

**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:	2025/62/90168/W
Site Address:	Prime Property Rentals, 115, Bradford Road, Fartown, Huddersfield, HD1 6DZ
Description:	Change of use from offices to class E (cafe), formation of one additional dwelling, erection of dormer windows to front and rear, construction of light well, new shop windows and associated works
Recommending Officer:	Emma Thompson

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: 24 February 2026

Officer Report

Site Description

2025/90168 – Prime Property Rentals, 115, Bradford Road, Fartown, Huddersfield, HD1 6DZ

The application site relates to a two-storey building which is constructed of natural stone with slate to roof. It fronts onto the pavement with a closed hatch, has a covered passageway to its side and has a single-storey rear extension. To the rear, is a two-storey semi-detached dwelling adjoining the extension.

The building is mixed use, currently a shop with offices and storage in its basement and a three-bedroom flat within the first and attic floor.

It lies within Hillhouse Local Centre, and the west side of the road is predominantly commercial with several restaurant/cafes and some retail. These properties have a variety of pitch and flat roof dormers of various sizes to the south of the site; to the immediate south neighbour, including the host, and to the north's roofscape, they are uninterrupted by front dormers.

The east side are mainly residential and a row of Grade II Listed Buildings. To the rear, is a warehousing facility separated by mature trees.

Description of Proposal

The applicant is seeking permission for the change of use from offices to Class E (café), formation of one additional dwelling, erection of dormer windows to front and rear, construction of light well, new shop windows and associated works.

The scheme proposed the change of use of the ground floor and basement to a café. Within the basement level there would be a storage area and prep kitchen for the café to the front of the building and to the rear would be a dining area. At ground floor level would be the café prep area, servery area, kitchen and waiting area to the front with seating to the rear.

At first floor and second floor the existing residential accommodation would be altered to from one residential unit to 2 no. residential units which would each accommodate a living room, kitchen diner, bathroom and bedroom.

A light well is proposed to the front of the property which would provide light into the prep kitchen and storage area at the basement level. The submitted plans indicate that the works would include a new retaining wall and railings which would not protrude above the bottom of the windows at ground floor level.

The proposal also includes alterations to the roof in the form of 2 modestly sized pitched roof dormers to the front elevation and a larger flat roof dormer to the rear.

To the rear of the property is a single storey flat roof section of building. This is proposed to be retained with 4 no. ventable roof lights inserted and the installation of 6 no. solar panels.

To the front elevation the changes would incorporate a new large window opening.

History of negotiations/amendments received

The application was originally submitted to change the use of the basement and ground floor of the building to a hot food takeaway. The Case Officer contacted the Agent and raised concerns regarding the hot food takeaway element of the scheme in particular the non-compliance with the Council's Hot Food Takeaway SPD and the Public Health Toolkit. In response, the Agent confirmed that the use of the building would be as a café under Class E and therefore, updated plans were submitted for consideration on 18th November 2025, the description of development was updated and the application was re-advertised by site notice and neighbour notification letters. In addition, the relevant consultees were reconsulted.

Relevant Planning History

1994/91244 – Erection of illuminated shop sign – Advertisement Consent Granted

2024/90800 – Change of use from offices to takeaway and 2 additional dwellings, dormer windows to front and rear, new shop front, windows and associated works – Refused.

The application was refused for the following reasons:

- Visual amenity of front dormer, stairwell and stone wall
- Space standards for residential accommodation – poor standard of residential amenity
- Standard of amenity from lack of light and unacceptable outlook
- Insufficient and inadequate information to enable a full and proper assessment of the impact of the development upon access and highway safety

Representations

We are currently undertaking statutory publicity requirements, as set out at Tables 1 and 2 in the Kirklees Development Management Charter (December 2024). As such, we have publicised this application by site notice, neighbour notification letter and online.

Prior to the submission of amended plans, no representations were received. The amended plans were received by the LPA on 18th November 2025. The application was re-advertised by site notice **and neighbour notification letters** which expired on 12th December 2025. No representations were received.

