
Report of the Head of Planning and Development**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 14-Apr-2021****Subject: Planning Application 2019/91239 Demolition of existing public house and erection of four dwellings The Shears, 201, Halifax Road, Hightown, Liversedge, WF15 6NR****APPLICANT**

A Mitchell

DATE VALID

11-Apr-2019

TARGET DATE

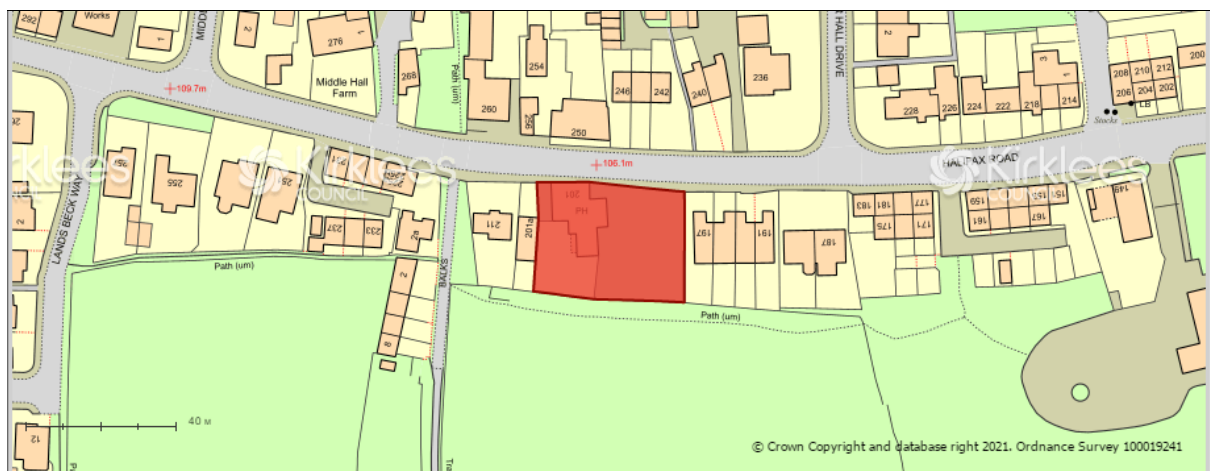
06-Jun-2019

EXTENSION EXPIRY DATE

09-Sep-2019

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral wards affected: Liversedge and Gomersal

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

REFUSE

1.The Shears Inn dates from the late 18th century and makes an important contribution to the townscape of Hightown. The Inn has an important part in the history of the Luddite movement in Yorkshire. It is a non-designated heritage asset and identified in the West Yorkshire Historic Environment Record. The proposed development would result in the complete loss of the building and its replacement with a development that would not respect or enhance the local townscape, and deliver a minimal additional public benefit. Consequently, the proposed development would be contrary to Policies LP24 and LP35 of the Kirklees Local Plan and paragraphs 192 and 197 of the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 The application is brought to the Heavy Woollen Planning Sub Committee for determination due to the significant number of representations received.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises a public house known as The Shears Inn, and its associated car park located on the southern side of Halifax Road, Hightown. The site is surrounded predominantly by residential development to the north, east and west, whilst the rear boundary of the site adjoins the allocated Green Belt. Existing development adjacent to the site comprises varied, short terraced rows and detached properties or semi-detached pairs in larger plots.
- 2.2 The building is registered as an Asset of Community Value.

3.0 PROPOSAL:

- 3.1 Permission is sought for the demolition of the public house and the erection of four detached dwellings. These would have a 2 ½ storey scale, orientated with main elevations facing north and south. Private driveways would be located to the front of the dwellings, with each having an area of private amenity space to the rear.
- 3.2 The proposed dwellings would be constructed of artificial stone with artificial stone slate roofs.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2009/92257 – Erection of single storey kitchen extension and alterations - approved

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 Throughout the course of the application, the applicant provided additional information with respect to the justification for the loss of the pub, in addition to a Heritage Impact Assessment.
- 5.2 Amended plans have also been received with respect to the parking layout, and an additional street scene elevation was submitted to demonstrate the relationship of the proposed development with adjacent existing development.

