

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2021/62/92369/E

Site Address: Cleckheaton Bus Station, Dewsbury Road,
Cleckheaton, BD19 5DJ

Description: Change of use Class from A1 (retail) to online
pharmacy with consultation room (sui generis)

Recommending Officer: Lyle Robinson

DECISION – CONDITIONAL FULL PERMISSION

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

Paul Dowd

AUTHORISED OFFICER

Date: 14-Sep-2021

Officer Report

Site Description

The site is that of a vacant retail unit within Cleckheaton Bus Station, in the settlement of Cleckheaton. The unit is in Class E use and has been vacant for approximately 4 years.

Description of Proposal

This is an application for full planning permission for a material change of use from Class E (formerly Class A1) to a sui generis use, described as an online/distance-selling pharmacy. The proposed use would operate primarily on a delivery basis, with deliveries to the pharmacy and then outwards to customers, with an element of public access for consultations, for example flu vaccinations.

History of negotiations/amendments received

This planning application has been assessed based on the plans as originally submitted. No further amendments have been sought thereafter.

Relevant Planning History

2021/92370 Advertising Consent for window mounted internal panels to existing doors and windows *Approved 21/JUL/2021*

Various previous

Representations

This application was publicised by neighbour letters, which expired on 29-Jul-2021. Following this publicity, no letters of representation were received.

Consultation Responses

KC Highways – no objections, following clarification from applicant.

KC Environmental Health – no objections.

KC Lead Local Flood Authority – no objections.

Policy

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

The site is unallocated in the Kirklees Local Plan proposals map.

Kirklees Local Plan:

- • **LP 01** – Achieving sustainable development
- • **LP 02** – Place shaping
- **LP 21** – Highways and Access
- **LP 22** – Parking
- • **LP 24** – Design
- **LP 27** – Flood Risk
- • **LP 52** – Protection and improvement of environmental quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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.

- Chapter 2 – Achieving sustainable development
- Chapter 6 – Building a strong competitive economy
- Chapter 8 – Promoting healthy and safe communities
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Summary/Planning Balance

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan (KLP), which states that proposals that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity

of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

The application site is located within a settlement boundary. Development such as this in this sort of location is acceptable subject to the satisfactory assessment of material considerations.

2 – Impact on visual amenity and character of the area:

Policy LP24 of the KLP, consistent with chapter 12 of the NPPF, states, inter alia, that the form, scale, layout and details of all development respects and enhances the character of the townscape.

The physical changes externally are largely cosmetic and involve new signage, approved under advertisement consent 2021/92370. The physical changes internally would by their very nature not impact on the character of the area.

The development, therefore, would be acceptable in terms of visual amenity and would comply with policy LP24 of the KLP as well as chapter 12 of the Framework.

3 – Impact on residential amenity:

Policy LP24 of the KLP requires of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

The proposed use would be 09:00-17:00 Monday-Friday, as indicated by the application form. It is considered reasonable to condition this, given the prevailing mix of uses in the wider vicinity. Notwithstanding this, the proposed use as a pharmacy is appropriate for this town centre location.

As a distance selling pharmacy, the applicant has confirmed that they are not able to offer face to face essential services e.g., dispensing controlled drugs prescriptions, on the premises, or in the vicinity of it. The applicant has indicated that the pharmacy will not dispense Methadone. No controlled drugs will be dispensed directly to customers at the premises.

All told therefore, notwithstanding design considerations above, the scheme would comply with KLP policy LP24c, in terms of residential amenity.

4 – Impact on Highway Safety:

Highways

Deliveries and collections will be made to the unit via the bus station. It is agreed with the West Yorkshire Combined Authority Facilities Support Co-ordinator (the property owner) that a parking space for one vehicle is available

for the sole use of the pharmacy to make deliveries and to collect prescriptions for delivery.

KC Highways Development Management has requested clarification on the layout of the pedestrian access and delivery schedule. Highways DM has reviewed this clarification from the applicant and now has no objections. The applicant has confirmed the layout and has stated that deliveries would be in the order of eight vehicular movements a day, four in, four out. Given the scale of the retail unit and the proposed use in this town centre location, it is considered that further conditions related to this are unnecessary, as confirmed by Highways DM.

Accordingly, the development concerned is acceptable in terms of highway safety and parking and consistent with policies LP21 and LP22 of the KLP.

5 - Other Matters

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 pre-dates 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. However, it is not considered reasonable or necessary to condition further conditions related to the climate change agenda for a minor application of this nature.

Conditions

It is considered reasonable and necessary to control the hours of operation by condition, in accordance with the proposed hours indicated on the application form, given the prevailing mix of uses in the area and the application's indicated intentions to follow these hours. It is noted that in this town centre location extended opening hours may well be acceptable in any future application. In the application at hand 09:00-17:00 hours indicated on the application form are acceptable and so that is what will be conditioned in this instance, with a reasonable additional 30 minutes leeway either side (so 08:30-17:30).

Flood Risk

The site lies in a flood zone but there is no objection from the Lead Local Flood Authority given the lack of any additional built form proposed in this application, being as it is a material change of use involving internal changes only. The proposed WC would be connected to the existing sewer as indicated on the application form.

5 – Representations:

None received.

6 – Summary/Planning Balance:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF, taken as a whole, constitute the Government's view of what sustainable development means in practice.

The proposal would be acceptable in respect of visual and residential amenity and has been assessed by highways as being acceptable from a parking and highway safety perspective. The pharmacy represents a sustainable use in this location.

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.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/92369

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The hours of operation of the use hereby permitted shall be limited to: Mondays to Fridays, 08.30 to 17.30 hours, with no operations on Saturdays or Sundays.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP24 and LP52 of the Local Plan

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Location Plan	21-032-001		10/JUN/2021
Advertising – Door Elevation	21-032-212		10/JUN/2021
Proposed Floor Plan	21-032-210		10/JUN/2021

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

A pragmatic view has been taken in respect of the proposed development in this sustainable, town centre location. As the scheme as submitted has been found to be acceptable in respect of planning policy and relevant material considerations, a recommendation of approval has been made as soon as practicable.

