

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:	2025/62/93438/E
Site Address:	Arena Young Peoples Centre, Moorlands Road, Dewsbury, WF13 2LF
Description:	Erection of 10-unit (class C2) special needs care home, day centre (class E(f)), administration and training building (class E(g)(i))
Recommending Officer:	Ellie Thornhill

DECISION – Full Planning Permission – Approve

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.

Nick Hirst

AUTHORISED OFFICER

Date: 23/07/2026

Officer report

Application: 2025/62/93438/E

Site: Arena Young Peoples Centre, Moorlands Road, Dewsbury, WF13 2LF

Proposal: Erection of 10-unit (class C2) special needs care home, day centre (class E(f)), administration and training building (class E(g)(i))

Site description

The site is located off Boothroyd Lane and comprises approximately 0.34 ha of vacant land that was previously occupied by a youth centre, the Dewsbury Arena. The building that stood on the eastern part of the site has now been demolished, with most of the western half of the site being occupied by the multi-use games area (MUGA). Land levels fall within the site from north to south. Boundary treatment consists of stone walling and metal fencing. There are also a number of trees along or within a close proximity of the site boundary, however, they are not protected via a TPO.

Surrounding the site is predominantly residential in character.

The eastern part of the site is Unallocated with parcels of Small Open Space located to the west and south of the site.

Description of proposal

Planning permission is sought for the erection of a two buildings; a 10-unit (Class C2) special needs care home and a day centre (class E(f)), administration and training building (class E(g)(i)).

The 10-unit¹ care home would be single storey measuring 40m in width x 24m in depth x 5.2m in overall height. Internally the building would provide:

- A reception
- Day lounge
- Office
- Dining room and kitchen
- Staff room
- Store rooms
- Assisted bathroom and laundry
- Sensory room

In addition to eight single bedroom units and a two bed annex with its own living room.

¹ Unit, in this case, referring to bedrooms.

The day centre would be two storey in height measuring 29m in width x 18m in depth x 8.5m in overall height. Internally the building would provide at ground floor:

- A reception
- Changing room
- Kitchen
- Salon
- I.T suite
- Dining room,
- Craft room
- Quiet room
- Sensory area,
- Cinema room
- Activity space
- Admin office
- Managers office
- Private workspace
- Training room
- Breakout room

Walling materials for both building would include split face stone, with composite cladding as a secondary material. The roofs would be constructed from grey concrete slates. Windows and doors would be UPVC in an anthracite grey.

Vehicular access remains in the same location, with improvements proposed. A total of 18 on-site parking spaces are proposed, of which two would be for disabled parking. This would be created to the south and east of the site.

A cycle store is also proposed to the immediate south of the care home building, along with a bin store to the south west of the site (adjacent to the highway).

History of negotiations/amendments received

Officers have entered into discussions with the applicant/agent as part of the application process and additional information in relation to highway safety, trees and contaminated land have been sought. The applicant has also confirmed in writing (on the 23/07/26) their agreement to the conditions proposed.

Planning History

Application site

2018/94159 Prior notification for demolition of two buildings – Approved.

Pre-application advice

2025/20748 Pre application for residential development (8 bed care home with 2 bed self-contained annex) – Comments made.

Adjacent properties

77 Moorlands Road

2019/91104 Alterations to infill existing balcony to extend bedroom – Granted

2012/92700 Alterations to convert integral garage to accommodation – Granted

west of 77 Moorlands Road

2003/93794 Erection of detached dwelling and detached garage – Granted

Representations

The application was advertised by the council as a major development and as a departure from the Local Plan via site notices, along with being advertised within a local newspaper. This is in line with the Council's Statement of Community Involvement adopted at the time of submission.

Final publicity expired on 14/02/2026.

As a result of the above publicity, one representation has been received, with the following concerns:

- My house is adjacent to the Arena Young Peoples Centre where the development of a care home and day centre is being proposed. My property has suffered with subsidence within the last year due to plantation of a tree on the property and this is being evaluated by my insurer at present. I have reviewed the plans. I note that plantation of tree's is planned adjacent to and in the near vicinity of the boundary wall of 77 Moorlands Road. This would be potentially detrimental to my building at 77 Moorlands Road, therefore plantation adjacent to 77 Moorlands Road should be avoided to prevent any future claims.

Officer comment: *This would be a private legal matter of which the onus would be on the developer to secure a safe site, in line with paragraph 197 of the NPPF.*

Ward Councillor comments

Ward councillors Cllr Ammar Anwar and Cllr Tanisha Bramwell and former ward Cllr Darren O'Donovan have all been notified of this application. However, no formal comments have been received.

In the interest of expediency officers have not notified new ward councillors following the May 2026 elections.

Consultation Responses

KC Trees: An Arboricultural Impact Assessment (AIA) with accompanying Impact plan has been reviewed, ref: AWA7409, dated May 2026. The layout has been amended and can now accommodate the retained trees, with the specified tree works as described within the report. As such, no objections are raised from an arboricultural perspective, subject to a compliance condition being attached to the decision notice.

KC Environmental Health: Officers have reviewed the land contaminated documents which include a Phase 2 Report and Remediation Strategy to which no objections have been raised. Therefore, the proposal can be supported, subject to additional land contamination conditions being attached to the decision notice including development in accordance with the approved remediation strategy and the submission of a verification report.

KC Highways: Officers support the application, following the amendments proposed and the submission of the Road Safety Audit. As such, the application is considered acceptable from a highways perspective, subject to appropriately worded conditions being attached to the decision notice.

KC Public Health: Comments have been provided on the Rapid Health Impact Assessment submitted as part of this application.

West Yorkshire Police: No objection subject to a planning condition requiring the security measures for the site being attached to the decision notice in the interests of crime prevention and community safety.

KC Lead Local Flood Authority (LLFA): No objections to the development subject to full drainage conditions being attached in the case of an approval.

Yorkshire Water: Requested that a condition regarding surface water drainage.

NOTE: The comments from Yorkshire Water are noted however, a detailed assessment of the site has been undertaken by KC LLFA and an appropriate discharge rate has been agreed. This condition is therefore not considered reasonable or necessary.

KC Ecology: The information submitted has been considered acceptable, subject to appropriately worded conditions regarding a CEMP, lighting strategy and Ecological Design Strategy) being attached to the decision notice.

KC Waste Strategy: The scheme has been considered acceptable, subject to conditions being attached to the decision notice regarding the design and management and maintenance of the bin store.

Mining Remediation Authority: The Mining Remediation Authority considers that the content and conclusions of the information prepared by Geoinvestigate Ltd are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Mining Remediation Authority therefore has no objection to the proposed development.

