

**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: 2021/62/91724/E

Site Address: Smiths Arms, 1, Town Gate, Highburton, Huddersfield, HD8 0QP

Description: Erection of raised decking with balustrade, new door opening and 3 giant umbrellas to rear (Listed Building within a Conservation Area)

Recommending Officer: Jennifer Booth

DECISION – REFUSED

I hereby authorise the refusal of this application which was resolved to be refused at the Heavy Woollen Planning Sub-Committee on 22 July 2021 and for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Paul Dowd

AUTHORISED OFFICER

Date: 27-Jul-2021

Decision Authorisation – Committee Decision

Committee: Heavy Woollen

Date of Committee: 22/07/2021

Application Number: 2021/91724

Officer Recommendation: Conditional Full Permission

Committee Decision: Refusal

Reasons for Refusal

1. The proposed alterations to the building, by virtue of the loss of the window and its replacement with a door, would form an incongruous feature which would not respect or enhance the character of the host building. To permit such alterations to the building, which would be harmful to visual amenity, would be contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
1. The proposed decking and umbrellas would, by reason of their proximity to residential properties, result in noise nuisance associated with their use, whereby it has not been demonstrated that suitable and sustainable mitigation measures which reduce the associated noise nuisance to an acceptable level to protect the quality of life and well-being of neighbouring occupants, can be implemented. To permit the proposals would be contrary to Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Summary of Committee Decision

Members were concerned with the proposals in terms of the impact on the listed building & conservation area, visual amenity, residential amenity and highway safety.

Members considered the potential for the development to enhance the business. However, there were concerns in terms of the loss of the 19th century window and its replacement with a modern door as being inappropriate and harmful in terms of visual amenity.

Members were concerned with the potential for noise and impact on neighbours with the decking & umbrellas, given the potential activities associated with the outdoor area. Members considered that the suggested conditions would not mitigate the concerns.

Members discussed highway matters, although as the current arrangement has 4 spaces and the proposals would increase these to 11, this did not form a reason for refusal.

Plans and specifications schedule:

Plan Type	Reference	Web ID	Date Received
Location plan	-	868897	26/04/2021
Existing plans	27600	868899	26/04/2021
Proposed plans	27601	868898	26/04/2021
Car parking plan	27605	883673	15/07/2021
Design & access statement	276DA	868896	26/04/2021
Heritage Statement	276HS	868894	26/04/2021
Umbrella detail	-	868895	26/04/2021
Additional statement	-	884042	19/07/2021

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 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 in dealing with the application. As the members considered the proposals unacceptable, no negotiations have taken place.

Report Dated: 23/07/2021