

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:	2023/65/92520/W
Site Address:	Butchers Arms, 38, Town Gate, Hepworth, Holmfirth, HD9 1TE
Description:	Listed Building Consent for alterations to extraction system (Within a Conservation Area)
Recommending Officer:	Tom Hunt

DECISION – CONSENT GRANTED

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: 24-May-2024

Officer Report

Site Description

2023/92520 – Butchers Arms, 38, Town Gate, Hepworth, Holmfirth, HD9 1TE

Butchers Arms 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 and its car park 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. There are a number of other Grade II listed buildings within close proximity to the site.

Description of Proposal

Listed Building Consent is sought for alterations to extraction system (Within a Conservation Area)

This would see the relocation of an extraction fan to the southwest elevation to be approximately 3.7-3.9m height from gently sloping ground; this would be 1m width by 0.6m height. An existing extraction fan to the northwest elevation of the rear extension would be removed. One input fan for air intake would be placed to the northeast roof slope of the host, 1.3m height from ground level.

Relevant Planning History

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|------------|--|
| 2023/92519 | Alterations to extraction system (Within a Conservation Area).
<i>Pending.</i> |
| 2021/93551 | Change of use from residential to create additional dining space and kitchen store including alterations to first floor (Listed Building within a Conservation Area).
<i>Refused.</i> |
| 2021/93510 | Listed Building Consent for alterations to extraction system (Within a Conservation Area).
<i>Granted</i> |

2021/93509	Alterations to extraction system (Within a Conservation Area). <i>Refused</i>
2021/90261	Erection of single storey rear extension, exterior alterations and installation of extract/input fans (modified proposal) (Listed Building within a Conservation Area). <i>Refused</i>
2021/90262	Listed Building Consent for the erection of single-storey rear extension, exterior alterations and installation of extract/input fans (modified proposal) (within a Conservation Area). <i>Granted</i>
2020/91219	Change of use of first floor to create additional dining space and kitchen store. (within a Conservation Area). <i>Refused</i> Appeal APP/Z4718/W/21/3282464 <i>Dismissed</i>
2020/91220	Listed Building Consent for internal alterations at first floor level (within a Conservation Area). <i>Granted</i>
2020/90380	Erection of single storey rear extension and exterior alterations (Within a Conservation Area). <i>Granted</i>
2020/90381	Listed Building Consent for erection of single storey rear extension and exterior alterations (Within a Conservation Area) <i>Granted</i>

Other applications on site relate to advertisement signage and are not directly relevant in this instance.

History of negotiations/amendments received

The case officer considered the application on review and sought additional information to be supplied regarding odour control which has been assessed within the associated planning application 2023/92519.

Access Considerations

None

Climate Change Emergency

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 pre-dates 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, Policy 12 of the Holme Valley Neighbourhood Development Plan, NPPF policies and guidance documents to embed the climate change agenda.

A Climate Change Statement has been supplied. Due to the minor nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Consultation Responses

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

- Conservation & Design – Informally consulted. Support
- Holme Valley Parish Council – Support subject to adequate mitigation on noise and food odours close to residential property.

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 Site Note and Press publicity with a final expiry date of 24/11/2023

Three representations have been received; a summary of the comments received relevant to Heritage amenity is set out below. The other comments, based on non-heritage amenity matters, are addressed within the associated planning application 2023/92519.

- Visual amenity in relation to visibility of larger extractor.

Officer note: Assessed within the 'Visual Amenity' section of the report.

Policy

The building is Grade II listed and therefore Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires the Local Planning Authority to *“have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic importance which it possesses”*.

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The site is located within Hepworth Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 24 – Design
- LP 35 – Historic Environment

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 December 2023, 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

In this instance, KC Conservation and Design have been informally consulted, whereby the officer has noted that the new extractor fans on the single-storey extension would not impact upon the historic building itself.

In terms of the large extractor vent proposed to replace the existing on the south western elevation of the C19 two storey extension, facing Upper Gate, Officers and third parties have noted that this would be more prominent as it would replace a smaller vent at lower ground.

