
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 09-Nov-2023

Subject: Planning Application 2023/90434 Change of use of ground floor of vacant public house (Sui Generis- drinking establishment) to community centre with a small prayer room (Class F1) Babes In The Wood, 1039, Leeds Road, Woodkirk, Dewsbury, WF12 7HY

APPLICANT

Y Sheikh

DATE VALID

14-Feb-2023

TARGET DATE

11-Apr-2023

EXTENSION EXPIRY DATE

14-Apr-2023

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Batley East

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 The application is brought to the Heavy Woollen Planning Sub Committee for determination due to the significant number of representations received during the course of the application (100 public comments received). This is in accordance with the scheme of delegation.

2.0 SITE AND SURROUNDINGS:

2.1 Babes In The Wood, 1039, Leeds Road, Woodkirk, Dewsbury, WF12 7HY is a stone built detached building which was formerly used as a public house. The building is surrounded by hard standing with parking provision to the rear of the property.

2.2 The site is situated on the junction of Leeds Road and Soothill Lane and is predominantly bordered by residential properties which is reflective of the wider character of the area, however there is an area of undeveloped land to the north-east of the site.

2.3 The site is situated north-east of Dewsbury Town Centre, with the train station being located 2.7m from the application site.

2.4 The character of the area is not uniform in appearance with dwellings of varying scale, design and age bordering the site; however, the majority of properties are semi-detached and follow a set building line. The material palette of the area is stone and red brick.

3.0 PROPOSAL:

3.1 This application is for the change of use of ground floor of vacant public house (Sui Generis - drinking establishment) to community centre with a small prayer room (Class F1). There would be no increase in footprint to the building and the first floor of the property would be retained as a residential unit.

3.2 The ground floor would consist of a community area, prayer room, office, store, a small kitchen and a W/C.

3.3 The site has an existing car park to the rear of the building which would be utilised as part of this application and provide parking for 14 vehicles. The design and access statement associated with this application highlights that the building would provide facilities for up to 19 individuals.

4.0 RELEVANT PLANNING HISTORY

88/01630: Change of use of part of dwelling extension to public house -
Granted Conditionally

88/03665: Erection of illuminated signs - Granted conditionally.

5.0 HISTORY OF NEGOTIATIONS

5.1 Officers requested further information in the form of a noise assessment to ascertain the potential impact of the proposal on the residential amenity of the flat on the first floor of the premises. KC Environmental Health were consulted on this and removed their objections subject to the imposition of conditions.

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 application site is within the Green Belt on the Kirklees Local Plan.

6.3 Kirklees Local Plan (2019):

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP7 – Efficient and effective use of land and buildings
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP48 - Community facilities and services
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP57- The extension, alteration or replacement of existing buildings

6.4 Supplementary Planning Guidance / Documents:

- National Planning Practice Guidance Noise Report - Advice for Developers
- Waste Management Design Guide for New Developments (October 2020)
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Highway Design Guide Supplementary Planning Document (2019)
- Biodiversity Net Gain Technical Advice Note (2021)
- Climate Change Guidance for Planning Applications (2021)

6.5 National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, and 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 8 – Promoting healthy and safe communities
- Chapter 11 – Making effective use of land
- 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 The application was advertised by neighbour notification letters with final publicity expiring on 31/03/2023.

7.2 100 Representations have been received in response to the consultations. These comprise of 49 objections and 51 letters of support.

7.3 The objections raised the following material planning concerns:

- Highways safety concerns
- Lack of publicity of the application
- The proposal conflicts with National Policy
- Opening hours of the facility
- Works commenced prior to permission being granted
- No advertisement consents have been granted
- Noise disturbances to residential amenity
- Odours
- Overlooking
- Increased pollution concerns
- Impact to character of the area

7.4 The letters of support made the following comments:

- The proposal would benefit the community
- The area has limited youth facilities
- The proposal would not impact on the highway network
- The proposal would reduce antisocial behaviour compared to a pub
- The proposal would have social and religious benefits
- The proposal would result in improved health (in walking distance)
- The proposal would improve the character of the area

7.5 These comments will be responded to in sections 10.27 to 10.29 of the report.

8.0 CONSULTATION RESPONSES:

Below is a summary of the consultation responses; where appropriate, these are expanded on within the main assessment set out in section 10 of this report.

8.1 Statutory:

KC Highways DM: KC Highways commented on the initial scheme and objected to the proposal, further information was provided and Highways DM provided further comments confirming that they accept the proposal in principle; however, the site plan should be amended to show additional bollards to the Leeds Road frontage.

8.2 Non-statutory:

KC Environmental Health: No objection subject to conditions relating to noise.

KC Crime Prevention: No objection to the principle of the application however security measures are recommended.

