

**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:	2025/62/90434/E
Site Address:	Shepherds Boy, 157, Huddersfield Road, Westtown, Dewsbury, WF13 2RP
Description:	Change of use and alterations to former public house to form dental surgery
Recommending Officer:	Elenya Jackson

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: 01 May 2025

Officer Report.

Reference: 2025/62/90434/E

Location: Shepherds Boy, 157, Huddersfield Road, Westtown, Dewsbury, WF13 2RP

Proposal: Change of use and alterations to former public house to form dental surgery

Site Description.

Shepherds Boy, 157, Huddersfield Road, Westtown, Dewsbury, WF13 2RP is a split level detached former public house which benefits from vacant land to the west which is a former car park. The property is constructed out of stone which is consistent with the wider area.

The property is located centrally on Huddersfield Road and is not set back from the street scene. It is largely visible from the street scene due to there being no screening or boundary treatment and it is level with the street scene.

Huddersfield Road is mixed use; however, the immediate vicinity of 157 is residential in nature. The properties in closest proximity to the site are at a higher ground level than the application site.

Description of Proposal.

The application seeks permission for the conversion of the public house to form a dentist.

The property would have three surgeries, three treatment rooms, a training room, two staff rooms and a waiting area.

The development would provide 13 parking spaces, including one disabled parking space and three ev spaces.

There is no increase to the footprint of the property proposed as part of the development.

History of Negotiations/Amendments Received.

Officers requested clarification regarding whether the property was marketed prior to submission of the application to ascertain whether the property could still be used as a public house, in addition to details of how the property would operate.

Relevant Planning History.

No relevant planning permission

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via a site notice which expired on 28th March 2025. Six comments have been received with the following concerns:

- Development starting prior to submission
- The proposal failing to accord with Policy LP48
- Increase in traffic
- Loss of community facility

Consultations.

KC Environmental Health – requested conditions relating to noise, construction, unexpected, contaminated land and operating hours

KC Highways Development Management – No objections following the clarification of no. of staff and parking arrangements.

Policy/Legislation.

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 for Kirklees is the Local Plan (adopted 27th February 2019).

The application site is unallocated in the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP16 – Food and Drink and the Evening Economy
- LP20 – Sustainable Travel
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP47 – Healthy, Active and Safe Lifestyles
- LP48- Community facilities and services
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality

Supplementary Planning Documents (SPD):

- Kirklees Waste Management Design Guide for New Developments (2020)
- Highways Design Guide (2019)

National Policies and Guidance:

National policies and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

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- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 7 – Ensuring the Vitality of Town Centres
- Chapter 8 – Promoting Healthy and Safe Communities
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment
- Chapter 16 – Conserving and Enhancing the Historic Environment

Assessment.

The following matters are considered in the assessment below:-

- 1) Principle of development
- 1) Impact on local economy and vitality and viability
- 2) Impact on visual amenity (including heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other Matters
- 6) Representations
- 7) Conclusion

1) Principle of Development

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes onto further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy 1 of the Kirklees Local Plan declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

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.

Policy LP48 relates to community services and facilities. The application site has formerly served as a public house. From the representations received, officers understand this to be the case until fairly recently. Officers approached the agent to understand the justification behind the loss of the former public house.

Details were provided by the former brewery owner that the business had a low ‘earnings before interest, taxes, depreciation and amortization’ for the years 2023 and 2024 with expected losses for 2025 financial year. It was further forecasted that in 2026 there would be additional losses in response to separate financial legislation such as National insurance increases. Therefore, it was considered not financially viable for the company to continue operating at the site and significant investment was required to the building.

Officers have reviewed the wider area and consider that, the ‘National Irish centre’ is 318m to the North of the site which could be considered to satisfy Policy LP48 B) and C) as there is alternative provision in the locality to serve the local community which is in an equally accessible location and the use has been demonstrated to be no longer viable.

In addition to this, officers have approached the agent to understand how the proposed use will operate and it is understood that the proposed dentist is intending on servicing additional NHS patients which would meet the requirements stipulated in paragraph 17.16 of the Kirklees Local Plan.

It is considered that the proposal could be considered acceptable in principle due it not impacting the vitality of the local town centre, providing an alternative community facility and it being demonstrated that the current use of the building is not considered viable. However, it is considered that further assessments would be required relating to the impact on visual, residential and highway safety.

1) Impact on Visual Amenity

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby a principal consideration concerning design which states: *“The creation of high-quality 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...”

There are limited external alterations proposed as part of this application which consist of the removal of the existing chimneys, removal of a canopy to the rear and alterations to existing fenestration. It is therefore considered that there would be limited impact to the visual amenity of the host building and the immediate vicinity.

Therefore, the proposal is considered acceptable in terms of impact to the character of the area, the host building and would accord with Policy LP24 of the Kirklees Local Plan in terms of visual amenity.

2) Impact on Residential Amenity

Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.

Chapter 15 of the NPPF, ‘Conserving and Enhancing the Natural Environment’ is also of relevance to residential amenity. Paragraph 180 I sets out that, planning policies and decisions should contribute to and enhance the natural and local environment by *“preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information...”*

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.

With regard to the proposed change of use, the site is located in a mixed use commercial and residential area. There are no properties immediately adjoining the site with residential accommodation.

