

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:	2023/62/93657/E
Site Address:	The Shears, 201, Halifax Road, Hightown, Liversedge, WF15 6NR
Description:	Erection of two detached dwellings with detached garages; alterations to public house with dwelling above to form one dwelling; erection of single and two storey extension to 201a Halifax Road
Recommending Officer:	Nicole Helliwell

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 18 April 2024

Officer Report

Reference No. 2023/62/93657/E

Site Address: The Shears, 201, Halifax Road, Hightown, Liversedge, WF15 6NR

Proposal: Erection of two detached dwellings with detached garages; alterations to public house with dwelling above to form one dwelling; erection of single and two storey extension to 201a Halifax Road

Site Description

The application relates to The Shears Inn, a public house situated in Hightown, Liversedge and its associated car park. The building is registered as an asset of community value and a non-designated heritage asset. The site is located within a predominately residential area and the surrounding dwellings are highly varied with regard to age, size, style, and materials. The site is not within a conservation area, nor are there any listed buildings within close proximity. However, there is a Public Right of Way (SPE/114/20) located south of the application site.

Description of Proposal

The applicant is seeking planning permission for the erection of two detached dwellings with detached garages; alterations to the public house with dwelling above to form one dwelling and the erection of a part single storey/part two storey extension to 201a Halifax Road. The proposed external alterations would include the partial demolition of the existing side and rear extensions at The Shears Inn.

The details of the proposal are summarised below:

- Installation of new fenestration within the eastern and southern elevations of The Shears Inn
- Change of Use and External alterations to the former Shears Inn to form one dwelling
- Erection of part single storey/part two storey extension to 201a Halifax Road (projection approx. 3.05m from the existing side elevation, projection approx. 3.84m from the existing rear elevation and maximum height approx. 6.2m)
- Erection of two identically sized 2.5 storey detached properties within the car park of the Shears Inn
- The dwellings proposed would have a width of approx. 7.5m, a depth of approx. 10.8m and an overall height of approx. 9.1m.
- A detached garage and off street parking for both proposed dwellings and the former Shears Inn are proposed to the rear of the site.

- The detached garage proposed for the occupants of Unit 2 would have a width of approx. 4.05m, a depth of approx. 6.6m and an overall height of approx. 3.64m.
- The detached garage proposed for the occupants of Unit 1 and the former Shears Inn would have a width of approx. 8.7m, a depth of approx. 6.6m and an overall height of approx. 4.6m.
- Furthermore, areas of private outdoor amenity space would be provided to the rear of the former Shears Inn, Unit 1 and Unit 2.

Relevant Planning History

- **2019/91239**: Demolition of existing public house and erection of four dwellings. [Planning application details | Kirklees Council](#) – Refused
- **2009/92257**: Erection of single storey kitchen extension and alterations. [Planning application details | Kirklees Council](#) – Conditional Full Permission

Representations

The application was advertised by neighbour letters, which expired on 14th February 2024. Twenty two representations were received following the statutory publicity. The comments made have been summarised below:

Objections (18 Representations)

- Historic value
- Highway safety and parking issues
- Meeting place for local people
- Detrimental to nature and wildlife
- The pub has a luddite connections
- Loss of privacy
- Loss of a community facility
- Supports the local economy
- Overdevelopment of the site
- The site provides a pleasant outlook
- The buildings proposed do not reflect the history and importance of the site

General Comments (3 representations)

- The Shears Pub should be a listed building but has been stripped of its heritage by the current owner
- Do not allow the demolition of the Shears Pub which holds significant historic and heritage status
- Retain stain glass windows within the front elevation
- Plaque installed by the Civic Society should be retained

- Any historical evidence/features which are discovered during building works should be recorded and retained

Supporting Comment (1 representation)

- The plans appear to protect and maintain one of Liversidge's key buildings
- Bringing this respected building to a modern standard and in keeping is an excellent use of the space

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 Conservation and Design – No objection

KC Environmental Health - No objection subject to recommended conditions

KC Highways Development Management – No objection subject to recommended conditions

Planning Policy Background

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 UNALLOCATED on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land
- **LP 11** - Housing Mix and Affordable Housing
- **LP 20** - Sustainable Travel
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 26** - Renewable and Low Carbon Energy
- **LP 28** - Drainage
- **LP 35** - Historic Environment
- **LP 48** - Community Facilities and Services
- **LP 51** - Protection and Improvement of Local Air Quality

- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 4** - Decision-Making
- **Chapter 5** - Delivering a Sufficient Supply of Homes
- **Chapter 9** - Promoting Sustainable Transport
- **Chapter 11** - Making Effective Use of Land
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment
- **Chapter 16** - Conserving and Enhancing the Historic Environment

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide (2021) - Nationally Described Space Standards
- National Design Guide
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- House Extensions and Alterations SPD (adopted 29th June 2021)

Assessment

1. Principle of Development

Housing Supply

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect

and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

- a) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- a) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing land.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The 2023 up-date of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of NPPF Paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making "Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

The Council's inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against

any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.

The proposal seeks to make alterations to the public house with dwelling above to form one dwelling and erect two detached dwellings within Liversedge and would assist in meeting the housing needs of the Council. This would be 'in line' with the aims of Chapter 5 of the NPPF, which states that small developments such as this can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

Loss of Community Facility

Policy LP48 of the KLP states that:

Proposals which involve the loss of valued community facilities such as shops, public houses and other facilities of value to the local community will only be permitted where it can be demonstrated that:

- a. there is no longer a need for the facility and all options including the scope for alternative community uses have been considered; or*
- b. its current use is no longer viable; or*
- c. there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location; or*
- d. an alternative facility of equivalent or better standard will be provided, either on-site or equally accessible; and*
- e. any assets listed on a Community Asset Register have satisfied the requirements under the relevant legislation.*

The applicant is required to demonstrate only one of the criteria from a) to d) above. With regards to criteria b), the applicant has provided a letter from their accountant confirming that the pub business is no longer viable. It is noted that alternative provision to serve the local community is also located within close proximity to the west (The Cross Keys).

In respect of criteria e, the existing building has been nominated as an Asset of Community Value. This requires, the owner of the building, in the event that they wish to sell it, to notify the Local Authority of their intention.

The Local Authority would then need to notify the nominator and publicise the owner's intention to sell the asset. If a community interest group was to express an interest in buying the asset, they must have made a written request to be treated as a potential bidder within the first 6 weeks. If not, the owner is free to sell the asset at the end of the 6 week period. If a community group does express an interest, the owner cannot sell the asset for 6 months, unless it is to the community group themselves. This is to allow the group time to prepare a business plan and raise the finance. The owner can sell to whoever they choose at the end of the 6 month period. However, at this current time the owner is not intending to sell the asset, and as such, no notification has been received by the Local Authority.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

2. Impact on Visual Amenity and Historic Environment

Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: *"The creation of high quality, beautiful and sustainable buildings and places is 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."*

Kirklees Local Plan Policies LP1, LP2 and LP24 all seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. Policy LP24 states that proposals should promote good design by ensuring: *"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape..."*

Paragraph 133 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Also relevant to this is the

Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- Taking cues from the character of the built and natural environment within the locality.*
- Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Further to this, Principle 13 of the Housebuilders Design Guide states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties. Principle 15 states that the design of the roofline should relate well to site context.

Two Detached Dwellings

The proposed dwellings would be 2.5 storeys in height and of a traditional design. Other than the application form which states ‘stone and render’ with no specific details as to which elements of the proposals this relates to, it is not clear from the submitted plans and information what the materials of construction are. It is noted that within the immediate locality, stone, render and brick can be found in the construction of existing buildings. To ensure that the dwellings would not appear discordant and would harmonise well into the surrounding townscape, it is considered appropriate to impose a condition requiring submission of details relating to the proposed materials of construction. The dwelling would also include traditionally styled windows and proportioned openings with stone heads and cills. The arrangement of fenestration and openings would be typical of this style of dwelling.

The dwellings would not be overly dominating and would respect the existing building line along Halifax Road. In terms of footprint and massing, the properties would not be out of keeping with the neighbouring dwellings given that the surrounding area lacks coherent character and there is already a degree of variation with regard to scale, design, and materials. Finished floor levels are indicated to be comparable with those of the Shears Inn. The proposed dwellings, by virtue of their design, scale, massing and roof line, are considered to be in keeping with the existing

development and as such would sit comfortably within the existing street scene and against the neighbouring properties.

