

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) – SECTION 16

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR LISTED
BUILDING CONSENT**

Reference No: 2021/65/90262/W

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

Description: Listed Building Consent for erection of single storey rear extension, exterior alterations and installation of extract/input fans (modified proposal) (within a Conservation Area)

Recommending Officer: Ellie Worth

DECISION – Grant Listed Building Consent

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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 15-Apr-2021

Officer Report

Site Description

Butchers Arms, 38, Town Gate, Hepworth, is a natural stone constructed public house located within Hepworth Conservation Area. The building is also Grade II Listed (Historic Ref: 1313610) with the following description: *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.*

The site 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

Listed Building Consent has been sought for a modified proposal for the erection of a single storey extension, exterior alterations and the installation of extract/input fans.

The single storey rear extension projects approximately 3.2 metres from the rear of the existing kitchen at a width of 6.4 metres, an eaves height of 2.1-3m metres, rising to an overall height of 3.7 metres to accommodate a larger kitchen area. The extension appears to of been fully constructed in natural stone walling with a stone slate tiled roof.

The extractor fans have been installed on the North Eastern and North Western elevations of the single storey extension, along with a replacement fan on the South Western elevation.

History of negotiations/amendments received

No amendments have been sought.

Relevant Planning History

At the application site:

2021/90261 Erection of single storey rear extension, exterior alterations and installation of extract/input fans (modified proposal) – Pending consideration

2020/91219 Change of use of first floor to create additional dining space and kitchen store. (within a Conservation Area) – Pending consideration

2020/91220 Listed Building Consent for internal alterations at first floor level (within a Conservation Area) – Pending consideration

2020/90380 Erection of single storey rear extension and exterior alterations (Within a Conservation Area) – Granted

2020/90381 Listed Building Consent for erection of single storey rear extension and exterior alterations (Within a Conservation Area) - Granted

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

The application has been advertised by site notice, neighbour notification letters and the press.

Final publicity expires: 20th March 2021.

As a result of the above publicity, no representations have been received regarding the Listed Building Consent. One representation however, has been received for the allied Planning Permission.

Holme Valley Parish Council: In support, however the neighbours' concerns must be addressed regarding the impact on amenity from noise and odour from the extractor fans.

Consultation responses

KC Conservation and Design: No objections, however further extractor fan details would be required in the case of an approval.

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 24 – Design
- LP 35 – Historic Environment

Neighbourhood Development Plans

Holme Valley Neighbourhood Development Plan has been formally submitted to Kirklees Council and Peak District National Park Authority. It covers the whole of the Holme Valley Parish Area. The plan has not been subject to publicity (Regulation 16, The Neighbourhood Planning (General) Regulations

2012) at this time. There are unresolved objections between the Kirklees Council and the neighbourhood plan body therefore the plan has no weight at this stage.

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 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic Environment

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact on the significance of the listed building
3. Representations
4. Conclusion

1. Principle of development:

The proposal will be assessed having regard to the relevant policies and Chapter 16 of the NPPF. Of particular relevance, the NPPF states that Local Authorities and Plans should take into account:

‘a) the desirability of sustaining and enhancing the significance of heritage assets...’ and

‘c) the desirability of development making a positive contribution to local distinctiveness.’

Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 states that:

‘In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall 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, Policy LP35 of the Local Plan is relevant which states:

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

2. Impact on the significance of the Building:

It has been considered that the works will not prejudice the significance of the Listed Building (or the character of the conservation area) as the single storey kitchen extension projects from the gable end of a latter C19 two storey extension to the rear of the original building. In this instance, the aforementioned works have already been completed under the extant 2020 permission, including the demolition of an internal wall, in order to create additional space within the kitchen. No concerns have further been raised by KC Conservation and Design, as the internal wall was not part of the original building and therefore its significance is lower.

Instead, this application seeks approval of the new and altered extractor fans. More specifically, an input fan has been installed on the north eastern elevation and an extract fan on the north western gable of the single storey rear extension. In this case, officers do not consider such alterations to impact on the historic building itself.

On the other hand, a large extractor vent is proposed, to replace an existing smaller vent on the south western elevation of the C19 two storey extension, facing Upper Gate. This elevation is more prominent, and the impact of a large vent is greater. However, it replaces an existing vent of a similar size and is therefore acceptable.

Heritage Officers have also requested that further details of the extractor fans should be submitted, with more consideration given to their colour so that their visual impact is minimised. However, the external finish of the fans are considered acceptable and therefore, the request for additional information is not considered reasonable, in this instance.

Conclusively, considering the above, the proposed works would not prejudice the character of the listed building as the main works would be situated on the extensions, which are of a lower significance than the original building. The works would also be on the least prominent elevations and would appear sensitive to the character and setting of the Listed Building.

3. Representations

None received.

4. Conclusion

Paragraph 193 of the National Planning Policy Framework discusses the nature of harm to the significance of a heritage asset, and whether such harm is deemed to be substantial or less than substantial. In this case it is considered that the proposals would not cause harm. In addition, the public benefits would be that the building can be retained in its existing residential use for the long term.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states the duty of the Local Planning Authority with all decisions shall preserve or enhance the character of a Listed Building. The proposed development discussed in this report will not cause harm to the significance of the Listed Building and as such will preserve the character and distinctiveness of the Listed Building.

Therefore, it is considered that Section 16 of the Act and Paragraph 196 of the NPPF regarding Listed Buildings have been fully met and is acceptable for approval of Listed Building Consent.

Recommendation: Grant Consent

Decision Authorisation - Delegated Powers**Application Number:** 2021/90262**Officer Recommendation:** Grant Listed Building Consent**Conditions and reasons**

1.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, to preserve the character and setting of the listed host Building, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: This listed building consent should be read in conjunction with the allied planning permission 2021/90262.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	-	-	25 th January 2021
Existing and proposed floor plans and elevations	R952-03C	-	25 th January 2021
Kitchen ventilation system	B2	-	25 th January 2021
Heritage statement	Rev B	-	25 th January 2021

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 Planning 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. In this instance the application was considered acceptable in its submitted form and no negotiations or amendments were undertaken.

Dated 15th April 2021.