
Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Mar-2017

Subject: Planning Application 2016/94001 Erection of extension to and rebuilding of fire damaged winery building Holmfirth Vineyard Ltd, Woodhouse Farm, Woodhouse Lane, Holmbridge, Holmfirth, HD9 2QR

APPLICANT

Ian Sheveling, Holmfirth
Vineyard Ltd

DATE VALID

06-Dec-2016

TARGET DATE

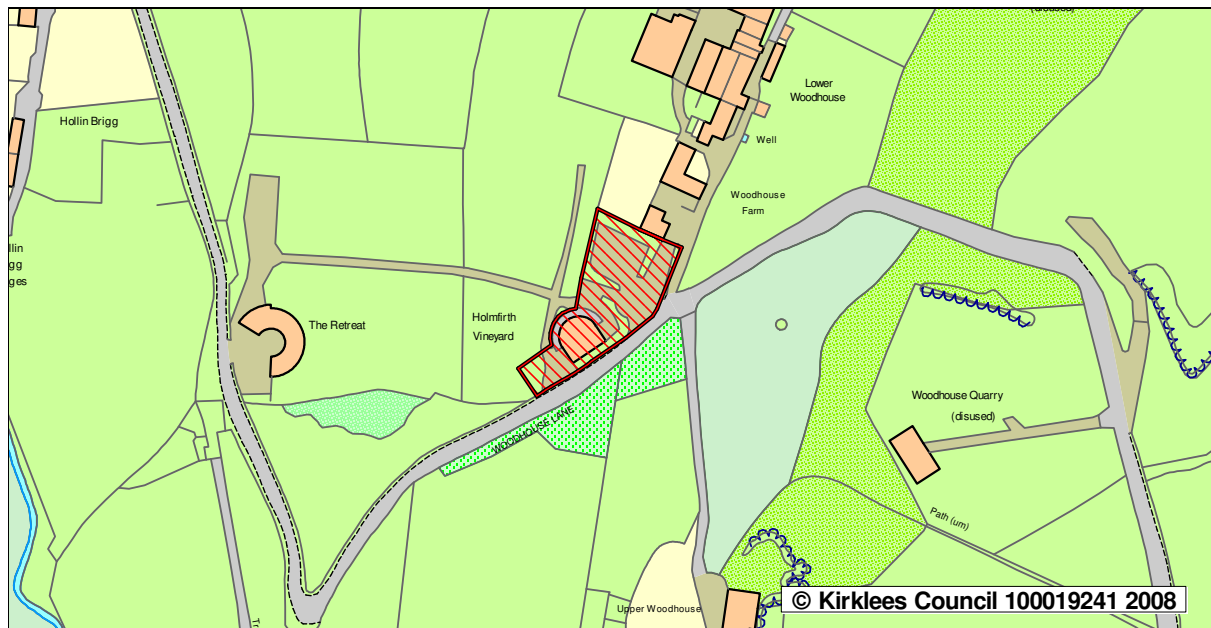
31-Jan-2017

EXTENSION EXPIRY DATE

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<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

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management 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 Huddersfield Planning Sub Committee as it is a site which has been of interest to Members previously, and in view of the level of representations received.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is located on Woodhouse Lane, approx. 2.5 km to the south west of Holmfirth, and forms part of the Holmfirth Vineyard, an agriculture/ viticulture enterprise located within the Green Belt. Access to the site is via Woodhouse Lane with a parking area located adjacent to the entrance.
- 2.2 The existing building on site comprises a wine tasting area, and bar, seating areas, toilets, and to the rear a winery building. The winery building was damaged by fire last year.
- 2.3 To the NE of the site is Woodhouse Farm, which is the residential property associate with the vineyard, and Lower Woodhouse Farm, which is a separate residential property. Also to the west, and at a lower level but still fronting onto Woodhouse Lane is a block of eco apartments.
- 2.4 The site is within the green belt. The neighbouring farmhouse as a listed building.