6.0 PLANNING POLICY:

- 6.1 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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).
- 6.2 The application site is unallocated on the Kirklees Local Plan.
- 6.3 Kirklees Local Plan (2019):
- LP1** – Presumption in favour of sustainable development
 - LP2** – Place shaping
 - LP7** – Efficient and effective use of land and buildings
 - LP11** – Housing Mix and Affordable Housing
 - LP21** - Highway Safety and Access
 - LP22** - Parking
 - LP24** – Design
 - LP35** – Historic Environment
 - LP38** – Minerals safeguarding
 - LP48** – Community Facilities and Services
 - LP 51** – Protection and improvement of local air quality
- 6.4 National Planning Guidance:
- Chapter 5** – Delivering a sufficient supply of homes
 - Chapter 6** – Building a strong, competitive economy
 - Chapter 8** – Promoting healthy and safe communities
 - Chapter 11** – Making efficient use of land
 - Chapter 12** – Achieving well designed places
 - Chapter 15** – Conserving and enhancing the natural environment
 - Chapter 16** –Conserving and enhancing the historic environment
- 6.5 Supplementary Planning Guidance:
- **Highways Design Guide** Supplementary Planning Document

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 As a result of the initial site publicity, 306 individual representations have been received in relation to the proposed development. The comments received are summarised as follows:

Historic Context

- The existing building is of great historical interest due to its association with the Luddite Rebellion of 1812 and should stay as a pub because of its history
- The demolition of the pub will result in substantial harm to the significance of the building and be contrary to paragraph 197 of the NPPF; the application lacks clear and convincing justification
- The Council for British Archaeology considers that the Shears Inn would qualify as a locally listed heritage asset if Kirklees Council had such a list, on the strength of its communal and historical value as its association with historical events and individuals is strong
- The demolition of the Shears Inn would fail to meet the requirements of LP 35 of the Kirklees Local Plan
- CBA believe there is scope for the conversion of the Shears Inn to residential and enough space on the site to support one or two new build dwellings to ensure the viability of the scheme. A fresh application that seeks to achieve this may be more acceptable to both the local community and the LPA
- The Shears Inn is a Registered Asset of Community Value therefore the Council has a duty under its own Policy LP 48 to protect and prevent destruction
- Historic Buildings in North Kirklees are being lost one by one thanks to the desire to building houses everywhere
- The Pub features in many heritage trails, books, websites locally and nationally and as such has a role to encourage tourism to the area and promote local spend.
- The Shears forms part of the group of locations known as 'Shirley Country' which attract literary tourists to the Kirklees district.
- There are plenty of brownfield sites in desperate need of redevelopment where new houses could be built
- There are no other buildings in Kirklees where luddites are known to have met and sworn their oath
- Query whether this building is listed
- The building should be conserved for future generations as an important land mark in local history
- The building is a beautiful example of a coach house of that era and has been sympathetically restored
- The history of the Shears is connected to the local church
- There is a sculpture down the road celebrating

Visual Amenity

- Some residents will lose their lovely view
- The application should be rejected as it will change the character of the area and the landscape that now exists
- Most of the existing housing is older terrace properties without garage space. Any new build would not integrate into the existing surroundings

Highway Safety

- Halifax Road is a very busy road and to have houses built there would be a safety hazard
- Query whether a traffic survey will be done to assess the impact of further traffic in the area

Environmental Considerations

- The building is not falling down – structurally it does not need to be demolished. It is environmentally unsound to demolish buildings unnecessarily. In these circumstances the Shears building should be retained.

Other Matters

- Cleckheaton and the surrounding areas are already at gridlock, due to the increased housing and a lack of investment in local services and infrastructure.
- A shame that an alternative use for the building has not currently been found
- The Shears Inn is a focal point for the community and well used venue to meet and socialise so the loss of this amenity would be a shame
- The Shears is a viable pub business but it seems that the owners have not tried to sell it as such, despite its potential.
- There is no great need for the sort of properties this project is going to provide
- The four dwellings proposed will be expensive and lack enough garden space for a family
- Schools cannot cope with the existing number of families and doctors and dentists are already oversubscribed
- Four residential properties would have a major impact on the sewerage and waste system in the area
- The development would de-value local houses
- Demolition of the Shears would be another step towards a nation of isolation and separation

In support

- As the business is failing I would not object to dwellings being built; will be another lovely addition to Halifax Road
- We are happy for the Shears to be demolished providing any houses built are within the building line of adjacent properties so as not to disturb our views, take light or invade privacy

- 7.2 A period of re-publicity has been undertaken following receipt of additional information. The comments received in respect of this will be reported in the update.
- 7.3 Ward Councillor Lisa Holmes contacted the case officer and asked to be kept informed of updates on the application.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management: Requested amendments in relation to parking layout. This has now been submitted and, with the inclusion of conditions, considered acceptable.

