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Residential and Commercial Planning : Planning Applications, Appeals and Enforcement

PLANNING STATEMENT

PROPOSED AMENDMENTS TO EXTRACTION SYSTEM AT BUTCHERS ARMS, TOWN GATE, HEPWORTH

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1. INTRODUCTION

1.1 This statement is submitted in support of a planning application for amendments to the extraction system installed in connection with an approved rear kitchen extension, at the Butchers Arms, Town Gate, Hepworth.

1.2 The purpose of this statement is to assess planning policy issues, the significance of the heritage asset, assess the impact of the development on the heritage asset, and to provide a justification for the proposals.

2. THE SITE AND PLANNING BACKGROUND

2.1 The Butchers Arms is situated within Hepworth Conservation Area and is centrally positioned within the historic core of the village, fronting onto Town Gate and with a side aspect on to Upper Gate.

2.2 Planning permission and listed building consent were granted in March 2020 for the extension. The extension was subsequently built and then approval was sought for the extraction equipment that was installed on construction of the extension. Although listed building consent was granted, planning permission was refused on the grounds of detrimental impact on the living conditions of nearby properties.

2.3 A revised application was submitted which took two extractor flues through the kitchen and out of the roof to provide suitable extraction for the premises, and removed the existing extraction system. That application was refused on the grounds that it had not been demonstrated that the extractor fan and flues could

be operational without resulting in undue harm to the living conditions of the nearby occupants in terms of noise disturbance.

3. PLANNING POLICY CONTEXT

3.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises of a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

3.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Kirklees Local Plan allocates the property as falling within the Hepworth conservation area.

3.3 Policy LP24 advises that proposals should promote good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. The policy also requires that development should provide a high standard of amenity for future and neighbouring occupiers, and should minimise impact on residential amenity of future and neighbouring occupiers.

3.4 Policy LP35 advises that 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.

3.5 Policy LP52 requires proposals which have the potential to increase pollution from noise pollution, must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

National Policy

3.6 The National Planning Policy Framework defines a heritage asset as buildings, monuments, sites, places, areas or landscapes. Assets can be designated, such as a conservation area, which is the relevant historic interest in the case of this development. The significance of a particular asset is derived from its architectural, historic, archaeological or artistic interest.

3.7 Paragraph 185 provides advice on consideration of matters such as noise and odour in terms of impact on health.

3.8 Paragraph 194 advises that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

3.9 Paragraph 199 indicates that great weight should be given to an asset's conservation. The more important the asset the greater weight that should be given. It notes that significance can be harmed or lost through development within

the setting of the heritage asset and indicates that any harm or loss should require clear and convincing justification.

4. HERITAGE CONTEXT

4.1 The site lies within Hepworth Conservation Area.

4.2 The property is a grade II listed building.

5. CASE IN SUPPORT OF THE APPLICATION

5.1 The proposal relates to amendments to the extractor system for the kitchen by removing the existing extractor fan on the south west elevation and inserting a new extraction system below the ridge level on the same elevation.

5.2 This approach has been supported by independent assessment by ventilation specialists and is detailed on drawing number MV-000-00. A noise impact assessment has also been undertaken which concludes that the predicted level of noise from the Extract System will be sufficiently low enough at the closest residential dwelling boundary to accord with the 'No Observed Adverse Effect Level' as detailed in Planning Practice Guidance and as such noise should not be deemed to be a determining factor in the determination of the application.

5.3 It is considered that the proposed extraction system in the location shown on the application plans would cause no harm to the listed building, but if that view was no shared then the proposal is justified by the public benefits associated with the

retention of an existing business and assisting with securing the continued use for a local community asset.

5.4 On that basis the proposals are considered to be in accordance with the policies referred to in section 3 of this Statement.