

**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:	2024/62/90076/E
Site Address:	11, Foundry Street, Dewsbury, WF13 1QH
Description:	Alterations to first and second floor salon/office to form 2 flats (within a Conservation Area)
Recommending Officer:	Edward Cheseldine

DECISION – Conditional Full Permission

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 20 March 2024

Officer Report

2024/90076 - 11, Foundry Street, Dewsbury, WF13 1QH

Site Description

11 Foundry Street is a three-storey building in the centre of Dewsbury. The building has a retail unit on the ground floor with two separate floors above, have an art deco style façade, with a stone exterior and characterful windows. The site is situated within the Dewsbury Conservation Area and Dewsbury town centre. To the rear is The Arcade, a Grade II listed building.

Description Proposal

The applicant is seeking permission for the alterations to first and second floor salon/office to form 2 flats.

Consultation Responses

KC Strategic Housing – 1 bed flats are acceptable, no objection.

KC Environmental Health – No objection, subject to conditions.

KC Planning Policy- Informal meeting. No comment on the change of use of the building.

Relevant Planning History

2000/92663 – Installation of new shop front – approved

Several applications relating to the adjoining arcade (Grade II listed building)

Amendments/Negotiations

None.

Public Consultation

The application was advertised by neighbour notification letters, a site notice and press notice.

Site Notice expiration date: 26 February 2024

Press advertisement expiration date: 07 March 2024

As a result of the publicity, there were no objections.

Policy & Legislation

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 situated in Dewsbury town centre and Dewsbury Conservation Area on the Kirklees Local Plan Proposals Map.

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.

Kirklees Local Plan policies and National Planning Policy Framework (NPPF) policies considered relevant to the proposal are as follows:

Kirklees Local Plan Policies:

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 7 – Efficient and effective use of land
- LP 13 – Town centre uses
- LP15 – Residential uses in Town Centres
- LP 20 – Sustainable Travel
- LP 24 – Design
- LP 25 – Advertisements and shop fronts
- LP 35 – Historic Environment

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 December 2023, and 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 7** – Ensuring the vitality of town centres
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well designed places
- **Chapter 16** – Conserving and enhancing the historic environment

Other material planning considerations:

- Highways Design Guide
- Housebuilders Design Guide
- Technical housing standards – nationally described space standards
- Waste Management Design Guide for New Developments (Version 5, October 2020).

Assessment

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Environmental matters
- 6) Conclusion

Principle of development:

Presumption in favour of sustainable development

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.

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 assessed.

Land Allocation

The site is allocated as within Dewsbury Town Centre and within the Dewsbury Town Conservation Area on the KLP Policies Map. Policy LP2 states that:

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

Change of use to residential dwellings

‘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%).

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.”

The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.

Chapter 5 of the National Planning Policy Framework clearly identifies that Local Authorities should seek to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 69 of the NPPF recognises that: “Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”.

The site falls within Dewsbury Town Centre, whereby policy LP13 of the Kirklees Local Plan is relevant. The policy encourages development that supports a strong, diverse economy that serves the local community by encouraging the vitality and viability of existing town centres. Paragraph 86 of the National Planning Policy Framework (2021), supports a mixed-use town centre that includes housing to grow and strengthen town centres. In order to contribute positively to the mixed-use aims of LP13, town centres should be ‘inclusive places for all users and attractive places for pedestrians, cyclists and public transportation users. In order, to conserve and enhance this, the local character, heritage and the public realm should be a focus of future development.’

