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**Service Director – Legal, Governance and
Commissioning**

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Wednesday 1 October 2025

Notice of Meeting

Dear Member

District-Wide Planning Committee

The **District-Wide Planning Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 9 October 2025**.

(A coach will depart the Town Hall, at 10:00 a.m to undertake site visits. The consideration of planning applications will commence at 1.00 pm in the Council Chamber.)

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in cursive script, appearing to read "S Lawton".

Samantha Lawton

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

District-Wide Planning Committee

Members

Councillor Sheikh Ullah (Chair)
Councillor Donna Bellamy
Councillor Paola Antonia Davies
Councillor Eric Firth
Councillor Zahid Kahut
Councillor Susan Lee-Richards
Councillor Tony McGrath
Councillor Cathy Scott
Councillor Mohan Sokhal

When a Member of the District-Wide Planning Committee cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provision of Council Procedure Rule 35(7).

Substitutes Panel

Conservative

B Armer
D Hall
J Taylor
C Holt
M Thompson

Green

K Allison
A Cooper

Labour

M Ahmed
J Homewood
B Addy
M Crook
J Rylah
A Sewell
H McCarthy

Liberal

Democrat
A Munro
A Pinnock
C Burke
J Lawson
D Longstaff
A Marchington
A Robinson
A Smith

Community Alliance

A Zaman
A Anwar

Kirklees

**Community
Independents**
JD Lawson
A Arshad

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

To receive any apologies for absence, or details of substitution to membership.

2: Appointment of Chair

The Committee will be asked to appoint a Chair for this meeting.

(Apologies for absence have been received from the Chair, Councillor Ullah).

3: Minutes of the Previous Meeting

1 - 2

To approve the Minutes of the meeting of the Committee held on 4 September 2025.

4: Declaration of Interests and Lobbying

3 - 4

Committee Members will advise (i) if there are any items on the agenda upon which they have been lobbied and/or (ii) if there are any items on the agenda in which they have a Disposable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

5: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether the Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

6: Public Question Time

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

7: Deputations / Petitions

The Committee will receive any petitions and/or deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern.

A member of the public can also submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, members of the public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

8: Site Visit - Application No: 2025/92092

Change of use from dwelling (use class C3) to residential care home (use class C2) at 81 George Avenue, Birkby, Huddersfield.

(Estimated time of arrival at site 10:10 a.m.)

Ward affected: Greenhead

Contact: Nicole Helliwell, Planning Services

9: Site Visit - Application No: 2025/90439

Conversion of existing listed church to 2 dwellings, forming new resident's car park, external amenity spaces and associated works at Church of the Holy Innocents, Vicarage Road, Dewsbury.

(Estimated time of arrival at site 10:50 a.m.)

Ward affected: Dewsbury South

Contact: Edward Cheseldine, Planning Services

10: Site Visit - Application No: 2025/92103

Change of use from dwelling (C3) to a children's home (C2) at 17 Far View Crescent, Almondbury, Huddersfield.

(Estimated time of arrival at site 11:20 a.m.)

Ward affected: Almondbury

Contact: Nina Sayers, Planning Services

11: Planning Applications

5 - 6

The Planning Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must register to speak **by 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 6 October 2025.**

To register, please email governance.planning@kirklees.gov.uk or phone the Governance Team on 01484 221000.

12: Planning Application - Application No: 2025/90439

7 - 30

Conversion of existing listed church to 2 dwellings, forming new resident's car park, external amenity spaces and associated works at Church of the Holy Innocents, Vicarage Road, Dewsbury.

Ward affected: Dewsbury South

Contact: Edward Cheseldine, Planning Services

13: Planning Application - Application No: 2025/92092

31 - 46

Change of use from dwelling (use class C3) to residential care home (use class C2) at 81 George Avenue, Birkby, Huddersfield.

Ward affected: Greenhead

Contact: Nicole Helliwell, Planning Services

14: Planning Application - Application No: 2025/92103

47 - 68

Change of use from dwelling (C3) to a children's home (C2) at 17
Far View Crescent, Almondbury, Huddersfield.

Ward affected: Almondbury

Contact: Nina Sayers, Planning Services

Planning Update

An update report providing further information on matters raised after the publication of the agenda will be added to the online agenda prior to the meeting.

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

DISTRICT-WIDE PLANNING COMMITTEE

Thursday 4th September 2025

Present: Councillor Sheikh Ullah (Chair)
Councillor James Homewood
Councillor John Lawson
Councillor Susan Lee-Richards
Councillor Tony McGrath
Councillor Mohan Sokhal

Apologies: Councillor Donna Bellamy
Councillor Zahid Kahut
Councillor Paul Moore

9 Membership of the Committee

Councillor J Lawson substituted for Councillor Davies.

Councillor Homewood substituted for Councillor Firth.

Apologies for absence were received on behalf of Councillors Bellamy, Kahut and Moore.

10 Minutes of the Previous Meeting

RESOLVED – That the Minutes of the Meeting held on 10 July 2025 be approved as a correct record.

11 Declaration of Interests and Lobbying

There were no declarations of interest or lobbying.

12 Admission of the Public

All agenda items were considered in public session.

13 Public Question Time

No questions were received.

14 Deputations / Petitions

No deputations or petitions were received.

15 Site Visit - Application No: 2025/90116

Site visit undertaken.

16 Planning Application - Application No: 2025/90116

The Committee gave consideration to Application 2025/90116 – Change of use from class C3 (dwellinghouse) to mixed use dwellinghouse and class E(f) (childminders)

District-Wide Planning Committee - 4 September 2025

and single storey rear extension and raised decking at 42 Birmingham Road, Meltham, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from (i) Maxine Taylor (applicant), Matt Taylor (on behalf of the applicant's agent), Hayley Moore, Jane Berisha, Harrison Phillips, Hannah Fitzpatrick and Lynne Holden (in support of the application) and (ii) Alison Dumville (on behalf of an objector), Caroline Hartshone and Margaret Hartshone (in objection).

Under the provisions of Council Procedure Rule 36(3), the Committee received a representation from Councillor Bellamy (local member).

RESOLVED – That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- Standard timeframe condition regarding implementation
- Development to be in accordance with plans
- Hours of use
- Restrict the maximum number of children to 9
- Restrict the maximum number of staff to 4
- Operate in accordance with the noise survey and noise management plan
- Operate in accordance with the drop off/pick up management plan.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Homewood, J Lawson, Lee-Richards, McGrath, Sokhal and Ullah (6 votes)

Against: (no votes)

KIRKLEES COUNCIL

DECLARATION OF INTERESTS AND LOBBYING

District Wide Planning Committee

Name of Councillor

Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession, or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and

(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

In respect of the consideration of all the planning applications on this agenda the following information applies:

PLANNING POLICY

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023 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.

REPRESENTATIONS

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 55 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 (as amended) stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS, launched on 6th March 2014, require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

Recommendations made with respect to the applications brought before the Planning Committee have been made in accordance with the above requirements.

Report of the Head of Planning and Development

DISTRICT-WIDE PLANNING COMMITTEE

Date: 09-Oct-2025

Subject: Planning Application 2025/90439 Conversion of existing listed church to 2 dwellings, forming new residents car park, external amenity spaces and associated works Church of the Holy Innocents, Vicarage Road, Dewsbury, WF12 9PD

APPLICANT

C Nicol

DATE VALID

25-Mar-2025

TARGET DATE

20-May-2025

EXTENSION EXPIRY DATE

24-Jul-2025

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Dewsbury South

Ward Councillors consulted: YES

Public or private: Public

1.0 RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matter:

1.Church Structure – to ensure management between both properties in regards to maintenance of the structure including the spire (this could include Quinquennial surveys).

2.0 INTRODUCTION:

2.1 This application for planning permission is brought to the District-Wide Planning Sub-Committee due to the significant number of representations contrary to the officer recommendation, as per the Council's Scheme of Delegation. Through the publicity process, 49 representations were received, all in objection.

3.0 SITE AND SURROUNDINGS

3.1 This Grade II listed church, designed by Mallinson and Healey and constructed in 1858–1859, is a prominent historic building featuring a spire, stone pulpit, and listed gate piers. The church sits within a large cemetery that includes access paths running through the churchyard.

3.2 The church and its surrounding curtilage is accessed via Vicarage Road. It consists of the church building and a graveyard. Several protected trees (reference 24/94/T) are located within the curtilage. Residential properties lie to the east along Selbourne Road, while to the west is Savile Road, a category B road.

3.3 The site is designated as Urban Green Space in the Kirklees Local Plan. The site also forms part of the Kirklees Wildlife Habitat Network.

4.0 PROPOSAL:

- 4.1 The application is seeking planning permission to convert the church into two residential dwellings, along with the creation of a car park and other associated works.
- 4.2 An associate Listed Building Consent application, 2025/90441, has been received of which is pending consideration.
- 4.3 The proposed dwellings would be created through the installation of internal subdivision of the existing building, resulting in two properties, each comprising four bedrooms along with living accommodation.
- 4.4 Proposed external alterations to the building include the installation of rooflights on the lower plane of the east aisle and chancel. The original church doors are to be refurbished, while all existing architectural details of the building will be retained and preserved.
- 4.5 Proposed alterations within the curtilage include the creation of a residential car park with capacity for seven vehicles. The existing access will be widened to facilitate vehicle entry and exit. A new public footpath will be provided, linking the graveyard to Vicarage Road. Soft landscaping will be introduced between the parking area and the graveyard to create a visual buffer. In addition, private residential amenity space will be established adjacent to the church through a planting scheme.

5.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 5.1 Aligned Listed Building Consent application - 2025/90441 - Listed Building Consent for conversion of existing listed church to 2 dwellings, forming new residents car park, external amenity spaces and associated works – Pending decision

2024 - The applicant has previously engaged with the Council's pre-application advice service, submitting a proposal for the conversion of the church into two dwellings and the creation of a car park. The current proposal, which is the subject of this application, represents a modified version of that earlier scheme, incorporating feedback provided by Officers through the pre-application process.

2023/92127 - Alterations to convert church to 2 dwellings, formation of residents car park, external amenity spaces and associated works (Listed Building) – Refused

2023/92128 - Listed Building Consent for alterations to convert church to 2 dwellings, formation of residents car park, external amenity spaces and associated works – Refused

6.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

6.1 Following receipt of the original plans, Officers entered into negotiations with the applicant to secure a number of improvements to the scheme. These included the following:

- The introduction of a pedestrian access to provide public access to the graveyard;
- Amendments to the parking layout to ensure safe manoeuvring and allow vehicles to exit the site in a forward gear, and
- Changes to the proposed boundary treatments within the curtilage.

Subsequently, amended plans were submitted incorporating these changes.

6.2 Following the receipt of amended plans, it was not considered necessary to readvertise the application, as the changes are minor revisions to the initial proposal.

7.0 PLANNING POLICY & LEGISLATION:

7.1 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).

Kirklees Local Plan (2019):

- 7.2 LP 1 – Presumption in favour of sustainable development
LP 2 – Place shaping
LP 7 – Efficient and Effective Use of Land and Buildings
LP 21– Highway safety
LP 22 – Parking
LP 24 – Design
LP 30 – Biodiversity and geodiversity
LP 31 – Strategic Green Infrastructure Network
LP 33 – Trees
LP 35 – Historic Environment
LP 48 – Community Facilities and Services
LP 52 – Protection and Improvement of Environmental Quality
LP 61 – Urban Green Space

National Planning Guidance:

7.3 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

- 7.4 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

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 12 – Achieving Well Designed Places

Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding

Chapter 15 – Conserving and Enhancing the Natural Environment

Chapter 16 – Conserving and Enhancing the Historic Environment

Other materials considerations:

- 7.5 Kirklees Highways Design Guide Supplementary Planning Document (2019)
Kirklees Waste Management Design Guide, Version 5 (amended)

Relevant Legislation

- 7.6 The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

8.0 PUBLIC/LOCAL RESPONSE:

- 8.1 The application was advertised by way of site notice and press advertisement. Final publicity expired on 10 May 2025.

