
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 01-Nov-2018

Subject: Planning Application 2018/91300 Change of use of dwelling to Class D1 (non-residential institution) and formation of parking and associated landscape works Newhouse Farm, New House Road, Sheepridge, Huddersfield, HD2 1EG

APPLICANT

Mr Singh, Guru
Teghbadhur Gudwara

DATE VALID

30-Apr-2018

TARGET DATE

25-Jun-2018

EXTENSION EXPIRY DATE

17-Aug-2018

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: Ashbrow

No

Ward Members consulted

RECOMMENDATION: APPROVAL

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

1.0 INTRODUCTION:

1.1 The application has been brought to Sub-Committee due to the significant number of representations received both in support and against the proposed development.

2.0 SITE AND SURROUNDINGS:

2.1 Newhouse Farm is a large detached building located within an area defined as Urban Greenspace within the Kirklees Unitary Development Plan. The property is two storeys in height and constructed from stone.

2.2 The site is accessed off New House Road which is part adopted and shares the access with Our Lady of Lourdes RC Primary School, The Bungalow and nos. 1 and 2 New House Hall.

2.3 The area surrounding the building is scrub land with some lawned areas and trees protected as a Woodland by Tree Preservation Order to the south east of the building.

2.4 To the rear of the site and along the northern boundary is Lower Fell Greave which is an ancient woodland and also a local wildlife site.

2.5 New House Hall which is the closest property to the application is a Grade II* Listed Building which is sub-divided into two separate dwellings. New House Hall is currently undergoing significant repair works following a catastrophic fire in April 2017. The building was constructed around 1550 and is constructed from hammer dressed stone with a pitched stone slate roof and has 2-storeys with attics.

2.6 Public Rights of Way HUD/29/10 runs along the New House Road and adjoins HUD/28/40 which provides access into the woodland.

- 2.7 A listed barn was originally located between New House Farm and New House Hall which has now been demolished and its listing removed by Historic England.
- 2.8 The Council's internal Land and Property Gazetteer lists the application site as a pair of dwellings which was granted permission to change its use from a community training centre to form two dwellings (app ref 2013/93783). Council Tax records indicate that the property has been vacant since 31st March 2014. However, information has been obtained that one of the dwellings was converted and occupied on a short term tenancy whilst the other was never converted or occupied.
- 2.9 Notwithstanding the above, there were conditions attached to the previous planning application to convert the building to dwellings, with regards to the specifications for the surfacing works and informal parking area and also a tree protection scheme, which have not been submitted for approval and as such remain undischarged.
- 2.10 In addition, the Agent has provided a 'Commercial Property Standard Enquiries' documents which states, within item 8.3 that with regard to the 2013 application... *"It is evident that the work to the layout has not been undertaken in accordance with the planning permission."*

3.0 PROPOSAL:

- 3.1 This proposal seeks permission to change the use of the property to Class D1 (non-residential institution) and the formation of parking and associated landscape works, this includes the erection of a fence. The submitted information states that the intention is to convert the vacant building into a Gurdwara, a Sikh place of worship and a centre for the community. Other activities such as yoga and meditation classes which would be open to the wider community would also take place. A community meal would take place on Sundays.
- 3.2 Use Class D1 includes clinics, health centres, creches, day nurseries, schools, non-residential education and training centres, public libraries, public halls, exhibition halls, places of worship and law courts. The class groups together buildings visited by the public for a wide range of purposes on a non-residential basis.
- 3.3 The Gurdwara would fall within this Use Class as a place of worship with the community centre falling within the same use class as D1(g) specifically includes use as "public hall or exhibition centre". Community centres may be used for a multiplicity of purposes to serve the community however would also be a D1 use in accordance with the Use Class Order.
- 3.4 As such the building would be utilised as a mix between a community building in connection with public worship or religious instruction which both fall within Use Class D1. The building was previously a D1 use when it was a community training centre prior to the change of use granted in 2013.
- 3.5 There are no proposed alterations to the external appearance of the building.