The removal of the vent to the northwest elevation and the removed lower vent to the southwest elevation would require stone infill which could be adequately managed by condition for visual amenity to replace the void with high quality stone to match.

Close up, Officers concur that the functional and utilitarian nature of the installation's stark modern appearance would have limited visual impact to a setting whereby an existing installation of a similar nature reside and appears modestly in keeping. It is noted that the proposal would be sited at a lesser elevation of minimal architectural interest and would not significantly obscure

this elevation. The cumulative effect of this is considered to contribute to visual clutter and be visually harmful in this regard.

The internal alterations to the non-original extensions are accepted by the Conservation & Design Officer.

Conclusion

Paragraph 199 of the NPPF states that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 202 goes on to state that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act requires that 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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposed works are minimal and justified, subject to the recommended condition on stone infill and pointing to match for removed vents, it is felt that the architectural, and historic interest of the listed building are adequately preserved with visual harm limited to a higher level for one elevation. This impact would have less than substantial harm. Even though this would be less than substantial harm, great weight should be given to that harm.

The proposed development would have public benefits, specifically, the benefits of greater odour and noise control from the increased height of the extraction vent for improved residential amenity. It is considered that the relocation of a vent within the same elevation does not significantly alter the visual impact.

Furthermore, the public benefits of improving the odour and noise control of the kitchen will enable the business to limit its impact on residential amenity whilst expanding its operations to remain in a viable use as a community facility.

Given the nature of this minor form of development, leading to very minor visual impact to the Listed Building's extensions and to Hepworth Conservation Area, Officers concur that the proposal would have sufficient public benefits identified to clearly outweigh the harm caused by the proposals.

It is therefore concluded that the proposed development accords with the requirements of policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, policies within Chapters 2, 12 and 16 of the National Planning Policy Framework and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

This application has been assessed against relevant policies in the development plan and other material considerations and it is therefore recommended for approval.

Recommendation

Grant Listed Building Consent

Decision Authorisation - Delegated

Application Number: 2023/92520

Officer Recommendation: Grant Listed Building Consent

Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which consent is granted.

Reason: Pursuant to Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 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 to ensure the satisfactory appearance of the development on completion, in the interests of the significance of the heritage asset in accordance with Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended), Chapter 16 of the National Planning Policy Framework and Policy LP35 of the Kirklees Local Plan.

3. The natural stone infill and associated pointing, for the extract fan / vents to be removed to the southwest and northwest elevations upon submitted drawing 08RevC hereby approved shall in all respects match those used in

the construction of the existing building. The materials and pointing approved by this condition shall be retained thereafter.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage assets and to accord with Policies LP24 & LP35 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan as well as policies within Chapters 12 and 16 of the National Planning Policy Framework.

This Decision should be read in conjunction with the associated Decision for planning application 2023/92519.

FOOTNOTE: 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.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan, Existing/Proposed Floor and Elevation Plans.	Sheet no. 08.	C	31/10/2023
Proposed Floor and Section Plans.	Vent Drawings. Drawing no. MV-0000-00. Ref no. 0000.	A	23/08/2023
Odour Risk Assessment	Odour Risk Assessment by Redmore Environmental. Ref: 5206-1r1. Dated: 16 th February 2024.	-	22/02/2024
Noise Impact Assessment	Noise Impact Assessment by Professional Consult Ltd. Ref: 21.156.1.R2.	2	23/08/2023

Plan Type	Reference	Version	Date Received
	Dated: 29/07/2023. Version: 2.		
Planning and Heritage Statement	Planning and Heritage Statement by Roger Lee Planning Ltd. August 2023.	-	23/08/2023
Climate Change Statement	-	-	23/08/2023

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 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. The case officer considered the application on review and sought additional information to be supplied regarding odour control. This was reviewed within the associated planning application 2023/92519.

Report Dated: 20/05/2024