

**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:	2023/62/90370/W
Site Address:	112, Upper Brow Road, Paddock, Huddersfield, HD1 4UP
Description:	Change of use of dwellinghouse (C3) to care home (C2)
Recommending Officer:	William Simcock

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: 26th April 2023

Officer Report 2023/90370 112 Upper Brow Road

Site Description

112 Upper Brow Road is a 2-storey detached dwelling on the north side of the highway. It is in a sporadically built-up area, with dwellings either side but steeply rising scrubland to the rear. There is a general upward gradient from east to west. The curtilage to the east and west comprises paving and soft landscaping with access to the highway being taken at the eastern end.

The side boundaries are formed by high timber fences. There is a high stone wall to the highway frontage. Development on the northern side of the highway is of similar type. The land immediately on opposite side of the road to the east is also undeveloped and semi-natural but there is new housing under construction to the west.

Description of Proposal

The proposal is for the change of use of the property to a care home for children.

It is proposed that it would accommodate a maximum of four children at any time. Up to 10 full-time staff would be employed but only two would be present on site at any time. Internally, the building would comprise four bedrooms, a therapy room and bathroom on the first floor with shared living accommodation on the ground floor.

History of negotiations/amendments received

None.

Relevant Planning History

2016/93489 – Change of use of property to care home (4 bedrooms).
Approved, not implemented.

Representations

Final publicity date expires: 21-Mar-2023 (publicity site notice and press advertisement in addition to neighbour letter as the proposal was deemed to represent a “wider concern.”) Although the date was logged as 23rd April on the website.

No representations received.

Consultation Responses

KC Highways Development Management – Support subject to conditions

KC Designing Out Crime Officer – Support subject to conditions.

Other teams within the Council (Children & Young People's Service; Housing, Growth and Regeneration) were informally notified but did not make any comments.

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 within land designated Strategic Green Infrastructure Network on the Local Plan.

Part of the land is deemed to be potentially contaminated owing to former land uses.

Local Plan:

LP 21: Highways and access

LP 22: Parking

LP 24: Design

LP 31: Strategic Green Infrastructure Network

Supplementary Planning Documents:

- KC Highways Design Guide 2019

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, 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 – Requiring good design.
- Chapter 15 – Conserving and enhancing the natural environment.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development: The site is within the Strategic Green Infrastructure Network on the Local Plan Proposals Map. Since the proposal does not involve any new build or engineering works it is considered that it would not in any way affect the continuity of the network and as such would be acceptable under Policy LP31.

The Local Plan has no policies specifically relating to care homes. Consequently, there is no presumption against such a use. The proposal does in principle however uphold the aims of paragraph 60 of the NPPF, that the needs of groups with specific housing requirements should be addressed.

Any potential impacts upon amenity, highway safety, and crime and disorder, will however be given due consideration in accordance with the aims of Policies LP21-22 and 24(a, b and e).

2 –Impact on visual amenity: The proposal involves no external alterations to the building or its grounds. It is therefore considered to have no significant positive or negative impact upon the visual amenity of the area and to be in accordance with the aims of LP24(a).

3 – Impact on residential amenity: The proposed change of use represents an intensification of the premises both in terms of the likely number of residents and the number of vehicle movements to and from the site. It is considered however that these would not be at a level sufficient to cause noise disturbance within a residential setting.

KC Environmental Services were consulted on application 2016/93489 and raised no concerns.

The dwelling already has side-facing windows and no new window openings would be created. It is therefore considered that the proposal would not have the potential to materially affect privacy for neighbouring residents.

It is therefore considered that the proposal has no implications for residential amenity and accords with the aims of Policy LP24(b) and paragraph 130(f) of the NPPF.

4 – Impact on highway safety: The site occupies a position on a cul-de-sac (Upper Brow Road becomes a footpath only west of the site and therefore cannot carry through traffic). It is considered that whilst the proposal represents a degree of intensification upon the existing use, this is very unlikely to create or materially add to highway safety problems. Space to turn within the site is not considered necessary.

