

**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:	2023/62/91708/W
Site Address:	Rose And Crown, Cop Hill End, Slaithwaite, Huddersfield, HD7 5XA
Description:	Change of use of part of public house to 7 holiday let and external alterations
Recommending Officer:	Lucy Taylor

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.

John Holmes

AUTHORISED OFFICER

Date: 2nd October 2023

Officer Report.

Reference: 2023/91708

Location: Rose and Crown, Cop Hill End, Slaithwaite, Huddersfield, HD7 5XA

Proposal: Change of use of part of public house to 7 holiday let and external alterations

Site Description.

The application site is an existing public house and restaurant located outside of Slaithwaite in an area designated as Green Belt. The site forms a large stone built rectangular building constructed adjacent to Marsden Lane with a large car park to the front (east). A further area of parking is located to the south west. The building formally consisted of the Inn with attached barn which has more recently been converted and extended into enlarged space for the Public House and restaurant. From historic photos the Inn dates back to the mid to late 1800s. To the south of the site is a row of terraced houses known as Cop Hill End. Within the wider local area are sporadic dwellings and farms. The land drops away to the east with long distance views of the local landscape.

Description of Proposal.

Planning permission is sought for the change of use of part of public house to 7 holiday let and external alterations.

7 Holiday Flats:

The works to form holiday lets consists of internal modifications to the building, to both the ground and first floor.

Existing window openings would be utilised where possible, some modifications to existing fenestration would be required e.g. enlarging existing glazing and some additional windows would be added. Two Juliet balconies would be formed at first floor level to the eastern elevation, and one would be formed to the western elevation of the building. Nine roof lights would be installed within the roof.

Each residential unit would have a dedicated parking space with an electric vehicle charging point. Further residential visitor parking would be available via the existing car park. Users of the remaining bar would also utilise the existing car park at Rose and Crown.

External Alterations:

The erection of a two-storey side extension to the northern elevation of the existing building. The two-storey side extension would have the following dimensions:

- Projection – 6.2 metres
- Length – 7.3 metres
- Maximum height – 6.3 metres (lower eaves and overall height than the attached part of the building).

The external walls of the two-storey extension would be faced in stone and the gable roof above would be infilled with stone slate tiles.

This two-storey extension will form one of the holiday lets.

The erection of an extension which would project 1.8 metres from the front of the pub and then wrap around the southern end and would provide an entrance lobby and toilet facilities. This extension would have a flat roof with a raised patio above, with glass balustrade running around the edge. The external walls of this extension would be faced in stone.

History of Negotiations/Amendments Received.

No negotiations have taken place and no amended plans were sought or submitted.

Relevant Planning History.

- 2019/90153 – Change of use of part of public house to 7 holiday let and external alterations – *Approved*
- 2015/91518 – Erection of storage unit and associated fencing – *Approved* (temporary permission until 14 July 2017, implemented)
- 2012/92657 – Siting of storage unit and erection of fencing – *Approved* (temporary permission until 5 November 2014, implemented)
- 92/00694 - Change of use of part of first floor to form hotel accommodation in association with existing public house - *Approved*
- 84/00674 – a single storey entrance porch to the front elevation – *Approved* (not implemented)
- 77/02464 – a single storey double garage to the Northern End of the property – *Approved* (not implemented)
- 75/4340 – Change of use and extension to convert barn to formed enlarged public house – *Approved* (implemented)

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, a site notice and within the press.

Final publicity date = 9th August 2023.

No representations were received.

Consultation Responses.

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

KC Highways Development Management – Consider the application be to acceptable on highways grounds with the inclusion of several conditions and footnotes.

KC Environmental Health – Confirms they have no objection to the scheme, with the inclusion of several conditions and footnotes regarding noise and electric vehicle charging points.

Policy/Legislation.

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 Allocated within the Green Belt in the Kirklees Local Plan.

The site is located within the River Colne Corridor Strategic Green Infrastructure Network.

Two Public Footpath's run adjacent to Rose and Crown, namely COL/154/90 and COL/154/60.

