
Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 17-Jun-2021

Subject: Planning Application 2021/90743 Alterations to convert existing barns to café and seating area and formation of parking facilities Gledhill Farm, Kaye Lane, Almondbury, Huddersfield, HD5 8XU

APPLICANT

S Griffiths

DATE VALID

18-Mar-2021

TARGET DATE

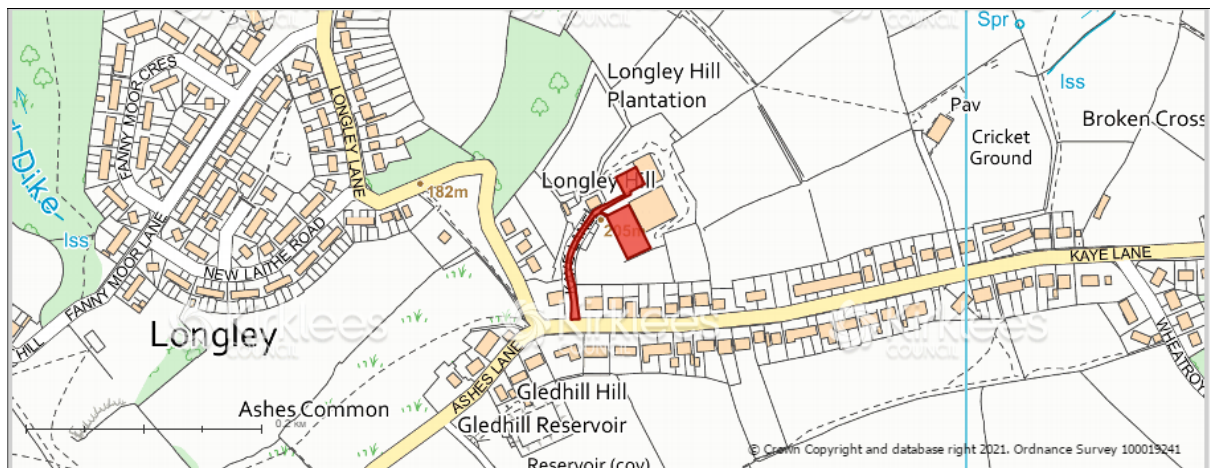
13-May-2021

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Newsome

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 before the Huddersfield Planning Sub-Committee for determination at the request of Ward Councillor Andrew Cooper for the following reason:

Significant concerns with the visibility from the access onto Kaye Lane, where there is speeding traffic.

1.2 The Chair of the Sub-Committee has accepted the reason is in line with the Council's Protocol for Planning Committee.

2.0 SITE AND SURROUNDINGS

2.1 The site comprises a traditional farm building which has previously been converted for livery use, as well as a menage at Gledhill Farm, to the north of Kaye Lane. The livery building is constructed from stone under a stone slate roof, is part single storey/part 1 ½ storey and roughly forms a 'U-shape'. The building has a floor area of approximately 304m². The menage is located to the south of the livery building, measures approximately 21.5 metres by 40.5 metres, and is enclosed by a post and rail fence.

2.2 The site is accessed from Kaye Lane, via a private narrow track. The access from Kaye Lane is situated between two residential dwellings, these being No.126 and No.132 Kaye Lane. The red line plan also includes part of the residential curtilage of No.126.

2.3 Within the Gledhill Farm complex, there is the dwelling of No.130 Gledhill Farm to the west of the livery building and 4.no agricultural buildings to the east of the menage and livery building. The Design and Access Statement submitted with the application states that Gledhill Farm extends to approximately 32 hectares of grassland, and that the main farming enterprises at Gledhill Farm include suckler cow beef production and grass conservation for forage.

2.4 The site itself is relatively flat, but the land drops beyond the north boundary of the site. To the north and east of the Gledhill Farm complex is open countryside. To the south of menage is an agricultural field and closely beyond this are the rear boundaries of residential properties facing Kaye Lane.

2.5 The site is within the Green Belt. The site is not within a conservation area. The site is within the Castle Hill Study Area (with Castle Hill being a Scheduled Ancient Monument).

3.0 PROPOSAL

3.1 Planning permission is sought for alterations to convert part of the livery building to a café and seating area, as well as the formation of parking facilities.

3.2 It is proposed to convert part (143m²) of the existing livery building in to a café. A kitchen and W/Cs are also proposed in this building in connection with the café. The submitted plans appear to show that the courtyard area would also be used as a dining area. Externally, 4 new windows are proposed as well as the re-use of existing openings.