- 8.2 49 representations were received, all in objection. The following points have been raised:

- The conversion of residential dwellings would lead to a conflict between the residents and people observing graves.
- Some of the gravestones are in close proximity to the church that is set to be converted.
- Residents in outdoor areas would create noise that can be heard within the graveyard.
- The outlook from residential properties would lead to an overlooking impact to the people observing the graves.
- There will be an increase in traffic within the surrounding area due to the conversion of the church to residential homes.
- Gravestones may be damaged and public access restricted during the construction phase of development.
- The development will affect access to the graveyard.
- The graveyard is not at full capacity.

- Screening should be provided between the residential properties and graveyard.
- Graves have previously been vandalised and this may occur in the future.
- Soil will be contaminated from burials and is not safe for occupancy.
- The changes risk disturbing the graves and would permanently alter the sanctity of the site.
- An area of the graveyard will be converted into a space for private parking
- Cars will be visible from the adjacent properties.
- The retaining wall between the car park and adjacent building will not structurally withstand the number of parking cars.
- The replanted trees will be too close to residential properties
- The conversion of the church is not sympathetic to the character of the listed building.
- The conversion of the church is not financially viable.
- There are no public benefits from the proposal.
- The church should be converted into a place of worship or offices.
- Development would lead to the removal of trees and disturbance of wildlife habitats.
- A historical building with a grave site should not be demolished to make way for a small dwelling.
- Have the people of Dewsbury been consulted.
- What will happen to the graves that are there.
- The gravestones should not be removed.
- The church and churchyard should be preserved.
- Questions were raised in respect to who would be responsible for the upkeep of the church structure.
- Questions were raised in respect of who would be responsible for the graveyard post-development.

8.3 These comments will be addressed in section **12.0** of the report.

9.0 CONSULTATION RESPONSES:

9.1 KC Highways Development Management – No objection, subject to conditions.

KC Conservation & Design – No objection, subject to conditions.

KC Trees – Objection from an arboricultural perspective on the basis that the proposals seek to remove protected trees.

KC Ecology – No objection, subject to conditions.

KC Environmental Health – No objection, subject to conditions.

West Yorkshire Archaeological Advisory Service – No objection, subject to conditions.

The Victorian Society – Objection. Due to marketing and viability information and internal works.

Historic Buildings and Place (Formerly Ancient Buildings Society) – No objection.

Environmental Agency – No comment.

10.0 MAIN ISSUES

- Principle of Development
- Impact on Visual Amenity
- Impact on Residential Amenity
- Impact on Highway Safety
- Environmental Matters
- Representations
- Conclusion

11.0 APPRAISAL

Principle of Development

- 11.1 NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.
- 11.2 The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.
- 11.3 The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.
- 11.4 The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

- 11.5 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 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7); or (ii) 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.

Urban Green Space

- 11.6 The site is allocated as Urban Green Space within the Kirklees Local Plan.
- 11.7 The development as outlined would result in the loss of part of Urban Green Space (UGS). An area within the curtilage of the church will be converted into a parking area and residential gardens. National and Local Policy generally seeks to retain such spaces unless it meets the criteria set out under NPPF paragraph 104. Following discussions at pre-application stage, the applicant has submitted a graveyard assessment, reference A101 B to meet the requirements of criterion a) *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements.*
- 11.8 The graveyard assessment identifies the location of existing gravestones and monuments within the northern section of the churchyard. The submitted plans illustrate the position of the proposed residential car park and gardens in relation to these features. The assessment confirms that the development will not encroach upon areas containing gravestones, and therefore, no relocation or disturbance of existing gravestones will be required.
- 11.9 In addition, the applicant has submitted a letter authored by the Church Commissioners, stating their commitment to future burials and access within other sections of the churchyard, continuing the function of the remaining open space. A public footpath will be creating linking the graveyard with Vicarage Road.
- 11.10 Whilst these documents cannot be taken in isolation to warrant a departure from the development plan of allocated space, they indicate the area of development can support a proposal, provided that the rationale for the application is reasonable and necessary when assessed against all relevant material considerations.

11.11 Local Plan Policy LP61 states that the open space should not be considered as making a significant contribution to visual amenity, landscape, or biodiversity value. The area in question lies adjacent to the public entrance of the heritage asset and contains no.4 protected trees and soft landscaping. In assessing the proposed loss of Green Space, all relevant material considerations must be weighed to form a balanced judgment.

Historic Environment

11.12 As a starting point, 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.

11.13 Special interest of the heritage asset derives from its Gothic Revival features, visual prominence of the site due to the impressive church spire and setting due to the graveyard.

11.14 NPPF paragraph 212 states, *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*

11.15 NPPF paragraph 215 states, *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

11.16 LP35 of the Kirklees Local Plan reiterates national policy in respect of the Historic Environment. LP7 supports the reuse of vacant and underused properties, so long as development regards the significance of heritage assets.

11.17 As a baseline for the assessment, KC Conservation & Design requested viability and marketing information over the course of applications 2023/92127-2023/92128 and under negotiations throughout the pre-application advice period. Relevant information has been provided within Appendix 10 of the Cover Letter and within a Viability Report submitted through this application.

11.18 The church building is in the process of being relinquished by the relevant pastoral authorities. Under the Mission and Pastoral Measure Act (2011), there are only three potential outcomes for consecrated buildings: reuse for a new purpose, vesting in the Churches Conservation Trust, or demolition. The Church Buildings Council has determined that Holy Innocents is ineligible for vesting, meaning that a new use must be found to avoid demolition.

- 11.19 The applicant has provided marketing evidence (Appendix 10) within the Cover Letter. This shows that the church has been marketed extensively, in order to fully expose the opportunity to the market. During the marketing period – which ran from April 2020 and, to some degree, is still live – more than 50 enquiries have been received. A significant proportion of these parties either viewed in person, whether that be externally or internally, or viewed virtually, courtesy of a virtual tour we offered on-line. Many of these parties were private individuals, seeking to convert the property to some form of residential dwelling. In terms of feedback from interested parties considering the property, the sheer scale of the building has deterred many. In addition, the lack of available car parking, both within the site and in the immediate vicinity, has proved to be a significant drawback.
- 11.20 The exercise resulted in limited enquiries for uses other than residential conversion proposals and none that were ‘economically viable or had the necessary funds or wherewithal to take on the huge challenges posed by this large, resource-hungry, Grade II Listed building’. All interest for uses other than residential ‘faded away once questions around funding and viability were asked’. This information has been considered as part of the assessment in accordance with paragraph 215 of the National Planning Policy Framework (NPPF).
- 11.21 In the case of the proposal under consideration, the internal alterations are sympathetic to the church’s aesthetic, involving minimal external changes while preserving key decorative features. These include the bells and clock, stained glass, tiled dados and wainscoting, heating grilles, memorial plaques, the font, baptistery tiles, pulpit, organ casing, and external doors. The proposal also retains part of the church’s large, full-height interior in each dwelling, allowing the scale and character of the building to be appreciated.
- 11.22 The proposed residential conversion will require internal subdivision, which will alter the church’s visual character. The West Yorkshire Archaeological Advisory Service recommended a written scheme of archaeological investigation is submitted to understand the significance and impact of the proposed changes to the building and churchyard. KC Conservation & Design requested additional details of layout and extent of structural framework, fixings, extent of demolitions alongside a watching brief to be undertaken during works for excavation and alteration. Details will also be requested for the submission of retained internal features and their reuse and details of the treatment of stained-glass windows. These details are recommended to be secured via condition alongside an accompanying Section 106 legal agreement to ensure the management between both properties to ensure maintenance of the church structure including the spire. These measures are appropriate to ensure the sensitive conversion of the heritage asset.

- 11.23 Constructing the car park will require removing no.4 protected trees and soft landscaping. The church's curtilage is constrained by graves, and this area is the most optimal location for parking. Plans illustrate it would be separated from headstones by a low retaining wall and new soft landscaping providing a sympathetic separation from the churchyard. Taking into consideration a viable use of Holy Innocents, the loss of soft landscaping features would be supported to secure the long-term conservation of the heritage asset when considering the minimal resultant impact of the wider site. To protect the gravestones from damage during the construction phase of development a Construction Management Plan is recommended to be secured via condition. In addition, a further landscaping scheme and materials samples of the new surfacing will be conditioned.
- 11.24 Relevant external consultation responses have been taken into consideration in arriving at the recommendation to approve the application. Historic Building and Places (Formerly Ancient Buildings Society) have stated the following – *'the scheme is almost certainly the best hope for the future of this fine building... although the internal volume is divided the scheme retains nearly everything, apart from the spatial integrity, which renders the building special'*
- 11.25 The Victorian Society raised an objection to the proposal on the basis of what they deem limited marketing and viability information submitted under this application and internal alterations. In light of the comments raised by The Victorian Society, weighing up the applicable factors in this case, the support from KC Conservation & Design and other consultees in relation to the listed building, the proposal would preserve the special interest of the designated heritage asset and it is considered that sufficient marketing and viability information has been submitted as noted in the preceding paragraphs.
- 11.26 Public comments have been raised regarding the future status of land within the church curtilage that lies outside the redline boundary of this application. It should be noted that the proposal does not directly affect this portion of the graveyard, and its future management is not a matter for consideration under this application.
- 11.27 The Church Commissioners have submitted a letter outlining their intention to continue managing the churchyard, including provision for future burials and maintaining public access. The church curtilage is currently owned by the Church of England, and any future decisions regarding the land would be made through processes overseen by the Church Commissioners as administrators of their property assets, outside the planning system. Importantly, this application ensures that public access to the churchyard will be maintained for visitors and those tending graves.
- 11.28 On the basis of the submitted information, Officers consider the development would lead to less than substantial harm to the heritage asset and its setting. The proposed alterations are minimalist retaining many of the internal features and preserving the impressive Gothic Revival architecture. The creation of the

parking area is justified in supporting a conversion to secure a viable use of the heritage asset. The proposal would therefore be supportable under paragraph 212 & 215 of the NPPF, and LP7 & LP35 due to the benefits of securing a viable use and the preservation of the heritage asset's special interest.

- 11.29 In accordance with the NPPF's emphasis on the protection and enhancement of heritage assets, the proposal to secure the long-term conservation of the building through its sensitive reuse is considered a significant benefit. This approach will ensure the historic and architectural value of the church is preserved while providing a sustainable and viable future use. These heritage benefits weigh strongly in favour of the development, subject to the detailed assessment of other material considerations set out within this report.

Wildlife Habitat Network

- 11.30 Local Plan Policy LP31 calls for the safeguarding and enhancement of green infrastructure networks which this site is a part of.
- 11.31 The redline boundary defining the development area has been kept to a minimum, encompassing only the land necessary to facilitate the proposed residential conversion.
- 11.32 Given the limited extent of habitat loss and the scale of external works proposed, it is not considered that the development would conflict with the objectives of the Kirklees Wildlife Habitat Network. This is subject to a separate and detailed assessment of ecological matters, which will be addressed elsewhere in this report. In addition, an off-site Biodiversity Uplift will be provided through condition.

Trees

- 11.33 Policy LP33 of the Kirklees Local Plan calls for the protection from development which directly or indirectly threaten trees or woodlands of significant amenity.
- 11.34 In this case, due to the considerations of the landscape outlined under LP61, LP35 & LP31 development will impact upon the principle of development when considering loss of protected trees on site.
- 11.35 The proposal as it stands requires the removal of 4 category B trees in order to facilitate the parking area. Category B trees would typically be desirable to be retained. It was considered if the location of the car parking area could be altered to limit the loss of protected trees over the course of the pre-application submission. Appendix 12 of the Cover Letter demonstrates potential parking option to avoid the removal of protected trees. When taking into consideration the public use of the wider site, and the location of gravestones, alongside a suitable location for vehicles access, the proposed parking area is positioned in an optimal location.

