

**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:	2023/62/93174/W
Site Address:	Valeo Community Project, 62, Deighton Road, Deighton, Huddersfield, HD2 1LS
Description:	Change of use from training centre to care home facility
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.

Teresa Harlow

AUTHORISED OFFICER

Date: 3rd January 2024

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f93174>

Site Description

62 Deighton Road is a large, detached building located within an area without notation on the Kirklees local Plan. The property is set back from the roadside, separated by a tarmac forecourt and has a large off-street parking area to the side and an enclosed garden area to the rear. The property itself is two storeys in height and has been extended via single storey extensions to the side and rear. The property is constructed from stone with a date plate installed within the front gable of the building stating '1926'.

Surrounding development consists of residential properties to the west, a burial ground to the east and south and a redundant building, also to the south. To the north is Ochrewell Avenue which also hosts residential properties.

Description of Proposal

The application is for the change of use from a training centre to a care home facility.

It is proposed that the building would accommodate four to six children with approximate ages of 6 to 16. It is proposed that the existing building would be utilised to make one larger home where there needs to be a large dining space, sensory room, office and bedroom provision for staff at ground floor with a staff rest room at first floor. It is proposed that the children would be placed in the home on a medium to long term basis and there would always be 2 carers on site who would operate on an 8 hour shift basis.

There are no proposed external alterations to the building.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

Relevant Planning History

- 1990/02986 Removal of Condition 7 relating to cooking or processing of meat within the premises
Conditional Full Permission
- 1992/05232 Erection of single storey extension
Conditional Full Permission

1994/94106 Installation of new shop front and canopy
Conditional Full Permission

2000/92000 Change of use from retail to office/training and resource centre
Conditional Full Permission

2004/94542 Erection of kitchen/play area extension
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 15th December 2023 – no representations received

Parish/ Town Council – not applicable

Consultation Responses

West Yorkshire Police – unable to support the scheme

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.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 53** – 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 December 2023, 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 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

Legislation

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Assessment

The following matters are considered in the assessment below –

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.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of changing the use of the building, Policy LP24 of the Kirklees Local Plan is relevant in conjunction with Chapters 8 and 12 of the NPPF taking into account the character of the area, the amenities of neighbouring properties, highway safety and ensuring the safe operation of the home and community cohesion.

The application site is considered to be within a sustainable location in terms of proximity to transport links including bus stops, education facilities and services.

On 23rd May 2023, the Housing Minister issued a written ministerial statement on planning for accommodation for looked after children. The statement set out that the planning system should not be a barrier to providing homes for the most vulnerable in society. This is a material planning consideration in the assessment of care providers for looked after children.

Therefore, in this case, the principle of the use of the building is considered acceptable and the development shall be considered against all other material considerations including the character of the area, residential amenity and highway safety.

Impact on visual amenity and character of the area

Chapter 12 of the NPPF sets out the development should have an acceptable visual impact. Policy 24 of the Kirklees Local Plan 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 property is the most eastern property within this section of Deighton Road, separated from the closest residential properties to the east on Church Fields by a Burial Ground.

It is proposed that the building would accommodate between 4 and 6 children with an approximate age of 6-16. There will always be 2 carers in attendance at the property and will work on an 8 hour shift basis. Bedroom provision is proposed for each child along with staff bedroom provision within the first floor of the main body of the property. Other facilities would be provided which would include a lounge, sensory room, dining room, kitchen, utility room and laundry along with storage facilities.

Staff arriving and departing from the property would not result in a change to the character of the area due to the limited number of staff at the property. Any professional staff required to be an attendance at the property for meetings regarding the children is not anticipated to be dissimilar to visitors or guests attending a residential property or the previous training centre which existed on site.

Amenity space to the rear of the property is retained and enclosed with a timber fence.

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.

Impact on residential amenity and community cohesion:

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

The proposed floor plans of the property demonstrate that all habitable rooms have external openings and therefore natural light.

The proposal does not involve any external alterations or enlargements to the building itself. As such there are no implications in terms of overshadowing, overbearing or significant overlooking over and above the existing situation.

It is not considered that to change the use of the property from a training centre to a care home facility would result in significant noise or disturbance to neighbouring properties to an unacceptable degree over and above what would be expected from a residential property within a residential area, as proposed in this case. The comings and goings and vehicular traffic would likely be reduced from when the training centre was in operation.

