
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 14-Apr-2021

Subject: Planning Application 2020/91601 Change of use from agricultural land to A4 (Drinking Establishment) and erection of extensions and alterations Dunkirk Inn, 231, Barnsley Road, Lower Denby, Huddersfield, HD8 8TX

APPLICANT

Mark Ronan, The Bagden
Group

DATE VALID

10-Jun-2020

TARGET DATE

05-Aug-2020

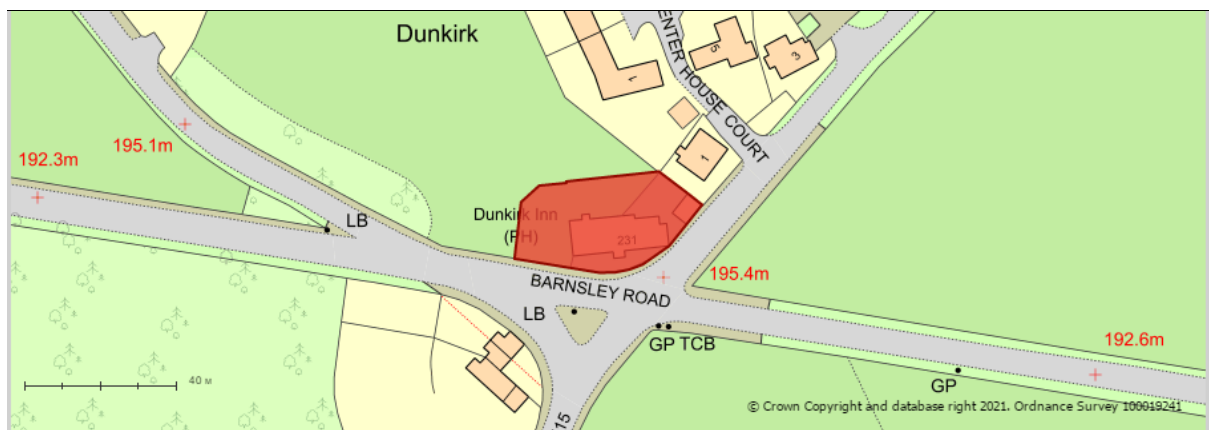
EXTENSION EXPIRY DATE

18-Dec-2020

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Denby Dale

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION: DELEGATE approval of the application to the Head of Planning and Development in order to complete the list of conditions including those contained in this report and issue the decision.

1.0 INTRODUCTION:

- 1.1 A report recommending refusal of this application was considered by the Heavy Woollen Sub-Committee on 17/02/2021. At that meeting it was resolved to defer the committee's decision to allow officers to assess a Highway Statement and other information that had been submitted the day before the committee, and to present the results of those assessments at a future meeting of the sub-committee.
- 1.2 Since the last Committee, the information has been assessed and officers have worked with the applicants to revise the proposed scheme in such a way that it conforms to local plan policies and can be recommended for approval. The Highways issues have now been resolved and officers have received confirmation from the Council's Highways Development Management team stating that the final highway comments have now been supplied, which indicate that the additional information is satisfactory from a highway perspective and that HDM are, therefore, not wishing to raise any objection to the scheme.
- 1.3 In addition, the proposed extensions have now been reduced in scale, to around 33% over the original size of the building and the red line boundary has been reduced, so that it now has been drawn much more tightly around the existing public house buildings.
- 1.4 Therefore, this report has been updated with an amended officer recommendation of approval. This recommendation can now be justified, based on the pub being a valuable community facility and the proposals now being considered acceptable in terms of their visual impact and their effect on the local highway infrastructure.
- 1.5 Councillor Watson has been updated about these recent developments. In an email to Officers, in response, he wrote; "...*The reason for seeking the referral to committee was as a consequence of the fact that the matter had been ongoing for some time and therefore I felt it really needed to be driven towards an outcome one way or another. It seems from your email that as a consequence of further work by council officers and the consultants retained by the applicant it has been possible for this matter to now be brought to a close and having regard to this the reason for seeking the referral to committee falls away.*

I for one would certainly not wish to see resources utilised unnecessarily in preparing the committee to deal with an application that they probably don't now need to and therefore I would be quite content for a decision to be granted under the powers that are delegated to officers if you consider that to be appropriate now...".

