
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 06-Jun-2019

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
Teghbadur 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: REFUSE

1. The intensification of use of the site, the alterations required, including the erection of a 2.5 high close timber boarded fence necessary to mitigate against potential noise nuisance, would fail to preserve the setting of the Grade II* Listed Building located opposite and cause harm to its significance. Furthermore the fence would be an overly prominent and incongruous feature which would result in harm to the visual amenity of the area.

The harm to the setting of the listed building is considered to be less than substantial harm, however, as required by paragraph 193 of the NPPF, great weight has been given to that harm in assessing the impact of the proposed development. Whilst a statement of public benefits has been submitted, and public benefits have been assessed, it is considered that these would not outweigh the harm caused in this case. The development would therefore be contrary to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, policies LP24(a) and LP35 of the Kirklees Local Plan and paragraphs 127, 130, 190, 193, 194 and 196 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 The application was originally brought to Sub-Committee on 1st November 2018 due to the significant number of representations received both in support and against the proposed proposals. The resolution at Committee was as following:

That contrary to the officers recommendation to defer the application that, as outlined in the original report, the Head of Strategic investment be given delegated responsibility to approve the application including issuing the decision notice and to complete the list of conditions including those contained within the considered report including:

- (1) Works to commence within 3 years.
- (2) Works to be 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.

(2) The following additional conditions were raised during the committee meeting:

- (a) The reduction in height of the boundary fence to 5 foot.
- (b) The widening of the access gate to a minimum 3.1 metres.
- (c) Restrictions on the numbers of people that would normally attend worship and the measures required on those occasions where numbers exceed the restrictions.

1.2 Following this resolution the applicants raised concerns regarding the conditions proposed to be imposed, specifically relating to the restricted opening hours and number of patrons as set out in the previous report (25). Subsequent discussions have concluded that the maximum number of attendees is agreed to be restricted to 120. Due to the increase in numbers proposed and intensification in use of the site additional information was required to support the development. This included a noise assessment and measures of attenuation in addition to car parking management. A revised site layout plan has been submitted to show 33 car parking spaces within the site boundary. The plan also shows the positioning of a 2.5 metre high acoustic fence which is required to mitigate potential noise. It is shown set in from the site boundary adjacent to the access track and proposed to be designed to be screened by ivy planting.

1.3 Furthermore, the opening hours are revised from those previously agreed by members from:

07:30 – 20:00 Monday to Friday
08:30 – 18:00 on Saturdays and Sundays.

To:

Monday to Thursday 04:00 – 20:00
Friday from 04:00 until 04:00am Saturday morning
Saturday from 06:00 until 04:00 Sunday morning
Sunday from 06:00 – 20:00.

These hours are as set out in the submitted Car Parking Management Plan and have been assessed by officers in KC Environmental Health and KC Highways Development Management.

1.4 The applicants have also submitted a supporting statement regarding additional wider community benefits facilitated by the provision of the centre. These are listed below:

- Community kitchen (The Mission or on the streets)
- Healthcare workshops
- Collaborations to provide blood donor sessions/adult and young person workshop events/education

- Sunday school
- Promote environmental awareness (tree planting/encourage wildlife)

1.5 The application is being brought back to sub-committee for determination as the additional information and further representations represents material changes from that previously considered and approved by Members.

2.0 SITE AND SURROUNDINGS:

2.1 Newhouse Farm is a pair of semi-detached buildings forming one larger unit that is set within areas of garden/greenspace. 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 access with Our Lady of Lourdes RC Primary School, The Bungalow and numbers 1 and 2 New House Hall.

2.3 A number of mature trees are located to south east periphery of the site which are protected under a Tree Preservation Order. The wooded area 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 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 The Council's internal Land and Property Gazetteer lists the application site as a pair of semi-detached 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, conditions were attached to the previous planning application to convert the building to dwellings, these relate to 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."*

- 2.11 For the reasons outlined above Officers are of the view that the permission was not lawfully implemented and that the site could potentially operate in its previous capacity as a community use although there is still some uncertainty surrounding this. Irrespective it is considered that the operational requirements of the applicants would still require 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 includes the formation of parking, associated landscape works and also the erection of a 2.5 metre acoustic fence. The submitted information states that the vacant building is to be converted to 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) which 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 mixture between a community building in connection with public worship or religious instruction which both fall within Use Class D1. In addition to general activities associated with the temple the applicants have set out a list of anticipated major events as follows:

Weddings – 1 per month
Birthday parties – 1 per month
Funerals – 4 per year
Other functions – 4 per year

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 It is proposed that these would be amended to be as follows:
Monday to Thursday 04:00am to 20:00
Friday from 04:00am to 04:00 am Saturday
Saturday from 06:00am to 04:00 on a Sunday
Sunday from 06:00am to 20:00.

This is outlined in the submitted Car Park Management Plan.

- 3.7 The applicants have agreed that maximum numbers will not exceed 120.

- 3.8 The application includes regularisation of the existing car parking area to provide 33 car parking spaces including 2 accessible spaces. The erection of a 2.5 metres high timber acoustic fence to be set into the site boundary to allow for additional planting and landscaping.
- 3.9 The western and southern boundaries are defined by the existing palisade fencing to the school.
- 3.10 The site proposals introduce new planting that is to comprise of native trees and shrubs. These are to be provided to the northern corner of the site with additional planting adjacent to the proposed fence where necessary.
- 3.11 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.
- 3.12 Within Appendix G of the Noise Impact Assessment, the applicants have highlighted that two wardens would be on site overnight to prepare for the morning service. In addition, they will act as discreet security. A rest room would be provided as the two wardens would split the resting time between 21:00 and 00:00 and 00:00 and 03:00 with the other preparing for the activities for the following day and have time for reflection and meditation. The room for rest is limited in space and would only accommodate one person at a time with a small en-suite attached.
- 3.13 It has also been confirmed that funerals, weddings, baptisms, celebrations and festivals would all take place within the building. For such events a car park management plan would be implemented and adhered to with site volunteers.

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 the resolution of the application at the Committee meeting on the 1st November 2018, to approve the proposed development, the applicants raised concerns regarding the requirements of the recommended conditions. These included restrictions posed by the openings hours in addition to the maximum number of people that could attend at any one time.

5.2 Additional supporting information has been received in respect of noise impact and mitigation in response the increased opening hours, a transport assessment and revisions to the site red line to take account of the right of passing over third party land in addition to a site layout plan showing alterations and the inclusion of an ivy covered acoustic fence to be set in from the eastern boundary.

5.3 The applicant has provided additional information aiming to address matters, however the proposal does not, on balance, address officer concerns and does not satisfactorily minimise the impact of the proposals on the setting of the listed building.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

6.2 The site is allocated Urban Greenspace within the Kirklees Local Plan.

6.3 Kirklees Local Plan Policies:

LP21 – Highways safety and access
LP22 – Parking
LP23 – Core walking and cycling network
LP24 – Design
LP30 - Biodiversity
LP33 – Trees

LP35 – Historic Environment
LP48 – Community facilities and services
LP52 – Protection and improvement of environmental quality
LP61 – Urban Greenspace

6.4 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. Due to the information received with regards to the changes to number of attendees and opening hours, the application has been re-advertised by site notices, neighbour notification letters and by newspaper advertisement for the full 21 day period.

7.2 Prior to the submission of the additional information, 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. Further comments were received following the publication of the Committee Update which were addressed.

Summary of comments received in response to the original period of advertisement:

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.

7.3 Following the submission of amended and additional details, the application was re-advertised by site notice and neighbour notification letters on 19th March 2019 and 9th May 2019. At the time of writing this report, 376 letters of objection have been received with one letter of support. Any further representations received shall be cited within the Sub-Committee update.

Impact on the Listed Building:

- Fence would detract from the historic setting of the Grade II* Listed Building
- Extensive parking will detract from the historic setting of the Grade II* Listed Building
- Fence will prevent the proper access and viewing of the Listed Building from its west face

Visual amenity:

- Visual impact of the fence would spoil nature of the area especially set within such a densely populated housing estate
- Impact of the fabric and historical finish of the lane from the greatly increased number of vehicle numbers
- Solid fence would look intimidating, incongruous and affect the unspoiled nature of the area

Residential amenity:

- Extended hours and number of visitors this development is predicted to attract will cause significant detriment to local residents
- Would cause great detriment in terms of sound, light pollution and increase in footfall to residences in the immediate area
- Large number of major events attracting large numbers of commuting cars and people attending the events would be detrimental to the local residents and wider area
- Noise from heavy increase of traffic all night passing local properties is not acceptable

Impact on the school:

- Noise from the building impinging on the school working day
- Parked cars could impede access which could be vital to the school

Impact on the woodland:

- Fence impacts on access to the local woodland and green environment
- It would be difficult to access the woodland should this facility be removed
- Fence would cause damage and deterioration to the ancient protected woodland
- Fence runs through copse of protected trees and will cause damage to the trees with no attempt to mitigate the damage
- Increase in noise, traffic and light pollution would be negative on the adjacent woodland

Highway safety:

- Fence will hinder rightful vehicular access to Newhouse Hall
- Access restricted for emergency vehicles to the woodland, New House Hall, New House Farm and the School as the fence prevents correct turning and access including in case of fire, crime or medical emergency
- Concerned about safety of pedestrians including school children whilst using the footpath that will be enclosed by the development
- Lane is not suitable for such an intensive use and the application does not address how this will be mitigated
- Consider the amount of parking space will be insufficient for the type of events that are proposed which will cause a large overflow of cars onto the local roads to the detriment of traffic flow in the local area
- Too many cars will be on the lane

Ecology:

- Would cause great detriment in terms of noise, sound, light pollution and marked increase in footfall to wildlife and the natural environment
- Will endanger deer and other wildlife in the woods

Other matters:

- Enclosing of the lane with the fence would be intimidating – fear of crime
- Erection of the fence will feel excluding and not suitable for a building in community use
- Impact of the community use of the building on viability of existing community buildings
- CCTV would be a more viable alternative
- Would hinder access for any future restoration of building works taking place
- Small building and wider site not suitable for such an intensive and extended use
- Information difficult to locate embedded within reports
- Loss of views from New House Hall

General comments:

- Amended plans should be re-advertised

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Historic England – England acknowledge the submission of supplementary information and refer to the Local Authority to consider this information in consultation with the specialist conservation adviser

8.2 **Non-statutory:**

KC Conservation and Design – Concerns remain to the revised scheme

K.C. Ecology – No objections subject to conditions

K.C. Public Rights of Way – Comments not received

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

K.C. Highways Development Management – no objection

K.C. Building Control – requires application to building control for material change of use, plus consideration given to Part M access

West Yorkshire Fire Service – no grounds to object if access to the site is maintained for emergency use

K.C. Environmental Services – no objections subject to conditions

West Yorkshire Police – the acoustic fence facing New House Road will act to create defensible space along that perimeter defensive planting should be introduced along the exterior of the acoustic fence to soften the appearance and to deter anyone from climbing

9.0 **MAIN ISSUES**

- Principle of development
- Urban design & heritage issues
- Residential amenity
- Landscape issues
- Highway issues
- 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. Kirklees Local Plan Policy LP1 requires 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. The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

- 10.2 The site is within an area allocated as Urban Greenspace on the Local Plan. Kirklees Local Policy LP61 accords with National guidance by restricting proposals for development subject to a limited number of exceptions. The site currently offers little in the way of sport and recreational facilities but provides a degree of openness associated with such designations. The development is for change of use and whilst part of the remaining areas within the site are to form parking areas the proposals do not include the erection of any new building or extension. Other landscape works are proposed but these would not result in the loss of urban greenspace but rather enhance the existing landscaping introducing new planting where required. The development relates to the continuation and enhancement of the main use of the site and maintains the quality and function of the green space thereby satisfying the purposes of Policy LP61.
- 10.3 Policy LP48 regarding sustaining community facilities and services is relevant as the proposed use as place of worship (Class D1) should be provided in accessible locations where the need to travel can be minimised through walking, cycling and public transport. Such locations are normally considered as town or local centres. Proposals will be supported for development that protects, retains or enhances provision, quality or accessibility. Provision to community facilities have positive impacts on wellbeing and healthcare. Such facilities need to be accessible to all sections of the community. Whilst not located within a defined town or local centre, the site is on the periphery of an established area of residential development neighbouring an existing school within the community. The development would enhance provision, quality and accessibility of a community facility to meet the needs of members of that community. Paragraph 92 of the NPPF states that planning decisions should 'plan positively' for the provision and use of shared spaces, community facilities and other local services such as meeting places and places of worship to enhance the sustainability of communities and residential environments.
- 10.4 Officers recognise that the development would be located within, and serve a part of, the community in which it is located thereby providing a facility in a sustainable location. Furthermore the wider services provided by the facility would have the potential to reduce the need to travel through co-location of services in accordance with the overarching aims of the NPPF.
- 10.5 The development as outlined will need to be capable of accommodation without giving rise to problems of disturbance for occupiers of adjacent premises, prejudicing highway safety and matters of heritage. A full assessment has been undertaken in respect of such matters and addressed further in the report. The principle of change of use complies with principal policies relating to continuing the protection of urban greenspace in addition to sustaining community facilities.

Impact on the setting of a Listed Building

- 10.6 The application site lies in close proximity to a Grade II* Listed Building and as such any proposals for planning permission should have regard for its setting. 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. The setting of a listed building includes wider social, economic and historical connections between the

site and heritage asset in addition to direct visual and physical links. Paragraph 190 of the NPPF requires that the Local Planning Authority(LPA) identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. The extent of a setting is not fixed and may change as the asset and its surroundings evolve.

- 10.7 Insofar as the application site forms part of the setting of New House Hall, the land and building were formerly a farmyard associated with the Listed Building to the east with the two sites remaining visibly open to one another. 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. Currently the site has a 'neutral' impact on the setting as it is vacant and there is no prominent physical barrier between the two sites. The intensification in the use of the site would bring additional activity, the parking of up to 33 vehicles and the physical separation of the two sites by a 2.5m acoustic fence. The fence is necessary to prevent an unacceptable loss to the residential amenities of nearby occupiers and the intensification of use could not be supported in principle without it. Views of the Hall would be foreshortened by the fence, which would also impinge on the character of the track, the experience of the asset (which currently sits within a tranquil setting) would also be influenced by the activities associated with the intensification of use. Officers are also mindful that the Listed Building is in a perilous condition due to the damage caused from the fire and cannot afford to have its 'value', or economic viability, reduced by inappropriate development. Harm to the setting of the listed building arising from the intensification of use of the site and the physical presence of the acoustic fence could detract from its future economic viability, thereby threatening its ongoing conservation, although it is acknowledged there is no evidence to suggest its economic viability would be affected by the proposal at this stage. Sustainable development under the NPPF can have important positive impacts on heritage and their settings. The economic and social viability of a heritage asset can be diminished if its setting is reduced by insensitively located development.
- 10.8 The proposals presented to Members previously included a paladin fence that was to be reduced in height to 1.5m as part of the committee's resolution to approve the application. At that stage the number of persons on site was to be limited to 25 and the hours of opening were less than now proposed. The amended proposal retains the external appearance of the existing building but includes external works necessary to support the intensification of use proposed. The acoustic fence now proposed is required to be at height of 2.5 metres and set within the boundary to provide mitigation from potential noise. The fence is set in from the boundary as far as is practicable in order to maintain space between it and the existing public right of way and listed building opposite. The applicants have also provided a photograph showing an ivy covered fence to soften its appearance within the wooded area.

- 10.9 The works proposed have been assessed against Policy LP24 and LP35 of the Kirklees Local Plan in addition to Chapters 12 and 16 of the NPPF. With the exception of matters relating to the impact on the setting of the listed building, the alterations to the site as a whole meet the requirements of Policy LP24. The scale of development and inclusion of measures to enhance the site promote good design and respect the townscape and semi-rural character. However, concerns remain regarding the relation of the site with the Grade II* Listed Building to the east of the site.
- 10.10 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. Any harm to, or loss of, the significance of a designated heritage asset from development within its setting, should require clear and convincing justification. Where the harm is considered to be less than substantial paragraph 196 requires that such harm should be weighed against the public benefit of the proposal.
- 10.11 The applicants have aimed to address Officer concerns regarding the development by restricting the number of attendees on the site thereby reducing the scale of car parking required which, as a result, facilitates the relocation of the acoustic fence. In addition to the provision of landscaping and additional planting.
- 10.12 The fence is set 10 metres from the Listed Building opposite screened by existing trees and proposed additional planting. The proposed fence would appear as a solid timber fence rather than mesh as previously agreed. In order to mitigate against any impact it has been moved away from the Listed Building as far as is practicable and located within an existing area of tree screening thereby reducing the harm in terms of its visual impact. Historic England acknowledge that the revisions would reduce the impact on the setting of the hall by moving the fence westwards and running it in a straight line as opposed to previous arrangements that brought the fence closer to the hall at its northern end. It is also proposed to make provision for ivy to grow up the eastern face of the fence to soften the impact and reinstate more of the green character of the setting of the hall which would in turn reduce the harm to significance. Historic England acknowledge the submission of supplementary information and refer to the Local Authority to consider this information in consultation with the specialist conservation adviser, see paragraph 10.7 above.
- 10.13 The changes to the site as a whole and scale of operational requirements in general are of concern when considering the proximity of the site to the listed building and the potential impact on its setting. Paragraph 194 of the NPPF requires that the Local Planning Authority should require clear and convincing justification for any harm. The scale of the development proposed has been determined by the requirements of the applicant and expectation of accommodating up to 120 attendees. The applicants have aimed to address remaining concerns as outlined below.
- 10.14 Taking into account the scheme proposed and relocation of the fence, it is considered the development would result in less than substantial harm which would require justification and weighing against the public benefits of the scheme in accordance with Paragraph 196.

- 10.15 The applicants have submitted a supporting statement (Appendix 4) which highlights a number of wider community benefits associated with the proposed use. It is recognised that the development proposals offer community benefit in terms of the provision of a place of worship in addition to ancillary events and these should be weighed against the harm that would result from the works proposed. In addition the bringing back of the site into use would provide inherent surveillance to the public right of way and the likelihood that this could reduce instances of anti-social behaviour. It would also bring a currently vacant building back into economic use. Whilst balanced in this case it is considered that the public benefit is not of sufficient merit to override concerns regarding harm to the setting of a listed building caused by the fence contrary to Policy PL35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Impact on Amenity

- 10.16 The application site sits to the north east of an existing school and abuts residential properties to the eastern and southern boundaries. The conversion of the existing building is not considered to result in any loss of amenity to the school or any of its operations and no representation has been received. The site boundary is retained as currently. The main considerations relate to any impact of amenity including the occupants of nearby residential properties.
- 10.17 The physical works included within the application relate to the car park and acoustic fence. The acoustic fence is set back from the low stone wall abutting the public right of way, within the existing wooded area to the east of the site, and approximately 10 metres from New House Farm. Additional planting is proposed to soften its appearance. It should be noted that a 2.0 metre high fence could be erected without requiring planning permission due to it being set approximately 5 metres from the public right of way. The acoustic fence represents an additional 0.5 metres. The location and screening would mitigate any impact to those using the public right of way and to the occupants of the building opposite. It is considered that 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. As set out in paragraph nos.10.6 to 10.14 however this would not, on balance, overcome the harm caused to the setting of the listed New House Hall.
- 10.18 *Noise:*
Whilst Members sought previously to control the hours of operation on the site these posed unacceptable restrictions to the applicants. In order to achieve greater flexibility within the site the applicants submitted supplementary information which assesses the potential for noise associated with the increase in numbers and hours of operation. The noise report has been assessed by KC Environmental Health who agree with the conclusions and mitigation requirements. Furthermore the applicants have agreed to restrict numbers to a maximum of 120 and hours are now specified at:

Monday to Thursday 04:00am to 20:00
Friday from 04:00am to 04:00 am Saturday
Saturday from 06:00am to 04:00 on a Sunday
Sunday from 06:00am to 20:00.

The erection of the acoustic fence shown on Plan REF 027 101 K is necessary to provide mitigation for the hours and number of occupants now specified. Furthermore, a condition requiring details of a noise management plan is recommended to address outstanding concerns regarding the operations of the wider site. As such it is considered that adequate measures can be put in place to protect noise sensitive premises on New House Road from activities taking place at the application site. The site lies adjacent to an existing school which generates noise by virtue of the school activities taking place during term time thereby providing an existing source of noise. Taking into account the noise report officers consider that, subject to conditions regarding the erection of the fence and noise management plan for external areas, it is possible to allow more flexibility in opening hours than was previously agreed subject to the measures outlined. The flexibility in terms of hours can only be supported with the provision of an acoustic fence as outlined previously, however this is considered detrimental to the setting of the listed building and as such requires balanced consideration with weight afforded to the wider community benefits. Should the fence not be supported for the reasons given above, the absence of mitigation measures would result in a development that would be harmful to the amenity of nearby occupants contrary to Policy LP52 of the Kirklees Local Plan. The development can only be supported in respect of Policy LP52 with the provision of an acoustic fence.

- 10.19 Conditions would also be required regarding controlling 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 LP52 of the Local Plan and guidance in Chapter 15 of the NPPF.

Crime Prevention

- 10.20 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.
- 10.21 A number of comments received during the publicity period have raised concerns regarding the fence enclosing the lane and the fear of crime this may introduce when walking along the Public Right of Way towards the woodland, resulting in a detrimental impact on amenity. The fence has been set back from around 5.0 metres from the public right of way reducing any impact on the pedestrian route to allow continual use. The Police Architectural Liaison Officer raises no objections regarding the development proposed but makes recommendations in order to address matters regarding crime prevention in accordance with Policy LP24 of the Local Plan.

Landscape issues

Impact on the Ancient Woodland and Ecology

- 10.22 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 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.

- 10.23 The Council's Arboricultural Officer raises no objection to the proposed development and considers that the buffer planting will be of benefit to the woodland. Boundary treatment to the northern boundary is to be conditioned as part of any landscaping scheme taking into account the existing open connection between the two. A post and rail fence would maintain the semi-rural open character whilst deterring development activities, and activities associated with the use of the building spilling out into the ancient woodland in accordance with Policies LP30 and LP33.
- 10.24 There are no objections to the proposed development in terms of impact on the ancient woodland or protected trees on the site. A method statement is required to show how the acoustic fence will be constructed whilst avoiding tree damage (under the protected trees). Further details regarding any tree work that may be required and information of additional planting, including species to be used and quantities are required. These matters can all be addressed by appropriate conditions that would include a landscaping plan.
- 10.25 With regards to the impact of the scheme on ecology and the wildlife site, the KC Biodiversity Officer has raised no concerns regarding the proposed development. However, conditions are required in respect of the submission of an Ecological Design Strategy to ensure the site complies with Policy LP30.

Highway issues

- 10.26 Previously 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. Further information has been received including a Car Parking Management Plan and confirmation that numbers will not exceed 120 attendees.
- 10.27 Access arrangements have been resolved with a passing place being constructed to allow the free movement of vehicles without significantly changing the nature of the Public Right of Way.
- 10.28 The car park management plan drafted by HDC Support Ltd has been examined. Information from the TRICS database has been used to validate the suitability of the proposed 33-space car park. Further information including number of attendees, and the potential frequency of overflow arrangements being used have been provided.
- 10.29 It is recognised that there would be some 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 mitigating for some intensification in use.
- 10.30 Taking into account the supporting information received it is considered that the proposals can be supported.

- 10.31 A full assessment of the development in view of fire safety and access has been completed in discussion with the Fire Service. Access is maintained and the existing fire hydrant outside the line of the fence, adjacent the Public Right of Way, will be retained. West Yorkshire Fire Service have been consulted in this respect and raise no objections.
- 10.32 The submitted plans show a refuse collection point in close proximity to the main entrance gates. It is likely that bins will be collected at the same time as the neighbouring school's refuse is collected from its rear entrance on New House Road. A suitable strategy for the storage and collection of waste can be secured by condition.
- 10.33 Taking into account all the above, it is considered on balance, that the proposal is acceptable in terms of highway safety and parking provision and would accord with Policies LP21, LP22 and **LP23** of the Local Plan and advice within Chapter 9 of the National Planning Policy Framework.

Representations

- 10.34 **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 raised to the original period of advertisement 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 setting of a 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.

Following receipt of additional information and revised plans a period of re-advertisement was carried out:

A total of 376 objections have been received and 1 letter of support further summarised below:

Highway safety

- Plans do not allow for a hammer head or turning point for vehicles accessing the adjacent property, Newhouse Hall
- Fence prevents correct turning and access for emergency vehicles to New House Hall
- Safety of pedestrians whilst using the footpath due to large number of cars and events
- Vehicular access to New House Hall to visitors would be hindered
- Will prevent access to a public highway created through implied dedication
- Tightly enclosed land will prevent and not facilitate and would restrict emergency access
- Amount of parking spaces will be insufficient for the type of events proposed which will cause a large overflow of cars onto the local roads to the detriment of traffic flow in the local area
- Lane providing access is not suitable for such an intense use
- Large events would impede access to the school

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

Impact on Listed Building

- Would be detrimental to historic setting of New House Hall
- Fence would prevent access and viewing the Listed Building from its west face
- Fence will leave New House Hall isolated

Response: The impact of the scheme on the adjacent Listed Building has been addressed within the 'Impact on the setting of a listed building' section of this report.

Impact on woodland

- Fence impacts on access to the local woodland and green environment
- If access into the woodland is removed, it would be difficult to access the facility
- Fence would cause damage and deterioration to the ancient and protected woodland
- Fence will damage the copse of protected trees
- Fence would prevent access for emergency vehicles to the woodland

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

Visual amenity

- Visual impact of fence
- Fence would affect unspoilt nature of the area
- Effect on the fabric and historical finish of the lane from the greatly increased number of vehicular movements
- Spoiling what is left of a rural part of Sheepridge

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

Residential amenity

- Extended hours and number of visitors will cause significant detriment to local residents in addition to the large number of major events
- Nature of proposed use would cause great detriment in terms of sound/noise and light pollution
- Site is unsuitable for such intensive and extended use as detrimental to people living in the area and those using the lane and adjacent woodland for recreation
- All the noise, vehicles and people will not be appropriate next to a school and from 4am isn't acceptable

Response: The impact of the scheme on residential amenity has been addressed within this report.

Impact on ecology

- Sound, light pollution and marked increase in footfall would cause great detriment to wildlife and natural environment
- Fence and car park will further impact of the future viability of the ecology of the area

Response: The impact on ecology has been assessed within this report.

Other matters

- Enclosure of the lane would be intimidating – fear of crime
- Greater risk of crime and there would be no way to escape an assailant
- Fence would be excluding – not suitable for a building in community use
- Will impact on the viability of existing community building provision
- CCTV would be a viable alternative
- Fencing suggests a distrust of the local community
- Block plan redundant as access shown is now designated for parking
- Heritage statement not factual
- Impact of noise increased traffic and congestion and visual impact are not appropriate to this location
- The peace of the ancient woodland would be shattered
- Would disturb learning at the school
- Empty buildings within the town centre that could be used
- Air pollution
- Demolition of a historic building

Response: Issues relating to the fear of crime have been addressed within this report, a sequential test has previously been submitted to demonstrate alternative buildings were not viable and also, no demolition of buildings is proposed as part of this application. Should the application be granted permission, conditions can be attached with regards to CCTV and air pollution by way of an extract ventilation system.

No further material planning consideration matters have been raised that have not already been addressed within the report or above. Any further representations received will be reported to Members in the update.

Other Matters

- 10.35 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.
- 10.36 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 LP24 of the LP and the West Yorkshire Low Emissions Strategy. Given the number of parking spaces proposed it would be appropriate to require 2 no. vehicle recharging points be provided.**

11.0 CONCLUSION

- 11.1 Whilst very much balanced in this instance it is considered that the wider public benefits of the scheme proposed are not considered to outweigh the harm that would result from the erection of a 2.5 metre high close boarded acoustic fence in addition to the intensification in use of the site which is considered harmful to the setting of the Grade II* Listed Building located opposite and thereby contrary to Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

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 and the Diocese of Leeds