

DC Admin

From:
Sent: 03 April 2025 16:41
To: DC Admin
Subject: Objections to Planning Application 2025/62/90504/W - 36 Edgerton Road, Edgerton

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Hi there

My name is _____ and I am resident at 30 Edgerton Road Huddersfield HD3 3AD and adjacent to the property in question and I wish to raise an objection as below.

Objections to Planning Application 2025/62/90504/W - 36 Edgerton Road, Edgerton

Quality of Application Submission

The quality of the application submission is very poor, with multiple inaccuracies and omissions that should have resulted in the application being made invalid by the Local Planning Authority. The following inaccuracies should be addressed before the application is progressed:

1. The application site address is incorrect. It is stated as 36 Edgerton Road, which relates only to the upstairs flat within the property. If the planning application relates to the whole site, then the application site address should be 34 and 36 Edgerton Road. An incorrect site address should have rendered the application to be invalid.
2. Certificate A has been completed with the application, which means that the applicant is the sole owner of all of the buildings and land within the application site edge red. The applicant is stated as Rainbow Ridge Care Ltd. On the basis of information provided on Companies House, this company was only first registered on the 4th February 2025 and gives the company address as 36 Edgerton Road. The application site is currently still occupied by a tenant on the first floor (No. 36), and the application form states that the property is not vacant. Therefore, the applicant cannot live at the property, and it is questioned as to if the applicant does in fact own the application site, as suggested by the completion of Certificate A. There has been no 'For Sale' sign seen at the property to suggest that the ownership of the site has recently changed hands, and the known owner of the property lived in the flat at No. 34 until very recently. A copy of the title deed document for 36 Edgerton Road (see attached) obtained from the Land Registry on the 2nd April 2025, shows that the applicant is not the legal registered owner of the application site. Therefore, it is requested that evidence is provided by the applicant to prove that the application form and certificate are factually correct, to dispute the current records held by the Land Registry. The Declaration at the end of the application form has been signed to confirm that all of the facts stated in the application submission are true and accurate. The completion of a Certificate of Ownership on a planning application with false information, therefore, would be contrary to this declaration and render the application or any resulting planning permission as invalid.

The application submission is significantly lacking in terms of the information provided to enable the proper assessment of the proposed change of use. The 'Planning Statement' is wholly inadequate and does not include any information about the proposed use that would inform the Planning Officer of the likely potential impacts of the proposed use on the amenity of the existing residents living around the application site. To enable the proper and thorough assessment of the proposed use, the following information must as a bare minimum be provided for consideration:

- The number of children to be housed at the property and the likely range of ages;
- The number of staff that would be working at the property and the likely shift patterns;
- If staff would be 'living' at the property or staying overnight and how if the latter, many would sleep at the property on a daily basis;
- The Proposed Floor Plans for the application should be more accurately annotated to show how many bedrooms are for the children being cared for and how many are for use by a staff member;
- More information about the likely daily comings and goings at the property should be provided, including visits to the property from social workers, medical staff, other related professionals etc.
- The number of cars that are likely to be associated with the proposed use.

All of this information is vital to inform the assessment of the potential impacts of the proposed use, to assess the potential material difference between a normal Class C3 dwelling house and a Class C2 children's care home. Without the above information, it can only be concluded that the proposed use would have a detrimental and unacceptable impact on the residential amenity currently enjoyed by the occupants of the surrounding properties, due to a clear intensification of the site by additional comings and goings, an increased level of noise and disturbance, and increased levels of vehicle movements and car parking on the street. Again, without this vital information to accompany the submission, the application should not have been made valid.

A 'Planning Statement' should explain why a proposed building or development project should be allowed by the local government, should describe how the project aligns with Local and National Planning Policies and regulations and highlight how it will benefit the surrounding community. It should consider the local context, policy plan and National Planning Policy Framework (NPPF), aiming to demonstrate how the development will fit into this. The submitted Planning Statement does not include any of this information and is therefore wholly inadequate.

Based on all of the above points, the application submission is considered to be poor quality, inadequate and inaccurate. On the basis of the inaccurate information alone, the application should be made invalid by the LPA. This is until the correct, relevant and necessary information has been provided to allow a full and thorough assessment of the material planning considerations surrounding this case.

Proposed Change of Use is Contrary to the Local Development Plan

Despite the poor quality of the application submission as outlined above, it can be determined that the proposals are contrary to several local Development Plan policies and must be Refused for the following reasons:

No Justification or Evidence of Need

Chapter 8 of the Development Plan relates to the provision of Homes and outlines at para 8.13 that *"The amount of residential units lost through demolition, conversion and change of use since 2008/09 indicates an average of approximately 90 dwellings lost per annum."*

Policy LP11 'Housing Mix and Affordable Housing' states 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**."* It goes on to state that *"All proposals for housing must aim to provide a mix (size and tenure) of housing suitable for different household types which reflect changes in household composition in Kirklees in the types of dwelling they provide, **taking into account the latest evidence of the need for different types of housing**. This includes consideration of provision for those with specialist needs."*

This policy and related explanations, outline that many existing homes within the area are regularly lost due to changes of use and are no longer available for the residents of Kirklees. As this application also includes the loss of 2 units of residential accommodation under Class C3, it should be accompanied by appropriate evidence to justify the need for this type of accommodation in this location, Huddersfield and in fact in the borough as a whole. No information has been provided in relation to any under provision of children's care homes in the area, to prove that the benefits of this accommodation would outweigh the loss of the much-needed Class C3 residential accommodation. It is therefore, contrary to Policy LP11 as it does not take into account nor provide a justification on the basis of the latest evidence of housing need.

Also, the over proliferation of children's homes in an area can have significant impacts on services, particularly if the children placed in the homes are from out of the Borough. This includes services such as education, health and police services.

In fact, there is already a children's care home on this same street at the bottom of Sunnyside. Therefore, to convert the properties at Nos. 34 and 36 would appear to be an over intensification of Class C2 uses in the immediate vicinity. The existing flat at No. 36 is currently occupied and until very recently, the flat at No. 34 was also occupied. Therefore, this site does not constitute a 'vacant' or 'Empty Home' as the Local Plan describes it, that would benefit from re-use. It would most likely be occupied very quickly if marketed for its existing permitted use.

It must be concluded that without any proper and quantified evidence that there is a clear need for Class C2 accommodation in this area, then the loss of the two existing good sized 2 bedroom flats within this property cannot be justified. This is contrary to the Development Plan and as such, the application should be refused.

Highways and Parking

Local Plan policies LP21 'Highways and Access' and LP22 'Parking' highlight the need for safe and suitable access to the site, adequate car parking provision and provide on-site safe, secure and convenient cycle parking. Again, as a result of the inadequate application submission with no information provided in relation to the numbers of staff and the likely frequency of visitors / appointments at the property, it is impossible to assess if the on site car parking is sufficient to serve the use, if the existing accesses and their visibility splays are safe for the frequency of vehicle movements, and if there would be any projected overspill of parking onto the adjacent street. There are parking restrictions along the site frontage and as will be seen from a visit to the site, the road is often heavily parked with cars on both sides. Due to the very steep gradient of Sunnyside, large areas of the road cannot be used for on street parking and it would not be acceptable for the proposed use to exacerbate the existing situation.

Therefore, without the necessary information to enable the proper assessment of the potential impacts of the development on parking and safety, it must be concluded that the proposed use would be unacceptable in this context and is contrary to Policies LP21 and LP22. Furthermore, no information has been provided with the application in relation to the adequate provision of safe and secure cycle parking facilities, again as required by Policies LP21 and LP22.

Residential Amenity

In planning terms, children's care homes do differ from that of a typical dwelling house given the level of care and support required for children that may result in a more intensive use with carers and staff visiting the site. This is the reason why they are separated into different use classes within the Town and Country Planning (Use Classes) Order and changes from one to the other requires formal planning permission.

The impacts of this type of accommodation include multiple members of staff on regular shift patterns, home managers visits, care worker or social worker visits, visits to other appointments off site, school pick ups and drops offs, etc. Overall, the level of activity and comings and goings associated with Class C2 care homes is significantly and materially different to that of a typical 5-bedroomed family house. Noise and disturbance generated from the children's home is likely to be increased and over that associated with a typical house occupied by family and would have any materially greater impact on the amenities currently enjoyed by neighbouring residents.

As mentioned above, there is already an existing children's care home on the street, and the creation of another care home would exacerbate and intensify the existing noise, disturbance and vehicle movements already experienced by the residents living on Sunnyside.

Air Quality

The application site is located in Edgerton and on Edgerton Road, which is already a very busy road, and in parts is classified as an Air Quality Management Area, due to the high levels of pollution in the air. This is predominantly from the volume of vehicular traffic that uses this main radial route into the Town Centre. Policy LP51 'Protection and Improvement of local air Quality' states that "*Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people.*" The increased comings and goings from the site over the existing use could result in a direct impact and increase in air pollution. Again, as no information has been provided in relation to the day-to-day operations and potential vehicle movements at the site, it is not possible to state that the proposals are in accordance with Policy LP51 and that the proposed use is therefore, acceptable with regards to air quality.

Conclusion

As outlined above, it is considered that in the first instance, the application should be made invalid due to the inaccurate information relating to the site address and more importantly, the wrong Certificate of Ownership. The submission of a factually correct Certificate of Ownership is a legal requirement with all planning applications in England. The attached Land Registry title deed confirms that the applicant is not the owner of the application site edged in red.

The application submission is very poor, with no information about the proposed use, the numbers of children and staff and how it would operate on a daily basis. Nor has any evidence been provided to justify that there is a quantified need for this type of accommodation in this area. The proposed use would result in the loss of 2 existing units of residential accommodation, would have an unacceptable impact on

residential amenity, highway safety, parking and air quality. Therefore, it would be contrary to Local Plan Policies LP11, LP21, LP22 and LP51 and as such, should be refused.

Thank you in advance



Title register for:

36 Edgerton Road, Huddersfield, HD3 3AD (Leasehold)

Title number: WYK231480

Accessed on 02 April 2025 at 19:23:52

This information can change if we receive an application. This service can not tell you if HM Land Registry are dealing with an application.



This is not an official copy. It does not take into account if there's a pending application with HM Land Registry. If you need to prove property ownership, for example, for a court case, you'll need to order an official copy of the register.

Register summary

Title number	WYK231480
Registered owners	Iram Saba Gitay 36 Edgerton Road, Huddersfield HD3 3AD
Last sold for	£130,000 on 22 August 2014

A: Property Register

This register describes the land and estates comprised in this title.

Entry number	Entry date	
1	1965-08-16	WEST YORKSHIRE : KIRKLEES The Leasehold land shown edged with red on the plan of the above Title filed at the Registry and

being 36 Edgerton Road, Huddersfield (HD3 3AD).

NOTE: As to the part tinted blue on the title plan only the upper flat is included in the title.

2	1965-08-16	Short particulars of the lease(s) (or under-lease(s)) under which the land is held: Date : 30 July 1965 Term : 999 years from 1 January 1965 Rent : £20.0.0 Parties : (1) Property Developments (Huddersfield) Limited (2) Walter Shaw
3		The lease contains a prohibition against alienation without licence during the last seven years of the term and all estates, rights, interests, powers and remedies under the lease at any time arising upon or by reason of such alienation are excepted from the effect of registration.
4		The landlord's title is registered.
5		Unless otherwise mentioned the title includes any legal easements granted by the registered lease(s) but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Class of Title: Title good

Entry number Entry date

1	2014-08-27	PROPRIETOR: IRAM SABA GITAY of 36 Edgerton Road, Huddersfield HD3 3AD.
2	2014-08-27	The price stated to have been paid on 22 August 2014 was £130,000.
3	2018-05-22	The proprietor's address for service has been changed.

C: Charges Register

This register contains any charges and other matters that affect the land.

Class of Title: Title good

Entry number	Entry date	
1	2020-07-16	REGISTERED CHARGE dated 1 July 2020 affecting also title YK20383.
2	2020-07-16	Proprietor: LLOYDS BANK PLC (Co. Regn. No. 2065) of Registrations, Secured Assets, Barnett Way, Gloucester GL4 3RL.