

**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:	2024/62/92631/W
Site Address:	10, Thornton Lodge Road, Thornton Lodge, Huddersfield, HD1 3JQ
Description:	Installation of replacement shopfront/fascia and external canopy/fascia with integral shutters
Recommending Officer:	Molly Storer

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.

John Holmes

AUTHORISED OFFICER

Date: 25th November 2024

Officer Report

Site Description

The application site relates to 10 Thornton Lodge Road, a two storey terrace property located in the area of Thornton Lodge, Huddersfield. At the ground floor level the property serves a retail use and at the first floor level is residential accommodation. The building is constructed from stone, slate roof tiles and existing windows and door are constructed from an aluminium frame. The property has a shared courtyard to the rear and hosts an existing ramped and stepped access to the front of the building. The property can be accessed via Thornton Lodge Road.

The application site has retail units in close proximity specifically on the same side of the road, however on the opposite side of the road and the wider area is mainly residential, characterised by terraced properties.

Description of Proposal

Planning permission is sought for the installation of a replacement shopfront/fascia and an external canopy/fascia with integral shutters. The scheme also proposed a new ramped and stepped access to the front of the property.

Replacement shopfront/fascia

The proposed shopfront will advertise the new usage of the retail outlet. This will consist of a new fascia in an anthracite grey powder finish. The front of the shop will incorporate a single door and two large, glazed windows coving the majority of this elevation.

Ramped/stepped access

The ramped access will have a length of 4.45m and a width of 1.2m and will have a landing platform at the top and bottom of the ramp. The top landing will also serve the stepped access which will be located perpendicular to the ramp. This will then lead to the front entrance of the building.

External canopy/fascia with integral shutters

The ramped and stepped access will be covered by the external canopy. The canopy will be open sided and will measure 4.1m in height with a lean-to roof form. It will project 3m and have a width of 8.6m. The shutters will consist of a metal enclosure frame which will come down from the canopy to enclose this area.

History of negotiations/amendments received

The agent was contacted as initial Highways comments on the original plans stated that they could not currently support the application due to the proposed access ramp not being DDA compliant and causing a pedestrian access safety concern. The agent responded with amended plans showing a DDA compliant ramp. These plans will be discussed in the following report.

Relevant Planning History

87/01349 - Change of use of upper floors to flats for multiple occupation – Granted Conditionally.

92/00185 – Change of use of basement to food preparation room – Conditional Full Permission.

93/00656 – Use of premises for private hire of 3 vehicles – Refused.

94/90951 – Change of use from youth social centre to hostel for homeless – Conditional Full Permission.

2008/93627 - Change of Use of Office to Hot Food Take-Away with sale of Asian Sweets – Refused.

2009/90674 - Change of use of offices to hot food take-away and Asian sweets and erection of extract ventilation system – Conditional Full Permission.

2018/93343 - Variation of condition 5 (hours) on previous permission 2009/90674 for change of use of offices to hot food take-away and Asian sweets and erection of extract ventilation system – Granted.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on: 5th November 2024.

No representations have been received.

Consultation Responses

K.C. Highways: Highways comments on the original plans stated that they could not currently support the application due to the proposed access ramp not being DDA compliant and causing a pedestrian access safety concern.

The agent responded with amended plans showing a DDA compliant ramp. Highways were reconsulted and stated that the revised drawings show the new ramp with a gradient of 1:12 which is the maximum acceptable ramp gradient within the DDA guidance in the Inclusive Mobility document and as

such is now acceptable. This meant that concerns have been addressed and the scheme is now supportable from a highways perspective.

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 within Thornton Lodge Town Centre boundary as identified within the Kirklees Local Plan and is also within an area with a known presence of bats.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP13 – Town Centre Uses
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP25 – Advertisements and shop fronts
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – 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 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 planning consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 6 – Building a Strong, Competitive Economy
- Chapter 7 – Ensuring the Vitality of Town Centres
- Chapter 12 – Achieving Well-Designed and Beautiful Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and Enhancing the Natural Environment

Legislation

- The Town & Country Planning Act 1990 (as amended).
- The Planning and Compulsory Purchase Act 2004.

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

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). This policy stipulates 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.

Within the NPPF, it will be assessed having regard to the advice to drive sustainable economic development and to support existing business sectors in “Core Planning Principles” and “Building a Strong Competitive Economy” (Chapter 6) and the promotion of the vitality and viability of local centres as set out in “Ensuring the Vitality of Town Centres” (Chapter 7).