3.3 An existing layby area to the west of the site adjacent to the access track is proposed to be utilised as parking and is proposed to accommodate 15 spaces.

3.4 It is also proposed to widen the access into the site from Kaye Lane as well as widen part of the access track leading to the parking area. Whilst the menage is within the site plan, it is not proposed to alter this.

4.0 RELEVANT PLANNING HISTORY

Application site

4.1 2013/92803 – Change of use of redundant farm building for livery use and formation of menage (retrospective) – Approved.

4.2 2013/93786 – Discharge of condition 3 (access improvements) on previous permission 2013/92803 for change of use of redundant farm building for livery use and formation of menage (retrospective) – Approved.

4.3 2020/93885 – Alterations to convert existing barns to café and seating area and formation of parking facilities – Withdrawn.

130 Kaye Lane

4.4 2007/91871 – Erection of ground floor extension – Approved.

East of Menage

4.5 96/90873 – Agricultural notification for the prior approval of details for erection of agricultural building – Approved.

4.6 2018/91628 – Prior notification for erection of agricultural buildings – Approved.

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

5.1 This application follows a withdrawn application (2020/93885) for a larger café building and the use of the menage as a car parking area. This application was withdrawn following officer concerns with the impact upon the role and function of the nearest District Centre and Local Centre, the impact upon the green belt, the

impact upon biodiversity, the impact upon neighbouring properties and the impact upon the highway network. This current application is a reduced scheme which is supported by more information.

5.2 During the processing of this application, further parking spaces for car parking was requested, and this was provided to address officer concerns.

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).

6.2 The site is allocated as Green Belt on the Kirklees Local Plan Proposals Map.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 10** – Supporting the Rural Economy
- **LP 13** – Town Centre Uses
- **LP 16** – Food and Drink Uses and the Evening Economy
- **LP 20** – Sustainable Travel
- **LP 21** – Highways and Access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 35** – Historic Environment
- **LP 43** – Waste Management Hierarchy
- **LP 48** – Community Facilities
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land
- **LP 60** – The Re-Use and Conversion of Buildings

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 6** – Building a Strong, Competitive Economy
- **Chapter 7** – Ensuring the Vitality of Town Centres

- **Chapter 8** – Promoting Healthy and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 13** – Protecting Green Belt Land
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment
- **Chapter 16** – Conserving and Enhancing the Natural Environment

Other Considerations:

- Draft Biodiversity Net Gain Technical Advice
- Kirklees Highways Design Guide (2019)

A draft House Extension & alterations, Housebuilder Design Guide SPD and Open Space SPD were published by the Council in 2020 as part of the 'Quality Places' consultation. These have undergone public consultation but have not yet been adopted. However, their content is consistent with the policies and objectives of the Kirklees Local Plan and it is therefore considered that modest weight can be attached to them at this stage. A Biodiversity Net Gain Technical Advice Note was published at the same time and was also subject to public consultation. It is yet to be adopted but it provides guidance on how Biodiversity Net Gain should be achieved by development within Kirklees in the intervening period before the introduction of the Environment Bill.

7.0 PUBLIC/LOCAL RESPONSE:

Final publicity date Expires:

7.1 Neighbour letters expired on 29th April 2021.

7.2 5 representations from two neighbouring residents have been received objecting to the application. The concerns raised are summarised below (and full comments are available to view of the Council's Planning Webpage):

- Application is similar to withdrawn application and does not overcome previous concerns;
- Insufficient parking for proposed development (especially when taking into account alpaca use) and would result in dangerous parking on Kaye Lane;
- The access road is unsuitable for a development of this size, especially given its width;
- The access is unsafe given that it's near a bend;
- Noise nuisance to neighbouring properties and if approved operating hours should be sensitive to neighbouring properties;
- Insufficient information on the scale of the development;
- No details regarding renewable or low carbon energy;
- Do not wish to see advertisement boards along the frontage;
- Would be minimal benefit in terms of providing new jobs;
- Should only be in connection with existing alpaca trekking business;
- Potential harm to biodiversity/protected species;
- The alpaca trekking use does not benefit from planning permission. The alpaca trekking business will expand as part of this development;

- On the previous application it was stated a septic tank was the preferred option for sewage and now mains sewer is the preferred option.

