

**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:	2022/62/91984/E
Site Address:	Sunnyside Care Home, 6-8, Oxford Road, Dewsbury, WF13 4LN
Description:	Alterations to convert former nursing home to 7 flats (within a Conservation Area)
Recommending Officer:	Callum Harrison

DECISION – FULL CONDITIONAL 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 23-NOV-2022

Officer Report

2022/91984 - Sunnyside Care Home, 6-8, Oxford Road, Dewsbury, WF13 4LN

Site Description

Sunnyside is a large detached stone constructed building. The building is currently vacant, with its last use being as a care home. The site is located within the Northfields Conservation Area. The building is located on the north side of Oxford Road, set back within the site on the corner of Oxford Road and Nowell Street. 6-8 Oxford Road is a substantial late 19th century two-storey pair of semi-detached properties, converted into a single residence with later single storey extensions to the sides and rear. The original building is constructed in hammer dressed stone with ashlar and carved detailing, and with a pitched blue slate roof. Within the site are a number of mature trees which contain TPO's both within their own right and due to being located within a Conservation Area. The property and grounds are bounded by low stone walls and mature trees to Oxford Road and Nowell Street.

Description of Proposal

The application is seeking permission for alterations to convert the former nursing home to 7 flats (within a Conservation Area). The application relates to the western half of the building; the left side as viewed from the highway. The proposal would see the building converted internally with limited external alterations.

The scheme would comprise of five 'one bedroom' flats, one 'two bedroom' flat and one 'three bedroom' flat. The internal floorspace of each one bedroom flat would be between 40m² and 56m². The two bedroom flat would have an internal floorspace of 81m² and the three bedroom flat would have an internal floorspace of 92m². The flats would typically have open plan living and dining areas with separated bathrooms and bedrooms.

Alterations include the removal and erection of internal walls; the blocking up of windows to the northern side of the internal courtyard; and the provision of rooflights to the dwelling affected by the blocking up of windows.

History of Negotiations

Discussions have taken place throughout the application. The discussions have taken place regarding amenity of future occupants, parking and trees. There have been extensive negotiations regarding the amenity of future occupants in particular with the scheme going through several revisions. Officers did not seek any other amendments.

Relevant Planning History

- 1986/01301 Change of Use of private dwelling to residential home for the elderly (within Conservation Area)
Granted Conditionally
- 1986/04080 Listed Building Consent to demolish part of unlisted building within Conservation Area
Consent Granted
- 1990/02340 Formation of 5 bedrooms in loft area (within Conservation Area)
Conditional Full Permission
- 1990/02341 Conservation Area Consent for formation of additional car park and forming 2 additional dormer and 2 new windows in gable
Withdrawn
- 1998/91420 Erection of single storey extension (within a Conservation Area)
Refused
- 2007/90331 Formation of car park and ramped access, erection of detached equipment store (within a Conservation Area)
Refused
- 2008/92190 Formation of car park (within a Conservation Area)
Refused
- 2008/92191 Conservation Area Consent for demolition of wall
Permitted Development
- 2009/92116 Formation of additional car parking bays and formation of ramp (within a Conservation Area)
Granted
- 2011/92326 Formation of new vehicular access, parking areas and ramp (within a Conservation Area)
Granted
- 2020/91198 Dead or dangerous tree within a CA
Noted
- 2021/90822 Dangerous tree within a CA
Noted

Representations

The site was advertised by neighbour notification letters, in the press and by a site notice. Final publicity expired on 29th August 2022. No representations were received.

Consultations

Below is a summary of the consultation responses received:-

KC Lead Local Flood Authority – Support the proposal.

KC Trees – Require the submission of a Tree Survey and Arboricultural Method Statement.

KC Highways – No objections.

KC Environmental Health – No objections.

KC Conservation and Design – No objections.

KC Crime Prevention – No objections.

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 not allocated within the Kirklees Local Plan but is set within the Northfields Conservation Area.

Kirklees Local Plan:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place Shaping
- LP7 – Efficient and effective use of land and buildings
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity and Geodiversity
- LP33 – Trees
- LP35 – Historic Environment
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated Land

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. They are now being considered in the assessment of planning applications, with full weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate

in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs are applicable:

- Biodiversity Net Gain Technical Advice Note
- Highways Design Guide
- Housebuilders Design Guide SPD

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 5 – Delivering a sufficient supply of homes
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

1. Principle of Development and Design

Housing Supply

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.

Policy 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”.

In this case, the application site is unallocated land in an existing residential area. As such, it is appropriate to consider the Local Planning Authority’s overall housing position.

The housing land supply position has recently been updated to provide evidence for a forthcoming planning appeal against the refusal of planning

permission. The Council can currently demonstrate 5.17 years of deliverable housing land supply and therefore continues to operate under a plan-led system.

