

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2018/62/92797/E

Site Address: Rising Sun Inn, Scholes Lane, Scholes, Cleckheaton,
BD19 6NR

Description: Erection of extensions and alterations to former public
house to form dwelling

Recommending Officer: Emma Thompson

DECISION – CONDITIONAL FULL PERMISSION

**I hereby authorise the approval of this application for the reasons set
out in the officer's report and recommendation annexed below in
respect of the above matter.**

Julia Steadman

AUTHORISED OFFICER

Date: 29-Jan-2019

Officer Report

Site Description

Former Rising Sun Inn, Scholes Lane, Scholes, Cleckheaton

The application site is located on Scholes Lane occupying a relatively prominent position adjacent to the cricket club. The site benefits from an open aspect to the south and west as it abuts the grounds of the cricket club. Residential properties bound the site to the north and Scholes Lane runs along the frontage to the east.

Areas to the north of the site are residential in character occupied by semi-detached properties. There is some commercial activity to the east which is a mixture of industrial and residential.

Description of Proposal

The application includes the erection of extensions and alterations to former public house to form dwelling.

The public house building is to be converted into a single residential unit with extension to form single storey garage to the north. The extension to the rear includes a terrace over.

History of negotiations/amendments received

The details of the terrace were discussed prior to the submission of the application. The agent was requested to reduce the scale to ensure it would not appear obtrusive.

The site red line boundary was also reduced at the request of officers and a separate application submitted to change the use of the land.

An amended plan addressing highway concerns was submitted to address pre-commencement conditions.

Relevant Planning History

2018/90570 – Erection of extensions and alterations to former public house to form dwelling – approved

2018/92353 – Discharge of conditions 4, 5, and 6 on previous application
2018/90570 for erection of extensions and alterations to former public house to form dwelling – Split decision

Representations

Final publicity date Expires: Neighbour Notifications expired 16th November 2018; Site notice expired 13th November 2018.

No comments received as a result of the above publicity.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- None required

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2018). In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the UDP Proposals Map and unallocated on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- D2 – Unallocated land
- BE1 – Good quality design
- BE2 – New development
- BE12 – Space about buildings
- T10 – Highway safety
- T19 – Parking
- EP4 – Noise sensitive development
- H1 – Housing needs
- H8 – Change of use to residential

Kirklees Publication Draft Local Plan (PDLP):

- PLP 1 – Sustainable Development
- PLP2 – Place shaping

- PLP3 – Location of new development
- PLP7 – Efficient and effective use of land and buildings
- PLP21 – Highway safety and access
- PLP22 – Parking
- PLP24 – Design
- PLP48 – Community facilities and services
- PLP52 – Protection and improvement of environment

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 24th July 2018, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well designed places
- Chapter 15 - Conserving and enhancing the natural environment

Assessment

Principle of development:

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”.

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development, Paragraph 11 of the NPPF sets out what this means for decision taking as follows:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date , granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Furthermore Chapter 11 of the NPPF promotes the effective use of land in meeting the need for homes whilst safeguarding and improving the environment. Paragraph 122 states that planning decisions should support development that makes efficient use of land. This is caveated to ensure that the development continues to contribute to the area's prevailing character and setting (including residential gardens). Development should be well designed, attractive and secure healthy places (para 122 (e) of the NPPF)). The redevelopment of the site would make a modest contribution to the supply of housing where there currently is insufficient supply.

It is considered that the provision of additional residential units in a sustainable location would help with the overall provision of housing within the district and would therefore be in compliance with Policy H1 of the UDP. Furthermore, policy H8 allows for such changes of use provided that employment, environmental, amenity and traffic considerations are taken into account.

Loss of community facilities & services

The principle of conversion of the existing building is established having received planning permission under 2018/90570. The loss of the existing business/commercial premises and community facilities has been considered in view of Policy B4 of the UDP in addition to Policy PLP48 and paragraphs 17.16 and 17.17 of the Publication Draft Local Plan. Paragraph 92 of the NPPF further reiterates considerations in relation to guarding against the loss of valued facilities and services.

The assessment undertaken for the previously approved application remains relevant and is copied below:

Over the last 3/4 years the property has been closed and reopened by new incoming managers 5 times. The longest period of constant trading under 1 manager being 7 months. Each of these managers tried a slightly different approach and all failed to make the business work.

Before the decision was made to sell the property by enterprise it was marketed for a further 6 months prior to deciding to sell the freehold. It has not been possible to obtain trading accounts with a breakdown of percentages of income from food and drink as the pub has been sold and the previous owners would not share the information.

The previous use generated 30 covers located in and around the public house itself with no actual defined dining area. The type of food was traditional pub food.

The license was held by enterprise but this has been given up as the applicants do not hold the credentials to hold a license for a public house.

The existing use is not considered to be a high employment provider and as the site has been vacant for some time it is considered that the re-use of the

building for a residential purpose will contribute to wider benefits in terms of the provision of affordable housing in the locality. The alterations will provide some employment for a short interim period. The wider benefits of reuse of the building outweigh any concerns regarding the loss of the facility or employment as the retention and upkeep of the building is likely to encourage investment into the area.

As such officers are satisfied that there is justification to allow the conversion and consider that the development would not be contrary to Policy BE4 or PDL Policy PLP48.

Loss of facility

Paragraph 92 of the NPPF states that planning decisions should “plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments”.

It goes on to say that planning decisions must guard against unnecessary loss of valued facilities where this would reduce the community’s ability to meet its day to day needs and ensure that established facilities and services are retained for the benefit of the community. The Rising Sun Inn is not listed as an Asset of Community Value and as such the retention of the premises for a community use, subject to considerations addressed above, cannot be justified in this instance. Taking into account the points addressed above in addition to the lack of recognition as an ACV Officers are satisfied that the loss of the business and facility can be supported.

