subject of a separate report which it is suggested is read in conjunction.

### Relevant Policies:

Burnley's Local Plan (July 2018)

SP5: Development Quality and Sustainability

HE2: Designated Heritage Assets

NE5: Environmental Protection

Planning for Health Supplementary Planning Document (October 2022)  
The National Planning Policy Framework (2023) and National Design Guide (2021)  
Planning (Listed Buildings and Conservation Areas) Act 1990

### **Relevant Recent Planning History:**

APP/2019/0126 and APP/2019/0127(LBC): Proposed new single storey extension in to existing court yard with flat roof terrace above Conversion of grassed area on North Street into parking spaces  
Addition of timber gate and pedestrian access door

### **Consultation and Publicity:**

Environmental Health: Raise no objection subject to the imposition of a condition limiting noise to a level 5dB below the existing LA90 background noise level at all times.

Publicity: Two letters of objection and one letter of support were received to the proposal as initially submitted with the main points summarised as follows

Objection 1: The relocation of the existing units closer to my property will cause unacceptable visual impact from bedroom and living room windows which are currently unaffected. Concern regarding potential noise. The Hotel has blocked the passageway which is a public right of way. *[Officer note: the originally proposed location has been amended and the units are no longer proposed to be closer to the property referred to in the objection].*

Objection 2: Object to the retention of the canopy at the front and suggest that this and the adjacent clutter be removed, some of which could be re-sited on the west elevation.

Support: The relocation of the existing units away from the directly facing neighbouring property, currently affected, will resolve the visual and audible impacts and the impact of the temperature of the air released externally from the units into the property. *[Officer note: the originally proposed location has been amended and the units are proposed to remain adjacent the property referred to in the objection, albeit lowered in height to mitigate their impacts].*

During the second round of consultation (following submission of revised plans) an objection was received, from the previous supporter, on the grounds of unacceptable impact on living conditions of occupiers of directly facing neighbouring property. In hot weather the units release warm air into the neighbouring property and in cold weather extract heat from the property which results in an inability to regulate the temperature and ventilation within the home, not being able to open windows in hot weather and increase heating during cold weather. The units a detrimental to health, mental wellbeing and residential amenity. Suggest the units are relocated to the northern (rear) elevation; or within the courtyard or roof terrace where the impacts will be lessened.

Full details of the representations (with details redacted as relevant) are available for inspection upon request. The material planning issues raised are considered in the report below.

### **Planning and Environmental Considerations:**

The main issues relevant to the consideration of the application are:

- Principle of development
- Impact on the significance (special interest) of the Listed Building
- Impact on the Conservation Area including design and appearance (visual amenity)
- Impact on neighbouring amenity

## **Principle of Development**

The application site is located within the development boundary as defined by the Local Plan and which is the focus for development of an appropriate type and scale. Minor physical alterations to existing building are acceptable in principle, where the development meets with other relevant plan policies.

## **Impact on the significance (special interest) of the Listed Building**

In considering proposals for planning permission, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the special interest of listed buildings, including their setting and any features of special architectural or historic interest which it possesses. With regard to the NPPF 'preservation' has the meaning of doing no harm to heritage significance as opposed to keeping it utterly unchanged.

The concurrent Listed Building Consent Application (Ref LBC/2023/0326) determines the acceptability of the impacts of the alterations to the listed building. It finds that the installation of the awnings, whilst visually acceptable, have caused harm to significance. The magnitude of which falls within the lower end of the broad category of "less than substantial harm" in that the awnings result in a degree of change that is minor and to such an extent that they do not alter the experience or understanding of the building's significance to any appreciable degree.

The applicant has adequately demonstrated that the awnings are necessary and unavoidable in order to maintain competitiveness as a wedding venue thus ensuring the building remains in viable use. When considered against the public benefits associated with maintaining the building in viable use, this is considered sufficient to outweigh the identified less than substantial harm to significance in accordance with Policy HE2, the NPPF and the duty assigned by the LBCA Act. Accordingly, there is no reason to withhold planning permission for the physical changes to convert the listed building as far as they are covered by the planning permission regime.

