

**Application Recommended for Approval**  
Daneshouse with Stoneyholme Ward

**APP/2008/0529**  
**APP/2008/0528**

Full Planning Application( 08/0529) and Listed Building Consent (08/0528)  
Proposed smoking shelter and retention of decking area with 2x parasols over.  
18 HAMMERTON STREET, BURNLEY

**Background:**

An objection has been received.

**Summary of Reason for Recommendation:**

The development is generally in accordance with the Development Plan, in particular the policies listed below, and there are no other material considerations to indicate that planning permission should not be granted:

**Relevant Policies:**

Burnley Local Plan Second Review

BTC4 - Office, business, civic and cultural quarter of Burnley Town Centre

BTC8 - Movement in Burnley Town Centre

CF13 - Restaurants, cafes, public houses and hot food take-aways

E10 - Alterations, extensions, change of use and development affecting listed buildings

E14 - The designation and amendment of Conservation Areas

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

EW4 – Expansion and improvement of existing businesses

E15 – Locally important buildings, features and artefacts.

**Site History:**

TP1660 – alterations to living and sanitary accommodation – approved

80/0516 – LBC – erection of extension to form kitchen and toilets and construction of access to service area – c/c

80/0517 – erection of extension to form kitchen and toilets and construction of new access to service area – approved

97/0130 – LBC – alteration by inserting two external vents into the front wall - consent

ENQ/2007/0417 – proposed creation of beer garden – not development

CMP/2007/00047 – advertisement banners on listed building –

**Consultation Responses:**

*Office of Kitty Ussher MP (2 Victoria Street)* – Object to the application for the following reasons;

- a) The decking has already been constructed and since it was put up we have noticed rats, and large amounts of broken glass in the area next to the decking, which is where we park our cars (*this is not a planning consideration*).
- b) When the weather has been warm the owner has allowed Karaoke in the afternoon. This has created a lot of noise, and meant that we have had to either

suffer the heat with the windows shut or leave the windows open and struggle to work with the constant distraction.

- c) We also fear for the safety of our cars as they are parked next to people who often stay and drink all day, and are often rowdy. On more than one occasion we have also received verbal abuse/intimidation from customers (*this is not a planning consideration*).

*Environmental Health* – Have no comments to make.

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

The proposal involves the erection of a smoking shelter to the rear of 20/22 Hargreaves Street and the retention of decking at the rear of nos. 16 and 18 Hargreaves Street. The smoking shelter and decking are for use by people going to Bar Central i.e. no. 18 Hammerton Street.

The main considerations are the affect on the listed building (18 Hammerton Street), the locally listed buildings (16-22 Hargreaves Street), amenity and noise issues.



proposed position smoking shelter

**Local Plan policy E10 – alterations, extensions, change of use and development affecting listed buildings** – states that proposals will only be permitted where they use appropriate materials, have no adverse effect on the setting of the building and are appropriate in terms of siting, size, scale and design etc.

**Local Plan policy EW4 – expansion and improvement of existing businesses** – states that development should be suitable in terms of size, design etc; should not harm the amenity of nearby occupiers; and should not harm the character, appearance or environment of the site and its surroundings etc.



proposed position of smoking shelter

existing decking with 2x parasols over

The proposed smoking shelter would be positioned in the rear beer garden area where an existing timber fence and an existing rendered wall form the boundary walls and which enclose the beer garden (there is a 100mm gap between the proposed smoking shelter roof and the existing wall/fence on each side). Clear polycarbonate sheeting is proposed for the smoking shelter roof, which would be slightly sloping. Access to the smoking shelter would be from the existing bar area.

The decking at the rear of nos.16/18 Hargreaves Street has two large parasols over it. There are additional parasols on the site at present, which are to be removed. Lights are proposed on top of the existing wall adjacent to the decking area.



existing decking area with 2x parasols over

### **Effect on the character of the listed building and its surroundings.**

The smoking shelter would be behind boundary walls, however the clear polycarbonate roofing would be visible above the wall. As the structure is at the rear of the properties it is considered that the shelter would not have a detrimental effect on the character of the listed/locally-listed buildings.

The decking that has been erected does not require planning permission as it is not development; also it is behind the wall and does not affect the listed/locally-listed buildings; the 2x parasols extend above the wall and only require permission if they are left in position on a regular basis (which is the case here), however they do not have a detrimental effect on the character of the listed buildings and are considered to be acceptable.

### **Amenity/noise issues**

There is already a beer garden to the bar at the rear of Hargreaves Street properties. There are no residential properties adjacent to the beer garden/ decked area, however there are offices adjacent the decked area. Providing music is not played outside the premises and the door to the rear of the pub is kept closed whilst music is played inside the pub, there should not be a problem with noise from music/Karaoke. In terms of noise from clients at the pub smoking/sitting/standing outside, this is likely to be mainly in an evening when the offices are closed. No objection has been raised from the Environmental Health Officer. If there is a problem with noise nuisance from loud music from within the building there is other legislation to deal with this.

The proposed lighting on the wall adjacent to the smoking shelter/decking area is considered to be acceptable.

### **Conclusion**

The proposed smoking shelter, decked area with 2x parasols and the proposed lighting on the top of the wall are considered to be acceptable and in accordance with the Local Plan policies listed above.

**Recommendations:**

**APP/2008/0528 (Listed Building Consent)**

**Condition:**

The works shall start within three years of the date of this consent.

**Reason:**

Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**APP/2008/0529 (Planning Permission)**

**Conditions:**

1. The development must be begun within three years of the date of this decision.
2. No music speakers or other amplification equipment shall be installed or used within the smoking shelter and decking area.
3. The door(s) between the building and the smoking shelter shall be kept closed at all times except when being used for purposes of access.

**Reasons:**

1. 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. To protect the occupiers of the adjacent/ surrounding offices etc. from noise/disturbance, in accordance with Policy EW4 of the Burnley Local Plan Second Review.
3. To protect the occupiers of the adjacent/surrounding offices etc. from noise/disturbance, in accordance with Policy EW4 of the Burnley Local plan Second review.