- 1.6 The above request has been carefully considered however, in light of the application previously been considered at the Heavy Woollen Sub-Committee, it has been agreed with the Chair that, although the application has now been amended and the recommendation is to approve, that it still be decided by members of this Sub-Committee in the interests of transparency in the decision-making process.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises The Dunkirk public house, located approximately 1.3 kilometres outside of the town centre of Denby Dale at the junction of the A635 Barnsley Road with Dry Hill Lane. The whole of the site and the surrounding area is located within the Green Belt in the Kirklees Local Plan.
- 2.2 The existing public house is a simple vernacular building with extensions and alterations to the eastern end of the site. On the ground floor is a bar/restaurant area, and on the upper floor a multi-use room. Prior to 2016 the upper floor was laid out as residential accommodation with some office space. Planning permission was granted in 2016 (ref 2016/92134) for extensions and alterations, which included the creation of a small function room with a roof deck, whilst retaining some residential accommodation and office space. The 'existing' plans submitted as part of this application show the whole of the first floor identified as a multi-use room.
- 2.3 The property has a limited curtilage area with an area of outdoor seating immediately to the front of the building secured by a dry-stone wall, and a further outdoor area in the north-eastern corner, together with a drinks store. The building backs onto agricultural fields to the north and east, and to the rear of residential properties off Tenter House Court to the north-east including the grade II listed former barn at 1 Tenter House Court.
- 2.4 The public house is served by an unmarked car park located off Dry Hill Lane, which is separate to the public house building, at a distance of approximately 70 metres.
- 2.5 In the interests of clarity, works have been undertaken to extend the curtilage of the public house into the adjacent agricultural fields, to erect a dry-stone boundary wall and to install temporary kitchens. The works to extend the curtilage form part of those applied for in this planning application and do not benefit from planning permission.

3.0 PROPOSAL:

- 3.1 Officers have liaised with the applicant's agents and negotiated revised drawings for this proposal. It now represents an increase of around 33% by volume from the original building. The footprint has been reduced by halving the size of the side extension and reducing the rear extension. This has been

possible by making greater use of the existing accommodation at first floor level for seating, than was previously proposed. The red line boundary has also been reduced.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 89/02668 – Erection of illuminated signs – Consent Granted

91/04940 – Alterations to external wall – Conditional Full Permission

91/04941 – Outline application for erection of restaurant extension and change of use from bungalow to bedrooms (Hotel Annex) and part of flat into function room – Withdrawn

92/01243 – Outline application for erection of restaurant extension and change of use from bungalow to bedrooms (hotel annex) and part of flat into function room and extension to car park – Conditional Outline Permission

2003/95020 – Change of use of land and alterations to form car park and landscaping – Withdrawn

2004/93635 – Change of use of land to form car park, formation of new access and erection of single storey extension – Refused

2016/92134 – Erection of two storey infill extension to rear, formation of roof terrace over existing single storey, demolition of lean-to-store, erection of boundary wall with gate and erection of smoking shelter to the rear garden – Conditional Full Permission

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Officers negotiated with the applicant to secure:

- A detailed explanation for the substantial scale of the extension, to include further evidence on the number of covers required to make the business viable and how this relates to the scale of extension required and evidence of consideration of smaller scale alternatives.
- Proposed staff numbers at peak times
- Capacity of the public house should the scheme be constructed
- Any proposed improvements to the pedestrian link between the car park and the public house
- Details of any 'Very Special Circumstances' the applicant wishes the Local Planning Authority to consider.
- Additional highway comments, which have resolved the previous concerns of HDM.
- Reductions in the scale of the extensions and a smaller red line boundary.