The application site is also of a sufficient size to support two dwellings as proposed with detached garages and parking areas to the side and private outdoor amenity spaces to the rear. Furthermore, the development would not appear overly cramped, or cause any undue harm to the character and appearance of the area. Whilst the scale of the dwellings are deemed acceptable, it is considered appropriate to include a condition removing permitted development rights for any additions to ensure the site does not become overdeveloped.

The submitted plans and application form provide limited information regarding the proposed boundary treatments. Therefore, in the interest of visual amenity and to ensure that a satisfactory appearance of development is achieved upon completion, a condition will be imposed requiring details of the position, height, and materials of all boundary treatments to be submitted to and approved in writing by the Local Planning Authority.

It is therefore considered that, subject to conditions, the proposed dwellings would not cause detrimental harm with regard to visual amenity and would accord with the aims of Policy LP24 of the Kirklees Local Plan, Principles 2, 5, 12, 13, 14, and 15 of the Housebuilders Design Guide SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

Alterations to Public House and First floor Flat to form New Dwelling

The proposed external alterations would include the partial demolition of the existing side and rear projection. The submitted plans confirm that a mono-pitched roof would be erected over the single storey element retained. Given that the design would respect the appearance of the public house, it would not have any significant visual impact on the character and appearance of the wider street scene.

Furthermore, the submitted plans confirm that new fenestration would be installed within the eastern and southern elevations of the existing building. Given that the fenestration would be appropriately designed and would be in keeping with the style of the original build, it is considered that the proposed alterations would respect the visual amenity of the host dwelling and the surrounding area.

Single Storey/Two Storey Extension to 201a Halifax Road

The proposed part single storey/part two storey extension would project approximately 3.84m from the existing rear elevation and approx. 3.05m from the side elevation of the original dwellinghouse. The single storey element would incorporate a mono-pitched roof and the two storey element would feature a dual-pitched roof. No information has been provided with regard to the materials, other than the application form which states 'stone and render' with no specific details as to which elements of the proposals this relates to, however, a condition will be added requiring the extension to be constructed in materials to match the appearance of the original build. Although the extension proposed would feature a high ridge line, it would be set back approx. 4.5m from the principal elevation such that it would have some form of subservience to the host property. Furthermore, it is considered that the property and its curtilage would support the extension without it appearing incongruous or amounting to overdevelopment. Therefore, it is considered that the proposal would not have any significant visual impact on the character and appearance of the host property and wider street scene.

Impact on Non-Designated Heritage Asset

Paragraph 135(c) of the NPPF sets out that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, LP35 of the Kirklees Local Plan requires development proposals affecting a designated heritage asset to preserve or enhance the significance of the asset, retaining those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensuring that proposals maintain and reinforce local distinctiveness.

Paragraph 203 of the NPPF is also of relevance and states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- a) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;*
- and*
- b) the desirability of new development making a positive contribution to local character and distinctiveness.*

:

The Shears is a non-designated heritage asset with historic significant interest. It is recorded in the West Yorkshire Historic Environment Record. The Shears Inn was originally constructed as a dwelling for William Howlgate, shopkeeper of Hightown and his wife Sarah, their initials are recorded on the datestone H.W.S 1773. William Howlgate died in 1776. By 1803 part of the building was in use as a public house. The history of the Luddite movement is of national interest and The Shears had an important part in the history of that movement in Yorkshire and the events of 1812. The interior of the Inn has been much altered since that time, however the plan form of the building as a double-fronted double-pile plan house (two rooms to front, two to the back) can still be read and could be restored.

In view of the above, KC Conservation and Design were informally consulted on the proposed scheme. However, Officers did not raise any objections given that the public house would be retained as part of the application. On this basis, it is considered that the proposed development would not cause any detrimental harm to the non-designated heritage asset and would comply with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

3. Impact on Residential Amenity of Neighbouring Residents

Sections B and C of Policy LP24 state that alterations to existing buildings should: *"...maintain appropriate distances between buildings' and '...minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 135(f) of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *"Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking."*

The SPD also provides advised separation distances for two storey dwellings:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;

- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- For a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

The submitted plans confirm that no properties located south of the application site would be affected by the proposed works.

Impact on 250 Halifax Road

250 Halifax Road is a two storey detached property located north of the application site. The submitted site plan demonstrates that approximately 11.5m would be retained between the front elevation of the converted public house and the neighbouring property. Although the separation distance would fall short of the 21m recommended within the Kirklees Housebuilders Design Guide SPD, it is taken into consideration that the current relationship along Halifax Road falls short of this distance. Therefore, given that precedence has already been established within the street scene, it is considered that there would be no significant detrimental impact on the amenity of the neighbouring properties as a result of the proposed development.