Policy LP25 states that shop fronts, signs and advertisements make a significant contribution to the character and local identity of the district’s town centres. Policy LP25 goes on to state that the development of new or replacement shop front units and displays of advertisements will only be permitted if they satisfy the following criteria:

- a. The design is consistent with the character of the existing building in terms of scale, quality and the use of materials;
- b. Proposals respect the character of the locality and any features of historic, architectural, cultural or other special interest;

c. The shop fascia is designed to be in scale, in its depth and width, with the façade and street scene of which it forms part

Town Centre Uses:

The requirements of Policy LP13 are that commercial units within District Centres should provide a range of shopping for everyday needs and serving specialist markets and be the local focus for basic financial services, food and drink, entertainment, leisure and tourist facilities and health services. Officers consider that as the proposal would not see the loss of the ground floor commercial use the development is of a scale / nature that would be appropriate for a district centre.

In this instance, it can be stated that the principle of development of this application is acceptable subject to the assessment of impacts on visual and residential amenity, heritage as well as highway safety and any other impacts that may arise.

2) Visual amenity

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

Replacement shopfront/fascia

It is considered that the proposed design does not differ to a large extent than the current shopfront. The proposed scheme would introduce large openings to the north of the entrance door however the existing shop still incorporates two large windows but these are either side of the entrance door. The fascia sign would also be located in the same position as the existing above the glazing and entrance door.

It is also noted that the style of openings and frontage is typical of a number of commercial units within the Thornton Lodge Local Centre, in particular, the nearby buildings on the same side of the road. Therefore on balance this element is considered acceptable in terms of visual amenity given the character of the locality.

Ramped/stepped access

The proposed ramp and stepped access is also seen within the existing design of the building. The proposed new steps and ramp to enable the property to be easily accessible is welcomed as the existing steps are narrow and steep. The ramp would now be DDA compliant so is therefore considered an improvement from the existing design in terms of accessibility and given the existing development which is already in place is not considered to have a significant impact upon visual amenity over and above that of the existing.

The materials of construction of the existing steps and ramp are stone to the sides of the ramp and steps and black colour finish hand rail. It is recommended this is ensured for the new ramp, by inclusion of an appropriately worded condition upon any grant of permission.

External canopy/fascia with integral shutters

The canopy, although relatively large in comparison to the building, would be open sided (for the most part when the shutters aren't down) and when in use would allow for views / accessibility through the site. The anthracite grey finish will harmonise with the colour of the buildings roof and the other elements of the proposal.

It is also noted that there is a larger existing canopy to the retail property on the corner of Thornton Lodge Road and Crosland Road.

On balance, canopy and associated roller shutters are considered acceptable in this instance, with the implementation of a condition to ensure circa 60% perforation. This is because 60% perforation would prevent the visual appearance of an entirely closed shopfront when the shutters are down, whilst also reducing the risks of antisocial behaviour associated with roller shutters.

In addition, given that the site is allocated within the boundaries of a Local Centre and that roller shutters are considered a design feature associated with commercial premises on this section of the street, and taking account of the existing lawful developments which are of a similar design in close proximity to the site it is concluded the development would not be viewed as out of character with the wider street scene. It is recommended conditions are included which relate to the colour finish and perforation / transparency level of the shutters.

In conclusion, subject to conditions the proposed replacement shop front, ramp and shutters are considered to be acceptable from a visual amenity perspective. The proposal is considered to comply with Policies LP24 and LP25 of the Kirklees Local Plan and Chapter 12 of the NPPF.

3) Residential amenity

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Given the nature of the shopfront/fascia change and the ramped/stepped access and given that these are existing features on the building it is considered that these elements would not lead to any increased levels of overbearing or overshadowing in relation to the surrounding buildings and/or properties. In addition, given the principal of these elements no increased detriment of overlooking is posed.

Although the proposed canopy/roller shutters would not be set off the boundary it is considered that for the most part this element would be open sided and would have a limited projection of 3m. It is also noted that the adjacent properties; 10a Thornton Lodge Road and 12 Thornton Lodge Road have a retail use and the canopy/shutters would be set below the residential flats above. In terms of privacy it is considered that when in use the shutters would provide some level of screening due to the 60% preformation level. Therefore, on balance it is considered that there would be no significant undue overshadowing

For these reasons, the proposed development is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF and Policy LP24 of the Kirklees Local Plan.

4) Highways

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highways Design Guide SPD, which seeks to ensure acceptable levels of off-street parking, is also relevant.

