

**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: 2020/62/90380/W

Site Address: Butchers Arms, 38, Town Gate, Hepworth, Holmfirth,
HD9 1TE

Description: Erection of single storey rear extension and exterior
alterations (Within a Conservation Area)

Recommending Officer: Alice Huxley

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.**

Teresa Harlow

AUTHORISED OFFICER

Date: 31-Mar-2020

Officer Report

Site Description

Butchers Arms, 38, Town Gate, Hepworth, Holmfirth.

38 Town Gate is a natural stone constructed public house located within Hepworth Conservation Area. The Grade II Listed Building is adjacent to predominantly residential properties however it is noted that Hepworth Village Hall is to the north-east of the applicant site. Site boundaries consist of predominantly hedging and stone walling.

Description of Proposal

Erection of single storey rear extension and exterior alterations (within a Conservation Area).

The single storey rear extension will project approximately 3.2 metres from the rear of the existing kitchen at a width of 6 metres, an eaves height of 2.1 metres, rising to an overall height of 3.7 metres to accommodate a larger kitchen area. Proposed materials consist of natural stone walling and a natural stone slate pitched roof that incorporates four roof lights to match the host building.

History of negotiations/amendments received

Officers contacted the agent seeking for more information regarding additional ventilation, revised drawings were received on 17/02/2020 showing the existing extract fan retained on the building's south-west elevation. Furthermore a construction management plan was received on 09/03/2020 at the request of Highways Development Management.

Relevant Planning History

2009/90314 - LBC for erection of non-illuminated signs and lanterns (within a Conservation Area) – *consent refused*.

2009/90313 – Erection of non-illuminated signs and lanterns (Listed Building within a Conservation Area) – *consent granted*.

2008/93391 – LBC for erection of signs and lanterns (within a Conservation Area) – *consent refused*.

2008/93390 – Advertisement consent for erection of signs and lanterns (Listed Building within a Conservation Area) – *consent refused*.

2003/91913 – Change of use to upper floors to lettable bedrooms (Listed Building within a Conservation Area) – *withdrawn*.

95/92842 – LBC for enlargement of existing window to form separate entrance (within a Conservation Area) – *consent granted*.

91/01380 – LBC for erection of illuminated signs (within a Conservation Area) – *consent granted*.

91/00718 – Erection of illuminated signs (Listed Building within a Conservation Area) – *advertisement consent granted*.

Representations

Final publicity date Expires:

Neighbour letters expire 7th March 2020; site notice expires on 5th March 2020; press advertisement expires 13th March.

As a result of the above publicity, three representations were received; two in which support the proposed development and state that the extension to the kitchen will improve the pub and community as well as improving local business, additional local employment and the availability of great food; and one in which expressing numerous concerns regarding:

- Access during construction
- The provision of losing one car parking space
- Bin storage
- Proposed extraction

Officer comment: The supporting statements have been noted. In regards to the access during construction, a construction management plan was submitted in which Highways Development Management found would alleviate any material concerns regarding construction traffic. With regards to the provision of losing one parking space, given that the development would only result in the loss of *one* parking space for staff members and the site benefits from a car park to the front as well as potential for on-street parking along Town Gate; it has been considered that the development would not be unduly detrimental to the provision of parking and highway safety. In regards to the bin storage, this is discussed below in the 'other matters' section of the report. Furthermore, the applicant has confirmed that the existing extraction fan is to be retained on the south-west elevation and no new extraction/ventilation will be incorporated.

Parish/Town Council comments:

Holme Valley Parish Council – supports development.

Consultation Responses

Conservation and Design – no objections.

Environmental Health – no objections.

Highways Development Management (informal) requested construction management plan.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is located within Hepworth Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1 – Achieving sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highway Safety and Access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 30 – Biodiversity and Geodiversity**
- **LP 35 – Historic 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 19th February 2019, 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 12 – Achieving well-designed places**
- **Chapter 14 – Meeting the challenge of climate change, flooding and coastal change**
- **Chapter 15 – Conserving and enhancing the natural environment**
- **Chapter 16 – Conserving and enhancing the historical environment**

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

Principle of development:

The site is located within Hepworth Conservation Area on the Kirklees Local Plan.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. Section 66 of the Act sets out a duty for local planning authorities in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Furthermore this relates to Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

LP35 states that:

'Development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in...harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring...public benefits that clearly outweigh the harm'.

An analyse of whether harm would occur will be assessed and discussed later in the report.

The listing description is set out below.

Public House. Early C19. Hammer dressed stone. Quoins to left. Stone slate roof (turned). Two ashlar stacks. Carved kneelers to left. Left side is symmetrical. Recent porch to left and right and two 4-light stone mullioned windows each with 2 mullions removed. To first floor are two 3-light and two 2-light stone mullioned windows, with one 4-light window to right. One 3-light window to each gable.

Paragraph 190 of the NPPF states that:

'Local planning authorities are to identify and assess the significance of any heritage asset that may be affected by a proposal... they should take this into account when considering the impact of a proposal on a heritage asset's conservation and any aspect of the proposal.'

Paragraph 192 goes on and states that Local planning authorities should consider:

'the desirability of sustaining and enhancing the significance of heritage assets... the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and; the desirability of development making a positive contribution to local distinctiveness' when determining these applications.

Additionally, Chapter 2 of the NPPF states that:

‘Planning policies and decisions should play an active role in guiding development towards sustainable solutions...’

In line with the NPPF, policy LP1 states:

‘The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.’

In this instance, it can be stated that the principle of development in this application is acceptable as the extension would help accommodate a larger kitchen which will enable the business to remain in a viable use. However, material considerations related to designated heritage assets, visual and residential amenity, as well as highway safety and any other impacts that may arise are addressed in detail below.

