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:	**2021/62/94264/W**
Site Address:	The Four Sons Inn, 129, Clough Lane, Rastrick, Huddersfield, HD6 3QJ
Description:	Erection of porch and external decking
Recommending Officer:	Ellie Worth

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 24/2/2022

Officer report

Site description
The application relates to The Four Sons Inn, 129, Clough Lane, Rastrick, a two storey building, which appears to of been extended overtime, to include the single storey rendered addition. Car parking surrounds the building to the North East, East and West. Access is taken from the site onto Clough Lane (A6107).

Surrounding the site is predominately residential in character, along with the M62 to the North. The site is situated within the Green Belt on the Kirklees Local Plan.

Description of development
The proposal seeks permission for the erection of a porch and front and rear decked areas. The measurements of the scheme are as follows:

Front porch:
- 2.5m in projection
- 2.5m in width
- 3m in overall height

The front porch would be constructed from natural stone to match the existing building.

The front and rear decked areas would be 40 sq.m each. A 1m high rail would also be installed around the outdoor areas.

On-site parking would be retained as existing, other than the loss of two car parking spaces to the west side of the building.

History of negotiations or amendments
Discussions have been held regarding the noise report; however, no additional information has been sought.

Relevant Planning History
At the application site:
2007/95313 Erection of shelter and landing - Granted
95/92751 Erection of extensions – Granted

Representations
We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on the 24th December 2021, whereby no representations have been received.

Consultation responses:
- KC Environmental Health: In support of the application, subject to conditions requiring a noise report and the details of any external lighting being attached to the decision notice.

- KC Highways DM: No objection to the proposal.

- National Grid: No comments received.

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 the Green Belt on the Kirklees Local Plan.

Kirklees Local Plan:
- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 - Parking
- LP24 – Design
- LP52 – Protecting and improvement of environmental quality
- LP57 - Extension, alteration or replacement within Green Belt

National Policies and Guidance
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th 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 12 – Achieving well design places
- Chapter 13 – Protecting the Green Belt
- Chapter 15 – Conserving and enhancing the natural environment

1. Principle of development

Green Belt
The site is located within the Green Belt on the Kirklees Local Plan (KLP) and therefore the impact of the proposed development on the Green Belt needs to be considered. In this instance, Policy LP57 of the Kirklees Local Plan is relevant, as the works proposed are for alterations to an existing building.

More specifically Part A of Policy LP57 is relevant to the proposed porch which states that:

> *''In the case of extensions the original building should remain the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account''.*

Alongside this, Part C for the aforementioned policy states that in terms of outdoor areas, including hardstanding, may be acceptable so long as the proposal does not result in a greater impact on openness. These aims are also reinforced within Chapter 13 of the NPPF.

Therefore, a review of historic maps has been undertaken, whereby officers are satisfied that the main form of development at the site, appears to be original, other than the single storey rendered extension to the North Western elevation.

As such, given that the front porch would only have a relatively small footprint, with a 2.5m in projection by 2.5m in width with an overall height of 3m, it would not result in a disproportionate addition.

Furthermore, it has been noted that the decked areas would be installed within the existing car park (hardstanding) which will ultimately protect the open character of the area and would not encroach into the countryside. The decked area will provide an appropriate level of outdoor seating in which the premises require.

Therefore, given the relatively small size and scale of the extension and terrace areas, it has been noted that any impact upon openness would not be significant and therefore the development can be supported under Policy LP57 of the KLP and Chapter 13 of the NPPF.

2. Impact on visual amenity

Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identify, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, it is advised within LP24(c) that these ‘’are subservient to the original building and are in keeping with the existing building in terms of scale, materials and details and minimise the impact on residential amenity of future and neighbouring occupiers’’.

These aims are also reinforced within Chapter 12 of the NPPF (Achieving well designed plans) where paragraph 126 provides an overarching consideration of design stating that ‘’the creation of high quality buildings and places are fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’’.

In this case, given the level of development proposed the works would not result in the overdevelopment of the site.

The design of the front porch has been considered acceptable, as it would benefit from a dual pitch roof to harmonise with the existing built form. Materials would also be stone to match those that exist.

In terms of fenestration two small windows are proposed within the front and south western facing side elevation, along with a pedestrian door to the north east.

Adjoining the porch would be the front decked area. This would be 40 sq.m and would provide outdoor seating for approximately 8 tables. To the rear, a similar sized area is proposed, which would be suitable for 6 tables. The outdoor seating areas would be bounded by a timber railing, at a height of 1m. Such materials have been considered acceptable as they would blend into the sites semi-rural setting and would preserve its attractive visual qualities.