K.C. Highways were consulted on the proposal and stated that the development would take place at an existing commercial premises fronting on to Thornton Lodge Road, a 20mph two-way single carriageway residential link road of approximately 6.6m width with footways on both sides and street lighting present. There are No Waiting at Any Time TRO markings on the side of the application site.

The proposals are located on land owned by the applicant beyond the rear boundary of the adopted footway and as such would have no impact on the operation or efficiency of the local highway network. It is noted that vehicles have been observed to have been parked on the land beyond the adopted footway to the front of the shop and with the proposals in place this space would no longer be available for off street parking (although it is also noted that there are no dropped kerb crossings to allow access to this location). Therefore, there were no objections raised with regards to parking arrangements or highway access.

Highways officers originally stated that they could not currently support the application due to the proposed access ramp not being DDA compliant and causing a pedestrian access safety concern. The agent responded with amended plans showing a DDA compliant ramp. Highways were reconsulted and stated that the revised drawings show the new ramp with a gradient of 1:12 which is the maximum acceptable ramp gradient within the DDA guidance in the Inclusive Mobility document and as such is now acceptable. This meant that concerns have been addressed and the scheme is now supportable from a highways perspective.

In turn, the scheme would appropriately accord with Chapter 9 of the NPPF and LP21 and LP22 of the Kirklees Local Plan.

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 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.

A Climate Change Statement was submitted as part of this application, which set out various mitigation measures.

Considering the small development proposed, it is considered that the proposal would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Ecology:

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.

The application site is within a ‘Bat Alert’ layer on the Council’s GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the fact that the proposal is small in scale with little opportunity for bats to be affected. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

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). The development is considered to benefit from the de-minimus exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

6) Representations

No representations have been received.

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 has been assessed against relevant policies in the development plan and other material considerations.

It is considered that the development constitutes sustainable development and is therefore recommended for approval.

Recommendation - Approve

Decision Authorisation - Delegated Powers

Application Number: 2024/92631

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: To ensure compliance with 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 specification 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, LP25, LP48, LP51, LP52 of the Kirklees Local Plan and Chapters 2, 4, 6, 7, 12, 14 and 15 of the National Planning Policy Framework.

3. The roller shutters hereby approved shall be of a perforated design which provides a minimum transparency level through the roller shutters of 60% which shall be retained thereafter.
Reason: To mitigate the appearance of an inactive shopfront when the business is not in operation and to ensure the shopfront is visually appealing within the Thornton Lodge Town Centre, in accordance with policies LP2 and LP24 of the Kirklees Local Plan and policies within Chapter 12 of the NPPF.

4. The canopy and roller shutters shall be of an anthracite grey colour finish. The external materials of construction used to the sides of the ramp and steps shall be stone. The railing upon the access ramp shall be of a black or anthracite grey colour finish. The materials of construction and colour finishes approved by this condition shall be retained thereafter.
Reason: To be in keeping with the appearance of neighbouring roller shutters and to retain high standards of visual amenity in accordance with LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 42 of the The Conservation of Habitats and Species Regulations 2017. It is an offence for anyone 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: All signage shown upon the submitted plans may require separate advertisement consent. Consent for the signage is not granted by this permission.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Location and site plan	PL01_Rev01	-	12/11/2024
Front Elevation Existing	PL03_Rev01	-	12/11/2024
Shop Forecourt Existing Plan	PL06_Rev01	-	12/11/2024
Side Elevations Existing	PL08_Rev01	-	12/11/2024
Proposed Location & Site Plan	PL02_Rev01	-	12/11/2024
Front Elevation Proposed Shopfront	PL04_Rev01	-	12/11/2024
Front Elevation Proposed Canopy & Shutters	PL05_Rev01	-	12/11/2024

Plan Type	Reference	Version	Date Received
Shop Forecourt Proposed Plan	PL07_Rev01	-	12/11/2024
Side Elevations Proposed Canopy	PL09_Rev01	-	12/11/2024
Side Elevations Proposed Canopy & Shutters	PL10_Rev01	-	12/11/2024
Application form	-	-	16/09/2024
Climate change statement	-	-	23/09/2024

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. The agent was contacted as initial Highways comments on the original plans stated that they could not currently support the application due to the proposed access ramp not being DDA compliant and causing a pedestrian access safety concern. The agent responded with amended plans showing a DDA compliant ramp. These plans have been discussed in the officers report.

Report Dated:

25th November 2024