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**Report of the Head of Planning and Development**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 22-Jul-2021**

**Subject: Planning Application 2021/91725 Listed Building Consent for erection of raised decking with balustrade, new door opening and 3 giant umbrellas to rear (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

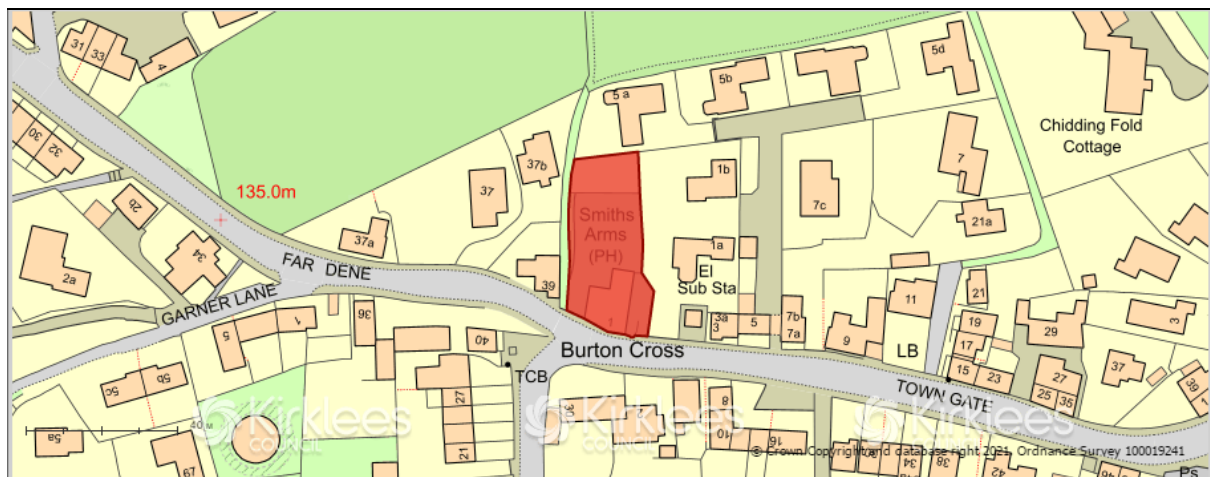
**EXTENSION EXPIRY DATE**

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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**

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**Electoral wards affected: Kirkburton**

**Ward Councillors consulted: No**

**Public or private: Public**

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**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development 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 Cllr B 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 on-site 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 and dates from the mid-17<sup>th</sup> century and is within the Highburton Conservation Area. To the rear of the main building is a 19<sup>th</sup> 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 and, therefore, has a strong presence in the street scene.

**3.0 PROPOSAL:**

- 3.1 The applicant is seeking listed building consent 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 of the same width and the details supplied indicate that 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 and 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 27<sup>th</sup> February 2019).

##### Kirklees Local Plan (2019):

- 6.2 LP35 - Historic Environment

##### Supplementary Planning Guidance / Documents:

- 6.3 None

## National Planning Guidance:

- 6.4 National Planning Policy Framework (NPPF)  
Chapter 16 – Conserving and enhancing the historic environment

### **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application has been publicised with a press notice and a site notice, which gave until 16/06/2021 for interested parties to respond.
- 7.2 4 responses were received with 2 supporting the proposal and 2 objecting to the scheme. None of the matters raised in the objections related to the impact on the listed building. There were, however, objections to the concurrent planning application on these grounds.
- 7.3 **Kirkburton Parish Council** - The Parish Council objects on the grounds of loss of residential amenity due to the 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:**

Below is a summary of the consultation responses received in relation to this application; where relevant, they have been expanded on further in the appraisal section of this report.

#### **8.1 Statutory:**

- **K.C. Conservation & Design** – Have no concerns in terms of the proposed development on heritage grounds.

#### **8.2 Non-statutory:**

None

### **9.0 MAIN ISSUES**

- Impact on the Historic Environment

### **10.0 APPRAISAL**

#### Impact on the Historic Environment

- 10.1 The NPPF seeks a presumption in favour of sustainable development and seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings, as well as taking account of the character of different areas and the way they function.

- 10.2 The site is located within the conservation area. Paragraph 192 of the NPPF highlights, amongst other things, the desirability of new development making a positive contribution to local character and distinctiveness. Policy LP35 of the KLP states that development affecting a designated heritage asset should preserve or enhance the significance of the asset.
- 10.3 The Smiths Arms is a detached public house dated 1669, with a 19<sup>th</sup> century wing to the west and a 20<sup>th</sup> century extension to the north.
- 10.4 In this instance, the public house is located within the Highburton Conservation Area, which is a large village in a 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 in terms of policy LP35 of the KLP and chapter 16 of the NPPF.
- 10.5 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 considered and there would be minimal harm. The window to be altered is part of a late 19<sup>th</sup> century extension to the public house. As such, Officers have no concerns about the proposed development on heritage grounds.

## **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. Works to be completed in accordance with the plans

### **Background Papers:**

Current Application

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91725>

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.