
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 10-Aug-2023

Subject: Planning Application 2023/90544 Erection of outside seating booths to front terrace (within a Conservation Area) Rose and Crown, 3, The Village, Thurstonland, Huddersfield, HD4 6XU

APPLICANT

Robert Stringer,
Stonegate Group

DATE VALID

16-Feb-2023

TARGET DATE

13-Apr-2023

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.

[Public speaking at committee link](#)

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 the Heavy Woollen Planning Sub Committee due to a significant volume of local opinion (34 public representations received and a petition). This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

2.1 The application relates to the Rose and Crown, a two-storey, semi-detached property in Thurstonland, which serves a public house. The property has a car park to the front which sets the property back from the Highway. The surrounding area is predominantly characterised by residential dwellings which are similar in age and materials but vary in terms of design. There is an agricultural holding to the north and east of the site.

2.2 The property is located within Thurstonland Conservation Area and there are a number of listed buildings in the vicinity of the property.

3.0 PROPOSAL:

3.1 The application is seeking planning permission for the erection of outside seating booths to the front terrace. This application is part-retrospective.

3.2 The proposal is for the erection of four, timber framed structures which would serve as 'covered seating booths' for customers. The structures have a pitched roof design with openings to the front and side elevations. There is a dining table and fixed seating inside each structure.

3.3 The proposed structures are adjacent to the eastern and western boundary of the site and measure 3.1(w) x 2.5(d) x 2.5(h) metres.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 86/00781 Erection of illuminated signs. Consent refused.

4.2 86/02166 Erection of illuminated signs (within a conservation area). Consent granted.

- 4.3 92/00616 Erection of porch, kitchen and crate and barrel store extensions/fire escape. Conditional full permission.

Enforcement

- 4.4 COMP/20/0548 Alleged unauthorised marquee, alleged unauthorised storage use.
- 4.5 The proposal is seeking part-retrospective planning permission for 4 (currently 5) permanent wooden structures following an enforcement complaint (outlined above). Due to the scale and permanence of the structures, Officers consider they do not comply with Schedule 2, Part 2, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which allows for provision of one moveable structure within the curtilage of a drinking establishment, nor does it comply with development permitted under any other use class of the same order. Therefore, it is considered that the proposal requires planning permission.

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

- 5.1 The submitted plans raised significant concerns in terms of visual amenity and impact on the historic character. This was raised with the agent and amended plans were submitted which removed one of the seating booths which was located central to the site. These amendments have been assessed and were considered acceptable by the reasons set out in the main appraisal below.
- 5.2 The amended scheme was not readvertised as it is considered that the proposed amendments would reduce the visual prominence of the scheme whilst maintaining some of the outdoor seating, thus not prejudicing any who have already made representation. The proposed amendments would not cause any additional harm to residential amenity over and above the advertised scheme.
- 5.3 The applicant submitted a representation in support of their application.

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** – Achieving sustainable development
LP2 – Place shaping
LP21 – Highways and access
LP22 – Parking
LP24 – Design
LP35 – Historic Environment

Supplementary Planning Guidance / Documents:

- 6.3 Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and alterations and open space, to be used alongside existing SPDs previously adopted. They are now being considered in the assessment of planning applications, with full weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs are applicable:
- Biodiversity Net Gain Technical Advice Note
 - Highways Design Guide
 - Planning (Listed Building and Conservation Areas) Act 1990

National Planning Guidance:

- 6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.
- 6.5 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
- **Chapter 2** – Achieving sustainable development
 - **Chapter 6** – Building a strong, competitive economy
 - **Chapter 9** – Promoting sustainable transport
 - **Chapter 11** – Making efficient use of land
 - **Chapter 12** – Achieving well-designed places
 - **Chapter 16** – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 Final publicity expired on 18th April 2023.
- 7.2 Cllr Richard Smith requested that this application is referred to committee if officers are recommending refusal for the following reasons:
- There was limited car parking prior the development.
 - Entering and exiting of the car park was difficult and involved reversing into the main road.
 - Traffic issues are related to the nature of the village, and not the pub, as it is not suitable for the number of cars on the road especially when parking by residents and visitors is already a problem.
 - Should be supporting local businesses and not putting them in a position which makes them unviable.

NOTE: Officers are recommended approval and therefore this referral is not necessary and the application is only brought to planning committee due to the significant number of representations received, as outlined at section 1.0 of this report.