Impact on visual amenity:

The application relates to the conversion of the existing building with limited physical alteration. Chapter 12 of the NPPF states that planning decisions should ensure that developments respond to local character and history and reflect the identity of local surroundings and materials. In addition, UDP Policies BE1, BE2 and BE11 are considerations in relation to design, materials and layout. Publication Draft Local Plan Policy PLP24 reiterates considerations. The nature of existing residential development that surrounds the site is mixed in character with a variety of materials and architectural form.

The building, whilst in reasonable condition, is vacant and the building appears to have been stripped out. Its reuse is welcomed as it occupies a prominent position along Scholes Lane. Empty and derelict buildings detract from the visual qualities of the local environment as such, subject to other considerations, the redevelopment of the building is considered acceptable. The site, as it exists, currently appears neglected and as a consequence detracts from the street scene and wider character of the area and reuse would prevent it from deteriorating further.

The extensions proposed are considered to be subservient to the host

building. The garage includes a pitched roof replicating the form of the host building. The single storey extension that extends to the rear includes a terrace over. Officers discussed the erection of the terrace prior to the submission of the application and advised that it be reduced (to how it has now been proposed) in order to minimise any impact on the visual amenity of the area. It is considered that the scale is acceptable and would not result in any undue loss to visual amenity.

The development includes materials to match and a design that complements the host building.

The wall and fencing to the site frontage is similar in scale, design and materials to that opposite which runs along the side of 2 Spinners Way and adjacent to the highway. It will ensure privacy to the future occupants of the dwelling.

The development proposed will respect the architectural qualities of the host building in addition to surrounding buildings thereby contributing more positively to the visual amenity of the area in accordance with Policies D2, BE1 and BE2 of the UDP and Policy PLP24 of the PDLP and Chapter 12 of the NPPF.

Impact on residential amenity:

The proposed residential use would be compatible with the immediate surrounding mixed uses within the area, which includes residential. Officers therefore considered that the principle of the development proposed would not be detrimental to nearby occupants.

The application includes the erection of an extension to form a garage but it is not considered that this will result in loss of amenity to any adjacent occupants. The garage is single storey. The terrace proposed is located some distance from any nearby amenity space. It will overlook the sports field and thereby not reduce living standards for any occupant adjacent. The alterations to the building itself relate to the introduction of windows but these are not considered to result in any concerns regarding overlooking.

The existing car park is to be replaced by an area of garden ensuring amenity space for future occupants.

Taking into account the scale of the extension in addition to the introduction of new windows it is not considered that there will be any overlooking of any private spaces or loss of amenity to any nearby occupant and as such the development is in accordance with Policies D2 and BE12 of the UDP and policy PLP24 of the PDLP.

Impact on highway safety:

The application has been assessed by KC Highways DM.

Taking into account the existing use and the car movements associated with the public house it is considered that the conversion to a single dwelling unit will not result in any detrimental impact on parking or the local highway network.

A revised plan showing a 1.4m footway width and improved visibility is considered acceptable and has been discussed with Highways DM in respect of conditions previously imposed. The revised plan addresses matters and as such conditions are not required in respect of increased footway provision and relocation of the lighting column.

Taking into account the revised details it is considered that the proposals would not materially add to any undue highway safety implications, complying with the aims of Policies T10 and T19 of the UDP as well as policies PLP21 and PLP22 of the PDLF.

Other matters:

Ecology:

The application has been assessed to ensure compliance the aims of the National Planning Policy Framework (NPPF).

The building appears mainly to be in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development then work must cease immediately and the advice of a licensed bat worker sought. This would ensure that the proposal complies with the aims of chapter 15 of the NPPF.

Sustainable Transport:

In order to mitigate impact on air quality and in accordance with Publication Draft Local Plan Policy PLP24 and the West Yorkshire Low Emissions Strategy development proposals such as this should aim to include sustainable transport methods. As such, this development should encourage the use of ultra-low emission vehicles such as electric vehicles. Revised plan 009 REV A has been submitted showing an electric charging point. This is considered acceptable for the provision of facilities for charging plug-in electric vehicles.

Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

RECOMMENDATION

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2018/92797

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, in the interests of highway safety and to accord with Policies D2, BE1, BE2, T10 and T19 of the Kirklees Unitary Development Plan, Policies PLP21, PLP22 and PLP 24 of the Kirklees Publication Draft Local Plan as well as the aims of the National Planning Policy Framework.

3. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.

Reason: To achieve a satisfactory layout in the interests of highway safety and to ensure that any areas of hardstanding are adequately drained, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan, Policy PLP21 of the Kirklees Publication Draft Local Plan as well as the aims of Chapter 14 of the National Planning Policy Framework.

NOTE: One charging point per unit (dwelling with dedicated parking) or one charging point per 10 spaces (unallocated parking) would be considered acceptable.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays
08.00 and 13.00hours , Saturdays

With no working Sundays or Public Holidays
In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			18th October 2018
Existing floor plans	001		28th August 2018
Existing floor plans	002		28th August 2018
Existing plans (elevations)	003		28th August 2018
Existing plans (elevations)	004		28th August 2018
Proposed plans (fence)	008		28th August 2018
Proposed Plan (site layout)	009 REV B		28th August 2018
Proposed Floor Plans	011 REV B		19th October 2018
Proposed Plans (elevations)	012 REV B		19th October 2018
Proposed Plans (elevations)	013 REV B		19th October 2018

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The agent revised the application site red line boundary after discussions with Officers in addition to reducing the scale of the roof terrace proposed. A revised layout plan was submitted to address outstanding highway concerns. The details are considered acceptable.

Report Dated: 28/1/19