

## Application recommended for APPROVAL

LBC/2023/0326

Hapton with Park Ward

Application for Listed Building Consent:

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 listed building control. A breach was found to have occurred and in this case Officers consider the submission of a retrospective listed building consent application is an appropriate way forward to regularise the situation.

This application is presented to Committee as three material planning objections have been received to the corresponding planning application FUL/2023/0325.

### 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.

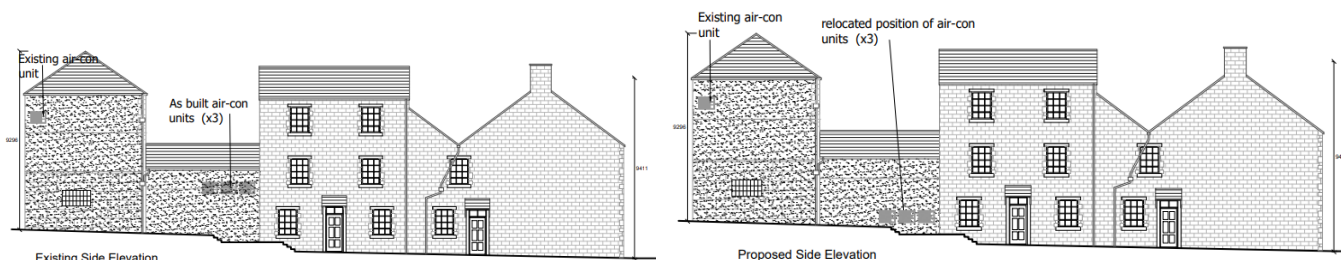
## Proposal:

This application seeks retrospective listed building consent 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

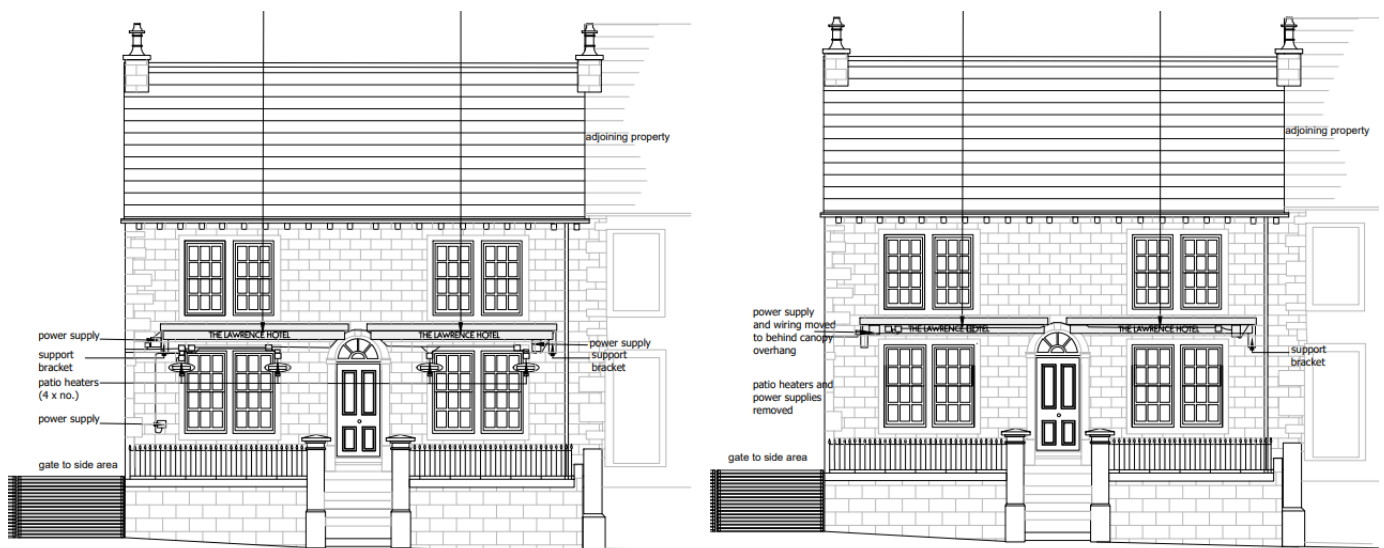
The applicant considers air conditioning is paramount to the comfort of guests using the function and guest rooms which are otherwise poorly ventilated. This is expected of a modern hotel and without which, the hotel would struggle to compete with other venues.

### **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 planning application for the alterations (Ref FUL/2023/0325). 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): Policy HE2 (Designated Heritage Assets) outlines the key requirement for proposals to have regard to the desirability of sustaining and enhancing the significance of listed buildings and, where appropriate, securing a viable use most consistent with their conservation. All levels of harm should be avoided. The policy adopts the NPPF's categories of

'substantial' and 'less than substantial' harm and the corresponding policy tests (as set out in NPPF 207 and 208). In summary, these tests provide an opportunity for an applicant to demonstrate that there would be public benefits arising from a proposal which may outweigh heritage harm.