KC Adult Services: No comments received.

KC Social Services: No comments received.

Planning Policy Background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019)

The application site comprises unallocated land and small parcels of amenity green space.

- LP 1 - Presumption in favour of sustainable development
- LP 2 - Place shaping
- LP 3 - Location of new development
- LP 7 - Efficient and effective use of land and buildings
- LP 11 - Housing Mix and Affordable Housing
- LP 20 - Sustainable Transport
- LP 21 - Highways and access
- LP 22 - Parking
- LP 24 - Design
- LP 26 - Renewable and low carbon energy
- LP 28 - Drainage
- LP 30 - Biodiversity and geodiversity
- LP 32 - Landscape
- LP 33 - Trees
- LP 38 - Minerals safeguarding
- LP 50 - Sport and physical activity
- LP 51 - Protection and improvement of local air quality
- LP 52 - Protection and enhancement of environmental quality
- LP 53 - Contaminated and unstable land
- LP 61 - Urban green space

Supplementary Planning Guidance / Documents and other documents

- Highway Design Guide SPD (2019)
- Open Space SPD (2021)

- Kirklees Interim Housing Statement to Boost Supply (2024)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)

National Planning Policy and Guidance

The National Planning Policy Framework (published in December 2024 and updated February 2025) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposals.

Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Planning for climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 17 – Facilitating the sustainable use of minerals

A consultation draft of a revised National Planning Policy Framework was published on 16/12/2025, however that document is at an early stage and is subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

Other relevant national guidance and documents

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – nationally described space standard (2015, amended 2016)

Climate change

The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021 the council approved a Planning Applications Climate Change Guidance document.

Assessment

The following matters are considered in the assessment below:

1. Principle of development
2. Design and conservation
3. Impact on residential amenity
4. Impact on highway safety
5. Other matters
6. Representations
7. Conclusions

1. Principle of development

Paragraph 7 of the National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving sustainable development has three overarching objectives (social, environment and economic), and these are interdependent and need to be pursued in mutually supportive ways.

In line with the National Planning Policy Framework, policy LP1 of the Kirklees Local Plan declares that:

“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”

Policy LP2 states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes...”

Part of the site is Unallocated land within the Local Plan. The development of such land is not, in principle, a cause for concern and will be subject to consideration of the proposal's specific details and impacts through this assessment. However, as noted, part of the site is allocated as small valuable greenspace which is considered below.

Loss of existing sports facility / urban green space

Part of the site, circa 1200sqm (or circa 35% of the site), is identified in the Local Plan Strategy and Policies document (Appendix 4) as a small valuable greenspace protected under Local Plan policy LP61 (Urban Green Space). Therefore, policy LP61 must be addressed. This policy states:

Development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where:

- a. an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or*
- b. replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or*
- c. the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.*

In this case, a planning support statement in relation to this matter has been submitted, and the following justification provided:

7.4 While the POS allocation remains in the adopted plan, it is evident that the land has not functioned as public open space for a significant period. The area has been inaccessible to the public since 2016/17, enclosed by fencing forming an inaccessible site boundary. The site has become overgrown and derelict and has been unmanaged, with no recreational or leisure function or public access or benefit.

7.5 Policy LP61 – Urban Green Space and Public Open Space seeks to protect designated open spaces from development unless certain criteria are met. The policy allows development where the open space is no longer required, or the proposal would deliver alternative provision or community benefits.

7.6 Given that the Council has abandoned the former use, the site has been inaccessible for over seven years, is physically enclosed, and provides no open space function, the land no longer performs the role of public open space envisaged by Policy LP61. While the allocation

remains, the land does not contribute to the supply of usable open space for Kirklees residents.

Officers concur with the above assessment and acknowledge that since the site has ceased operations (likely to be around 2018), the onsite green space is unlikely to have been available for public use, given the perimeter fencing in situ. Therefore, on the balance of probabilities, is unlikely to have operated for sports and recreational facilities since this time.

Paragraph 104 of the NPPF is applicable. Paragraph 104 does not allow for the development of existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, unless an assessment has been undertaken which clearly demonstrates that (a) the land or facilities are surplus to requirements, (b) the loss would be replaced by an equivalent or better provision, or (c) the proposal is for alternative sports / recreational loss

Considering 104(a), a full assessment of the nearby sites available to meet the needs of locals for open space, sport and recreational facilities would need to be undertaken in line with Policy LP50 which states that:

The council will seek to protect, enhance and support new and existing open spaces, outdoor and indoor sport and leisure facilities where appropriate, encouraging everyone in Kirklees to be as physically active as possible and promoting a healthier lifestyle for all.

Sport and leisure facilities will be protected where they are needed to meet current and future demands. The loss of open space, sport and leisure facilities will only be allowed where:

a. an assessment clearly shows that the site is no longer required to meet an identified need for open space, sport, or recreation use; or

b. equivalent or better replacement facilities in terms of quantity and quality are provided to compensate for those lost as a result of the development and these are within an easily accessible location for existing and potential new users; or

c. the proposal is for an alternative sport, leisure or open space use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing facility. Any proposed loss of community sports facilities should be supported by a detailed needs assessment report.

In this case, the supporting statement sets out in paragraph 7.9 that accessible MUGAs and youth recreation have been assessed with 2km of the site, which has identified three key alternative facilities. These include the facilities at Crow Nest Park (400 m from the site), Earlsheaton Park (1.5 km from the site), and Ravensthorpe Park (1.6 km from the site).

It is therefore considered that the site would still meet the accessibility standards established in the Council's Open Space Study (2015, revised 2016) and that it is surplus to the requirements. This is further reinforced by the fact that the council, as previous land owner, sold the site on and is therefore evidently operationally surplus. This is a clear and evident material change in circumstances that indicate that the site returning to its previous use is highly improbable.

Paragraph 7.19 of the applicants supporting statement therefore concludes that:

Consequently, redevelopment of the site would not result in the loss of an existing area of functional open space or recreation facility, nor would it create a shortfall in local provision. The proposal is therefore consistent with the requirements of Policies LP50 and LP61 and the aims of the Framework to achieve sustainable development.

Having taken the above in account the above, and the fact that K.C. Policy notes that the greenspace on site was scored as low value in the 2015 Open Space Study, prior to its use having ended and being left unused for a prolonged period, with the following comments:

"Treed amenity space associated with multi-use games area. The current provision of amenity greenspace in the ward is below the minimum benchmark standard"

In light of the above, officers are satisfied that the applicant has demonstrated that the site, as open space, is surplus to requirement and therefore its loss is in accordance with LP61(a) and Paragraph 104(a).