6.0 PLANNING POLICY:

6.1 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).

Kirklees Local Plan (2019):

- 6.2 **LP1** – Presumption in favour of sustainable development
LP2 – Place Shaping
LP10 – Supporting the rural economy
LP16 – Food and drink uses and the evening economy
LP21 – Highways and access
LP22 – Parking
LP24 – Design
LP33 – Trees
LP35 – Historic Environment
LP48 – Community Facilities and services
LP53 – Contaminated and unstable land
LP57 – The extension, alteration or replacement of existing buildings

National Planning Guidance:

- 6.4 **Chapter 2** – Achieving Sustainable Development
Chapter 6 – Building a strong, competitive economy
Chapter 9 – Promoting sustainable transport
Chapter 12 – Achieving well-designed places
Chapter 13 – Protecting Green Belt land
Chapter 15 – Conserving and Enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised as a minor application affecting the setting of a listed building. The final publicity expired 22.12.20. As a result of this publicity twenty representations have been received, including 12 letters of support, 4 objections and 4 other comments. A summary of the comments raised are as follows:

Comments in Support

- Vital this is approved so the diversity and amenity of the local area is maintained.
- The proposals are well designed and considered and will significantly improve the offer this critical part of the local community has to offer.
- The special circumstances required have been demonstrated
- The livelihoods of many people depend on this
- A good enhancement to a fine establishment in the area.
- Wish to support to a local business that supports the local community
- Dunkirk is a lovely pub in a beautiful rural location. It will really benefit from an extended seating at the back.
- Considering the current plight of the industry, it is a credit to the owners to invest. A fantastic committee and enhancement to the community, they should be applauded not restricted.
- Support the application for the reasons stated in the access statement.
- At a time when villages have lost their local pub it is good to see that local people are trying to further develop their business providing jobs and revenue within our community.
- The plans will enhance the exceptional restoration of the building.

- Good to have local facilities with separate dining, on the north elevation acoustic/visual tree planting would assist blending in.
- The application will better serve the local community due to improving access for disabled and those with walking difficulties and will help make the establishment a sustainable business.
- The plans will be consideration and beneficial to the area.
- The facilities for disabled people are excellent and the changes they want to make will improve them even more, especially the access to the first floor and the changes to the toilet facilities there.
- The room at the first floor will be a godsend for the locals. A function room of this size and quality is very rare in this area, and the new lift will mean that everyone can get to it.
- Granting permission will further enhance community opportunities, the extension will also add to the local economy.

Objections/Comments

Principle of Development

- The development is in the Green Belt
- The release of green belt unless for special circumstances is a major policy of the adopted local plan, so approval would be a departure from the policy's contained within the local plan, and the case for special circumstances has not been made
- The removal of land from the green belt to provide extra facilities for the pub does not demonstrate special circumstances.
- The justification for the size of the extension to comply with 2m social distancing rules are absurd.
- The extension would give the business an unfair advantage over existing businesses that can't expand.

Highway Safety

- The crossroads are an accident 'blackspot' with recent fatalities, and extra traffic will exacerbate this
- There are regularly parked cars running up to the junction with Barnsley Road. It is critical existing car parking spaces are not compromised and that the car park does not have a change of use to reduce capacity.
- There have been fatalities at the junction and more recently the dairy facility on Miller Hill has had large milk truck traffic, causing a bottleneck when turning in from the main Barnsley road to Miller Hill.
- Suggest an area of double yellow lines is extended past existing housing at the bottom of Miller Hill and that residents only parking bays for number 1 Miller Hill in particular are the only cars allowed in this area.
- Works have been going on since May and trade vehicles have regularly been parking at the junction between Barnsley Road and Dry Hill Lane.
- A new site entrance has been created on Barnsley Road near the junction with Miller Hill. The development would cause more distractions at an already dangerous junction.
- The Dunkirk has a large car park about 100 metres away along Dry Hill Lane. Despite this cars park on the roadside. This causes visibility issues for residents at Tenter House Court. Cars also park close to the junction of Dry Hill Lane and Barnsley Road which cause visibility issues. Wish to see double yellow lines up to the car park entrance and signage improved.
- Seek further encouragement for customers to use the car park.