7.3 Further information has been received from the applicant's agent since the submission of the application, this being a larger parking area, but given that no further operational development is proposed, it is not considered necessary to re-consult neighbouring properties.

8.0 CONSULTATION RESPONSES:

K.C. Ecology: No objections.

K.C. Environmental Health: No objections subject to conditions.

K.C Highways Development Management: No objections.

9.0 MAIN ISSUES

9.1 The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations

10.0 APPRAISAL

Principle of the Development

10.1 Paragraph 7 of the National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving sustainable development has three overarching objectives (social, environment and economic), and these are interdependent and need to be pursued on mutually supportive ways.

10.2 In line with the National Planning Policy Framework, policy LP1 of the Kirklees Local Plan declares that:

“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”

10.3 In terms of assessing the principle of the development in this case, there are considered to be two matters which require assessing, these being:

- i) The principle of a main town centre use in an out of centre location.
- ii) The principle of the development within the Green Belt.

10.4 These matters will be discussed in turn below:

The principle of a main town centre use in an out of centre location

10.5 The NPPF encourages Local Planning Authorities to support a prosperous rural economy. Paragraph 83 of the NPPF states that planning decisions should enable:

- the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- the development and diversification of agricultural and other land-based rural businesses.

10.6 Policy LP10 of the Kirklees Local Plan relates to supporting the rural economy. Policy LP10 states that the economic performance of the rural economy will be improved by a number of means including supporting farm diversification schemes, where the proposal would not adversely affect the management and viability of any farm holding.

10.7 Policy LP10 goes on to note that in all cases where development is proposed in the Green Belt regard must be had to the relevant policies in this plan and relevant national planning policy. The impact upon the Green Belt will be discussed further below.

10.8 Policy LP10 also states that development proposals for main town centres uses that are above 150 square metres in non-urban areas (areas or land located within the Green Belt) and in out of centre locations will only be permitted where the identified needs of the business cannot be met within existing centres or in edge of centre locations.

10.9 Chapter 7 of the NPPF relates to ensuring the vitality of town centres. Paragraph 85 of the NPPF states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

10.10 Paragraph 86 of the NPPF goes on to state that Local Planning Authorities should apply a sequential test to planning application for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Paragraph 86 of the NPPF goes on to state that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre locations be considered.

10.11 Policy LP13 of the Kirklees Local Plan is consistent with Government guidance contained within the NPPF stating that within Kirklees, main town centre uses shall be located within defined centres (principal centres, town centres, district centres, and local centres), as shown on the Policies and Town Centre Maps, and as detailed in the shopping centre hierarchy and then in accordance with the sequential test.

10.12 Policy LP13 goes on to state that:

“Proposals which come forward for main town centre uses, which are located outside of the defined centre boundaries, will require the submission of a Sequential Test. For retail proposals the boundary shall form the Primary Shopping Area; for all other main town centre uses this shall be the extent of the centre boundary. Main town centre uses shall be first located in the defined centres, then edge of centre locations, and only if there are no suitable sites shall out of centre locations be considered. For offices and small scale proposals in non urban areas [defined as areas or land within the Green Belt], the sequential approach will not be required for proposals of 150 square metres and under.”

10.13 Both Policy LP13 of the Kirklees Local Plan and Paragraph 90 of the NPPF note that where an application fails to satisfy the sequential test it should be refused.

10.14 A café is considered to constitute a ‘main town centre use’ when referring to the glossary contained within the NPPF and within the Kirklees Local Plan. The site is within a ‘non urban area’ given that it is within the Green Belt, and the nearest centres as designated in the Kirklees Local Plan are Almondbury District Centre (approximately 1.5KM to the west) and Newsome Local Centre (approximately 1.8KM to the east).

10.15 However, given that the proposal relates to a change of use of part of the building which is less than 150m² (being 143m², which is roughly half the floor area proposed under the previous application at the site), a sequential test is not required in this instance. An impact assessment is also not required for a development of this scale. Given the above, it is considered that the development is unlikely to compromise the role and function of the nearby Newsome Local Centre and Almonbury District Centre, or the viability and vitality of these centres. Internally, it shall be conditioned that the café is contained to the hashed area as shown on the proposed site layout plan to ensure that the development does not exceed 150m² (the threshold of which a sequential test is required). Whilst it is noted that the plans display outdoor space, this does not constitute internal floorspace and would not be permanently in use due to climate factors.