Officers can support the loss of this small area of open space, and therefore consider the development to accord with the requirements of Policies LP50 and LP61 of the Kirklees Local Plan.

Residential and care home development

The proposed development would comprise a C2 use (residential institution) which includes residential care homes and supporting administrative facilities.

The Local Plan does not contain any specific policy on the provision of new residential institutions such as care homes. In principle such proposals are likely to be supported where they are in appropriate locations and subject to considerations of design, amenity and environmental factors.

Furthermore, for residential development, as the council is currently unable to demonstrate a five-year supply of deliverable housing sites and delivery of housing has fallen below the 75% HDT requirement it is necessary to consider planning applications for housing development in the context of

NPPF paragraph 11. This paragraph triggers a presumption in favour of sustainable development. For decision making this means:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

1. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or

2. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

Footnote 7 of the NPPF identifies a list of protected area or assess that may, if they form a strong reason for refusal, negate the presumption in favour of sustainable: none are considered relevant to the current proposal.

Footnote 8 of the NPPF clarifies that for applications involving the provision of housing, the presumption applies to situations whereby the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; or where the Housing Delivery Test has fallen below the 75% pass threshold.

The council's inability to demonstrate a five-year supply of housing land or pass the Housing Delivery Test weighs in favour of housing development. Nonetheless, this must be balanced against any adverse impacts of granting the proposal. In this case, as set out above, the application is considered to comply with Policies LP50 and LP61 of the Kirklees Local Plan.

Alongside the above, both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land. In this instance, the proposal would bring a currently vacant, overgrown site into use, which would meet the needs of the community, by provided accommodation for adults with a learning and physical disability.

Minerals

The site is within a wider mineral safeguarding area relating to surface coal resource with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it.

Sustainable Development and Climate Change

As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.

The re-use and effective use of brownfield land within the urban environment has various economic, social, and environmental benefits, including the conservation of energy and materials which is a positive of the proposal. Furthermore, it avoids the need to develop greenfield sites elsewhere.

The proposal would have a C2 use class, and therefore residents are unlikely to be fully independent or visit shops / amenities off-site as frequently as a C3 development. Nonetheless, the site is within an existing established settlement and close to various local amenities and facilities at Dewsbury town centre (circa 0.8 km away), with bus routes around the area providing an adequate service. Therefore, at least some, if not all, of the daily, economic, social and community needs of future residents of the proposed development could be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.

Regarding climate change, the applicant has submitted a Climate Change Statement. This document details various matters, including the use of efficient building and service controls, energy efficient white goods, temperature controlled heating systems. As such, the climate change statement and measures are approved.

In addition to the above, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists) and other measures to promote sustainable movements have been proposed or would be secured by condition (referenced where relevant within this assessment). Drainage and flood risk minimisation measures would need to account for climate change. These factors will be considered where relevant within this assessment.

2. Impact on visual amenity

Relevant design policies include LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating;

‘Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’.

The site as existing is currently vacant and in places over grown, limiting its attractiveness and amenity value within the wider area. The scheme proposes

the slight levelling of parts of the site, in order to create buildable areas for the two buildings, and associated works, proposed.

Trees of poor quality (including T1, T21, T22, T28 and T29) and scrubland areas would also be removed in order to facilitate the development.

Starting with the care home, this would be single storey with an overall height of 5.2m. The building's design includes a mix of hipped and gable roof forms and an irregular footprint, with a number of small projecting elements. The building would benefit from active frontages both facing onto the highway (to the west of the site onto Boothroyd Lane) and to the entrance into the site.

The proposed arrangements and sizes of fenestration are considered to be acceptable, with large areas of glazing particularly to the southern and western elevations. Views of such openings would be obscured predominantly by the existing trees that line the perimeter of the site. The fact that this building would be single storey in height would further help to mitigate any impact. There are also benefits to including the larger areas of glazing within the design, one being to provide passive solar gain. Adequate window reveals (of 100mm to 150mm) would need to be provided to ensure that sufficient relief to the elevations is achieved. This would be secured via a condition to the decision notice.

With regard to the design of the day centre/administrative building, this would be predominantly two storeys in height, with a single storey element to the north. The building has been designed with hipped roofs to keep the overall bulk and massing to a minimum, and to blend in with nearby residential properties, especially those in which it would be read alongside.

The building has been designed with an active frontage to its principal elevation, which would face into the site (western elevation).

Large areas of fenestration are also proposed within this building, to aid its passive solar gain. Officers have no concerns in relation to this, as the existing perimeter tree cover would be retained as part of this development, which would help obscure parts of the site from wider vantage points.

With regard to materials, the submitted plans show a split face concrete block to the walls, alongside elements of composite cladding. To the roof a slate grey concrete tile is proposed. Windows and doors are to be UPVC in an anthracite finish. Such materials are considered reasonable and therefore would be conditioned appropriately.

Having considered the built form cumulatively within the site, officers are satisfied that the development would sit comfortably within the site and would not result in overdevelopment. The proposed site layout plan shows landscaped areas around the buildings, along with patio areas so that the future residents can enjoy the outdoor amenity space.

Limited information is provided in regard to boundary treatment, other than the demolition of part of the existing stone wall to the western boundary, in order to facilitate a better vehicular access into the site and improve pedestrian access along Boothroyd Lane. Officers have no initial concern regarding this from a visual perspective, subject to any future boundary treatment being appropriate along this frontage, which would be secured via an adequately worded condition. For the rest of the site, the plans show the existing perimeter fencing to be retained, with additional planting along these boundaries.

In conclusion, the proposed development is considered to promote good design which would respect and enhance the character of the townscape, complying with the aims and objectives of Local Plan policy LP24. The scheme would also bring a current vacant brownfield site back into use, which would provide a facility for the local community and wider Kirklees, by providing well needed housing accommodation.

3. Impact on residential amenity

Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.

In this case, residential development surrounds the site to all four boundaries.

77 and 79 Moorlands Road

These properties are situated to the north of the site and are located on a higher level, due to the changes in topography within the area, sloping from north to south. Whilst the section plan submitted with this application show some land levelling to take place as part of this application; these neighbours would still remain on a higher level.

It is noted that no. 79 does have what appear to be habitable rooms that directly overlook the application site. However, given the change in levels, the fact that the majority of the trees along the north/north western boundary would be retained, and that the nearest built form to these neighbours would be the single storey care home, officers are satisfied that there would be no material overbearing and overshadowing upon these neighbours' amenity.

With regards to no. 77, the day centre building would be the closest form of development to these neighbours, however, the plans show it to be reduced to single storey at the boundary adjacent to these neighbours. Separation distances of 7.5m would be retained from the nearest elevation of the single storey element along with 13.4m from the two storey building. Therefore, given the changes in land levels and the fact that these neighbours do not appear to benefit from any side openings facing towards the new building, officers are satisfied that an acceptable level of amenity would be retained for these neighbours.

Lastly with regards to overlooking, the levels differences would mitigate any undue impact at ground floor level, and the plans show no first floor side openings to be inserted into the northern elevation of the day centre. Given the roof pitch on the single storey aspect, it is unlikely that any future openings could be inserted into this elevation and for that reason officers are satisfied that an adequate level of amenity would be retained at these neighbours.

26-36 Speakers Court

These properties are situated to the west of the site and are separated by a highway (Boothroyd Lane). Some of these properties appear to be flats, with their rear elevations facing onto the application site. However, sufficient separation distances of at least 26m would be retained between the western elevation of the care home to the nearest elevation at these neighbours, along with 16m to their rear amenity space. As such, officers consider these separation distances to be sufficient enough in order to mitigate against any undue overbearing, overshadowing and overlooking.

Given the above, the relationship between the site and these neighbours can be supported.

2-28 Sussex Walk

These properties are situated to the south of the site, whereby the dense tree cover between these neighbours, and the application site would be retained. Alongside the above, a separation distance of at least 29m would be retained between the nearest elevation at the day centre to the nearest elevation at numbers 26 and 28.

Given the above, officers are satisfied that an acceptable level of amenity would be retained at these neighbours.

Lacy Villa

This property is situated to the east of the application site. The plans show the two storey day centre to be the nearest building to Lacy Villa. Having visited the site, it is acknowledged that these neighbours benefit from two openings within their side elevation facing towards the site; one at ground floor and the other at first floor. Section plans have been provided to show the level differences between the day centre and these neighbours, which show the day centre to be constructed on a lower level, with the main bulk and massing pulled away from these neighbour's openings. Separation distances of approximately 13.4m would be retained. Having considered the above, officers are satisfied that there would be no detrimental overbearing and overshadowing upon these neighbour's amenity.

With regards to overlooking, a number of openings/patio doors are proposed within the eastern elevation of the day centre that would face towards the

shared boundary, however, it is likely that the majority of this outlook would be out onto the existing boundary treatment, given the change in levels between these two sites. Nonetheless, there is the potential to strengthen the boundary treatment along this boundary, to help mitigate any potential outlook from the ground floor windows, which could be conditioned accordingly.

At first floor, the proposed day centre building has been designed to ensure that no windows are proposed that would have a direct relationship with these neighbours existing openings, which would omit any undue overlooking. A further condition to restrict any future first floor openings within this elevation would also be attached to the decision, in order to protect these neighbour's future amenity.

In summary, officers are satisfied that the development (including the additional conditions proposed) would ensure that an adequate level of amenity is retained for these neighbours.

Noise and odour

As a predominantly residential development, noise pollution from future residents affecting existing residents is not a cause for concern.

Officers note that kitchen areas are proposed both within the care home and day centre, which could potentially give rise to noise and odour concerns. However, given the relatively small-scale development proposed, officers are satisfied that any impact on surrounding neighbouring amenity is unlikely to be detrimental. Nonetheless, two conditions are recommended one regarding the kitchen extract systems including a risk assessment for odour, any extract systems that may be required, noise mitigation measures and the ongoing maintenance for any systems and a second condition is recommended to ensure that any fixed mechanical plant does not exceed background levels.

A small car park is proposed to the south and east of the site, where no lighting has been proposed. If lighting was to be installed here, it is likely to be limited/minimal and therefore officers do not consider this to give rise to any wider light pollution, that would detrimentally impact upon neighbouring residential amenity.

To appropriately manage the construction phase, a condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative note regarding hours of noisy construction work is recommended.

Amenity of future occupiers

Alongside the above, the amenity of the future occupiers has also been considered.

Due regard must also be given to the amenity of the future occupiers. As the proposal is for a C2 development the Nationally Described Space Standards are not considered directly applicable. Each unit, including the two bed supporting living annex, would be reliant upon the facilities and amenities provided within the wider development, including the dining area and social and varied outdoor spaces, as well as care services.

In light of this, the proposed unit sizes are deemed appropriate for the specific nature of the development, however, officers would not wish for these units to be operated in any future C3 use and therefore, for the reasons identified above, an appropriately worded condition would be attached to the decision notice to ensure that the development is only for a C2 use.

In terms of outlook each unit would benefit from a well-proportioned window that would provide an acceptable outlook and allow for natural light. Units on the northern side of the building would have an outlook primarily onto the trees along the boundary of the site. However, their relationship would not be so close as to materially harm these neighbours outlook, nor is it expected to result in undue pressure to fell these trees in the future.

As noted above, residents would benefit from small areas of garden/outdoor space as two patio areas are proposed to the rear of both the care home and day centre.

In summary, the proposed development is not considered to give rise to any detrimental impacts on the amenity of neighbouring residents. Furthermore, the proposal would secure an acceptable standard of amenity for future residents. Subject to the proposed conditions, the proposal is deemed to comply with policies LP24 and LP52 of the Kirklees Local Plan.

4. Impact on highway safety

Paragraph 115 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree.

Paragraph 116 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed

effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

KC Highway Development Management have been consulted as part of this application, whereby their initial comments required amendments to the site access and the submission of a Stage 1 Road Safety Audit. These have been undertaken and their final comments are as follows:

In this case, the application is for the erection of a 10-bedroom special needs care home with a day centre and admin and training building at a youth centre with an existing access on to Boothroyd Lane, a 30mph two-way, single carriageway residential access cul-de-sac of approximately 5.7m width with a full footway opposite and a narrow footway on the side of the development and limited street lighting present. Boothroyd Lane provides vehicular access to a small residential car park and as such would not be expected to carry a high level of traffic.

The site is approximately 135m from stops on a medium frequency bus route, and approximately 765m from Dewsbury railway station and 900m from Dewsbury bus station.

As part of the application process, Kirklees Highway Safety Team have been consulted and have outlined that there are existing parking complaints along Boothroyd Lane, adjacent to the access for this site. As such, officers have requested that the applicant funds a TRO to restrict parking along one side of Boothroyd Lane (eastern side) to ensure that access can always be made to the site, especially for larger vehicles such as mini-buses and ambulances. This is considered to be reasonable as the application would see the intensification of the site's access which would increase the opportunities for obstruction to take place.

