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Planning Development

By Email Only

27th November 2025

Kirklees Council
Planning – Development Control

FAO Danielle Cooper

OBJECTION TO PRIOR NOTIFICATION FOR CHANGE OF USE FROM COMMERCIAL/BUSINESS/SERVICE TO 4 DWELLINGS AT 14B HOLLY BANK ROAD, LINDLEY, HUDDERSFIELD, HD3 3JE

LPA REF: 2025/93043

Dear Madam,

Robert Halstead Chartered Surveyors and Town Planners have been instructed to submit an objection letter to Kirklees Council on behalf of local parents of children who currently attend Shape Lindley Childcare Services (the current tenant of 14B Holly Bank Road).

Our clients strongly objects to the application as it would result in the loss of a registered nursery which provides a vital and valuable service to the local community. The proposed apartments are also considered to be inappropriate development due to the impact of noise from the adjacent band room and the lack of adequate natural light in all habitable rooms. These issues will form the basis of this objection.

Loss of a Registered Nursery

Part (2) (h) of Schedule 2, Part 3, Class MA states:

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

Paragraph 98 in the NPPF states:

"To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs."

Paragraph 100 in the NPPF goes on to state:

"It is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities."

Local Plan Policy LP48 also states:

"Proposals which involve the loss of valued community facilities such as shops, public houses and other facilities of value to the local community will only be permitted where it can be demonstrated that:

a. There is no longer a need for the facility and all options including the scope for alternative community uses have been considered; or
b. Its current use is no longer viable; or
c. There is adequate alternative provision in the locality to serve the local community which is in an equally accessible location; or
d. An alternative facility of equivalent or better standard will be provided, either on-site or equally accessible."

The applicant's Planning Statement states that there are many nurseries in Kirklees with spare capacity. This assertion is based on information taken from the Kirklees Childcare Sufficiency Assessment 2022 which states that the Kirklees average occupancy rate in under 5 childcare settings for Summer 2022 was 80%. However, this document is now three years old and the figure of 80% is not ward specific.

Regarding Lindley, The 'Ward Profile – Lindley Childcare Sufficiency' document dated October 2025 is the most up-to-date document for childcare in Lindley and this states that the net estimated gap in Early Years Entitlements is 47 places with 2.55 children per place for under 5's. This demonstrates that there is still a clear need for the current nursery facility in Lindley and its loss would significantly increase the number of childcare places needed for under 5's in the local area.

It is important to note that the current nursery facility also provides wraparound childcare and holiday clubs for primary school aged children. The loss of this provision has not been assessed by the applicant but would again significantly increase the number of places needed in Lindley for this type of childcare should the premises be forced to close. The closure of the nursery would inevitably increase pressure on other childcare providers in the area, which it is understood are already over-subscribed.

The existing nursery facility is a viable and thriving business providing childcare for many families in Lindley. The applicant's Planning Statement states that the proposed change of use from a day nursery to four residential units would generate a higher rental income which they intend to use to fund free professional teaching of brass band instruments in local schools and at the building. The applicant's aim is that this initiative would encourage more young people to take up playing brass instruments, eventually joining the Lindley Band and securing its future. However, it is considered that the loss of the nursery would far outweigh any potential benefits the proposed change of use may have in relation to the Lindley Band.

The applicant has also not provided sufficient justification that the proposed development would be more viable than the existing nursery, or that it would offer an equal or greater benefit to the local community (Policy LP48 d). The applicant has also failed to provide any evidence that there is adequate alternative childcare provision in the local area that is in an equally accessible location (LP48 c).

The current nursery facility provides flexible childcare arrangements for pre-school and primary school aged children. The location is ideal as it is within easy walking distance of Lindley Infant School and Lindley Junior School for convenient drop offs and pick-ups. As far as we are aware, the nursery has

been unable to find alternative premises that are suitable in terms of both location and space required, despite having searched for the past 12 months.

The proposed change of use is therefore considered to be unacceptable as it would result in the loss of a valued nursery facility without the option of suitable alternative provision in the local area. The proposals are therefore contrary to paragraphs 98 and 100 in the NPPF and Local Planning Policy LP48.

Noise Impact

Part (2) (h) of Schedule 2, Part 3, Class MA states:

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

Paragraph 198 in the NPPF states:

"Planning policies and decisions should ensure that new development is appropriate for its location … In so doing they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life."

The applicant has submitted a Noise Survey as part of the application. The report states that noise measurements in the band room during a practice session reached 93dB and would be clearly audible in the proposed apartments. The report also stated that noise levels could at times exceed 93dB. The report concluded that whilst noise transmission cannot be eliminated completely, it can be reduced if the recommended additional cavity wall and suspended ceiling arrangement are installed in the band room.

However, as the band room lies outside of the red line boundary, it is questionable as to whether or not these mitigation measures can be achieved / conditioned? Even if the mitigation measures are put in place, the noise from the band room would still be audible in the proposed apartments (albeit at a lower level). In addition, the applicant has not provided any details of how often the band room would be in use. Will it be used a couple of evenings a week or will it be in use all day every day? The more frequent the room is used, the greater the impact will be on future occupants of the apartments. The suggested hours of 8am to 10pm in the Noise Report seem excessive and would most certainly cause undue harm to future occupants.

Holly Bank Road is not a main 'A' or 'B' road. As such, background noise levels are relatively low, making the noise from the band room even more discernible in the proposed apartments. For this reason, the existing band use and the proposed residential apartments are not considered to be compatible uses and would likely result in significant adverse impacts on health and the quality of life of future occupants of the apartments. The proposals would therefore be contrary to paragraph 198 in the NPPF.

Lack of Adequate Natural Light

Part (2) (h) of Schedule 2, Part 3, Class MA states:

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

Local Plan Policy LP24 states:

“Proposals should promote good design by ensuring: b. they provide a high standard of amenity for future and neighbouring occupiers.”

The applicant’s Planning Statement states that for part of the day the bedroom windows “will be overshadowed by the adjoining band room and not fully compliant with the 45-degree guidelines set out in the House Extensions and Alterations SPD … Functionally, bedrooms are predominantly occupied during the night with curtains closed. It is 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.”

The proposed apartments are small and only comprise an open plan living/kitchen room, a bathroom and one bedroom. It is therefore paramount that both habitable rooms contain adequate natural light. The bedroom is the main and only bedroom in the each of the apartments and may double up as a home office. Appropriate levels of natural light provide significant benefits for both physical and mental well-being including boosting mood, improving sleep and regularising circadian rhythms. Natural light can also improve focus and productivity and reduce the need for artificial lighting leading to lower energy consumption.

It is therefore considered that it would be inappropriate to reduce the weighting for the provision of natural light in the bedrooms and the proposals are therefore unacceptable and contrary to Local Plan Policy LP24 b.

For the reasons outlined above, our client strongly objects to the proposed change of use, and it is therefore respectfully requested that this application is refused.

Yours faithfully,

Robert Halstead Chartered Surveyors & Town Planners