7.2 34 public representations were received from 32 individuals, 13 in objection and 21 in support of the application. A petition supporting the proposal was also submitted with 367 signatures. The comments received are summarised as follows:

7.3 Objections:

Highways:

- Lack of parking has resulted in additional parking on the road
- Reduced visibility due to number of parked vehicles
- Customers of the premises parked outside resident's houses, on dropped kerbs and on dangerous bends
- Gritters, buses and larger vehicles struggle with narrow road as a result of double parking
- Vehicles parked on pavements so pedestrians have to walk on the road
- Bottleneck created at the top of villages as parking blocks the passing point
- Need to implement traffic regulation order and traffic calming measures

Visual amenity:

- Visual appearance of seating boots, and resulting on street parking, impacts negatively on desirability and value of existing properties
- Proposal is an eye sore
- Has a negative impact on conservation area and nearby listed buildings - do not enhance the historic character
- Obscures beautiful, listed building and not in keeping with conservation area
- Timber is not sympathetic of local old stone cottages and buildings
-

Residential amenity:

- Additional noise as a result of additional people outside

General comments:

- Seats were not needed pre-COVID, so why are they required now
- No evidence that the pub plays a vital role in lives of its customers, this is a business decision which benefits the business and its customers but not the residents
- No intention to re-instate the car park
- Seating booths have internal heating but are not connected to fire alarm system

7.4 Supporting Comments:

Highways:

- Traffic issues were existing before the seating was installed and it is a result of the character of the properties, and residents having multiple vehicles, rather than the pub seating
- Most of the parking is residents who own multiple vehicles rather than a direct result of the loss of pub parking
- People used to reverse out of the car park onto road which was dangerous
- Customers generally park below the inn where there are fewer residential properties

- Farm vehicles do not struggle with manoeuvring
- The existing car park only provided limited parking (5/6 vehicles)

Visual amenity:

- Seating is confined within a tall wall and tall conifers so proposal is not in a prominent location
- The seating is only visible from directly outside the front of the property
- Improvement visually with flower beds and hanging pots
- Structures are temporary
- Proposed seating is timber similar to garden sheds in the area
- Does not harm visual amenity and does not impact on light, trees, nature or character of area

Residential Amenity:

- Less noise and increased privacy for neighbouring properties as customers are within the sheds
- The Landlord has changed the opening times which reduces noise late at night – it now closes at 10pm
-

General comments

- Great addition for residents and visitors – area attracts lots of walkers
- Additional seating allows people to get a seat at pub
- Allows nearby residents to eat out and there has been an increased demand for food
- Benefits to local population and visitors - no other shops or cafes/pubs in vicinity
- Seats have increase pub capacity and employment
- Pub provides employment, particularly for young people
- Pubs need support after challenges over last few years, centre of the village community
- The viability of pub is vital for the village and support should be given to keeping the pub open
- Seating has been in high demand
- Majority of villagers are in support of the proposal
- Provides a safe, inclusive place for families to sit which is beneficial for children and has improved customer experience
- Could introduce a parking permit system to mitigate parking concerns without affecting the business
- Removing the central cabin, would overcome the harm to visual amenity

7.5 Officers have responded to these representations in section 10 of the report.

7.6 As outlined in section 5.2, it was not considered necessary to readvertise the amended plans because they reduced the overall scale and appearance of the development originally advertised. This approach complies with the Kirklees Development Management Charter which sets out that it is the officer discretion when to re-advertise amendments to a planning application that has already been subject to statutory publicity.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – No objection subject to condition.

8.2 Non-Statutory:

KC Environmental Health – No objections subject to condition

KC Conservation and Design – Objected to the initial scheme as does not preserve or enhance the conservation area and it obscures the pub façade which forms a positive contribution to the historic character of the designated heritage asset.

The amended plan has been submitted to address the above concern.

9.0 MAIN ISSUES

- Principle of development
- Impact on visual amenity and historic environment
- Impact on residential amenity
- Impact on highway safety
- Other matters
- Representations
- Conclusion

10.0 APPRAISAL

Principle of development

- 10.1 NPPF paragraph 12 and LP1 outlines a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The dimensions of sustainable development will be considered throughout this proposal.
- 10.2 The site is unallocated within the Kirklees Local Plan however it is located within Thurstonland Conservation Area.
- 10.3 Policy LP2 states that: 'All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement'.
- 10.4 Chapter 11 of the NPPF requires that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improvement the environment and ensure safe and healthy living conditions. As well as this, Local Planning Authorities have the responsibility to help create the conditions, in which businesses can invest, expand, and adapt. It follows that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 10.5 In this case, the proposal is for the erection of structures used for seating on land to the front of a public house. The site is unallocated within the Kirklees Local Plan and therefore the principle of developing on the land could be considered favourably, so long as it enhances or preserves the natural and built environment and ensures safe and healthy living conditions of the neighbouring residents.