The nearest Listed Building to Rose and Crown is No. 4 Cop Hill End. Given that the building of Rose and Crown is located over 20 metres from this Listed Building, it is not considered that any further assessment of impacts to heritage are necessary in this instance.

Kirklees Local Plan:

- LP1 – Presumption in Favour of Sustainable Development
- LP2 – Place Shaping
- LP10 – Supporting the Rural Economy
- LP21 – Highway Safety
- LP22 – Parking Provision

- LP23 – Core Walking and Cycling Network
- LP24 – Design
- LP30 – Biodiversity and Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP48 – Community Facilities and Services
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP57 – The Extension, Alteration or Replacement of Existing Buildings

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 5th September 2023, together with Circulars, Parliamentary 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 4 – Decision-Making
- Chapter 6 – Building a Strong, Competitive Economy
- Chapter 8 – Promoting Healthy and Safe Communities
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed Places
- Chapter 13 – Protecting Green Belt Land
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and Enhancing the Natural Environment

Assessment.

The following matters will be considered as part of the assessment of the proposal. These considerations will be looked at in detail individually:

- 1) Impact on Community Facility
- 2) Impact on Green Belt and Design
- 3) Amenity
- 4) Highway Safety

1) Impact on Community Facility

The existing public house/restaurant is considered to form a community facility. Policy LP48 of the Local Plan is relevant which sets out parameters to consider in such circumstances along with Chapter 8 of the NPPF. The parameters include a consideration of when the facility is no longer needed, no longer viable and where there are sufficient or better facilities elsewhere within easy reach of the site. Furthermore, consideration of all options for the continuation of the use at the site should be considered first and consideration should be given to the Community Asset Register.

As set out within the report for application 2019/90153, which also sought the change of use of part of the public house to 7no. holiday let, the site has been home to a public house/inn since the mid 1800s, with information available on the pub's website stating that it has been an inn since 1832.

Whilst the proposal would not see the closure of the pub, it would be significantly reduced in scale to provide a bar, bar lounge and dining area. The supporting statement has detailed that the existing dining and function rooms are very much under used with high energy bills and that the applicant is wanting to downsize the business into a more management operation. The supporting statement further sets out that the applicant has no desire to close the pub, which has a regular clientele and is a vital part of the community, rather run the existing business as a bistro/café bar as the numbers of large parties of diners and party goers at the premises is very small. The proposal seeks to provide a long-term viable business and diversity into the tourism sector by providing holiday let accommodation.

The diversification of the business into holiday accommodation would also accord with policy LP10 of the Local Plan and Chapter 6 of the NPPF, which support the provision of increasing tourism related developments such as accommodation facilities.

In light of the above, given that the existing public house would be retained for use by the local community, it is considered that the proposal would meet the requirements of Policy LP48 of the Local Plan and Chapter 8 of the NPPF.

2) Impact on Green Belt and Design

The application site is located within the Green Belt and has been previously extended and altered when works took place to convert and extend a former barn to form the enlarged public house/restaurant which is present on site today. The fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open.

New development within the Green Belt is inappropriate unless it falls into one of the categories set out in paragraph 149 or 150 of the NPPF. Extensions to buildings in the Green Belt can form an exception to inappropriate development provided they do not represent a disproportionate addition over and above the size of the original building. This position is also reflected in Policy LP57 of the Local Plan which also requires an assessment on the impact on openness and the character of the Green Belt.

General design considerations are set out in Policy LP24, which seeks to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

Given that additions haven taken place over an extended period time, it is difficult to accurately assess the scale or level of additions which have occurred at the site. In the assessment and determination of previous

application, 2019/90153, it was concluded that the original building has not been extended. This conclusion was based from a review of planning application 75/4340, whereby the plans appear to show that barn was attached to the original public house, with no additional built form added to the former barn upon been converted into an extended public house, with development solely focused on the installation of a first floor (no rise in height) and additional windows. It has also been determined that the existing most northern projection of the Rose and Crown building existed as an outbuilding or former dwelling historically.

The proposed additions would lead to the roof of the northly part of the building increasing in overall height and eaves height by approximately 0.7 metres, the erection of a two-storey extension and the erection of a front extension for an entrance and toilets to the pub. These additions appear to be the same as proposed under previous application 2019/90153, whereby it was concluded that, in terms of additions, they equate to a total volume increase of 27% to the original building.

