KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS - REGULATION 3 TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992 (AS AMENDED)

Reference No:	**2024/48/90831/E**
Site Address:	Mill Dale / Crecent Dale Care Homes, Nunroyd, Heckmondwike WF16 9HB
Description:	Change of use from residential dementia care to adult day care facility and refurbishment of existing building and external areas
Recommending Officer:	Edward Cheseldine

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: 24-Jul-2024

Officer Report

2024/90831 - Mill Dale / Crecent Dale Care Homes, Nunroyd, Heckmondwike WF16 9HB, Heckmondwike, WF16 9HB

Site Description

Mill Dale and Crescent Dale are two separate buildings on the same site. The buildings are currently used for residential care, including overnight accommodation. They are similar in appearance, including a part render, part brick work exterior walls, large pitched roofs with concrete roof tiles. The footprint of the buildings is in a T shape. There site has a modest curtilage which is formed of outdoor space and car parking. There are a number of mature trees on the site.

Application Proposal

The applicant is seeking planning permission for a change of use from C2 Residential Institutions to D1 non-residential institutions for use as a adult day care centre.

A link bridge will be installed that will connect the two buildings. It will be ~2.50m in height formed in a 'U' shape. Materials will match the existing buildings, being part render, part brick work. Roof tiles will match the existing buildings.

There will be a roof extension on both of the buildings. Altering the shape of the roof from a hipped roof to a part-hipped, part-pitched roof, extending the ridgeline by ~6.20m.

There are other cosmetic changes such as replacement windows, and repointing which are appropriate for the upkeep of the building and do not constitute a material change to the buildings.

Amendments/Negotiations

None.

Public Advertisement

Neighbourhood notification letters were distributed to advertise the application, which expired on 03-Jun-2024. As a result of the publicity, there were no objections.

Consultation Responses

The Coal Authority- No objections
Environmental Health – No objection, subject to conditions relating to unexpected land contamination.

Relevant Planning History

2004/94206 – Erection of two residential bungalow, long & short stay – Granted

2017/93135 – Erection of 2.4m fence – Granted

2019/90458 – Erection of 2.4m fence – Granted

2019/91447 - Certificate of lawfulness for proposed use of premises for short and long stay accommodation for children - Granted

Policy & Legislation

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 21** – Highway safety & access
- **LP 22** - Parking

- **LP 24** - Design
- **LP 49** – Education and health care facilities

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 December 2023, 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 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

1) Principle of development
2) Impact of visual amenity
3) Impact of residential amenity
4) Impact on highway safety
5) Environmental matters
6) Conclusion

<u>Principle of development</u>:

In terms of the change of use from a residential institution to a non-residential institution, the site is currently used as a residential care unit. It is set with an existing entrance/exit which is suitable for such a use. There is existing infrastructure to support such a use. In terms of the changes, the decline in overnight use will present a material decrease to the operation of the site.

Paragraph 17.26 of the Kirklee Local Plan supports such facilities, 'It is essential that the planning process supports the provision of good local health care facilities of
the right type and in the right locations'. The site is a functional care centre outside of the town centre which provides care amenity in a in suburban location which is suitable for the type of patients the site hosts. A material change of use which supports similar patients without the total loss of a facility is a positive

change. Currently the Mill Dale building is not used. To bring the building back into functional use is supported by Policy L49 of the Kirklees Local Plan.

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 extending and making alterations to a property, Policy LP24 of the KLP is relevant and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Impact on visual amenity

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.

Alterations will be formed of a roof extension and the installation of a link bridge. The buildings are set within a generous plot, they have a symmetrical appearance. The enhancements do not disrupt the overall scale or appearance of the building. The building has a low appearance due to its single storey height, the additional roof extensions, although will add mass, will not appear incongruous due to the large scale of the building and its non-residential use. The link bridge connect the two health care units, it appreciates the existing materials and appearance of the building.

The plans accord with Policy LP 24 of the Kirklees Local Plan.

Impact on residential amenity

Policy LP24 of the Kirklees Local Plan states good design should be at the core of all proposals including, including of which is that design ‘provide a high standard of amenity for future and neighbouring occupiers.

Although no new outlooks will be formed that will affect residential dwellings, there will be an increase in mass from the roof extensions. There are dwellings to the north-west aspect of the site. In terms of ground-level the Mill Dale sits at a lower ground level than the dwellings. The roof level is a similar height to the gardens. A pitched roof will draw away the bulk of the roof from the dwelling due to the orientation of Mill Dale. Due to the ground height and orientation, the extended roof will retain the sense of space. There may be a slight loss of sunlight during the winter months when the sun is low, although as the structure is single-storey the loss will be minimal. There will be no other impact.

Impact on Highway Safety

In term of highway safety, Policy LP 21 & LP 22 are relevant. The site will maintain its existing entrance/exit. It will retain 12 car parking spaces, two of which are designated as disables spaces. The number of spaces is suitable for the size of the buildings and how many people they can accommodate. There will not be a material increase to the number of in-patients from the proposal, therefore the number of spaces is suitable.

Environmental Matters

Trees

There are a number of mature trees present on the site. Although there will not be an increase to the footprint of the dwelling, there will be an increase in bulk to the roof planes. The trees on site are not protected, however they may require lopping and potentially a small root clearance.

Roots smaller than 25 mm diameter may be pruned back, making a clean cut with a suitable sharp tool (e.g. bypass secateurs or handsaw), except where they occur in clumps. Roots occurring in clumps or of 25 mm diameter and over should be severed only following consultation with an arboriculturist, as such roots might be essential to the tree's health and stability.

Ecology

The works will affect the eaves of an existing building. Whilst the property is not located in an area which is known to include bat habitats, a cautionary note should be added that if bats are found during the development, then work must cease immediately and the advice of a licensed bat worker sought.

Conclusion

The application for the change of use and works at Mill Dale / Crescent Dale has been assessed against relevant policies in the development plan as listed in the policy section of the report, including the Kirklees Local Plan and the National Planning Policy Framework and other material considerations. Given the acceptable design, change of use and lack of harm in terms of visual and residential amenity, the proposed application is considered to be acceptable.

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**

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 Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. If contamination, the presence of coal and/or evidence of coal workings is encountered during the development, all works 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. Works 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 Verification 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 Verification 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. 189 and 190 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. 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. The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

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.

Plans and specifications table: -

Plan Type	Reference	Version	Date Received
Existing floor plans	CD_PL-GA102 - Ground Floor	-	16 April 2024
Existing floor plans	MD_PL-GA102	-	16 April 2024
Existing elevations	CD_PL-GA103	-	16 April 2024
Existing elevations	MD_PL-GA103	-	16 April 2024
Existing elevations	CD_PL-GA104 - Sections	-	16 April 2024
Existing elevations	MD_PL-GA104 - Sections	-	16 April 2024

Proposed floor plans	CD_PL-GA106 - Ground Floor	-	16 April 2024
Proposed floor plans	MD_PL-GA106	-	16 April 2024
Proposed elevations	CD_PL-GA108	-	16 April 2024
Proposed elevations	MD_PL-GA108 - GA103	-	16 April 2024
Proposed elevations	GA109 - Sections	-	16 April 2024
Proposed site / block layout	MD_PL_GA100 - Mill Dale	-	16 April 2024
Proposed site / block layout	CD_GA100 - Crescent Dale	-	16 April 2024
Grouped plans and elevations	CD_PL-GA101 - Proposed Site Plan and Topo	-	16 April 2024

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. No amendments were sought.