- 11.36 The applicant has submitted relevant Arboricultural assessments under Appendix 4 of the Cover Letter.
- 11.37 KC Trees, acting as consultee, objected to the removal of four protected trees. Such a response relates to Trees matters only and should not be read as a matter of interpreting policy of all material considerations within the planning balance. Considering the proposal in its entirety, whilst it is acknowledged development will result in the loss of protected trees, on balance, the impact is considered to be proportionate and necessary to facilitate the reuse of the heritage asset.
- 11.38 When considering the wider site, a replanting scheme would not be considered appropriate as the roots of large trees may disrupt areas of gravestones. In addition, a Biodiversity Uplift will be provided through condition.

Loss of a Community Facility

- 11.39 The proposed development involves changing the use of the site from a church, currently serving as a community facility, to two residential dwellings. This change would result in the loss of a community facility. In accordance with Policy LP48 of the Kirklees Local Plan, it must be demonstrated that this loss can be justified and supported.
- 11.40 Appendix 10 of the Cover Letter and the Viability Report serves as evidence to demonstrate the building's current use is no longer viable, as outlined in paragraphs 11.19 and 11.20 above. The church formally closed its doors in 2019 following a decision by the Parochial Church Council due in part to the significant maintenance needs and dwindling congregation numbers. The applicant has submitted a letter from the Church Buildings Council (appendix 10) detailing the extent of necessary repairs from quinquennial inspection reports.
- 11.41 The collection of letters serves as evidence the church's use is no longer viable, therefore meeting criterion b of LP48. As it has been demonstrated, through evidence, the use of the building is no longer sustainable Officers consider the proposal accords with LP48 of the Kirklees Local Plan.

Summary

- 11.42 In conclusion, the proposed development represents an appropriate and sustainable solution for securing the long-term, viable use of a vacant listed church building. The scheme has been designed to deliver a sensitive conversion that preserves the historic and architectural significance of the heritage asset. In accordance with the National Planning Policy Framework (NPPF), substantial weight has been afforded to the conservation of the designated heritage assets.

- 11.43 While it is acknowledged that the development will result in the partial loss of Urban Green Space, the removal of four protected trees, and some reduction of the existing grassed landscape, these impacts are considered to be limited and, on balance, outweighed by the benefits of the proposal. These benefits include securing the reuse of an important local heritage asset, preventing the further deterioration of a vacant building, and contributing to the provision housing.
- 11.44 When assessed against the relevant policies of the Kirklees Local Plan, including LP35 (Heritage), LP47 (Urban Green Space), and LP48 (Community Facilities), the proposal is considered to accord with the overall aims of the development plan. Furthermore, the scheme aligns with the NPPF's objective of conserving and enhancing the historic environment while making effective use of vacant building. Accordingly, the proposal represents sustainable development, providing clear benefits that justify the identified impacts.

Impact on Visual Amenity

- 11.45 Policy LP24 & LP35 of Kirklees Local Plan and Chapter 12 & 16 of the NPPF set out that development should be of an acceptable design.
- 11.46 Holy Innocents is a large church built in a gothic revival style, with impressive decorative stone details and features. Alterations to the external fabric of the building include the installation of 6 conservation style skylights on the lower roof plane of the east aisle and chancel positioned to avoid impacting sensitive external features. No extensions are proposed as part of this scheme.
- 11.47 Private residential space will be formed within the existing churchyard between projections of the building. It will be separated from the public areas by columnar garden trees planted adjacent to the public footpath providing a soft boundary separation between private and public space.
- 11.48 A new public entrance will be constructed with access leading from Vicarage Road. The path will be built with tegular block paving to a width of 1.80metres with stepped access. The proposal will connect to existing footpath routes, providing public access to the churchyard, with certain sections being resized to a width of 1.80 metres.
- 11.49 The parking area will be surfaced in tegular stone paving blocks to match the new footpath. It will be conditioned the surfacing materials are submitted by a condition. The listed gate piers will be repositioned to allow vehicular access. Adjacent to which a bin collection point will be installed with a wooden enclosure.
- 11.50 New boundary treatments are proposed along the northern edge of the private car parking area, comprising a low stone wall combined with soft landscaping to provide a sympathetic separation. A boundary is also proposed along the eastern edge of the car park, with detailed design to be secured by condition to ensure it is appropriate to the setting of the listed building and preserves the privacy of the occupant at 24 Selbourne Road.

- 11.51 To conclude, the visual changes to the building will involve minimal intervention to the external fabric of the church preserving the architectural details and stonework. Landscaping changes are sympathetic to the setting of the church, and include the formation of a new public footpath, with details reserved by condition to ensure their appearance is suitable in consideration of the heritage asset.
- 11.52 It is therefore considered that the proposed works would accord with Policy LP24 & LP35 and advice within Chapter 12 & 16 of the NPPF.

Impact on Residential Amenity

- 11.53 Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users. Local Plan Policy LP24b reiterates the wording of NPPF paragraph 135.
- 11.54 Elevation plans indicate internal accommodation will be retained as existing with no enlargements to the building itself. As such, the change of use will not result in impacts of overshadowing, a loss of outlook or from being overbearing.
- 11.55 Floor plans indicate the building will be partitioned to provide 3 separate floors providing 4 bedrooms, living areas, kitchen and bathrooms/ensuites. The existing church building includes windows on the aisle and nave. New conservation skylights will be installed on the roof plane of the east aisle and chancel. All outlooks will be over 21.00m away from residential properties along Selbourne Road. Views from the ground-floor windows are obscured by the retained stained-glass features, and these outlooks are 19.5m from residential gardens. Skylights are angled upward and are high level. Outlooks from the nave are at first-floor level, 18.5m from residential gardens. Given the angle and distance of these views, they are not considered to impact the privacy of neighbouring occupants, and their gardens will remain private.
- 11.56 Nationally Described Space Standards (NDSS) provide minimum internal floorspace standards for new dwellings at a defined level of occupancy. NDSS outlines a 4 bedroom dwelling set over 3 floors should have an internal floor space of 103m².
- 11.57 Dwelling 001 has an internal floor space of 264m², Dwelling 02 has an internal floorspace of 315m² meeting the requirement threshold for internal floor space.
- 11.58 NDSS states a double bedroom must have a floor area of at least 11.50m² and be at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.
- 11.59 Officers have measured the floor space of all bedrooms within the dwellings. The smallest bedroom in Dwelling 01 has an internal floor space of 13.40m² with a width of 2.95m. The smallest bedroom in Dwelling 02 has an internal floor space of 11.75m² with a 3.80m. Bedrooms are therefore suitably sized meeting the requirement thresholds of Nationally Described Space Standards.

- 11.60 An assessment of the amenity of occupants should not just be conformed to a numerical calculation but of the quality of the functionality of habitable space. Living and kitchen areas will have a suitable amount of light due to the existing windows, including the openings within the nave due to the open full height interior of the building. Internal bedrooms will be lit through internal windows that are level with existing openings at the nave. It is considered there will be a suitable amount of natural amount within each unit to provide a satisfactory standard of living. Living quarters are spacious with suitable layouts that provide functionable space for occupants.
- 11.61 Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: “All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”
- 11.62 Residential outdoor areas are located around the perimeter of the building. Dwelling 01 will include an outdoor amenity space of 80m², Dwelling 02 will have an outdoor space of 107m². Whilst the garden areas is considered to be moderately sized for the proposed dwellings, it is noted that to increase these spaces would encroach further into the churchyard and therefore the proposed amenity space is considered acceptable on balance.
- 11.63 Public concerns were raised regarding potential overlooking of the churchyard by future occupants. However, this impact is mitigated by the retention of stained-glass windows at ground floor level, which provide natural light while obscuring direct views. In addition, the bedroom windows within the nave are positioned at a height of 7.5 metres above ground level, further preventing any direct overlooking of the graveyard.
- 11.64 Kirklees Local Plan Policy LP52 seeks to protect new development from noise or disturbance from nearby sources and should be considered alongside LP24b, which addresses impacts on the surrounding environment. Public concerns have been raised regarding potential disturbances and the impact on the tranquillity of the graveyard. The site is situated adjacent to residential properties and close to a busy B road, with Headfield C of E School located at a medium distance. Consequently, the existing background noise level is considered moderate. The proposal involves the creation of two new dwellings with associated outdoor amenity space. Given the site’s context and that the level of background noise is already established, the development is not expected to introduce noise levels beyond this existing baseline. KC Environmental Health raised no comment in relation to the generation of noise to the wider environment.
- 11.65 Having considered the above, the development will not result in any significant adverse impact upon residential amenity, complying with Policy LP24b of the Kirklees Local Plan and Principle 6 & 17 of the Kirklees Housebuilder Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

Impact on Highway Safety

- 11.66 Local Plan Policy LP21 states that “*All proposals shall: A) ensure the safe and efficient flow of traffic within the development and on the surrounding highway network. E) Take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely;*”. This is supported by Chapters 9 and 12 of the NPPF and guidance within the Highways Design Guide SPDs.
- 11.67 As part of the proposal, the existing pedestrian access to the church grounds will be widened to accommodate vehicle access. This will lead to a parking area finished with block paving, providing six designated spaces for residents and one residential visitor space. In addition, a new public pedestrian access will be created from Vicarage Road, linking to the existing footpath network within the churchyard.
- 11.68 There are currently no designated off-street parking facilities within the site. The site is located between Vicarage Road and Savile Road, with existing pedestrian access provided from Vicarage Road. A coach bay is situated directly in front of the entrance gates. Vicarage Road is a two-way, single carriageway that also serves residential properties. Approximately 21 metres to the east of the site are no-stopping road markings associated with Headfield C of E School.
- 11.69 Given the parking restrictions on Vicarage Road, the inclusion of off-street parking is recommended as part of the proposed residential conversion. Officers have worked with the applicant to agree a parking layout that enables vehicles to safely manoeuvre within the site, allowing residents to exit in a forward gear. To improve functionality and safety, the two easternmost bays have been widened to 3.0 metres by removing an additional bay that had been included in earlier design proposals.
- 11.70 Following discussions with Officers, it has been agreed that a new pedestrian access to the graveyard will be created to the west of the existing entrance. This will involve the removal of a section of the boundary wall to form a 1.80-metre-wide path, finished with block paving. While consideration was given to replacing the proposed steps with a ramped access, the gradient of 1:5 would not comply with the Department for Transport’s *Inclusive Mobility* standards for accessibility. As such, disabled access will instead be provided through the existing gatepiers, which offer a suitable alternative route.
- 11.71 Bin collection points are located adjacent to the gatepiers, they will not obstruct visibility of vehicles merging onto Vicarage Road.
- 11.72 A further consultation from KC Highways Development Management was received on 10 September 2025, confirming the plans achieve a satisfactory layout and appropriate parking facilities.

- 11.73 It is therefore considered that the proposal provides sufficient parking and access to ensure the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

Environmental Matters

Biodiversity Net Gain

- 11.74 In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).
- 11.75 The applicant has submitted a Biodiversity Net Gain (BNG) Metric and Assessment, which concludes an off-site uplift will be provided achieving a 56.48% uplift. A planning condition requiring a Biodiversity Gain Plan is submitted to the planning authority will be applied to secure the off-site uplift.

Ecology

- 11.76 Paragraphs 187, 193, 194 and 195 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.
- 11.77 The applicant has submitted an Ecological Impact Assessment, which has been reviewed by KC Ecology. The assessment includes recommendations relating to bats, birds, habitats, and invasive species. A series of bat surveys were undertaken, confirming the presence of a single bat roost located within the church tower and spire. The report concludes that this roost is unlikely to be disturbed by the proposed works, a view supported by KC Ecology. To safeguard onsite habitats and protect the bat roost during construction, conditions will be imposed requiring the submission of a Construction Environmental Management Plan (CEMP), Precautionary Working Method Statement and Sensitive Lighting Strategy.