9.0 MAIN ISSUES

9.1 Taking into consideration the site allocations and constraints, the main issues for consideration as part of the appraisal of the application are:

- Principle of development
- Impact on visual amenity and the openness of the Green Belt
- Impact on residential amenity
- Impact on highway safety
- Other matters
- Representations
- Conclusion

10.0 APPRAISAL

Principle of development

10.1 The site is located within the Green Belt on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

10.2 Policy LP2 requires that 'proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.

- 10.3 Chapter 13 of the NPPF requires Local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this include the extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building.
- 10.4 Paragraph 150 of the NPPF refers to other forms of development that would not be inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
- 10.5 Part (e) refers to the re-use of buildings provided that the buildings are of permanent and substantial construction. The proposed development would involve the change of use of the existing building with minimal alteration, and as such, the proposals are considered to constitute an acceptable form of development within the Green Belt.
- 10.6 Local Plan Policy LP48 is also particularly relevant in this situation as it outlines the general principles for assessing applications relating to community facilities and services:

“Community facilities should be provided in accessible locations where they can minimise the need to travel or they can be made accessible by walking, cycling and public transport. This will normally be in town, district or local centres.

Proposals will be supported for development that protects, retains or enhances provision, quality or accessibility of existing community, education, leisure and cultural facilities that meets the needs of all members of the community.”

Proposals which involve the loss of valued community facilities such as shops, public houses and other facilities of value to the local community will only be permitted where it can be demonstrated that:

- a. there is no longer a need for the facility and all options including the scope for alternative community uses have been considered; or*
- b. its current use is no longer viable; or*
- c. there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location; or*
- d. an alternative facility of equivalent or better standard will be provided, either on-site or equally accessible; and*
- e. any assets listed on a Community Asset Register have satisfied the requirements under the relevant legislation”.*

- 10.7 In this case, the former use of the site was as a public house, however this has been vacant since 2020. The proposal will allow for a community facility to be retained on site, albeit a different kind of community use. In addition, there is an alternative public house 0.7 miles east of the application site which is considered a reasonable distance to serve the area. On this basis, the proposals are considered to accord with Policy LP 48 of the KLP.

- 10.8 Officers consider that given the location of the site within the Green Belt, its largely residential surroundings, and proximity to Dewsbury Town Centre, that the change of use of land for a Class F1 use would be acceptable in this instance. It is also considered that the proposal would represent a sustainable use of previously developed land whilst preserving the openness of the Green Belt.
- 10.9 In summary, Officers consider that the principle of development is acceptable and in accordance with Policies LP1, LP2, LP3 and LP48 of the adopted Kirklees Local Plan and NPPF (Chapters 2 and 11).

Impact on visual amenity and the openness of the Green Belt

- 10.10 Policy LP24 of the KLP states that good design should be at the core of all proposals in the district and should be considered at the outset of the development process. Furthermore, proposals should promote good design by ensuring that the form, scale, layout and details of the development respect and enhance the character of the area, provide high levels of sustainability, and minimise the risk of crime, amongst other criteria.
- 10.11 NPPF (Chapter 12) sets out the national approach to achieving well-designed places. Paragraph 130 states that proposals should function well and add to the overall quality of the area for the lifetime of the development, be visually attractive as a result of good architecture, be sympathetic to local character and history, establish or maintain a strong sense of place, optimise the site's potential to accommodate and sustain an appropriate amount and mix of development, and create places that are safe, inclusive and accessible.
- 10.12 Policy LP57 of the KLP also states that the alteration of buildings within the Green Belt will normally be acceptable providing that the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access.
- 10.13 As there are no alterations proposed to the external elevations of the building, the access, or the hard standing associated with the proposal, it is considered that no significant issues would arise regarding the visual impact of the proposal and the proposal would not impact upon the openness of the Green Belt, in accordance with Policies LP24 and LP57 of the KLP and guidance contained within Chapters 12 and 13 of the NPPF.

Impact on Residential Amenity

- 10.14 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.
- 10.15 The proposal would not increase the footprint of the proposal or add any additional openings/fenestration; therefore, it is considered that no significant issues would arise regarding overshadowing/loss of light/overbearing impact.

10.16 The site was previously used as a public house and a discussion with KC Licensing confirms the opening hours to have been:

Monday - Saturday 11:00 - 00:30
Sunday 11:00 - 23:30
NYE 11:00 - 11:00 (The following day)

10.17 The proposed opening times for this change of use are listed as 5am-12am. This would encompass prayer times throughout the day, and within this the associated community centre would be open to the public from 11:30am until 7:30pm.

10.18 KC Environmental Health have recommended a condition on this application for the submission of a Noise Management Plan to control any noise from the use of the development site. This should include but is not limited to, the use of amplification, event management, car park management and any other noise generating activities.

10.19 In addition, a condition has been recommended to ensure that the development is carried out in line with the sound attenuation scheme as specified in the Noise Breakthrough Assessment authored by Nova Acoustics dated 6 April 2023 Ref NP-009258.