- 10.6 The site is also located within the Thurstonland Conservation Area and is adjacent to a listed building. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area or within the setting of a listed building. Any impact on heritage assets will be given consideration having regard to Policy LP35 of the Kirklees Local Plan, and Chapter 16 of the National Policy Planning Framework.
- 10.7 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 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 heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.
- 10.8 As such, in the broadest form, the development of this site is considered acceptable in accordance with Local Plan Policies LP1 and LP2. However, the development must now be assessed against all material considerations including the impact on the historic environment.

Impact on visual amenity and historic environment

- 10.9 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) provides a principal consideration concerning design which states: “The creation of high-quality 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”.
- 10.10 Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also 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. 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...” Chapter 12 of the NPPF supports this.
- 10.11 The site is located within the Thurstonland Conservation Area, which is a designated heritage asset, and is adjacent a number of listed buildings.
- 10.12 Paragraph 194 of the National Planning Policy Framework states “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.”
- 10.13 Paragraph 195 of the National Planning Policy Framework states “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

- 10.14 This is supported by LP35 of the Kirklees Local Plan which states that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset. This is supported by Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. KC Conservation and Design team were informally consulted on the scheme and their comments have been included within officers assessment below.
- 10.15 The application site is located within a prominent location, adjacent to the highway which serves the main thoroughfare through the village. The proposal is for the erection of four timber framed structures to the front of the Rose and Crown, set between the highway and the existing property. The structures would be set adjacent to the eastern and western boundary of the site. The hedgerow to the east of the site screens the proposal from view from the eastern side of the village, however, the structures project above the boundary treatment to the western side and the structures are visible from the highway.
- 10.16 Officers initially had concerns that the siting and scale of the proposed structures resulted in a cluttered and obtrusive development and obscured the building's façade, which forms a positive contribution to the visual amenity of the wider street scene and historic character of the conservation area. These concerns were raised with the agent who submitted amended plans which removed the 5th, smaller structure which was located directly in front of the public house. It is opined by officers that the removal of this structure would open up the view to the front of the building and significantly reduces the cluttering of the structures.
- 10.17 The host property, and properties surrounding the site, are predominantly traditional, stone-faced buildings which forms the historic character of the conservation area and adjacent listed buildings. The proposal is for timber framed structures which adds a significant amount of timber to the predominantly stone façade of the street. Representation was received both in support and objection to the visual appearance of the proposed structures. Representation outlined that the scheme is similar to timber sheds within the curtilage of other properties, whilst others described it as an 'eyesore'.
- 10.18 As outlined above, the removal of the structure to the front of the property significantly reduces the amount of timber visible from the highway and the prominence of the scheme. It is also noted that the design and materials of the structures do not lend themselves to longevity and would lead to deterioration relatively quickly (in comparison to a stone-built structure). Therefore, it is recommended that a temporary permission be granted for a limited 10-year period, to reduce the harm to visual amenity and the character of the historic environment.
- 10.19 It is therefore considered, on balance, that the proposed amended scheme would not be detrimental to the visual amenity of the host property and wider street scene and would not cause significant harm to the character of the conservation area. The proposal therefore complies with policies LP24 and LP35 of the Kirklees Local Plan, chapters 12 and 16 of the National Planning Policy Framework and section 72 of Planning (Listed Building and Conservation Areas) Act 1990.