Residential Amenity

- The kitchen garden could be a move to obtain permission to convert the land to commercial use, which could become a beer garden. This would cause issues of noise and privacy for 1 Tenter House Court. Request a covenant to stop it becoming a beer garden.
- It is not clear what the demarcation is for the area defined as a public outdoor space and which area is defined as the kitchen garden. This should be clearly marked with specific provision that prohibits the general public from areas not currently used as outdoor public spaces. Any additional access would cause noise pollution and privacy issues for neighbouring properties, particularly given the agricultural nature of the boundary walls, being a dry-stone wall.
- It is unclear how the “naturally landscaped areas” & “Kitchen Garden” will not become an enlarged beer garden. This will impact on surrounding properties through noise pollution, the privacy of neighbours, being overlooked, and the impact on visual amenity.
- No clear plans (other than a Louvre location) have been provided with regard to kitchen extract and in particular odour control.
- The application makes reference to new lighting, However, no detail has been given. Concern this will cause unnecessary light pollution.
- Concern that there is sufficient extraction and filtering of air from the kitchen to ensure cooking smells are non-invasive.
- Extraction fans should be carefully placed to direct the smell of food preparation away from properties at Tenter House Court.
- There are 3 bottle bank deposit stations in the car park which create noise issues for residents at Tenter House Court and Dry Hill Lane. Query if they could be locked overnight or removed.

Other Comments

- Works have already started. Query if Building Control has been consulted.
- It appears a large mature tree has been removed.
- The foul drainage system from Tenter House Court runs across the land of the proposed extension. Require care to not damage the system and requires a possible improvement to cope with additional capacity.
- Concern about demand on the existing sewer system and concern future maintenance will be restricted.
- Drainage must be adequate for increased usage from additional customers. In the case of failure, the relevant water authorities and residents of Tenter House Court should have adequate access.
- Foundations have started to be laid for a cold storage unit in the garden area. This new outhouse is closely proximate to the boundary of properties on Miller Hill and Tenter House Court. This is not on the plans and it is important and should be in keeping with the construction of the pub as well as the neighbouring properties, one of which is a listed building.
- The main drainage for the properties at Tenter House Court runs through the area marked for the small garden and may run underneath the kitchen extension in part.
- Part 7 of the application form states that slates are to be stone to match existing but existing stone slates have been removed and replaced with artificial slates.

Denby Dale Parish council – No objections

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

The Coal Authority – No objection. No mine workings are present beneath the application site and the risk is negligible.

Highway Services – No objection: the final highway comments have now been supplied, which indicate that the additional information is satisfactory from a highway perspective and that HDM are, therefore, not wishing to raise any objection to the scheme.

8.2 Non-statutory:

Conservation and Design – No objection

Environmental Services – No objections subject to conditions

Kirklees Council Arboricultural Officer – No objections

West Yorkshire Police Architectural liaison Officer – No objections

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions.