3.0 PROPOSAL:

- 3.1 The premises including the winery, has been damaged by fire. Permission is not needed to rebuild to the same size as the previous building, however a detailed application has been submitted for a larger building, that would include a replacement winery kitchen area and a new teaching/ function room. There would be a small mezzanine office area. The new building is over double the size of the fire damaged building
- 3.2 The existing curved terrace adjacent the restaurant is proposed to be enclosed within a conservatory like structure , and this extends to the entrance area.
- 3.3. Amended plans have been received reducing the size of the new building, and removing a terrace area that was previously proposed to the SW.
- 3.4. The applicants state that the enlargement will be an improvement on the cramped space currently available, and will reflect uses that already occur on the site. Clearly the designation of a specific function room is a material intensification of the sites use, and the proposed hours of opening are proposed to be 9.00am to 11.00pm, which would enable use of the function room as a venue either in the day or evenings/ weekends, as well the existing daily tours.

4.0 RELEVANT PLANNING HISTORY:

- 4.1. 2008/90052- Listed building consent for re-use of barn, new extensions to extend existing dwelling -Consent Granted.
- 4.2. 2008/90051- Reuse of exiting barn to extend dwelling (listed building) Approved.
- 4.3. 2009/90895- Agricultural Notification for prior approval for details of erection of building – Details approved.
- 4.4 2009/93461 Extension to existing agricultural building to form wine shop and tasting room with formation of access and additional parking provision. Erection of sedum-roofed eco lodge in existing quarry containing 7 units, 1 no wind turbine on 9 m mast, septic tanks and 32 no air source heat pumps- Approved and Implemented
- 4.5 2015/90173-Erection of agricultural building- Refused
- 4.6 2015/91522 -Erection of agricultural shed- Approved
- 4.7 2015/91532.Engineering works to form public area- Approved subject to two condition.
(Retrospective application)

4.8. One of the conditions was the subject of an appeal this condition stated:

“Notwithstanding the provisions of Schedule 2, Part 4 Classes A and B of the Town and Country Planning (General Permitted Development)(England) Order 2015.....the public area outlined in red on the location plan shall not be used for any temporary material change of use, and no buildings shall be erected upon it”.

4.9. Part 4 Class A relates to the provision of buildings or movable structures, in connection with, and for the duration of the operations being carried out Given that the engineering operations to form the public area had been complete, there was no legitimate basis for imposing this element of the condition.

4.10. Part 4 Class B allows any use of the land for not more than 28 days in a calendar year along with the provision of a movable structure for the purposes of the permitted use. Essentially prohibiting the erection of moveable structures such a marquee for wedding function.

4.11. The Councils reason for imposing this condition was to protect the open character of this green belt site, and in the interests of visual amenity.

4.12. The Inspector allowed the appeal, concluding that the condition wasn't either necessary or reasonable, as it failed to satisfy the test of necessity for the exceptional circumstances needed to justify such a condition outlined in the National Planning Practice Guidance.

5.0 HISTORY OF NEGOTIATIONS:

5.1 An amended plan has been received reducing the size of the new building on the south eastern side, and the removal of a terraced area adjacent to that building.

5.2 A Transport Assessment has been submitted, and a Noise Assessment, both have been sent for consultation. Further clarification/ justification on the parking and servicing proposal has been sought, subsequent to the receipt of the Transport Statement.

5.3. The amendments and additional information has been re-advertised.

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan

has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 BE1 – Design principles
- BE2 – Quality of design
- T10 – Highway safety
- T19 – Parking standards
- EP6 – Noise generating development

National Planning Guidance:

6.3 Achieving sustainable development

- Part 3 Supporting a Rural Economy
- Part 4 Promoting sustainable transport
- Part 7 Requiring good design
- Part 8 Promoting healthy communities
- Part 9 Protecting Green Belt Land

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been publicised by site notices and neighbour letters.
- 7.2 13 representations have been received objecting to the proposal, the main points of concern being;
 - The replacement building is twice the size of the fire damaged one, any replacement should be like for like.
 - The building and new development will be totally out of character with the Green Belt.
 - The increase in size over the original building is excessive, and contrary to green belt policy;
 - The scheme will generate additional traffic on a very steep and narrow road, with a difficult junction onto Woodhouse Road, there have been problems with vehicles accessing the vineyard already;
 - The intensification of the use, and the creation of a function room, will result in unacceptable levels of noise and disturbance for residents- the existing operation already causes problems and these would be exacerbated.
- Previously there have been assurances that the vineyard would not be open beyond 15.30pm, this has not been honoured, and this application seeks to extend the hours of opening to 23.00pm

- The enlarged building will have a negative effect on the setting of the neighbouring listed building, and the rural character of this area.
 - The proposal has nothing to do with the making of wine, which was the original premise for allowing the building. this is a relentless creeping of development beyond the limits of what is acceptable within the green belt, whilst producing limited benefits for the local area;
 - No very special circumstances have been demonstrate to justify the extent of development and the introduction of an additional function room to outweigh the inappropriateness within the greenbelt.