Impact on 211 Halifax Road

211 Halifax Road is a two storey detached property located west of the application site. Although the submitted plans confirm that the proposed two storey side/rear extension at No.201a would be positioned approximately 0.6m from the common boundary shared with no.211, the proposed development would accord with the 45 degree angle in relation to the neighbour's rear fenestration. On this basis, it is considered that the proposed development would not result in any further harm to the neighbour's residential amenity over the existing.

Impact on Shears Fisheries, 256 Halifax Road

Shears Fisheries is a commercial property located north of the application site. The submitted plans confirms that a separation distance of approximately 21.8m would be retained between the front elevation of 201a Halifax Road and Shears Fisheries. Given that the separation distance retained would be sufficient, it is considered that the proposed extensions would not result in any undue harm with regard to residential amenity.

Impact on 197 Halifax Road

197 Halifax Road is a two storey property located east of the application site. The plans confirm that a distance of approximately 1.4m would be retained between the side wall of Unit 2 and the common boundary shared with 197 Halifax Road. Although this would fall short of the recommended separation distance, it is noted that the proposed dwelling would contain no fenestration within its side elevation. Whilst no.197 contains an obscure glazed high-level window within its side elevation, this appears to serve a non-habitable room and therefore would not warrant the same protection. Furthermore, the proposed dwellings would accord with the 45 degree rule in relation to the neighbour's front and rear fenestration. For these reasons, it is considered that there would be no significant detrimental impact on the amenity of the neighbouring properties as a result of the proposed development.

Impact on 242, 244 and 246 Halifax Road

242, 244 and 246 Halifax Road are residential properties located north of the application site. It is noted that a separation distance of approximately 28m would be retained between Unit 1 and 2 and the front elevation of the neighbouring dwellings. Therefore, officers are satisfied that the proposal would not cause any undue harm to the neighbouring occupants with regards to overbearing, overshadowing or overlooking.

It is considered that once occupied the dwellings are unlikely to generate significant levels of noise. However, the site is surrounded by residential properties and the occupiers of these could potentially be disturbed by noise generated during the construction process. Therefore, should the application be approved, a footnote will be imposed limiting such works to between the hours of 7.30am and 6.30pm Monday to Friday, 8am and 1pm on Saturdays with no working permitted on Sundays or Public Holidays.

Having considered the above factors, the development proposed would have an acceptable impact upon the residential amenity of the neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, KDP 6 & 16 of the Housebuilders Design Guide SPD and Paragraph 135(f) of the National Planning Policy Framework.

4. Impact on Residential Amenity of Future Occupiers

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account Principle 16 of the Kirklees Housebuilders Design Guide SPD which sets out that:

‘All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations’ and that ‘All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24’.

Units 1 and 2

National described space standards require the following gross internal floor area for a three storey dwelling:

- 4 Bedroom, 5-person dwelling set over 3 storeys - 103 square metres
- 4 Bedroom, 6-person dwelling set over 3 storeys – 112 square metres
- 4 Bedroom, 7-person dwelling set over 3 storeys – 121 square metres
- 4 Bedroom, 8-person dwelling set over 3 storeys – 130 square metres

The proposed floor plans show that the properties would have four bedrooms and are therefore required to have a minimum internal floor space of 103m². Both dwellings are identically sized and shown to have an internal floor space of 162m², which would adequately meet basic lifestyle needs and provide a high standard of amenity for future occupiers. It is also noted that each of the habitable rooms would benefit from a sufficient amount of natural light. Furthermore, private outdoor amenity space and off road parking is proposed to the rear of the dwellings.

Former Shears Inn

National described space standards require the following gross internal floor area for a two storey dwelling:

- 4 Bedroom, 5-person dwelling set over 2 storeys - 97 square metres
- 4 Bedroom, 6-person dwelling set over 2 storeys – 106 square metres
- 4 Bedroom, 7-person dwelling set over 2 storeys – 115 square metres
- 4 Bedroom, 8-person dwelling set over 2 storeys – 124 square metres

The proposed floor plans show that the resultant property would have four bedrooms and is therefore required to have a minimum internal floor space of 97m². The submitted plans confirm that the dwelling would have an internal floor space of 178m², which would adequately meet basic lifestyle needs and provide a high standard of amenity for future occupiers. It is also noted that each of the habitable rooms would benefit from a sufficient

amount of natural light. Furthermore, private outdoor amenity space and off road parking is proposed to the rear of the dwelling.