10.20 Subject to the conditions set out above, it is considered that the proposal would not have an unacceptable impact on the residential amenity of neighbouring residents in terms of overlooking, overshadowing, loss of light/overbearing, noise or loss of privacy.

Impact on highway safety

10.21 The prayer facility is proposed to be open from 5am to 12am every day, whilst the planning statement associated with this application states that the community centre which is to the rear of the prayer facility would be open from 11:30 to 7:30pm.

10.22 The site benefits from 14 parking spaces; however, two of these spaces are to be retained for the existing residential unit on the first floor of the building. The proposed prayer hall has capacity for 19 worshippers.

10.23 KC Highways DM initially raised an objection to the scheme due to insufficient information. However, a car park plan was provided and the Highways objection was removed subject to the introduction of bollards to the front of the site adjacent to Leeds Road. These bollards can be controlled by condition.

10.24 Subject to the imposition of the conditions set out above, the proposal is considered to be acceptable in terms of Policies LP21 and LP22 of the KLP.

Other Matters

Carbon Budget

10.25 The proposal is for the change of use of an existing unit, as such it is not considered reasonable to require the applicant to put forward any specific resilience measures with regard to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Contaminated Land

10.26 The site is not located within an area known to be contaminated; however, as the proposal would not involve ground works it is considered unnecessary to add any conditions to the application; although in this instance a footnote advising the applicant of the potential presence of coal is recommended.

Representations

10.27 During the period of public consultation, 100 representations were received, of which 49 were objections and 51 were in support.

10.28 The key points raised, and officers' response, are summarised as follows:

- Highways safety concerns

Officer Response: KC Highways have been consulted on the application and have not raised any objections regarding the impact of the proposals on the network. A condition has been suggested for the application which extends the existing bollards to prevent people from parking in front of the application property.

- The publicity of the application

Officer Response: Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015) and in line with the Council's adopted Statement of Community Involvement (December 2019).

- The proposal conflicts with National Policy

Officer Response: The assessment criteria for the application can be found within section 6 of this officer report. It has been considered that there are other equivalent community facilities within the vicinity to that which is to be lost; the proposal would not impact the Green Belt or have any significant harm regarding residential/visual amenity or the Highway Network.

- Opening hours of the facility

Officer Response: These are considered to be acceptable, subject to the imposition of conditions to mitigate noise

- Works commenced prior to permission being granted

Officer Response: This is noted, however the application is assessed on its planning merits.

- No advertisement consents have been granted

Officer Response: This is noted. Any signage may require a separate application for advertisement consent.

- Noise disturbances to residential amenity

Officer Response: A noise assessment was requested during the application period and further conditions are recommended to be imposed to control/mitigate noise disturbances within the vicinity.

- Odours

Officer Response: KC Environmental Health have been consulted on the application and have not requested any further details regarding potential odours emitted from site. The proposal would be retaining the existing kitchen facilities on site which were used whilst the site operated as a public house. As the proposal is for a community facility, it is considered that the amount of cooking would not be significant over and above the previous situation.

- Increased pollution concerns

Officer Response: KC Environmental Health have been consulted on the application and due to the application being for a change of use, it would be considered unreasonable to add further conditions on site. As the site was previously a public house, it is considered the proposal would not exacerbate pollution in the area.

- Impact on character of the area

Officer Response: The proposals potential impact on the character of the area has been assessed in the visual amenity and Green Belt section of the report. There are no external alterations proposed to the building and therefore would not appear visually different to the previous use.

10.29 The comments in support of the application are as follows:

- The proposal would benefit the community
- The area has limited youth facilities
- The proposal would not impact on the highway network
- The proposal would reduce antisocial behaviour compared to a pub
- The proposal would have social and religious benefits
- The proposal would result in improved health (in walking distance)
- The proposal would improve the character of the area

10.30 These comments are noted by officers.

11.0 CONCLUSION

11.1 This application to change the ground floor of Babes In The Wood, 1039, Leeds Road, Woodkirk, Dewsbury, WF12 7HY from a vacant public house (Sui Generis- drinking establishment) to community centre with a small prayer room (F1) has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

- 11.2 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.
- 11.3 As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Time frame for commencement of development.
2. Development to be carried out in accordance with the submitted plans and information.
3. Development to be completed in accordance with the submitted sounds attention scheme specified in the Noise Breakthrough Assessment authored by Nova Acoustics dated 6 April 2023 Ref NP-009258
4. Submission of a Noise Management Plan before the development is first brought into use and thereafter implemented before the use commences, reviewed periodically and retained thereafter.
5. Bollards to be erected in accordance with Plan 22265-D02-C before the development is first brought into use and thereafter retained.

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](#)

Certificate of Ownership –Certificate B signed and dated.