Impact on visual amenity and heritage:

The host building is Grade II Listed and the site is located within Hepworth Conservation Area.

Sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings and conservation areas. Special attention shall be paid to the desirability of preserving or enhancing the heritage significance of heritage assets. Additionally, LP35 and NPPF Chapter 16 outline the principle of development and restrictions for development in Conservation Areas.

In this instance, planning permission is sought for the erection of a single storey kitchen extension that projects from the gable end of a later C19 two storey extension to the rear of the main building. The demolition of an internal wall is proposed to create additional space within the kitchen. Notwithstanding this, as this is a later extension of lower significance and not part of the original building, it has been considered that there would be negligible impact to the character of the building. Additionally, as the proposed kitchen extension would project from the least prominent elevation – at the rear of the listed building, and incorporate materials to match and respect the listed building, it has been considered that the proposed extension would not obscure any historic features on the historic building and as such would cause no harm to the significance of the listed building nor the Conservation Area. The small extension would continue the organic development of the building and would not look out of place within the dense grain of development along Upper Gate. Furthermore, the public benefits of increasing the size of the kitchen will enable the business to remain in a viable use as it would help accommodate modern kitchen equipment.

Further consideration will be given to the impact on the listed building in the allied LBC (2020/90381). For the purposes of S66 and S72 officers are satisfied that the development will not cause harm.

In conclusion, it is considered that the proposed development would not result in harm in terms of visual amenity of the site nor the setting or appearance of the Listed Building or Hepworth Conservation Area as the rear extension has been sensitively designed and brings with it public benefits.

As such, the proposal would comply with LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

‘...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.

In regards to residential amenity, it is noted that there is an unrelated residential property to the rear (north-west) of the site along Upper Gate called Barnside. Despite the close proximity of the residential dwelling in relation to the pub, the plans indicate that the proposed single storey extension would be set away from the shared boundary by approximately 2 metres and would be adjacent to Barnside’s integral garage. Given the extension’s small scale and location, minimal concerns have been raised in regards to overbearing and overshadowing. In terms of overlooking, no concerns have been raised as it is noted that the extension would not incorporate any windows or openings facing Barnside. Furthermore, as the proposal relates to an extension that would accommodate a larger kitchen, officers sought for further information with regards to additional extraction or ventilation as this may cause harm to Barnside in terms of noise nuisance and odour given that it is the closest residential property to the site. Revised drawings showing the existing extraction fan retained on the south-west elevation facing Upper Gate and no other ventilation/extraction overcame the aforementioned concerns and as such it has been considered that the development would cause no undue harm to Barnside.

In regards to the properties to the east, these are located in a courtyard type position over 10 metres from the proposed development and are separated by Upper Gate and stone walling. Given the nature of the proposal and the sufficient separation distance between the applicant site and east neighbouring sites, minimal concerns have been raised in regards to overlooking, overbearing or overshadowing.

For the reasons set out above, the proposal is considered to comply with section B and C of LP24 and therefore is acceptable in terms of residential amenity.

Impact on highway safety:

The proposed development relates to the erection of single storey rear extension that would result in the loss of a parking space. As the extension is to a kitchen, rather than public space and as the site retains an element of parking to the front, the loss of this parking space is not considered critical.

Given the narrow nature of Upper Gate further information was sought regarding a construction management plan. This provides simple details for the storage of materials and the location of a parking space for contractors. This has been discussed with Highway colleagues who are satisfied that the detail is sufficient to avoid a detrimental impact to highway safety. There are no concerns regarding matters of highway safety in accordance with LP21 and LP22.

Other matters:

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Policy LP24 (d) of the Kirklees Local Plan emphasises that *'proposals should promote good design by ensuring...high levels of sustainability, to a degree proportionate to the proposal through...considering the use of innovative construction materials...'*

In this instance, the application proposes a single storey rear extension that is constructed from natural stone. Natural stone is considered to be an eco-friendly building material that is durable and completely recyclable. As such, the proposed development would be well sealed and lasting, therefore would potentially reduce the resource use in the building.

For the reasons above, the proposal is considered to comply with LP24 (d) of the Local Plan.

Bin Storage

Whilst on site it was noted that the existing bin storage area is located where the proposed extension is to be located. The applicant has confirmed via email that the new bin storage will abut the wall of the extension near the new steps. This new location is considered to be acceptable as it would not block

any public rights of way/highway networks or cause harm to the visual amenity of the area given its un-prominent location. Additionally, it has been considered that the new bin storage area would not cause any more harm than the existing bin storage area in terms of odour to the neighbouring dwellings as it they would not be moved significantly closer to the adjacent properties.

Biodiversity

It is recognised that the site is located within a bat alert area. Notwithstanding this, the existing building appears to be well sealed and the extension would be single storey therefore would not impact on any existing roof structures.

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: 2020/90380

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 schedule 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 the significance of designated heritage assets and residential amenity and to accord Policies LP24 and LP35 of the Kirklees Local Plan.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity , in the interests of the significance of designated heritage assets and to accord Policies LP24 and LP35 of the Kirklees Local Plan.

4. The development hereby approved shall be undertaken in accordance with the details provided in the construction management plan received 9th March 2020 throughout the period of construction.

Reason: In the interests of highway safety and to comply with Policy LP21 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	Rev A	05/02/2020
Grouped Plans and Elevations	R95203B	1	17/02/2020
Construction Management Plan	R95204	1	09/03/2020
Heritage Statement		Rev A	10/02/2020

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. Officers contacted the agent seeking for more information regarding additional ventilation, revised drawings were received on 17/02/2020 showing the existing extract fan retained on the buildings south-west elevation. Furthermore a construction management plan was received on 09/03/2020 of request of Highways Development Management.

Report Dated: 27/03/2020