DC Admin

From:
Sent: 05 January 2025 19:00
To: DC Admin
Subject: Formal Comments: Planning Application 2024/93438

Hello,

I am deeply concerned about the planning application for the proposed change of use at 340 Birkby Road. While I recognise the importance of providing care for vulnerable children, this particular application raises significant issues that the planning consultants have not adequately addressed. In the following sections, I will provide evidence to support my concerns and challenge the assumptions and conclusions presented in the planning application. It is my firm belief that this proposal, in its current form, is unsuitable for this location and should be rejected.

Security Risks
As a parent, my foremost responsibility is the safety and well-being of my children, and the proximity of the proposed care home's garden to my property is deeply concerning. With minimal fencing currently in place, the boundary between our homes offers no meaningful protection. The thought of residents, whether distressed or seeking to abscond, being able to enter my garden, intentionally or unintentionally, is not something I can accept as a parent.

Residential care homes often house children who may experience distress or wish to abscond. The lack of robust boundaries only increases the likelihood of such attempts impacting neighbouring properties like mine. Our garden is where my children play and where our family spends precious time together. The lack of robust fencing means that this safe space could be compromised at any moment, putting my family in an unacceptable position of vulnerability.

This proposal fundamentally disregards the basic principle of security, which Policy LP24 of the Kirklees Local Plan clearly emphasises as essential for neighbouring properties. I implore the planning authority to require mandatory security enhancements, such as high, durable fencing and surveillance measures, as a condition of any development. Without these measures, the safety of my family, and others in the neighbourhood, cannot be guaranteed.

Loss of Privacy
The elevated position and layout of the proposed development’s garden and house mean that my family’s privacy would be completely eroded. As things stand, anyone in the garden or certain rooms of the proposed property would have an unimpeded view into my garden and home, turning our private sanctuary into a public spectacle.

My children should be able to play and grow without the constant feeling of being watched, and my family should be able to enjoy the privacy we’ve come to expect in our home. This intrusion is not a small inconvenience, it strikes at the heart of what a home should provide: security, comfort, and peace.

The National Planning Policy Framework (NPPF) and Policy LP24 of the Kirklees Local Plan stress the need for developments to respect the amenity and privacy of existing properties. This proposal, as it stands, completely disregards this principle. At a minimum, substantial screening measures, such as tall fencing or mature planting, should be made mandatory to restore some semblance of privacy for my family and other affected neighbours.

Our home should be a place of refuge and protection for my children, not a space constantly invaded by the activities and presence of an institutional facility. I urge the council to recognise the deeply personal impact this would have on our daily lives.

Claims Made by the Planning Application

While the application positions the development as a benign addition to the neighbourhood, its claims are unsupported by evidence and, in many cases, directly contradicted by established facts and precedents.

The proposed development does not align with the scale, operation, or characteristics of a traditional family home as suggested. Instead, it introduces an institutional facility with a level of intensity wholly unsuitable for this quiet residential area. Additionally, the assurances provided regarding anti-social behaviour, traffic impact, and compliance with planning policies lack the detailed consideration and supporting evidence needed to justify such a transformative change to the area.

In this response, I will outline and thoroughly debunk the key claims made by the planning consultants, demonstrating how they misrepresent the realities of this proposal. My objections are based on material considerations, local and national planning policies, and evidence from similar developments. This development is not the harmonious and innocuous addition the application would have us believe, and I urge the council to reject it on these grounds.

1. Claim: The proposed use is to provide a stable family home environment for children as their main and sole residence.

In actual fact:

- A household accommodating up to 9 children and 9 carers at any one time exceeds the scale and operational characteristics of a typical family home. The intensity of use is far beyond what is considered normal for a residential property.
- **Evidence:** The National Planning Policy Framework (NPPF) emphasises that developments must respect the character and appearance of an area. The high level of occupancy and staff involvement effectively transforms the property into an institutional facility, which is inconsistent with the surrounding residential character.
- **Local Context:** Kirklees Local Plan Policy LP24 requires developments to respect local character and provide a high standard of amenity. A property operating as a foster care centre does not align with these criteria, given the increased activity, noise, and operational needs.

2. Claim: There is no evidence to support the supposition that the proposal will cause anti-social or criminal behaviour.

In actual fact:

- The evidence clearly demonstrates a link between residential care homes and increased instances of anti-social behaviour. While not all children in care engage in such activities, the management of these facilities often leads to situations where behaviours typically managed within a family setting are escalated to involve law enforcement.
- **Evidence:**

- Howard League for Penal Reform Report:

  The Howard League's publication, "Criminal Care: Children's homes and criminalising children," suggests a systemic issue across England and Wales, where staff in children's homes resort to police intervention over minor incidents that would not usually involve law enforcement in family homes. Howard League

- High Frequency of Police Call-Outs:

  Research by the Howard League found that some children's homes in England contact the police up to 200 times a year, indicating a reliance on law enforcement to manage behavioural issues. Howard League

- Increased Criminalisation Rates:

  Children aged 16 and 17 living in children's homes are 15 times more likely to be criminalised than their peers of the same age. This statistic underscores the heightened risk of criminalisation within residential care settings. Howard League

- **Planning Precedents:** Planning inspectors have, in certain cases, cited safeguarding and community safety concerns as reasons for refusing applications for children's homes. For instance, in an appeal decision documented by the Planning Inspectorate, issues related to the change of use from a dwellinghouse (C3) to a residential children's care home (C2) were scrutinised, highlighting the importance of assessing the impact on local amenity and community safety. Planning Inspectorate

3. Claim: Car parking is available, and the access is safe.

In actual fact:

- While the property may have parking for up to 10 cars, the intensity of use with shift changes, deliveries, and visitors creates significant potential for congestion and safety issues on surrounding roads.
- **Evidence:** Narrow residential streets, like those near 340 Birkby Road, often lack the infrastructure to handle such increased traffic. The Transport Assessment for similar developments often identifies increased vehicular movements as a material concern.
- **Local Plan Policy:** Policy LP21 of the Kirklees Local Plan requires developments to ensure safe and efficient access for all users. An influx of vehicles, combined with limited road capacity, can result in significant hazards, particularly for pedestrians.

4. Claim: There is planning policy and central government support for the provision of children's homes within residential areas.

In actual fact:

- While the NPPF and ministerial statements encourage diverse housing types, this support is conditional on developments meeting local planning policies and not adversely affecting residential amenity.
- **Evidence:** The NPPF also emphasises the importance of sustainable development that balances social, economic, and environmental objectives. This includes preserving the character of established residential areas and maintaining community cohesion.

- **Policy LP24:** Kirklees Local Plan emphasises that developments must respect the form, scale, and character of surrounding properties. A large foster care centre accommodating numerous children and staff does not align with these principles in a primarily residential neighbourhood.

5. Claim: It is our opinion that there are no material considerations to refuse this planning application.

In actual fact:

- Several material considerations warrant refusal:
    - **Privacy:** The elevated position of the property and lack of screening allow direct views into my home and garden, creating an unacceptable invasion of my family's personal space.
    - **Security:** The absence of robust boundaries exposes my property to trespass or escape attempts, putting my children's safety at significant risk.
    - **Residential Amenity:** Increased noise, activity, and traffic from the proposed development would severely disrupt the quiet, residential nature of the neighbourhood.
    - **Traffic and Safety Concerns:** The intensified use of access roads and parking facilities poses a danger to pedestrians and worsens local congestion.
    - **Community Impact:** The institutional nature of the proposal fundamentally alters the character of the area, setting a harmful precedent for future developments.
    - **Overdevelopment:** The scale of the proposed occupancy exceeds that of a typical family home, straining local infrastructure and undermining the area's residential identity.

Overall Conclusion:

In conclusion, as a husband, father, and member of this community, my concerns about the proposed development stem from a deep commitment to the safety, privacy, and well-being of my family and neighbours. While I understand the need to support vulnerable children, the scale and nature of this proposal are simply incompatible with the character and infrastructure of our residential neighbourhood. The risks to security, the invasion of privacy, the disruption to residential amenity, and the strain on local resources would fundamentally alter the quality of life we have worked hard to build for our families. I urge the council to prioritise the preservation of our community's safety and cohesion by rejecting this application or, at the very least, requiring significant modifications to address these critical concerns. My hope is for a resolution that balances the needs of all parties while protecting the integrity of our neighbourhood.

Signed,

17 Whitebeam Park, Birkby, HD2 2GZ