10.16 Further to this, the proposal would enable diversification of the current agricultural use at the site, and given national and local policy support for such development, this weighs in favour of the proposal.

10.17 Thus, the principle of the café in this location could potentially be acceptable, but this is subject to other considerations which will be discussed below:

The principle of the development within the Green Belt

10.18 The site is allocated as Green Belt on the Kirklees Local Plan Policies Map.

10.19 Paragraph 145 of the NPPF states that local planning authorities (LPAs) should regard the construction of new buildings as inappropriate in the Green Belt.

10.20 However, Paragraph 146 of the NPPF states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include:

- the re-use of buildings provided that the buildings are permanent and substantial construction;
- engineering operations.

10.21 In addition, Policy LP60 of the Kirklees Local Plan states that proposals for the conversion or re-use of buildings in the Green Belt will normally be acceptable where:

- a. the building to be re-used or converted is of a permanent and substantial construction;
- b. the resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary or curtilage buildings;
- c. the design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting and the activity can be accommodated without detriment to landscape quality, residential amenity or highway safety.

10.22 The proposal would result in the conversion of part of a livery building which is a traditional farm building. Having visited the site, Officers are satisfied that this is of substantial and permanent construction.

10.23 In terms of the external alterations to the building, these would not consist of extensions and solely relate to openings. Whilst some of the openings proposed are considered to be somewhat domestic in appearance, it is considered that the building would still read as a former traditional agricultural building as a result of the proposal.

10.24 Previously a 40 space car park was proposed on the menage area, and it was considered that this would introduce an undesirable and incongruous urban feature on what is a largely agricultural site within a rural location. This element has now been omitted. A reduced parking area is now proposed adjacent to the access track into the site, and given this area is currently used for parking and would not encroach further into the open countryside, this is not considered to cause greater harm to the openness than existing.

10.25 Whilst it is also proposed to widen the access and access track, this is considered to a relatively modest alteration in itself that would not have a greater impact upon the openness of the green belt given that this is relatively well contained between two residential properties. Whilst the proposal may result in more vehicles using this access, this level of activity is considered unlikely to result in the undesirable urbanisation of the site.

10.26 As the development would not encroach into the open countryside, it is also considered there would be no conflict with one of the purposes of including land in Green Belts as set out in Paragraph 134 of the NPPF.

10.27 Given the above, it is considered that the proposal represents appropriate development in the green belt, in accordance with Policy LP60 of the Kirklees Local Plan and Chapter 13 of the NPPF.

Impact on visual amenity (including any heritage considerations):

- 10.28 Policy LP35 states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*
- 10.29 Policy LP35 goes on to note that consideration should be given to the need to preserve the setting of Castle Hill where appropriate and proposals which detrimentally impact on the setting of Castle Hill will not be permitted.
- 10.30 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 124 provides a principal consideration concerning design which states:
- 10.31 *“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.”*
- 10.32 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.
- 10.33 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...”*
- 10.34 The site is set behind dwellings on Kaye Lane to the south and Longley Lane to the west and it is considered that the proposed car parking area and works to the barn would not be highly noticeable from these highways. The site is somewhat visible from Public Footpath HUD/151/20 to the east of the site ranging from 130-250 metres away from the site, but it would be difficult to see the proposed modest alterations to the livery building.
- 10.35 The alterations to the livery building, which is a traditional stone built agricultural building, would not result in any extensions and solely relate to openings. Whilst some of the openings proposed to this building are considered to be somewhat domestic in appearance, the building is not listed or in a conservation area, the changes would to this building would not be highly visible from the public domain, and it is considered that the building would largely still read as a former traditional agricultural building as a result of the proposal.
- 10.36 The works to the access and the proposed car park area would be visible from Kaye Lane, but given the nature of these works it is considered that these elements would not cause detrimental harm to the visual amenities of the area.
- 10.37 Given the above, it is considered that the proposal would prevent detrimental harm to the visual amenities of the locality, in accordance with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

10.38 The site is over 500 metres away from the Scheduled Ancient Monument (SAM) of Castle Hill, which is to the south west of the site, and the site is also within the Castle Hill Study Area. However, given that no new buildings are proposed and there will be no encroachment into any fields, that the site is over 500 metres to the west of this SAM, and that built development sits in between the site and this SAM it is considered that the proposal would not cause harm to the significance of this Designated Heritage Asset or its setting.