Policy LP15 of the KLP is also relevant in relation to residential uses within the town centre. This states that

“Proposals for residential uses (including student accommodation) within the defined town centres asset out on the Policies Map will be supported subject to

- (a) the protection of primary shopping areas, primary and secondary shopping frontages, and space for other main town centre uses within the defined centre. Residential proposals in these areas shall normally only be permitted on upper floors, and shall not prejudice existing established uses*
- (b) the protection of the character of the centre, and the local street scene. Proposals should retain and enhance the design and heritage features of buildings;*
- (c) the protection and retention of existing ground floor uses and active frontages both within and outside the primary shopping area,*
- (d) the protection of the amenity of existing residents and future occupiers of the proposed residential use in accordance with amenity and design policies within the plan, and will in particular consider matters such as privacy, noise and air quality;*

- (e) *the provision of space for the storage of sustainable modes of transport such as bicycles, where appropriate charging points of electric vehicles, and access to public transport;*
- (f) *the provision of space for vehicular parking which is appropriate to the scale of the proposal, particularly where it would otherwise cause highway and pedestrian safety concerns;*
- (g) *provision of affordable housing in accordance with policies set out in the Local Plan; and*
- (h) *the provision of refuse storage and collection*

The site is located within the primary shopping area within a primary shopping frontage. The proposed change of use would relate to the upper floors of the building and therefore would not result in the loss of the commercial use at ground floor level within the Primary Shopping Area. The existing character of the building would be retained. The requirements of Policy LP15 would be complied with.

The site is located within a pedestrian-accessible network close to the main shopping and retail area of Dewsbury. Dewsbury train station is within walking distance of the application site. The area of the site has a high amount of retail space. A mixed residential and commercial use in the area would benefit the economic strengths of the area, whilst supporting the footfall of local businesses. Within the Design and Access Statement it is stated the offices have been vacant for a number of years. Given this, there is sufficient justification for supporting the change of use regardless of the loss of a business premises.

In terms of housing need, the Strategic Housing Market Assessment sub area (Dewsbury and Mirfield) advised need indicates the following:

<i>Dewsbury & Mirfield</i>	Market Housing	Affordable Rent	Affordable Intermediate
1 and 2 bed	30-60%	20-59%	0-39%
3 bed	25-45%	0-19%	40-59%
4+ bed	10-30%	20-39%	40-59%

Table 8 Dewsbury & Mirfield dwelling requirement (%) by number of bedrooms for Market Housing, Affordable Rent, and Affordable Intermediate tenure types

A range of house types (1-4+ beds) are suitable for the market housing and as such 1 bed units are considered to be acceptable in this instance.

It is considered that the provision of additional residential units would help the overall provision of housing within the district and would therefore be in compliance with Policy LP11 of the Kirklees Local Plan. Further to this, LP7

'encourages the reuse or adaptation of vacant or underused properties'. As such it is considered that the principle of conversion to residential apartments is acceptable subject to matters regarding character, design and access.

Historic Environment

In addition to its town centre allocation, the site is within the Dewsbury Conservation Area and within the setting of the Grade II listed Arcade, and, as such, should comply with matters concerning heritage and character.

The principle of residential reuse would provide the means for the continued viability of the building. There are no external alterations proposed to the building.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

In terms of impact to the character of Dewsbury Conservation Area, there are no exterior alterations proposed, the character of the area and setting of the adjacent Listed Building will therefore be preserved.

Paragraph 205 of the NPPF (December 2023) requires that 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.

There will be no harm to the setting of the Dewsbury Conservation Area as a result of the change of use application.

The principle of development is therefore acceptable.

Impact on visual amenity

The proposal does not include alterations to the external fabric of the building. The building will remain as it stands. It is a characterful building due to the stone exterior and large window openings. Entrances for each establishment are existing. The plans respect the existing character of the townscape by its nature of retaining the current building in its present form, therefore complying with Policy LP24 of the Kirklees Local Plan.

Impact on residential amenity

Policy LP24 of the Kirklees Local Plan states good design should be at the core of all proposals, including of which is that design 'provide a high standard of amenity for future and neighbouring occupiers.

