

**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:	2025/62/90015/E
Site Address:	126-128, Huddersfield Road, Mirfield, WF14 8AB
Description:	Alterations to convert 1 unit into 2 units and change of use of unit 128 to use class EC(i) Estate Agency and Unit 126 to use class EC(iii)
Recommending Officer:	Nicole Helliwell

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: 4-APR-2025

Officer Report

Reference No. 2025/62/90015/E

Site Address: 126-128, Huddersfield Road, Mirfield, WF14 8AB

Proposal: Alterations to convert 1 unit into 2 units and change of use of unit 128 to use class EC(i) Estate Agency and Unit 126 to use class EC(iii)

Site Description

The application relates to 126-128 Huddersfield Road, a commercial building located within Mirfield District Centre. The surrounding area is of mixed use and comprises 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 PROW within immediate proximity.

Description of Proposal

The application seeks planning permission to convert 1 unit into 2 units and change of use of unit 128 to use class EC(i) Estate Agency and Unit 126 to use class EC(iii). Permission is not required for the internal alterations to the building and therefore, the only matter for consideration is the proposed change of use and external alterations. The details of the proposal are summarised below:

- The proposal would involve converting 1 unit into 2 units
- Alterations would be made to the existing shop fronts/fenestration within the southern elevation of the building
- A new shop front would also be installed within the north-western elevation of the property.
- The application form states that the proposed opening hours for both units are 08:30am - 18:00pm Monday to Saturday and 09:00am - 16:00pm Sundays and Bank Holidays
- There would be a total of 5 full time employees

Relevant Planning History

- **2025/90016:** Advertisement Consent for erection of 3 illuminated fascia signs. [Planning application details | Kirklees Council](#) - Pending Consideration
- **2024/93592:** Change of use from residential unit to ClassEc(iii). [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **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, one representation has been received. The comments made have been summarised below:

- These units should both be retained for retail use. The change of use proposed adds nothing to the day or nighttime economy of the town.
- Too many former retail units in the town centre have already changed to business use and the number of estate agents is already adequately provided for. If granted this application will add to the continual reduction of the towns retail attraction.

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 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 several exterior alterations are proposed as part of the application. A new shop front would also be installed within the north-western elevation and alterations would be made to the existing shop fronts/fenestration within the southern elevation of the property. Given that the fenestration/openings proposed would be of an appropriate design and scale, the proposal is not considered to have any significant visual impact on the character and appearance of the surrounding area, 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 external works 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, in the event that planning permission is approved, 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 alterations to convert 1 unit into 2 units and change the use of unit 128 to use class EC(i) Estate Agency and Unit 126 to use class EC (iii) at 126-128 Huddersfield Road, Mirfield. As such, KC Highways Development Management have been formally consulted on the application. Officers initially objected to the proposed scheme as the proposed door within the south-west elevation of the building would be on the entrance to the car park from the A644 Huddersfield Road and would have very poor pedestrian inter-visibility between customers exiting the shop and vehicles exiting the car park. The opening has since been relocated to the Huddersfield Road frontage and is considered acceptable with regard to highway safety. 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

One representation was received following the statutory publicity. The comments made have been summarised and addressed below:

- These units should both be retained for retail use. The change of use proposed adds nothing to the day or nighttime economy of the town.
Response: *This matter has been assessed within the 'Principle of Development' section of the officer report.*

- Too many former retail units in the town centre have already changed to business use and the number of estate agents is already adequately provided for. If granted this application will add to the continual reduction of the towns retail attraction.
Response: *This matter has been assessed within the 'Principle of Development' section of the officer report.*

6. History of negotiations/amendments received

Amendments were sought during the course of the application. KC Highways Development Management initially objected to the proposal with regard to

highway safety. Officers confirmed that the proposed door in the south-west elevation would be on the entrance to the car park from the A644 Huddersfield Road and would have very poor pedestrian inter-visibility between customers exiting the shop and vehicles exiting the car park. A request was made to relocate the proposed opening to the southern elevation of the building. Revised plans were received which were considered acceptable with regard to highway safety.

7. Conclusion

This application for alterations to convert 1 unit into 2 units and change the use of unit 128 to use class EC(i) Estate Agency and Unit 126 to use class EC(iii) at 126-128 Huddersfield Road 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: 2025/90015

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.

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

- 08:30 and 18:00 Monday to Friday and
- 09:00 to 16:00 Saturdays, Sundays or 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	14/01/2025
As Existing Plans and Elevations	2024/228/2-001	B	14/01/2025
As Proposed Plans and Elevations	2024/28/2-002	C	28/03/2025
Image of Signage	-	-	14/01/2025
Climate Change Statement	-	-	14/01/2025

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. Amendments were sought during the course of the application, following comments from KC Highways

Development Management. Revised drawings were provided which were considered acceptable with regard to highway safety.

Report Dated: 28/03/2025