- 3.6 The proposed opening hours would be 07:30 to 20:00 Monday to Friday and 08:30 to 18:00 Saturdays and Sundays.
- 3.7 The number of patrons expected to attend the Gurdwara would be a maximum of 25 with the peak time being on Sundays.
- 3.8 As part of the landscaping works, it is proposed to erect a 2.4 metre high powder coated green paladin fence along the eastern boundary of the site which would sit behind the line of the existing wall and within the trees which would allow for the Public Rights of Way to be defined as existing. The fencing would also span the northern boundary of the site and is required for security purposes.
- 3.9 2.4m high x 2.5 metre wide outward opening gates are proposed at the southern entrance to the site with a pedestrian gate to the northern end, opposite New House Hall.
- 3.10 The western and southern boundaries are defined by the existing palisade fencing to the school.
- 3.11 25 no. car parking spaces would be provided including 2 no. accessible spaces which would be created using a grass reinforcement system.
- 3.12 In terms of landscaping, new planting comprising of native trees and shrubs would be provided to the northern corner of the site with additional planting adjacent to the proposed fence where necessary.
- 3.13 Bin storage is shown on plan to the south of the property, close to the boundary with the school and the main entrance gates and it is proposed that refuse would be collected at the same time as the school whose refuse is collected from its rear entrance on New House Road.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 New House Farm (application site)

1987/03128 Change of use and erection of extension to existing building to form community training centre. This was subject to an hours of use condition which stated no activity shall take place on the premises outside the hours of 9am and 9pm on weekdays and 9am and 5pm on Saturdays or at any time on Sundays and bank holidays
Granted Conditionally

2013/93783 Change of use and refurbishment of existing community farm house to form 2 residential dwellings
Conditional Full Permission

4.2 New House Hall (adjacent Grade II* Listed Building):

1989/00634 Countryside Centre and office accommodation
Granted Conditionally

1995/91045 Listed Building Consent for structural timber repairs and associated works to roof, first floor and party wall
Consent Granted

2007/95023 Listed Building Consent for installation of bathroom, addition M & E services, amendments to heating system, alterations to garage and general insulation
Consent Granted

4.3 Our Lady of Lourdes R C School:

1997/90244 Erection of 2.4 metre high steel palisade fencing
Conditional Full Permission

4.4 New House Road:

1987/03944 Listed Building Consent for demolition of barns
Consent Granted

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

5.1 Following consultation responses received from predominantly Highways Development Management, Historic England and Trees, amended plans have been received with regards to reflect concerns and comments made. This includes a vehicle tracking plan demonstrating cars, refuse vehicles and fire appliance can access and turn within the site.

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 submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2018). 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 (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 The site is allocated Urban Greenspace within the UDP and the PDLP.

6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

BE1 – Design principles
C1 – Community facilities
D3 – Urban Greenspace
D4 – Urban Greenspace
EP4 – Noise sensitive development
NE9 – Development affecting trees
T10 – Highway Safety
T19 – Parking standards
R13 – Public Rights of Way

6.4 Kirklees Publication Draft Local Plan Policies:

PLP21 – Highways safety and access
PLP22 – Parking
PLP23 – Core walking and cycling network
PLP24 – Design
PLP33 - Trees
PLP48 – Community facilities and services
PLP52 – Protection and improvement of environmental quality
PLP61 – Urban Greenspace

6.5 National Planning Guidance:

Chapter 2 – Achieving sustainable development
Chapter 8 – Promoting safe and healthy communities
Chapter 9 – Promoting sustainable transport
Chapter 12 – Achieving well-designed places
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was originally advertised by site notice, newspaper advertisement and by neighbour notification letters. Following the submission of amended plans, the description of development was changed and the development was re-advertised by both site notice and neighbour notification letters.