Residential Amenity

- 10.20 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, providing a high standard of amenity for future and neighbouring occupiers.
- 10.21 The application site abuts a residential property to the west and there are other residential properties in close proximity to the north and south of the site.
- 10.22 The proposed structures would be single storey and would be set a significant distance from the windows serving inhabited spaces in neighbouring properties. Therefore, officers considered no significant overshadowing or overbearing impact would occur as a result of the proposed scheme. The scheme would result in development along the boundary with the adjacent property which would reduce any overlooking harm which could occur as a result of customers using the space to the front of the public house.
- 10.23 The proposed outdoor seating would increase the external capacity of a public house, which could result in loss of amenity by way of noise and disturbance by customers. Representation has been received outlining concerns regarding noise, however it is noted that supporting comments highlight that this is not a concern. Notwithstanding this, KC Environmental Health team were consulted on the scheme and recommended a condition for a Noise Management Plan, which was provided by the applicant. This document outlined measures that will be put in place to control excessive noise from the use of the outdoor area. A responsible person will be identified to oversee the plan and nearby residential receptors will be given contact details to enable complaints to be dealt with. Should this application be approved, the implementation of this plan could be secured by condition.
- 10.24 Should this application be approved a condition is recommended to limit the opening hours of the outdoor area to reduce the impact of any additional noise on nearby residents too.
- 10.25 It is noted that KC Environmental Health have recommended a condition regarding amplified music. However, this is considered to be addressed as part of the Noise Management Plan and is therefore not necessary.
- 10.26 Subject to the suggested conditions set out above, the proposal would not result in significant harm to the residential amenity of neighbouring occupants. The proposal therefore complies with policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

Highway issues

- 10.27 Local Plan Policy LP21 states that 'All proposals shall:
- a. ensure the safe and efficient flow of traffic within the development and on the surrounding highway network...
 - e. Take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely;'

- 10.28 This is supported by Chapters 9 and 12 of the NPPF and guidance within the Highways Design Guide SPDs. KC Highways Development Management have also been consulted as part of this application and do not object, subject to conditions.
- 10.29 The proposed development would result in the loss of the existing car park which served a maximum of 6 parking spaces for the public house. A number of representations have expressed safety concerns regarding the previous car parking arrangements as vehicles had to reverse onto the highway.
- 10.30 The residential dwellings surrounding the premises are characterised by terraced properties with little or no off-street parking, this is in addition to a commercial farm business operating directly in the vicinity of the premises.
- 10.31 As a result of the loss of the car park, there is likely to be an increase in on-street parking. The on-street parking provision in the village, and resulting impact on visibility, has been raised as a specific concern in a large number of representations. However, public opinion varies as to if this is a direct result of the closure of the pub car parking or due to an increase in vehicle ownership by local residents.
- 10.32 The Council's Highway Safety section have been consulted regarding this application who have received complaints relating to unregulated parking on both sides of the Village in the direct vicinity of the Rose and Crown causing obstructions.
- 10.33 Whilst it is acknowledged that the on-street parking is clearly an issue in the vicinity of the application site, the level of parking that would be achievable if the cabins were not in situ is considered to be negligible given the size of the existing car park.
- 10.34 KC Highways DM consider that whilst it would not be necessary to remove any booths to alleviate the on-street parking issues, some form of regulation to the situation, to allow the passage of two-way traffic, would be of benefit. They therefore recommended that the development should contribute to the installation of waiting restrictions in the form of Traffic Regulation Order (TRO). This would be a financial contribution for the legal advertisement and installation of the required works.
- 10.35 As outlined above, it is clear from site assessment, and submitted representation, that there are highway issues in Thurstonland which need addressing. Officers have taken the above matters in to consideration. However, it needs to be acknowledged that the parking issues within proximity to the application site are an existing problem due to a number of factors including the lack of residential parking, and not necessarily as a direct result of the proposed development. Therefore, it is considered, on balance, that given the existing highway issues, the recommended condition for a TRO would not meet the 6 tests for planning conditions as outlined in the National Planning Policy Framework and officers are not recommending this condition in this instance.
- 10.36 It is considered that, on balance, the proposed development would not result in additional harm to the safety and efficiency of the highway network. Therefore, it is considered that the proposed scheme complies with policy LP21 of the Kirklees Local Plan as well as the Highways Design Guide SPD.

Representations

10.37 34 public representations were received from 32 individuals, 13 in objection and 21 in support of the application. A petition supporting the proposal was also submitted with 367 signatures. Their comments have been summarised and responded to as follows:

10.38 Objections:

Highways:

- Proposal has resulted in additional parking on the road
- Reduced visibility due to number of parked vehicles
- Customers of the premises parked outside resident's houses, on dropped kerbs and on dangerous bends
- Gritters, buses and larger vehicles struggle with narrow road as a result of double parking
- Vehicles parked on pavements so pedestrians have to walk on the road
- Bottleneck created at the top of villages as parking blocks the passing point
- Need to implement traffic regulation order and traffic calming measures

Officer response: The above concerns have been addressed and discussed in the Highway Safety section of this report.

