

**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:	2020/62/90667/E
Site Address:	Farmers Boy Inn, 44, Marsh Lane, Shepley, Huddersfield, HD8 8AP
Description:	Formation of new entrance canopy, remodelling of outdoor terraces including introduction of planters, seating, post and rope fencing and lighting, replacement of kitchen extract cowl and part painting of gable (within a Conservation Area)
Recommending Officer:	Ian Lunn

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 23 February 2022

Site Description

The Farmers Boy Inn is a currently vacant public house housed within a predominantly two storey natural stone and natural stone slate end terraced building. This building, and its associated car park, occupy a plot of approximately 0.2 hectares in area. The premises are located within Shepley village approximately 35 metres northwest of the junction of Marsh Lane and Jenkyn Lane on land forming part of the Shepley Conservation Area. The surrounding area is largely residential in character.

Description of Proposal

Planning permission is sought to add a new entrance canopy over the main entrance door to the front (south eastern facing) elevation of the building; to re-model the existing external seating areas to the front (south east) and side (north east); to replace the existing kitchen extract cowl to the rear (north west) of the building with another to match; and to paint the top half of the north eastern facing gable. The re-modelled seating area to the front of the building will be enclosed by new timber planters with signage and will accommodate additional timber seats with brollies. The re-modelled seating area to the side will be enclosed by new post and rope fencing and planters, will also accommodate timber seats with brollies, and will be lit using festoon lighting.

NB:- The proposals also involve internal alterations to the building and the installation of new external signage. However, neither of these elements form part of this application as:-

- a) the former works do not require formal planning permission, and
- a) signage cannot currently be considered under the terms of a planning application.

It is understood that the applicants propose to submit a separate application for advertisement consent in respect of the proposed signs.

History of negotiations/amendments received

None

Relevant Planning History

94/90919 – Re-use, adaptation and extension of barn to form restaurant to public house and associated car parking – Approved 01/07/94

Representations

To accord with the General Development Procedure Order neighbour letters were sent out to surrounding properties. These were posted on 11th March

2020 giving 25 days to comment. The application was also advertised by way of a site notice and an advert in a local newspaper because the building is located within a Conservation Area. These were posted/inserted on 6th and 20th March 2020 respectively. Five letters of objection have since been received. The objections are:-

- a) that the proposed porch would not be fit for purpose as it would not shelter visitors to the pub from wind or rain.
- a) that any porch here would appear out of keeping with the character of the host and surrounding buildings,
- b) that the proposals would lead to an increase in noise and anti-social behaviour here,
- c) that the existing car park is not large enough to satisfactorily accommodate the number of cars that the extended/alterd pub is likely to attract. Consequently 'on-street' parking will occur on the surrounding roads to the detriment of highway safety.

Some residents have suggested that if the proposals are approved the external lighting should be subdued, and that suitable measures should be employed to reduce noise from the external seating areas and to prevent people accessing the pub by climbing over the stone wall on Jenkyn Lane.

The agent has submitted a Heritage Statement and an e-mail in support of their application. These collectively state:-

- a) that the new canopy will visually enhance the building and will provide a degree of shelter for customers in inclement weather,
- a) that it would not be feasible to create an internal lobby instead of the proposed canopy because of space limitations within the building,
- b) that it is not intended to increase the size of the pub as part of this application. The land to the front and side have been used as associated external seating areas for some considerable time. The current scheme solely proposes the improvement in the appearance of these areas.
- c) that the proposed works will improve and enhance the appearance of the pub and will safeguard the setting of the surrounding Conservation Area,
- d) that the proposals will meet all relevant national and local planning policies,

- e) that an approval of these proposals will enable a currently disused and attractive building to be brought back into productive use.

Consultation Responses

KC Highways DM:- No objections. The proposals will not lead to any intensification in the use of the pub.

KC Conservation and Design:- Were originally concerned that a porch would appear out of keeping with the character of the terrace of which the pub forms a part. However, following amendments which show the porch altered to a canopy they now raise no objections. Have no objections to the other elements of the scheme.

Kirkburton Parish Council:- No observations received.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 identified as forming part of the Shepley Conservation Area in the Kirklees Local Plan.

