
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 22-Jul-2021

Subject: Planning Application 2021/91724 Erection of raised decking with balustrade, new door opening and 3 giant umbrellas to rear (Listed Building within a Conservation Area) Smiths Arms, 1, Town Gate, Highburton, Huddersfield, HD8 0QP

APPLICANT

Tony Reynolds, Loca
Shading Designs Ltd.

DATE VALID

26-Apr-2021

TARGET DATE

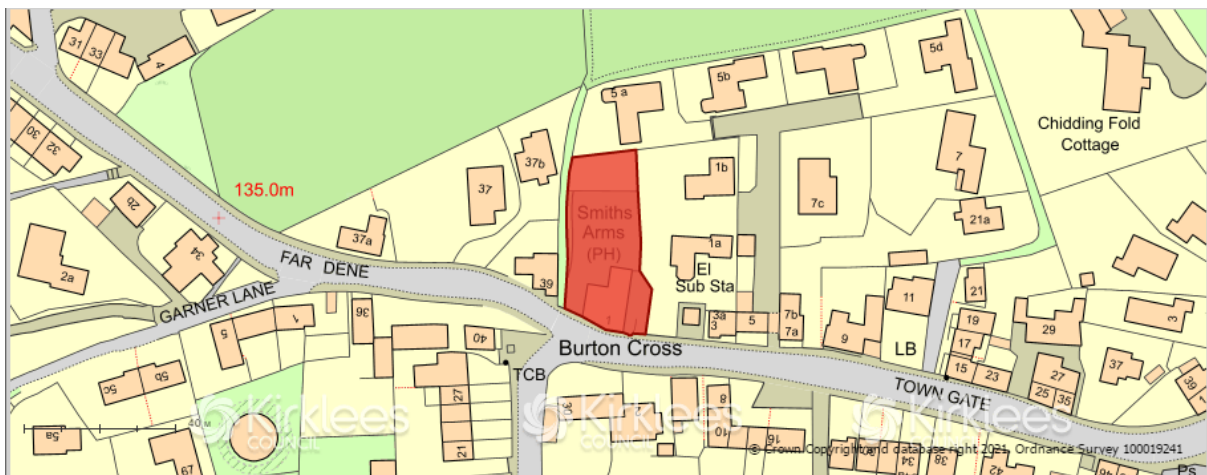
21-Jun-2021

EXTENSION EXPIRY DATE

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: Kirkburton

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 This application is brought to committee at the request of Ward Councillor Bill Armer for members to consider the proposal in terms of the following:
- 1.2 Amenity: 1) the application has the joint effect of reducing the onsite car parking whilst being designed to increase the numbers of customers attending. On-street car parking in the area is severely restricted, and has in recent weeks led to inappropriate parking on Hall Lane and Towngate: 2) increased outdoor drinking is likely to lead to more noise nuisance: 3) the use of loudspeakers to facilitate events such as weekly quiz nights gives rise to unacceptable noise pollution; 4) recent experience of outdoor drinking here has led to public disorder with fighting and swearing in the street; 5) the visual impact of the proposed development would be out of character with the Grade II listed building; 6) the visual impact would be of keeping with the area.
- 1.3 Planning policy: the applicant seeks to reduce the number of parking spaces at the commercial premises, which is contrary to policy.
- 1.4 Highways: the reduction in capacity of the existing car park, alongside the intention to increase visitor numbers, will lead to increased traffic congestion and will exacerbate parking problems in the vicinity.
- 1.5 The chair of the Sub-Committee has confirmed that Cllr Armer's reasons for the referral to the committee are valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 Smiths Arms, 1 Town Gate, Highburton, which is currently used as a public house, is listed Grade II, dates from the mid-17th Century and is within the Highburton Conservation Area. To the rear of the main building is a 19th century extension. The former stable and coach-houses have been demolished over time and the rear land converted to car parking. The building is situated close to the road edge, thus has a strong presence in the street scene.

3.0 PROPOSAL:

- 3.1 The applicant is seeking planning permission for a new door in the northern elevation, a raised decking, with balustrade, and three umbrella-style canopies.
- 3.2 The new door would replace a window with the same width and the details supplied indicate this would be timber.
- 3.3 The raised deck would have a height of 0.6m, a projection from the rear of the building of 12m and a width of 11.6m, with a 1m high glazed balustrade, the base of which would be concealed into the platform. The decking would be constructed using tanalised timber.
- 3.4 The three canopies would all have a height of 2.5m to the lip of the canopy and 3.8m to the peak. The canopy closest to the building would have a width of 5m and a depth of 4.5m. The canopy immediately to the rear of this would have a width of 5m and a depth of 7m and the third canopy, which would be located to the rear of the single storey element of the building, would have a width of 6m and a depth of 7m. The canopies would have aluminium frames with acrylic fabrics.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2008/94375 Erection of Timber Framed Shelter & Raised Stone Patio Area-GRANTED
- 4.2 2008/94376 Listed Building Consent for the erection of Timber Framed Shelter & Raised Stone Patio Area-GRANTED
- 4.3 2010/91996 Listed Building Consent for the installation of new signage and lighting-GRANTED
- 4.4 2010/91991 Advertisement Consent for the installation of new signage-GRANTED
- 4.5 2014/91441 - Advertisement Consent - GRANTED
- 4.6 2020/90242 - LBC for windows - GRANTED

