

**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:	2024/62/93592/E
Site Address:	1, Princess Street, Mirfield, WF14 8AQ
Description:	Change of use from residential unit to ClassEc(iii)
Recommending Officer:	Nicole Helliwell

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: 17 March 2025

Officer Report

Reference No. 2024/62/93592/E

Site Address: 1 Princess Street, Mirfield, WF14 8AQ

Proposal: Change of use from residential unit to Class Ec(iii)

Site Description

The application relates to 1 Princess Street, the first floor of mixed use property situated in Mirfield. The wider area comprises a combination of residential and commercial properties of varying materials and architectural styles. The site is not within a conservation area, nor are there any listed buildings or public right of ways within close proximity.

Description of Proposal

The application seeks planning permission to change the use of the premises from a dwellinghouse (Class C3(a)) to a commercial unit (Class Ec(iii)). The details of the proposal are summarised below:

- The proposal would include no external alterations to the original building.
- The application form states that the proposed opening hours are 9:00am - 20:00pm Monday to Friday, 09:00am - 18:00pm Saturdays, 09:00am - 16:00pm Sundays and Bank Holidays
- There would be 2 full time employees

Class Ec (iii) is defined as “services to visiting members of the public which it is appropriate to provide in a commercial, business or service locality”

Relevant Planning History

2015/91384: Change of use and alterations to convert first floor of hairdressing salon to dwelling. [Planning application details | Kirklees Council](#)
– Conditional Full Permission

Representations

The application was publicised by neighbour notification letters, which expired on 28th February 2025. As a result of the above publicity, no representations have been received.

Parish/Town Council Comments

Mirfield Town Council – No comments received.

Local Ward Members

Not Applicable.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Environmental Health – No objection subject to recommended condition

KC Highways Development Management – No objection

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 Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place shaping
- **LP 7** - Efficient and Effective Use of Land and Buildings
- **LP 13** - Town Centre Uses
- **LP 21** - Highway Safety and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity & Geodiversity
- **LP 52** - Protection and Improvement of Environmental Quality

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 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.

- **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 Places
- **Chapter 14** - Meeting the Challenge of Climate, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

Assessment

1. Principle of Development

The site is within the Mirfield District Centre boundary on the Kirklees Local Plan (KLP) whereby Policy LP13 is relevant to proposals within the designated town centre. It is noted that the change of use will provide one commercial unit. This addition is not considered to present an alteration to the balance of the existing use of the street. Additionally, the creation of new businesses is supported in town centres within the Kirklees Local Plan.

LP13 of the Kirklees Local Plan states, centres shall provide a mix of uses to serve the local community, businesses and visitors to the district. The site is located within Mirfield Town Centre. The proposed Use Class Ec (iii) is defined as “services to visiting members of the public which it is appropriate to provide in a commercial, business or service locality”. As such, the development is supported under the general thrust of Policy LP13 in terms of being an appropriate town centre use.

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. 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.

1. Impact on Visual Amenity

Policy LP24 of the Kirklees Local Plan states 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, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

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.”*

The submitted plans confirm that no external alterations are proposed as part of the application. On this basis, it is considered that the proposed change of use would not have any significant visual impact on the character and appearance of the surrounding area.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of the wider street scene, complying with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

2. Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, 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 proposed works would not include any exterior alterations to the building and therefore the proposal would not cause any additional overlooking, overbearing or overshadowing harm to the residential amenity of the neighbouring occupants, over and above the existing arrangements on site. However, the proposed change of use has the potential to cause noise which could detrimentally affect the amenity of the surrounding residential properties. Therefore, a condition will be necessary to restrict the hours of operation.

Having considered the above factors, subject to the imposition of the recommended condition, the proposed works are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135(f) of the National Planning Policy Framework.

3. Impact of 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 seeks approval for the change of use from a residential unit to Class Ec (iii) at 1 Princess Street, Mirfield. As such, KC Highways

Development Management have been formally consulted on the application. The application site is located at the junction of A644 Huddersfield Road and Princess Street which is the access to a car park serving Tesco Express and several other retail units. The proposal is to change the use of the upstairs one bed roomed flat to Class Ec (iii) with no external changes. Given the small scale of this proposal and the sustainable location in the centre of Mirfield town centre, KC Highways Development Management have no objection to these proposals.

On this basis, 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, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

4. 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 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.

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.

Noise

KC Environmental Health have confirmed that there appears to be a neighbouring residential flat at 124A Huddersfield Road. Therefore, in order to protect the amenity of any occupiers from noise, Officers have recommended a condition to secure the hours of use.

Ecology

The application site is located within the bat alert layer on the Council's GIS mapping system. An advisory note will be attached to the decision notice. If signs of bats are found, work should immediately cease and the advice of a suitable professional sought.

Biodiversity

The application form states that the development subject to the de minimis exemption, would be exempt from providing Biodiversity Net Gain. At this stage, Officers are only able to assess this on the basis of submitted information. Should the proposal be considered not exempt by reason of not being this or other relevant categories for the scale of the development then an appropriate condition, supported by a BNG metric submitted for the approval of the LPA, would be required to ensure on-site BNGs would last for at least 30 years to meet the requirements of this legislation.

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

5. Representations

No representations were received following the statutory publicity.

6. History of negotiations/amendments received

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

7. Conclusion

This application for the change of use from a residential unit to Class Ec(iii) at 1 Princess 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 design and lack of harm in terms of visual and residential amenity, the proposed development is considered 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. 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: 2024/93592

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, LP7, LP13, LP21, LP22, LP24, LP30 and LP52 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

3. The premises hereby approved shall not be open for business including deliveries to or dispatches from the premises, outside the hours of:

- 09:00am - 20:00pm Monday to Friday,
- 09:00am -18:00pm Saturdays,
- 09:00am -16:00pm Sundays and Bank Holidays

Reason: To ensure that the proposed use does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, 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.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. 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: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the

Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

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	Revision	Date Received
Site Location Plan	90-01	A	21/01/2025
As Existing Plans and Elevations	2024/229/2-001	A	21/01/2025
As Proposed Plans and Elevations	2024/229/2-002	A	21/01/2025
Design and Access Statement	-	-	21/01/2025
Climate Change Statement	-	-	21/01/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application. In this case, the design of the

original scheme has been found acceptable. No further amendments or details were sought thereafter.

Report Dated: 06/03/2025