

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2020/62/91279/W

Site Address: 101, Reinwood Road, Quarmby, Huddersfield, HD3 4DW

Description: Change of use from dwelling (C3) to residential care accommodation (C2) and extension to boundary fence

Recommending Officer: Ellie Worth

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 20-Jul-2020

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Officer report

Site description

101 Reinwood Road, Quarmby is a traditional detached stone dwelling, potentially original the lodge house, in which is situated within the historic curtilage of 103 Reinwood a Grade II mid-19th century property. The property is situated forward in its plot, with design features including a bay window, reveals around the existing openings and front gable features. Boundary treatment consists of stone walling with railings above. Pedestrian and vehicular access can be taken from the North Western boundary onto the application site.

103 Reinwood is a grade II listed building (Historic Ref: 1277383) with the following description: *Mid C19. Hammer dressed stone. Ashlar dressings. Pitched slate roof. 2 storeys. Moulded and coped eaves with stone brackets. Front has 2 gabled bays and one narrow recessed bay, each with one sash on 1st floor: those in outer (gabled) bays have semi-circular relieving arches with arabesque ornament in tympana that in centre has moulded surround. Ground floor has bipartite sashes, framed by Tuscan piers taking full, dentilled entablature south windows projecting to form an oblong bay. Porch with dentilled cornice and blocking course. Double doors with 4 moulded panels and 2 engraved glass lights: semi-circular fanlight. Very elaborate foliage moulded impost bands, broadly moulded voussoirs, and keystone with over-lifesize portrait bust in deep velvet. Garden front has 3-storey tower with moulded eaves cornice and hipped roof. 2-storey oblong bay with Tuscan piers, entablatures to both floors and anthemion cresting. One-storey bay to west. Conservatory on west side, with canted end, hipped roof and clerestory glazed all over, with wooden glazing bars.*

Surrounding the site is predominantly residential in character, however to the West is Reinwood Junior School. The buildings within the area also benefit from a variety of construction materials and also differ in design and form.

Description of development

The applicant is seeking permission for the change of use of the existing dwelling to a care home (Class C2) for up to 3 children between the ages of 8 – 18 years old. No external alterations are proposed.

The change of use would also provide employment for/or the equivalent of 4 members of staff. The home will be staffed 24 hours a day, 365 days of the year on a shift basis.

Internally bedrooms 3 and 5 will be converted into an office and communal room.

Supporting information regarding the use and how this would operate is provided within the submission and has been uploaded to the website at the request of the applicant.

History of negotiations or amendments sought

No negotiations or amendments have been sought during the course of this application.

Relevant Planning History

At the application site:

2020/91266 - Listed Building Consent for erection of fence on rear boundary (withdrawn)

2017/92134 – Tree work application (granted)

Various planning and listed building consent at 103 Reinwood and the Old Coach house.

Representations

The application was advertised by site notice, neighbour notification and the press.

Final publicity expires: 8th July 2020.

As a result of the above publicity, one representation has been received. A summary of the concerns are set out below:

- No objections to the changes to the boundary fencing
- Various concerns regarding the change of use but not enough detail has been provided
- There are likely to be vulnerable people housed at the property and therefore the comments raised by West Yorkshire Police are reiterated regarding the increase in calls to them.
- I want to understand the risk of attracting anti-social behaviour and criminal activity to the property and its surroundings
- Noise nuisance to neighbouring residents
- The suitability of the property opposite a very busy junior and infant school during drop off and pick up times
- Answers are required to the questions raised by West Yorkshire Policy in order for our level of consent to the proposed change of use.
- Will the facility be staffed full time or part time or only by supervisory staff and what will their roles be?
- Has the safety of the pupils of the primary school been considered?
- Has Reinwood Junior school been consulted?
- The gated woodland area immediately adjacent would be an attractive place to loiter when open or easily trespass after hours
- Any littering of dangerous items would be a serious health and safety risk to children

Councillor involvement:

Local ward councillors have been formally consulted as part of this application, no comments received.

Consultation responses:

KC Conservation and Design (formal): No objections regarding the proposed change of use or the erection of a boundary fence.

KC Trees (formal): No objection

KC Highway DM (formal): No objection as the proposed would require less on-site parking than a five bedroom property

KC Crime Prevention (formal): The advice provided has been sent to the agent and applicant. Having reviewed information provided by the applicants, no objections were raised.

KC Environmental Health (formal): No objections subject to a condition regarding an electrical charging vehicle point being attached to the decision notice.

KC Strategic Waste (formal): Provided historical landfill gas levels.

Policy

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).

The site is unallocated on the Kirklees Local Plan, however is situated within the historic curtilage of a Listed Building.

Kirklees Local Plan

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP21 – Highway safety
- LP22 – Parking
- LP24 – Design
- LP33 – Trees
- LP35 – Historic Environment
- LP48 – Community facilities and services
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land

National Policies and Guidance

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

- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well design places
- Chapter 15 – Protecting and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below:

1. Principle of development

2. Impact on visual amenity
3. Impact on residential amenity
4. Impact on highways
5. Other matters
6. Representations
7. Conclusions

1.Principle of development

Heritage

The site is located within the historic curtilage of a Grade II Listed Building (Historic England ref: 1277383). Therefore, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of this listed building. This is reiterated in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, LP35 states “development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”. This harm, and whether any exists and whether it is substantial or less than substantial, will be assessed and discussed later in the report.

Alongside this, LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP24 of the KLP is also relevant and states that “good design should be at the core of all proposals in the district.

Community facilities

As well as the above, the proposal seeks to convert an existing dwelling into a care home for up to 3 children and therefore Policy LP48 is also relevant. The policy states that “community facilities should be provided in accessible locations where they can minimise the need to travel or they can be made accessible by walking, cycling and public transport. This will normally be in town, district or local centres”.

In this instance, the proposed care home will accommodate up to three children with 24-hour staff support. It is considered that the proposal would provide an acceptable small C2 use and importantly cater for individuals to live independently to a certain degree and function in a similar manner to a dwelling. Alongside this, the proposal will also provide economic and social benefits alongside a new community facility, which in return would be considered as a sustainable form of development as an inclusive community. There would also be no external alterations proposed as part of this development, which will ensure that the use could easily be reversed in the future.

Having taken into account the above, the change of use and erection of boundary fence has been considered acceptable in principle and therefore the other material planning considerations will be assessed in turn below.

2. Impact on visual amenity and heritage

Policy LP24 of the KLP states that good design should be at the core of all proposals. More specifically, proposals should incorporate good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape and landscape. This is supported by The National Planning Policy Framework (NPPF) which sets out that, amongst other things, decisions should ensure that developments are sympathetic to local characterwhile not preventing or discouraging appropriate innovation or change (para.127 of the NPPF).

In this instance, the proposal is seeking permission for the change of use of the existing dwelling into a care home and the erection of a boundary fence. Whilst no external alterations are proposed as part of the change of use, the impact of the new fencing will be considered in more detail below

With respect to the general design advice contained within Chapter 12 of the NPPF, it is stated that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

In this case, the 1.5m high rear timber fence to match the existing is considered to have a minimal impact upon the setting of the Listed Building, as there would be a substantial separation distance retained. More so, the curving sweep of the drive and the density of the trees and shrubs would ensure that there would be limited visual connect between the application site and the Listed Building. The fence will also be in keeping with the existing and therefore no concern has been raised.

Heritage officers have also raised no objection to the proposed change of use, given the fact that no external alterations have been proposed. This will ensure that the frontage of the building will not be disturbed. For these reasons, it has been considered that the proposal would have an acceptable visual impact and would not unduly impact upon the setting of the main residence at 103 Reinwood Road.

Impact on significance

Paragraph 190 of the NPPF requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of an application for planning permission on the setting of a heritage asset.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall have special regard to the

desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Policy LP35 of the Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

In this case, given the location of the proposed fence with the listed building, it has been considered that there would be no impact upon its significance. This is due to the fact that the development would not directly impact upon the main house or the woodland in which remains a distinctive part of the setting.

For these reasons, the proposal would cause no harm to the setting of the Listed Building as the fence would not have a visual connection with the listed building.

Having taken into account the above, it has been assessed that the proposal would not harm the amenity of the site nor the heritage asset, therefore complying with the aims of Policies LP24 and LP35 of the KLP and Chapter 12 and 16 of the NPPF.

3. Impact on residential amenity

The nearest residential properties to the application site are located at 103 Reinwood Road and the Coach House, 83 Reinwood Road, 2 Reinwood Avenue and 1 and 3 Willwood Avenue.

In this instance, it has been noted that the only external alteration would be the erection of a 1.5m timber fence and therefore officers are satisfied that there would be no unduly overbearing and overlooking given the fact that the property benefits from a relatively large stand-alone plot. Similarly, due to the separation of the dwelling to other properties, and the very small scale nature of the proposal, it is considered that the use would not result in a material alteration to the residential character of the area.

KC Environmental Health officers have also raised no further concern with regards to noise disturbance as this is unlikely to be any greater than the existing residential use.

As such, the scheme would comply with Policies LP24 and LP52 of the Kirklees Local Plan.

4. Impact on highway safety

KC Highways DM have been formally consulted as part of this proposal given the nature of the scheme. In this instance, the application would create a three bedroomed care facility and would not make any changes to the off-

street parking provision or servicing arrangements. Furthermore, the development would also create the equivalent of four full-time staff.

Although Kirklees no longer has prescriptive parking standards, the previous guidance would have recommended one space per six beds for visitors and one space per three staff. As such, the direction of this proposal has therefore been considered less onerous than the three spaces required for a dwelling with four bedrooms or more. For these reasons, the scheme has been considered acceptable from a highways perspective, complying with the aims of Policies LP21 and LP22 of the Kirklees Local Plan.

5. Other matters

Air quality

In accordance with government guidance on air quality mitigation outlined within Policies LP24 and LP51 of the Kirklees Local Plan, it is considered reasonable and necessary to seek air quality enhancement as part of this application. Therefore, it has been considered reasonable to attach a condition to the decision notice requiring the provision of an electric charging vehicular point within the area of hardstanding at the site.

Trees

The proposed change of use for this property would not materially affect the protected trees on the site. Instead officers believe that this may improve the long term management of the trees on the site, which otherwise may not have been possible.

The erection of a small boundary fence along the eastern boundary is also unlikely to have any significant impact upon the trees present within this area and therefore no objection has been raised. For these reasons the proposal is considered to comply with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Crime prevention

KC Crime Prevention have been formally consulted as part of this application, in accordance with Policy LP24e and Chapter 8 of the NPPF, whereby no objections have been raised. The officer did request additional information from the applicant which was provided directly and is available to view on the website (at the request of the applicant). Subject to this the Crime Prevention Officer raised no objections to the proposal.

Climate change

Climate change On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change.

When determining planning application's, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures as the application is seeking permission for the conversion of an existing dwelling and the erection of a boundary fence. The provision of an electric vehicle charging point will provide the future opportunity for low carbon vehicles.

6. Representations

As a result of the above publicity, 1 representation has been received in objection to the scheme. A summary of the concerns alongside officer comments can be seen below:

- No objections to the changes to the boundary fencing
Comment: This has been noted.
- Various concerns regarding the change of use but not enough detail has been provided
Comment: This has been noted, however, officers are satisfied with the information in which has been submitted as part of this proposal.
- There are likely to be vulnerable people housed at the property and therefore the comments raised by West Yorkshire Police are reiterated regarding the increase in calls too them
Comment: This is noted and WYP have been provided with information to address their concerns.
- To understand the risk of attracting anti-social behaviour and criminal activity to the property and its surroundings
Comment: This is noted and WYP have been provided with information to address their concerns.
- Noise nuisance to neighbouring residents
Comment: No concerns have been raised by KC Environmental Health or KC Crime Prevention.
- The suitability of the property opposite a very busy junior and infant school during drop off and pick up times
Comment: This has been noted, with no concern being raised from KC Crime Prevention or KC Highways.
- Answers are required to the questions raised by West Yorkshire Policy in order for our level of consent to the proposed change of use.
Comment: This is noted and WYP have been provided with information to address their concerns.
- Will the facility be staffed full time or part time or only by supervisory staff and what will their roles be?

Comment: Information regarding the number of staff and their job roles have been provided within the application form.

- Has the safety of the pupils of the primary school been considered?
Comment: WYP have been provided with information to address their concerns and raised no objections
- Has Reinwood Junior school been consulted?
Comment: The application was publicised in accordance with the Kirklees Development Management Charter, including letters to 'adjoining' properties, the posting of a site notice and a press advertisement.
- The gated woodland area immediately adjacent would be an attractive place to loiter when open or easily trespass after hours
Comment: WYP have been consulted and have considered the application in relation to crime prevention matters.
- Any littering of dangerous items would be a serious health and safety risk to children
Comment: WYP have been consulted and have considered the application in relation to crime prevention matters. This includes the management of the care home and its residents.

The above comments have been carefully considered in the determination of this application.

7. Conclusion

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

This application has been assessed against relevant policies in the development plan and other materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/91279
Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP21, LP22, LP24, LP33, LP35, LP48 and LP52 and LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. Before the hereby approved care home is first brought into use, one electric vehicle recharging point shall be provided within the parking area. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: To encourage ultra-low emission vehicles in the interests of air quality and accord with the guidance contained in Chapter 9 and Chapter 15 of the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy and Policies LP 21 and LP24 of the Kirklees Local Plan.

NOTE: Noisy construction related activities shall not take place outside the hours of: 07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00hours Saturdays

With no noisy activities on Sundays or Public Holidays

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply with a notice served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: The granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

Plans and specifications:

Plans and specifications schedule

Plan Type	Reference	Version	Date Received
Site location plan	-	-	1 st May 2020
Existing floor plans	-	-	1 st May 2020
Proposed floor plans	-	-	1 st May 2020
Proposed fence location	-	-	1 st May 2020
Proposed fence details	-	-	1 st May 2020
Planning policy, design and access statement	Dated April 2020	-	1 st May 2020
Complaints procedure	-	-	1 st May 2020
Supporting statement	-	-	1 st May 2020

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this instance, no negotiations have taken place or amendments submitted, as the application has been considered acceptable within its submitted form.