With respect to the design, the increase in roof height of part of the existing building is considered to be relatively minor and would retain a set down from the eaves and ridge height of the dominant part of the building, the original barn. Furthermore, the two-storey side extension would be set down by approximately 1.2 metres in height and would be set back from the principal elevation of the building, concluded to be subserviently designed.

Whilst the front extension would be more prominent visually, given its limited front projection of 1.8 metres, it's set back from the principal elevation of the original barn (approx. 0.3 metres) and the use of the first floor as a balcony area for the flat above, this element is on balance considered to be acceptable.

With respect to fenestration detailing, some modifications are proposed, including the enlargement of some existing glazing and the creation of three Juliet balconies. The openings in the front elevation of the pub, whilst some larger than existing and more contemporary in appearance, would be reflective of other larger opening which currently serve the pub and therefore, on balance, it is considered that the modifications to fenestration on this elevation would be acceptable in terms of design.

The rear elevation would remain predominantly blank, with the developments proposing the installation of only two additional small windows at low level and the replacement of one window with a Juliet balcony. Given that this elevation would continue to be viewed as predominantly blank, it is considered that this elevation of the building would retain the barn like feel of the building when viewed from Marsden Lane.

With regard to the installation of roof lights, these are considered to be of a modest scale, and it is concluded that their installation would not detract from the appearance of the host building.

In terms of domestic curtilage, small garden areas would be provided to the front of the holiday lets, in an area used as part of the existing car park. These gardens would be accessed via shared paths. The proposed garden areas are relatively small in scale but provide beneficial amenity space for future occupiers of the holiday lets and would be considered to visually soften the appearance of the site, replacing part of the existing large area of hardstanding.

New close boarded timber fencing is to be erected at the site, which would be 1.8 metres high to the east and 2 metres high to the southern elevation. The fencing would be acoustic fencing and therefore, as well as been a form of boundary treatment, would provide benefits to residential amenity with regard to been a noise mitigation measure.

In terms of the proposed fencing, it is acknowledged that tall wooden fencing has previously been approved elsewhere at the site, within both applications 2012/92657 and 2015/91518. The wooden fencing approved under these applications was to a total height of 2.1 metres.

Whilst it is acknowledged that the proposed fencing could raise some concerns in terms of its impacts to the character of the site within its Green Belt setting, in this instance, on balance, it is considered that the proposed fencing would be visually acceptable for the reasons listed below.

Firstly, given that the fencing would be wooden, it is considered that it would appropriately harmonise with the external environment within which it would be erected, a natural material.

Secondly, whilst the fencing proposed east of the building could be considered to be within a rather prominent location within the site, given the topography of the land upon which the application site sits, this fencing would not be overtly visible from wider public vantage points around the site. This includes when the site is accessed via the highway of Holme Lane, where the sloping grassed landscape east of the application site mitigates visibility. In addition, the fencing would not be visible when the site is accessed via the highway of Scout Lane in a westerly direction.

It is noted that whilst the proposed are holiday lets they would still benefit from permitted development rights. Given the site's location within the Green Belt and the level of additions approved by this permission it is considered appropriate to withdraw permitted development rights for any further extensions and outbuildings to protect the openness of the Green Belt.

In conclusion, the proposed extensions and alterations to the building are considered to be acceptable in terms of design and scale. Conditions will ensure that the materials of construction match the host property. Subject to the stated conditions the proposal would accord with the requirements of Policy LP24 and LP57 of the Kirklees Local Plan and Policies in Chapters 12 and 13 of the NPPF.

3) Amenity

With regard to amenity, Policy LP24 of the Kirklees Local Plan advises that proposals should ensure that a high standard of amenity is achieved for future and neighbouring occupiers. Given the proposed holiday lets would be adjacent to a public house, the potential for noise disturbance for future occupiers of the holiday lets also needs to be considered in relation to Policy LP52 and the application has been assessed by KC Environmental Health.