42 representations in support of the scheme have been received, the main points being.

- Since it opened the Vineyard has been a huge asset to the whole area;
- The business should be afforded the opportunity to rebuild quickly given the damage caused by the fire;
- The business attracts tourists, and the development will enhance the visitor experience, maintaining tourist revenue for the area;
- The business is eco-friendly and uses local products;
- this business makes valuable contributions to the local community, including for schools, sports clubs and local charity;

Jason McCartney MP.

“I would put on record my support for this application. The vineyard has become an established successful business providing a number of jobs in my constituency. Sadly a fire led to the restaurant and visitor centre having to close, and it is important that the business is back up and running as quickly as possible. Holmfirth has needed to diversify its tourism industry since the end of the Last of the Summer Wine, and the Vineyard presents a shining example of an updated vision of the Holme Valley for decades ahead.”

The amended plans and the additional reports have been re-advertised, and to date there have been 2 representations both of which question if levels of parking indicated within the Transport Assessment are accurate and reaffirming their objection so highways grounds. Any additional representations will be included within the update, and reported verbally to the Sub Committee meeting.

8.0 CONSULTATION RESPONSES:

Statutory:

- 8.1 **KC Highways DM** –Initially requested a Transport Assessment to be submitted to enable the application to be properly assessed. Further clarification and justification of that statement, has been requested, and is awaited. A full update will be available at the Sub Committee.

Non Statutory:

KC Environmental Health Services- the issue of potential noise disturbance from a Function Room open until 11.00pm is of concern and needs to be satisfactorily addressed, and meaningful mitigation measures imposed and secured. These would be secured via the imposition of conditions, covering noise attenuation to the building, restriction on new openings, limits to levels of background music, and the preparation of a noise management plan, and its subsequent monitoring (the Noise Report submitted by the applicant recommends the preparation of such a Noise Management Plan.)

KC Conservation and Design- On balance the extension does not cause significant harm to the setting of the listed building, sufficient to warrant refusal.

KC Business and Economy- Tourism is an important part of Kirklees' Rural economy. Using data extrapolated from the Great Britain tourism survey and Great Britain day visit survey it is estimated that in 2015 the total day and overnight domestic leisure visits to Kirklees was £258.18 million. Holmfirth is a key tourism asset in Kirklees' economy, and Holmfirth Vineyard a successful visitor attraction in the area. Established in 2008 it now attracts 37,000+ visitors each year and is an important contributor to the rural visitor economy.

It is anticipated that the rebuild and extension would likely:

- Improve the visitor experience- supporting repeat visitors and recommendations to the district;
- increase capacity – supporting the local economy by facilitating additional overnight stays and spend in local businesses.

9.0 MAIN ISSUES

Principle of Development;
Green Belt Issues;
Heritage Issues;
Impact on amenity (visual and residential)
Highways Issues

10.0 APPRAISAL

Principle of development

- 10.1 In considering the principle of this application the relevant guidance is contained within Part 3 of the NPPF "Supporting a prosperous rural economy", and Part 9 "Protecting Green Belt land".

- 10.2 Part 3 of the NPPF “Supporting a Prosperous Rural Economy” indicates that planning policies should take a positive approach to sustainable new development, and to promote a strong rural economy should support the sustainable growth and expansion of all types of business and enterprise in rural area, both through conversion of existing building and well designed new buildings; and support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside, and this should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations.
- 10.3. The existing Vineyard business does attract a considerable number of visitors both from within the district and further afield. As such it is considered to deliver positive economic benefits to the area, as well as some local employment. As such there is no objection to the principle of this rural business expanding or diversifying its offer, subject to it respecting the rural character of the area.

