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:	**2022/62/91896/E**
Site Address:	Shepley Newsagents, 6, Station Road, Shepley, Huddersfield, HD8 8AA
Description:	Change of use to class E semi-commercial (Within a Conservation Area)
Recommending Officer:	Alice Downham

DECISION – FULL CONDITIONAL 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 1 August 2022

Officer Report

Site Description

The application site is no.6 Station Road, Shepley. It consists of a two-storey stone built semi-detached property, a single storey extension to the front, a driveway and a porch to the side, and amenity space to the rear. The front extension alongside part of the host property were occupied by a newsagent with permission granted to incorporate this into the dwelling at no.6 under 2019/91660. However, there were no external alterations to the property. The traditional painted timber shopfront with a large shop window is still present. It has a similar appearance as the commercial property at no.8 Station Road (currently in use as a café).

The site and its surroundings are characterised by a mix of residential and non-residential development. The site is located within the Shepley Local Centre and the Shepley Conservation Area. There are no listed buildings or PROW within close proximity to the site. To the rear of the site is land designates as Urban Greenspace on the Kirklees Local Plan (UG475).

Description of Proposal

The application seeks planning permission for the change of use to class E semi-commercial (Within a Conservation Area). The details are as follows:

- Approximately 23.5sqm changed from residential use to commercial use (Class E). This is the element of the property which was previously in use as a newsagent.
- No external alterations proposed.

History of negotiations/amendments received

No amendments were sought or received during consideration of the application.

Relevant Planning History

At the application site:

86/00281 – Erection of dormers (Within Conservation Area). Permitted Development.

87/04166 – Erection of porch (within Conservation Area). Granted Conditionally.

89/07218 – Erection of illuminated sign. Consent refused.

91/03283 – Erection of illuminated projecting sign. Advertisement consent granted.

2019/91631 – Work to tree(s) within a conservation area. Granted.

2019/91660 – Change of use from commercial to dwelling. Conditional full permission.

At neighbouring properties:

93/04979 – Alterations to shop front. Conditional full permission. (2 Station Road).

2020/90139 – Prior notification for change of use from Class A2 (financial and professional services) to one dwelling (within a Conservation Area). Withdrawn. (8 Station Road).

Representations

The application was advertised by neighbour letter, site notice and in the press due to the site's location within a Conservation Area. Publicity expiry:

- Neighbour letter – 18th July 2022
- Site notice – 20th July 2022
- Press notice – 15th July 2022

As a result of the above publicity, no representations have been received.

Kirkburton Parish Council were consulted and had no comment on the proposal.

Consultation Responses

KC Environmental Health – no objections as they consider there would not be any significant environmental health impacts with this development. The full consultee response is available on the website.

Policy

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

The site is unallocated on the Kirklees Local Plan. However, it is located within the Shepley Local Centre and the Shepley Conservation Area.

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. The National Planning Policy

Framework 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 under other matters.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 13** – Town centre uses
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity & geodiversity
- **LP 35** – Historic environment
- **LP 48** – Community facilities and services

Supplementary Planning Guidance / Documents:

Kirklees Council has adopted Supplementary Planning Documents (SPDs) for guidance on house building, house extensions, and open space, to be used alongside existing, previously adopted SPDs. These carry full weight in decision making and are now being considered in the assessment of planning applications. The SPDs indicate 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 and the National Planning Policy Framework, requiring development to be considerate in terms of the character of the host property, street scene, and wider area. 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 following SPDs are applicable:

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

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 National Planning Policy Framework constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 7** – Ensuring the vitality of town centres
- **Chapter 9** – Promoting sustainable transport
- **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
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conditions
7) Conclusion

1 – Principle of development:

Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area. Any impact on heritage assets will be given consideration having regard to Policy LP35 of the Kirklees Local Plan, and Chapter 16 of the National Policy Planning Framework.

The proposal, if permitted, would result in the addition of approximately 23.5sqm of class E commercial space within the Local Centre of Shepley. The aims of Chapter 7 of the National Planning Policy Framework are to sustain the vitality and viability of town centres by retaining main town centre uses within existing centres. Policy LP13 of the Kirklees Local Plan states that:

“Main town centre uses which are appropriate in scale, help to retain an existing centre's market share, and enhance the experience of those visiting the centre and the businesses which operate in that centre will be supported...

Proposals that have a significant adverse impact on the vitality and viability of a centre, or compromise the role and function of a centre will not be supported."