With respect to adjacent properties, the closest dwellings to the site are No.'s 1-6 Cop Hill End 25 metres to the south east. To the north, the closest dwelling is The Cop which is 85 metres away. Given the separation distances to these properties, the proposed development is not considered to lead any detrimental impacts of overlooking, overbearing or overshadowing. In addition, as the pub is existing, it is not considered that the proposed works would lead to any detrimental intensification of the site in amenity terms.

Turning to future occupiers of the building, KC Environmental Health have recommended that, prior to the development been brought into use, all works which form part of the sound attenuation scheme be completed and written evidence be provided to the Local Planning Authority to demonstrate that the specified sound levels have been achieved. This will be secured by condition, to protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises.

In addition, KC Environmental Health impose a condition regarding the proposed shared structure between commercial and residential (floor/ceiling or wall etc). This condition is concluded necessary to protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises.

Given that the application is for holiday lets, which would be occupied by short term tenants, it is considered that the aforementioned conditions would be sufficient. However, to mitigate concern further, a condition would be imposed to limit the period of occupation of the holiday lets. A time period of 28 days is considered reasonable for holiday accommodation as it would allow reasonably long-term prolonged stays but ensure that the development would not become anyone's long term residence.

The supporting statement submitted as part of this application sets out that the applicant wishes to run a bistro/café. Therefore, officers would consider that it is their intention to cook food. Details of an extract ventilation system have been provided, detailing a Lincat Electric Built in Fume Filtration Unit would be installed. In terms of it's impacts of mitigating impacts of odour, the manual submitted as part of this application details that the unit works to reduce airborne grease particles and cooking smells. Upon formal consultation, KC Environmental Health made no further comments with regard to kitchen extract systems. It is recommended any grant of permission is subject to condition requiring the means of extraction to be in accordance with

the details submitted as part of this application given Environmental Health have provided their response in light of the detail submitted.

Within the consideration of the previous approval, hours of use were conditioned and it is considered the same hours of use should be subject to condition in this case given the scheme is largely the same as that previously approved. In addition the proposal includes a flat directly above the public house which would provide accommodation for the landlord and their family. Provided this remains the case (which can be secured via planning condition) any impact on the occupiers of this flat is within the control of the landlord and such arrangements are considered to be acceptable

Subject to the inclusion of the aforementioned conditions the proposal is considered to have an acceptable impact on local amenity and would accord with Policy LP24 and 52 of the Local Plan and Policies in the NPPF.

4) Highway Safety

Turning to highway safety Policies LP21 and LP22 of the Local Plan are relevant, which seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. KC Highways Development Management have also assessed the application.

This application is for the change of use of part of an existing public house to 7 holiday let dwellings with changes to car parking with an existing access on to Marsden Lane, a 60mph (national speed limit), two-way single carriageway rural link road of approximately 6m width although narrowing down to approximately 4m as it passes the pub, with no footways or street lighting present.

There are no records of any injury accidents adjacent to the access to the car parks or within the network of roads surrounding the site and so KC Highways Development Management must assume that the existing access under the previous use was operating safely.

No trip generation details were provided, however, as the existing use would have generated some trips, and KC Highways Development Management do not consider the proposals would generate sufficient new trips, it is not considered that the development would have a severe impact on the operation or efficiency of the local highway network.

Drawing No 23_160.1.1A shows the proposed layout with 7 parking spaces within the upper car park (reduced from 10) and 21 spaces in the lower car park (no change from previous), there is also an overflow car park on Marsden Lane to the south of the site which, although unmarked, looks as though it could take a further 12 to 15 vehicles, although the proposals are to add a marked accessibility space to this car park. This would provide sufficient parking for both the holiday let proposals and the remaining pub/bistro/café bar.

KC Highways Development Management recommend the path between the holiday let parking and the holiday lets is extended to the proposed pub terrace/entrance so that the occupants can access the pub/bistro/café bar without having to use Marsden Lane as there are no pedestrian facilities or street lighting on Marsden Lane and the speed limit is 60mph (National Speed Limit). This will be ensured by condition, upon any grant of permission.

Waste bin collection presentation points have been provided for both the holiday lets and the existing pub/bistro/café bar. KC Highways Development Management deem these to be acceptable.