Land Contamination

- 11.78 Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 198 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.
- 11.79 The proposed development site has the potential for contamination due to its historic use as a graveyard, making contaminated land considerations necessary. The Environment Agency, as statutory consultees for works within cemeteries, did not provide comments on the application. However, potential contamination remains a concern. KC Environmental Health has reviewed the proposal and recommended conditions to ensure the site is safe and suitable for future residents. Accordingly, conditions addressing land contamination will be included as part of any permission granted.

12.0 REPRESENTATIONS

12.1 The application was advertised by way of site notice and press advertisement. Final publicity expired on 10 May 2025.

12.2 49 representations were received, all in objection. A response to the comments received are provided as follows:

Principle of Development

- An area of the graveyard will be converted into a space for private parking.
Officer Comment: The application will result in the loss of a section of allocated Urban Green Space which will be converted into private parking. The area set to be converted is considered to be minimal in supporting the change of use, which in turn will aide in securing a viable use for the listed building.
- The conversion of the church is not financially viable.
Officer Comment: Viability and marketing material has been submitted over the course of the applications. Appendix 10 of the Cover Letter and the Viability Report serves as evidence to demonstrate the building's current use is no longer viable, as outlined in paragraphs 11.19 and 11.20 above. . Officers are satisfied the information submitted is sufficient to support the change of use.
- There are no public benefits from the proposal.
Officer Comments: Securing a long-term viable use of vacant listed building is a public benefit alongside the provision of additional housing. It has been considered the proposal will result in less than substantial harm to the heritage asset which is outweighed by the benefits of the proposal.
- Questions were raised in respect to who would be responsible for the upkeep of the church structure.
Officer Comments: A legal agreement between the planning authority and developer will secure the structural integrity and the maintenance of the structure and church spire.
- Gravestones may be damaged and public access restricted during the construction phase of development. Some of the gravestones are in close proximity to the church that is set to be converted.
Officer Comments: Details will be sought to ensure the gravestone are protected and public access to the churchyard remains by way of a planning condition through the submission of a Construction Management Plan.
- The church and churchyard should be preserved.
- The conversion of the church is not sympathetic to the character of the listed building.
Officer Comments: Officers consider the scheme to be a sensitive conversion preserving the historical and architectural interest of the listed building and its curtilage.

- The graveyard is not at full capacity.
Officer Comments: The future management of the cemetery is not a matter for determination under this application. The Church Commissioners have submitted a letter outlining their intention to continue managing the churchyard, including provision for future burials and maintaining public access. Any future decisions regarding the land would be made through processes overseen by the Church Commissioners as administrators of their property assets.
- The changes risk disturbing the graves and would permanently alter the sanctity of the site.
Officer Comments: The applicant has submitted a graveyard plan indicating the areas of development do not directly affect areas where gravestones are observed. There will be a change of use in a section of the church's curtilage. Plans indicate the parking area would not impede the observation of any of the existing gravestones.
- The church should be converted into a place of worship or offices.
Officer Comments: This application has been assessed on its own merits. The principle of converting the church into two dwellings is acceptable.
- The development will affect access to the graveyard.
Officer Comments: Free and open access to the graveyard will remain and a new pedestrian entrance formed.
- A historical building with a grave site should not be demolished to make way for a small dwelling.
Officer Comments: The listed building will not be demolished as part of the permission.

Visual Amenity

- Cars will be visible from the adjacent properties.
Officer Comments: As part of the planning permission, the ground level of the parking area will be excavated to lower its height. Boundary treatments will be constructed, with detailed plans to be submitted for approval as a condition. These changes in land levels will be sufficient to conceal the parked cars.

Residential Amenity

- The conversion of residential dwellings would lead to a conflict between the residents and people observing graves.
- The outlook from residential properties would lead to an overlooking impact to the people observing the graves.
Officer Comments: Officers considered there will not be an overlooking impact from the residential properties due to the window layout of the building and soft landscaping features. The cemetery is a public space with free and open access to its grounds. The relationship currently observed will not change as a result of the proposal.

- Residents in outdoor areas would create noise that can be heard within the graveyard.
- The changes risk disturbing the graves and would permanently alter the sanctity of the site.

Officer Comments: The background noise level of the site has been assessed to be moderate. Given the site's context, the level of background noise is already established, and the development is not expected to introduce noise levels beyond this existing baseline.

- Screening should be provided between the residential properties and graveyard.

Officer Comments: Soft landscaping will be planted between residential gardens and the churchyard to provide screening

Highway Safety

- There will be an increase in traffic within the surrounding area due to the conversion of the church to residential homes.

Officer Comments: The application has been assessed by KC Highways, due to the provision of off-street parking, they raised no objection to the impact on the existing highway network.

Environmental Matters

- Soil will be contaminated from burials and is not safe for occupancy.

Officer Comments: Land contamination details will be conditioned to ensure the safety of end-users of the site.

- The replanted trees will be too close to residential properties

Officer Comments: Plans indicate soft landscaping will be planted to the north and south of the car park and adjacent to residential gardens. Soft landscaping details will be submitted to ensure they are appropriate in size for the site.

- Development would lead to the removal of trees and disturbance of wildlife habitats.

Officer Comments: Ecological reports have been submitted and assessed by KC Ecology. They accepted the reports. To safeguard onsite habitats and protect the bat roost during construction, conditions will be imposed requiring the submission of a Construction Environmental Management Plan (CEMP), a Precautionary Working Method Statement and Sensitive Lighting Scheme.

Other Matters

- Graves have previously been vandalised and may occur in the future.

Officer Comments: Officers have no concerns there will be a fear of crime and safety from the proposed use.

- The retaining wall between the car park and adjacent building will not structurally withstand the number of parking cars.

Officer Comments: Paragraph 197 of the NPPF states, 'Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'. From a planning perspective the proposal is acceptable.

- Have the people of Dewsbury been consulted.

Officer Comments: The application was advertised by a press notice and a site notice. The application has been advertised as per legislative statutory publicity planning guidelines.

- What will happen to the graves that are there.
- The gravestones should not be removed.
- Questions were raised in respect of who would be responsible for the graveyard post-development.

Officer Comments: This application will not result in the removal or movement of graves. The future management of the cemetery is not a matter for determination under this application. The Church Commissioners have submitted a letter outlining their intention to continue managing the churchyard, including provision for future burials and maintaining public access. Any future decisions regarding the land would be made through processes overseen by the Church Commissioners as administrators of their property assets.

13.0 CONCLUSION

- 13.1 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.
- 13.2 In conclusion, the proposed development will secure the long-term, viable use of a vacant listed church building. The scheme has been designed to deliver a sensitive conversion that conserves the building's historic and architectural significance. Significant weight has been given to the conservation of the designated heritage asset in this case.
- 13.3 While it is recognised that the proposal will involve the partial loss of Urban Green Space, the removal of four protected trees, and a reduction in the existing grassed landscape, these impacts are considered proportionate. On balance, the benefits of the scheme — including the preservation and reuse of a valued heritage asset, the prevention of further deterioration of a vacant building, and the contribution to housing provision — are judged to outweigh the identified harms.
- 13.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

14.0 CONDITIONS

1. Standard timeframe condition regarding implementation.
2. Development to be in accordance with plans.
3. Archaeological recording condition requiring a full report prior to any works commencing
4. Watching brief to be undertaken during works for excavation and alteration.
5. Further details to be submitted of layout and extent of structural framework, fixings, extent of demolitions.
6. Submit details to retain internal features and their re-use including reredos, some choirstalls, some pews, altar and steps, pulpit, font.
7. Stained glass windows –submit details to ensure treatment will not cause condensation or decay of stained-glass windows.
8. Rooflights shall be Conservation Rooflights, flush with the roof slope, size details to be confirmed.
9. Construction Management Plan for protection of grave heads and to ensure public access.
10. Prior to the commencement of works, the new public entrance must be constructed.
11. Hard and soft landscaping schemes to be submitted.
12. Construction Environment Management Plan for protection of biodiversity
13. Precautionary Working Method Statement in respect of bats
14. Sensitive Lighting Strategy submit details to ensure lighting will not impact upon sensitive ecological networks.
15. Land contamination reports and remediation.
16. Drainage for surfacing of parking area.

Biodiversity Netgain Footnote

Habitat Management and Monitoring Plan to provide non-significant off-site biodiversity netgain.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2025%2f90439>

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2025%2f90441>

Certificate of Ownership – Certificate B signed, and relevant parties have been notified.

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Report of the Head of Planning and Development

DISTRICT-WIDE PLANNING COMMITTEE

Date: 09-Oct-2025

Subject: Planning Application 2025/92092 Change of use from dwelling (use class C3) to residential care home (use class C2) 81, George Avenue, Birkby, Huddersfield, HD2 2BJ

APPLICANT

Mohammad Idriss,
Always Here Care Ltd

DATE VALID

30-Jul-2025

TARGET DATE

24-Sep-2025

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Greenhead

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

1.1 This application for planning permission is brought to the District-Wide Planning Sub-Committee due to the significant number of representations contrary to the officer recommendation, as per the Council's Scheme of Delegation. Through the publicity process, 19 representations were received, all in objection.

2.0 SITE AND SURROUNDINGS:

2.1 The site relates to 81 George Avenue, a two-storey semi-detached property located in Birkby, Huddersfield. The site is unallocated on the Kirklees Local Plan and is situated within a predominantly residential area. The majority of the surrounding dwellings are faced in red brick and are highly varied in terms of size and architectural styles. There are no Listed Buildings or Public Rights of Way (PROW) within immediate proximity to the site. However, the site is located adjacent to the Edgerton Conservation Area.

3.0 PROPOSAL:

3.1 The application seeks planning permission for the change of use from a dwelling (use class C3) to a residential care home (use class C2). The care home will accommodate up to two young people at any one time and will be staffed 24/7. The home will operate on a 2:1 staffing ratio, meaning two staff members will be allocated to support each child. Although shift patterns may change, the total number of staff at any given time will be two alongside the manager during working hours.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 None Applicable.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 No amendments were sought or received during the course of the application.

6.0 PLANNING POLICY:

6.1 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).

Kirklees Local Plan (2019):

- 6.2
- LP 1** - Achieving Sustainable Development
 - LP 2** - Place Shaping
 - LP 7** - Efficient and Effective Use of Land and Buildings
 - LP 21** - Highways and Access
 - LP 22** - Parking
 - LP 24** - Design
 - LP 30** - Biodiversity & Geodiversity
 - LP 35** - Historic Environment
 - LP 49** - Educational and Health Care Needs
 - LP 52** - Protection and Improvement of Environmental Quality
 - LP 53** - Contaminated and Unstable Land

Supplementary Planning Guidance / Documents:

- 6.3
- Highways Design Guide SPD (adopted 4th November 2019)
 - Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)
 - Housebuilders Design Guide (2021)

National Planning Guidance:

- 6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.
- 6.5 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:
- **Chapter 2** - Achieving Sustainable Development
 - **Chapter 4** - Decision-Making
 - **Chapter 8** - Promoting Healthy and Safe Communities
 - **Chapter 12** - Achieving Well-Designed Places
 - **Chapter 14** - Meeting the Challenge of Climate, Flooding and Coastal Change
 - **Chapter 15** - Conserving and Enhancing the Natural Environment
 - **Chapter 16** - Conserving and Enhancing the Historic Environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was publicised by site notice, which expired on 2nd September 2025. Nineteen objections were received following the statutory publicity. The representations have been summarised below:

- Increased traffic and parking demands.
- Loss of residential character.
- Pressure on local amenities and services.
- Staff arriving for and leaving shifts, traffic from visitors, deliveries, and ambulances will all create extra noise and disturbance.
- Construction work would affect residents due to the extra unnecessary visual and noise pollution.
- The care home would potentially reduce value of the properties on the street.
- Allowing commercial premises will alter the dynamics of the neighbourhood and could lead to more commercial activity being allowed in the future.
- There is a school on this road, during peak and off-peak times it would increase congestion, this would have a bearing on safety.
- The company 'Always Here Care Limited' (Company Number 15799526) was only incorporated on 24 June 2024. No proven track records of managing children in care and therefore little knowledge how the company would manage a care home supporting vulnerable children.
- If there was a problem with one of the children in care, this might have an effect on the pupils at the school.
- The road is currently too narrow for multiple ambulances and emergency services. This will cause a blockage during emergencies.
- The change of use to a care facility for teenagers with significant emotional, behavioural, or medical needs represents a substantial departure from the existing residential character of the neighbourhood.
- The proposed application of care home is changing the use from residential to business, which is restricted under the covenant.
- The applicant manages another property on the street which has negatively impacted the whole street. The residents' complaints have been ignored and no appropriate measures have been taken to mitigate those impacts.
- Parking around the area is very busy especially around school times and the area is known for being dangerous for pedestrians including children and families, with cars parking on and driving on the pavements.
- There are concerns over the current state of the building and its external appearance. It is unknown how the building will be altered during change of use.
- The street comprises residential family homes and there are no children's care home facilities in the vicinity to my knowledge.
- The care home does not provide in detail how it will manage the parking and traffic issues.
- The staff, manager, visitors and handover or change of shift times could easily have 6-8 staff members in the care home at any one time. Where would they park as the care home has only 2 parking spaces.

