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Dear Liz Chippendale

APPLICATION REF: REF: 2024/62/93079/E CHANGE OF USE AND ALTERATIONS TO CARE HOME UNIT 2 TO FORM 10 SELF-CONTAINED APARTMENTS AT THE RADCLIFFE, 444, HUDDERSFIELD ROAD, MIRFIELD, WF14 0EE

I write on behalf of my client, _____, to submit representations in respect of the above application ("the Application"). My client owns and occupies the property at 11 River View, Mirfield. I can confirm that I have reviewed the case file the relevant policies and guidance and take account of the latest government policy as set out in the National Planning Policy Framework ("NPPF").

My client objects to the Application and respectfully asks that the Council refuses planning permission for the proposed development. In summary, the Application is not in accordance with the development plan and there are no material considerations, including the 'tilted balance' under paragraph 11 d) (ii) of the NPPF that indicate that the significant conflicts with development plan policy do not significantly and demonstrably outweigh the uncertain benefits of the proposal to justify the grant of planning permission.

My client objects for the following reasons:

- a. Principle of Development;
- b. Overlooking, loss of privacy and amenity;
- c. Transport and Highways impacts;
- d. Loss trees and ecological impact; and
- e. .

Each of these points are addressed in turn below.

(a) Principle of Development

The Kirklees Development Plan consists of the Kirklees Local Plan (Feb 2019) and, in applicable areas, the Holme Valley Neighbourhood Development Plan. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

At the outset of the Housing Chapter the Local Plan, paragraph 8.2 of the Local Plan makes it clear that:

“The Local Plan needs to plan for a mix of size, type and tenure of housing to ensure identified needs are met including those of different groups in the community (including families with children, older people, people with disabilities, service families and people wishing to build their own homes).”

[my emphasis underlined]

There is a well evidenced need to ensure that accommodation for older people is to be maintained and improved where possible in order to ensure that appropriate housing mix is achieved in the area. Policy LP11 of the Local Plan provides that:

“All proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.”

[my emphasis underlined]

The application proposal seems permission for a reduction in the both the quantum of accommodation within the building, and the fails to reflect the need to provide for a mixed and balanced community.

The quantum of accommodation will drop from a total of 14 bedrooms currently on the site, to a total of 10. This net reduction of 4 bedrooms conflicts with guidance and adopted local plan policy.

I am also concerned to note that there is no mix in the size and type of the proposed apartments. The accommodation provided for within the application is uniformly 1 bedroom, two-person accommodation. Again, this fails to ensure that an appropriate mix of accommodation is provided in order to meet local and borough needs.

In addition, Department of Communities and Local Government Nationally Prescribed Space Standards (2015) ("NDSS") require new accommodation to provide a minimum level of internal space for new dwellings to achieve. A proposals failure to meet these very basic minimum standards indicates that the proposal would be insufficient for permanent residential accommodation. For ease of reference, I highlight below the units that fail to meet the NDSS and therefore cannot be considered to meet Local Plan policy LP11, and its requirement for all proposals to provide a high quality and design.

Apartment No.	Size (Sqm)	NDSS met?
1	50	PASS
2	50	PASS
3	50	PASS
4	46	FAIL
5	54	PASS
6	54	PASS
7	46	FAIL
8	54	PASS
9	54	PASS
10	46	FAIL

The Application does not accord with Policies LP11: Housing Mix and Affordability of the Local Plan. The applicant has failed to acknowledge these conflicts with basic policy in their submissions, however on behalf of my client I submit that full weight should be attached to them even when the “tilted balance” is taken into account.

(b) Overlooking, loss of privacy and amenity

The application proposal seeks permission for a relatively small number of external alterations. The Proposed First Floor Plan Drawing Reference: 121850-08 shows that Apartment 9 is accessed via a new door opening and external steel staircase.

This component of the proposal requires assessment under policy LP24 of the Local Plan. This policy requires that:

“Proposals should promote good design by ensuring:

[inter alia]

(b) they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings ...”

[my emphasis underlined]

In undertaking that assessment, officers will need to be cognisant of the fact that my client’s property adjoins the application site in this location and will be directly overlooked by the proposed doorway and staircase. Whilst the topography is complex in this location, the proposed staircase and doorway afford direct views of doors, windows and private garden areas of neighbouring properties.

The current level of amenity enjoyed by my client is reasonable and proportionate for residential occupation. However, the activity, noise and overlooking of residents arriving and departing, as well as deliveries and other visitors to the property will have a significant detrimental effect on the levels of amenity experienced by my client.

Whilst no lighting proposal or assessment are supplied with the application, it is clear that a steel staircase, positioned in a relatively remote corner of the application site, will need

to be lit by external lighting. Such features will of course have the potential to further impact upon the amenity of my clients.

The application proposals currently conflicts with policy LP24 of the Local Plan by virtue of the overlooking that it likely to occur as a result of this feature, as well as the significant disturbance and nuisance caused by the activity and lighting likely to occur as a reuse of the use of this new access. Consequently, planning permission should be refused on the basis of this policy conflict.

(c) Transport and Highways impacts;

The application proposal seeks to adopt the existing vehicular and pedestrian access on t access point on to Huddersfield Road. It is clear that this access is substandard and provides an inadequate means of accessing the site for vehicles, pedestrians and those using bikes, wheelchairs, pushchairs and walking aids.

Local Plan policy LP21 is critical in assessing this component of the proposal and provides that:

"All proposals shall:

- a) *ensure the safe and efficient flow of traffic within the development and on the surrounding highway network;*
- b) *where needed, provide new infrastructure or improvements on or off site to ensure safe access from the highway network for pedestrians, cyclists, public transport users and private vehicles;*
- c) *be accompanied by a supporting Transport Assessment or Transport Statement where the development would generate significant trip generation, providing detail as to the impact on highway safety, air quality, noise and light restrictions;*
- d) *take into account changes in site levels and topography to ensure the development can be accessed easily and safely by all sections of the community and by different modes of transport;*
- e) *take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely;*
- f) *take into account access for emergency, service and refuse collection vehicles;*

g) provide on-site safe, secure and convenient cycle parking/storage facilities to encourage sustainable travel modes.

[my emphasis underlined]

This policy provides a number of criteria that are all required to be met in order for the proposal to be found in accord with it. It is for the applicant to demonstrate that the proposal accords.

From a review of the proposals, and in particular the consultation responses provided by the Councils Highways Engineer, it is clear that the applicant has failed to demonstrate that these criteria have been met.

My client is also concerned to note the lack of apparent bin and recycling management and the general paucity of bin storage on the site. It appears from the application package that residents will be expected to bring their bins for roadside collection on Huddersfield Road, and collect them again after these have been emptied. There is insufficient space on the footpath to house these bins without creating a hazard to pedestrians, and obstructing visibility splays required for the site, and the adjoining property at 442 Huddersfield Road. Similarly, the route that residents will need to take in order to deliver their bins for roadside collection is steep, unlit, narrow and provides no safe pedestrian facilities. In relation to this pedestrian route we also note the apparent proposal to retain 4 visitor parking spaces between the Units 1 and 2. We dispute whether these spaces are indeed provided lawfully, as a review of aerial imagery does not show any continuous use of this area for parking. In any case it is clear that the use of this area of the site for parking would reduce the width of the access to the rear park to a single lane of traffic with no safe pedestrian provision.

Having regard to the above it is clear that the application proposal fails to meet the requirement of policy LP21 of the Local Plan and guidance within NPPF, on the basis that it would likely lead to an unacceptable impact on highway safety.

Conclusion

For all these reasons, and those set out in our previous representations, the Application does not satisfy the “tilted balance” test under paragraph 11 d) (ii) NPPF. It conflicts with the development plan and there are no material considerations identified that are sufficient to justify the departure from the development plan or the conflicts with national policy described in these representations even when particular regard is had to the applicable key policies in the NPPF.

The Application should therefore be refused.

I trust that the above is of clear, but please do let me know if you have any queries or require explanation of any of the above points.

Yours sincerely