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

- 5.1 The agent has been asked during consideration of the application to provide a proposed site plan, showing the parking arrangements.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP21** – Highway
- **LP 22** – Parking
- **LP 24** - Design
- **LP 35** - Historic Environment
- **LP52** - Protection and improvement of environmental quality

Supplementary Planning Guidance / Documents:

6.3 None relevant to the determination of this planning application.

National Planning Guidance:

6.4 National Planning Policy Framework (NPPF)
Chapter 12 – Achieving well-designed places
Chapter 16 – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been publicised with neighbour letters, a press notice, and a site notice, which gave until 16/06/2021 for interested parties to respond.

7.2 20 responses were received in total. 7 supporting the proposal and 13 objecting to the scheme. The material considerations raised in the objections are summarised as:

- *Road traffic, increase in cars and inappropriate on-street parking,*
- *Noise and rowdy behaviour disturbing the adjacent residents,*
- *Having a permanent structure at the rear would encourage anti-social behaviour,*
- *Enlarging the window at the rear, to form a door onto the decking, would harm the listed building,*
- *Loss of privacy, with people looking from the decking to the neighbouring properties,*
- *Harm to the character of the conservation area.*

7.3 **Kirkburton Parish Council** - The Parish Council objects on the grounds of loss of residential amenity due to likely generation of noise, and road safety – the entrance to the car park is immediately opposite the junction with Hall Lane, which is an awkward junction due to the angle Hall Lane meets Town Gate. It would also decrease the number of parking spaces in the pub's car park, thus increasing congestion on Town Gate.

8.0 CONSULTATION RESPONSES:

A summary of the consultees, both statutory and non-statutory is included below. Where relevant, these are expanded on further in the main appraisal section of this report.

8.1 Statutory:

- **K.C. Environmental Health** – Support the proposal, subject to conditions for a noise report and restricting the hours of use of the decking.
- **K.C Highways Development Management** – Following receipt of parking plan, support the proposals, subject to conditions.

8.2 Non-statutory:

- **West Yorkshire Police (designing out crime)** – No concerns raised.
- **K.C. Conservation & Design** – Have no concerns in terms of the proposed development on heritage grounds.

9.0 MAIN ISSUES

- Principle of development
- Impact on the Historic Environment
- Visual amenity
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a building, policy LP24 of the KLP is relevant, in conjunction with chapter 12 of the NPPF, regarding design. 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.
- 10.2 Development which enhances an existing business use and is aimed to grow the business and invest in the area is also desirable and in-line with the vision for Kirklees Statement outlined in 4.2 of the KLP, when balancing the enhancement with the impacts in terms of the Heritage Asset, visual amenity, residential amenity and highway safety.

Impact on the Historic Environment

- 10.3 In this instance, the public house is located within the Highburton Conservation Area, which is a large village in semi-rural setting. The village has limited shopping and community facilities, with groups of stone vernacular cottages and terraces climbing the hillside. As such, consideration is to be given to the current proposals in terms of the relationship formed between the proposals and the Conservation Area and regarding policy LP35 of the KLP and chapter 16 of the NPPF.

- 10.4 Furthermore, the building itself is listed and, as such, consideration needs to be given in terms of the relationship with the building and the effect on the historic fabric of the building.
- 10.5 The scheme has been considered by the Conservation & Design team and the impact of the proposed development on The Smiths Arms, which is listed Grade II, and the Highburton Conservation Area, has been assessed and it is considered that there would be minimal harm. The window to be altered is part of a late 19th-century extension to the public house. As such, Officers have no concerns about the proposed development on heritage grounds.

Visual Amenity

- 10.6 The public house is an important feature with a degree of prominence from the street. The area is mostly residential. The works proposed would be to the north side of the building, which is away from the main public vantage points.
- 10.7 Given the character of the building is that of a public house, it is not unreasonable to expect such facilities to have an external provision. This is considered, by Officers, to be of an acceptable design and scale.
- 10.8 Having taken the above into account, the proposed umbrellas and decking would not cause any significant harm to the visual amenity of either the host building or the wider street scene, thus complying with policy LP24 of the KLP and the aims of chapter 12 of the NPPF.

