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:	**2021/62/94197/W**
Site Address:	Farwood Lodge, 392, Bradford Road, Fartown, Huddersfield, HD2 2QZ
Description:	Change of use to (class C2) residential children's home
Recommending Officer:	Laura Yeadon

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.

John Holmes

AUTHORISED OFFICER

Date: 10th May 2022

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Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f94197

Site Description

Farwood Lodge, 392 Bradford Road is a large detached property set off Bradford Road.

The property is constructed from stone and has a private drive access from Bradford Road. The property is surrounded by woodland which is protected by a blanket Tree Preservation Order and land to the side and rear of the property is allocated as Urban Greenspace.

Parking for the property is to the front and side and the property is operating as a children's home.

Description of Development

Permission is sought to change the use of the building to Class C2 children's home.

It is proposed that the home will accommodate 4 no. children with no new admissions over 14 years of age with a team of 12 staff that will operate a shift patten from 7:30am to 11pm with one staff member sleeping over and a separate wake night staff working from 9:30pm to 8am. 3 no. team leaders managing the shifts out of office hours.

The site appears to already be in use as a Childrens home and as such is being determined on the basis it is a retrospective application.

History of negotiations/amendments received

Concerns were raised by West Yorkshire Police in terms of the number of calls to service the establishment for over 12 months. Discussions took place between the Police, the Manager of the Home and Case Officer. As a result it was agreed to reduce the age of new admissions to 14, the Police have removed their objection subject to conditions.

Relevant Planning History

1998/92311 Change of use of 2 rooms of existing residential property to offices

Conditional Full Permission

2010/93385 Change of use to HMO/social housing boarding house, with minor operations to utility room and bathrooms

Refused

2012/90184 Change of use to hostel/social housing boarding house, with minor alterations to utility room and bathrooms
Conditional Full Permission

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired 20th December 2021 – no representations received

Parish Council – not applicable

Consultation Responses

K.C. Highways Development Management – no objection subject to conditions relating to surfacing, draining and turning provision

K.C. Environmental Health – no objection subject to a condition relating to vehicle charging points

West Yorkshire Police – no objection subject to conditions relating to crime prevention and following the submission of the updated Statement of Purpose

K.C. Trees – no objection

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 without notation on the Kirklees Local Plan however to the side and rear of the property is land which falls within an allocated Urban Greenspace

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 33** – Trees

- **LP 61** – Urban Greenspace

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st July 2021, 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 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Supplementary Planning Documents (SPD's):

- Highways Design Guide SPD

Assessment

Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

"The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."

To the side and rear of the building are areas of Urban Greenspace. As there are no proposed alterations to the property and land and the site is already operational there would be no impact on the Urban Greenspace over and above the exiting situation.

In terms of changing the use of the property to a children's home, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapters 8 and 12 of the NPPF, with regards to the impact on the proposed used in terms of the character of the area, the neighbouring properties amenities, highway safety, ensuring the safe operation of the home and community cohesion. The

location is considered to be sustainable with its proximity to transport links including bus stops and Bradford Road and local educational facilities.

In this case, the principle of the use is considered acceptable, and the develpoment shall be assessed against all other material planning considerations, including the character of the area, residential amenity and highway safety.

Character of the area:

Chapter 12 of the NPPF sets out that development should have an acceptable visual impact. In terms of design, Policy P24 is relevant as this states that the form, scale, layout and details of development respects and enhances the character of the townscape, heritage assets and landscape and that a high standard of amenity is provided for both future and neighbouring occupiers.

There are no proposed external alterations to the building, the building has the appearance of a residential property. The property is set back from Bradford Road and is screened from view from public vantage points on Bradford Road.

It is proposed that the building would accommodate 4 children up to the age of 14. In total there would be 12 members of staff working in shift patterns including night wake staff and this is considered to equate reasonably with the size of the building and the nature of the use. The use operates similar to a family home in that children have private bedrooms, continue with education during the day and partake in activities both within and outside the home.

Staff arriving and departing for the shifts would not be a significantly different arrangement than parents leaving for or arriving home from work and visitors to the site such as professionals involved in the assessment and care of the occupants would not significantly differ from visitors and guests to a family home.

Whist the submitted Statement of Purpose indicates that there may be children with Special Educational Needs, this again does not introduce issues which could not be present in a normal family home setting and as such, the proposed use of the building would be in keeping in terms of the character of the area.

On the approach to Farwood Lodge there is a Listed Building. When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to ‘have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses. As there are no external alterations to the property, there would be no change to the impact of the existing building upon the setting of this listed building.

It is therefore considered the development is acceptable in terms of its impact upon the character / visual amenity of the locality in accordance with policy LP24 and policies within Chapter 12 of the NPPF.

Residential amenity and community cohesion:

Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers

Farwood Lodge is a detached property set within an established plot. There is a driveway which serves the property, 'The Rosery' and 'Rosary Cottage'. These are the closest properties and set at a minimum distance of approximately 20 metres from the corner of the buildings. Other residential properties are located beyond these dwelling on The Grove. Window relationships are existing and there would be no difference in how the amenity space could be used as a dwellinghouse.

The carers and workers of the Home would not reside permanently on site. Information within the Statement of Purpose outlines the staffing structure and the overview of the company who operates from the building. This further states that they provide the ability to provide children and young people with care and nurture through allowing permanency, stability and consistently. As such the use is not considered to impact negatively on surrounding neighbouring properties.

