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:	**2024/62/93382/E**
Site Address:	Sensory World, Old Westgate, Dewsbury, WF13 1NB
Description:	Change of use of upper floor residential to extend Sensory world
Recommending Officer:	Elenya Jackson

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: 31-JAN-2025

Officer Report
Reference No. 2024/93382
Site Address: Sensory World, Old Westgate, Dewsbury, WF13 1NB
Proposal: Change of use of upper floor residential to extend Sensory world

Site Description
The application site relates to the upper floors of and existing business on the ground floor, 'Sensory World'. The building is located on the corner of Old Westgate. The building is a stone, two-storey commercial property located in Dewsbury. The wider area comprises a combination of residential and commercial properties of varying materials and architectural styles. The site is located within the Dewsbury Town Centre and adjacent from the Dewsbury Town Centre Conservation Area.

Description of Proposal
The application is seeking planning permission for the change of use of the first and second floor of the existing building to extend the existing commercial use.

There are no external alterations proposed.

Relevant Planning History

2003/91857 - Change of use of public house/restaurant to day centre - Conditional full permission

Representations
The application was publicised by neighbour notification letters, which expired on 26th January 2025. No representations were received following the statutory publicity.

Parish/Town Council Comments
Not Applicable.

Consultation Responses
No formal consultations deemed necessary.

Planning Policy Background
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 Proposals Map, however, the site is located within the Dewsbury Town Centre Conservation Area. The most relevant policies for consideration in this case are:

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 7** - Efficient and Effective Use of Land and Buildings
- **LP 13** - Town Centres
- **LP 20** - Sustainable Travel
- **LP 21** - Highway Safety and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 28** - Drainage
- **LP 30** - Biodiversity & Geodiversity
- **LP 35** - Historic Environment
- **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) updated December 2024, 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. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 4** - Decision-Making
- **Chapter 5** - Delivering a Sufficient Supply of Homes
- **Chapter 9** - Promoting Sustainable Transport
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment
- **Chapter 16** - Conserving and Enhancing the Historic Environment

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide (2021) - Nationally Described Space Standards

- National Design Guide
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

Assessment

1. Principle of Development

Chapter 7 of the NPPF is relevant in the consideration of this application and seeks to ensure that town centres can grow and diversify in a way which can allow a response to changes in the retail and leisure industries and allow for a suitable mix of uses. 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
the NPPF. Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states *that "good design
should be at the core of all proposals in the district".*

The proposal seeks planning permission for the change of use of the upper two floors of the existing ground floor 'Sensory World' from residential to commercial use to include Classes E.

Within the NPPF, the proposal 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).

As the site is located within the Dewsbury Town Centre, Policy LP13 of the Kirklees Local Plan is relevant as it states that town centres should:

- Provide for the shopping needs (particularly for non-food goods) of residents across Kirklees and should focus on the provision of financial and professional services; offices, entertainment; sport, leisure, arts, culture and tourism facilities; further and higher education; and health services

- Be the local focus for basic financial services, food and drink, entertainment, leisure and tourist facilities, and health services

In this case, the principle of development is considered to be acceptable as the site is an existing commercial use which would be able to thrive and expand should the proposal receive permission. The development therefore

accords with Policies LP1, LP2 and LP13 of the Kirklees Local Plan and the policies within Chapters 6 and 7 of the National Planning Policy Framework.

2. Impact on Visual Amenity and Historic Environment

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

Kirklees Local Plan Policies LP1, LP2 and LP24 all seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. Policy LP24 states that proposals should promote good design by ensuring: *"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…"*

There are no external changes proposed to facilitate the development.

It is therefore considered that the proposal would not cause detrimental harm with regard to visual amenity and would accord with the aims of Policy LP24 of the Kirklees Local Plan, Principles 2, 5, 12, 13, 14, and 15 of the Housebuilders Design Guide SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

<u>Impact on Historic Environment</u>

The NPPF sets out that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, LP35 of the Kirklees Local Plan requires development proposals affecting a designated heritage asset to preserve or enhance the significance of the asset, retaining those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensuring that proposals maintain and reinforce local distinctiveness.

Paragraph 210 of NPPF is also of relevance as states that in determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) *the desirability of new development making a positive contribution to local character and distinctiveness.*

The application site is located just outside the Dewsbury Town Centre Conservation Area. As there are no external alterations, the proposal would have no impact on the setting and character of the Dewsbury Town Centre Conservation Area, satisfying Policies LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and the requirements of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

3. Impact on Residential Amenity of Neighbouring Residents

Sections B and C of Policy LP24 state that alterations to existing buildings should: *"…maintain appropriate distances between buildings' and '…minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 135(f) of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *"Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking."*

Officers note that there would be no external alterations to the building. The site would be changed to a commercial use with a maximum opening time of 4pm. Officers consider that this would reduce the opportunity for any overlooking. As there are no external alterations, no further concerns would be raised regarding overshadowing/loss of light or overbearing. There are no noise receptor premises that would be significantly adversely affected by the additional upper floor conversion.

Having considered the above factors, the development proposed would have an acceptable impact upon the residential amenity of the neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, KDP 6 & 16 of the Housebuilders Design Guide SPD and Paragraph 135 (f) of the National Planning Policy Framework.

4. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 of

the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

This application is for the change of use of the upper floors of a commercial unit. There is a car park to the south of the site.

Given its sustainable town centre location and with parking restrictions on all the surrounding roads, Officers consider that no dedicated vehicular parking at the site to be acceptable in this instance.

In view of the above, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 in the Council's Housebuilders Design Guide SPD, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

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.

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

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, therefore, should the application be approved, it is considered necessary for a footnote to be imposed restricting the times when noisy construction activities will be permitted.

6. Representations

No representations were received during the course of the application.

7. Negotiations

No amendments or additional plans have been sought or received during the course of the application.

8. 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 proposal would be acceptable when assessed against policies in the NPPF and other material consideration. Therefore, the application is recommended for approval

Recommendation: Approve
Decision Authorisation - Delegated Powers
Application Number: 2024/93382
Officer Recommendation: Approved
Reasons for Refusal

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 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, LP31, LP35, LP51 & LP52 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 6, 7, 12, 15 & 16 of the National Planning Policy Framework

Plans and specifications schedule:

Plan Type	Reference	Revision	Date Received
Location Plan	-	-	6/12//2024
Floor Plans	-	-	6/12//2024

Floor plans	-	-	6/12//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 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. In this case, it was considered that no amendments could be made to overcome the reasons for refusal outlined above.

Dated: 27/01/2025