8.2 Non-statutory:

KC Conservation and Design: Object on heritage and design grounds with particular regards to policies LP24 and LP35 of the Local Plan and paragraphs 192 and 197 of the NPPF. The proposed development would result in the loss of a non-designated heritage asset, an Asset of Community Value and harm to townscape character. Minimal public benefits would arise from the development to weigh against the harm to the loss of the non-designated heritage asset.

KC Planning Policy: No Objections as applicant has satisfied the requirements of Policy LP 48

KC Environmental Services: No objections subject to imposition of condition requiring provision of electric vehicle charging points and footnote relating to hours of construction

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Impact on Non-Designated Heritage Asset
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 Paragraph 11 of the NPPF and Policy LP1 of the KLP outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted.
- 10.2 The site is unallocated on the Kirklees Local Plan. This is supported by policy LP1 of the Local Plan and Chapters 1 and 5 of the NPPF which establish a general principle in favour of residential development.

- 10.3 In respect of housing land supply, as set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared with the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021).
- 10.4 As the Kirklees Local Plan was adopted within the last five years the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authorities should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development
- 10.5 Paragraph 68 of the NPPF recognises that “small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should...
“support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”. The development site forms a small plot within a predominantly residential area. Although the Local Planning Authority can demonstrate a five year land supply, the development of this windfall site could contribute to the housing delivery by providing four dwellings, likely to be built fairly quickly.
- 10.6 Notwithstanding the above, local and national policy require additional tests to ensure the proposed residential development is appropriate. Policy LP7 of the KLP and Chapter 11 of the NPPF establish a need to provide appropriate densities of dwellings. Policy LP11 of the KLP and Chapter 5 of the NPPF seek to ensure an appropriate mix of dwelling types and sizes.
- 10.7 With respect to density alone, Policy LP7 of the KLP establishes a minimum target density of 35 dwellings per hectare, where appropriate. The application site comprises an area of 0.1 ha, and 4 dwellings are proposed which is considered appropriate and in compliance with Policy LP7 and Chapter 11 of the NPPF. Notwithstanding this, Policy LP7 also states that to ensure the best use of land and buildings, proposals should encourage the re-use or adaptation of vacant or underused properties. The proposed development would not achieve this.
- 10.8 The proposed development consists of four 4 bedroom detached dwellings. These would comprise the same house type (with Plots 2 and 4 handed). Notwithstanding other material considerations set out below, as the proposal relates to a small development, the proposed arrangement is considered to be acceptable by officers in respect of meeting the aims of Policy LP11 of the KLP and Chapter 5 of the NPPF.

Loss of Community Facility

10.9 Policy LP48 of the KLP states that:

Proposals which involve the loss of valued community facilities such as shops, public houses and other facilities of value to the local community will only be permitted where it can be demonstrated that:

- a. there is no longer a need for the facility and all options including the scope for alternative community uses have been considered; or*
- b. its current use is no longer viable; or*
- c. there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location; or*
- d. an alternative facility of equivalent or better standard will be provided, either on-site or equally accessible; and*
- e. any assets listed on a Community Asset Register have satisfied the requirements under the relevant legislation.*

10.10 The applicant is required to demonstrate only one of the criteria from a) to d) above. With regards to criteria c), the applicant has submitted a map which shows pubs near to The Shears. The Cross Keys is located approx. 0.37 km to the west of The Shears and is currently trading. It is considered that this is an alternative to The Shears serving the local community in an equally accessible location.

10.11 The applicant has also provided some financial accounts (prior to the pandemic) which support the information provided in their Planning Statement, citing the fact that the pub business is no longer viable.

10.12 In respect of criteria e, the existing building has been nominated as an Asset of Community Value. This requires, the owner of the building, in the event that they wish to sell it, to notify the Local Authority of their intention. The Local Authority would then need to notify the nominator and publicise the owner's intention to sell the asset. If a community interest group was to express an interest in buying the asset they must have made a written request to be treated as a potential bidder within the first 6 weeks. If not, the owner is free to sell the asset at the end of the 6 week period. If a community group does express an interest, the owner cannot sell the asset for 6 months, unless it is to the community group themselves. This is to allow the group time to prepare a business plan and raise the finance. The owner can sell to whoever they choose at the end of the 6 month period. With respect to criteria e of Policy LP 48, it should be noted that at the current time the owner is not intending to sell the asset, and as such, no notification has been received by the Local Authority.

10.13 In summary, Officers consider that whilst some form of development could be supported on the site, the principle of the proposed development is not acceptable. An assessment of the application in respect of all relevant material considerations is set out below.

