Planning Statement

Application to determine if prior approval is required for a proposed: Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3)

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA

To change the use of part of the building used as a day nursery to four apartments.

14 B
Holly Bank Road
Lindley
Huddersfield
HD3 3JE

29/10/2025

1. Background

1.1. The Trustees of the Lindley Band, the applicants, are responsible for the community facility and are a registered charity (number 1205978). It has, in recent years, carried out research and published a book, which records its continuous history from 1832, when the band is recorded leading many parades for children's rights campaigner Richard Oastler and workers' rights campaigner Fergus O'Connor. For over 190 years, the band has been a valued community service provider in Lindley, Huddersfield and beyond. It has performed a variety of local concerts for senior citizens in care homes, plus carol concerts at Huddersfield Royal Infirmary.

1.2. Pre-application advice was provided by Danielle Cooper (reference 2025/20116). The initial comments were made on 20 March 2025 and a later email from her was issued on 3 July 2025.

1.3. The band currently has a problem as members are getting older and there are very few (currently none) young musicians. Kirklees schools no longer teach young brass players as they used to, and if they do, it is understood that parents have to pay, which reduces uptake.

1.4. In order to teach children to play brass instruments, the band trustees are proposing to generate additional income to pay for professional tuition and purchase instruments for the children. It is proposed to convert their only asset, 14 B Holly Bank Road, currently used as a day nursery, to residential units, in order to generate a higher rental income. The increased income will be used to fund free professional teaching of brass instruments by a peripatetic teacher in local schools. Group band activities outside school hours would be offered by the same professional teacher in the Lindley bandroom.

1.5. This initiative has been successfully implemented in other parts of the United Kingdom, providing children with opportunities they wouldn't have otherwise had, free of charge. Additionally, it has led to the formation of training and youth bands at no cost to the community or the Council. These young musicians will hopefully develop an affinity for the Lindley Band, resulting in some of them staying with the organisation, carrying it into the future.

1.6. Since taking occupation of the premises, the existing tenant has expanded his day nursery business from initially providing before and after school care, by adding a nursery. After starting the nursery, he needed to provide an outdoor play space, so he started using the car park designated for the building. After the Southport childcare stabbing in July 2024, the tenant asked if he could provide gated security fencing to the car park. The trustees

considered it and informed him in October 2024 that they wouldn't advise him to spend money on the premises as they were considering not renewing their lease when it expired in December 2025.

1.7. In early December 2024, the trustees confirmed to the tenant that they were giving him 12 months' notice, that at the end of the current 5-year lease period on 9th December 2025, he would need to vacate the premises. As the current premises no longer provide a suitable, secure outdoor space, this gives the tenant a full year to find suitable alternative premises to meet his present business needs. The tenants live locally with their young family, and it is considered that with their experience and capability, they will readily be able to re-establish their nursery business in a more suitable building with an outdoor play space. This could result in continuity of nursery provision in the area.

1.8. In summary, Lindley Band has been a unique community asset for over 190 years and needs to utilise its only asset, Baton House, to generate additional funding to train young individuals who it is hoped will take Lindley Band in the future. There are many nurseries in Kirklees with spare capacity. Also the tenants have the experience and capability to relocate their business to other premises with the required outdoor space.

2. The Proposal

2.1. It is maintained that the change of use represents permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA.

2.2. Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a)transport impacts of the development, particularly to ensure safe site access;

(b)contamination risks in relation to the building;

(c)flooding risks in relation to the building;

(d)impacts of noise from commercial premises on the intended occupiers of the development;

(e)where—

(i)the building is located in a conservation area, and

(ii)the development involves a change of use of the whole or part of the ground floor,

the impact of that change of use on the character or sustainability of the conservation area.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

(h)where the development involves the loss of services provided by—

(i)a registered nursery

3. **The Assessment**

(a) transport impacts of the development, particularly to ensure safe site access.

3.1. The proposal allocates a parking space in the existing car park for each of the four apartments. It is located on a secondary road off the main street through Lindley. Very close by is a public car park and on-street parking. The current use as a nursery involves up to around 30 to 40 vehicle movements in the morning for staff and infant drop-offs. Late afternoon, another 30 to 40 vehicle movements take place as infants are collected and staff depart. Following the change of use to 4 apartments, the adjoining Baton House private car park will accommodate 4 resident cars, a visitor space, and space to turn. It can reasonably be anticipated that there will be 4 vehicle movements in the morning and 4 movements in the evening when the apartment occupants return. The net result will be around an 80 to 90% reduction in traffic movements in the immediate area.

(b) contamination risks in relation to the building.

3.2. All the construction works to create four new apartments will be carried out internally within Baton House. The building was designed by Huddersfield architect Isaac Horden in 1890 and is still in very sound condition today. In 2012, trustees commissioned an asbestos survey to comply with Regulation 4 of the Control of Asbestos Regulations 2006. 30 samples of materials were taken from all internal parts of the premises between the basement and the loft. The only high-risk material identified was some pipe lagging found in the loft. In 2013, the trustees appointed an asbestos removal contractor to remove all traces of the high-risk material. An attached PDF document confirms that the outputs from the survey and asbestos removal works were completed.

(c) flooding risks in relation to the building.

3.3. The property is located in an area defined as Zone 1 where there is a low risk of flooding.

(d) impacts of noise from commercial premises on the intended occupiers of the development.

3.4. An acoustic report has been commissioned to support the application. This concludes: *Applying the additional three side cavity walls and suspended ceiling to the band room at 14B Holly Bank Road will reduce the noise in the proposed flats to LAeq (15min) 28 –33dB during the daytime.*

e)where— (i) the building is located in a conservation area,

1.1. The building is not located within a Conservation Area.

(ii) the development involves a change of use of the whole or part of the ground floor,

1.2. The ground floor will remain as an office for an educational tuition business.

(f) The provision of adequate natural light in all habitable rooms of the dwellinghouses.

1.3. As shown on the provided drawing elevations, the principal living rooms for all 4 apartments each have large windows providing more than satisfactory outlook, daylight and ventilation. The proposed bedroom windows are all on the south-facing rear elevation. Whilst the windows are more than adequate in size and allow good ventilation, for part of the day, they will be overshadowed by the existing adjoining bandroom and not fully compliant with the 45-degree guidelines set out in the House Extensions and Alterations SPD. Being south-facing, however, each window will receive direct sunlight for several hours each day. Functionally, bedrooms are predominantly occupied during the night with curtains closed. It therefore hoped that a reduced weighting can be considered for bedroom outlook and natural light during the overall assessment for the otherwise fully compliant application.

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

1.4. This criterion is not relevant to the proposal.

(h)where the development involves the loss of services provided by (i)a registered nursery.

1.5. Local authorities have a statutory requirement to undertake a periodic assessment to ensure there are adequate early learning places for children of nursery age. The document 'Kirklees Childcare Sufficiency Assessment 2022' is the most recent assessment found on the Kirklees website. This is a 38-page, very detailed study which covers a summary of childcare facilities in each of the 23 wards comprising Kirklees. Additionally, each of the wards has its own detailed analysis, which for Lindley amounts to 10 pages.

1.6. The following two quotes are from the executive summary:-

- 'The Kirklees average occupancy rate in under 5 childcare settings for Summer 2022 was 80%'.
- 'Based on the data gathered from childcare providers, evidence suggests there continues to be sufficient childcare and early learning provision and there is some spare capacity across Kirklees to meet the demand for 0- to 4-year-old childcare, although this has reduced in recent years. However, place availability differs at the ward level.'

1.7. It appears that Lindley is in the middle of the range of the ward results, and spare capacity in the ward is available. It is hoped that the above is sufficient to accept the potentially temporary loss of the nursery.

1.8. In addition, the Lindley Band has and will continue to be a unique community asset. Baton House aims to generate additional funding to train young individuals, with the hope that they will take over Lindley Band in the future. There are many nurseries in Kirklees with spare capacity, and the tenants have the experience and capability to relocate their business to other premises, which include the required outdoor space.

2. Conclusion

2.1. It is maintained that the change of use represents permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA.

2.2. It is hoped the Council will support the proposal, which is vital for the future sustainability of the Lindley Band.