10.2 The application site is located within the green belt. Paragraph 143 of the NPPF states inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. Paragraph 144 states when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 10.3 Paragraph 145 of the NPPF states a local planning authority should regard the construction of new buildings as inappropriate in the green belt. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
- 10.4 Policy LP57 of the Kirklees Local Plan is also relevant. It states proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that:
- a. in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building.
 - b. in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing.
 - c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and
 - d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.
- 10.5 The proposal to extend the building forms one of the exceptions set out in the NPPF, subject to the extension not resulting in disproportionate additions over and above the size of the original building. This is reflected in Policy LP57 of the Kirklees Local Plan which stipulates the original building must remain the dominant element. The existing public house is a simple vernacular building with extensions and alterations to eastern end of the site. The proposal extension has such a substantial footprint that even as a single storey extension the existing building would fail to be retained as the dominant element. By reason of its scale and massing it would result in harm to the openness of the green belt, notwithstanding the topography of the adjacent agricultural fields which slope upwards to the north. This is exacerbated by the fact that the curtilage of the existing building is insufficient in size to accommodate the extension and requires encroachment into the adjacent agricultural fields; excavation of existing agricultural land and the construction of boundary walls and retaining structures. This is contrary to the fundamental aim of Green Belt policy as stated in Paragraph 133 of the NPPF which is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence. The proposal would fail to accord with Policy LP57 of the Kirklees Local Plan and the NPPF. In these circumstances therefore, for the application to be acceptable very special circumstances would have to be demonstrated which clearly outweigh the harm.
- 10.6 The applicant's opinion that an extension smaller than that proposed is financially unsustainable. They have provided the following confidential documents for consideration:
- Economic Case
 - Report of the Directors and Unaudited Financial Statements for the Year Ended 31 March 2020.
 - Extension Size Justification Report
 - Alternative General Arrangements with Non Covid-19 Seating Plan
 - Alternative General Arrangements with Covid-19 Seating Plan

10.7 The applicant states that they have considered seven alternative layouts (including both Non-Covid and Covid seating plans) with a 1.8m reduction of the depth of the extension, removal of a bay of the oak frame and reorientation of the kitchen and back of house areas. Three are discounted by the applicants because the kitchen is not suitable for a full service and function, two are discounted because the change in covers is unacceptable in respect of profit and loss, and one is discounted because of unfavourable cover ratios and disruption of bar layout. Of the two options remaining, one is the proposed layout and the other relates to an even larger extension where the oak frame, dining and kitchen area increased by 2 metres. The applicants conclude as follows *“Following the interrogation, it has been shown that all of the Options provided, only Option 1 passes all the reasonable tests we have applied. These include operational performance, profit and loss calculations and the consideration of a worsening market”*. They go on to say *“Therefore, we confirm that the extension proposed is as needed in order to create a sustainable business.*

10.8 The applicant has also provided the following information to be considered:

1. The ‘Very Special Circumstances’

- *The Dunkirk is the heartbeat and meeting place for many local groups and the community would be a much poorer place if this pub were lost.*
- *For many staff who work at the Dunkirk it is their livelihood and the very means by which they support their families.*
- *Given the topography of the land, the proposed extension height is lower than the existing boundary wall height and the extension is to the rear of the existing building. We believe this reduces the impact on the greenbelt.*
- *The Dunkirk is the ONLY facility of its kind in our area to have extensive facilities for wheelchair users. We have been thanked by numerous people with accessibility issues for the work we have done.*
- *The Dunkirk closed in 2016 because it was not economically viable with the loss of numerous jobs.*
- *A group of locals purchased the pub in 2016 and carried out a refurbishment to see if the pub could be turned around. Unfortunately, after a further 3 years of trading it was still a loss-making business (despite paying zero rent).*
- *Two of the four people involved could not continue to lose money and left the business in 2019.*
- *The two remaining owners have put together a plan which requires substantial investment, and this includes the requirement for a building extension to the rear of the property to make the business viable (see detailed economic assessment).*
- *If the planning permission is granted this will secure 40 full and part time jobs.*
- *If planning permission is granted the business will continue to support numerous local suppliers who currently supply the business.*
- *If the planning permission is granted, the business will continue to contribute substantial amounts to the local economy.*
- *If the planning permission is granted, the staff facilities will be greatly improved.*

- *If permission is not granted the pub will be another statistic on the closure list of which we understand there have been circa 14,000 closures since the turn of the millennium.*
- *If permission is not granted the 40 jobs would be lost and local suppliers would suffer as a result.*