Whilst an existing opening within the side (east) elevation of the Former Shears Inn would serve a bedroom as converted, this would overlook the shared driveway and parking areas of Units 1 and 2 which would be open to public view in any case, and as such, no adverse impact on the residential amenity of future occupiers of Units 1 and 2 would occur.

Therefore, it is considered that the proposal would provide an acceptable standard of living for future occupants and would accord with LP24(b) of the Kirklees Local Plan, Principles 6 and 16 of the Council's Housebuilders Design Guide SPD, and Paragraph 135 (f) of the National Planning Policy Framework.

5. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application is for the erection of two detached dwellings with detached garages; alterations to the public house with dwelling above to form one dwelling and a part single storey/part two storey extension to 201a Halifax Road. As such, KC Highways Development Management have been formally consulted as part of the application, as the proposal would intensify the domestic use at the site.

Extension to 201A

The proposed extension to 201a Halifax Road would not affect parking within the site or have any highway safety implications. Therefore, this element of the proposal is considered acceptable to Highways Development Management.

Proposed Dwellings and Public House Conversion

The submitted plans demonstrate that three off-street car parking spaces are proposed for the proposed dwellings and the public house conversion which would meet the required guidelines. However, KC Highways did

confirm that they cannot support the application based on the information submitted. It was noted that the width of the site access would need to be amended to 4.5m to allow two way vehicle movements in and out the site. A revised plan would also need to be submitted to demonstrate that visibility splays of 2.4m x 43m can be achieved and that on site turning can be provided for the new dwellings. Revised drawings were submitted by the agent to address these concerns. Whilst the width of the access was altered to 4.5m and on site turning was demonstrated, the 2.4m x 43m sight lines could not be achieved. However, given that this entrance is existing, KC Highways DM have confirmed that on balance, the proposed scheme would be acceptable.

Principle 19 of the Housebuilders Design Guide SPD outlines how provision for waste storage and recycling should be incorporated into the design of new developments. The submitted plans provide limited information regarding the proposed waste storage and presentation points. Therefore, in the interest of highway safety, a condition will be imposed requiring details of suitable storage, bin presentation points and access for collection of waste to be submitted to and approved in writing by the Local Planning Authority.

A condition will be added to the decision notice to ensure that the vehicle parking areas will be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded. Furthermore, a new vehicular crossing will need to be provided for the proposed driveway. These works would need to be completed via a Section 184 agreement with the Council.

In view of the above, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21, LP22 and LP28 of the Kirklees Local Plan, Principles 12 and 19 in the Council's Housebuilders Design Guide SPD, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

6. Other Matters

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.

To ensure the proposal contributes positively to mitigating the impact of climate change and air quality, a condition will be added to the decision notice requiring electric vehicle recharging points be provided within the site for the future occupants of the dwellings. This is to comply with the aims of Policies LP24 and LP51 of the KLP and Chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, therefore, it is considered necessary for a footnote to be imposed restricting the times when noisy construction activities will be permitted.

Contaminated Land

The proposed development site has been identified as being located close to a former landfill site on our mapping systems (our site ref:71/4), which is circa 70m to the SE. Whilst KC Environmental Health do not object to the proposal, contaminated land conditions are recommended in order to fully appraise the risks at the site and ensure any necessary remediation is undertaken before occupation.

Drainage

Policy LP28 of the Kirklees Local Plan establishes a hierarchy of drainage solutions with a Sustainable Urban Drainage System being the most preferable solution and Main Sewer the least preferable option. The site is within flood zone 1, with no known flood risks or watercourses. The applicant states in the application form that the surface water is to be discharged via the main sewer; however, no supporting justification has been provided to confirm that the hierarchy of drainage solutions has been considered.

Public Right of Way

Although it is noted that public footpath SPE/114/20 runs along the southern boundary of the application site, due to the location of the

proposed works, it is considered that there would be no impact upon the PROW's setting

There are no other matters relevant to the determination of this application.