- change of use to care facility for teenagers with health, mental and social behavioural problems which could be risk to other residents in area.
- A care home should not be located in a semi-detached house affecting surrounding home owners but a separate property on its own.
- The site is in close proximity to St Patricks School. Concerns have been raised locally about the potential interaction between the proposed use and the pupils, particularly if problems were to arise with children in care.
- While safeguarding and regulation are primarily operational matters, the location next to a school must be a material planning consideration given the heightened sensitivities and risk of conflict with established community uses.

7.2 A petition has also been provided in relation to the planning application. The petition was submitted as a web link within one of the representations. The petition contains 75 signatures in objection to the proposed scheme. The comments made have been summarised below:

- The proposed property is located within a quiet, residential area, primarily composed of family homes. The change of use to a care facility for teenagers with significant emotional, behavioural, or medical needs represents a substantial departure from the existing residential character.
- This type of care home will require not only 24 hour support but also regular visits from a variety of external professionals. The cumulative effect of this increased footfall and traffic presents real and legitimate concerns for the nearby residents.
- The property is located in a narrow residential street with very limited parking and in very close proximity to St Patrick's Catholic Primary School which generates significant traffic and parking issues, especially during school pick up and drop off times. The proposed care home will exacerbate these issues further.
- The care homes children management plan states it will accommodate two young people at a staffing ratio of 2:1 (two staff members to support one child). The expected number of staff and visiting professionals far exceeds what the property or on street parking can reasonably accommodate. This raises potential issues around safety in an already limited parking street.
- The care home will reduce the enjoyment of the property through increased traffic and noise
- We have lived on this street for over 30 years, we chose to live on this street due to the fact that it was quiet and all properties were to be private dwellings. There were restrictive covenants in place that would protect this status. The proposed application of care home is changing the use from residential to business, which is restricted under the covenant.
- The applicant is a landlord and manages another property on the street which has negatively impacted the whole street. The residents' complaints have been ignored and no appropriate measures have been taken to mitigate those impacts.
- We would like to confirm the parking and traffic issues already faced on the street.

8.0 CONSULTATION RESPONSES:

8.1 KC Crime Prevention - No objection.

KC Highways Development Management - The proposed use will not intensify vehicle movements or parking requirements over and above a normal large residential property. As such, the proposal is considered acceptable to Highways Development Management.

KC Ecology - No comments to make on this from an ecological perspective.

9.0 MAIN ISSUES

- Principle of development
- Visual amenity
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. LP1 goes on further to stating that: *“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*
- 10.2 Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.
- 10.3 The principle of the proposal upholds the aims of the NPPF in terms of addressing the needs of groups with specific housing requirements. Locally, the Kirklees Local Plan (adopted 2019) supports the delivery of a range of housing types to meet identified needs. Whilst the Local Plan has no policies specifically relating to care homes. Policy LP1 promotes sustainable development that improves the economic, social, and environmental conditions of the district. LP7 supports meeting housing needs by promoting the efficient reuse of existing buildings and brownfield land, helping deliver sustainable development while preserving local character and minimising land consumption and Policy LP11 encourages a mix of housing to meet the needs of all groups, including those requiring care. Therefore, there is no presumption against such a use.

- 10.4 Kirklees Planning Guidance for Children's Homes 2025 provides guidance to assist applicants, planning officers, and stakeholders in the preparation and assessment of planning applications for children's homes within Kirklees. While it sets out key considerations, policy context, and good practice principles, it is important to note that this guidance does not form part of the statutory development plan and has not been adopted as a Supplementary Planning Document (SPD). As such, it carries limited weight in the formal decision-making process but may be used as a material consideration where relevant to the planning judgement of individual cases.
- 10.5 In terms of changing the use of the building, Policy LP7 and LP24 of the Kirklees Local Plan are relevant in conjunction with Chapters 8 and 12 of the NPPF taking into account the character of the area, the amenities of neighbouring properties, highway safety and ensuring the safe operation of the home and community cohesion.
- 10.6 The application site is considered to be within a sustainable location in terms of proximity to transport links including bus stops, education facilities and services.
- 10.7 Therefore, in this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety and other matters that may arise.

Visual amenity

- 10.8 Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.
- 10.9 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*
- 10.10 Paragraph 135(c) of the NPPF sets out that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, 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.

- 10.11 The submitted plans confirm that no external alterations are proposed as part of the application. On this basis, it is considered that the proposed change of use would have a neutral visual impact on the character and appearance of the surrounding area.
- 10.12 Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and the aims of Chapter 12 of the National Planning Policy Framework. Furthermore, the proposal would not cause any detrimental harm to the significance of the Edgerton Conservation Area and would comply with Policy LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and the requirements of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

Residential amenity

- 10.13 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.
- 10.14 The proposed works would not include any exterior alterations to the building and therefore the proposal would not cause any additional overlooking, overbearing or overshadowing harm to the residential amenity of the neighbouring occupants, over and above the existing arrangements on site.
- 10.15 Having considered the above factors, the proposal is unlikely to result in any detrimental harm upon the residential amenity of any surrounding neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135(f) of the National Planning Policy Framework.

Highway issues

- 10.16 Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.17 This application seeks a change of use from dwelling (C3) to residential children's home (C2) at 81 George Avenue, Birkby, Huddersfield. The proposal will accommodate two children at any one time and the maximum number of staff on duty will be three. George Avenue is a typical residential road consisting

of a mix of detached and semi-detached properties. In effect, the facility will be similar to the use of the property as a large family home, and it is not expected that the use will intensify vehicle movements or parking requirements over and above a normal large residential property. The provision of waste collection will remain as existing and is unaffected by the proposals. These proposals are therefore considered acceptable to KC Highways Development Management.

- 10.18 In view of the above, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

Other Matters

- 10.19 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

- 10.20 Biodiversity

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.

- 10.21 Crime and Anti-Social Behaviour

Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to "*do all that it reasonably can to prevent crime and disorder in its area.*" Chapter 8 of the NPPF relates specifically to promoting healthy and safe communities. Paragraph 96 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which "*are safe and accessible, so that crime and disorder do not undermine the quality of life or community cohesion.*"

Chapter 12 of the NPPF states under Paragraph 135(f) that planning decisions should “*create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*”

Policy LP1 of the Kirklees Local Plan forms a provision for proposals which do not have specific policies to ensure that permission can be granted unless there are material considerations including adverse impacts (which the potential for crime and disorder) would be a significant factor, where the adverse impacts would outweigh the benefits.

It is considered, given the nature of care provided, that the care facility has suitable and adequate measures to prevent a material decrease to the quality of life of residents. The proposed staff to child ratio of 2:1 is suitable for preventing unsociable activities from arising. The care facility is not dissimilar from a family unit in its operation, albeit on the scale of a larger family. In terms of the character of the area, the area is residential, close to transport links, schools and green spaces. It is not considered to be an unsuitable location for childcare.

It is therefore considered that the use of the buildings as a care facility would not cause concerning levels of crime and anti-social behaviour or be an unsuitable location for a care home.

Representations

10.22 Nineteen representations were received in objection following the statutory publicity. The comments made have been summarised and addressed below:

- Increased traffic and parking demands
Officer Comment: KC Highways DM have confirmed that the facility will be similar to the use of a large family home, and it is not expected that the use will intensify vehicle movements or parking requirements over and above a normal large residential property.
- Loss of residential character
Officer Comment: As the property would be the primary residence of the children, the use is considered to be appropriate within a residential area.
- Pressure on local amenities and services
Officer Comment: This matter would not constitute a material planning consideration.
- Staff arriving for and leaving shifts, traffic from visitors, deliveries, and ambulances will all create extra noise and disturbance
Officer Comment: The proposed use would not be dissimilar to a large family home and as such would not have a greater impact than the existing use.

- Construction work would affect residents due to the extra unnecessary visual and noise pollution
Officer Comment: Impacts from construction are temporary and are not material planning considerations
- The care home would potentially reduce value of the properties on the street
Officer Comment: This matter would not constitute a material planning consideration.
- Allowing commercial premises will alter the dynamics of the neighbourhood and could lead to more commercial activity being allowed in the future.
Officer Comment: This matter would not constitute a material planning consideration.
- There is a school on this road, during peak and off-peak times it would increase congestion, this would have a bearing on safety.
Officer Comment: KC Highways DM have confirmed that the facility will be similar to the use of the property as a large family home, and it is not expected that the use will intensify vehicle movements or parking requirements over and above a normal large residential property.
- The company 'Always Here Care Limited' (Company Number 15799526) was only incorporated on 24 June 2024. No proven track records of managing children in care and therefore little knowledge how the company would manage a care home supporting vulnerable children.
Officer Comment: This comment regarding the experience or the lack thereof of the care provider is not a material consideration.
- If there was a problem with one of the children in care, this might have an effect on the pupils at the school.
Officer Comment: Fear of crime is a material consideration where it is based on legitimate evidence. However, in this case, the agent has supplied a management plan with the application which seeks to demonstrate the home would be well managed, including CCTV and appropriate security measures with protocols in place such as curfews. In the event that planning permission be approved, it is recommended that the decision include a condition requiring the home be operated in accordance with said management plan.
- The road is currently too narrow for multiple ambulances and emergency services. This will cause a blockage during emergencies.
Officer Comment: KC Highways Development Management have raised no concerns with the proposal.
- The change of use to a care facility for teenagers with significant emotional, behavioural, or medical needs represents a substantial departure from the existing residential character of the neighbourhood.
Officer Comment: As the property would be the primary residence of the children, the use is considered to be appropriate within a residential area.

- The proposed application for a care home is changing the use from residential to business, which is restricted under the covenant.
Officer Comment: This matter would not constitute a material planning consideration.
- The applicant manages another property on the street which has negatively impacted the whole street. The residents' complaints have been ignored and no appropriate measures have been taken to mitigate those impacts.
Officer Comment: This matter would not constitute a material planning consideration.
- Parking around the area is very busy especially around school times and the area is known for being dangerous for pedestrians including children and families, with cars parking on and driving on the pavements.
Officer Comment: KC Highways Development Management have raised no concerns with the proposal.
- There are concerns over the current state of the building and its external appearance. It is unknown how the building will be altered during change of use.
Officer Comment: No external alterations are proposed to the existing building as part of the current application.
- The care home does not provide in detail how it will manage the parking and traffic issues.
Officer Comment: KC Highways DM have confirmed that the facility will be similar to the use of a large family home, and it is not expected that the use will intensify vehicle movements or parking requirements over and above a normal large residential property.
- The street comprises residential family homes and there are no children's care home facilities in the vicinity to my knowledge.
Officer Comment: This matter would not constitute a material planning consideration.
- The staff, manager, visitors and handover or change of shift times could easily have 6-8 staff members in the care home at any one time. Where would they park as the care home has only 2 parking spaces.
Officer Comment: KC Highways DM have confirmed that the facility will be similar to the use of a large family home, and it is not expected that the use will intensify vehicle movements or parking requirements over and above a normal large residential property.
- The change of use to care facility for teenagers with health, mental and social behavioural problems which could be risk to other residents in area.
Officer Comment: Fear of crime is a material consideration where it is based on legitimate evidence. However, in this case, the agent has supplied a management plan with the application which seeks to demonstrate the home would be well managed, including CCTV and appropriate security measures with protocols in place such as curfews. In the event that planning permission be approved, it is recommended that the decision include a condition requiring the home be operated in accordance with said management plan.

- A care home should not be located at a semi-detached house affecting surrounding home owners but a separated property on its own.
Officer Comment: This matter would not constitute a material planning consideration.

- The site is in close proximity to St Patricks School. Concerns have been raised locally about the potential interaction between the proposed use and the pupils, particularly if problems were to arise with children in care.
Officer Comment: Fear of crime is a material consideration where it is based on legitimate evidence. However, in this case, the agent has supplied a management plan with the application which seeks to demonstrate the home would be well managed, including CCTV and appropriate security measures with protocols in place such as curfews. In the event that planning permission be approved, it is recommended that the decision include a condition requiring the home be operated in accordance with said management plan.

- While safeguarding and regulation are primarily operational matters, the location next to a school must be a material planning consideration given the heightened sensitivities and risk of conflict with established community uses.
Officer Comment: Fear of crime is a material consideration where it is based on legitimate evidence. However, in this case, the agent has supplied a management plan with the application which seeks to demonstrate the home would be well managed, including CCTV and appropriate security measures with protocols in place such as curfews. In the event that planning permission be approved, it is recommended that the decision include a condition requiring the home be operated in accordance with said management plan.

10.23 A petition has also been provided in relation to the planning application. The petition was submitted as a web link within one of the representations. The petition contains 75 signatures in objection to the proposed scheme. The comments made have been summarised and addressed below:

- The proposed property is located within a quiet, residential area, primarily composed of family homes. The change of use to a care facility for teenagers with significant emotional, behavioural, or medical needs represents a substantial departure from the existing residential character.
Officer Comment: As the property would be the primary residence of the children, the use is considered to be appropriate within a residential area.

- This type of care home will require not only 24 hour support but also regular visits from a variety of external professionals. The cumulative effect of this increased footfall and traffic presents real and legitimate concerns for the nearby residents.
Officer Comment: KC Highways DM have confirmed that the facility will be similar to the use of a large family home, and it is not expected that the use will intensify vehicle movements or parking requirements over and above a normal large residential property.

- The property is located in a narrow residential street with very limited parking and in very close proximity to St Patrick's Catholic Primary School which generates significant traffic and parking issues, especially during school pick up and drop off times. The proposed care home will exacerbate these issues further.

Officer Comment: KC Highways DM have confirmed that the facility will be similar to the use of a large family home, and it is not expected that the use will intensify vehicle movements or parking requirements over and above a normal large residential property.

- The care homes children management plan states it will accommodate two young people at a staffing ratio of 2:1 (two staff members to support one child). The expected number of staff and visiting professionals far exceeds what the property or on street parking can reasonably accommodate. This raises potential issues around safety in an already limited parking street.

Officer Comment: KC Highways DM have confirmed that the facility will be similar to the use of a large family home, and it is not expected that the use will intensify vehicle movements or parking requirements over and above a residential property of this size.

- The care home will reduce the enjoyment of the property through increased traffic and noise

Officer Comment: KC Highways DM have confirmed that the facility will be similar to the use of a large family home, and it is not expected that the use will intensify vehicle movements or parking requirements over and above a residential property of this size.

- We have lived on this street for over 30 years, we chose to live on this street due to the fact that it was quiet and all properties were to be private dwellings. There were restrictive covenants in place that would protect this status. The proposed application of care home is changing the use from residential to business, which is restricted under the covenant.

Officer Comment: This would not be a planning matter and would not constitute a material planning consideration.

- The applicant is a landlord and manages another property on the street which has negatively impacted the whole street. The residents' complaints have been ignored and no appropriate measures have been taken to mitigate those impacts.

Officer Comment: This matter would not constitute a material planning consideration.

- We would like to confirm the parking and traffic issues already faced on the street.

Officer Comment: KC Highways DM have confirmed that the facility will be similar to the use of a large family home, and it is not expected that the use will intensify vehicle movements or parking requirements over and above a residential property of this size.

11.0 CONCLUSION

- 11.1 The proposal would beneficially provide a home for children in need of care. The existing building is of substantial and permanent construction and requires only internal alterations to facilitate the accommodation of 2 young people plus staff for use as a care home.
- 11.3 Whilst a significant number of objections have been received that raise concerns regarding the impact on residential amenity, the character of the area, parking provision and highway safety, it is considered that due to the small scale and nature of the proposed care home, there would not be a significant detrimental impact on these issues.
- 11.4 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.
- 11.5 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and it is, therefore, recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Development to commence within 3 years
2. In accordance with plans
3. Restrict the maximum number of children
4. In accordance with management plan

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2025%2f92092>

Certificate of Ownership – Certificate A signed

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Report of the Head of Planning and Development

DISTRICT-WIDE PLANNING COMMITTEE

Date: 09-Oct-2025

Subject: Planning Application 2025/92103 Change of use from dwelling (C3) to a children's home (C2) 17, Far View Crescent, Almondbury, Huddersfield, HD5 8ER

APPLICANT

Jonathan Haigh,
Lighthouse Care
Residential

DATE VALID

25-Jul-2025

TARGET DATE

19-Sep-2025

EXTENSION EXPIRY DATE

16-Oct-2025

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Almondbury

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION

1.1 This application is brought to committee at the request of Councillor Alison Munro and due to the significant number of representations received contrary to officer recommendation. 43 representations have been received, 36 in objection, 4 in support and 3 general comments. The representations will be discussed further in section 7 of this report.

1.2 Councillor Alison Munro has requested that this application be referred to planning committee for the following reason:

“There will be a greater level of disruption from noise and pollution from vehicles with a big increase in traffic movements caused by these plans to this quiet residential area, impacting on neighbouring residents.

This is a residential area and a business with all its associated visitors, including multi agency staff does not fit with the established character of this quiet back water.

On site parking provision has been overstated by the applicant and will result in vehicles parking on the Far view estate where the roads are narrow and were not built to accommodate a business.

The Bank End/ Far View junction has poor visibility with parked vehicles making it difficult. These plans as stated will result in a big increase in vehicle movements, impacting safety at the junction.

I understand that there is almost universal objection to these plans by the residents of Far View Crescent and overall so far more than 50% of households living on the combined Far View Bank and Far View Crescent have raised objections.”

1.3 The Chair of the Sub-Committee has confirmed that the reasons for the referral to the committee by Councillor Alison Munro are valid having regard to the Councillor’s Protocol for Planning Committees

2.0 SITE AND SURROUNDINGS

- 2.1 The application site relates to a detached, two storey dwelling located on Far View Crescent, a residential cul-de-sac in Almondbury. The dwelling is a flat roofed structure finished in stone and cladding which serves 6 bedrooms and associated living area. There is a driveway to the front and a garden to the rear.
- 2.2 The land is unallocated within the Kirklees Local Plan but the site does abut a woodland which is allocated as Urban Green Space (UG6 – Almondbury Bank) to the rear.

3.0 PROPOSAL

- 3.1 The application is seeking planning permission for the change of use from a dwelling (C3) to a children's home (C2).
- 3.2 The proposed use as a children's home would serve up to three children, aged between 7 and 18, with a manager and up to three carers, two of whom would sleep overnight, working on a rota basis.
- 3.3 There will be no external changes made to the property.

4.0 RELEVANT PLANNING HISTORY

2024/93381 - Certificate of lawfulness for proposed use as residential children's home - Withdrawn

2025/90229 Certificate of lawfulness for proposed change of use from dwelling (use class C3) to residential care home (use class C2) – Refused

2025/90962 Certificate of lawfulness for proposed change of use of dwelling to children's home – Refused

The applications for Lawful Development Certificates (LDC) under applications 2025/20229 and 2025/90962 were refused as officers considered the proposed change of use would change the character of the property, and it was recommended a planning application for full consideration of all "planning" matters should be submitted and fully assessed, hence the submission of this application. Whilst the planning history should be given weight, applications 2025/90229 and 2025/90962 were not assessed against current planning policy and legislation for full planning applications, only against the criteria of the General Permitted Development Order.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 It was brought to officers' attention that there were discrepancies in the submitted information and details. Officers sought a revised Management Plan and Design and Access Statement of which consistently referred to the correct number of proposed children/staff. This was submitted whilst the comment period was open as such the public had the ability to comment on the changes.

5.2 The proposed plan initially showed an alteration to the front of the dwelling. Clarity was sought from the applicant regarding whether any changes are proposed and amended plans were submitted showing no changes. This was not readvertised as it would not cause any additional harm to any of the interested parties.

6.0 PLANNING POLICY:

6.1 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).

Kirklees Local Plan (2019):

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing Mix and Affordable Housing
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP30** – Biodiversity and Geodiversity
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

6.2 Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and alterations and open space, to be used alongside existing SPDs previously adopted. They are now being considered in the assessment of planning applications, with full weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs are applicable:

- Biodiversity Net Gain Technical Advice Note
- Highways Design Guide SPD
- Housebuilders Design Guide SPD

National Planning Guidance:

- 6.3 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.
- 6.4 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
- Chapter 2 – Achieving sustainable development
 - Chapter 9 – Promoting sustainable transport
 - Chapter 11 – Making efficient use of land
 - Chapter 12 – Achieving well-designed and beautiful places

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised by site notice and on the council website. In total, over the course of the application 43 representations have been received, 36 in objection, 4 in support and 3 general comments.
- 7.2 One representation was submitted by Councillor David Longstaff on behalf of a constituent. This has been included in the above figures as an objection.
- 7.3 Below is a summary of all the comments raised by representation which have been grouped into themes. These will be addressed by officers in sections 10.31-10.37:
- 7.4 Objections

Planning History and Procedural:

- Three previous applications, two of which were refused – this application does not overcome reasons for refusal.
- Discrepancies in the submitted information.
- A covenant should be applied to prevent further planning applications.
- House was built without planning permission. Should be knocked down or re-built as a family house.
- Not long enough to comment on application.
- Property is still on the rental market.
- Lack of engagement with the community.
- Conduct of the applicant.
- Planning documents and submitted information would be ignored once permission is implemented.
- No specific need for another private children's home.
- Strange that supporting comments are now being submitted.

- Fails to meet Ofsted, Department of Health and Building Regulations.
- Questioned whether officers had undertaken a site visit

Suitability for children

- Unclear how many children or how old.
- Refurb is cheap and would be low quality housing for the children.
- Maintenance of the property/garden.
- No sizeable garden area.
- Limited activities for young people to do nearby.
- Lack of recreational space.

Community Impact

- Street is mainly elderly residents.
- What checks and balances are in place to maintain the resident's current quality of life.
- House prices reducing.

Environmental Impact

- Additional noise from vehicles and use would impact wildlife in adjacent woodland.
- Children playing in woodland would impact on ecology and biodiversity.
- Loss of garden habitat.
- The property forms part of a wider network of private gardens in Far View Crescent, which collectively function as a corridor for local biodiversity. Intensifying use of one site for institutional purposes risks undermining this network.
- No ecological survey or biodiversity net gain assessment has been provided with the application.

Safety

- Unsafe for children.
- First-floor balcony is a safety risk.
- Concerns regarding the structural stability of the building.
- Increased crime and anti-social behaviour.
- No restrictions if a child escapes to the front – not safe to play out on street.
- If a child climbed the fence, it's a steep drop into the woods.
- If a child was to start a fire in the woods it would have catastrophic consequences.
- Cladding to the front of building is a clear danger – asbestos.