Residential Amenity

- 10.9 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, developments minimising impact on residential amenity of future and neighbouring occupiers.
- 10.10 The position of the deck and canopies relative to the neighbouring property would not cause any overbearing or oppressive impacts.
- 10.11 The formation of the decking would result in a platform approximately 0.6m above the existing ground level and, given the relationship with the properties surrounding, this would not result in any loss of privacy. The adjacent 39 Far Dene is set at a lower level, with the access between, which would minimise the potential impact. The neighbour to the rear, 5a Towngate is sit a lower position some 35 from the site and, given the separation, there is unlikely to be any overlooking. The neighbour to the east, 1a Town Gate has an access lane and substantial existing screening, which would minimise any potential for overlooking from the decking.
- 10.12 It is appreciated that the works would facilitate users of the public house eating, drinking and generally socialising outside, which could result in increased noise. However, it is considered that these concerns can be addressed through conditions relating to the provision of a noise report, with appropriate attenuation methods, and by restricting the hours the outdoor area can be used by customers until before 10pm.

- 10.13 Having reviewed the above, with the use of appropriate conditions, the proposals are considered not to result in any significant adverse impacts upon the residential amenity of any surrounding neighbouring occupants, thereby complying with policy LP24 of the KLP (b) in terms of the amenities of neighbouring properties, and policy LP52 and paragraph 127 (f) of the NPPF.

Highway issues

- 10.14 This application is for the erection of a raised decking to create an outdoor area to the rear of an existing public house fronting on to Town Gate, a 30mph two-way single carriageway link road of approximately 6.5m width, footways on both sides and street lighting present. The road hosts a medium frequency bus route with stops within 150m of the application site. PROW footway KIR/66/30 runs adjacent to the application site and is separated from the car park by a wall. A standard footnote regarding the PROW should be added. The parking area is currently covered with picnic benches and a marquee. The proposal under consideration would form a dedicated outdoor space for the pub and, whilst this would remove a parking space, this would allow for the remainder of the car park to return to the parking use.
- 10.15 Many of the dwellings fronting on to Town Gate have off street parking but there is evidence of residential on street parking in the area on Town Gate, Hall Lane and Far Dene. There are H-bar marking outside accesses along Town Gate in the vicinity of the application site and so it is assumed that there have been parking issues along here in the past and neighbour representations refer to more recent parking and access issues. Kirklees Highway Safety team have confirmed parking concerns in this area including requests for TRO markings, however they cannot confirm if the issues are caused by the pub or other contributing factors such as dwellings with no off-road parking and the convenience store. There are no records of any injury accidents within the last 10 years in the vicinity of the application site.
- 10.16 Aerial photographs indicate approximately 13 marked car parking spaces are available within the car park, however, currently there is a marquee and outside seating covering most of the existing car park with approximately 6 spaces remaining along the western side of the car park. The parking area is at present hosting a large marquee and a number of picnic benches. The applicant has, at the request of the Highways Officer, provided a parking plan showing the decking with 11 marked parking spaces. A car parking analysis based on TRICS data and with an assumption that the gross floor area is approximately 200sqm with the proposals in place, suggests that the proposed 11 parking spaces should be adequate to accommodate the numbers of trips expected to be generated by a pub/restaurant of this size under normal operating conditions.
- 10.17 Subject to a condition securing the provision of the parking as indicated on the parking plan submitted and a footnote regarding the adjacent PROW, the proposals are considered to be acceptable in terms of policies LP21 and LP22 of the Kirklees Local Plan.

Representations

- 10.18 13 objections have been received regarding this scheme. The material considerations raised in the objections are summarised as:
- Road traffic, increase in cars and inappropriate on-street parking – *this is a material consideration and has been addressed within the Highways section of this report,*
 - Noise and rowdy behaviour disturbing the adjacent residents – *this is a material consideration and has been addressed within the residential amenity section of this report,*
 - Having a permanent structure at the rear would encourage anti-social behaviour – *informal discussion with Richard for WYP,*
 - Enlarging the window at the rear to form a door onto the decking would harm the listed building – *the impacts of the proposals have been fully considered in terms of the effect on the listed building within the impact on the heritage asset section of this report,*
 - Loss of privacy with people looking from the decking to the neighbouring properties – *this is a material consideration and has been considered within the residential amenity section of this report,*
 - Harm to the character of the conservation area – *this has been fully addressed within the Impact on the Heritage Asset section of this report.*
- 10.19 Cllr Armer has also expressed concerns within his reason for the committee request which can be summarised as issues relating to parking, noise nuisance, public disorder, the character of the public house with regards to the appearance of the giant umbrellas and decking – *These issues have been fully addressed under the relevant sections of this report.*

Other matters

- 10.20 There are no other matters considered relevant to this application.

11.0 CONCLUSION

- 11.1 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.
- 11.2 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 it is, therefore, recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Timescales
 2. Accordance with the plans
 3. Restriction on hours of use of decking till 10pm
 4. Provision of a noise report
 5. Securing the provision of the parking as indicated on the submitted parking plan
- NOTE: Footnote relating to the adjacent Public Right Of Way

Background Papers:

Current Application

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91724>

History Files

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2008%2f94375>

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2008%2f94376>

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2010%2f91996>

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2010%2f91991>

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f91441>

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f90242>

Certificate of Ownership –Certificate A has been signed.