Overall therefore, with the inclusion of the aforementioned condition, the development is considered to be acceptable from a highways safety perspective, appropriately according with Chapter 9 of the NPPF and policies LP21 and LP22 of the Kirklees Local Plan.

5) Other Matters

Septic Tank:

The submitting supporting statement sets out that the proposed holiday lets, and public house would utilise the existing septic tank, which already serves the public house and has done for a number of years. Upon formal consultation, KC Environmental Health have raised no concern regarding the septic tank.

The existing tank has served the pub where functions can have up to 100 people in attendance. The proposed development whilst changing the type and nature of waste water emitted from the development, is not considered to materially increase that expelled into the tank than currently experienced. The current waste water arrangements are therefore considered to be acceptable and given that no new facilities are provided it is not considered necessary to attach any additional conditions.

Electric Vehicle Charging Points:

The application would lead to the formation of 7 new residential units (holiday lets), in line with the West Yorkshire Low Emissions Strategy (WYLES) and Policy LP24 of the Local Plan a condition is recommended to be attached to the decision notice requiring the provision of an electric charging point to serve the properties. Given that the properties would be served by a shared car park area it is considered details to secure this are required to be submitted before occupation.

Public Footpaths:

Given that the proposed developments to Rose and Crown would not prejudice the function, continuity, or implementation of footpaths COL/154/90 and COL/154/60

as walking or cycling networks, the proposal is considered to appropriately comply with LP23 of the Kirklees Local Plan.

Strategic Green Infrastructure Network:

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. This policy sets out that development should ensure the function and connectivity of green infrastructure is retained / replaced, new or enhances green infrastructure is provided / integrated into new developments. In addition, this policy requires integration of developments into walking / cycling network and providing new links where appropriate and the protection of biodiversity / ecological links. Where the creation of new or enhanced green infrastructure is proposed, provided it does not conflict with other policies within the Kirklees Local Plan policy LP31 sets out that the Council will support such development.

The development would not see the removal of any existing trees or hedgerows at the site. Therefore, the proposal is not considered to have a significant impact upon the strategic infrastructure network and is concluded to be acceptable in this regard.

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.

As part of this application, a climate change statement was submitted, which set out mitigation measures. Considering the scale of development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

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 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: 2023/91708
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, as amended by the Planning and Compulsory Purchase Order 2004.
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, LP10, LP21, LP22, LP23, LP24, LP30, LP31, LP48, LP51, LP52 & LP57 of the Kirklees Local Plan and policies within Chapters 2, 4, 6, 8, 9, 12, 13, 14 & 15 of the National Planning Policy Framework.
3. The external walls and roofing materials of the two-storey extension hereby approved shall in all respects match those used in the construction of the existing building. The external walls of the single storey extension hereby approved shall in all respects match those used in the construction of the existing building. These materials of construction shall be thereafter retained.
Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.
4. Any external materials required as part of the development to raise the roof height of the part of the building as shown on dwg no. 23_160.3.20 shall in all respects match the materials used in the construction of the existing building. These materials shall be thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

5. The 'holiday let units' hereby approved shall be let and occupied solely for the purposes of holiday accommodation and shall not be occupied as a main or principal place of residence. No person occupying any unit shall remain as an occupier for a continuous period of more than 28 days. Having vacated any holiday let unit no person shall return to occupy any holiday let unit overnight until a minimum period of 14 days has elapsed.

Reason: In the interests of residential amenity in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Policies in Chapter 15 of the National Planning Policy Framework.

6. The development shall not be opened to residential holiday lets until a footway link has been provided from the access to the residential lets to the access to the pub entrance to avoid the need for holiday let occupiers from needing to access the pub via Marsden Lane, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The footway so approved shall thereafter be retained.

Reason: In the interests of highway safety and to allow for safe pedestrian access to and from the site in accordance with policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

7. Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Environmental Noise Survey authored by Paul Horsley Acoustics dated 28 November 2019 Ref J2894:
 - a) shall be completed; and
 - b) written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, the development shall not be brought into use until a further scheme incorporating further measures to achieve those noise levels has been submitted to and approved in writing by the Local Planning Authority.