- There is animosity created by Lighthouse Care and all individual residents which could be seen as a safeguarding issue for any under 18 year old services users due to the negative relations created by the care company and this should not be deemed a suitable situation in which to be caring for vulnerable children

Visual and residential impact

- Would change the character of the residential area.
- Occupants enjoy a quiet lifestyle.
- Additional noise, odour and disturbances.
- Vulnerable neighbours.
- No public engagement with residents.
- Causing stress and anxiety.
- Will change the character of the building and neighbourhood.
- Separation distance to neighbour is too small.

Highways

- Increase in traffic due to visitors to the property.
- Parking would be on the highway.
- Have officers ever opened the garage door to see if two cars would fit.
- Residents already have to park on the pavement.
- Would result in more traffic than a normal residential home.
- Staff policy is to park on nearby roads.
- Restrictions to emergency parking due to on street parking.
- Blocking of neighbouring driveways.
- More congestion at handover time – 48hr shift changes.
- Car sharing mentioned in parking policy – how will this be monitored.
- Accidents at junction with Bank End Lane.
- Estimated 166 weekly vehicle movement.
- Parking interferes with access to garage.
- Garage showing as reduced in scale.
- Highways officers haven't responded to objectors' comments directly
- Highway consultation response doesn't account for minor accidents which have taken place.
- Far View Crescent is only 4.9 metres wide, which is barely sufficient for two vehicles to pass
- Any reversing manoeuvres from the site will obstruct the carriageway

- Due to the intensity of vehicle movements associated with the operation of a children's home this presents an unacceptable impact on highway safety
- No swept paths provided for parking
- Visibility splays/sightlines to the left/right at the entry/exit points are inadequate and do not meet Kirklees standards
- The proposed parking layout does not allow vehicles to manoeuvre safely within the site and no alternative internal manoeuvring space is provided – the spaces block other spaces
- The positioning of vehicle 1 in the garage does not permit the driver to exit the vehicle and the garage does not meet the minimum internal dimensions set out in the Kirklees Highway Design Guide
- There is no segregated pedestrian access within the site
- No disabled vehicle access is provided
- If there is sufficient on-site parking for staff why has the applicant set a parking policy which directs staff not to park outside the property itself but to use nearby roads instead?

7.5 *Supporting Comments*

- Complies with planning guidance and statutory requirements for approval.
- Addresses previous concerns.
- Minimal physical impact – no significant material changes to building.
- Children will be under 24/7 supervision which reduced likelihood of any antisocial behaviour.
- Gives vulnerable children the best chance at a normal life. Integrating such homes into residential areas promotes inclusion, stability, and a sense of belonging—values that benefit not only the children but the wider community.
- Shocking that the most vulnerable of society, young innocent children, escaping abusive or inadequate parenting are shown such prejudices by others.
- These homes have a huge oversight from government so will be operated properly.
- Highly unlikely the children would bother any neighbours or be out causing trouble.
- It's time we supported the next generation and moved with the times, children's homes need to go somewhere... safer on a quiet cul de sac than a main road.
- Home will be managed by someone with two 'outstanding' Ofsted inspection results

- All of us owe these children a duty of care. A responsibility to enable them to grow and heal with safety and security surrounded by compassionate professionals.
- All the comments that focus on Far View Crescent being a quiet, pleasant, family orientated locality are actually arguments that support this application.
- Concerns are all resolvable through partnership between Lighthouse Care and the local community and residents.

7.6 *General Comments*

- Other areas with care facilities in residential areas which have been successful.
- Why shouldn't the vulnerable children get a chance to live in a decent area, go to decent schools, and get given a chance in life. They simply need a home and will no doubt be well supervised.
- Comments submitted from the general public who have zero affiliation with Far View Crescent – not relevant.
- It does not affect anyone outside the Far View area.
- Disappointment that certain parties are trying to subvert the fair and impartial planning process by submitting statements of support that are quite clearly from the same source as the application.

8.0 CONSULTATION RESPONSES

8.1 KC Highways Development Management (HDM) – No objection.

8.2 KC Designing Out Crime Officer (DOCO) – no objection.

9.0 MAIN ISSUES

- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety
- Other matters
- Representations
- Conclusion

10.0 APPRAISAL

Principle of development

10.1 NPPF paragraph 12 and Policy LP1 of the Kirklees Local Plan outlines a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and

environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

- 10.2 The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.
- 10.3 The principle of the proposal upholds the aims of the NPPF in terms of addressing the needs of groups with specific housing requirements. Locally, the Kirklees Local Plan (adopted 2019) supports the delivery of a range of housing types to meet identified needs. Whilst the Local Plan has no policies specifically relating to care homes, Policy LP1 promotes sustainable development that improves the economic, social, and environmental conditions of the district. LP7 supports meeting housing needs by promoting the efficient reuse of existing buildings and brownfield land, helping deliver sustainable development while preserving local character and minimizing land consumption and Policy LP11 encourages a mix of housing to meet the needs of all groups, including those requiring care. Therefore, there is no presumption against such a use.
- 10.4 In terms of changing the use of the building, Policy LP24 of the Kirklees Local Plan is relevant in conjunction with Chapters 8 and 12 of the NPPF taking into account the character of the area, the amenities of neighbouring properties, highway safety and ensuring the safe operation of the home and community cohesion.
- 10.5 Therefore, in this case, the principle of the use of the building is considered acceptable and the development shall be considered against all other material considerations including the character of the area, residential amenity and highway safety.

Impact on visual amenity

- 10.6 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 131 provides a principal consideration concerning design which states:
- “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”
- 10.7 Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also 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.
- 10.8 LP24 states that 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...”

- 10.9 Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 10.10 The proposed development would not include any external alterations and therefore would not cause harm to the visual amenity of the host building or wider street scene.
- 10.11 Having taken the above into account, as there would be no significant changes to the exterior of the building, no harm is considered to be caused to visual amenity. The scheme is therefore in accordance with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout, and the aims of chapter 12 of the National Planning Policy Framework.

Residential Amenity

- 10.12 Section C of LP24 states that alterations to existing buildings should “minimise impact on residential amenity of future and neighbouring occupiers.” Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.
- 10.13 The proposed development would not include any extensions or changes to openings so no significant additional overlooking, overshadowing or overbearing harm is considered to be caused over and above the existing arrangements on site.
- 10.14 Principle 16 of the Housebuilders Design Guide SPD states that:
“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”
- 10.15 Further to of the site layout and seek to maximise direct sunlight this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that “All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context received in outdoor spaces.”
- 10.16 The development far exceeds the minimum internal floor area outlined within the NDSS for a potential six-bedroom dwelling and there is considered to be sufficient outlook and natural light for future occupants.
- 10.17 Taking the above into consideration. It is considered that the proposed dwelling, would not cause any significant harm to residential amenity of the neighbouring or future occupants. The proposal would therefore comply with LP24(b) of the Kirklees Local Plan and the aims of Chapter 12 of the NPPF.

Highway issues

- 10.18 Local Plan Policy LP21 states that '*All proposals shall:*
- a. ensure the safe and efficient flow of traffic within the development and on the surrounding highway network...
 - e. Take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely;'
- 10.19 This is supported by Chapters 9 and 12 of the NPPF and guidance within the Highways Design Guide SPDs. KC Highways Development Management (KC HDM) have also been consulted as part of this application. It is noted that highway concerns have been raised in a number of representations as well as by Cllr Munro in her committee request.
- 10.20 It is noted that two applications for a Lawful Development Certificate (LDC) for a similar scheme were refused recently under applications 2025/20229 and 2025/90962. The scheme under consideration through these applications did however propose 4 children and 4 carers during the day as well as 2 carers working at night. It was determined that the use of the building as a residential institute, in particular the traffic movements relating to that residential institute use, was considered to be a material change of use from the current lawful use as a single dwellinghouse. It must be noted that LDC applications are assessed against alternative planning legislation and policy to that utilised in the assessment of an application for planning permission.
- 10.21 The change of use was considered to change the character of the property, and the certificates were refused. It was recommended a planning application for full consideration of all "planning" matters be submitted. Hence the submission of this application. It should be noted that KC HDM were not consulted on either LDC.
- 10.22 On this basis, this application must be assessed fully against all planning considerations. KC HDM have been consulted on this application and their comments are summarised as follows:
- 10.23 Far View Crescent is a typical residential road consisting of detached residential properties. Access is taken via Far Bank Lane and Bank End Lane. No injury accidents have been recorded at the junction of Bank End Lane with Far Bank Lane.
- 10.24 Whilst there will be some additional trips associated with the use as a children's home, there is no evidence that the use will give rise to a greater level of disturbance than could be expected to be generated by a large (6 bedroom) family home.
- 10.25 It is considered that the additional vehicle movements and parking requirements are of a sufficiently low level so as to remain within the parameters of what could be usually expected of a large family home. Sufficient parking is proposed for at least 4 vehicles which is considered appropriate, particularly given the children themselves will be too young to drive.

- 10.26 The provision of waste collection will remain as existing and is unaffected by the proposals.
- 10.27 Based on the above assessment, KC HDM have no objections to the proposal. It is therefore considered that the proposed development would not cause any significant additional harm to efficiency or safety of the highway network, over and above the existing arrangements as a large family home. The proposal therefore complies with LP21 and LP22 of the Kirklees Local Plan.

Other Matters

Land Contamination

- 10.28 No ground works are proposed and therefore no further assessment is necessary.

Ecology

- 10.29 Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 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.
- 10.30 The applicant has stated in their application form that the development falls under the de minimis exemption. As there is no ground works proposed, Officers have no reason to disagree with this statement and therefore the application would be exempt from providing BNG. The proposal is therefore considered to comply with LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Crime and Anti-Social Behaviour

- 10.31 The fear of crime is a material planning consideration. Chapters 8 and 12 of the NPPF state that decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible so that crime and disorder and the fear of crime to not undermine the quality of life or community cohesion. In addition, and under Section 17 of the Crime and Disorder Act 1988, the Council acting as Local Planning Authority has an obligation to have due regard to the likely impact upon and to do all it reasonably can to prevent crime and disorder.
- 10.32 Chapter 8 of the NPPF states that planning decisions should achieve healthy, inclusive and safe places which are accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. This is further reiterated under Chapter 12 of the NPPF which goes on further to state that planning decision should create spaces that are safe, inclusive and accessible which promote health and wellbeing, with a high standard of amenity for existing and future users and where crime and disorder and the fear of crime to not undermine the quality of life or community cohesion and resilience.

- 10.33 Policy LP1 of the Kirklees Local Plan forms a provision for development which do not have specific policies to ensure that permission can be granted unless there are material considerations including adverse impacts, which the potential for crime and disorder would be a significant factor, where the adverse impact would outweigh the benefits. It is noted that fear of crime has been raised as a concern by representation.
- 10.34 Fear of crime is a material consideration where it is based on legitimate evidence. However, in this case, the agent has supplied a management plan with the application which seeks to demonstrate the home would be well managed, including appropriate security measures with protocols in place such as staff supervision. In the event that planning permission be approved, it is recommended that the decision include a condition requiring the home be operated in accordance with the submitted management plan.
- 10.35 The care facility is considered be similar to a family unit in term of its operation. In terms of the character of the area, the area is residential, close to transport links, schools and green spaces. It is not considered to be an unsuitable location for childcare.
- 10.36 KC Designing Out Crime Officer has been consulted on the proposal and has not raised any objections.
- 10.37 It is therefore considered that the use of the buildings as a care facility would not cause concerning levels of crime and anti-social behaviour or be an unsuitable location for a care home.

10.38 Representations

In total, over the course of the application 43 representations have been received, 36 in objection, 4 in support and 3 general comments. The comments have been summarised, and officers have responded below:

10.39 *Objections:*

Planning History and Procedural:

- Three previous applications, two of which were refused – this application does not overcome reasons for refusal

Officer response: Officers are aware of the planning history and have addressed this in section 4.3 of this report.

