

**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:	2024/62/90193/E
Site Address:	Dewsbury Pharmacy, Healds Road Surgery, 139, Healds Road, Dewsbury, WF13 4HT
Description:	Erection of single storey front extension
Recommending Officer:	Elenya Jackson

DECISION – Conditional Full Permission

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 21 March 2024

OFFICER REPORT

Site Description

The application relates to Dewsbury Pharmacy, Healds Road Surgery, 139, Healds Road, Dewsbury, WF13 4HT a part three and part one-storey building located 1.3m north west of the train station. It is constructed with a stone single storey front projection with a render and timber clad main building. The building is occupied by JK Medical Services and includes a 'late night' pharmacy which is located within the single storey projection on the principal elevation of the building.

The site is enclosed by residential dwellings which are not uniform in appearance and the build line within the street scene is consistent.

The property is within a low risk coal area.

Description of Proposal

This application has been received for the erection of a single storey front extension which would infill next to an existing projection on the building. The extension would have a width of 4.1m and project 5.1m beyond the principal elevation of the building. This would feature a lean-to roof with an eaves height of 2.6m. This would feature a rendered finish matching the host building.

Relevant Planning History

2013/90342: Erection of illuminated and non-illuminated signs. Advertisement consent granted

2012/90783: Non material amendment to previous permission 2010/93349 for erection of medical centre with pharmacy (open A1). NMA Approved

2011/91675: Variation of condition no. 10 of planning permission 2010/93349 to extend opening hour. Removal or Variation of Condition

2010/93349: Erection of Medical Centre with Pharmacy (open A1). Conditional full permission.

Representations

The application was advertised by neighbour notification letters, which expired on 11/3/2024.

No objections received.

Consultation Responses

KC Environmental Health: No objections

Strategic Waste: No landfill sites within 250m of site

KC Crime Prevention: Request a condition for security measures to be incorporated within the development.

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.

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

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity and geodiversity
- LP 35 – Historic environment
- LP 48 – Community facilities and services
- LP 51 – Protection and improvement of local air quality
- LP 52 – Protection and improvement of environmental quality
- LP 53 – Contaminated and unstable land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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 6 – Building a strong, competitive economy
- Chapter 12 – Achieving well-designed places

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) Negotiations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

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. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Chapter 6 of the NPPF sets out how decision should help create the conditions in which businesses can invest, expand and adapt.

Policy LP48 is relevant as the proposal is for an extension to an existing medical practice. The practice is not considered to be a main town centre use and as such does not require any further assessment in this respect. Policy LP48 sets out that proposal will be supported for development that protects, retains or enhances provision, quality or accessibility of existing community facilities that meet the needs of all members of the community. In this case, the proposal relates to the extension of the existing practice which currently provides a community service, and as such is improving and enhancing the service in situ which is of benefit to the patients that it serves.

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

2 –Impact on visual amenity:

The proposal would be visible from the street scene as it relates to the front of the existing building. The proposal would be single storey in scale, the materials of the proposal would be in keeping with the host building and it would not extend beyond the existing projection on site.

The proposal is considered to be subservient to the host building in terms of its scale and design and is considered to have an acceptable impact on the building in terms of visual amenity. When taking this into consideration, the impact on the host building is considered acceptable.

Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host building or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan

(a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building.

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 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.

The proposal would increase the footprint of the building at ground floor level and the proposal would include side facing windows.

It is considered that the proposal would continue existing relationships between the property and neighbouring dwellings, would be single storey and that sufficient distance would be retained between the proposed extension and the properties to the west of the application property to prevent there from being an impact in terms of residential amenity.

Having assessed the above, the proposals are considered to not result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, thereby complying with policy LP24 of the KLP and chapter 12 of the NPPF

4 – Impact on highway safety:

The proposals would result in some intensification of the use of the property. However, the proposal would not alter parking arrangements on site and the facility is currently operated via an appointment system.

Officers have reviewed the application from 2010/93349 and no conditions were imposed relating to highway safety.

Having reviewed the current application it is considered that the proposal would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions and Alterations SPD.

5– Other matters:

Carbon Budget

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The application relates to the extension of an existing medical practice. The application forms states that the proposal would not alter the existing number of staff at the practice. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

6 – Representations:

No representation received.

7 – Negotiations:

No alterations were requested during the application.

8 – Proposed 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.

Matching materials condition

9 – Conclusion:

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

This application to erect a single storey front extension Dewsbury Pharmacy, Healds Road Surgery, 139, Healds Road, Dewsbury, WF13 4HT 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: 2024/62/90193/E

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 Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external facing and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

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

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Location Plan	PP-12746236v1	7.09.2023
Proposed Elevations		7.09.2023
Existing Floor Plans	001 Rev:A	7.09.2023
Proposed Floor Plans	002 Rev:A	7.09.2023

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 Planning 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 alterations have been sought since submission as the proposals were considered to be acceptable in their original form.