2. List of groups and people who use the Dunkirk:

- *We have a number of regular, vulnerable and elderly patrons, for whom the Dunkirk is their only social contact. We can provide a list of these people, but we would need to seek their permission to disclose their details.*
- *The Greenworks Group (a team of people with special needs).*
- *Various cycling groups.*
- *Denby Dale Badminton Club.*
- *Denby Dale Tennis Club.*
- *Upper Denby Cricket Club.*
- *Scissett Football Club.*
- *The Vasculitis Charity.*
- *Kirkwood Hospice.*
- *Denby Dale Library.*
- *Forget-me Not Trust.*
- *The Denby Dale Lions Charity.*
- *Numerous local businesses.*
- *Various family celebrations.*
- *Funeral gatherings.*
- *Farming community.*

Eight Supporting Documents from Community Groups (summarised below)

- Local Book Club Hosted by the Dunkirk
- Scissett Football Club The Dunkirk has offered their venue for fundraising and sponsor the playing strip for a Junior Team. Concern that if the Dunkirk closed, the future of Scissett FC would be in peril. Concern this would jeopardise the personal development of local people.
- Lions Club International - The Dunkirk has supported their fundraising for events
- Denby Dale Tennis Club Hosted Annual Dinner and Presentation Evenings at the Dunkirk
- Volunteers of the Kirkwood Hospice community café use the Dunkirk for regular get togethers
- Denby Dale Pie Hall Badminton Club use the Dunkirk after practice and matches, for meetings and functions. Consider if the pub ceased trading, they would struggle to retain membership and could risk the loss of a community sports organisation.
- Greenworks Plus Supported employment provision who work with people with learning disabilities who work within the grounds of the Dunkirk. Will continue working there in the allotment and on other projects. The Dunkirk Inn have gifted a summerhouse.
- Ace Laundry Services, Scissett –Employment of local people and using small business and organisations.

- 10.9 The circumstances put forward are material considerations, but they would only overcome the presumption against inappropriate development if they were considered to constitute “Very Special Circumstances”. The proposed development is inappropriate development in the Green Belt which may only be made acceptable by the existence of Very Special Circumstances which clearly outweigh the harm caused to the Green Belt by inappropriateness and any other harm. Policy LP10 of the Kirklees Local Plan seeks to improve the economic performance of the rural economy and the applicants note the proposal will allow staff levels to increase to 40. Policy LP10 makes clear however, that in all cases where development is proposed in the Green Belt regard must be had to the relevant policies in the local plan and relevant national planning guidance.
- 10.10 The scale of the proposal has been substantially reduced since the application was deferred from the last Heavy Woollen Sub-Committee meeting. The proposed extensions would now represent approximately only 30% of the original building, which is considered appropriate in this Green Belt setting. Accordingly, the proposed works are now at a scale where it is considered that they can be accepted as constituting development that can be allowed under the “very special circumstances” exception to inappropriate development within the Green Belt. The reason for this is that the public house is a valuable community facility, and the extensions are now no more than is reasonably necessary to allow this facility to continue in operation. The scale of the extensions has been reduced to around 33%. The footprint has been reduced by halving the size of the side extension and reducing the rear extension. This has been possible by making greater use of the existing accommodation at first floor level for seating, than was previously proposed. The red line boundary has also been reduced, so that it now tightly follows the footprint of the public house building.

Highway Safety Matters

- 10.11 Policy LP21 of the Kirklees Local Plan states new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe. A number of concerns have been raised in the representations received which include that the crossroads are an accident ‘blackspot’ with recent fatalities, and that extra traffic will exacerbate this. There is also concern about existing on-street parking and visibility issues.
- 10.12 The Design and Access Statement supplied by the applicant explains that the development will increase kitchen space, the size of the dining area, and improve toilet facilities and staff quarters. This will allow staff levels to increase to 40, along with an increase in customer capacity. Additional information has been provided by the applicant with regard to parking provision. Highways Development Management (HDM) have recently supplied revised consultation comments regarding this scheme following further information submitted by the applicants and an assessment of this information. These revised comments state: *“Further to previous comments and deferral at Huddersfield Sub Planning Committee, assessment of the off-street parking requirements of the site have been supplied by Sanderson Associates including the use the TRICs database to justify the level of off-street parking. This comparison with other sites suggests that a car park capacity of 36 spaces would suffice for the Dunkirk Inn. Furthermore, this was suggested for a property volume greater than that*