In summary, it has been assessed that the application would not result in harm to visual amenity and would be compliant with Policy LP24 and LP57 of the Kirklees Local Plan and Chapter 12 and 13 of the NPPF.

3. Impact on residential amenity

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to "provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings."

In this case, the nearest residential properties to the site are no.s 118 – 123 and no.131 Clough Lane. Given the development proposed, officers have noted that the front porch and terrace areas would not have a detrimental impact upon these neighbours in terms of overbearing, overshadowing and overlooking, with sufficient separation distances being maintained.

KC Environmental Health have been formally consulted as part of the proposal, as the development is likely to increase noise levels outside of the Public House. In this case, concerns have been raised regarding the large outdoor seating areas, due to their close relationship with noise sensitive receptors. Therefore, to protect the amenity of these neighbours, a Noise Report is required before construction work commences for these areas.

Alongside the above, a further condition has also been requested regarding the installation of external artificial lighting to the outdoor seating areas, whereby any new lighting will need written consent by the Local Planning Authority.

In this case, officers consider the above conditions to be necessary and reasonable in order to retain an acceptable level of amenity at the nearby residential properties. This is to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 12 of the NPPF.

4. Impact on highway safety

Given the nature of the proposal and the fact that the rear decking will be erected over 2 parking spaces to the west of the building, KC Highways DM have been formally consulted.

In this case, officers do not consider the loss of 3 parking spaces to be detrimental as 28 spaces are being retained which is adequate for a building of this size. The site is also supported by good transport links with a bus stop directly outside of the site.

The proposed location of the two decked areas will not encroach into the existing vehicular accesses and therefore these will be retained as existing.

Bin storage will remain located within the car park and the waste collection arrangement will be as existing.

As such, the loss of 3 parking spaces would be insufficient to create a significant impact and therefore no objections have been raised. This is to accord with Policies LP21 and LP22 of the Kirklees Local Plan and the Council's Highways Design Guide SPD.

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 predates 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures. However, the terrace areas will be constructed from timber which is considered to be natural material that can be locally sourced. Furthermore, should one or both of the outdoor seating areas be no longer required, the development could be removed and the land restored as existing.

High voltage power cables
The application site is situated within the buffer zone for high voltage power cables and therefore the National Grid have been formally consulted. In this case no comments have been received. This is likely to be because of the minor development proposed.

6. Representations
None received.

7. 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 materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated Powers
Application Number: 2021/94264
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 Policies LP1, LP2, LP21, LP22, LP24, LP52 and LP57 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The stonework used for the front porch shall in all respects match the stone used in the construction of the existing building, in accordance with the details shown on the approved plan.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. Before construction work commences on the front and rear external decked areas hereby approved, a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

a) an assessment of all of the noise emissions from the proposed external decked areas of the development
b) details of existing background and predicted future noise levels at the boundary of the neighbouring noise sensitive premises and the noise sensitive premises across the road from the proposed external decked areas
c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation
d) details of the noise mitigation measures including the hours of use that will used at the proposed external decked areas of the development to control noise and it shall demonstrate that the noise will not cause a loss of amenity at nearby noise sensitive premises.

The development shall not be brought into use until all works comprised within the measures specified in the approved report, including the hours of use, have been carried out in full and such works shall be thereafter retained.
Reason: In the interests of the protection of neighbouring residential amenity and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. Before the installation of external artificial lighting commences to the external seating areas, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

a) The proposed hours of operation of the lighting
b) The location and specification of all of the luminaires
c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
d) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity.
e) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
f) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.
Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with Policy LP24 and LP52 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: Artificial lighting
The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with *the "Guidance Notes for the Reduction of Obtrusive Light"* by the Institution of Lighting Professionals: 2011www.theilp.org.uk.The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for the appropriate Environmental Zone

NOTE: Noisy construction related activities shall not take place outside the hours of: • 07.30 to 18.30 hours Mondays to Fridays
• 08.00 to 13.00hours , Saturdays
• With no noisy activities on Sundays or Public Holidays 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 Sections 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
Location plan and existing floor plan and elevations	(0-)01	A	10th November 2021
Proposed floor plan ad elevations	(0-)02	A	10th November 2021
Design and access statement	183	-	10th November 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, discussions have been held regarding the noise report; however, no additional information has been sought.

Dated: 24th February 2022