Green Belt Issues

- 10.4 Part 9 of the NPPF “Protecting Green Belt land”, indicates that inappropriate development in the green belt should not be allowed unless very special circumstances have been demonstrate. Very special circumstances will not exist unless the potential harm to the green belt by way of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 10.5 A proposal to rebuild and extend an existing business is not by definition inappropriate development, however any potential harm to the green belt does need to be considered, ie how the development impacts upon the openness of the green belt.
- 10.6 In terms of extending existing properties the guidance is that an extension to a building is not inappropriate development “provided that it does not result in disproportionate additions over and above the size of the existing building”.
- 10.7 The new building does represent a significant increase in the size of the original building and also the enclosing of the terrace is also applied for. The impact that the proposal has on the openness of the green belt in this area is mitigated by the location of the extended building which is to the rear of the site, backing onto Woodhouse Lane. To the NE the new building bounded by the wall onto Woodhouse Road, and a retaining structure next to the access, this is a very self-contained location that results in very little if any impact on the open character of the area.
- 10.8 To the SW, the extended building has been reduced in length and a terraced area removed. Because of the levels and slope at this point the previous extension, plus the base of the terrace where very prominent, particularly as viewed when approaching up Wood house Lane. The reduction in size and the removal of the terrace is considered to significantly reduce the impact on openness form this viewpoint.

- 10.9 The enclosure of the existing terrace next to the wine tasting area, and entrance, is to be a lightweight conservatory type structure, and the extent of the terrace and any plinths supporting it are not to be altered. In this respect given the nature of the structure it is considered that the impact on openness is minimal.
- 10.10 As such whilst it is accepted that there has been a significant increase in size upon the original building, the specific design/ reductions in size secured and siting of the various elements of the proposal are not considered to harmfully impact upon the openness of the area, to the point where it would be considered to be inappropriate development in the green belt.

Heritage Issues

- 10.11 The site is close to Lower Woodhouse Farm which is a Grade 2 listed building, and as such the impact of the development on the setting of the listed building has to be considered.
- 10.12 The extended winery will be single storey with a low pitched roof which makes use of the topography which slopes from the listed building down towards the winery buildings. The setting of the listed building is one of an agricultural landscape which slopes down to the valley bottom, and as such relies on a degree of openness. As such any harm to the setting would be the extent of any intrusion into that openness, and that is considered to be minimal.
- 10.13 Paragraph 134 of the NPPF requires that any harm is balanced against any public benefit accrued. The public benefit in this case is limited to the tourist attraction side of the operation, which is considered to outweigh the minimal harm resulting from additional intrusion into the open landscape.
- 10.14 As such the extended building does not result in harm to the setting of the listed building, that would warrant refusal on heritage grounds.

Impact on Amenity

- 10.15 Visual Amenity- The extended building is of a similar style and materials to that which it is replacing and in this rural location a dark green clad building is appropriate. The conservatory construction to the front of the premises on the existing terrace, is a lightweight and largely glazed structure, adjacent to the wine tasting area, and complements the existing building.
- 10.16. As such the new building and extensions are satisfactory, and accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan.
- 10.17. Residential Amenity- There are a number of dwellings in proximity to the application site, and given the sites location on a hillside and extensive range of uninterrupted visibility, the potential for disturbance for residents both within their homes, but also their gardens, is a significant planning issue that needs to be considered and satisfactorily addressed.

- 10.18 The potential for noise/disturbance comes from the function room, for example the potential use for wedding receptions, late into the evening, and subsequent car movements when leaving. Also the site has the benefit of permitted development rights which enables the erection of a temporary structure (ie domed marquee in this case) for a total of 28 days a year, so some restriction upon that uses, as part of the comprehensive use of the site, could be sought.
- 10.19. The proposed function room is to be contained within the new building, and amended plans have been secured which both reduces the size of the building and removal of the adjoining terrace, which was accessible from within the building via window/ door area in the gable.
- 10.20. The applicants have submitted a Noise Report, that itself acknowledges that Function room noise use in this building without noise attenuation measures would be audible within neighbouring dwellings. The mitigation proposed would need to be a mixture of measures. Firstly physical measures eg noise attenuation features incorporated into the structure, no opening doors or windows (mechanical ventilation would therefore be needed), as to allow open doors and windows would undermine any mitigation.
- 10.21. The second element would be Noise Management. A Noise Management plan would need to be produced which covered the operation of the function room. This would extend to controlling the hours of use, and arranging for the limiting of background music to agreed limits, and event management including parking management , and control of taxi usage (ie no sounding the horn when collecting visitors, also prior notification of events.
- 10.22. The site benefits from permitted development rights to erect temporary structures for 28 days a calendar year ie erect marquees. Mitigation measures to the replacement building will be ineffective, unless there is some agreement to mitigate potential nuisance from the Marquee, on the dates it is use. The applicants have agreed that any music played externally will be turned off at 9.00pm. This can be conditioned and also its implementation included within a Noise Management Plan. Under the permitted development rights, other than the limit on the number of days, there are no restrictions on the use, in terms of hours of use restriction.
- 10.23. Environmental Health have confirmed that mitigation for the entire site needs to be coordinated, and that without meaningful control on the marquees any other benefits are negated. The limit to 9.00pm, is positive, and an improvement on the unrestrictive permitted development rights, the need for outdoor music, with the presence of an indoor function room should be questioned, even until 9.00 pm.
- 10.24. As such it is considered that the levels of noise/ disturbance can be satisfactorily mitigate with appropriate conditions and monitoring