now being submitted by the applicant. The car park has now been lined to improve efficiency. Whereby previously cars parked as and where they wished, the formalised bays should allow the full capacity of the facility to be used. Highways DM officers accept the information supplied as satisfactory to address previous concerns. As such, the scheme is now acceptable from a highway perspective. As the car park is now lined, and servicing and delivery arrangements are likely to remain unchanged, no specific conditions are deemed necessary". HDM can, therefore, now support the proposals, which are in accordance with highway safety policies LP21 and LP22.

Visual Amenity and Heritage Matters

- 10.13 The Dunkirk public house occupies a prominent position at the junction of Barnsley Road with Dry Hill Road and is located in proximity to the Grade II listed former barn at 1 Tenter House Court. Policy LP35 of the Kirklees Local Plan states development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset. Furthermore, policy LP24 of the Kirklees Local Plan states proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.
- 10.14 Given that the scale of the proposed extensions has now been substantially reduced, the proposal would now meet the requirements laid down in Policy LP35 of the Kirklees Local Plan.

Impact on Residential Amenity

- 10.15 Policy LP24 of the Kirklees Local Plan states proposals should provide a high standard of amenity for future and neighbouring occupiers. The nearest neighbouring residential properties which have the potential to be affected by the development are located off Dry Hill Lane and Tenter House Court to the north-east of the application site. Concerns regarding the impact on residential amenity have been raised in the representations received including concerns that the proposed kitchen garden could be a move to obtain permission to convert the land from agricultural use to a beer garden, and that any additional access for the public in outdoor spaces would cause noise pollution and privacy issues for neighbouring properties. There are also concerns there are no clear details for kitchen extraction or lighting. These concerns have now been resolved with amendments to the red line boundary, reducing the application site to a tight line around the existing public house buildings.
- 10.16 In respect of the impact on No.1 Dry Hill Lane this is a bungalow property located to the north-east whose garden abuts the application site. The proposed development would bring the footprint of the building closer to this property, however the proposed kitchen extension would be single storey with a lean to roof and it is considered due to the intervening existing area of outside space, there would not be a detrimental overbearing impact on this neighbouring property. It is not considered there would be any detrimental loss of privacy to this neighbouring property.

- 10.17 In respect of the impact on No.1 Tenter House Court, this is the Grade II listed former barn. It is considered due to the extension being single storey there would be no detrimental overbearing impact. The proposed windows in the dining area are at a sufficient distance to avoid any detrimental overlooking impact. The use of a proposed kitchen garden is not clear. However, the amended red line boundary now excludes this from consideration.
- 10.18. Environmental Services note the kitchen will require mechanical extraction plant and any noise from this operation will need to be controlled along with any other mechanical plant serving the premises i.e. chillers, condensers etc. A noise assessment condition would therefore be necessary. Cooking odours will also need to be controlled to ensure they do not cause a nuisance to neighbouring properties, and this matter can also be controlled by condition. Further conditions are also recommended to ensure the applicant prevents the discharge of fats, oils and grease from food service kitchens into the wastewater stream and to control construction noise to protect the amenity of neighbouring properties during the construction phase. Subject to conditions these matters would be addressed.
- 10.19. In conclusion it is considered there would be no detrimental impact on residential amenity in accordance with policy LP24 of the Kirklees Local Plan.

Climate Change

- 10.20 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 policies and guidance documents to embed the climate change agenda. The proposal to erect extensions would generate carbon emissions. However, this is an existing public house building and, on balance, it is considered the proposal would not have a detrimental impact on the Climate Change agenda.