Impact on residential amenity:

10.39 Section B and C of LP24 states that alterations to existing buildings should: *“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”*

10.40 Further to this, Paragraph 127 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

10.41 Whilst the site is in a countryside location, there are neighbouring residential properties to the south of the site which front Kaye Lane.

10.42 Given that no new buildings or extensions are proposed it is considered that the proposal would not cause undue harm to any neighbouring residential properties in terms of loss of light, overshadowing or the creation of an overbearing effect. That said, details of any means of enclosure are to be conditioned should planning permission be granted to ensure that any new means of enclosure do not cause harm to neighbouring properties (for example loss of outlook and the creation of an overbearing effect) and to ensure the satisfactory appearance of this element.

10.43 Third parties have raised concerns in relation to the noise nuisance as a result of the proposal, as has the Council’s Environmental Health Officer. The Environmental Health Officer has noted that the noise could potentially come from customers entering the facilities, those in the seating area and noise from fixed plant equipment, and has therefore requested a noise assessment.

10.44 It is acknowledged that the level of activity on the site would likely increase with a café, especially when considering the rural location of the site. That said, the nearest residential property to the café building, not under the ownership of the applicant (No.122 Kaye Lane), would be roughly 75 metres away from the café building. Given the separation distances involved, the use involved and its relatively modest scale (with the internal seating area being ~76m²) it is considered by Officers that proposed internal aspect of the café itself is unlikely to cause undue harm to neighbouring properties in terms noise nuisance. The application form also outlines that the café is not to be open at unsociable hours, and can be conditioned to be open between 9:00 to 18:00 each day of the week.

10.45 However, it is noted that outside seating is proposed and given the potential for noise from this, it is considered that a noise assessment should be submitted to and approved by the LPA prior to the first use of an outdoor seating area to ensure acceptable noise levels for neighbouring residential properties can be achieved.

- 10.46 That said, from a noise nuisance point of view and, as well as a visual amenity perspective, it considered also necessary to attach a condition which outlines that no heat exchange unit, air conditioning unit or other plant shall be installed, until a further acoustic report is submitted to and approved by the Local Planning Authority
- 10.47 The access from Kaye Lane is adjacent to the properties of No's.126 and 132 Kaye Lane, and the widened access would move closer to the residential dwelling at No.126, and the car park would be sited to the rear of No.132. The side wall of the dwelling at No.132 is also adjacent the access track. That said, the access at the moment is used by farm vehicles, residents to No.130 and visitors to the site, and the area to the rear of No.132 is used as a car park. Whilst the proposal is likely to increase the level of activity on this track, it is considered that with the aid of acoustic fencing (details of which can be conditioned) and by restricting the hours for opening and deliveries, the proposal is unlikely to cause an additional detrimental level of noise to the neighbouring properties (especially when considering the overall scale of the café unit). Such fencing will also aid in preventing glare into neighbouring properties from the lights of vehicles entering, parking and leaving the site. It is considered that such fencing can be installed without causing detrimental harm to the visual amenities of the area or openness of the green belt if placed on existing shared boundaries which already have means of enclosure.
- 10.48 In relation to odour, given that the café element of the proposal would be over 75 metres away from the properties on Kaye Lane to the south and Longley Lane to the west, it is considered that subject to suitable means of extraction, the proposal would not cause undue harm to residential properties in terms of odour nuisance. A cooking odour impact assessment can be conditioned should permission be granted.
- 10.49 No information has been provided regarding external lighting to serve the parking provisions at the car park. A condition can be attached noting that if any lighting is to be installed then lighting details shall be submitted to and approved by the LPA to prevent undue harm to nearby neighbouring residential properties in terms of stray light and glare.
- 10.50 The Council's Environmental Health has recommended a condition relating to construction times. However, as construction is controlled by other regulations such a condition is not considered necessary or reasonable, but an informative regarding construction practices shall be attached should permission be granted.
- 10.51 Given the above, subject to conditions, it is considered that the proposal would not cause detrimental harm to the amenities of neighbouring properties therefore the proposal is considered to be in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Impact on highway safety:

- 10.52 Policy LP21 of the Kirklees Local Plan states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe. This echoes advice within Chapter 9 of the NPPF.