Kirklees Local Plan (2019)

LP1 Presumption in favour of sustainable development
LP21 Highways and Access
LP22 Parking
LP24 Design
LP35 Historic Environment
LP47 Healthy, Active and Safe Lifestyles
LP52 Protection and Improvement of Environmental Quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published July 2021, 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 6	Building a Strong Competitive Economy
Chapter 8	Promoting Healthy and Safe Communities
Chapter 9	Promoting Sustainable Transport
Chapter 11	Making Effective Use of Land
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 Historic Environment

Assessment

The main considerations in this case are as follows:

- 1) Principle
- 2) Visual Amenity
- 3) Neighbour Amenity
- 4) Highway Safety
- 5) Other Issues

Principle

The proposals are considered to be acceptable in principle. They involve the extension and alteration of an existing established, albeit currently vacant, public house that is sustainably located within Shepley village.

Visual Amenity

The new canopy will occupy a prominent position to the front of the building. Nevertheless, following recent amendments it is now considered to be acceptable in design, scale and positional terms despite concerns to the contrary. Whilst it is to be added to the front of the premises it should remain subservient to them as it will be open sided, very modest in size and will be viewed against the significantly larger backdrop of the host building. It will also incorporate a pitched roof that will suitably harmonise with the roof of the host building and it is to be constructed of what are considered to be acceptable materials namely oak for the supporting beams and matching stone slate for the roof.

The upper portion of the north eastern facing gable of the building is to be painted 'off white'. This element of the scheme is also considered to be acceptable as it is considered that this colour will provide a suitable contrast to the existing stonework

The new cowl is not considered ideal in visual amenity terms. However, it will occupy a secluded position to the rear of the building and will be exactly the same in design, size and positional terms to the one that it is to replace. In

view of this, and as it is apparently necessary to install a new cowl due to the existing system being non-compliant, it is considered that no reasonable objection could be raised to this element of the scheme on visual amenity grounds either.

The remodelled seating areas are also considered to be acceptable with the new seats and planters constructed of timber.

The proposals have been considered by the Council's Conservation Team who consider them to be acceptable.

In view of the above the proposals are considered to be acceptable in visual amenity terms reasonably satisfying the requirements of Policies LP24 and LP35 of the adopted Local Plan and Chapters 12, 15 and 16 of the NPPF in this regard.

Neighbour Amenity

a) Light/Overlooking

The development will have no significant effect upon the level of light currently received by the surrounding residential properties. Furthermore, given that the external seating areas that are the subject of the re-modelling works have previously been used for that purpose and form part of the existing pub unit it is not envisaged that the proposals will lead to the unacceptable overlooking of neighbouring properties either.

a) Overdevelopment

The proposals will not lead to the overdevelopment of the plot.

b) Noise/Odour

It is not envisaged that the proposals will lead to a significant increase in noise over and above any that may have previously been generated by the pub. Whilst they involve the re-modelling of the external seating areas and the introduction of a new cowl:-

- a) the seating areas form part of the existing pub unit and have apparently previously been used for this purpose for some considerable time.

- a) the new cowl will replace the existing unit like-for-like.

With this in mind it is considered that a refusal of this application on noise nuisance grounds could not reasonably be sustained in this instance despite noise being of concern to some local residents. However, it is considered reasonable to impose a condition requiring submission of details relating to the proposed kitchen extract cowl, to protect neighbouring residents from

harmful odour pollution, since no details have been provided with the application.

In view of the above it is considered that subject to the imposition of conditions, the proposals will reasonably satisfy the requirements of Policies LP24 and LP52 of the adopted Local Plan and Chapter 15 of the National Planning Policy Framework in neighbour amenity terms.

Highway Safety Issues

The pub currently benefits from an associated car park which is located to the side (northeast) of the building. Vehicular access to this is currently gained directly from Marsh Lane. No alterations are proposed to these arrangements as part of these proposals. Concern has been expressed by some local residents that the car park will not be large enough to satisfactorily accommodate the increased number of cars that this development will attract. However, given the nature of these proposals it is not envisaged that in themselves they will lead to a significant increase in vehicular trips to and from the pub or to any increased demand for car parking. This view is supported by the Council's Highways Service who raise no objections to the scheme.