Visual amenity:

- Visual appearance of seating boots, and resulting on street parking, impacts negatively on desirability and value of existing properties
- Proposal is an eye sore
- Has a negative impact on conservation area and nearby listed buildings - do not enhance the historic character
- Obscures beautiful, listed building and not in keeping with conservation area
- Timber is not sympathetic of local old stone cottages and buildings

Officer response: The above concerns have been addressed and discussed in the Visual Amenity and Historic Character section of this report.

Residential amenity:

- Additional noise as a result of additional people outside

Officer response: The above concerns have been addressed and discussed in the Residential Amenity section of this report.

General comments:

- Seats were not needed pre-COVID, so why are they required now
- No evidence that the pub plays a vital role in lives of its customers, this is a business decision which benefits the business and its customers but not the residents
- No intention to re-instate the car park
- Seating booths have internal heating but are not connected to fire alarm system

Officer response: Whilst the above comments have been noted, they are not material planning considerations for a development of this nature and scale and therefore no further comment will be made.

10.39 Supporting Comments:

Highways:

- Traffic issues were existing before the seating was installed and it is a result of the character of the properties, and residents having multiple vehicles, rather than the pub seating
- Most of the parking is residents who own multiple vehicles rather than a direct result of the loss of pub parking
- People used to reverse out of the car park onto road which was dangerous
- Customers generally park below the inn where there are fewer residential properties
- Farm vehicles do not struggle with manoeuvring
- The existing car park only provided limited parking (5/6 vehicles)

Officer response: The above concerns have been addressed and discussed in the Highway Safety section of this report.

Visual amenity:

- Seating is confined within a tall wall and tall conifers so proposal is not in a prominent location
 - The seating is only visible from directly outside the front of the property
 - Improvement visually with flower beds and hanging pots
 - Structures are temporary
 - Proposed seating is timber similar to garden sheds in the area
 - Does not harm visual amenity and does not impact on light, trees, nature or character of area
- *Officer response:* The above concerns have been addressed and discussed in the Visual Amenity and Historic Character section of this report.

Residential Amenity:

- Less noise and increased privacy for neighbouring properties as customers are within the sheds
- The Landlord has changed the opening times which reduces noise late at night – it now closes at 10pm

Officer response: The above concerns have been addressed and discussed in the Residential Amenity section of this report.

General comments

- Pub provides employment, particularly for young people
- Pubs need support after challenges over last few years, centre of the village community
- Seats have increase pub capacity and employment
- The viability of pub is vital for the village and support should be given to keeping the pub open

Officer comments: The above comments have been addressed and considered within the Historic Environment section of this report.

- Great addition for residents and visitors – area attracts lots of walkers
- Additional seating allows people to get a seat at pub
- Allows nearby residents to eat out and there has been an increased demand for food
- Benefits to local population and visitors - no other shops or cafes/pubs in vicinity

- Seating has been in high demand
- Majority of villagers are in support of the proposal
- Provides a safe, inclusive place for families to sit which is beneficial for children and has improved customer experience
- Could introduce a parking permit system to mitigate parking concerns without affecting the business
- Removing the central cabin, would overcome the harm to visual amenity

Officer response: Whilst the above comments have been noted, they are not material planning considerations for a development of this nature and scale and therefore no further comment will be made.

Other Matters

Carbon Budget

10.40 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.

10.41 When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. This application is for additional external seating within an existing public house and therefore no additional measures are required in this instance. The proposal therefore accords with LP51 and LP52 of the KLP.

Ecology

10.42 This application is for the erection of external seating within the boundary of an existing building and the application site is already entirely covered in hardstanding. Therefore, the site offers limited ecological potential, and the proposed change of use is considered to not cause any additional harm to ecology. Therefore, the proposal complied with LP30 of the Kirklees Local Plan.

11.0 CONCLUSION

11.1 This application for the erection of outside seating booths at the Rose and Crown in Thurstonland has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

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 is therefore recommended for approval, subject to the imposition of the conditions listed below.

12.0 CONDITIONS

1. Temporary permission for 10 years from the date of this permission.
2. Development to be in accordance with the submitted plans and information.
3. Development to be implemented in accordance with The Noise Management Plan and thereafter retained.
4. The use hereby permitted shall not be open to customers outside the hours of 12:00 to 22:30 Monday to Saturday and 12:00 to 22:30 Sundays.
5. The fifth structure to be removed within two months from the granting of the permission.

and any other conditions deemed necessary by the Head of Planning and Development.

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f90544>

Certificate of Ownership – Certificate A signed and dated.