As the Kirklees Local Plan was adopted within the last five years the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

The site is an existing building that was formerly used as a private care home. Imagery suggests the site has been vacant since circa 2016. Aside from the building, the site has a garden area to the front and the rear, as well as a car park, also to the front. In general, the site is in a poor state. Paragraph 69 of the NPPF recognises that "small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes". The site is located within a predominantly built-up area in Dewsbury. The area is wholly residential and is within proximity to bus routes on Halifax Road and facilities in nearby local centres. The application site directly forms a parcel of land between existing residential development and would see an existing building converted for residential development, making it an efficient use of the land and is therefore considered to be sustainable development.

Heritage

Due to the sites position within the Northfields Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged which advises that development should preserve and enhance a conservation area and its setting. Policy LP35 and Chapter 16 of the NPPF are also relevant which seek to ensure that heritage assets such as conservation areas are protected and enhanced. This is also supported by the Housebuilders Design Guide SPD. There is no appraisal available for the Northfields Conservation Area, however the area has an extensive and rich history. Oxford Road is a predominantly residential street that runs centrally through the conservation area. Set upon it are many fine and historic houses set within large curtilages.

The application site itself is a substantial late 19th century two-storey pair of semi-detached properties which have been converted into a single residence with later single storey extensions to the sides and rear. The original building is constructed in hammer dressed stone with ashlar and carved detailing, and with a pitched blue slate roof. Limited external alterations are proposed to the original building, ensuring that its character and appearance are maintained, and the proposal will bring the building back into a viable use. KC Conservation and Design were consulted on this application and raised no

concerns given the limited changes to the external appearance. The site would also utilise existing access points which is acceptable with regard to heritage. The provision of the roof lights and blocking up of existing openings are all internal facing within an enclosed courtyard and therefore would have no significant material impact with regard to heritage.

Design

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following: 'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape' and that 'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers'.

First considering the design in general, the conversion of the existing building with no extensions ensures the scheme follows the established character of the streetscene and sits well within the existing urban grain. There are no external alterations to the front elevation which means its general renovation would also suitably harmonise with the existing built environment and character. The proposal therefore, by virtue of renovating an existing property with minor external alterations is deemed to comply with LP24 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

2. Impact on Residential Amenity

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: - 'proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'. The Key Design Principles of the Housebuilders Design Guide SPD help to implement these policies.

Firstly, as the proposal is for the conversion of an existing building from a residential nursing home to flats, it would not appear visually overbearing nor cause any additional overshadowing by virtue of their being no extensions.

The proposed use only sees additional windows installed that are in the form of rooflights. The space between dwellings is also considered acceptable given no extensions are proposed. In regard to privacy of neighbouring occupiers, separation distances, the size of the plots in the area and the dense boundary treatment including trees subject to TPOs, there would be no material loss of privacy to the neighbouring properties. In the residential area,

it is not considered the levels of disturbance that could be caused by flats in this setting would harm the amenity of neighbours either.

With regard to the amenity of future occupiers, through revisions, the scheme will ensure that the flats do not overlook one another and ensure a suitable level of amenity is provided. The flats would provide an internal floor space that is in excess of the minimum national described space standards. Furthermore, the vast majority of rooms would be served by standard windows. Rooflights would serve habitable rooms on the limited occasion, however in these instances, other habitable rooms in the flats are served by large windows which provide an adequate outlook, as such, this is considered acceptable on balance. The site is set within a large curtilage as such it would not appear cramped. The proposed development would allow for a suitable level of amenity for future occupiers also.

The scheme accords with the nationally prescribed space standards and provides an appropriate level of outdoor amenity space. Therefore, with regard to the amenity of future occupants, this development is also considered acceptable and in accordance with Local Plan policy LP24, Chapter 12 of the NPPF and the Housebuilders Design Guide SPD.

3. Impact on Highway Safety

The application site is located at the junction of Oxford Road and Nowell Street. Two separate applications have been received for this site, this one being proposed for number 8 (2022/91984) and a separate application for number 6 (2022/91985). Both applications provide the same layout plan showing the two existing accesses from Nowell Street and Oxford Road and would share a car park, as such it is important to consider the impact of application 2022/92985 at this stage too.

In general, Kirklees Council has not set local parking standards for residential and non-residential development. However, as an initial point of reference for residential developments it is considered that new:

- 2-to-3-bedroom dwellings provide a minimum of two off-street parking spaces
- 1–2-bedroom apartments provide one space (3+ bed two spaces).

In most circumstances, one visitor space per 4 dwellings is considered appropriate. Based on these standards No.8 should have 8 spaces and no.6 should have 9 spaces plus 4 visitor parking spaces, which equates to 21 in total. 25 parking spaces are shown to be provided.