Highways Issues

- 10.25 The site is in a remote location served by a narrow local road network. The site is predominantly served by car. The proposal involves the intensification of the use of the site which will need to be satisfactorily accommodated in terms of access, parking and service delivery.
- 10.26. The applicants have submitted a Transport Assessment, as requested by officers and this has been re-advertised. Highways have requested further clarification and justification to enable a proper assessment to be undertaken.
- 10.27. The main consideration for the highways element of this application is can the site accommodate the proposed numbers of visitors safely and in a manner that does not cause significant disruption to local neighbours and the immediate highway network. The exact capacity and usability of this car park for both private cars and coaches is being assessed. The capacity of the car park will be a significant determining factor in assessing what level of activity the site can accommodate and how many guests at any one time can use the proposed building and the wider site. A full Highways Assessment will be provided at Committee and in the Committee update.

11.0 CONCLUSION

- 11.1. Clearly the replacement of a fire damaged property does not require permission. This is a fall-back position that the applicants are able to redevelop the site to and is material to the determination of this application. The applicants own a successful rural business which has delivered economic benefits to the area. The proposed development would likely continue this success and expand in its expanded form. The guidance in part 3 of the NPPF "Supporting the Rural Economy", encourages the growth/ diversity of businesses in rural areas, subject to there not having an adverse effect on the character of the area, where they are located.
- 11.3. The site is within the green belt and also affects the setting of a neighbouring listed building. As such the impact that the proposals have on the character of this area of green belt, and the setting of the listed building need to be assessed.
- 11.4 The common thread on both these matters is safeguarding the openness of the area and reducing any intrusion into the openness. It is considered that the setting of the listed building is satisfactorily safeguarded, and that given the site specific reduction in scale of the proposal, and the use of the site topography to minimise the impact of parts of the proposals, the impact on the openness of the green belt does not rise to a level of harm, that would result in the development being, "inappropriate development."
- 11.5. The operation of the new scheme needs to be satisfactorily addressed and covered by conditions that would include site monitoring. Adequate access and parking provision needs to be secured. Appropriate mitigation of potential noise disturbance both within the new function room and on the Marquee when that is in use can be satisfactorily conditioned.

11.6 As such on balance it is considered that any harm to the character of the green belt is outweighed by the economic benefits of the scheme, subject to the necessary conditions relating to noise / disturbance and traffic management

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

1. 3 year standard condition for the commencement of development

2. Standard condition- development to be completed in accordance with approved plans.

3. Samples of materials to be agreed.

4. Noise a number of conditions required covering:

- Restriction on the levels of amplified music within the function room;
- No openings(doors windows) within the function room- ventilation to be provided alternative means
- Hours of use restriction to both Function Room, and in connection with the Marquee if this is in use.
- Noise attenuation details to be submitted for approval.
- Verification that these levels have been achieved within prior to any functions being undertaken.
- Preparations of a Noise Management Statement Plan.

5. Parking provision for cars and coaches to be set out and be made available at all times the site is in use.

6. Delivery Management plan

7. Implementation and updating of Travel Plan.

8. Number of guests able to visit the site at any one time to be agreed (this will be confirmed in the update to committee)

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f94001>

Certificate of Ownership – Notice served on/ or Certificate A signed: