
Report of the Head of Development and Master Planning

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 07-Nov-2019

Subject: Planning Application 2019/90984 Erection of two storey rear extension Toss O Coin, Penistone Road, New Mill, Holmfirth, HD9 7JL

APPLICANT

Holme Valley Bars &
Restaurants

DATE VALID

26-Mar-2019

TARGET DATE

21-May-2019

EXTENSION EXPIRY DATE

10-Sep-2019

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: Holme Valley South

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Ward Members consulted

RECOMMENDATION: Conditional Full Permission

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

1.0 INTRODUCTION:

1.1 The application is brought to Planning Sub Committee at the request of Cllr Nigel Patrick who would:

“like Members to consider the impact of the development on the amenities of adjacent residential properties, in particular road safety and noise nuisance”

1.2 Chair of the Sub-Committee has confirmed that Cllr Patrick’s reason for making this request is valid having regard to the Councillor’s Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

2.1 The application relates to the premises known as Toss O’Coin. The supporting information states the premises are being operated as a commercial, A3 (Restaurants and Cafes) and A4 (drinking establishments) planning use class and has a long history as being a pub/restaurant. The building appears to have been extended to the rear and (side) west of the main building. The application red line includes the existing car park area, east of the building and an area to the rear beyond what can be seen as the formalised amenity area to the premises. This is at a slightly lower level than the car park area.

2.2 The site lies in an area of Green Belt, close to the junction of Penistone Road and Gate Foot Lane. The site is predominately surrounded by open land/fields to all sides. However, a small cluster of residential properties, lie north east of the site, known as Syke Bottom. Vehicular access to these properties is take from Gate Foot Lane.

3.0 PROPOSAL:

- 3.1 The application seeks permission for a two storey extension. As revised, this would be approximately 17.20m in length and 7.75m wide. The height to the ridge is shown to be approximately 7.70m, 650mm lower than the main gable. The extension would be sited beyond the existing two storey rear gable. The floor plans indicate a level entrance hall area from the car park into the proposed extension to serve a wedding suite at ground floor level, also allowing access into the main part of the host building. At first floor level it is proposed to provide five guest bedrooms in association with the wedding suite.

The height has been reduced to ensure the extension would be seen as an addition to the main building to avoid a domineering effect on the host building. It is proposed to externally face the extension in render to both sides and natural stone to the gable. The roof tiles are proposed to be stone slate.

The proposals would also include the provision of an overspill car park for 9 additional spaces to be used primarily by staff

It is stated, the hours of use are to be the same as the existing opening hours of the premises, which are given as

- Closed Monday
- Tuesday 17:00 – 22:30,
- Wednesday to Saturday midday to 23:00
- Sunday midday to 22:30

Waste collection would be as present.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

87/05075 - extension to form 8 bedrooms and function room – granted 1988, not implemented

88/06380 - erection of extension to dining room at existing restaurant – granted 1989

90/02246 - erection of temporary cold store to kitchen – granted 1990

92/04695 – erection of function room & 6 no. bedrooms – refused December 1992

93/00295 - erection of extension to form toilets for restaurant – granted 1993 (implemented)

93/03019 - erection of 5 guest bedrooms and function room extension – granted 1994 (not implemented)

2007/92037 - erection of toilets – granted July 2007 (implemented)

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

- 5.1 Revised site block plan received to alleviate car parking concerns and highway safety- final plan received 22/05/19.

This shows an over spill car park area to the rear beyond the existing car park. In addition the Highway Officer requested a car park management plan. Revision C was received on 16/10/19.

Revised elevations and ground floor plans have also been revised (reduced scale) during the course of the application.

01/10/19 - Information is also received confirming the hours of use and a Phase 1 Desktop study

- 5.2 The above information was posted onto the website and a further round of publicity carried out through issuing neighbour letters.