- 10.53 Policy LP21 goes on to note that proposals shall demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network.
- 10.54 It is acknowledged that a few third parties have raised concerns with the access from Kaye Lane in terms of its visibility and width. However, the access is proposed be widened to allow two cars to pass, and having viewed the visibility splays and swept path analysis on a submitted plan, Kirklees Highways Development Management (HDM) have raised no objections. It is also pertinent to note that Officers from HDM have visited the site.
- 10.55 The access track near to Kaye Lane is noted to have deteriorated in parts with there being pot holes evident, and as a consequence HDM have requested that they would wish to see the improvement of first section of the access track in the interests of highway safety. Given this, and that the access is proposed to be widened as well, in the interest of highways safety, Officers have recommended conditioning details of the widening and improvement of the first 30 metres of the access track from Kaye Lane prior to the first use of the café building. It is considered that the improvement of the track would not cause harm to the openness of the green belt, subject to suitable details, given that this is largely proposed over an existing track, between two existing residential dwellings.
- 10.56 Kirklees HDM has also raised no objections to the level of parking proposed for a development of this scale (15 spaces to the adjacent to access track). Officers see no reason to disagree with this assessment, especially given the relatively modest scale of the café and when considering this café will probably be utilised walkers too (given that Castle Hill is within close proximity to the site) as well as those already booked on alpaca treks at the site. Given the above, it is considered that the proposal is unlikely to result in additional on-street parking.
- 10.57 It will be conditioned that the access is widened and that car parking spaces are provided as displayed on the plans prior to the first use of the development to prevent undue harm to highway safety.
- 10.58 Details regarding the bin storage and waste collection is limited, but there is considered to be sufficient space on site for this to allow for both storage and collection in the interests of highway safety, visual and residential amenity. These full details can be conditioned.
- 10.59 Given the above, it is considered that the proposal would not have a detrimental impact on highway safety, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

Other matters:

Ecology

- 10.60 Policy LP30 of the Kirklees Local Plan states that the Council will seek to protect and enhance the biodiversity of Kirklees.

- 10.61 The government circular on Biodiversity and Geological Conservation (ODPM, 2005) and recent explanatory note from Natural England (Natural England, 2020) indicates that information of protected species, and in particular European protected species (including bats), should be made available prior to determination.
- 10.62 The site is within 100 metres of a woodland habitat (to the north west of the site) and, having visited the site, Officers and the Council's Ecologist consider that the livery building, which is a barn of traditional construction with exposed wooden beams, appears to have the potential to accommodate bats.
- 10.63 A preliminary bat roost assessment has therefore been submitted alongside the application which notes survey work was conducted in February 2021. The preliminary bat roost assessment concludes that the buildings were assessed as offering negligible to low potential for roosting bats. The Council's Ecologist has reviewed this documentation and has raised no objections noting that there is limited to risk to roosting bats as a result of the proposals. Officers see no reason to disagree with the Council's Ecologist.
- 10.64 However, Policy LP30 of the Kirklees Local Plan notes that proposals should provide biodiversity enhancements. It is therefore considered that a biodiversity enhancement statement should be provided prior to the first use of the café.

Climate Change

- 10.65 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. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.66 Considering that the proposal will likely result in an intensification of the site, it is considered that mitigation measures to address the climate emergency would be necessary. No measures have been proposed, but it is considered that such measures could be incorporated into the scheme. In this instance, the inclusion of an electric vehicular charging point could be considered as well as methods of generating renewable/low carbon energy. Should permission be granted, a sustainability and energy statement could be conditioned to outline measures to address the climate emergency. This would also accord with Policy LP24(d) of the Local Plan.

Potentially Contaminated Land

- 10.67 The site is on potentially contaminated land. However, no ground works are proposed therefore the proposal is unlikely to result in any public health issues in relation to ground contamination. That said, should permission be granted, a condition would be recommended in relation to the discovery of unsuspected contamination. This would be in accordance with Policy LP53 of the Local Plan.

Drainage

- 10.68 The site is within a low risk of flooding and the car park is proposed in the area of an existing car park. Officers consider that the proposal would not increase the flooding risk elsewhere.