LP13 continues that Local Centres should provide *"top-up shopping and local services particularly food and drink."*

The proposal would be appropriate in scale and would improve the market share of the existing Local Centre. It would help provide a mix of uses in the Local Centre whilst retaining a strong retail core. Class E includes retail and food and drink uses.

Policy LP48 of the Kirklees Local Plan states that:

"Community facilities should be provided in accessible locations where they can minimise the need to travel or they can be made accessible by walking, cycling and public transport. This will normally be in town, district or local centres. Proposals will be supported for development that protects, retains or enhances provision, quality or accessibility of existing community, education, leisure and cultural facilities that meets the needs of all members of the community."

Class E (commercial, business and service) covers uses including retail, sale of food and drink, financial and professional services, indoor sport, medical/health services, and non-residential childcare (Class E(a-f)). Class E(g) covers *"uses which can be carried out in a residential area without detriment to its amenity"*, including offices, research and development, and industrial processes. Officers discussed whether it would be necessary and reasonable to prevent Class E(g) use. However, given that Class E(g) uses should not cause detriment to residential amenity, officers consider that this would be acceptable in this location. Furthermore, given the size of the proposed commercial space (approximately 23.5sqm), officers consider that other uses are more likely for the proposed commercial space.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity and the historic environment:

Consideration in relation to the impact on visual amenity shall now be set out, taking into account Policy LP24 (a), which sets out 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"*.

The proposal would not involve external alterations to the applicant property that would prejudice its appearance or the character of its surroundings. For the same reason, officers find there would be no harm to the amenity of the

street scene. It is acknowledged that application site is situated within the Shepley Conservation Area, and the proposal therefore could have an impact on its character and its setting. However, given that no external alterations would be made to the application property, there is unlikely to be material harm to the significance and setting of the Conservation Area. The application site and its surroundings already consist of a mix of residential and non-residential development. Hence, the proposal would not fundamentally change the character of the Conservation Area.

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 Policies LP24 and LP35 of the Kirklees Local Plan, and the aims of Chapters 12 and 16 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 (b), which sets out that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

The proposal would be acceptable from a residential amenity perspective as it would not change the scale or fenestration of the application property. Officers consider that Class E uses would have no significant additional impacts on adjoining neighbouring properties or the occupiers of the dwelling at no.6 Station Road, given the uses contained in Class E broadly can be carried out in a residential area without detriment to its amenity. Furthermore, it is noted that the commercial space was previously used as a newsagent.

After assessing the above factors, officers consider that this proposal would not result in any significant adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan, and Paragraph 130 (f) of the National Planning Policy Framework.

4 – Impact on highway safety:

The proposed change of use would not interfere with any areas of parking or access. Due to the size of the proposed commercial space, it would likely not result in a significant demand for parking. There is off-street parking serving the dwelling. There is on-street parking to the front of the property. There are bus stops and Shepley train station within walking distance. It is noted that the site is within a sustainable location in the Local Centre of Shepley and therefore most trips will be linked with other trips to Local Centre locations. The development would not result in a significant number of vehicles on the highway which would cause highway safety issues.

Therefore, the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Ecology

The site is located within a bat alert layer. In this instance, given the nature of the works proposed, which include no work to the main roof, it is considered unlikely to have a detrimental impact on the bat population. A footnote has been added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction. This would accord with the aims of Policy LP30 of the Kirklees Local Plan, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

Carbon Budget

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

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations have been received.

7 – Conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions:

- Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Notes will also be added regarding bats, the recommended hours of work and notifying the applicant that neighbours do not have to grant access to their land.

8 – Conclusion:

This application for Change of use to class E semi-commercial (Within a Conservation Area) at 6, Station Road, Shepley, Huddersfield, has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in

terms of visual and residential amenity, the proposed development is considered acceptable.

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

As set out above, 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 is therefore recommended for approval.

Recommendation **Approve**

Decision Authorisation - Delegated Powers
Application Number: 2022/91896
Officer Recommendation: Approve
Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP13, LP21, LP22, LP24, LP30, LP35, and LP48 of the Kirklees Local Plan, the principles and guidance within the Council's House Extensions and Alterations SPD, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

NOTE: The property is within the Bat Alert Zone. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended). It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site, development shall cease, and the applicant is advised to contact Natural England for advice.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays,
08.00 and 13.00 hours, Saturdays,
with no working Sundays or Public Holidays.

In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a

notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Web ID	Date Received
Location Plan	-	936052	07/06/2022
Plan General	-	935630	07/06/2022

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

No amendments were sought or received during consideration of the application.

Report Dated: 29/07/2022