Urban Design

- 10.14 Relevant design policies include Policies LP2 and LP24 of the KLP and Chapter 12 of the NPPF. These policies seek for development to harmonise and respect the surrounding environment, with Policy LP24 (a) stating; *'[Proposals should promote good design by ensuring]: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*.
- 10.15 The site is located within a linear development pattern fronting Halifax Road. The existing Public House is located close to the highway with the associated parking area to the east. Some older neighbouring residential properties have a similar relationship with the road, whilst later, larger properties are relatively well set back. The proposed development comprises 4 detached dwellings on long narrow plots separated by just over 2 metres and would be set back from the road to enable the provision of private driveways and turning areas. Amendments were sought during the course of the application with respect to the design of these areas which, on initial submission, appeared to be relatively dominant within the street scene.
- 10.16 The proposed dwellings would be 2 ½ storeys in scale including attic accommodation with porches to the front and first floor balconies to the rear. roofs with eaves parallel to the street. Proposed materials of construction are artificial stone with concrete tile roof, with wood-effect upvc windows and doors and dark grey aluminium bi-fold doors.
- 10.17 The proposed layout of the development is of particular concern to Officers as it would weaken the quality of the local townscape by replacing a building providing strong containment to views with a development set back from the road by approximately 8m, and dominated by parked vehicles. Whilst the townscape of Hightown is varied, short terraced rows and detached properties or semi-detached pairs in larger plots are more common. There does not appear to be a local precedent for development of this type.
- 10.18 With regards to the form of the development, front porches are not typical in the immediate vicinity, nor are first floor balconies.
- 10.19 The proposed materials of construction of the development are found within the immediate locality, generally on later developments that in Officers' opinion, have weakened the townscape. Natural stone walling and stone or slate roofing are more traditional and would better respect the local character of the area.
- 10.20 In summary, the overall design and layout of the development is not considered to promote good design, contrary to Policy LP24 of the KLP and chapter 12 of the NPPF.

Impact on Non-Designated Heritage Asset

- 10.21 The Shears Inn makes a positive contribution to the local townscape of Hightown. It forms a pinch point with 250 Halifax Road that frames views along the street in both directions. They are considered to be an important pairing because the townscape of Halifax Road in the vicinity of the Shears (between Lands Beck Way and Fairfield Court) is relatively fragmented and has evolved in a piecemeal fashion. The earliest buildings date from the 17th century (Middle

Hall Farm, listed Grade II) and the 18th century (The Shears and 260 Halifax Road). Many short terraced rows were added in the 19th century. Then, in the 20th century some of those terraces built back-to-back were replaced and infill development occurred. The Shears and No.250 therefore provided continuity with the past and screen from view some of the later development that does not contribute to the character of the street scene.

- 10.22 The Shears is a non-designated heritage asset with historic significant interest. It is recorded in the West Yorkshire Historic Environment Record. The Shears Inn was originally constructed as a dwelling for William Howlgate, shopkeeper of Hightown and his wife Sarah, their initials are recorded on the datestone H.W.S 1773. William Howlgate died in 1776. By 1803 part of the building was in use as a public house. The history of the Luddite movement is of national interest and The Shears had an important part in the history of that movement in Yorkshire and the events of 1812. The interior of the Inn has been much altered since that time, however the plan form of the building as a double-fronted double-pile plan house (two rooms to front, two to the back) can still be read and could be restored.
- 10.23 To the front elevation, the Shears has a door surround with carved lintel and mullioned windows with carved hood moulds. These are all vernacular building details particularly distinctive to the Pennine areas of Yorkshire and Lancashire. The stone type is not the same as that found elsewhere on the building or on other listed buildings in the local area. It is unclear how old these features are or how they came to be in the building, but they are shown in photographs dating from the mid-20th century.
- 10.24 The proposed development would result in the complete loss of The Shears Inn, a non-designated heritage asset and Asset of Community Value.

Paragraph 192 of the NPPF requires that:

In determining applications, Local Planning Authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

The proposed development would not respect or enhance the character of the townscape or the Shears Inn. The Shears Inn is also an Asset of Community Value as a public house. If that use is no longer viable, then Officers consider that it would be more sustainable to re-use and adapt the existing building than to demolish it.

- 10.25 Policy LP 35 of the Local Plan requires that proposals which would remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place will be permitted only where benefits of the development outweigh the harm having regard to the scale of the harm and the significance of the heritage asset.

- 10.26 This reflects the wording of paragraph 197 of the NPPF which requires that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.27 As set out above, the proposals would result in the total loss of the non-designated heritage asset and its contribution to the character of Hightown. The Shears Inn is closely associated with nationally important historic events. With regard to benefits, some form of monument has been offered to the front of the new dwellings, but this would be a poor substitute for the loss of the building.
- 10.28 The applicant has submitted a confidential desk top opinion of residual value. This considers two options: the conversion of the existing building to residential use plus the construction of one detached dwelling, and the construction of four new detached dwellings. It concludes that neither is particularly viable.
- 10.29 The proposed development would result in the loss of a non-designated heritage asset, an Asset of Community Value and harm to townscape character. Minimal public benefits would arise from the development to weigh against the harm to the loss of the non-designated heritage asset. On this basis, the development would be contrary to Policies LP24 and LP35 of the KLP and guidance contained within Chapters 12 and 15 of the NPPF

Residential Amenity

- 10.30 The proposed development would result in a linear form of development infilling the gap between existing residential properties. As a result, the principal elevations of the dwellings would be to the front and rear, with non-habitable room windows within the side elevations of each plot serving a landing and a downstairs toilet. Plot 1 would be located alongside No.201a Halifax Road, whilst Plot 4 would be located alongside No.197. The layout and design of the proposed dwellings is such that their ground floor rear projecting elements would be located within the site, and not adjacent the shared boundaries. In addition, the dwellings would not project forward of the neighbouring dwellings. Notwithstanding this, 201a Halifax Road has a first floor bedroom window within the side elevation facing the application site. There is no other window serving this room, and the proposal would bring development within very close proximity of this window. It is understood that No.201a is within the ownership of the applicant, however there is concern with respect to the impact on future occupiers of the property as a result of this oppressive outlook. The applicant has advised that the room in question is used only occasionally. Should the application be considered acceptable, there could be scope for providing an additional opening within an alternative elevation of No.201a which would address this concern, and as such this is not considered to amount to a reason for refusal in its own right.
- 10.31 The proposed dwellings include balconies to the rear which could result in overlooking within the site, and in particular to the gardens of the new dwellings. To protect the amenity of future occupiers of the development, it would be necessary to impose conditions requiring the provision of adequate screening to the side elevations of the balconies. Such balconies would be required to be appropriate from not only a residential amenity perspective but also from a visual amenity perspective too in order to comply with the aims of Policy LP24 of the KLP.

- 10.32 Each dwelling would have an area of private amenity space to the rear comprising a patio area and lawn as shown on the submitted site plan, and this is considered, by officers, to provide an adequate level of amenity for future occupiers of the development.
- 10.33 The sizes (in sqm) of the proposed residential units are a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's draft Housebuilder Design Guide SPD.

House Type	Number of units	Proposed (GIA, m ²)	NDSS (GIA, m ²)
4-bed	4	182	121

- 10.34 The proposed 4-bed units would exceed the NDSS minimum in this instance.
- 10.35 The proposed development would constitute a compatible use within this predominantly residential location, which would have no significant detrimental impact upon the residential amenity of existing occupiers, and would provide a good standard of amenity for future occupiers with the inclusion of the suggested condition relating to the balcony treatments. On this basis, the proposals would accord with Policy LP24 of the KLP and guidance contained within Chapter 12 of the NPPF.

Highway issues

- 10.36 The application site is located on the southern side of the A649 Halifax Road. The proposed development would involve the demolition of the existing public house and the erection of four dwellings on the site. The originally submitted plans indicated the provision of separate driveways to serve each dwelling, providing internal turning and off street parking provision for two vehicles per dwelling.
- 10.37 Amendments were requested during the course of the application in order to secure widened points of access, bin collection points, and widening of the pavement to the site frontage. Negotiation also took place with the applicant to explore options for improving the design of the parking layout from a visual amenity perspective, whilst meeting the requirements of KC Highways DM.
- 10.38 Following receipt of amended plans, the proposals are considered acceptable from a highways safety perspective and would accord with the aims of Policies LP21 and LP22 of the KLP as well as the aims of the Highways Design Guide SPD.

Representations

10.39 The comments made in representations are addressed as follows:

Historic Context

Loss of Building/Social History

Response: The loss of the Non Designated Heritage Asset is not considered to be outweighed by the provision of 4 dwellings. The applicant was asked to consider the retention of the building although considers this to be unviable.

Visual Amenity

Some residents will lose their lovely view

Response: Whilst the development would restrict public views of the Green Belt, the loss of a private view is not a material planning consideration

The application should be rejected as it will change the character of the area and the landscape that now exists

Response: The impact on visual amenity is addressed above. The proposed development is considered to detract from the townscape and character of the area.

Most of the existing housing is older terrace properties without garage space. Any new build would not integrate into the existing surroundings

Response: The impact on visual amenity is addressed above.

Highway Safety

Halifax Road is a very busy road and to have houses built there would be a safety hazard

Response: The development comprises 4 houses which would not significantly impact upon the highway network.

Query whether a traffic survey will be done to assess the impact of further traffic in the area

Response: This would not be proportionate to the scale of the development.

Environmental Considerations

The building is not falling down – structurally it does not need to be demolished. It is environmentally unsound to demolish buildings unnecessarily. In these circumstances the Shears building should be retained.

Response: Officers consider that the building could be used for an alternative purpose. The applicant considers a conversion to be unviable.

Other Matters

Cleckheaton and the surrounding areas are already at gridlock, due to the increased housing and a lack of investment in local services and infrastructure.

Response: The development comprises 4 dwellings which would significantly impact upon local services and infrastructure.

A shame that an alternative use for the building has not currently been found

Response: This is noted.

The Shears Inn is a focal point for the community and well used venue to meet and socialise so the loss of this amenity would be a shame

Response: This is noted.

The Shears is a viable pub business but it seems that the owners have not tried to sell it as such, despite its potential.

Response: This is noted.

There is no great need for the sort of properties this project is going to provide

Response: This is noted.

The four dwellings proposed will be expensive and lack enough garden space for a family

Response: This is noted.

Schools cannot cope with the existing number of families and doctors and dentists are already oversubscribed

Response: The number of dwellings proposed would not have a significant impact on local community facilities.

Four residential properties would have a major impact on the sewerage and waste system in the area

Response: The number of dwellings proposed would not have a significant impact on the local foul drainage system.

The development would de-value local houses

Response: This is not a material planning consideration.

Demolition of the Shears would be another step towards a nation of isolation and separation

Response: This is noted.

The comments in support are noted.

Other Matters

- 10.40 *Minerals Safeguarding* - The site is within a wider mineral safeguarding area relating to sandstone. Policy LP38 of the KLP therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. The site comprises an area in excess however the site is surrounded to two sides by existing development and by the road to the north, therefore is very unlikely to offer any future opportunities for mineral extraction.
- 10.41 *Air Quality and Sustainable Transport* - Along with reduction of air pollution, the NPPF also encourages the promotion of sustainable transport. The West Yorkshire Low Emission Strategy Planning Guidance has been drafted to take a holistic approach to Air Quality and Planning. Taking this into account, it is considered that promoting green sustainable transport could be achieved on this site by the provision of electric vehicle charging points (EVCP) which can be conditioned to secure the charging points for the proposal to comply with the aims of Chapters 9 and 15 of the NPPF and Policies LP24 and LP51 of the Local Plan.

- 10.42 *Climate Change Emergency* - Chapter 12 of the Local Plan relates to climate change and states that:

‘Effective spatial planning is an important part of a successful response to climate changes as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development’. This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development.

- 10.43 The inclusion of a condition requiring EVCP, a residential development built to current Building Regulations standards and the use of reclaimed or locally sourced materials in the construction of the development could assist in contributing to climate adaptation and resilience in accordance with Chapter 12 of the Local Plan and Policy LP2 of the KLP.

11.0 CONCLUSION

- 11.1 The NPPF 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. The proposed development has been assessed against relevant policies in the development plan and other material considerations.
- 11.2 The proposed development would result in the loss of a non-designated heritage asset, an Asset of Community Value and harm to townscape character. Minimal public benefits would arise from the development to weigh against the harm to the loss of the non-designated heritage asset.
- 11.3 It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

12.0 REFUSE

- 1. The Shears Inn dates from the late 18th century and makes an important contribution to the townscape of Hightown. The Inn has an important part in the history of the Luddite movement in Yorkshire. It is a non-designated heritage asset and identified in the West Yorkshire Historic Environment Record. The proposed development would result in the complete loss of the building and its replacement with a development that would not respect or enhance the local townscape, and deliver a minimal additional public benefit. Consequently, the proposed development would be contrary to Policies LP24 and LP35 of the Kirklees Local Plan and paragraphs 192 and 197 of the National Planning Policy Framework.**

Background Papers:

Web link to application details:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91239>

Certificate of Ownership – Certificate A signed and dated 10/04/2019.