A stage 1 Road safety Audit (RSA) was submitted by the applicant and approved by the Overseeing Organisation, and this identified a number of safety concerns that have been addressed by the designers on layout drawing No 1362_01 Rev F and included the relocation of the retaining wall to a position behind the visibility splay to the right from the access to the site along Boothroyd Lane, improvements to the footway along the eastern side of Boothroyd Lane using the land made available by the relocated retaining wall, which will need to be offered to the Local Highway Authority for adoption, the removal of the proposed pedestrian crossing to the immediate north of the site access due to the improvements to the eastern footway, and the repair and resurfacing to Boothroyd Lane at the access to the site.

The relocation of the retaining wall has allowed for improvements to the footway on the eastern side of Boothroyd Lane and again these works

will need to be carried out within a s278 agreement with the Local Highway Authority. The relocation of the retaining wall is essentially to create a suitable visibility-splay to the right, and therefore officers would require the retaining wall positioned so that a 2m wide footway can be created as far along the eastern side of Boothroyd Lane as possible. This would be secured via an appropriately worded condition.

Trip Generation, as provided in the original Transport Statement, was obtained from first principles based on both the proposed staffing levels at the site and from observations taken at other similar sites run by the applicant and this method is acceptable. The proposed trip generation would not be expected to have a severe impact on the operation or efficiency of the local highway network.

The access to the site is to be improved and these works should be undertaken within a s278 agreement with the Local Highway Authority. Visibility splays to the right of 2.4m x 45m are indicated on drawing No 1362_01 Rev F, achieved by the relocation of the retaining wall and this visibility splay is acceptable. As the access is close to the end of a cul-de-sac, visibility splays to the left cover the full length of the road and are acceptable.

It is expected that the internal roads and parking within the site will remain private and are not expected to be offered up to the Local Highway Authority for adoption.

A swept path analysis for a large car was provided on drawing No 03.01 Rev 0 and this indicated that two large cars can pass within the bell mouth of the proposed access, and this is acceptable. A swept path for a refuse vehicle was requested previously, however it is intended that a refuse vehicle would not enter the site and would turn at the end of Boothroyd Lane as is currently the case for residential refuse collection. To enable waste collection, a bin storage/collection point was created adjacent to the access and this is clearly indicated on drawings Nos 1362_01 Rev F and 03.01 Rev 0 and is acceptable. Details of waste collection and storage would be assessed in more detail below.

Drawing No 03.01 Rev 0 shows 16 standard car parking spaces and two accessibility spaces. The parking was assessed from first principles based on the number of staff and visitors expected to access the site using judgement from the other similar sites run by the applicant. This suggests that the 16 spaces would be adequate for the day-to-day use of the site and is acceptable.

A turning head is provided on site that is suitable for vehicles up to mini-bus size and drawing number 6695 T1 01 rev 0 shows that an 8m West Yorkshire Fire and Rescue fire tender can turn on site and this is acceptable. Refuse vehicles would not be expected to enter the site and turn and so a bin collection presentation point has been located

adjacent to Boothroyd Lane and this is acceptable to the Kirklees Waste Strategy team.

Due to the access constraints along Boothroyd Lane, the limited parking and the need to maintain access to the residential parking to the south of the site, a Construction Access Management Plan would be required prior to development commencing, which would be secured via condition.

We would also like to see a highway condition survey carried out along Boothroyd Lane prior and post construction with any defects or damage caused by construction vehicles put right by the applicant. This should be conditioned and may be done with the proposed repair/resurfacing of Boothroyd Lane at the site access as proposed within the designer's response to the RSA.

With this we consider the application to be acceptable on highways grounds with the following conditions and informants.

Officers concur with the above assessment and the recommended conditions (which are detailed in full, in the Highways consultation response dated 20/07/2026).

Further to the above comments made by KC Highway DM, officers have undertaken a final assessment on the below matters.

With regards to bin storage, officers would also require details of the design and management and maintenance of the proposed bin store along the site's frontage, which would be secured via appropriately worded conditions.

Lastly KC Highway Structures have been formally consulted and have confirmed that the wall in which would be amended to improve the access for the site, is a retaining wall and therefore any modifications may require technical approval. As such, a condition which requires the proposed design details for the retaining wall including any modifications would be attached to the decision notice accordingly.

In summary, the application is considered acceptable from a highway safety and waste management perspective and therefore accords with the policy and guidance set out above, subject to appropriately worded conditions being attached to the decision notice.

5. Other matters

Drainage and flood risk

The site has an area below 1ha and is fully within Flood Zone 1. Therefore, a site-specific flood risk assessment is not considered necessary.

Due regard must still be given to surface water flood risk. Therefore, a drainage strategy and hydraulic calculations have been submitted as part of this application, whereby KC LLFA have been formally consulted.

In this case, the LLFA officer notes that soakaways are not feasible and therefore the discharge of surface water run-off to the Yorkshire Water sewer network, from this brownfield site, is acceptable at the proposed allowable discharge rate of 11.9l/s. However, the discharge should be to the surface water sewer in Boothroyd Lane (which eventually connects to the river Calder). This connection would be subject to Yorkshire Water approval. A connection to the existing combined sewer outfall from the site as shown on the Drainage Strategy drawing would not usually be acceptable when there is a suitable alternative.

Notwithstanding the above, officers are satisfied that there is adequate space within the site for water, with the technical details to be conditioned as part of this application. This would include full drainage conditions, including construction details and management and maintenance arrangements, as well as conditions for flood routing and a construction phase surface water and pollution prevention plan.

Considering the above, subject to the proposed conditions, the proposal is considered by officers and the LLFA to comply with the aims and objectives of policy LP28 of the Kirklees Local Plan.

Other matters

Ecology

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 192 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 193 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. This is echoed in policy LP30 of the Kirklees Local Plan.

Furthermore, policy LP30 outlines that development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

The application is supported by a Preliminary Ecological Appraisal which identifies in table 10 the ecological constraints and opportunities for the site, whereby it has been concluded that no further surveys are required. K.C. Ecology concur with this conclusion. Although they request that, if minded to approve, conditions in relation to the submission of a CEMP: Biodiversity and a lighting strategy, to protect local ecology, are included. Officers consider these to be acceptable, to comply with LP30.

Further to the above, the suggested biodiversity enhancements for the site include;

- the installation of two bird and bat boxes on retained trees within the site,
- any trees removed could be left within the remaining woodland to form deadwood habitats for notable invertebrates
- landscaping scheme to incorporate native shrubs and trees of value to wildlife.

These enhancements are considered reasonable and shall be conditioned through an Ecological Design Strategy.

Alongside the above, the provision of a Biodiversity Net Gain (BNG) of 10% is now a mandatory requirement for developments in England under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This is subject to limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12/02/2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The applicant has not put forward a case that the development is exempt from the 10% provision, nor do officers consider exemption applicable. In accordance with national guidance, the application is supported by an assessment confirming the pre-development biodiversity value of the on-site habitat, on the date of application.

The submitted Biodiversity Net Gain Report and metric concludes that there would be a net loss of 1.24 habitats on site, which equates to a deficit of 1.42 habitat units below the biodiversity net gain target of 10%.

In accordance with The Act, due regard must be given to whether the proposed net gain (including enhanced areas of existing habitat) amounts to a significant enhancement. Significant enhancements are areas of habitat enhancement which contribute significantly to the proposed development's BNG, relative to the biodiversity value before development. The Act requires that the maintenance of these significant enhancements must be secured with a legal agreement, for a minimum of 30 years.

In this case, the BNG report outlines that the onsite delivery of 1.42 habitats units (to deliver the 10% net gain) would not be feasible and therefore, it is recommended that off-site habitat compensation options are explored. In light of the above, there would be no on site habitats to be created that are considered significant' and therefore a dedicated condition or Section 106 obligation regarding management (for a period of 30 years) is not deemed necessary.

Concluding on the above, officers are satisfied that the proposal complies with the aims and objectives of LP30 of the Kirklees Local Plan.

Trees and landscaping

Local Plan policy LP33 sets out that “proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment...”. Policies LP24 and LP32 are also relevant.

As part of the initial application, trees G1, T1, T2, T6, T7, T8 (offsite), T9 (offsite), T13, T14 and T15 (offsite) were requested for removal. However, concern was raised in this respect by KC Trees and therefore the layout has been amended to now accommodate the retention of these trees.

Instead, the plans now show the removal of only five trees; (all either category C or U trees), in order to facilitate this development, whereby no concern has been raised by Tree Officers.

As such, the development has been considered acceptable, subject to a condition being attached to the decision notice which states that the development shall be carried out in strict accordance with the Arboricultural Method Statement. This is to accord with policies LP24, LP32 and LP33 of the Kirklees Local Plan.

With regards to landscaping, small areas of green space are proposed within the site, along with a memorial garden to the front of the proposed care home. A landscaping plan has been submitted with this application, which is broadly acceptable, however, Landscape Officers have noted that the proposed planting schedule includes several species with poisonous fruits and/or thorny growth (for example Ligustrum, Skimmia, etc). Given the intended use as a care home, the applicant should demonstrate that the proposed species are appropriate for the anticipated resident group, particularly where residents may have cognitive impairment, or provide suitable alternative species of lower risk.

As such, an appropriately worded condition would be attached to the decision notice, requiring a revised planting list and the future management and maintenance of the on-site green space.

In light of the above, the information is considered to be acceptable, subject to tree and landscape conditions being attached to the decision notice. This is to accord with policies LP24, LP32 and LP33 of the Kirklees Local Plan.

Contaminated land

Due to the scale of the development and residential end use, due regard must be paid to ground contamination.

In support of the application a Phase 1 and revised Phase 2 report (to include gas monitoring data) and Remediation Strategy have been submitted. KC Environmental Health has considered the documents submitted and have advised that based on the professional judgement of the report author and the information presented, the reports have been considered acceptable.

Based on these reports' findings, additional land contamination conditions are required to include the implementation of the Remediation Strategy and the Submission of Verification Report. Subject to the imposition of these conditions officers are satisfied that the proposal complies with the aims and objectives of Local Plan policy LP53.

Coal legacy

The application site falls within the defined Development High Risk Area, where there are underground coal mining features and hazards that may pose a risk to development. The application is supported by a Coal Mining Risk Assessment which has been reviewed by the Mining Remediation Authority.

The Mining Remediation Authority considers that the content and conclusions of the information prepared by Geoinvestigate Ltd are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Mining Remediation Authority therefore has no objection to the proposed development, with no conditions requested, and therefore it is considered to comply with Policy LP53 of the Kirklees Local Plan.

Air quality

The development is not in a location, nor of a large enough scale, to require an Air Quality Impact Assessment. Notwithstanding the above, Local Plan policies LP24(d) and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seek to mitigate Air Quality harm.

Given the scale and nature of the development it is recommended that the four electric vehicles charging points are considered to be acceptable, to accord with policies LP24(d) and LP51 of the Local Plan. These would be secured via a condition on the decision notice.

Crime Mitigation

West Yorkshire Police have been consulted as part of this application and have confirmed that they have no objection to the development subject to a condition being attached to the decision notice requiring the security measures for the site to be submitted for approval, in the interest of crime prevention and community safety. This is to accord with Policy LP24 of the Kirklees Local Plan.

Section 106 agreement

No Section 106 agreement is needed in connection with the proposed development.

6. Representations

As a result of the publicity, one representation has been received. Officer responses to the comments are set out as follows:

- My house is adjacent to the Arena Young Peoples Centre where the development of a care home and day centre is being proposed. My property has suffered with subsidence within the last year due to plantation of a tree on the property and this is being evaluated by my insurer at present. I have reviewed the plans. I note that plantation of tree's is planned adjacent to and in the near vicinity of the boundary wall of 77 Moorlands Road. This would be potentially detrimental to my building at 77 Moorlands Road, therefore plantation adjacent to 77 Moorlands Road should be avoided to prevent any future claims.

Officer comment: This would be a private legal matter of which the onus would be on the developer to secure a safe site, in line with paragraph 197 of the NPPF.

7. 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.

The proposal includes the erection of a 10 unit care home (C2) special needs care home for adults, along with a day and administration centre. The development would bring a vacant brownfield site back into use, resulting in an efficient and effective use of land, at a time when the council is unable to demonstrate a five-year land supply.

The design of the building is considered acceptable from visual perspective, subject to appropriately worded conditions. The proposed development would secure an acceptable standard of amenity for future occupiers, while causing no significant material harm to nearby residents. Other material planning considerations such as highways, ecology and trees are also considered acceptable.

Recommendation: Approve (subject to conditions)

Report Dated: 23/07/26

Decision Authorisation: Delegated Powers
Application Number: 2025/93438

Conditions and 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 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved 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 in the interests of visual amenity, residential amenity and other matters relevant to planning and to accord with the Kirklees Local Plan and the National Planning Policy Framework.

3. The development hereby approved shall be undertaken in strict accordance with the Arboricultural Method Statement Ref: AWA7409AMS. For the avoidance of doubt, all works proposed shall be undertaken with full Arboricultural supervision.
Reason: To protect to viability of the retained trees and to accord with Policy LP33 of the Kirklees Local Plan and the National Planning Policy Framework.

Prior to development commencing

4. Prior to the commencement of development (including ground works), a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include the following details:
 - A timetable of all works;
 - Hours of works;
 - Point(s) of access for construction traffic;
 - Construction vehicle sizes and routes;
 - Numbers and times of construction vehicle movements;
 - Locations of HGV waiting areas and details of their management;
 - Parking for construction workers;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials;
 - Signage;
 - Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
 - Street sweeping;

- Measures to control and monitor the emission of dust and dirt during construction;
- Site waste management, including details of recycling/disposing of waste resulting from construction works;
- Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- Artificial lighting used in connection with all construction-related activities and security of the construction site;
- Site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- Engagement with local residents and occupants or their representatives; and
- Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity, in the interests of highway safety, to ensure the highway is not obstructed, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30, LP35 and LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

5. Prior to the commencement of development (including vegetation clearance and ground works) a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following.

- Risk assessment of potentially damaging construction activities that refers to the most up-to-date site-specific survey information and specifically to nesting birds and invasive plant species;
- Identification of “biodiversity protection zones” where appropriate;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works where appropriate;

- Responsible persons and lines of communication; and
- Use of protective fences, exclusion barriers and warning signs, where appropriate.

The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason. To protect biodiversity during construction by avoiding impacts to protected species and preventing the spread of non-native plants, and to accord with Policy LP30 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to prevent or minimise biodiversity impacts are devised and agreed at an appropriate stage of the development process.

6. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including the agreed surface water discharge rate with the LLFA of 11.9l/s indirectly or directly to watercourse, attenuation for the critical 1 in 100 (plus an allowance for climate change) rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations and phasing of drainage provision has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and the scheme shall include a maintenance and management plan for surface water infrastructure. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.

Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure adequate provisions are in place at the appropriate stage.

7. The development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed, and such approved scheme shall be retained thereafter.

Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan. This pre-commencement

condition is necessary to ensure adequate provisions are in place at the appropriate stage.

8. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:
 - Phasing of the development and phasing of temporary drainage provision;
 - Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented; and
 - The strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100%. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per hectare, unless otherwise agreed with the Lead Local Flood Authority.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure adequate provisions are in place at the appropriate stage.

9. No development shall take place until an Ecological Design Strategy (EDS) addressing mitigation and enhancement has been submitted to and agreed in writing by the Local Planning Authority. The EDS shall include the following:
 - Purpose and conservation objectives for the proposed works;
 - Review of site potential and constraints;
 - Detailed design(s) and/or working method(s) to achieve stated objectives;
 - Extent and location/area of proposed works on appropriate scale maps and plans;
 - Details of the establishment of mixed scrub and introduced shrub planting on the site;

- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- Persons responsible for implementing the works;
- Details of initial aftercare and long-term maintenance;
- Details for monitoring and remedial measures;
- Details for disposal of any wastes arising from works; and

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure a scheme that provides ecological enhancement and habitat creation in line with Policy LP30 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure ecological measures are capable of being fully integrated into the construction phase.

10. The development shall not commence until a highway condition survey of the existing condition of the highway on Boothroyd Lane has been submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. Upon completion of the development and before any building is occupied a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway on Boothroyd Lane shall be submitted to and approved in writing by the Local Planning Authority. All of the identified works shall be implemented before any part of the development is first brought into use.

Reason: In the interests of highway safety and to ensure the maintenance of the highway, in accordance with Policy LP21 of the Kirklees Local Plan and the National Planning Policy Framework. This is a pre-commencement condition to ensure appropriate investigation prior to potential impacts being caused.

11. Before the development commences, the design of proposed retaining walls adjacent to the existing highway including any modification to the existing retaining wall adjacent to Boothroyd Lane, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved development shall be undertaken in accordance with the approved details.

Reason: To ensure that any retaining structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that details of highway retaining structures are agreed at an appropriate stage of the development process.

Prior to above ground works commencing

12. Prior to above ground works commencing, unless otherwise agreed in writing by the Local Planning Authority via an application for the approval of details reserved by condition 11), details of a scheme to

manage parking on Boothroyd Lane between its junction with Moorlands Road and the site access, to include lining and signage works and the timescales for implementation, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented and retained in accordance with the approved timescales.

Reason: In order that the development should not prejudice highway safety or efficiency, in accordance with Policy LP21 of the Kirklees Local Plan.

13. Prior to above ground works commencing, notwithstanding the approved plans, full details of soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- a. Planting plans
- b. Written specifications of soil depths, cultivation and other operations associated with plant and grass establishment
- c. Schedules of plants noting species, planting sizes and proposed numbers/densities.
- d. Details of street trees, to include tree pit details
- e. Assessment of landscaping impact on new and public sewer infrastructure
- f. Details of an implementation and maintenance programme for a minimum 5-year period.
- g. Details of phasing of soft landscaping works.

All soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme, phasing and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual and residential amenity, to ensure that there is a well laid out scheme of hard and soft landscaping, to comply with the aims and objectives of Policy LP24 and LP63 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

14. Prior to above ground works commencing, a Crime Mitigation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall detail the development's measures to mitigate and protect from crime, having due regard to boundary

treatment, lighting, glazing specification, means of locking and alarms. Thereafter the development shall be undertaken in accordance with the approved details, prior to the occupation of the approved dwellings.

Reason: To mitigate the harmful impacts of crime, and the perception of crime, in the interest of residential amenity and to comply with Policy LP24 of the Kirklees Local Plan

Prior to specific trigger

15. Prior to the installation of any external artificial lighting, a 'lighting design strategy for biodiversity' shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To avoid indirect impacts to bats and other local species in the interest of ecological mitigation, to comply with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

16. Prior to their use, details and samples of all the external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be built in accordance with the approved materials and retained thereafter.

Reason: In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

17. Prior to works associated with the construction of the bin store commencing, details of all the external facing materials and their colour finish of the bin store shall be submitted to and approved in writing by the Local Planning Authority. Prior to the hereby approved development being brought into use, the bin store shall be erected in accordance with the approved details and thereafter retained.

Reason: In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework

Prior to the development being brought into use

18. Prior to the development being brought into use, details of the kitchen extract systems shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide the following information:

- A risk assessment for odour which considers the amount and type of food that will be cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours.
- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours. The effective stack height (discharge height plus plume rise) must be high enough to ensure that adequate dilution takes place before the plume interacts with the nearest sensitive receptor.
- Details showing the proposed location of all the major components of the extract system.
- The noise mitigation measures that will be incorporated into the extract system and details of the likely resulting noise levels that will be caused by the operation of the extract system, in particular the noise level at nearby noise sensitive locations.
- The proposed ongoing maintenance schedule that will be carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Before food cooking commences, the approved extract system shall be installed and thereafter retained and maintained in accordance with the approved details.

Reason: To ensure the proposed development does not cause harmful odour pollution within either a public area or at neighbouring premises in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan.

19. Before the development is first brought into use, details of the management and maintenance of communal refuse storage areas by a designated private management company shall be submitted to and approved by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: To ensure satisfactory arrangements are implemented in relation to waste, to accord with Policies LP21 and LP43 of the Kirklees Local Plan, Kirklees Waste Management Design Guide for New Developments and the National Planning Policy Framework.

20. Prior to occupation of the development hereby approved, all areas shown on the approved plans to be used by vehicles and pedestrians,

including roads, footways/paths, cycle tracks, loading, servicing and parking areas shall be laid out, surfaced and drained such that loose materials and surface water does not discharge or transfer onto the highway, and shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of highway safety and amenity, and to achieve a satisfactory layout in accordance with Policies LP20, LP21 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

21. The development shall not be brought in to use until a footway approximately 2m wide has been provided along the frontage of the site on Boothroyd Lane as shown on drawing no. 1362_01 Rev F in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The footway so approved shall thereafter be retained.

Reason: In the interests of highway safety and to allow for safe pedestrian access to and from the site, in accordance with Policy LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

22. Notwithstanding the submitted plans, prior to the site being first brought into use, details of all new boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The details shall include material details, typical elevations, and the proposed colour. The boundary treatment shall be installed in accordance with the approved details and retained thereafter.

Reason: To ensure an appropriate appearance and design, in the interest of visual and residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan.

23. Prior to the development being brought into use, a minimum of four electric vehicle recharging points shall be installed within the parking area as shown on plan ref. 1362 01 rev E. The cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: In the interest of supporting low emission vehicles, to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan.

Ongoing requirements

24. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. 'Rating level' and 'background sound level' are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan.

25. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy ref: G25193c, dated May 2026. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

26. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created at first floor within the rear (eastern) elevation of the Day Centre, as identified on plan ref. 1362 – 01 Rev. E, hereby approved.

Reason: So as not to detract from the amenities of nearby residential properties by reason of loss of privacy, to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

28. All new windows and doors shall be set back in the reveal by 100-150mm and shall not be fitted flush with the external wall.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

29. The Care Home, as shown on plan ref. 1352 – 01 Rev. E, shall be used as a C2 Residential Care Home only, and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To accord with the assessment undertaken, in the interests of making an effective and efficient use of land, preserving the amenity of the future occupiers, and ensuring the safe and effective operation of the highway, in accordance with Policies LP21, LP24, and LP68 of the Kirklees Local Plan.

NOTE: Pursuant to condition 14

A landscaping plan has been submitted with this application, which is broadly acceptable, however, Landscape Officers have noted that the proposed planting schedule includes several species with poisonous fruits and/or thorny growth (for example Ligustrum, Skimmia, etc). Given the intended use as a care home, the applicant should either demonstrate that the proposed species are appropriate for the anticipated resident group, particularly where residents may have cognitive impairment, or provide suitable alternative species of lower risk.

NOTE: This permission is subject to conditions requiring the submission of further and/or amended information prior to commencement of development or at other points during the development process. To assist in the prompt discharge of conditions, you may wish to submit separate Discharge of Conditions applications for each of those conditions that require submissions. This may be particularly advisable where your submissions are likely to require extensive consultation, consideration of complex technical matters, and/or negotiation. Alternatively, grouping submissions relevant to a specific topic, or interrelated topics (for example, pursuant to highways-related conditions) under a single application, and/or grouping submissions pursuant to pre-commencement, pre-superstructure and pre-occupation conditions, may assist prompt discharge. For further advice on conditions-stage submissions, please contact the case officer.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required. You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the site access(es). This process will involve entering into a Section 38 or 278 agreement of the Highways Act 1980 or other appropriate agreement to enable delivery of the works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the

purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre-commencement condition.

NOTE: A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof. Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable. The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group. The conditions relate to Planning Control only. Approval under the Building Regulations may

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

- Mondays to Fridays: 07.30 to 18.30 hours
- Saturday: 08.00 to 13.00 hours

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including

noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Site layout	1362 01	Rev E	19/05/2026
Care Home Proposed Plans and Elevations	1362 02	Rev E	07/01/2026
Day Centre Proposed Elevations	1362 07	-	07/01/2026
Dewsbury CGI	-	-	18/12/2025
Site Sections	1362 04	Rev B	18/12/2025
Landscaping proposal	2B	-	18/12/2025
Topographical survey	OGL	Rev 0	18/12/2025
Bin store	1362 05	-	18/12/2025
Day Centre Proposed Plans and Elevations	1362 03	Rev D	18/12/2025
Location plan	-	-	18/12/2025
Stage 1 Road Safety Audit	LTP 6071	-	20/07/2026
Arboricultural Method Statement	AWA7409AMS	-	05/06/2026
Arboricultural Report and Impact Assessment	AWA7409	-	05/06/2026
Phase 2 Intrusive Site Investigation Report	G25193b (Revised May 2026)	-	14/05/2026
Remediation Strategy Report	G25193c	-	14/05/2026
BNG Metric	-	-	11/02/2026
Biodiversity Net Gain Report	P2833_01	V2	11/02/2026
Letter of support from Environment Bank	Dated 10/02/2026	-	11/02/2026
Response to Arboricultural Holding Objection	-	-	10/02/2026
Existing trees – supplementary details	SK1	-	10/02/2026
Rapid Health Impact Assessment	-	-	13/01/2026
Design and Access Statement	990/25	-	07/01/2026
Crime Prevention Statement	990/25	-	07/01/2026

Climate Change Statement	-	-	18/12/2025
Transport Statement	LTP/25/6695	-	18/12/2025
Phase 1 Desk Study Site Investigation Report	G25193	-	18/12/2025
ESG Report	Dated December 2024	-	18/12/2025
Tree survey	1B (Dated April 25)	-	18/12/2025
Drainage Strategy	DR-C-0100	P1	18/12/2025
Drainage calculations	25156-CAL-001	-	18/12/2025
Preliminary Ecological Appraisal	P2833_01	V1	18/12/2025
Planning supporting statement Kirklees Local Plan Open Space and Recreation Policy	990/25	-	18/12/2025
Support statement	-	-	18/12/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

In this instance, officers have entered into discussions with the applicant/agent as part of the application process and additional information in relation to highway safety, trees and contaminated land have been sought. The applicant has also confirmed in writing (on the 23/07/26) their agreement to the conditions proposed.