In view of the above it is considered that the proposals will be acceptable in highway safety terms reasonably satisfying the requirements of Policies LP21 and LP22 of the Local Plan and of the Highway Design Guide SPD (2019) in this regard.

Other Issues

The concerns raised by the objectors to the development, as set out in the 'Representations' section above, have been assessed. However, they are not considered to represent justifiable reasons for refusing this application in this instance. The concerns are listed below along with the response to each:-

- a) that the proposed porch would not be fit for purpose as it would not shelter visitors to the pub from wind or rain (this is not a 'planning matter')
- a) that any porch here would appear out of keeping with the character of the host and surrounding buildings (this concern has been addressed in the section headed 'Visual Amenity')
- b) that the proposals would lead to an increase in noise and anti-social behaviour here (these concerns have essentially been addressed in the section headed 'Neighbour Amenity' sub-section 'Noise')
- c) that the existing car park is not large enough to satisfactorily accommodate the number of cars that the extended/alterd pub is likely to attract. Consequently 'on-street' parking will occur on the

surrounding roads to the detriment of highway safety (this concern has been addressed in the section headed 'Highway Safety')

- d) concerns about people climbing over the wall on Jenkyn Lane to access the pub cannot reasonably be addressed under the terms of this application.
- e) it is understood that the proposed festoon lighting will be relatively subdued.

Conclusion

The proposals are considered to be acceptable in principle seeking approval to extend an existing sustainably located building. Furthermore, subject to the imposition of appropriate conditions, it is considered that the development would reasonably preserve and enhance the appearance and setting of the host building and surrounding Conservation Area, safeguard the amenities of surrounding properties, and safeguard highway safety. The proposals are therefore considered to be in accordance with the requirements of Policies LP1, LP21, LP22, LP24, LP35, LP47 and LP52 of the Kirklees Local Plan, Chapters 2, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework and the provisions of the Highway Design Guide SPD (2019).

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/90667

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, and to accord with Policies LP1, LP21, LP22, LP24, LP35, LP47 and LP52 of the Kirklees Local Plan, Chapters 2, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework and the provisions of the Highway Design Guide SPD (2019).

3. The approved canopy shall be constructed of natural stone slates set on a natural oak frame. The slates shall match in type, colour, texture, and shall be laid in a manner to match, those used in the construction of the roof of the host building.

Reason: In the interests of visual amenity, in accordance with the requirements of Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12, 15 and 16 of the National Planning Policy Framework.

4. The upper portion of the northeastern facing gable of the building shall be painted 'off white'.

Reason: In the interests of visual amenity, in accordance with the requirements of Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12, 15 and 16 of the National Planning Policy Framework.

5. Before food cooking activities commence, details of the kitchen extract system shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide the following information:

- A risk assessment for odour which considers amount and type of food that will be cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours.
- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours.
- Details showing the proposed location of all the major components of the extract system.

- The noise mitigation measures that will be incorporated in the extract system and details of the likely resulting noise levels that will be caused by operation of the extract system, in particular how loud it will be at nearby noise sensitive locations.
- The proposed ongoing maintenance schedule that will be carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Before food cooking commences, the approved extraction system shall be installed and, thereafter, retained and maintained in accordance with the approved details.

Reason: To ensure the proposed development does not cause harmful odour pollution within either a public area or at neighbouring premises in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

NOTE: In order to safeguard nearby residential properties from excessive construction noise at certain times of the day it is recommended that any noisy construction activities are limited to between the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays
- With no noisy activities on Sundays or Public Holidays

For your information Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Section 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply with a notice served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Existing Ground Floor Plan and Location Plan	7724-01	A	06/03/20
Proposed Ground Floor Plan	7724-02	a	07/05/20
Existing and Proposed Elevations	7724-03	a	07/05/20

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 has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant and agent in dealing with the application.

Development within a Coal Mining Area

DEVELOPMENT LOW RISK AREA – STANDING ADVICE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Report Dated:

16/02/22

02/05/2022