Consultation Responses

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

Prior to the submission of amended plans:

- The Mining Remediation Authority – no objection
- KC Highway Structures – no objection
- KC Environmental Health - No objection subject to conditions and informative notes
- KC Public Health – general comments provided
- KC Crime Prevention – object
- KC Highways – no comments received

Following the submission of amended plans and change of description it was not considered necessary to re-consult with The Mining Remediation Authority, KC Highways Structures, KC Public Health or KC Crime Prevention as the hot-food takeaway element of the proposal was altered to a cafe. However, KC Highways and KC Environmental Health were consulted with the following being a summary of comments:

- KC Highways – no objection in principle however no information provided with regard to the storage and collection of waste
- KC Environmental Health – No objection subject to the submission of a noise report for noise generating use close to existing noise sensitive premises, noise assessment report and mitigation scheme, evidence of airborne sound insulation performance, hours of use condition, kitchen extract scheme condition, pollution prevention condition and construction site working times condition. It has also been requested that informative notes are attached to the decision notice.

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 the Strategic Green Infrastructure Network and Hillhouse Local Centre as identified upon the Kirklees Local Plan. It is opposite a row of Grade II Listed Buildings. The site is within a Bat Alert layer and within a High Risk Coal area

The site falls within Flood Zone 1, although is in area identified as at risk of local, low level surface water flooding.

Kirklees Local Plan (KLP):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 7 – Efficient and effective use of land and buildings
- LP 13 – Town centre uses
- LP 14 – Shopping frontages
- LP 15 – Residential use in town centres
- LP 16 – Food and drink uses and the evening economy
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 25 – Advertisements and shopfronts
- LP 28 – Drainage
- LP 30 – Biodiversity & Geodiversity
- LP 31 – Strategic Green Infrastructure Network
- LP 35 – Historic Environment
- LP 52 – Protection and Improvement of Environmental Quality
- LP 53 – Contaminated and unstable land

Supplementary Planning Documents and other considerations:

- Highways Design Guide SPD
- Housebuilders Design Guide SPD (2021)
- Nationally Described Space Standards
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- Institute of Air Quality Management Land-Use Planning & Development Control; Planning for Air Quality (2017)
 - West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th 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 3 – Plan-making

- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 6 – Building a strong, competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- 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
- Chapter 16 – Conserving and enhancing the historic environment

Legislation

- Planning (Listed Building & Conservation Areas) Act (1990)

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity and heritage assets
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

Paragraph 11.2 of the Kirklees Local Plan states that the NPPF places significant emphasis upon design, stating that good design is indivisible from good planning and that the NPPF requires local authorities to give significant weight to outstanding or innovative designs and should refuse permission for poor design that fails to take opportunity to improve character and quality of an area and how it functions.

Housing Land Supply

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold.

As the council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7); or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

The Council’s inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers’ assessment. In this case, one residential unit exists at the site and it is proposed that an additional residential unit would be created.

Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. The application introduces residential accommodation in the upper floors of the building making efficient use of the site. Any additional units would result in cramped development and as such 2 residential units is acceptable with the principle of residential within the upper floors of the building already being established.

Town Centre Use

Policy LP15 provides guidance for the development of residential uses within defined town centres. It states that residential uses within the defined town

centres will be supported subject to a number of factors, relevant to this application is sub paragraph c which states “*the protection and retention of existing ground floor uses and active frontages both within and outside the primary shopping area*”. Paragraph 9.25 goes on to outline that “*the principle for the provision of residential accommodation in town centres is supported provided it does not lead to an adverse impact on the operation of the towns retail core or would reduce space for other main town centre uses if outside of the primary shopping area*”.

The site is within the Hillhouse Local Centre. Policy LP13 notes that “*proposals that have a significant adverse impact on the vitality and viability of a centre or compromise the role and function of a centre will not be supported*.” In this case the commercial use at ground floor would be retained with minor alterations to the frontage ensuring the vitality and viability of the Local Centre would be retained.

Policy LP13 of the Kirklees Local Plan goes on to state that the role and function of a Local Centre is to ‘*provide for top-up shopping and local services particularly food and drink*’ and therefore, the use of the building as a café would contribute to the aims of the Policy.