Having considered the above, the development is not considered to result in an adverse impact upon the residential amenity of any surrounding neighbourhood properties, complying with Policy LP24 of the Kirklees Local Plan and paragraph 130 (f) of the NPPF.

Crime and Anti-Social Behaviour:

The fear of crime is a material planning consideration. Paragraphs 92 (Chapter 8) and 130 (Chapter 12) of the NPPF state that decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible so that crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion. In addition and under Section 17 of the Crime and Disorder Act 1988, the Council acting as Local Planning Authority has an obligation to have due regard to the likely impact upon and to do all it reasonably can to prevent crime and disorder.

In Chapter 8 of the NPPF, paragraph 92 states that planning decisions should aim to achieve healthy, inclusive and safe places which under sub-paragraph (b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. This is further reiterated under Chapter 12 where at paragraph 130(f) which goes further to state that planning decisions should create spaces that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder and the

fear of crime do not undermine the quality of life or community cohesion and resilience.

Policy LP1 of the Kirklees Local Plan forms a provision for development which do not have specific policies to ensure that permission can be granted unless there are material considerations including adverse impacts, which the potential for crime and disorder would be a significant factor, where the adverse impact would outweigh the benefits.

In terms of this particular application, West Yorkshire Police have been in contact with the applicant / operators of the site and discussions have taken place and additional information provided. West Yorkshire Police initially objected to the application. The site has been operating as an unregistered home for a number of years and due to the high risks of crime and/or the exploitation of vulnerable young people within the vicinity, the location of the Home was initially not supported by the Police.

It is noted in the formal consultation response that there has been a high number of police calls to service at the establishment for over 12 months. Following these concerns being raised the applicant / operator of the site and the Police have had discussions and it has been agreed that the admission of new children shall not be over the age of 14 due to vulnerability.

As such, updated details in the form of a Statement of Purpose have been submitted and it is recommended conditions be included upon any grant of permission that the site is operated in accordance with the submitted statement. The final comments from West Yorkshire Police is a request that details of CCTV and control of access (amongst other things) however these details are contained within the Statement and therefore can be ensured through an appropriately worded condition requiring the use to be operated in accordance with the details set out within the statement.

It is therefore considered that the information required by the Police has been provided and the concerns regarding crime and disorder addressed as far as practicable and subject to condition the development would accord with Policy LP1 and Chapters 8 and 12 of the NPPF.

Highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan, The Council's adopted Highway Design Guide and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application.

Highways DM Officers were formally consulted regarding the proposal and note that under previous application 2012/90184 that concerns were raised regarding pedestrian intervisibility at the junction with Bradford Road however it has been acknowledged that the access was to be widened to allow two vehicles to pass therefore improving visibility.

Therefore, Highways DM Officers have requested conditions in relation to highways to be repeated on the decision notice for this application. It is considered that there is ample space for parking for staff and visitors and therefore subject to inclusion of the recommended conditions relating to visibility the proposal would comply with Policies LP21 and LP22 of the Kirklees Local Plan and advice within the Highways Design Guide SPD.

Other matters:

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 pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The council's Environmental Health Team have recommended that any grant of permission requires the provision of electric vehicle charging infrastructure. Due to the nature of the proposal, it is recommended this be required by inclusion of a condition.

Subject to condition the proposal is not considered to have a significant impact over and above that of the existing site and would contribute in assisting the use of low emission vehicles.

Trees – A blanket Tree Preservation Order is located to the rear of the property which covers trees within the application site boundary. The Council's tree Officer has been formally consulted and raises no objection to the proposed works.

6 – Representations:

None

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 material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2021/94197

Officer Recommendation: Approve

Conditions

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 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 with Policies LP1, LP2, LP21, LP22, LP24, LP33 and LP61 of the Kirklees Local Plan, The Council's adopted Highway Design Guide and policies within Chapters 2, 8, 12, 14 and 15 of the National Planning Policy Framework.

3. The use hereby permitted shall be operated in accordance with the submitted document titled 'Statement of Purpose' received on 14th March 2022 for the lifetime of the development.
Reason: In the interests of safe operation and community cohesion and to accord with Policy LP24 of the Kirklees Local Plan and policies within Chapters 8 and 12 of the National Planning Policy Framework.

4 Turning facilities shall be provided in accordance with the details shown on submitted drawing titled 'Location Plan' (ref:- HD2_JS_06Rev1) within 3 months of the date of this permission. The turning facilities shall thereafter be retained and made available for use at all times by vehicles and shall be kept free from obstruction to such use.
Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

5. Within one month of the date of this permission a scheme shall be submitted to the Local Planning Authority which details the surfacing and associated surface water drainage for all areas to be used by vehicles and pedestrians. Within two months of the issuing of written approval of the submitted scheme, the approved scheme shall be completed and thereafter retained.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	HD2_JS_06Rev1		11th November 2021
Explanatory Statement			11th November 2021
Statement of Purpose	November 2021		14th March 2022
Suitable Location Assessment	25th November 2021		8th February 2022

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 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. No amendments were sought as it was considered that the proposal was acceptable as submitted although discussions have taken place between the Manager of Farwood Lodge and West Yorkshire Police.

Report Dated: 3rd May 2022

Coal – low