It is therefore considered that there would be no significant concerns raised regarding overlooking, overshadowing/loss of light or overbearing.

The site is located adjacent to Huddersfield Road and it is anticipated that there will be high levels of road traffic noise. KC Environmental Health have been consulted on the application and they have requested a condition requiring that noise levels of the site do not exceed existing background noise levels.

Having considered the above factors, the proposal is considered to result in no adverse impact upon the residential amenity of any surrounding neighbour occupants or the future occupiers of the dwelling. The proposal therefore complies with Policy LP24 of the KLP (b), Key Design Principles of the House Extensions and Alterations SPD as well as Paragraph 130 (f) of the NPPF.

It is considered that subject to conditions, the change of use would appropriately comply with the aims of Policies LP16(b), LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the NPPF, causing no detriment to the buildings located in close proximity, most importantly with an application of this nature, causing no detriment in terms of noise disturbance.

3) Impact on Highway Safety

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.”*

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

There has not been a highway statement provided to support the application; however, informal discussions have been held with KC Highways to form a view on the application. KC Highways reviewed the application and queried the number of staff which will be present on site to understand parking ratios.

The development would provide 13 parking spaces, including one disabled parking space and three ev spaces. The applicant has confirmed that there will be 2 dentists, 2 therapists, 4 nurses and 3 admin staff on site daily; however, it has been confirmed that staff will be expected to park on Fearnley Street to the rear of the site.

As the site will operate a commercial use, they will be likely to have a private refuse collection contract. Therefore, the refuse bins being stored within the site is considered acceptable in this instance.

Therefore, subject to conditions, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

4) Other Matters

Biodiversity Net Gain/Ecology

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance, which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

The applicant states that the proposal would not increase the footprint of the building onsite. Officers therefore consider further ecological enhancement measures unnecessary in this instance.

The proposal would accord with Policy LP30 of the KLP and Chapter 15 of the NPPF.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to be de minimis as per The Biodiversity Gain Requirements (Exemptions) Regulations 2024. Therefore, a metric is not required to be provided to support this application unless details are provided on the contrary

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 application's, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

As part of this application, a Climate Change Statement was submitted, which set out several mitigation measures.

In this case, it is considered that the resultant residential development would have an acceptable impact on Climate Change, as it would have to be constructed to modern building standards.

Drainage

This application is for alterations to an existing structure and the site is not located within any of the Flood Zones defined by the Environment Agency. Therefore, for a development of this scale, no further consideration can be given in terms of drainage.

Contaminated Land

The proposal is not indicated to consist of any ground works; however, due to the site's proximity to potentially contaminated land, an unexpected contaminated land condition is deemed necessary.

5) Representations

- Development starting prior to submission
Officer response: An application has been received to regulate any unauthorised works and therefore no further comments to make in this regard.
- The proposal failing to accord with Policy LP48
Officer response: It is acknowledged that the proposal would result in the loss of a public house. However, it has been indicated that the pub was no longer viable, there are other drinking establishments in the wider area and the provision of an additional dentist can be considered a community use. On this basis, the proposal is considered to accord with Policy LP48.
- Increase in traffic
Office response: There are 13 parking spaces to be provided to facilitate the development. It is considered that the former use of the site as a public house would have had limited controls on the number of vehicles accessing the site. On this basis, the proposal is considered to be acceptable from a highways perspective.
- Loss of community facility
Officer response: It has been indicated that the pub was no longer viable, there are other drinking establishments in the wider area and the provision of an additional dentist can be considered a community use.

6) Conclusions

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: 2025/90434

Officer Recommendation: Conditional Full Permission

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.

1. 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, LP3, LP13, LP16, LP20, LP21, LP22, LP24, LP35, LP47, LP51 of the Kirklees Local Plan and LP52 and Chapters 2, 4, 7, 8, 9, 12, 14, 15 and 16 of the National Planning Policy Framework.

2. The storage of wastes from the premises shall be implemented in accordance with the details shown on drawing number (24322)4 and shall be retained in accordance with the details for the lifetime of the development.

Reason: In the interest of highway safety, to accord with Policies LP21 and LP22 of the Kirklees Local Plan and Principles 12 and 19 of Housebuilders Design Guide Supplementary Planning Document.

3. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

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. In the event that contamination, or the presence of coal (or workings) not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and guidance contained within Chapter 15 of the National Planning Policy Framework

5. The use hereby permitted shall not be open to customers outside the hours of 08:00 to 18:00 daily and there shall be no deliveries to, or dispatches from the premises outside these hours. No deliveries shall take place on Sundays or Bank Holidays.

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.

NOTE Noisy construction related activities shall not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

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 applicant is reminded that Kirklees Council has powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including odours 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 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-noise1consultants.co.uk> (020 8253 4518) or the Institute of Acoustics www.ioa.org.uk (0300 999 9675) for a list of members.

NOTE All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	(24322)1		25/02/2025
Existing floor plans	(24322)2		25/02/2025
Proposed floor plans	(24322)3		25/02/2025
Proposed elevations	(24322)4		25/02/2025
Climate change statement			25/02/2025
Design and access statement			25/02/2025

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 2015 and otherwise actively engaged with the applicant in dealing with the application.

Further details were requested relating to the marketing of the site, number of staff and operational details.