

**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:	2025/62/90899/E
Site Address:	42, Bradford Road, Dewsbury, WF13 2DR
Description:	Use of vacant building as a ghost kitchen for baking and storage
Recommending Officer:	Joshua Merriman

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: 5-Jun-2025

Officer Report – 2025/90899

Site Description

The application site refers to 42, Bradford Road, Dewsbury, a two-storey building that was rebuilt in 1866, faced in sandstone, with a pitched tiled roof, and a mixture of green and white window and doors. The surrounding built form is predominantly commercial but also includes the Dewsbury Viaduct which is Grade II Listed. The site is also located on Bradford Road, which is designated as an A road.

Description of Proposal

The Scheme

The application is seeking planning permission for the use of a vacant building as a ghost kitchen or baking and storage.

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application:

- Heritage Statement
- Climate Change Statement
- Planning Statement

History of Negotiations / Amendments Received

No amendments have been requested by Officers.

Relevant Planning History

The most relevant planning history relates to the following planning applications:

- 88/04326 – Change of Use from retail to Doctors Surgery – Refused.
- 94/90824 – Installation of security shutters – Conditional Full Permission.
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Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (December 2024).

The application has been publicised as affecting the setting of a listed building, on the Council's website, by site notice, and by press advertisement. The expiry date of the publicity period was the 06/06/2025. No responses were received.

Consultation Responses

The following consultations have been undertaken for this application with the summarised responses listed below.

KC Environmental Health (Informal) – Requested further information detailing the scale of the operation and details of extraction and ventilation. Upon receiving and reviewing this information, there were no objections.

Allocation and Policy

The site is allocated within the curtilage of a Grade II Listed Building (Dewsbury Viaduct) within the Kirklees Local Plan (adopted 2019). The site is also located partly within Flood Zone 2 and 3, is located on an A road (Bradford Road), a bat alert layer, area with previous history of swift nesting, and an area at high risk of ground movement due to the previous coal mining activity.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

LP1 - Achieving Sustainable Development
LP2 Place Shaping
LP21 Highway and Access
LP22 Parking
LP24 Design
LP27 Flood risk
LP30 Biodiversity and Geodiversity
LP35 Historic Environment
LP51 Protection and Improvement of Local Air Quality
LP52 Protection and Improvement of Environmental Quality
LP53 Contaminated and Unstable land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 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.

Chapter2 Achieving sustainable development
Chapter12 Achieving well-designed places
Chapter14 Meeting the challenge of climate change, flooding and coastal change
Chapter15 Conserving and enhancing the natural environment
Chapter16 Conserving and enhancing the historic environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)

The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).

The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise. 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'.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
 1. Impact upon the character and appearance of the area (including impact upon historic environment)
 2. Impact upon residential amenity
 3. Impact upon highway safety
 4. Climate Change
 5. Other matters – e.g. trees/ecology (e.g. bats)
 6. Representations
 7. Conclusion

1 – Principle of Development

Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The site will be used to cook food which will then be delivered to the customer. There will be no public facing operations within the site, therefore a change of use of this nature would not require a sequential test or an assessment against the Hot Food Takeaway Supplementary Planning Document. For the purposes of policy, LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

In respect of the policies mentioned above, it is considered that the principle of development is acceptable.

2 – Impact on character and appearance of the area (including impact upon historic environment):

Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’*.

Historic Environment

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall 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.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

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

Food establishments within, or nearby, designated heritage assets should be sympathetic to their surroundings, by being complementary to, in this case, the Dewsbury Viaduct in terms of scale and appearance. In this case, the architectural interest of the building will be preserved as there are no alterations to the building that would impact on its character.

As a result, the proposed change of use would comply with Policies LP1, LP2, LP24, and LP35 of the Kirklees Local Plan, as well as policies within Chapters 12 and 16 of the National Planning Policy Framework.

3. Impact on Residential Amenity

Sections B and C of LP24 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 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

In this case, there are no sensitive noise receptors in close proximity that would be affected by the change of use. Therefore, for the purposes of the assessment, the development accords with Sections B and C of LP24 in the Kirklees Local Plan, and Paragraph 135 of the NPPF.

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 seeks to ensure acceptable levels of off-street parking are retained and are also considered to be of relevance.

The Council's Highway Design Guide also requires the provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

It should be noted that although there are no specific details on the submitted plans and documentation, the site will retain adequate space for waste storage.

Details of parking at the site have been submitted by the applicant, evidencing the provision of three off-street parking spaces under the Dewsbury Viaduct, to the rear of the application building. This is considered to be adequate given the limited scale of the business and minimal footfall.

The current access was formed as part of the erection of the building. Whilst it does lead onto Bradford Road, there is sufficient space to turn within the rear of the plot to allow for a safe exit. Given the number of users of the access, there are no concerns in regards to highway safety.

Considering the above assessment, it is considered that the proposal complies with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF, and the Council's adopted Highway Design Guide.

5. Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

6. Other Matters

Impact upon 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. Whilst it is acknowledged that the site is located within an identified bat roosting area and swift nesting area, the proposals are relatively modest, and in this case would not impact upon the existing roof space which has the potential for providing a roost for bats or swifts. Therefore, it is considered unlikely that the proposals would have a significant impact on the bat or swift population. An informative would be included making the applicant aware that if bats or swifts 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. Subject to informative the proposal is considered to be acceptable in this regard.

7. Representations

No representations have been received.

8. Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2025/90899

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 91 of the Town and Country Planning Act 1990 (as amended).

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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees

Local Plan and Policies within Chapters 2, 9, 12 and 14 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 42 of The Conservation of Habitats and Species Regulations 2017. 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: The applicant is advised that under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2018, the developer is required to take account of the timing of works in relation to the bird breeding season. An inspection to check for the presence of nesting birds is advised if demolition and/or site/vegetation clearance works are likely to take place during the bird breeding season (1st March to 31st August inclusive). If swifts 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
Existing and Proposed Floor Plans and Elevations	S01A	-	31/03/2025
Application Form	-	-	31/03/2025
Heritage Statement	-	-	31/03/2025
Climate Change Statement	-	-	31/03/2025
Planning Statement	-	-	31/03/2025

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 06/06/2025