The National Planning Policy Framework (Dec 2023): The conservation of heritage assets in a manner appropriate to their 'significance' is the focus of the NPPF. In particular paragraph 205 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Paragraph 206 continues setting out that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 208 explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Planning (Listed Buildings and Conservation Areas) Act 1990: Sections 16 and 66 as set out below.

### **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:**

Publicity: One letter of objection was received in relation to the awnings. The objector suggested that the awnings and adjacent clutter be removed, some of which could be re-sited on the west elevation.

Three other responses were received which relate to the impact of the air conditioning units on neighbouring amenity. Whilst not a material consideration in the assessment of the Listed Building Consent Application, these matters are reported in the corresponding planning application (Ref FUL/2023/0325) and have been considered in that assessment.

### **Assessment:**

The main issue for consideration is the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16(2) and 66 confer upon local planning authorities a duty to have special regard to the desirability of preserving the special interest of a listed building, its setting or any features of special architectural or historic interest that it possesses. With regard to the NPPF and Local Plan Policy HE2 this can be defined as the impact of the proposal on the significance (special interest) of the Listed Building affected with 'preservation' in this context meaning doing no harm to the significance as opposed to keeping it utterly unchanged and considerable weight should be given to any harm found to arise.

Having regard to the relevant policy and legislation, as set out above, the determining issue is whether the alterations would preserve (not cause harm to) the special interest (significance) of the Listed Building or any features of special architectural or historic interest that it possesses.

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

The building's special interest, in so far as it relates to this application is primarily associated with its architecture and historic fabric.

The application is supported by a heritage statement which includes a brief outline of the heritage significance and has been subject to additional assessment by the Council's Heritage Planner. The Heritage Statement finds that whilst the proposed alterations will cause a minor level of harm to the

significance of the listed building these are limited in scope and are considered to be outweighed by the benefits of ensuring the hotel remains in viable use thus securing the long term future of the listed building. This document has been assessed by the Council's Heritage Planner who raises no objections to the conclusions of the assessment.

Having regard to this document, the impact of the proposed works on the significance of the listed building has been assessed as follows:

**Installation of external air conditioning units to side elevation:** The air conditioning units are proposed to be discreetly located on a later C20 extension which is neither prominent nor the most significant section of the building. Moreover, it makes no contribution to the significance of the listed building and is therefore less sensitive to alterations.

Having regard to the significance of the listed building as a whole, it is considered that the degree of physical and visual change would have no greater than a neutral impact in that the installation of the air conditioning units would not diminish the special interest of the listed building nor would they alter the experience or understanding of its significance to any appreciable degree. It is therefore considered that the proposed alteration would preserve the special interest of the listed building in its entirety in accordance with Policy HE2, the NPPF and the duty assigned by the LBCA Act.

**Installation of awnings to the front (south) elevation:** The awnings subject to this application are traditional in their style and material and typically used on traditional commercial frontages. In this case, whilst the building retains its domestic appearance it has been in use as a hotel/guest house for a significant period of its history.

Their size and positioning are such that when viewed in the context of the principal elevation they sit comfortably within the building's façade. They do not obscure architectural features when retracted or extended and are sufficiently off set from the sides of the building to prevent the horizontal dissection of the full width of the façade. In their retracted state, the awnings appear as relatively discreet, slim cylinders displaying the name of the Hotel. When fully extended they are proportionate to the garden forecourt and do not interfere to any significant degree with views of the architectural features or composition of the façade.

Whilst visually acceptable, the awnings alter the appearance of the principal façade which is noted for its relative intactness. Accordingly, the awnings have been found to result in harm to significance, the magnitude of which falls within the lower end of the broad category of "less than substantial harm" in that they 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. In such circumstances NPPF 208 and HE2 requires the harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use and reducing or removing risks to heritage assets.

#### **Public Benefits:**

Given that the building has been in use as a hotel/guest house for a significant period of time such that it has become an integral part of its historic significance, weight is therefore afforded to making reasonable change and provision for its continued use. In this case it is clearly evident that the awnings would help to fulfil that purpose in that they provide shelter to the outdoor terrace which has become a significant part of the facilities such that it allows the business to compete with local wedding venues and remain viable in support of the building's long term preservation. Moreover, given the restrained outdoor space there is no alternative acceptable means of providing shelter that would allow the proper functioning of the terrace.

The applicant has adequately demonstrated that the alteration is 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.

**Conclusion:**

The proposal has been examined in relation to its impact on those values that contribute to significance, the conclusion being that the alterations relate appropriately to the listed building, they are justified and proportionate and would facilitate the long term viable use of the building in support of its conservation thus delivering a public benefit.

**Recommendation:**

In giving considerable importance and weight to the duties at Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in consideration to NPPF Section 16 and the relevant policies within Burnley's Local Plan it is recommended that listed building consent is granted 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.

EEP (Principal Planner)