Whilst the site is split across two application, in reality it would be operated as one development sharing this car park. The car parking spaces should be numbered and allocated to each dwelling, with the visitor parking spaces clearly outlined. Two disabled parking spaces are also proposed. A large bin store area is also proposed which would not impede on the highway, any parking space or on vehicles turning area. This is considered acceptable also.

For the reasons set out above, the scheme is deemed to comply with Local Plan policies LP21 and LP22, the NPPF and the Highways Design Guide SPD with regard to highway safety and parking.

4. 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 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. The proposal is for the erection of a detached dwelling. To ensure it contributes positively to mitigating the impact of climate change and air quality, a condition should be inserted to the decision notice requiring 10% of spaces to be served by a vehicle charging point. This is to comply with the aims of policies LP24 and LP51 of the KLP and chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

Drainage

There will not be any change to the drainage for this change of use application as such the scheme accords with Local Plan Policy LP28 and Chapter 14 of the NPPF with regard to this matters.

Biodiversity

The applicant has submitted a bat survey. The site itself has little to no ecological value. The proposed change of use would not impact on the biodiversity of the site also. As such no conditions are required with regard to Local Plan policy LP30 and Chapter 15 of the NPPF.

Trees

The proposed changes to the grounds of the property to allow more car parking has the potential to negatively impact upon the protected trees at the property. No tree information has been provided to provide details of how the parking areas will be constructed or designed to avoid causing damage. It is however anticipated that extending the car park could be done with no harm to Trees. However, as it has not been shown how the Trees will be protected, pre-commencement conditions are required for a tree survey and arboricultural method statement. These should include details of the existing and proposed levels, design and methodology detail for the tree protection

measures and tree friendly construction which will be needed where the parking is within the rooting area of trees. Subject to this condition, the scheme is considered to accord with Local Plan Policy LP33 and Chapter 15 of the NPPF with regard to trees.

Contaminated Land

The site is not identified as being contaminated on the Council's GIS system. Whilst there is no significant concerns, the proposed development involves some ground works therefore it will be necessary to recommend a condition relating to unexpected ground contamination to protect the workforce and future site users in accordance with Local Plan Policy LP63 and Chapter 16 of the NPPF.

5. Representations

No representations were received.

6. 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:

Conditional Full Permission

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21, LP22, LP24, LP30, LP33, LP35 and LP53 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. Prior to the commencement of development, a tree survey and arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. These shall include details of the existing and proposed levels, design and methodology detail for the tree protection measures and full details for the tree needed where the parking is within the rooting area of trees. Works shall then be carried out in complete accordance with the approved details and retained thereafter.

Reason: As to ensure the extension to the car park shall not harm or damage any trees, in accordance with Local Plan Policy LP33 and Chapter 15 of the National Planning Policy Framework.

4. Prior to the occupation of the flats hereby approved, all new windows openings proposed shall be provided and, windows proposed to be blocked up shall be blocked up with materials to match the external facing materials on the host building. These shall be retained thereafter.

Reason: As to ensure a suitable level of amenity for future occupants in accordance with Local Plan Policy LP24, Chapter 12 of the National Planning Policy Framework and the Housebuilders Design Guide SPD.

5. Before the development is occupied, 10% of the parking spaces proposed shall be served by an electric vehicle charging point, provided for charging electric vehicles and other ultra-low emission vehicles. The charging point shall meet at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space.

The development shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

6. Prior to the first occupation of any new vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas) published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.

Reason: In the interests of highway safety and to achieve a satisfactory layout and in the interests of sustainable drainage and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

7. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

8. Prior to the occupation of the development, the parking bays as proposed shall be laid out, surfaced and marked out clearly and retained thereafter. The parking bays shall also be kept clear from obstructions at all times.

Reason: As to ensure the car parking spaces are provided in a timely manner and remain available for use in accordance with Local Plan Policy LP21 and Chapter 12 of the National Planning Policy Framework.

NOTE: • A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof

• Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.

- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: 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: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice • Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

Plans and Specifications Table:-

Plan Type	Reference	Version	Date Received
Existing Site / Block Layout	22.2706.06	1	10/06/2022
Proposed Site / Block Layout	22.2706.07A	2	22/08/2022
Grouped Plans and Elevations	22.2706.03	1	10/06/2022
Grouped Plans and Elevations	22.2706.04D	3	14/11/2022
Proposed Elevations	22.2706.05	1	10/06/2022
Design and Access Statement	-	1	10/06/2022

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 has, 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. Discussions have taken place throughout the application. The discussions have taken place regarding

amenity of future occupants, parking and trees. There have been extensive negotiations regarding the amenity of future occupants in particular with the scheme going through several revisions. Officer did not seek any other amendments.