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 LP10 - Supporting the rural economy
LP21 – highway safety
LP22 – Parking
LP24 – Design
LP28 - Drainage
LP52 – protection and improvement of environmental quality
LP57 – extensions, alterations or replacement of existing buildings

- 6.3 National Planning Guidance:

Chapter 6 – Building a strong competitive economy
Chapter 12 – Achieving well-designed places
Chapter 13 – Protecting green Belt land
Chapter 15 – Conserving and Enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 Final publicity date expired 10th October 2019. However, due to technical IT issues, this has been extended as there appears to be some ambiguity as to when the additional information was actually made available on the website. At the time of writing, one representation has been received. Whilst, the proposals are supported in principle, the concerns raised by the local resident are summarised below:

- The proposed extension will obscure view of valley
- Highway safety and traffic & parking issues from overspill of parking onto country road which serves farms
- Noise from proposed wedding venue/hours of operation
- People gathering and using car park area
- Existing anti- social behaviour has previously occurred at this site

Any further representations received will be included in the committee update.

Holme Valley Parish Council - support the application.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

DM Highways – support subject to conditions

8.2 Non-statutory:

K.C Environmental Services – support subject to conditions

9.0 MAIN ISSUES

- General principle
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety
- Other issues
- Representations
- Conclusion

10.0 APPRAISAL

10.1 General principle:

10.2 The site appears to have a long established use as a public house with restaurant as stated in the accompanying Design and Access statement. The premises were in operation at the time of the case officer's site visit.

10.3 The proposals are to extend the building to provide additional floor space over two floors to enable the existing business to provide and cater for small wedding parties. This would be in addition to its existing offer as a public house and restaurant.

10.4 A number of small additions have been added to the host building. These are primarily to the side (west) and rear of the building. The proposals seek to retain the previous extensions, with the exception of a single storey lean-to to the rear.

10.5 Taking into account the extensions previously constructed, which are largely to be retained, it is considered the cumulative impact of extensions would result in disproportionate additions over and above the size of the original building. As a result the host building would not remain the dominant element, in scale and appearance, particularly when viewed from the sides and rear. In light of this, the proposals would constitute inappropriate development in the Green Belt in principle, contrary to Policy LP57 of the Local Plan and Chapter 13 of the NPPF.

- 10.6 Officers consider that the proposed extension, due to its scale and footprint, would also affect the openness of the Green Belt and conflict with para 134 (c) of NPPF. Openness is an essential characteristic of the Green Belt. As a disproportionate extension to the existing building the proposal would inevitably result in loss of openness and thus some harm to the openness of the Green Belt. The applicant asserts the proposals would, in their entirety with the existing building extensions, have a smaller footprint than the buildings that previously occupied the site. From historic maps there appears to be other outbuildings on the site at some stage, as late as around 1990, but these are no longer on site to consider.
- 10.7 The application has been assessed against the current situation on site and with respect to the five purposes of the Green Belt. One of the purposes of the Green Belt is to prevent encroachment into the countryside. As the extension is confined to land which has been long associated with the building, it is considered it would not lead to encroachment. The extension has been sensitively designed, and to be sited so as to remain confined to the less prominent area of the site, excepting views towards the junction of Gate Foot Lane with Penistone Road. The development would be viewed within the context of the developed area and therefore the visual erosion of openness would be somewhat reduced. The revised plans have sought to further reduce the impact through a reduction in scale. Despite its size, and other existing extensions to the original building, it is somewhat subservient in height to the main building and the original core buildings can still be clearly read. The projection of 17m in length and at two-storeys in height would, nonetheless, result in a visual loss of openness and some spatial loss of openness.
- 10.8 In light of this, the proposals are considered to be inappropriate development which would have an adverse impact on the openness of the Green Belt. Such development should not be approved unless it can be demonstrated there are very special circumstances to clearly outweigh the harm caused by reason of inappropriateness and any other harm as set out in paragraph no. 143 of the NPPF.
- 10.9 The applicant's justification statement states:
"market research indicates a lack of small venues providing a unique service. Local venues are busy and have to turn away bookings due to already being booked up....and that the pub has recently been taken over by a new landlord, who is driving the business forward successfully following a flurry of short-lived tenants, 6 in the past 4 years, who have all failed to make the business a success. A vast number of tenants have since run the pub/restaurant over the years. All have unfortunately had limited success. The smoking ban in July 2007 no doubt had an impact upon trade (a regularly reported contributor to the downturn of Pubs). Other impacts such as tax on alcohol, low supermarket beer prices, large chain pubs offering reduced price alcohol and food, a shift in human socialising patterns are all other contributing factors to many pub closures. A pattern emerged indicating that this business could not succeed as a tied pub/restaurant where such restrictions were in place with regards to the purchase of stock, food and drinks.

The building was recently purchased from the brewery by the applicant. The sale price indicates the breweries loss on the business and premises since the purchase back in 1994 when comparing to market prices. The figures suggest that the brewery were keen to dispose of the premises. In reflection of this the rent arrangement of the premises, for the previous and the current tenants is well below market value to give the tenants the best chance to re-establish the business following its previous closure prior to being sold.

The pub has a remote and rural location. Despite a large volume of passing trade (motor vehicles) there isn't a vast number of local residential properties, within walking distance, that could support or sustain the business. The business doesn't currently attract sufficient customers to ensure its continued existence. People need to be attracted to the premises therefore the proposed diversification and provision of additional services is required to help support and run alongside the current business which should help sustain this whilst using part of the existing premises (kitchen for food provision)".

- 10.10 The additional information received sets out when the applicant took on the existing business and the measures taken to build the business since that time. It is stated the food side of the business is now fully operational and events are being put on such as discos, karaoke nights, inclusion with the Shepley Spring festival, band nights, etc. There is no baseline scenario of the business with a forecast of its likely performance following the completion of the proposed works. However, it would clearly amount to a significant investment and it is considered highly unlikely that it would be undertaken within being able to provide a robust return.
- 10.11 Whilst the function room would have its own toilet and bar facilities, it would use the large kitchen facilities of the existing premises for the provision of food.
- 10.12 The information continues to states:
"The existing pub and restaurant would remain unaffected by this expansion/ diversification plan. Our current premises have the benefit of a substantial and spacious car park along with attractive /enclosed grounds.

Such a venue as proposed would enable the business to provide for small wedding parties, birthdays, funeral wakes etc, all without negatively impacting on the current pub and restaurant business.

The nearby Farmers Boys pub and restaurant in Shepley is again currently closed. This similarly was once a former thriving pub/restaurant that has seen a massive downturn in fortunes. We are attempting to put plans in place to ensure the Toss O Coin doesn't become another statistic as a failed business, closed for good.

We contend this proposal will assist with the current business and provide a boost with additional business created resulting in local employment"

- 10.13 Paragraph 83 of the NPPF supports and encourages a rural economy as well as Local Plan Policy LP10 (1) of the Kirklees Local Plan. This refers specifically to economic performance of the rural economy and states amongst other things, supporting the needs of small and medium sized enterprises. The rural economy plays an important role in the wider economy of Kirklees. However, in all cases proposals in the green belt must have regards to relevant policies in the Local Plan and National Planning Policy.
- 10.14 In addition Policy LP10 (4) makes reference to proposals for main town centres uses that are above 150sqm in non-urban areas, as in the case of this site, will only be permitted where the identified needs of the business cannot be met within existing centres or in edge of centre locations.
- 10.15 Policy Officers have advised through informal discussions, in this instance the development is locational specific to this site and existing business. Therefore It cannot be expected to be relocated to a town centre. In addition, the proposal to diversify would support and continue an existing business and, in the long term, potentially avoid the closure of another public house facility through becoming unviable. With respect of the proposed extension whilst this would result in harm it is considered to be sensibly and sensitively designed (size, shape and siting) to meet the functional requirements of a small venue. Conversely, without further investment it is reasonable to envisage a situation where the public house continues to struggle and may need to close. The application scheme would improve the overall attractiveness of the public house to customers with the economic benefits this could accrue, thereby improving its viability and sustainability as a business. In reaching this view the proposals would provide a comprehensive solution to many of the current and previous problems that have been experienced and potentially prevent and aid the continuation of an existing business.
- 10.16 In light of the supporting information and given this is an existing rural business which is locational specific to this site, the proposals on balance would support and enhance the economic benefits of an existing rural enterprise and retention of local employment with a view to increase employment levels. Not only will the business/ proposals provide local/rural employment it would also contribute to the local and wider economy within Kirklees which is encouraged and would accord with Policy LP10 1(b, c & d) and guidance in the NPPF. Furthermore, the proposals may well increase tourism in this well-known area of Holme Valley.
- 10.17 In respect of the works proposed to create an over spill parking area, this will be on an area beyond the formal car park. Given the slight variation in ground levels between the existing car park area and proposed overspill area, this would require minimal regrading works. The over spill parking area is proposed to be surfaced with "grasscrete or similar". Whilst this encroaches beyond the confines of the existing formal car park area and further into the green belt, the proposed surfacing treatment and little change in levels would ensure the openness of the green belt is preserved.

10.18 To summarise, the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. The proposal would have a limited harmful impact on the openness and permanence of the Green Belt. Paragraph 144 of the NPPF states that substantial weight should be given to any harm to the Green Belt. Weighed against this the proposal would be of benefit to the rural and tourism economy, securing the future of a longstanding public house. The moderate to significant weight these issues have been afforded, are considered to clearly outweigh the totality of the harm to the Green Belt. This amounts to the very special circumstances necessary to justify the proposal.

Impact on visual amenity:

10.19 With regards to the proposed design, scale and external facing materials, the revised proposals indicate the extension set down further from the roof ridge of the host building. The design is simplistic in its form, continuing the linear form to the rear and the 'L'-shaped formation of the main buildings on site. Whilst the extension would have an overall projection of 17.50m, on balance with the reduced height it would be seen as an addition and appear subservient to the host building.

10.20 Turning to the external facing materials, Officers are unable to support the east elevation in render as the expanse of the extension when viewed against the natural stone east elevation of the host building would unduly detract from the characteristics of the host building and fail to enhance or preserve the green belt setting, contrary to LP57 (d) and LP24(c) of the KLP and guidance in the NPPF. Notwithstanding the submitted plans, it is necessary to condition the south and east elevation to be externally faced in natural stone to match the host building.

10.21 Rendering of the west elevation is largely shown to incorporate openings as such, on balance, there are no concerns with the use of render on this elevation. There are elements of render elsewhere on site. Stone roof slates as proposed are appropriate as it would be in keeping in the area and with the host building. To conclude, on the visual amenity matters, the development can be conditioned to be completed using appropriate external facing materials to accord with Policies LP24 and LP57 of the KLP.

10.22 Impact on residential amenity:

10.23 The existing public house/restaurant is in operation. As set out above, the nearest properties lie north-east of the site. The siting of the proposed extension, together with the window arrangement is appropriately designed to minimise the impact of activities on site. Ground floor windows, to serve the wedding suite, open onto what is currently a formal landscaped area, south-west of the proposed extension and away from residential properties. This would encourage customers to migrate towards the landscaped garden areas rather than the car park area.

10.24 Whilst the aforementioned properties at Syke Bottom are located in excess of 40m from the position of the proposed extension, and would not have a direct relationship with the extension, further information regarding the operation of the suite has been requested. Environmental Services initially requested a noise management scheme to be conditioned. The wording of such a condition would have included proposed hours of use and mitigation measures to be taken to protect the occupants of nearby noise sensitive premises and those staying in the new proposed bedrooms, from noise in association with the proposed development.

10.25 To avoid such a condition, detail of hours of use were subsequently provided during the course of the application. These are set out above. These are considered to be particularly restrictive and would likely require future variations of these hours to be formally applied for through a variation of condition relating to the hours of use (should planning permission be granted). As such Environmental Services have been asked to comment on whether it would be reasonable to restrict the hours of use to midday to 2300 Monday to Saturday and midday to 2230 on Sundays. It would then be the choice of the business operators to decide what specific hours they choose to operate within those set out in any planning permission. To summarise, should Members be minded to approve, it would be necessary to condition the use not be carried on outside the hours proposed by officers.

10.26 It is also considered necessary to impose a pre-commencement condition for a noise report to be submitted, as recommended by Environmental Services. This should specify mitigation measures, if necessary to be taken to protect the occupants of nearby noise sensitive premises - and future occupants of the proposed bedrooms from potential noise from the proposed development. This would accord with Policy LP52 of the KLP and guidance in the NPPF.

10.27 **Highway issues:**

10.28 Local Plan policy LP21 states new development will not normally be permitted where the cumulative impacts of development are severe and where safe and suitable access to the site cannot be achieved. As previously set out, the proposal is to erect an extension to the existing community facility. As such, a number of customers already visit the site.

10.29 The following assessment is made by DM Highway Officers:

10.30 This application is for the erection of a two storey rear extension to an existing public house to house a function room/wedding venue with 5 guest bedrooms. Parking and access will be through the existing access on to Gate Foot Lane. This is a 50mph (at the access) two way single carriageway rural road of approximately 6.5m width with no footways or street lighting present. The road becomes national Speed Limit just after the application site.

- 10.31 Approximately 25m to the west of the site access Gate Foot Lane has a junction with A635 Penistone Road, this is a 50 mph, two way single carriageway main distributor road with a continuous footway opposite the site and a broken footway serving a bus stop and residential properties on the side of the development site. There are double white centre lines due to a sharp bend to the west of the junction. There were two collisions in the immediate area in the last 5 years, neither of which were caused by the junction or would be exacerbated by any increase in traffic at the site.
- 10.32 Trip generation for the proposals have not been submitted and there is only limited data available within the national TRICS trip rate database for wedding venues/function rooms. However the proposals are not expected to cause an increase in vehicular trips sufficient to have a severe impact on the operation of the local highway network. The vehicular access to the site is as existing and is acceptable.
- 10.33 The main concern with the application was the provision of adequate parking spaces for events/ weddings. The highway network surrounding the development site is not suitable for on street parking and so the applicant should show that there is sufficient off street parking provided within the development to avoid this. The applicant has stated that they could increase the number of car parking spaces if required. The old Kirklees maximum parking standards based on the total size of the site would be for the provision of 61 parking spaces (including 2 staff spaces), however these have been superseded with a requirement for the applicant to show the spaces are fit for purpose. A total of 46 parking spaces are shown on the proposed block/parking plan (drawing No 18/463/07c).
- 10.34 In light of the above, the applicant has also proposed to use an area of land to the south of the car park as a temporary additional staff parking area. The area identified would be surfaced with grassblock or similar to preserve the green/partly natural appearance of the land and would provide an additional 9 parking spaces.
- 10.35 As these parking spaces would have reduced manoeuvring and tandem parking it would not be suitable for general guests and so isn't an overflow car park, but should free up a number of parking spaces for guests that would otherwise be occupied by staff. The use of the additional parking area would be determined by the parking requirements of an event and would remain unused during normal operation of the pub/restaurant. The use of the additional staff parking would be included in a parking management plan.
- 10.36 An interim Parking Management Plan was submitted by the applicant which contained suitable layout and conceptual management information. Highway Officers advised this to be submitted as a formal detailed document setting out exact methodologies for the management process by the venue management.
- 10.37 A revised management plan has now been received which forms part of the submission documents. This sets out details to promote sustainable travel incentives for both staff and customers/guests using the premises. In addition it states advertising material will be posted on their website which will include details of local taxi services and parking instructions to parties booking the premises, thus promoting car sharing, which is considered to limit the use of the car park.

10.38 Subject to the development being carried out in accordance with the details set out in the revised parking management plan, which can be conditioned, Officers are of the opinion the proposals can be adequately served on this site without causing detriment to nor materially adding to any highway safety implications on the surrounding highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and guidance as set out in the NPPF.

10.39 Other issues:

Contaminated land

10.40 A Phase 1 Desk Top Study was received following confirmation from Environmental Services advice, that the siting of the proposed extension is associated to an area with a history of industrial landfill waste. This has been assessed by Environmental Services who agree with its findings and agree with the work required to deal with the contaminated land. In light of this, it is necessary to include a whole suite of contaminated land conditions to deal with contamination in accordance with Policy LP53 of the KLP and guidance in the NPPF.

Non-Mains Drainage

10.41 Existing foul drainage for the site is via a septic tank. The application form states that this will be used to serve the extended premise but no further details have been provided. In order to understand and ameliorate the potential implications for this form of foul drainage on the water environment, it is necessary to impose a condition to require details of the tank and arrangements for removal of sludge and other drainage arrangements. This would be in accordance with Policy LP28 of the Local Plan.

10.42 Air Quality Electric Vehicle Charging Points

10.43 Along with reduction of air pollution, the NPPF also encourages the promotion of sustainable transport. The West Yorkshire Low Emission Strategy Planning Guidance has been drafted to take a holistic approach to Air Quality and Planning. In this particular instance taking into account the NPPF and the WYESPG it is considered that promoting green sustainable transport could be achieved on this site by the provision of electric vehicle charging points (EVCP) which can be conditioned to secure the charging points for the proposal to comply with the aims of Chapters 9 and 15 of the NPPF and Policies LP24 and LP51 of the Local Plan.

10.44 The development has been assessed in accordance with the WYESPG and regarded as minor development. On this basis, it would be reasonable to condition for the installation of EVCPs within the car parking area.

Climate Change Emergency

10.45 Chapter 12 of the Local Plan relates to climate change and states that: 'Effective spatial planning is an important part of a successful response to climate changes as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development'. This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development.

10.46 The inclusion of a condition requiring EVCP, the addition of an extension built to current Building Regulations standards (so helping to improve the insulation of the external envelope), solar gain from the inclusion of large windows in the west elevation and the use of reclaimed or locally sourced materials in the construction of the extension could assist in contributing to climate adaptation and resilience in accordance with chapter 12 of the Local Plan and Policy LP24 of the KLP.

10.47 **Representations:**

10.48 Many of the concerns raised have been addressed in the preceding paragraphs. With regards to the references that people would gather and use the car park area and anti- social behaviour has previously occurred at this site, this is noted but unfortunately these matters cannot be controlled and do not warrant a reason for refusal.

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, taking into account all factors that the development would constitute sustainable development and 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 Development and Master Planning)

1. Development within 3 years from the date of permission.
2. Development to be carried out in complete accordance with the approved plans and specifications
3. Materials - the south gable and east elevation external walls of the extension to be externally faced in natural stone
4. The car park and additional overspill area as shown on drawing no. 18/463/07c to be fully completed and made operational before use
5. The use of the hereby approved extension shall at all times be operated in accordance with the car park management plan
6. Noise report to be submitted
7. Restriction on hours of use
8. Submission of a Phase 2 intrusive site investigation report
9. Other related contaminated land conditions
10. Details of septic tank
11. Electric Vehicle Charging Points

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90984>

Certificate of Ownership – Certificate A signed 25th March 2019