Permitted Development Rights

- 10.69 A café use, since September 2020, is in an E class use which covers a range of other potential uses, including (but not limited to) retail, restaurants, financial and professional services, health care services and offices. The National Planning Policy Guidance (NPPG) states that restricting the future use of permitted development rights or change of use may not pass the test of reasonableness or necessity and that the scope of such conditions needs to be precisely defined. It is considered that the change to other E class uses would not cause materially greater harm given the small scale of the café unit. Given this and that the change to other E uses is not considered to constitute 'development', it is not considered by officers necessary and reasonable to remove permitted development rights to other E Class uses.
- 10.70 Further to this, in the future, permitted developments will allow for a change of use from Class E to residential (C3 use) subject to prior approval. However, again, it is considered that there are no reasonable circumstances in this case to restrict such rights.

Representations:

- 10.71 5 representations have been received objecting to the application. It is considered that a number of the concerns which have been raised have been addressed within the above assessment. Any other comments will be address below:
- 10.72 Representation Comment: Application is similar to withdrawn application and does not overcome previous concerns.
Officer Comment: Officers consider there to be significant differences with the previous scheme. Of note, the application proposes a smaller café than previously applied for and parking is no longer proposed in the menage.
- 10.73 Representation Comment: Potential dangerous parking on Kaye Lane.
Officer Comment: Kirklees Council Highways Development Management consider there to be suitable parking proposed at the site therefore preventing the likelihood of visitors parking on the highway.

10.74 Representation Comment: Insufficient information on the scale of the development.

Officer Comment: Whilst there is no layout of the tables provided, it is felt that the scale of the proposal is clear from the proposed plans. It is clear from the application that the café would be 143m².

10.75 Representation Comment: Would be minimal benefit in terms of providing new jobs.

Officer Comment: Whilst the addition in the number of jobs would be limited, the proposal is considered to be in accordance with the policies within the Development Plan. Nonetheless, the increase in jobs is considered to be a limited benefit of the scheme.

10.76 Representation Comment: The alpaca trekking use does not benefit from planning permission. The alpaca trekking business will expand as part of this development.

Officer Comment: As noted above, it is unclear whether the alpaca trekking business at the site is ancillary to the main agricultural business, and should the applicant expand this alpaca trekking business, then it is even more likely that this will require planning permission as a recreation/leisure use. However, the current use of the site is not for consideration under this application, but it will however be investigated.

10.77 Representation Comment: Do not wish to see advertisement boards along the frontage.

Officer Comment: Advertisement boards are not proposed and are covered by other regulations.

10.78 Representation Comment: The previous application noted that foul waste would be treated by a septic tank?

Officer Comment: Whilst the applicant's agent initially stated that septic tank was to be used in this previous application, the applicant's agent later clarified that that the development is to be connected to the mains sewage system which is located within approximately 10 metres of the northern elevation of the building.

10.79 As alluded to above, Cllr Cooper's requested that this item be referred to Sub-Committee for determination due to concerns with the access onto Kaye Lane. This matter is addressed in Paragraph 10.54 above.

11.0 CONCLUSION

11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed 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 Planning and Development)

1. Development to commence within 3 years of permission.
2. Development to be undertaken in accordance with submitted plans/specifications .
3. Internally, the café to be strictly contained to the red dashed area of the livery building as displayed in drawing No. TS112-2, and shall not exceed a floor area of 143m².
4. Cooking odour impact assessment prior to the first use of the café to be submitted and approved.
5. Details of surface improvements and widening the first 30 metres of the access lane into site from Kaye Lane, widening in accordance with Drawing No. H3451/02, to be submitted and approved and the approved scheme completed prior to the first use of the café.
6. The car park laid out in with accordance with Drawing No. TS112-2 prior to the first use of the café.
7. A scheme detailing the boundary treatments (including acoustic fencing) between the site and the neighbouring residential properties of No.126 and 132 Kaye Lane to be submitted and approved prior to the first use of the café.
8. A method statement for enhancing biodiversity prior to the first use of the café.
9. No heat exchange unit, air conditioning unit or other plant installed until an acoustic report is submitted and approved.
10. Noise assessment to be submitted and approved prior to an outdoor seating area in connection with the café.
11. Artificial lighting scheme to be submitted and approved prior to the installation of any external artificial lighting.
12. Energy Statement to be submitted and approved prior to the first use of the café.
13. Details of bin/refuse collection and storage areas to be submitted and approved prior to the first use of the café.
14. Hours restricted to customers to 09:00 to 18:00 any day, as well as deliveries and no deliveries on Sundays or Bank Holidays.
15. Work to stop and Phase I survey to be submitted if unsuspected contamination encountered.

Background Papers:

Application and history files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f90743>

Certificate of Ownership

Certificate B completed