7. Representations

Twenty two representations were received following the statutory publicity. The material planning considerations have been addressed within the Officer report:

Objections (18 Representations)

- Historic value
- Highway safety and parking issues
- Meeting place for local people
- Detrimental to nature and wildlife
- The pub has a luddite connections
- Loss of privacy
- Loss of a community facility
- Supports the local economy
- Overdevelopment of the site
- The site provides a pleasant outlook
- The buildings proposed do not reflect the history and importance of the site

General Comments (3 representations)

- The Shears Pub should be a listed building but has been stripped of its heritage by the current owner
- Do not allow the demolition of the Shears Pub which holds significant historic and heritage status
- Retain stain glass windows within the front elevation
- Plaque installed by the Civic Society should be retained
- Any historical evidence/features which are discovered during building works should be recorded and retained

Supporting Comment (1 representation)

- The plans appear to protect and maintain one of Liversidge's key buildings
- Bringing this respected building to a modern standard and in keeping is an excellent use of the space

8. Negotiations

Revised plans were received during the course of the application to address KC Highways DM consultation response. KC Highways DM were

informally consulted on the revised drawings and did confirm that they are now acceptable with regard to highway safety.

9. 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.

As set out above, 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: 2023/93657

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP26, LP28, LP35, LP48, LP51, LP52 and LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls and alterations hereby approved shall in all respects match those used in the construction of The Shears Inn and retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principle 13 of the Council's Housebuilders Design Guide SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

4. The external materials of the part single storey/part two storey extension hereby approved shall in all respects match those used in the construction of 201a Halifax Road and retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of Chapter 12 of the National Planning Policy Framework.

5. Prior to development commencing on the superstructure of the dwellings hereby approved, details of all the external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and retained as such. **Reason:** This pre-commencement condition is in the interest of visual amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

6. Notwithstanding the submitted plans and information, before development commences on the superstructure of the dwellings hereby approved, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.

Reason: This pre-commencement condition is in the interest of visual and residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapters 12 and 13 of the National Planning Policy Framework.

7. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local

Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8 further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a

Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.

12. Before development commences, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: This pre-commencement condition is necessary in the interests of highway safety and to meet the requirements set out in Local Plan Policy LP24 part d(vi).

13. Before first occupation, a scheme outlining the specific facilities for charging electric vehicles and other ultra-low emission vehicles at the premises must be submitted to and approved in writing by the Local Planning Authority. This scheme must meet the minimum requirements in the current West Yorkshire Low Emission Strategy (WYLES) document. The approved facilities for charging electric vehicles must be installed before occupation and retained for use thereafter.

Reason: This pre-commencement condition is 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).

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no development included within Classes A through E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to avoid overdevelopment in accordance with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

15. The development shall not be brought into use until the areas to be used by vehicles and/or pedestrians have been surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 2009 (ISBN as amended or any successor guidance. The parking spaces shall be so retained, free of obstructions and available for the use thereafter.

Reason: In the interests of highway safety and to ensure satisfactory surface water drainage of the site in accordance with Policy LP21 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

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. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: The changes to the access within the adopted highway fronting the site, to provide a dropped kerb, will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the 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: 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.

NOTE: Public footpath SPE/114/20 is located adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's Public Rights of Way unit may be contacted by telephone on 01484 221000. Public rights of way are based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Revision	Date Received
Location Plan	-	-	14/12/2023
The Shears Inn – Existing	3571 (0-) 01	-	14/12/2023

Plans & Elevations			
201a Halifax Road - Existing Plans & Elevations (1:50)	3571 (0-) 07	-	14/12/2023
Proposed Ground Floor Site Plan	3571 (0-) 08	A	16/04/2024
Proposed First Floor Site Plan	3571 (0-) 09	A	16/04/2024
Proposed Second Floor Site Plan	3571 (0-) 10	A	16/04/2024
Proposed Shears Inn Plans & Elevations	3571 (0-) 11	A	16/04/2024
201a Halifax Road - Proposed Plans & Elevations	3571 (0-) 12	A	16/04/2024
Proposed New Build Plans & Elevations	3571 (0-) 13	A	16/04/2024
Proposed Site Roof Plan	3571 (0-) 14	A	16/04/2024
Site Plan	117AD_01_Shears Inn	-	14/12/2023
Climate Change Statement	-	-	14/12/2023

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 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. Revised plans were received during the course of the application to address KC Highways consultation response, which were considered acceptable with regard to highway safety. Furthermore, the agent has also confirmed their agreement to the pre-commencement conditions.

Dated: 17/04/2024