Other Matters

- 10.21 The application falls within The Coal Authority's defined Development Area and is supported by a Coal Mining Risk Assessment. The Coal Authority note the report conclusively states that no mine workings are present beneath the application site and assesses the risk to be negligible. The Coal Authority raise no objections to the application.
- 10.22 Environmental Services note the submitted Coal Mining Risk Assessment indicates the land is in a shallow coal mining area and ground gas may be present. Environmental Services therefore request a contaminated land assessment be provided, and this matter can be addressed by Condition.
- 10.23 The West Yorkshire Police Designing Out Crime Officer raises no objections.

Representations

10.24 A total of twenty representations have been received, including 12 letters of support, 4 objections and 4 other comments. The comments in support are noted.

10.25 In so far as the comments raised have not been addressed above:

Works have already started. Query if Building Control has been consulted.

Response: These comments are noted however the works undertaken which require planning permission are at the risk of the applicant and could be subject to enforcement.

It appears a large mature tree has been removed.

Response: The arboricultural officer raises no objections to the proposal

The foul drainage system from Tenter House Court runs across the land of the proposed extension. Require care to not damage the system and requires a possible improvement to cope with additional capacity / Concern about demand on the existing sewer system and concern future maintenance will be restricted / Drainage must be adequate for increased usage. In the case of failure, the relevant authorities and residents of Tenter House Court should have adequate access. The main drainage for properties at Tenter House Court runs through the area marked for the garden and may run underneath the kitchen extension.

Response: No drainage details have been submitted for the proposed extension, but this matter would be considered as part of an application for Building Regulations.

Foundations have started to be laid for a cold storage unit in the garden area. This outhouse is close to the boundary of properties on Miller Hill and Tenter House Court. This is not on the plans and should be in keeping with the construction of the pub and neighbouring properties.

Response: This comment is noted however the erection of an outbuilding has not been presented for consideration as part of this planning application.

Part 7 of the application form states that slates are to be stone to match existing but existing stone slates have been removed and replaced with artificial slates.

Response: This comment is noted.

11.0 CONCLUSION

11.1 Since the last Committee, the information has been assessed and officers have worked with the applicants to revise the proposed scheme in such a way that it conforms to local plan policies and can be recommended for approval. The Highways issues have now been resolved and officers have now received confirmation from the Council's Highways Development Management team stating that the final highway comments have been supplied, which indicate that the additional information is satisfactory from a highway perspective and that HDM are, therefore, not wishing to raise any objection to the scheme.

11.2 In addition, the proposed extensions have now been reduced in scale, to around 33% over the original size of the building and the red line boundary has been reduced, so it is now drawn tightly around the existing public house buildings. Therefore, this report has been updated with an amended officer recommendation of approval. This recommendation can now be justified, based on the pub being a valuable community facility and the proposals now being considered acceptable in terms of their visual impact, effect on the Green Belt and their effect on the local highway infrastructure.

12.0 CONDITIONS (summary list – full wording of conditions, including any amendments/ additions, to be delegated to the Head of Planning and Development)

1. 3-year timeframe
2. Development in accordance with the plans and specifications
3. Details/samples of roofing/walling materials including details of the green roofs
4. Details of all boundary treatments including details of retaining walls
5. Phase 1 Preliminary Risk Assessment Report
6. Phase II Intrusive Site Investigation Report
7. Remediation Strategy
8. Implementation of Remediation Strategy
9. Validation Report
10. Noise from fixed plant and Equipment – Wording from Environmental Services consultation response
11. Kitchen Extract Scheme
12. A scheme for fats, oils and grease entering the drainage network
13. Construction site working times
14. Car parking condition
15. Details of waste/recycling facilities
16. Electric vehicle recharging points

Background Papers:

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f91601>

Certificate of Ownership –Certificate A signed: