

**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:	2024/62/93479/W
Site Address:	11, Hoylake Avenue, Fixby, Huddersfield, HD2 2NT
Description:	Change of use from dwelling (use class C3) to childrens home (use class C2)
Recommending Officer:	Edward Cheseldine

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 25-APR-2025

Officer Report

2024/93479 - 11, Hoylake Avenue, Fixby, Huddersfield, HD2 2NT

Site Description

The site relates to a detached, domestic dwelling. It stands as a single storey structure with stone, brick and patched rendered exterior walls with a cross-pitched roof clad in concrete roof tiles. It has an 'L' shaped footprint with a side projection to the rear of the property. The property sits within a residential housing estate erected between 1970-1980. Dwellings are of a similar design being single-storey with matching material types, some of which have been modified over time.

Application Proposal

The application is seeking planning permission for a change of use from dwelling (use Class C3) to children's home (use Class C2).

Use Class C2 is a planning use class that refers to residential institutions, such as hospitals, nursing homes, care homes.

A Planning Statement was included within the submitted information indicating the provision of care that will be provided on site and details of relevant planning details, which include the following:

- The building will accommodate a maximum number of 2 children.
- It will accommodate children for medium to long term stays.
- The care facility will operate in a shift pattern with supervisors working 12 hour shifts from 08:00hrs to 20:00hrs - 20:00hrs to 08:00hrs.
- There will be 1 to 2 supervisors on duty at all times depending on the number of children and their needs.
- Parking for staff and visitors will mainly be located within the curtilage of the dwelling.
- All bedrooms as well as the office space, will have lockable doors for privacy.
- Security cameras will be installed on the exterior of the building.
- Social workers will typically visit each child every 3-6 months.

Public Representations

The application was advertised by neighbour notification letters and online. Final publicity expired on 17 February 2025.

27 representations were received, all in objection. They raised the following points:

Objections:

- Properties in the area are designed as residential homes, a change of use will conflict with the area.
- The number of children within the care home is likely to increase
- The change of use would likely create a lot more noise and disturbance from the site.
- Increase in disturbances to the local vicinity, from increased level of activity and traffic at the address.
- A change in use will lead to an increased overlooking relationship due to changes in staff.
- There is insufficient outdoor space for the enjoyment of the children.
- There may be safety / safe-guarding issues
- There are a lack of nearby local amenities
- Increased traffic in the area, current parking issues will be exacerbated including blocking footpaths and parking on junctions.
- There will be external services that will be required to visit the residential home increasing the amount of visitors.
- A children's home would be at odds with the residential character of the area
- The credentials of the proprietor of the care home are ambiguous.
- The land is leasehold, it contains covenants including operating a private business on the land.
- The status of the property remains in question in terms of its sale.
- The trees and boundary treatments cause a security risk.

These comments will be addressed in the *Representation* section of the report.

Local Ward Members

Councillor (Cllr) Amanda Pinnock and Councillor James Harewood contacted Officers for background information in relation to the progress with the application and any issues that still need addressing. They raised concern

from a number of residents directly for an update as to the process for determination of the application.

Officer Note: The application was brought before the Chair of the District-Wide Planning Committee, Councillor Sheikh Ullah. Cllr Ullah reviewed Officers assessment, the site history, nature of the development proposal and the contents of the representations. It was agreed that the application be determined by officers, under delegated powers, as per the Council Constitution Scheme of Delegation.

Councillor Pinnock and Harewood were updated of this decision.

Consultation Responses

KC Highways Development Management – No objections.

KC Environmental Health – No comment.

Kirklees Designing our Crime Officer – Advice provided

Relevant Planning History

No specific previous application relates to this permission.

History of Negotiations

No amendments or negotiations were required.

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.

Kirklees Local Plan (LP):

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** – Parking

- **LP24** – Design
- **LP30** – Biodiversity and Geodiversity

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 2024, 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 2 – Achieving sustainable development
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

Other Material Considerations

- Highways Design Guide Supplementary Planning Document (2019)
- Crime and Disorder Act 1988
- Government Biodiversity Netgain Technical Advice Note (2024)

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Crime and Anti-Social Behaviour
- 4) Impact on highway safety
- 5) Environmental issues
- 6) Representations
- 7) Conclusion

Principle of development

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.

Policy LP1 of the Kirklees Local Plan 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.

The Local Plan has no policies specifically relating to care homes. Therefore, there is no presumption against such a use. The principle of the proposal upholds the aims of the NPPF in terms of addressing the needs of groups with specific housing requirements.

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.

Therefore, in this case, the principle of the proposed 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, safety and crime, and 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.

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

The site currently hosts a residential dwelling with garden space set to the rear and a hard surfaced driveway to the front. There is no proposed change to the exterior of the dwelling or its outdoor area. Notwithstanding the change of use, there will be no visual changes to the site. It will therefore retain its residential appearance.

The building is already fitted with a burglar alarm on the front elevation. In terms of the fitting of security cameras, whilst it would increase the amount of

paraphernalia on the building, it would not amount to a change in character. Security cameras are regularly fitted to domestic dwellings, they are not uncommon features within residential areas and are allowed under General Permitted Development Rights - Part F. No further electronic devices or signage will be placed on the building as part of this permission.

The arrival and departure of staff from the property is not considered to result in a change to the character of the area due to the limited number of staff in attendance. There may, at times, be a number of other professional staff required to be in attendance, due to the nature of the change of the use. However, given the limited number of children, the presence of support staff would not be considered to constitute a presence that would be over and above the use of the building as a traditional domestic dwelling which at times has visitors.

A grassed area with mature trees sits to the rear of the property with a hard surfaced area to the front. Fencing serves as the boundary treatment. Aerial imagery indicates the landscaping has been in situ for over a decade. There will be no change to this.

It is not considered the proposed change of use would cause harm to visual amenity where there would be sufficient justification to refuse the application. On the basis of the impact to visual amenity on both the property itself and the character of the area, the proposal is acceptable.

It is therefore considered that the proposed change of use would accord with Policy LP24 and advice within Chapter 12 of the NPPF.

Impact on Residential Amenity

Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Section B of LP24 states that alterations to existing buildings should:

‘...minimise impact on residential amenity of future and neighbouring occupiers.’

Floor plans indicate the internal accommodation will be retained as existing with no enlargements to the building itself. As such, the change of use will not result in impacts of overshadowing, a loss of outlook or from being overbearing.

Floor plans indicate the property will retain its 4 bedrooms, living areas, kitchen and 4no. bathrooms/ensuites. The property has side elevation windows which have direction relationship with the adjacent dwellings. As the internal floorplans will not be altered, the outlook from habitable rooms will remain the same, leading to the continuation of the existing relationship.

There are a suitable number of bedrooms to accommodate the number of children and overnight supervisors. In addition, there are a suitable number of bathrooms, and the shared areas are of an adequate size. All habitable rooms on the plans have sufficient window openings and therefore it is considered that there is a satisfactory level of natural light for future occupiers. The property contains a private garden space, which is suitable in size for outdoor activities commensurate with the number of children/supervisors.

It is not considered that a change of use from a dwellinghouse to a care home would result in significant noise or disturbances to neighbouring properties to an unacceptable degree over and above what would be expected from a residential property within a residential area. KC Environmental Health were consulted in relation to potential noise sources and raised no comments or objections in this regard.

Having considered the above, the development is not considered to result in any significant adverse impact upon residential amenity to any surrounding neighbouring residential properties and the building is suitable for future occupiers, complying with Policy LP24b of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Crime and Anti-Social Behaviour

Chapter 8 of the National Planning Policy Framework states that planning decisions should achieve healthy, inclusive and safe places, 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 National Planning Policy Framework which goes further to state that planning decision 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 to not undermine the quality of life or community cohesion and resilience.

Local Plan Policy LP1 provides a framework for development that is not covered by specific policies. It ensures that permission can be granted unless there are material considerations, such as significant adverse impacts or concerns about crime and disorder, that outweigh the benefits of the development.

Objections have been raised to the location of the children's home, that it would lead to an increase in crime and disorder in the neighbourhood and the area is not suitable due to its limited access to local amenities.

It is considered, given the nature of care provided, that the care facility has suitable and adequate measures to prevent a material decrease to the quality of life of neighbouring residents. A staff to child ratio of 1:1 is suitable for preventing unsociable activities from arising. The care facility is not dissimilar from a family unit in its operation. The site is suitably located to green spaces. Cowcliffe Recreation Ground rests to the east, whilst Green Belt land lies to the west of the housing estate. It is not considered to be an unsuitable location for children given the prevailing residential location.

It is therefore considered that the use of the buildings as a care facility would not cause concerning levels of crime and anti-social behaviour or be an unsuitable location for a care home and the change of use accords with Chapter 8 & 12 of the National Planning Policy Framework.

Impact on Highway Safety

Local Plan Policy LP21 relates to highway safety, it regards maintaining the safe and efficient flow of traffic within the development and on the surrounding highway network as well as development taking into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely. Local Plan Policy LP22 relates to meeting the requirements for safe and suitable parking for developments.

This is supported by Chapters 9 of the NPPF and guidance within the Highways Design Guide Supplementary Planning Document..

There is not considered to be a change to current parking arrangements to the building being used as a residential dwelling. The property currently benefits from hard surfacing to the front and side of the building. The space is suitable for several cars to park within the curtilage of the property. Due to the type of operation, there would be the ability for tandem parking. The provision of which will be sufficient to accommodate staff and visitors within the site boundaries. Hoylake Avenue is a residential road, with no parking restrictions. If there was at times a necessity to park on the public road, it would not be to the detriment of highway safety.

The number of visitors is not considered to be over and above what would reasonably be expected from a property in residential use.

KC Highways Development Management have also been consulted as part of this application and raised no objection to the development.

It is therefore considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

Environmental Matters

Ecology & Biodiversity Net Gain

Biodiversity Net Gain (BNG) came into effect for minor sites on 02 April 2024. There is a requirement to replace the loss of a habitat whilst delivering at least 10% biodiversity net gain unless the development falls under certain categories which are exempt.

The applicant has indicated a BNG uplift is not required due to the *Di Minimis* exemption as less than 25m² of habitats are impacted. Development does not include any extensions or the removal of habitats, Officers agree it would fall under the *Di Minimis* exemption, as listed within the Government Biodiversity Net Gain Advisory Note, therefore no uplift is required.

Construction Site Working Times

Construction working times are covered by regulatory functions outside the planning system, therefore it is not deemed necessary to add a secondary planning condition, however a footnote may be added.

Carbon Budget

The proposal is a small-scale change of use. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no further environmental impacts to assess.

Representations

The application was advertised by neighbour notification letters and online. Final publicity expired on 17 February 2025.

27 representations were received, all in objection. It has been considered whether the objections brought forward would have a material weight to the decision for planning permission.

Principle of Development

- Properties in the area are designed as residential homes, a change of use will conflict with the area.

Officer Comment: The principle of a change of use to a children's residential home is considered acceptable given the presumption in favour of sustainable development. The use has been considered against all other material considerations including the character of the area, residential amenity, highway safety, and crime and safety. The principle of the use of the building as a care home is acceptable given the limited harm arising from other material planning considerations. The proposal upholds the aims of the National Planning Policy Framework in terms of addressing the needs of groups with specific housing requirements.

- A children's home would be at odds with the residential character of the area

Officer Comment: The property would be the primary residence of the children, The use is residential in nature, compatible with the prevailing character.

Residential Amenity

- The change would likely create a lot more noise and disturbance from the site created by the change.
- Increase in disturbances to the local vicinity, from increased level of activity and traffic at the address.
- A change in use will lead to an increased overlooking relationship due to changes in staff.

Officer Comment: It is not considered the change of use will result in a material increase in these impacts that would result in a negative impact to neighbours over and above that within a residential setting.

- There is insufficient outdoor space for the enjoyment of the children.

Officer Comment: There is a suitable amount of private outdoor amenity space to the rear of the property. Local green spaces are also within walking from the site.

Crime & Safety

- There are a lack of nearby local amenities

Officer Comment: The local amenities are commensurate with those found within a residential area and will be satisfactory for the end users.

- There may be safety / safe-guarding issues

Officer Comment: The staff to child ratio and associated management plan is suitable for preventing additional risks in terms of anti-social behaviour. The residential area is suitable for children, it is not considered there is a danger of safety or concern from the prevailing area. There will be further mechanisms for regulatory control through other functions outside the planning system.

- The trees and boundary treatments cause a security risk.

Officer Comment: The application is for a change of use to a residential home. It is not considered there is a security risk due to the placement of children within the area, as the area is residential in nature.

Highway Safety

- Increased traffic in the area, current parking issues will be exacerbated including blocking footpaths and parking on junctions.
- There will be outside services that will be required to visit the residential home increasing the amount of visitors.

Officer Comment: There is ample off-street parking within the curtilage of the building, that can support both staff and visitors.

Other Concerns

- The number of children within the care home is likely to increase.

Officer Comment: In the event that planning permission be approved, it is recommended that a planning condition will be attached to the decision, limiting the number of children the care home can accommodate.

- The credentials of the proprietor of the care home are ambiguous.

Officer Comment: These comments regarding the experience or the lack thereof of the care provider are not a material consideration under the remit of

the planning system. In the event that planning permission is approved, the contents of the Planning Statement, which acts as a management plan, is recommended to be secured via condition. This will be sufficient to satisfy the development accords with the provided details.

- The land is leasehold, it contains covenants including operating a private business on the land.

Officer Comment: Covenants are legal documents; they are not material planning considerations.

- The status of the property remains in question, in terms of its sale.

Officer Comment: This is not a material planning consideration. The applicant is seeking planning permission for a change of use. The sale of, or lease of the property, has no impact on the determination of the application.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2024/93479

Officer Recommendation: Approval

Conditions & 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 accord with Policies LP01, LP02, LP21, LP22, LP24, LP30 of the Kirklees Local Plan, and Chapters 2, 8, 9, 12 and 15 of the National Planning Policy Framework.

3. The number of children living within the building shall not exceed 2 at any time, until the site's use falls outside of the scope of use pursuant to this permission.

Reason: To prevent undue noise and disturbance to neighbouring occupants and to ensure the safe and efficient flow of traffic on Hoylake Avenue, in accordance with LP21, LP22 & LP24 of the Kirklees Local Plan and Chapters 9 & 12 of the NPPF.

4. The use hereby permitted shall be operated in accordance with the submitted document entitled Planning Statement submitted on 13/01/2025 for the lifetime of 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 Table:-

Plan Type	Reference	Version	Date Received
Location plan	-	-	09 December 2024
Existing floor plan	-	-	09 December 2024
Planning statement	-	-	09 December 2024
Climate change statement	-	-	09 December 2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 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 2024 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought.