## **Impact on the Conservation Area including design and appearance (visual amenity)**

Local Plan Policies SP5 and HE2, amongst other considerations, requires development to be of a high standard of design and to respect the character and appearance of their setting. The setting of the application site is historically sensitive being located within the Padiham Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers upon the local planning authority a duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. Preservation in this context means protecting the character and appearance (significance) from harm as opposed to keeping it utterly unchanged.

It is considered that the alterations do not introduce any characteristic, detailing or material that cause harm to the character or appearance of the host building. They present a satisfactory composition when considered as a whole and are consistent with the character and appearance of the immediate setting and wider streetscene. Accordingly, no harmful visual impact is deemed to arise.

Having regard to the design, appearance and siting it is considered that the proposal would, in its entirety, preserve the character and appearance of the Conservation Area therefore satisfying the requirements of Local Plan Policy HE2, the NPPF and the relevant statutory duty.

## **Impact on neighbouring amenity**

Policy SP5 seeks to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users through overlooking, lack of privacy or reduction of outlook or daylight, noise and disturbance. Policy NE5 of the Local Plan seeks, amongst other things, to resist development that generates noise which is likely to create significant adverse impacts on health and quality of life when it cannot be mitigated and controlled through the use of conditions or through pre-existing effective legislative regimes.



**Outlook:** The air conditioning units which are currently readily visible in direct views from habitable room windows at No 5 The Mews, are proposed to be re-positioned at a lower (close to ground) level, below the height of the existing boundary fence, in order to preserve views from neighbouring habitable room windows and to provide a degree of buffering against any instances of air blowing out of the units, as noted from consultation responses. This is considered sufficient in ensuring that the units would not create an unacceptably dominant or poor outlook in accordance with Policy SP5. It is considered necessary to impose a deadline for the relocation of the units through a suitably worded condition.

**Noise:** The Council's Environmental Health Officer raises no objection to the application on noise or nuisance grounds subject to the imposition of a condition restricting noise to acceptable levels. It is considered that the condition is reasonable and should be applied. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any complaints be received with regards to noise. Subject to the recommended condition, the proposal would not give rise to any unacceptable adverse impacts upon neighbouring amenity and is therefore found to comply with Policies SP5 and NE5.

### **Conclusion:**

The proposal is considered to have an acceptable impact on the appearance of the host building and wider area. The potential impacts caused by the operation of the equipment shall be managed through the inclusion of a condition restricting their noise output. The development is therefore considered to accord with the Local Plan and represents a sustainable form of development and there are no material considerations which would outweigh this finding.

**Recommendation:** Approve subject to conditions

### **Conditions and Reasons:**

1. The development hereby permitted shall not be carried out other than to the approved drawings and specification of works noted thereon except where modified by the conditions of this consent. The approved drawings are Drawing Numbers:  
HUCK/01/Dwg02 (Proposed Elevations and Canopies at 1:50, 1:10 Scale) received 31 May 2023  
HUCK/01/Dwg03a (Proposed Side Elevations at 1:100 and 1:10 Scale) received 04 January 2024  
HUCK/01/Dwg05 (Front Elevation Fittings Plan at 1:50 Sale) received 11 January 2024

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

2. Noise associated with the air conditioning units hereby approved shall be controlled such that the target rating level noise measured or calculated at 1.0 metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level at any time. The rating level and existing background noise levels are to be determined as per the guidance provided in BS4142:2014+A1(2019) or any subsequent replacement document.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with Policies SP5 and NE of Burnley's Local Plan

3. The 3 no air conditioning units shall be relocated to the positions as approved in Drawing No HUCK/01/Dwg03a within three months from the date of this decision notice.

Reason: To ensure the timely relocation of the units in order to safeguard the amenities of the occupiers of neighbouring properties and to comply with Policy SP5 of Burnley's Local Plan.

EEP (Principal Planner)