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:	**2026/62/90817/E**
Site Address:	Sunnyside Care Home, 6-8, Oxford Road, Dewsbury, WF13 4LN
Description:	Alterations to lower ground floor to form 1 apartment (within a Conservation Area)
Recommending Officer:	Elenya Jackson

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 28 September 2026

Officer Report

Site Description
The application site refers to the basement of Sunnyside Care Home, 6-8, Oxford Road, Dewsbury, WF13 4LN which is a two-storey, stone built building which occupiers a central position in the street scene along oxford road. The property is a located on the corner of Nowell Street.
The wider property currently has permission to convert half of the building into 8 flats and the other half into 7 flats. The site was previously a care home and works have commenced on the previously approved developments on site.
The area is not uniform in design or appearance; however, built form does follow a consistent building line and properties have retained much of their historic character.

Description of Proposal
The application is seeking planning permission for the conversion of several rooms in the basement to a residential dwelling. The dwelling would have two bedrooms with a footprint of 62m2. No external alterations are proposed.

Relevant Planning History
2022/62/91984/E: Alterations to convert former nursing home to 7 flats (within a Conservation Area). Conditional full permission.
2022/62/91985/E: Alterations to convert former nursing home to 8 flats (within a Conservation Area). Conditional full permission.

History of Negotiations
Additional plans were received during the course of the application following concerns raised by officers that there was no outlook for the future occupiers of the development. The application was progressed in accordance with the amended plans.

Representations
Publication of the application has been undertaken in accordance with the Council's Development Management Charter (December 2024). The application has been publicised by neighbour notification letters and site notice, which expired on 23rd July 2026.

No representations were received.

Consultation Responses
Informal consultation with KC Highways and no conditions considered necessary.

Allocation and Policy
Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The

statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).
The site is within a conservation area in the Kirklees Local Plan.
The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

- LP 1 – Achieving Sustainable Development
- LP 2 – Place Shaping
- LP 3 – Location of New Development
- LP 7 – Efficient and Effective Use of Land and Buildings
- LP 20 – Sustainable Travel
- LP 21 – Highways Safety and Access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity and Geodiversity
- LP35- Historic Environment
- LP 43 – Waste Management Hierarchy
- LP 51 – Protection and Improvement of Local Air Quality
- LP 52 – Protection and Improvement of Environmental Quality
- LP 53 – Contaminated and Unstable Land

National Policies and Guidance
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published August 2026 the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.
The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter4 Achieving sustainable development
Chapter5 Meeting the challenge of climate change
Chapter6 Delivering a sufficient supply of homes
Chapter12 Making effective use of land
Chapter14 Achieving well-designed places
Chapter 15 Promoting Sustainable Transport
Chapter 16 Promoting Healthy and Safe Communities
Chapter 17 – Pollution, Public Protection and Security

Chapter19 Conserving and enhancing the natural environment
Chapter 20 Conserving and enhancing the historic environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)
Housebuilders Design Guide SPD (adopted June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Other matters
6. Representations
7. Conclusion

1 – Principle of Development

Housing Land Supply
The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 4 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan. Chapter 6 of the National Planning Policy Framework refers to the delivery of a sufficient supply of homes.
The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold.
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 sustainable development.
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 but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer's assessment.
The proposal relates to creation of an additional dwelling within the built up area of Dewsbury and would assist in meeting the housing needs of the Council. This would be 'in line' with the aims of Paragraph S3 and S4 of the NPPF.
In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 14 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.
In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

2. Impact on Visual Amenity and Historic Environment
The NPPF offers guidance relating to design in Chapter 14 (achieving well designed places) and states development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3..*"*
Kirklees Local Plan Policies LP1, LP2 and LP24 all seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. Policy LP24 states that proposals should promote good design by ensuring: *"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…"*
Also relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *"New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*

- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context."*

Policy LP35 of the Kirklees Local Plan requires development proposals affecting a designated heritage asset to preserve or enhance the significance of the asset, retaining those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensuring that proposals maintain and reinforce local distinctiveness. Proposals within Conservation Areas should conserve those elements which contribute to their significance.
Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
Officers consider that the proposal would not require any external alterations other than the installation of window openings which have already been installed, and the change of use of the site into residential has previously been established. Therefore the proposal would have a neutral impact on the conservation area and no significant impact on the character of the host building or the street scene.

3. Impact on Residential Amenity
Sections B and C of LP24 states that alterations to existing buildings should: *"…maintain appropriate distances between buildings'* and *'…minimise impact on residential amenity of future and neighboring occupiers."*
The change of use of the basement is not considered to have any significant impacts to any neighbouring properties as due to the subterranean nature of the development, the proposal would not raise any significant issues regarding overlooking. It is considered that the proposal would not increase the scale of development on site and therefore no significant issues would be raised regarding overbearing/loss of light or overshadowing.
With regard to future occupiers, Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).
Principle 16 states '*All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations. The provision of homes that meet these standards should be considered within the housing mix of the wider site in line with Local Plan policy LP11'.*
Occupants must have sufficient space within their homes to be able to carry out day to day activities, and where homes are accessible and adaptable they

are able to meet the changing needs of occupants over time. The government's Nationally Described Space Standards deals with internal space within new dwellings across all tenures.
National space standards require the following gross internal floor area for a two bed two storey dwelling:

- 2 Bedroom, 3-person dwelling set over 1 storeys -61 square metres
- 2 Bedroom, 4-person dwelling set over 1 storeys -70 square metres

The proposed floor plans show the proposal would have two bed spaces and therefore is required to have an internal floor space of $61m^{2.}$. The proposed new dwelling would have an internal footprint of 62m2 which is in-line with NDSS.
Kirklees' Housebuilders Design Guide SPD, dated June 2021 (SPD), sets out what the Council considers to be good residential design. Principle 6 states that Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking, similarly Principle 16 requires a high standard of amenity for future occupiers.
The proposed accommodation is subterranean; however, amended plans have been provided to demonstrate that all habitable rooms would have a form of fenestration to provide outlook.
It is therefore considered that the proposal would comply with Policy LP24 of the Kirklees Local Plan, chapter 14 of the NPPF and the Housebuilders Design Guide SPD.
As such, it is considered that the proposal would meet basic lifestyle needs and would provide an acceptable standard of living for future occupants and the development would accord with to LP24(b) of the Kirklees Local Plan, Principles 6 and 16 of the Council's Housebuilders Design Guide SPD, and chapter 14 of the National Planning Policy Framework.

4. Impact on Highway Safety
Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principle 10 and 12 of the Housebuilders Design Guide SPD seek to ensure sustainable transport modes are supported and acceptable levels of off-street parking are accommodated. The policy background advises that new development would 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 Highways were informally consulted on the application and it is considered that parking provision has not been demonstrated on the supporting plans. However, officers have reviewed the report for application 2022/62/91985/E where it was demonstrated that 21 parking spaces were required for the development and 25 had been provided on site.
As the development would be required to provide two parking spaces for the proposal, it is considered that a scheme which is acceptable could likely be achieved on site. Officers would recommend a condition on the application for

a site layout plan to be provided with the parking provision for the proposed flat clearly indicated.
On the above basis, it is considered that the proposal would be acceptable in highway safety terms, reasonably satisfying the requirements of Policies LP21, LP22 and LP24 of the Kirklees Local Plan and of the Highway Design Guide SPD in this regard.

5. Climate Change

On 12th November 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.
The proposal is a change of use with minimal external alterations. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.
The proposed development is therefore considered to comply with Chapter 5 of the NPPF and Policy LP51 of the Kirklees Local Plan.

6. Other Matters
Biodiversity Net Gain
The application form states that the development subject to the de minimis exemption, would be exempt from providing Biodiversity Net Gain. At this stage, Officers are only able to assess this on the basis of submitted information. Should the proposal be considered not exempt by reason of not being this or other relevant categories for the scale of the development then an appropriate condition, supported by a BNG metric submitted for the approval of the LPA, would be required to ensure on-site BNGs would last for at least 30 years to meet the requirements of this legislation.

Flood Risk
Chapter 18 of the NPFF seeks to direct development away from areas at risk of flooding and ensure that new development does not increase flood risk elsewhere. It also requires that surface water is managed using SuDs where possible and that developments are supported by appropriate drainage infrastructure, taking into account ground conditions and pollution risk.
Policy LP28 of the Kirklees Local Plan reflects these national objectives, requiring all new development to incorporate appropriate foul and surface water drainage arrangements, including SuDs where feasible, and to ensure that any such infrastructure does not increase flood risk or lead to pollution on or off site.

The site is not within a flood zone; however, the application has been supported by a flood risk assessment. Therefore, officers have no further comments in regard to flood risk.

Contaminated Land

As the proposal is for the conversion of an existing lower ground floor into habitable accommodation, officers consider it necessary to add an unexpected contaminated land condition to ensure the site is safe for occupation and would accord with LP53 of the Kirklees Local Plan and Chapter 17 of the National Planning Policy Framework.
There are no other matters considered relevant to the determination of this application.

7. Representations
No representations have been received.

8. Conclusion
The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
This application has been assessed against relevant policies in the development plan and other material considerations. It is considered, the proposed development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation **Approve**
Decision Authorisation: Delegated Powers
Application Number: 2026/91990
Officer Recommendation: Approve

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 91 of the Town and Country Planning Act 1990.
2.The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, in the interests of residential amenity and highway safety and to accord with Policies LP1, LP2, LP3, LP7, LP21, LP22, LP24, LP30, LP35 LP51, LP52, LP53 of the Kirklees Local Plan, and policies within chapters 2, 4, 12, 15 and 20 the National Planning Policy Framework.
3. Notwithstanding the submitted plans and information, prior to occupation of the lower ground floor flat, a site plan scaled at 1:500 demarcating the area for parking for the flat hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be

completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.
Reason: In the interest of visual amenity and to preserve the openness of the Green Belt in accordance with policies LP24, LP21 and LP22 of the Local Plan as well as the policies within chapters 12, 14 and 15 of the National Planning Policy Framework.
4. In the event that contamination not previously identified by the developer is encountered during the development, 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. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to accord with LP53 of the Kirklees Local Plan and policies contained within Chapter 17 of the National Planning Policy Framework.
5. Prior to the development being brought into use, the approved vehicle access, turning and parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies ‘Guidance on the permeable surfacing of front gardens (parking areas)’ published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained for access, turning and parking throughout the lifetime of the development.
Reason: In the interests of highway safety, to achieve a satisfactory layout and to accord with Policy LP22 of the Kirklees Local Plan.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. 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: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. 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 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: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.

With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

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
Location plan		-	21/07/2026
Proposed floor plans	002	-	23/09/2026
Existing floor plans		-	21/07/2026
Existing site plan			21/07/2026
Heritage statement			21/07/2026

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 Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.
No alterations requested by officers however amended plans were provided during the course of the application.