

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:	2022/62/90563/E
Site Address:	2, Greenhill Court, Hanging Heaton, Batley, WF17 6EP
Description:	Change of use to children's home with erection of single storey extension to annex and exterior alterations
Recommending Officer:	Jennifer Booth

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.

Emma Thompson

AUTHORISED OFFICER

Date: «Current_Date»

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OFFICER REPORT

Site Description

2 Greenhill Court has an entrance hall, dining room, kitchen, utility room, conservatory, sitting room and lounge with a W.C. on the ground floor. The first floor includes a landing, 2 bathrooms and 5 bedrooms. The property has been operating as a children's home since 2016 under a certificate of lawful development.

The property has a drive to the front with gardens to the side and rear.

The property also has a detached outbuilding which has at some point in the past been converted to form annex accommodation associated with 2 Greenhill Court.

Description of Proposal

The applicant is seeking permission for an extension to the existing annex and change of use to children's home.

The extension would be along the side of the annex with a projection of 3.4m from the side wall and a depth of 4.3m with a flat roof form and a height of 2.3m

The walls would be constructed using brick for the walling with an EPDM sheet for the roof covering.

The extension would facilitate an increase in the number of children to 5 with an additional carer. The application form states 4 part time carers.

Relevant Planning History

2016/93783 - certificate of lawful development for operation of dwelling as a children's home - granted on the basis of 4 children with 2 carers.

Representations

The application was advertised by neighbour letters, which expired on 01/04/2022

As a result of the above publicity, no responses have been received.

Consultation Responses

None

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 Proposals Map

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 applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed places

Assessment

Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of changing the use of the

property to a children's home, Policy LP24 of the KLP is relevant, in conjunction with Chapters 8 & 12 of the NPPF, with regards to the impacts of the proposed use in terms of the character of the area, the neighbouring properties amenities, highway safety and 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 education facilities.

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

Character of the area:

The scheme does include an extension to the annex at the side of the building. The scale is modest, and the materials proposed would match the main building. Although the roof form is flat, which is not generally considered to represent good design, this is single storey with limited views into the site from the wider area it can be considered to be acceptable in terms of visual amenity. There are no other proposed external alterations to the building, no signage proposed and to all intents and purposes, the building would appear as the other residential properties within the street with no features which would materially distinguish the children's home use from the other residential properties on Moorside Avenue.

The proposed occupation by 5 children with up to 3 staff present for most of the time would equate reasonably with the potential size of household that could currently occupy the dwelling and there are many similarities in how such children's homes operate to a normal family home in that children have private bedrooms, continue to go to full time education during the day and partake in group activities 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.

Whilst it has been indicated within the management plan that there may be occupants with additional needs, this again does not introduce anything which could not be present in a normal family home and as such, the proposed use as a children's home would not be considered to represent an unacceptable alteration in terms of the character of the area.

Residential amenity & community cohesion:

2 Greenhill Court is a detached property with a garden and drive to the front and side and an enclosed garden to the rear and an existing annex building. There are neighbouring properties to the front, sides and rear.

It is considered that the proposed use of the property would not be materially different to its use as a dwelling house. Window relationships already existing and there would be no differences in how the rear amenity space could be used as a dwellinghouse. The extension to the annex would face into the existing garden, away from the neighbouring properties.

The carers would not be permanently resident and a supporting management plan outlines how the staff intend to operate the home and liaise with the appropriate professionals. The modus operandi, as outlined by the agent, is considered to indicate the home would operate in a safe and nurturing way for the occupants with no significant opportunity to negatively impact the occupants of the neighbouring properties.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (and Paragraph 130 (f) of the National Planning Policy Framework.

Crime and Anti-social Behaviour:

In chapter 8 – Promoting Healthy and safe communities, Paragraph 92 of the National Planning Policy Framework states that planning decisions should aim to achieve healthy, inclusive and safe places which b) are safe and accessible, so that crime and disorder do not undermine the quality of life or community cohesion. This is further reiterated in chapter 12 – Achieving well-designed places, paragraph 130 f) which goes further to state that planning decision 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 fear of crime, do not undermine quality of life or community cohesion and resilience.

Policy LP1 of the Kirklees Local Plan forms a provision for proposals 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 impacts would outweigh the benefits. In terms of the character of the area and the perception that as a care home there may be potential for the children to commit anti-social acts or for an increase in crime level. It is not considered to be typically inherent in the character of a children's home for there to be an adverse impact upon the local community and welfare services. In this instance there is no evidence that the introduction of a children's home into the area will result in levels in increased crime or disorder directly resulting from this facility.

West Yorkshire Police have been consulted and have responded with their support of the application. As a management plan has been provided which includes details regarding security, Officers have no planning concerns regarding crime or anti-social behaviour which would prevent the support of this application.

Impact on highway safety:

The home is intended to operate in a similar fashion to a traditional residential property with staff leaving and arriving as would a normal homeowner, whilst there may be visitors to the site such as other professionals, this would not be dissimilar to visitors to a family home.

There is parking to the front for at least two vehicles, the application form states 6 spaces, which is considered to be sufficient provision. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan.

Other matters:

Carbon Budget

The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

Representations:

No representations have been received.

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

The walls of the extension to the annex should be constructed using brick which is similar in appearance to the existing building to ensure a harmonious relationship with the main building.

The home should operate in line with the management plan submitted 16/02/2022 to ensure safe operations and community cohesion.

Conclusion:

This application to change the use of 2 Greenhill Court to a Children's Home with an extension to the existing annex building has been assessed against relevant policies in the development plan as listed in the policy section of the

report, the House Extension SPD, the National Planning Policy Framework and other material considerations.

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.

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

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2022/90563

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 with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension SPD and the aims of the National Planning Policy Framework.

3. The external walls of the extension to the annex hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension SPD and the aims of chapter 12 of the National Planning Policy Framework.

4. The use hereby permitted shall be operated in line with the planning statement submitted to Kirklees on 16/02/2022.

Reason: In the interests of safe operations and community cohesion and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of chapters 8 & 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	-	918258	16/02/2022
Block plan	-	918260	16/02/2022
Proposed floor plans	D-01B	918264	16/02/2022
Proposed elevations	D-004	918262	16/02/2022
Existing floor plan	D-01a	918259	16/02/2022
About Horizon Care	-	918265	16/02/2022
Planning Statement	-	918263	16/02/2022

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 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.

As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated 08/04/2022