As such, the proposed development would not result in an adverse impact on the local centre and would contribute to housing opportunities in the area in accordance with Policies LP13, LP15 and LP7 of the Local Plan.

Change of Use to Café

The original submission was to change the use of the building from offices to take-away. Following concerns raised by consultees, the application was amended to the change of use to a café.

Policy LP16 of the Kirklees Local Plan states that proposals for food and drink uses and associated proposals will be supported, provided that they are located within a defined centre and subject to ensuring the concentration of food and drink and licensed entertainment uses re not located on a particular centre or part of a centre, where they would result in harm to the character, function, vitality and viability of the centre, either individually or cumulatively.

In order to assess the potential harm of food and drink proposals on a centre, planning applications will be considered against criteria a to g in Policy LP16. Criterion ‘a’ requires the consideration of the number, distribution and proximity of other food and drink uses, including those with unimplemented planning permission in a particular centre.

The proposed change of use would result in a café operating within basement and ground floor levels of the building with the proposed opening hours annotated on plan as being from 11am to 10pm. Policy LP16 goes on to note that in order to assess the potential harm of food and drink proposals on a centre, the following criteria will be considered with a planning application:

- b) the impacts of noise, general disturbance, fumes, smells, litter and late night activity, including those arising from the use of external areas;
- c) the potential for anti-social behaviour to arise from the development, having regard to the effectiveness of available measures to manage potential harm through the use of planning conditions and/or obligations;
- d) the availability of public transport, parking and servicing;
- e) highway safety;
- f) the provision of refuse storage and collection; and
- g) the appearance of any associated extensions, flues and installations.

These matters will be addressed further in the assessment.

It is important to note that the change of use of the building in this case would fall within Use Class E as a café. Details contained within the application form and the submitted plans differ in terms of the application form stating that the existing use is as offices however, the existing floor plans indicate that the basement level and ground floor level is retail. For clarification, despite the discrepancy between the existing use of the building, both the office use and the retail use would fall into Use Class E as would the use of the building as a café. Therefore, it is likely that the change of use of this part of the building may not need planning permission in its own right. However, it is important to assess the impact of the change of use for clarity as it has been included within the description of development.

Principle of development – conclusion

Taking into account all the above, it is considered that the principle of development is considered to be acceptable, in accordance with Policies LP7, LP13 and LP16 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

2 – Impact on Visual Amenity:

The NPPF provides guidance relating to design in Chapter 12 (achieving well designed places and beautiful 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 significantly LP24 all also 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.

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...”*

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Kirklees Housebuilders Design Guide SPD 2021 are Principle 2 of the SPD for visual amenity which sets out that new proposals are expected to respect and enhance the local character of the area by:

- *“Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details”*

The site is located opposite a row of Grade II Listed Buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In addition, Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment support the Act.

Furthermore, LP35 states *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in...harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring...public benefits that clearly outweigh the harm”*. This is mirrored in paragraph 215 in Chapter 16 of the NPPF.

Paragraph 210 goes on and states that Local planning authorities should consider:

“the desirability of sustaining and enhancing the significance of heritage assets... the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and; the desirability of development making a positive contribution to local distinctiveness” when determining these applications.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

The proposal is for the change of use to a cafe and an additional residential unit including dormer windows to the front and rear and a light well and new shop window to the front.

An application was recently refused at this property for a similar scheme and one of the reasons for refusal included the visual impact of the front dormer and stairwell (2024/90800). The proposal being assessed under this current application would include two, pitched roofed dormers to the front of the building and a larger dormer to the rear. It is noted that the rear dormer was assessed and considered acceptable under application 2024/90800 given there are existing rear dormers in the terrace of properties and as the rear of the property is not in a prominent location.

The proposed front dormers would be moderate in scale and would be in keeping with the design of the original building. It is noted that a number of properties within the same terrace also have similar scale and design dormers. The proposed dormers are therefore considered to be in keeping with the visual amenity and historic character of the existing building. It is noted that the dormer windows have already been erected.

The stairway included under application 2024/90800 has been removed from the scheme. Instead, the current scheme proposes a lightwell to the front of the building with a railing above. The proposed would be predominantly below ground level reducing the visual impact but the railing above ground level would be visible when looking at the front of the building. This is not dissimilar from the lightwells at other properties within the terrace and therefore it is considered on balance that it would not cause significant harm to visual amenity.