- Discrepancies in the submitted information

Officer response: Officers are aware of the discrepancies in the submitted information when the application was initially submitted. Amended plans/details were submitted as addressed in section 5 of this report.

- A covenant should be applied to prevent further planning applications

Officer response: Covenants are not a material planning consideration. The planning system cannot apply covenants, this would be through a regulatory function outside the planning system.

- House was built without planning permission. Should be knocked down or re-built as a family house.

Officer response: The dwellinghouse has been erected for at least 10 years and is therefore considered to be exempt from enforcement action.

- Not long enough to comment on application

Officer response: As detailed in section 7 of this report, the statutory publicity requirements for this application have been met.

- This property is being advertised for rent

Officer response: This is not a material planning consideration and therefore no further comment will be made.

- Lack of engagement with the community

Officer response: Whilst it is encouraged, community engagement by the applicant is not a requirement.

- Conduct of the applicant

Officer response: This is not a material planning consideration and therefore no further comment will be made.

- Planning documents and submitted information would be ignored once permission is implemented

Officer response: In the event that planning permission be approved, any decision notice would condition that the development is carried out in accordance with the plans and submitted information. In the event that the development was being carried out contrary to the plans and supporting documentation, the applicant could be liable for enforcement actions.

- No specific need for another private children's home

Officer response: Current public provision for children's homes only meets 35% of residential care needs and the number of children's homes required is predicted to increase.

- Strange that supporting comments are now being submitted

Officer response: The supporting comment can be submitted any time before the application is determined. The principle of these being submitted are not a material planning consideration and therefore no further comment will be made.

- Fails to meet Ofsted, Department of Health and Building Regulations

Officer response: This is not a material planning consideration. Ofsted and building regulations covered by other regulatory functions outside the planning system.

- Questioned whether officers had undertaken a site visit

Officer response: Officers have undertaken a site visit.

Suitability for children

- Unclear how many children or how old

Officer response: This information is contained within submitted information. In the event that planning permission be approved, this would be secured by condition.

- Refurb is cheap and would be low quality housing for the children

Officer response: There is no evidence to demonstrate that the building is of low quality and not suitable for habitable use.

- Maintenance of the property/garden

Officer response: This is a private matter, not a material planning consideration and therefore no further comment will be made.

- No sizeable garden area

Officer response: The garden is considered an appropriate size to provide amenity space for 1-3 children and is not dissimilar to the gardens within properties in the street.

- Limited activities for young people to do nearby

Officer response: This is a residential area in close proximity to schools and services and therefore is considered an appropriate location.

Community Impact

- Street is mainly elderly residents

Officer response: The individual characteristics of the neighbouring occupants is not a material planning consideration. As the property would be the primary residence of the children, the use is considered to be appropriate within a residential area.

- What checks and balancing are in place to maintain the resident's current quality of life.

Officer response: An assessment of the impact on residential amenity has been carried out in section 10.12-10.17.

- House prices reducing

Officer response: This is not a material planning consideration so not further comment will be made.

Environmental Impact

- Additional noise from vehicles and use would impact wildlife in adjacent woodland

Officer response: The proposed use is considered to be similar to that of a residential dwelling and therefore no additional harm over and above the existing use is considered to be created.

- Children playing in woodland would impact on ecology and biodiversity

Officer response: The proposed use is considered to be similar to that of a residential dwelling and therefore no additional harm over and above the existing use is considered to be created.

- Loss of garden habitat

Officer response: There are no external alterations to the existing building, as such there would be no loss of habitat as a result of the proposal.

- The property forms part of a wider network of private gardens in Far View Crescent, which collectively function as a corridor for local biodiversity. Intensifying use of one site for institutional purposes risks undermining this network

Officer response: The proposed use is considered to be similar to that of a residential dwelling and therefore no additional harm over and above the existing use is considered to be created.

- No ecological survey or biodiversity net gain assessment has been provided with the application

Officer response: As discussed in section 10.29 and 10.30, there are no external changes proposed and therefore no additional measure regarding ecology or biodiversity are required.

Safety

- Unsafe for children

Officer response: The proposed use is considered to be similar to that of a residential dwelling and therefore no additional harm over and above the existing use is considered to be created. The children's safety will be controlled under regulatory functions outside the planning system.

- First-floor balcony is a safety risk

Officer response: The applicant confirmed in an email to the Designing Out Crime Officer that the balcony will be inaccessible to staff and residents.

- Concerns regarding the structural stability of the building

Officer response: There is no evidence to demonstrate that the building is of low quality and not suitable for habitable use.

- Increased crime and anti-social behaviour

Officer response: The impact on crime and anti-social has been carefully assessed in section 10.31-10.36 of this report.

- No restrictions if a child escapes to the front – not safe to play out on street

Officer response: The children would be supervised at all times.

- If a child climbed the fence, it's a steep drop into the woods

Officer response: This is not a material planning consideration so no further comment will be made.

- If a child was to start a fire in the woods it would have catastrophic consequences

Officer response: This is not a material planning consideration so no further comment will be made.

- Cladding to the front of building is a clear danger – asbestos

Officer response: This is not a material planning permission however there is no evidence to demonstrate that the building is of low quality and not suitable for habitable use.

- There is animosity created by the company and all individual residents which could be seen as a safe guarding issue for any under 18 year old services users due to the negative relations created by the care company and this should not be deemed a suitable situation in which to be caring for vulnerable children

Officer response: This is not a material planning consideration so no further comment will be made.

Visual and residential impact

- Would change the character of the residential area

Officer response: As the property would be the primary residence of the children, the use is considered to be appropriate within a residential area.

- Occupants enjoy a quiet lifestyle

Officer response: As the property would be the primary residence of the children, the use is considered to be appropriate within a residential area.

- Additional noise, odour and disturbances

Officer response: As the property would be the primary residence of the children, the use is considered to be appropriate within a residential area therefore no further comments can be made

- Vulnerable neighbours

Officer response: As the property would be the primary residence of the children, the use is considered to be appropriate within a residential area.

- Causing stress and anxiety

Officer response: As the property would be the primary residence of the children, the use is considered to be appropriate within a residential area.

- Occupants enjoy a quiet lifestyle

Officer response: As the property would be the primary residence of the children, the use is considered to be appropriate within a residential area.

- Separation distance to neighbour is too small

Officer response: As discussed in sections 10.12-10.17, no external changes are proposed to the building. Therefore, no additional harm over and above the

existing arrangements on site are considered to be caused to residential amenity.

Highways

- Increase in traffic due to visitors to the property
- Would result in more traffic than a normal residential home
- Estimated 166 weekly vehicle movement
- Lots of external visitors which would increase vehicles

Officer response: As outlined in sections 10.18-10.27 of this report, officers consider that the proposed use would not significantly intensify vehicle movements, over and above that of a large family home.

- Accidents at junction with Bank End Lane Restrictions to emergency parking due to on street parking

Officer response: No injury accidents have been recorded at the junction of Bank End Lane with Far Bank Lane.

- More congestion at handover time – 48hr shift changes

Officer response: there would only be one additional vehicle at change over time. As outlined in sections 10.18-10.27 of this report, the vehicle use would not be dissimilar from that of a large family home.

- Blocking of resident's driveways
- Residents already have to park on the pavement

Officer response: As outlined in sections 10.18-10.27 of this report, the proposed use would not significantly intensify vehicle movements, over and above that of a large family home. Off-street parking is also provided for 4 vehicle, therefore the proposal would not significantly impact on existing on-street parking.

- Parking would be on the highway

Officer response: The scheme proposed 4 off-street parking spaces.

- Have officers ever opened the garage door to see if two cars would fit

Officer response: Only one vehicle is proposed to be parked in the garage so officer will not make any further comment.

- Staff policy is to park on nearby roads
- Car sharing mentioned in parking policy – how will this be monitored.

Officer response: Officer will not comment on the internal policies for the management company.

- Parking interferes with access to garage

Officer response: The parking is considered sufficient for the proposed use.

- Garage showing as reduced in scale

Officer response: As outlined in sections 10.18-10.27 of this report, no changes are proposed to the garage as a result of the proposal.

- Highways officers haven't responded to objectors' comments directly

Officer response: The representations have been reviewed by officers and highway consultees prior to their comments being written. Consultees do not have the capacity to respond individually to each representation.

- Highway consultation response doesn't account for minor accidents which have taken place.

Officer response: No injury accidents have been recorded at the junction of Bank End Lane with Far Bank Lane.

- Far View Crescent is only 4.9 metres wide, which is barely sufficient for two vehicles to pass
- Any reversing manoeuvres from the site will obstruct the carriageway
- Due to the intensity of vehicle movements associated with the operation of a children's home this presents an unacceptable impact on highway safety
- No swept paths provided for parking
- Visibility splays/sightlines to the left/right at the entry/exit points are inadequate and do not meet Kirklees standards
- The proposed parking layout does not allow vehicles to manoeuvre safely within the site and no alternative internal manoeuvring space is provided – the spaces block other spaces

Officer response: As outlined in sections 10.18-10.27, the proposed change of use would not significantly intensify vehicle use, over and above that of the existing large family home so it is considered there would be no additional harm to highway safety over and above the existing arrangement on

- The positioning of vehicle 1 in the garage does not permit the driver to exit the vehicle and the garage does not meet the minimum internal dimensions set out in the Kirklees Highway Design Guide

Officer response: The garage is wider (3.6m) than the recommended width for a single garage (3m) and therefore officers are satisfied it is a sufficient width.

- No disabled vehicle access is provided
- There is no segregated pedestrian access within the site

Officer response: the proposed use would operate similarly to a large family home and therefore a separate pedestrian and disabled access are not considered necessary. A ramp could easily be provided to the front or rear of the property if disabled access is required.

- If there is sufficient on-site parking for staff why has the applicant set a parking policy which directs staff not to park outside the property itself but to use nearby roads instead?

Officer response: Officer will not comment on the internal policies for the management company.

10.40 *Supporting Comments*

- Complies with planning guidance and statutory requirements for approval
- Addresses previous concerns
- Minimal physical impact – no significant material changes to building
- Children will be under 24/7 supervision which reduces the likelihood of any antisocial behaviour
- Gives vulnerable children the best chance at a normal life. Integrating such homes into residential areas promotes inclusion, stability, and a sense of belonging—values that benefit not only the children but the wider community
- Shocking that the most vulnerable of society, young innocent children, escaping abusive or inadequate parenting are shown such prejudices by others
- These homes have a huge oversight from government so will be operated properly.
- Highly unlikely the children would bother any neighbours or be out causing trouble
- It's time we supported the next generation and moved with the times, children's homes need to go somewhere... safer on a quiet cul de sac than a main road.
- Home will be managed by someone with two 'outstanding' Ofsted inspection results
- All of us owe these children a duty of care. A responsibility to enable them to grow and heal with safety and security surrounded by compassionate professionals.
- All the comments that focus on Far View Crescent being a quiet, pleasant, family orientated locality are actually arguments that support this application
- Concerns are all resolvable through partnership between Lighthouse Care and the local community and residents

Officer response: These comments are noted and align with officer recommendation.

10.41 *General Comments*

- Other areas with care facilities in residential areas which have been successful
- Why shouldn't the vulnerable children get a chance to live in a decent area, go to decent schools, and get given a chance in life. They simply need a home and will no doubt be well supervised.

Officer response: These comments align with officer recommendation and therefore no further comments are necessary

- Comments submitted from the general public who have zero affiliation with Far View Crescent – not relevant
- It does not affect anyone outside the Far View area
- Disappointment that certain parties are trying to subvert the fair and impartial planning process by submitting statements of support that are quite clearly from the same source as the application

Officer response: All representations received are considered during the assessment of a planning application regardless of if they do not align with other representation.

11.0 CONCLUSION

11.1 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.

11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS

- Standard conditions regarding time scale
- In full accordance with plans
- Restrict maximum number of children
- In accordance with management plan

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2025/92103>

Certificate of Ownership – Certificate B signed.