Having considered the above, the development is not considered to result in any significant adverse impact upon residential amenity of any surrounding neighbouring residential properties, complying with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

Crime and Anti-Social Behaviour:

The fear of crime is a material planning consideration. Chapters 8 and 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.

Chapter 8 of the NPPF states that planning decisions should achieve healthy, inclusive and safe places which are 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 of the NPPF which goes on further to state that planning decisions should create spaces that are safe, inclusive and accessible which promote health and wellbeing, 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.

Comments have received from West Yorkshire Police, which, in summary, raise concerns that the increasing number of children's placements in the area is likely to generate more problems in terms of calls for service for missing persons, relating to safeguarding and welfare issues, which doesn't support current policy.

However, in this instance, the application has been submitted with a Design and Access Statement which identifies 'Safety and Risks to Children'. This details that the children occupying the property would have learning needs and supporting by a highly qualified specialist, experienced team.

With specific regard to anti-social/criminal behaviour, the Statement continues that...*'Whilst crime and the fear of crime are material planning considerations, the occupants of the property will be those with learning difficulties.....'* With specific regard to anti-social/criminal behaviour, the Statement goes on to say that...*'Individuals that fit any of the aforementioned criteria could also reside in any other typical residential dwelling and it is therefore considered that the this proposal is not likely to result in any additional anti-social/criminal behaviour than what could be generated by the existing residential dwellings with these type of children throughout the district.'* The Statement also confirms that the children would be chaperoned and there are regulated and carefully planned activities by the highly qualified Team.

Whilst the non-site specific concerns from West Yorkshire Police have been considered, due to the level of supervision and care that the children would require and given that the children would be chaperoned, it is not considered that the theoretical concerns raised would result in a material increase in crime and disorder in this instance.

It is therefore considered that provided that the operation of the site is as detailed within the Design and Access Statement, with the number of children and staffing ratio along with the children being chaperoned off-site, the use of the building as a care home facility would not cause concerning levels of crime and anti-social behaviour in accordance with Policy 1 of the Kirklees Local Plan.

Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application.

In this case the Design and Access Statement statements cites that 8 parking spaces are available at the front of the building. A site visit has confirmed that

the parking area is to the side and the front of the building whereby a number of parking spaces are provided. This was previously deemed appropriate for the training facility and the need for parking and traffic movements associated with the proposed use are likely to be lower.

The Design and Access Statement identifies that...*'The main traffic generator will therefore be the two staff and as they operate on a shift basis there will not be more than three vehicles and typically two on site at any one time. Vehicle parking facilities can therefore be considered adequate for the proposed use. The site access has good access and visibility and in any case the numbers of vehicle movements will be so low that it will be unlikely to lead to any more potential disturbance than if the property were occupied by a large family.'*

Refuse collection arrangements will presumably be unchanged from the former use of the building as a training centre. It is not considered that the amount of refuse needing to be stored on site or presented for disposal would be substantially increased. There is ample space on site for the storage of wastes and for its collection from Deighton Road.

The proposal is therefore considered to accord with the aims of Policies LP21, LP22 and LP24 of the Kirklees Local Plan.

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 application has been submitted with a Climate Change Statement which highlights that the building will require thermal upgrades due to the change of use which will be completed in accordance with Building Regulations. It goes on to say that the use of the building and thermal upgrade reduces the carbon emissions of the building and that the building has been designed to utilise the existing building as much as practically possible with the upgrade of the fabric optimising the energy efficiency of the building. It is also noted that it is proposed that an EV charging point will be installed on site. Therefore, it is considered that the proposed works would meet this Local Plan requirement.

Biodiversity –Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations

2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to there being no external alterations to the building with the works to create the required accommodation all being internal works.

Coal legacy – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with Chapter 15 of the National Planning Policy Framework.

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: 2023/93174

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 51 of the Planning and Compulsory Purchase Act 2004.

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 Policies LP1, LP2, LP21, LP22, LP24, LP30, LP51 and LP53 of the Kirklees Local Plan and to accord with Policies within Chapters 5, 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 entitled Design and Access Statement by C49 Architecture Ltd submitted on 7th November 2023 for the lifetime if 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	PP-12554376v1		30 th October 2023
Existing elevations and floor plans	DGR-PL-001		30 th October 2023
Proposed elevations and floor plans	DGR-PL-002		30 th October 2023
Design and Access Statement	C49 Architecture Ltd		7 th November 2023
Climate Change Statement	Appendix A		7 th November 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 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 undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated:

3rd January 2024

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