The shop window would change from a single panel of glass to two panels which is considered an appropriate change which would not cause harm to visual amenity.

Solar panels and roof lights are proposed upon the flat roof part of the rear of the property, due to their discreet location, it is not considered that these elements of the scheme would cause undue harm to the visual appearance of the building.

Whilst the proposal would visually change the appearance of the front of the building, it is considered that given the existing variety within the wider street scene, and as the changes would be relatively minor, the proposal is considered to not cause significant harm to the visual amenity of the host building, wider street scene or the historic character of the area. This is in

accordance with LP24 and LP35 of the Kirklees Local and Chapters 12 and 16 of the NPPF.

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan states 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 2023 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Considering the dormer extensions, Key Design Principle 3 of the Kirklees Householder Extensions and Alterations SPD sets out that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition, Key Design Principle 4 notes that extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook. Furthermore, Key Design Principle 5 states that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property and recommends that a horizontal 45 degree line from a neighbouring habitable room window is not breached. Key Design Principle 6 states extensions and alterations should not unduly reduce the outlook from a neighbouring property.

Considering the subdivision of the building to 2 no. flats, Principles 16 and 17 of the Housebuilders Design Guide SPD are taken into consideration.

The proposed extensions and alterations are assessed upon whether they would have a detrimental effect on residential amenity, adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking and also in terms of its design, size and visual amenities.

No.s 117 and 119 Bradford Road

This property has a blank side elevation facing the rear elevation of the host and its proposed development. Officers are unable to ascertain whether this is a private garden for the use of the properties however the dormer to the rear may increase the perception of overlooking. The oblique views would not be significantly different from the existing rear openings of the host and therefore there is not considered to be any additional overlooking harm.

No. 113 Bradford Road

This property is commercial use only and as such would not require assessment.

Other Residential Properties

It is considered that the proposed development would be sited a sufficient distance at 30m away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Future Occupiers

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

The scheme proposes two, one-bedroom units both of which would exceed the required space standards. The dormers to the roof would provide a headspace for occupants of the attic level. It is considered that there would be sufficient outlook and natural light from all openings.

The lack of natural light and outlook and floor space constituted reasons for refusal of the previous application (2024/90800) however it is considered that these reasons for refusal have been overcome.

Paragraph 198 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on living conditions. In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

KC Environmental Health were formally consulted both prior to and following the submission of amended plans and description of proposal. The post submission consultation response raises concerns with regard to the residential occupiers of the upper floor flats from both noise and road traffic and also from the cafe.

As such, conditions are advised to be attached to the decision notice in terms of a noise report for the proposed noise generating use, a noise assessment report and mitigation scheme including the existing and predicted noise climates, party wall insulation, hours of use, kitchen extraction scheme and pollution prevention from fats, oils and grease. In addition, it is advised that a number of informative notes are also attached to the decision notice with regard to the aforementioned conditions.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders design Guide which seek to ensure acceptable levels of off-street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

Turning to highway safety and parking, policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The Highways Design Guide SPD advises that new development should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited. The Highway Development Management and Highway Structures Officer were formally consulted.

The proposal includes a cafe to the ground floor and basement level and two, one-bedroomed apartments above. A parking space is shown to the front within the footway.

Given the location of the proposal, within Hill House Local Centre, which is considered a sustainable location in close proximity to bus routes and within walking distance (<1km) of Huddersfield Town Centre and bus and train station it is considered that this is acceptable.

KC Highways were formally consulted following the amended details being received and whilst there is no objection in principle to the works, concerns were raised with regard to the storage and collection of wastes from the site.

The proposed floor plans demonstrate 2 x 1100ltr bins for the business use with one for general waste and one for recycling. In addition, 3 no. recycling bins and 3 no. general waste bins would be provided for the occupants of the 2 no. flats.

Given the mixed use of the site and that mixed use proposed, it is anticipated that the waste collection means would be as existing and given that the bins would be stored within the secure pathway of the property, there are no significant concerns regarding the storage and collection of wastes from the property.