7.2 A total of 424 representations have been made. 421 against the development, 3 in support and 1 general observation. A petition containing 403 signatures has also been received in support of the application.

7.3 The planning concerns raised in the representations are summarised as follows:

Impact on Listed Building:

- Would detract from the setting of New House Hall
- Important to protect New House Hall from further interference and destruction

Visual amenity:

- Visual impact of the fence
- Would create an industrial estate look which is wrong for ancient woodland setting
- Fence would be imposing
- Lose the appearance of a country lane and experience of walking down a country lane past a meadow towards an ancient woodland would be lost
- It is not possible to plant trees and hedges in front of the gates where the industrial style fence would be most visible

Highway safety:

- Fence would restrict access for emergency vehicles
- Access by bin collections affected
- Increase of traffic on the lane which is a registered public footpath
- No separation of vehicles and pedestrians planned and the lane is very narrow

Impact on school:

- Fence too close to the lane and creates a narrow corridor from the rear gates of Our Lady of Lourdes School to the wood and leaves pedestrians, especially school children walking to and from neighbouring schools vulnerable and at risk from increased traffic
- All vehicles including bin wagons and emergency services need access to 1 and 2 New House Hall or the wood would be forced to reverse back down the narrow part of the lane possible to Bradley Boulevard putting pedestrians using the footpath at greater risk. Currently vehicles are able to turn round and drive forward.

Impact on woodland:

- If access into the wood is removed, it would be difficult to access the facility
- Would limit access into the wood
- Would ruin historic landscape
- Spoil approach to ancient woodland
- Woodland would be totally ruined
- Fence would run through a plantation of protected trees, some of which will have to be removed or have branches taken down and their roots would be affected

Other matters:

- Fence would enclose the lane – fear of crime
- Fence would feel excluding – not suitable in community use
- Wood not fit for wheelchair access
- Area has been established for public use for vehicular turning and parking for dog walkers etc
- Destruction of habitats close to the wood
- Will encourage fly tippers
- CCTV would be a better solution

- Property was not a former community centre but designated as a Business Property offering occasional training days and therefore believe the designation remains as Business Premises.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Historic England - welcome the final amended plan that reduces the impact on the setting of the Listed Building

KC Conservation and Design – based on previous discussions and the amendments made, no objection.

8.2 Non-statutory:

K.C. Ecology – no objection subject to a condition relating to hedgehog holes within the fencing

K.C. Public Rights of Way – footnote regarding obstruction interference to the Public Rights of Way should be included should permission be granted

K.C. Arboricultural Officer – no objection subject to conditions relating to Arboricultural Method Statement; landscaping scheme and any other tree works being attached to decision notice

K.C. Highways Development Management – no objection

West Yorkshire Fire Service – no comments received

K.C. Environmental Services – agree to proposed opening hours however noise report required, details of lighting scheme required if external lighting is proposed; condition relating to extract ventilation system to be submitted and one electric vehicle charging point to be provided

9.0 MAIN ISSUES

- Principle of development
- Impact on amenity
- Impact on the setting of Listed Building
- Impact on the Ancient Woodland/Woodland Protected by Tree Preservation Order and Ecology
- Highway safety
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The application seeks planning permission for the change of use of the building to Class D1 (non-residential institution) and the formation of parking and associated landscape works.

- 10.2 The site is allocated as Urban Greenspace within the UDP which restricts development as set out in Policy D3. Policy D4 of the UDP however states that the change of use of redundant buildings located with designated urban greenspace for purposes not associated with open land uses will normally be permitted 'provided that the use and quality of the associated open land will be safeguarded'. This site was used as a community training centre for many years, was occupied for a short period of time as a residential property and has been vacant since 2014. Taking all this into account it is considered that the principle of the use of the site for community purposes would accord with Policy D4.
- 10.3 Post-dating the UDP the NPPF at paragraph 97 states that existing open space "should not be built upon unless..." Policy PLP61 of the Publication Draft Local Plan accords with the above guidance by restricting 'proposals' for development subject to a limited number of exceptions. In this case the Urban Greenspace would not be built upon as the proposal is to convert the existing building without extensions. Other landscape works are proposed but these, subject to the assessment set out below, would not result in the loss of urban greenspace as they would be largely contained either within the area previously used for the training centre/change of use to residential or shown to be retained as open space (protective planting/area of tree preservation order). For these reasons the principle of the change of use complies with policy related to the protection of urban greenspace in principle.
- 10.4 The use of the site for a Class D1 use is assessed against Policy C1 of the UDP which states that community facilities should be provided in accessible locations which will normally be in, or adjacent to, town and local centres. The preamble to the policy states that community facilities should be provided in locations accessible to the largest number of people wishing to use them. Also, they should be accessible on foot to as many users as possible and close to public transport routes. In the emerging local plan Policy PLP48 also states that community facilities should be provided in accessible locations which will 'normally' be in town or local centres. It also sets out that proposals will be supported for development that... "enhances provision, quality or accessibility of existing community, education, leisure and cultural facilities that meets the needs of all members of the community". Paragraph 92 of the NPPF continues that planning decisions should 'plan positively' for the provision and use of community facilities, such as meeting places and places of worship
- 10.5 In this particular instance, the building is located approximately 400 metres from the local centre boundary of Sheepridge. There is a bus stop proximate to the building on Bradley Boulevard (approximately 150 metres from the entrance to the site) which is served by 3 no. different bus numbers with the access to the site itself being along a Public Right of Way. The development would also provide some on-site parking facilities.
- 10.6 As the site is not in or adjacent a local centre, in accordance with Policy C1 and PLP48, additional information was requested as to the reasoning why sites closer to local centres have been discounted and why this site has been put forward for the proposed development. This states that the intended users of the Gurdwara would come from the immediate community which would bring back into use the property which has been vacant for a number of years and subject to anti-social behaviour. It goes on to say that the building is close to worshippers which would reduce travel, keeping the

facility within the community. The Agent has indicated that alternative sites including 1a Osborne Road, St John the Evangelist, the former school, Edgerton and St. John's Road, Birkby were all considered however were discounted for a number of reasons including financial, size, location and state of repair.

- 10.7 It is considered that the principle of the use of the site for Class D1 use is acceptable, taking into account the information provided by the Agent, the limited size of the building and its surrounding land, the support for cultural facilities and services in the NPPF and the emerging local plan. Once again this is subject to an assessment of other material considerations.

Impact on the setting of listed building

- 10.8 In considering proposals for planning permission, the duty imposed by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 193 of the NPPF states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. The paragraph goes on to say that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Where the harm is considered less than substantial, which is considered to be the case here, Paragraph 196 requires that such harm should be weighed against the public benefits of the proposal. This is also mirrored within Policy PLP35 of the Publication Draft Local Plan.
- 10.9 New House Hall sits to the east of the application site. It is a Grade II* Listed Building. It was built in around 1550 with the east wing rebuilt in 1865 and refronted in 1903. It is two-storeys in height built in hammer dressed stone with a pitched stone slate roof. There is a very detailed listing description of principal elements of the exterior and interior of the building. A link to this is provided at the end of the report. In April 2017, New House Hall suffered catastrophic fire damage which destroyed much of the interior of the building. Rebuilding works overseen by the Council's Conservation and Design Team and by Historic England are currently underway with the building currently surrounded by hoardings and scaffolding.
- 10.10 As the building is listed Grade II* the protection of the building is paramount to any proposed development within the vicinity of the building. Historic England were consulted as a statutory consultee and initially raised no objection and offered no comments on the proposal. However, further comments raised concerns over the original proposals for both the siting and appearance of the fence proposed to the east of the application site.
- 10.11 Historic England advised that the fence should be located as far away from the listed building as possible and is screened by appropriate vegetation. It was also suggested that a mesh-style fence would be more visually recessive than original scheme for palisade fencing.

- 10.12 Amended plans were submitted to address the points raised by Historic England. Historic England were re-consulted and recommended additional planting in front of the fence or re-positioning the fence further away from the listed building.
- 10.13 Further amended plans were received and form the plans which are under consideration. These now demonstrate that the fence is proposed to be moved further away from the listed building and following an organic alignment to take account of the existing trees. Additional planting is demonstrated within the northern corner of the site to soften the line of the fence.
- 10.14 Historic England have welcomed these amendments and have cited that if the Local Planning Authority is satisfied that a fence is necessary for security purposes, Historic England consider that steps have been taken to mitigate the impact on the setting of the Listed Building, as required by paragraph 190 of the updated NPPF.
- 10.15 With specific regarding to the harm to the setting of the listed building when weighed against the public benefit of the proposal, the NPPF defines the setting of a Listed Building to be “the surroundings, in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”.
- 10.16 As stated above, Historic England consider that steps have been taken to mitigate the impact on the Listed Building, as required by the NPPF. The main impact on the setting of the Listed Building would be the proposed fence however, this has been moved away from the heritage asset, changed in appearance and is clearly set within the site boundary. In the main, the fence would be located with an area where trees align the boundary which would mitigate its visual impact, together with its mesh appearance. To the north beyond the fire hydrant, new planting is proposed comprising of native trees and shrubs which will assist to mitigate harm from this section of fencing. The proposal would bring public benefit by creating a place of worship and community centre and bringing the building back into use.
- 10.17 It is therefore considered that the harm to the Listed Building has been mitigated as far as practicable with the harm considered to be less than substantial and for that harm to have been outweighed by public benefit.
- 10.18 With reference to the comments from Historic England regarding a fence being necessary for security purposes, the applicants have stated that crime and anti-social behaviour are a concern. The applicants have submitted crime report numbers to demonstrate problems associated with the continuing vacant site and that it does not have security fencing in place. It is considered that it is reasonable to provide a fence for security purposes and as above, the siting and design of this fence has taken into account the impact on the Listed Building as far as practicable.

Impact on amenity:

- 10.19 The site shares boundaries with Our Lady of Lourdes RC Primary School to the south and west and No's 1 and 2 New House Hall to the east. The boundary of the site which borders with the school grounds is delineated by a palisade fence.
- 10.20 The proposal originally proposed a palisade fence at a height of 2.4 metres to bound the rest of the site to match the school however following initial comments received from Historic England, this has since been amended to a mesh-style Paladin fence due to the impact the proposed fence would have on the adjacent Grade II* Listed Building.
- 10.21 The line and details of the fencing has been amended throughout the application process, in particular along the eastern boundary facing New House Hall.
- 10.22 The fence would be set back from the low stone wall abutting the Public Right of Way, behind the row of trees and it is proposed that additional planting would be used along this boundary and also to the northern of the site adjacent to the woodland to provide a buffer and soften the visual impact of the fence.
- 10.23 It is considered that the additional planting would assist to mitigate the impact of the scheme on visual amenity, protect the function of Urban Greenspace and the details of the planting would be agreed as part of a landscape scheme, secured by Condition.
- 10.24 With specific regard to the fence, as part of the previous application to change the use of the building to residential, a landscaping scheme was submitted to discharge condition 4 approving a 2 metre high boundary wall along the eastern boundary of the site to bound the car parking area. Whilst this has not been implemented, the principle of a boundary treatment has been previously accepted by the Local Planning Authority. It is also considered that the previously approved wall would have had a much greater visual impact than the proposed mesh-style fence.
- 10.25 In terms of the impact of the fence on residential amenity, the fence would face No's 1 and 2 New House Hall however would be separated from the building by the Public Right of Way. As such, it is not considered that the fence would be detrimental to residential amenity by reason of overbearing impact.
- 10.26 The proposed opening hours set out in the application are 07:30 to 20:00 Monday to Friday and 08:30 to 18:00 Saturdays and Sundays, which differ from those approved under application number 1987/03128 for the community training centre. The previous hours for this D1 use were conditioned to be 9am-9pm Monday to Friday and 9am-5pm on Saturday and not open on Sundays or Bank Holidays. The reason for the imposition of this condition was to avoid prejudicing the amenity of the area. Given this, consideration of this application requires an assessment as to whether the hours of use now proposed would 'avoid prejudicing the amenity of the area'.

- 10.27 The proposed number of patrons attending the Gurdwara is stated as being a maximum of 25. The applicant has confirmed this to be the case. Environmental Services have considered the proposed opening hours as put forward by the Agent to be acceptable, no objections have been raised by Highways Development Management on hours of opening either. Notwithstanding this, Environmental Services have recommended the imposition of a noise mitigation condition to ensure that measures can be put in place to protect the noise sensitive premises on New House Road from activities taking place on site. (This is relevant taking into account the extended hours of use proposed). Officers consider it is possible with to allow greater opening hours than was granted for the previous application with the imposition of a noise mitigation condition. However, the applicants have been asked to reconsider the proposed opening hours in light of the previous limitations, in the interest of balancing the residential amenity considerations of the neighbouring properties with the proposals for the application. Further information on this matter will be addressed in the Committee Update.
- 10.28 The comments of Environmental Services are also recommended conditions relating to odour (if an extract ventilation system is proposed) and external lighting. These would be in the interests of the amenity of neighbouring properties and would accord with Policy PLP52 of the PDLP and guidance in Chapter 15 of the NPPF.
- 10.29 A number of comments received during the publicity periods have raised concerns regarding the fence enclosing the lane and the fear of crime this may instil when walking along the Public Right of Way towards to the woodland, thus impacting on amenity.
- 10.30 Paragraph 91 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which includes, amongst other things, ensuring that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
- 10.31 The fence is proposed to improve security and reduce anti-social behaviour with the submitted Design and Access Statement stating that the site has been subject to vandalism as the site is easily accessible. Whilst the fear of crime has been highlighted, the Agent has verbally confirmed that CCTV could be placed on the fencing at the most southern and northern points of the eastern boundary fence which would assist to mitigate the fear of crime. In addition, the mesh fence is not a solid structure and therefore would allow for views through the fencing. Bringing the building back into use would naturally increase the level of activity in the area and the surveillance of the access. The inclusion of CCTV on the fence/within the premises could provide further surveillance of the access/public rights of way. Taking all this into account, including a condition regarding CCTV, it is considered that the risk of crime would be minimised.
- 10.32 It is proposed that 25 car parking spaces would be created to the north of the building between the building and the woodland/landscape buffer. The spaces would be created using a grass reinforced system and would include 2 no. accessible spaces. It is considered that the proposed parking area would be visually acceptable.

10.33 It is therefore considered that in terms of amenity, and subject to further information regarding the hours of use, the proposal is acceptable and would accord with both local and national policies within the Unitary Development Plan, National Planning Policy Framework and advice within the emerging Publication Draft Local Plan.

Impact on the Ancient Woodland and Ecology

10.34 Beyond the northern boundary of the site is Lower Fell Greave which is an ancient woodland and also a local wildlife site. The trees to the south-east of the building are formally protected by Tree Preservation Order. As such, both the Council's Arboricultural Officer and also Ecology & Biodiversity Officer were consulted as part of the application process.

10.35 The Council's Arboricultural Officer raises no objection to the proposed development and considers that the fencing and buffer planting will be a benefit to the woodland by preventing development activities, and activities associated with the use of the building spilling out into the ancient woodland.

10.36 Whilst there are no objections with the proposal in terms of the impact on the ancient woodland or TPO on site, a method statement should be attached, by condition, to the decision notice to show how the fence will be constructed whilst avoiding tree damage (especially under the protected trees), details about any tree work that may be needed and details of the buffer planting, species to be used, quantities etc. These matters can all be addressed by appropriate conditions.

10.37 With regards to the impact of the scheme on ecology and the wildlife site, the Ecology & Biodiversity Officer has raised no concerns regarding the proposed development. However, it has been requested that a Condition allowing the free movement of hedgehogs be imposed. This can be achieved by way of creating hedgehog holes within the fence itself.

Highway safety:

10.38 Initially concerns were raised by Highways Development Management regarding the intensification by vehicles on the Public Rights of Way, the access is less than 4.5 metres wide and already serving more than one property, including the service entrance for the school, and that parking, bin storage and collection, access by emergency vehicles and visitor numbers needed to be supplied. This information was subsequently submitted.

10.39 An additional plan was submitted demonstrating vehicle tracking for a refuse vehicle, car parking and also a fire appliance alongside a letter to address the highways concerns.

10.40 Further information has been submitted and the line of the fence would be set back from the Public Right of Way, to avoid interference with the routes. In light of this Highways Development Management raise no objection to the proposed scheme, no objection have been raised to the proposed hours of uses either, subject to conditions being attached to the decision notice regarding turning, surfacing and drainage and bin collection.

- 10.41 Significant concerns have been raised by the occupants of New House Hall with regards to the ability for emergency services to attend issues at the Hall, especially due to the recent fire damage. The existing fire hydrant is shown to be retained outside the line of the fence adjacent the Public Right of Way.
- 10.42 West Yorkshire Fire Service have also been consulted on the scheme but have not offered any comments.
- 10.43 There would be an increase in traffic from the proposed development as the building is currently vacant. However, the submitted details state that the peak times when the building would be in use, as currently proposed, would be on Sundays which would not conflict with the schools opening times. In addition, a passing place within the site has been indicated on plan which would assist in avoiding vehicles waiting on the access to enter the site.
- 10.44 Concerns have been raised regarding the refuse collectors having to reverse down the narrow lane putting pedestrians at a greater risk. However, the submitted plans demonstrate that refuse collection vehicles can turn within the site and given the current proposed opening times of the building, this has been demonstrated and mitigated as far as practicable.
- 10.45 Taking into account all the above, it is considered that the proposal is acceptable in terms of highway safety and parking provision and would accord with Policies T10 and T19 of the Unitary Development Plan, Policies PLP21, PLP22 and PLP23 of the Publication Draft Local Plan and advice within Chapter 9 of the National Planning Policy Framework.

Representations

- 10.46 A total of 424 representations have been made. 421 against the development, 2 in support and 1 general observation. A petition containing 403 signatures has also been received. The planning concerns raised in the representations are summarised as follows:

Impact on Listed Building:

- Would detract from the setting of New House Hall
- Important to protect New House Hall from further interference and destruction

Response: The impact of the scheme on the adjacent Listed Building has been assessed within the 'Impact on the Listed Building' section of this report.

Visual amenity:

- Visual impact of the fence
- Would create an industrial estate look which is wrong for ancient woodland setting
- Fence would be imposing
- Lose the appearance of a country lane and experience of walking down a country lane past a meadow towards an ancient woodland would be lost
- It is not possible to plant trees and hedges in front of the gates where the industrial style fence would be most visible

Response: The impact of the scheme on visual amenity has been addressed within the 'Impact on amenity' section of this report.

Highway safety:

- Fence would restrict access for emergency vehicles
- Access by bin collections affected
- Increase of traffic on the lane which is a registered public footpath
- No separation of vehicles and pedestrians planned and the lane is very narrow

Response: The impact of the scheme on highway safety has been addressed within this report.

Impact on school:

- Fence too close to the lane and creates a narrow corridor from the rear gates of Our Lady of Lourdes School to the wood and leaves pedestrians, especially school children walking to and from neighbouring schools vulnerable and at risk from increased traffic
- All vehicles including bin wagons and emergency services need access to 1 and 2 New House Hall or the wood would be forced to reverse back down the narrow part of the lane possible to Bradley Boulevard putting pedestrians using the footpath at greater risk. Currently vehicles are able to turn round and drive forward.

Response: The Agent has confirmed that the peak times for the use of the building would be on a Sunday, subject to the currently proposed hours of use. This would not conflict with the school traffic. The impact of the development on highway safety, including the public right of way, has been addressed in the assessment.

Impact on woodland:

- If access into the wood is removed, it would be difficult to access the facility
- Would limit access into the wood
- Would ruin historic landscape
- Spoil approach to ancient woodland
- Woodland would be totally ruined
- Fence would run through a plantation of protected trees, some of which will have to be removed or have branches taken down and their roots would be affected

Response: The impact of the scheme on the woodland and the tree preservation order on site has been addressed within this report.

Other matters:

- Fence would enclose the lane – fear of crime
- Fence would feel excluding – not suitable in community use
- Wood not fit for wheelchair access
- Destruction of habitats close to the wood
- Will encourage fly tippers
- CCTV would be a better solution
- Property was not a former community centre but designated as a Business Property offering occasional training days and therefore believe the designation remains as Business Premises.

Response: The former use of the building and the fear of crime have been assessed within this report as has the impact on the woodland and the lane. Access into the wood for wheelchairs does not form part of the application and therefore is not a material consideration for this application.

Other Matters

- 10.47 Open Space – a number of objections make reference to the land being used by the public for parking for members of the public to use the woodland for dog walking etc. The Enquiry form submitted by the Agent clearly states within item 3.4 that....*"New House Road is designated PROW HUD/29/10 and other parts of the Property may have been used for dog walkers etc. The Council has advertised the proposal disposal of Open Space in accordance with Section 123 of the Local Government Act 1972 and no objections to the disposal were received"*. As such, the applicants have the legal right to prevent indiscriminate parking within the site to members of the public.
- 10.48 Air Quality. As the development is for a D1 use and proposes to formalise a car parking area within the site it is necessary to enable charging of plug-in and other ultra-low emission vehicles. This would accord with paragraph 110 of the NPPF, Policy PLP24 of the PDLP and the West Yorkshire Low Emissions Strategy. Given the number of parking spaces proposed it is proposed to require 2 no. vehicle recharging points be provided by condition.

11.0 CONCLUSION

- 11.1 It is concluded that the proposed use of the site for a D1 use together with the formation of parking with associated landscape works are acceptable taking into account local, national and emerging policies. Additional information regarding the proposed hours of use will be provided for members in the update. It is therefore recommended the application be approved, subject to conditions and subject to agreement regarding the proposed hours of use.

- 12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**
- 1. Works to commence within 3 years**
 - 2. Works in accordance with the approved plans**
 - 3. Areas for car parking surfaced and drained**
 - 4. Turning facilities to be provided and retained**
 - 5. Storage and access for collection of wastes to be submitted**
 - 6. Condition opening hours**
 - 7. Noise report to be submitted**
 - 8. Lighting report to be submitted if external lighting is proposed**
 - 9. Installation of 2 no. electric vehicle charging points**
 - 10. Arboricultural method statement to be submitted**
 - 11. Landscaping scheme to be submitted**
 - 12. Landscape maintenance condition**
 - 13. Details of any additional tree works to be submitted**
 - 14. Details of how fencing will allow movement of hedgehogs**
 - 15. Details of extract ventilation system**
 - 16. Scheme for CCTV**

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91300>

[Listing Description for New House Hall](#)

<https://historicengland.org.uk/listing/the-list/list-entry/1279156>

Certificate of Ownership – Notice served on Kirklees Council