There are no additional openings proposed other than what currently exists. There are existing views to the east and west. There is a ~15.50m distance between this easterly outlook and the opposite building. It has a retail use which would not be classified as habitable space due to its use. The outlooks are existing, given this the relationship is acceptable. To the west is the Arcade, currently undergoing a period of renovation, however no openings are proposed in its facing elevation. The openings serving the proposed development would face the Arcade at relatively close quarters, however these openings would have a secondary/non-habitable function and as such, this relationship is considered to be acceptable. Furthermore, it is acknowledged that similar relationships are characteristic of town centre locations.

In terms of a loss of light, loss of outlook or there being an overbearing effect from the change of use, there will be no external alterations which would impact residents in such a way.

Amenity of the Proposed Occupiers

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."*

Guidance as to the suitable standards for internal space are set out in the House Design Guide SPD, which states in paragraph 9.1, *'The Council recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers'*.

Both apartments would be single occupancy, 1 storey dwellings, although the plans indicate two people may reside within the apartments due to the double bed the spacing has been assessed as single occupancy as indicated on the plans. Both apartments meet the requirements of the *Nationally Described Space Standards*. Additionally, the properties benefit from two sets of outlooks, with separated bedrooms and W.C. areas.

Principle 17 of the Kirklees Housebuilders Design Guide states all new houses should have adequate outdoor space that is functional and proportionate to the dwellings. There is no associated functionable outdoor space provided to the future residents of the dwellings.

The development is classed as a sustainable development as it is located in Dewsbury Town Centre. There is a local park nearby Dewsbury centre, Caulms Wood Park (380m), there are accessible transport links that can be sought within the town centre. As the dwellings are single occupancies the proximity to a park and connectivity of Dewsbury satisfies the requirements of Principle 17.

Impact on highway safety

In terms of parking the Kirklees Highway Design Guide states there is no requirement for a dwelling of 1 bedroom to have off-street parking. The area is well connected by public transport due to its central location.

A bin refuse area has been proposed to be at the front of the building on Foundry Street. No information has been submitted in terms of collection of refuse, or type of bin storage. As such it will be conditioned that such information is submitted in writing.

Environmental matters

Noise

The application is for a change of use from offices/hairdressers to 2no. one bed apartments on the first and second floors. The ground floor unit will remain as a commercial space. It will be conditioned that sound insulation is installed between the residential flat and commercial property is installed to protect the amenity of the

Conclusion

The application for planning permission for a change of use at 11 Foundry Street 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 principle of a change of use and lack of harm in terms of visual amenity, residential amenity and highway safety, the proposed change of use is considered to be acceptable.

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.

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: - 2024/90076
Officer Recommendation: Permission Granted

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, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.
3. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no additional door or window openings other than those expressly authorised by this permission shall be constructed in the building at any time, without written permission from the planning authority.
Reason: So as not to detract from the amenities of the adjoining property by reason of loss of privacy and comply in accordance with the requirements of Policy LP24 of the Kirklees Local Plan and the provisions of the Kirklees House Extensions and Alterations SPD (2021).
4. Notwithstanding the submitted details, prior to works commencing on the development hereby approved, details of the proposed method of storage and collection of wastes from the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation of the development, and thereafter retained.
Reason: This is a pre-commencement condition in the interests of highway safety, to ensure a satisfactory layout is achieved at an appropriate stage in the development and to comply with policies LP21,

LP22, LP24 and LP43 of the Kirklees Local Plan and chapter 12 of the NPPF.

5. Before the development is brought into use written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls of the development is of a minimum of 55dB $D_{nTW} + C_{tr}$ shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and further written evidence to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing and proposed site plans	BC(0)1	-	19-01-2024
Existing floor plans	BC(0)2	-	19-01-2024
Proposed floor plans	BC(0)3	-	19-01-2024
Wall insulation plans	BC(0)4	-	19-01-2024
Existing elevations	BC(0)7	-	19-01-2024
Location and site plans	BC(0)0	-	19-01-2024
Design and Access Statement			19-01-2024

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.