5 – Other matters:

Climate Change

When determining planning applications, the Council will use the relevant Local Plan policies, Principle 18 of the Housebuilders Design Guide SPD, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Biodiversity and the Strategic Green Infrastructure Network

Whilst it is acknowledged that the site is located within the Strategic Green Infrastructure Network, an identified bat alert area and adjacent to the Kirklees Wildlife Habitat Network, the proposals are relatively modest and as detailed in the assessment for 2024/90800, there is limited roosting potential. It is therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The applicant has stated in their application form that the development falls under the exemptions as there is no garden space or land. The small scale of the proposal would be on an existing hard surface with no impacts to existing vegetation or biodiversity. Officers therefore consider the application would fall under the de minimis exemption for BNG.

As such, it is proposed that this would require no additional compensation or mitigation to improve biodiversity to make it acceptable in line with Principle 9 of the Housebuilders Design Guide SPD, LP 30 and LP31 of the Kirklees Local Plan and Chapter 15 of the NPPF.

6 – Representations:

No representations have been received.

7 – 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 would constitute sustainable development and is therefore recommended for approval.

Recommendation – Conditional Full Permission

Decision Authorisation - Delegated Powers

Application Number – 2025/90168

Officer Recommendation – Approve

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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, LP14, LP15, LP16, LP21, LP22, LP24, LP25, LP28, LP30, LP31, LP35, LP52 and LP53 of the Kirklees Local Plan, and to accord with Policies within Chapters 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. Before the development is brought into use, a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

- a) an assessment of all noise emissions from the proposed development
- b) details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises
- c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such measures shall be thereafter retained.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. Before the development is brought into use a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development e.g. including road traffic/commercial premises etc. shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in living rooms (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises 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.

5. Before the development is brought into use written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 53dB DnTw + Ctr shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and further written evidence to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises 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.

6. The use hereby permitted shall not be open to customers outside the hours of 1100hrs to 2200hrs daily and there shall be no deliveries to, or dispatches from the premises outside these hours.

Reason: To ensure that the proposed use(s) 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.

7. Before food cooking commences, details of a kitchen extract system shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide the following information:

- A risk assessment for odour which considers amount and type of food that will be cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours.
- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours. The effective stack height (discharge height plus plume rise) must be high enough to ensure that adequate dilution takes place before the plume interacts with the nearest sensitive receptor.
- Details showing the proposed location of all the major components of the extract system.
- The noise mitigation measures that will be incorporated in the extract system and details of the likely resulting noise levels that will be caused by operation of the extract system, in particular how loud it will be at nearby noise sensitive locations.
- The proposed ongoing maintenance schedule that will be carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Before food cooking commences, the approved extract system shall be installed and thereafter retained and maintained in accordance with the approved details.

Reason: To ensure the proposed development does not cause harmful odour pollution within either a public area or at neighbouring premises in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturday

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays

NOTE: It is recommended that prior to development commencing the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss food safety and hygiene requirements including an appropriate layout. The Food Safety team can be contacted on 01484 22100 (ask for food safety) or by email at food.safety@kirklees.gov.uk.

NOTE: All workplaces where staff are employed need sanitary accommodation and all premises which are open to the public for entertainment and consumption of food and drink require toilets that are accessible to the public. If applicants need further advice on number and facilities, then please contact the Health and Safety Team on 01484 221000 (ask for health and safety) or by email at healthandsafety@kirklees.gov.uk

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: Detailed advice is available in “Control of Odour and Noise from Commercial Kitchen Exhaust Systems” by EMAQ May 2022 (2nd Edition).

NOTE: All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

NOTE: The Council’s GIS system indicates that the property is within a bat roost area and 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 to 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan and existing floor plans	DWG-002 – Rev: B		22 nd January 2025
Existing elevations	DWG-001		22 nd January 2025
Proposed elevations and sections	DWG-003 – Rev: H		18 th November 2025
Proposed floor plans	DWG- 004 – Rev: J		18 th November 2025
Climate Change Statement	Appendix A		27 th January 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 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.

Report Dated: 20/2/26

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