All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the

Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

8. Before the development is brought into use written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 55dB Dntw + Ctr shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and further written evidence to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

9. Before first occupation, a scheme detailing the dedicated facilities that will be provided at each premise for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet the requirements of the current West Yorkshire Low Emission Strategy (WYLES) document. The approved dedicated facilities for charging electric vehicles shall be installed prior to occupation and retained for use thereafter. The EVCPs should be installed in the premise before occupation.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

10. The means of extraction for the part of the development falling within Class E of the Town and Country Planning (Use Classes Order) 1987 (as amended) shall be in accordance with the submitted details (Lincat Electric Built in Fume Filtration Unit). Should an alternative means of extraction be intended to be used, prior to installation of the means of extraction a scheme shall first be submitted to, and approved in writing by, the Local Planning Authority. The means of extraction shall be installed in accordance with that which is approved by this condition.
Reason: In the interests protecting the amenity of adjacent residential properties and holiday accommodation and to accord with Policies LP24 and 52 of the Kirklees Local Plan and Policies in Chapters 12 and 15 of the Kirklees Local Plan.

11. The residential accommodation on the first floor directly above the hereby approved part of the development falling within Class E of the Town and Country Planning (Use Classes Order) 1987 (as amended) shall not be occupied other than by the owner, member of staff or dependents thereof of the Class E use on the ground floor.

Reason: In the interests of the protection of the amenity of the future occupiers of the flat and to protect the long term viability of the public house and to accord with Policies LP24, 48 and 52 of the Kirklees Local Plan and Policies in Chapters 12 and 15 of the Kirklees Local Plan.

12. The hereby approved part of the development falling within Class E of the Town and Country Planning (Use Classes Order) 1987 (as amended) use shall not be open to customers and there shall be no deliveries to or dispatches from the premises, outside the hours of 08:00 to 23:00 on any day of the week.

Reason: In the interests protecting the amenity of adjacent residential properties and to accord with Policies LP24 and 52 of the Kirklees Local Plan and Policies in Chapters 12 and 15 of the National Planning Policy Framework.

13. Except for normal access to and egress from the premises, the outdoor area to the part of the development falling within Class E of the Town and Country Planning (Use Classes Order) 1987 (as amended) use shall not be used by customers outside the hours of 10:00 to 22:00 on any day of the week.

Reason: In the interests protecting the amenity of adjacent residential properties and to accord with Policies LP24 and 52 of the Kirklees Local Plan and Policies in Chapters 12 and 15 of the National Planning Policy Framework.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B, D and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority within the site outline in red on the hereby approved Location Plan Dwg. No. 18_160.0.

Reason: In the interests of the protection of the openness and character of the Green Belt and to accord with Policy LP57 of the Kirklees Local Plan and the requirements of Chapter 13 of the National Planning Policy Framework.

Note: The granting of planning permission does not authorise the carrying out of works within the highway and any changes to the access within the adopted highway fronting the property will need to be constructed under the relevant section agreement of the 1980 Highways Act. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with

regard to obtaining this permission and approval of any construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

Note: The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation. The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

Note: The application site is not located in a coal risk area.

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received
Existing Elevations	23_160.4A	-	20.6.23
Proposed Elevations	23_160.3.2C	-	20.6.23
Proposed Floor Plans	23_160.2.2C	-	20.6.23
Existing Site/Block Layout	23_160.1	-	16.6.23
Proposed Site/Block Layout	160.1.1A	-	16.6.23
Location Plan	-	-	16.6.23
Highway Fencing System	J701047	-	16.6.23
Jakoustic Fencing	J7/04177	-	16.6.23
Highways Fencing System	J7/01047	-	16.6.23
Fencing System	06	-	16.6.23
Climate Change Statement	-	-	20.6.23
Rational Accessories	-	-	16.6.23
Jakoustic Highway Fencing	-	-	16.6.23
Fume Filtration Unit	-	-	16.6.23
Noise Assessment	-	-	16.6.23
Design and Access Statement	-	-	16.6.23

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with

the applicant in dealing with the application. No negotiations took place, and no amended plans were sought or submitted.

Report Dated:

27.9.23