The Highway Officer has recommended it be the following condition be added ensure that existing sight lines are retained:

“Nothing shall be permitted to be planted or erected within a strip of land 2.0m deep measured from the carriageway edge of Upper Brow Road along the full frontage of the site which exceeds 1.0m in height above the level of the adjoining highway.”

To achieve the aims of this condition would involve demolishing the existing highway boundary wall. Such a measure was not deemed to be necessary at the time of the 2016 application and is considered disproportionate, given the staff numbers proposed on site at any time and judging this against the potential C3 use of the dwelling.

Neither the Local Plan nor the Highway Design Guide SPD contain recommended parking standards for residential care homes. It is proposed that space to park up to three vehicles would be retained within the curtilage. It is anticipated that the only regular daily or weekly vehicle trips would be staff, since the premises would not receive visitors. Given that only two staff would be present at any one time, the retention of two off-street parking spaces is deemed sufficient, as it was for the previous application, 2016/93489, and can be conditioned.

Refuse collection arrangements will presumably be unchanged from those that exist now. Since the expected number of occupants would not be within the range expected from a family dwelling, it is not anticipated that the amount of refuse needing to be stored on site or presented for disposal would be substantially increased. The proposal is therefore considered to accord with the aims of 24(d)(vi).

Subject to the retention of a minimum of two off-street parking spaces, which can be the subject of a condition, it is considered that the change of use would have no material highway safety impact and would accord with the aims of LP21-22.

5 – Other matters:

Crime and safety:

The Designing Out Crime Officer has recommended that a planning condition requiring security measures be applied to the permission but has not highlighted any specific areas of concern. It is considered that no conditions

on crime prevention are needed in order to comply with the aims of Chapter 8 and paragraph 130(f) of the NPPF. It is however recommended that an advisory note be attached to the decision, listing possible security measures that the applicant or a future occupier might wish to take.

Biodiversity:

The site is in the bat alert layer. The site appears unlikely to have bat roost potential. As proposal is for a change of use only without new build or alterations it is considered that it would be unreasonable to require the developer to take measures to enhance the biodiversity of the site, notwithstanding the wording of Policy LP30.

Climate Change:

In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. At the time when the application was submitted, this was not yet a mandatory requirement. The site is in a moderately sustainable location, being roughly 400m walk from a bus stop with a frequent service to Huddersfield Town Centre. It is probable, notwithstanding this, that many if not most staff journeys to work would be by private car, but given the scale and nature of the use it is considered that any additional contribution to carbon emissions as against the existing use would be very modest. It is considered that the development would not conflict with the Council's aims of reducing greenhouse gas emissions or with the aims of Chapter 14 of the NPPF.

6 – Representations: No representations were made.

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: 2023/90370

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.

3. Parking space to park a minimum of two cars shall be retained at all times free from obstructions to the parking of vehicles, within the area indicated as such on the proposed layout plan.

Reason: To ensure that sufficient off-road parking space is retained at all times within the application site and to accord with the aims of Policies LP21-22 of the Kirklees Local Plan.

NOTE: The developer's attention is drawn to the advice provided by the Designing Out Crime officer, which can be viewed at the link below. This contains suggested measures which may help to make the premises less vulnerable to crime. Please note that some of the suggested measures may require planning permission in themselves and it is the developer's responsibility to seek confirmation that planning permission is not required, or to apply for it.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2023/90370&file_reference=981352

NOTE: There is the potential for a bat roost to be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			03-Feb-2023
Planning statement			03-Feb-2023
Plans as existing	1_As existing		03-Feb-2023
Location plan, plans as proposed	Indicative Plans		03-Feb-2023

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. The case officer did not enter into negotiations with the applicant as no amended or additional plans were considered necessary.

Report dated:

25-Apr-2023