

# PLANNING STATEMENT

33 Union Street  
Dewsbury  
WF13 1AS

## Proposal

Change of Use of First Floor from Storage to 2 No. Self-Contained Residential Flats (Use Class C3), and Insertion of Door and Windows on Rear Elevation.

## Prepared by

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May 2025

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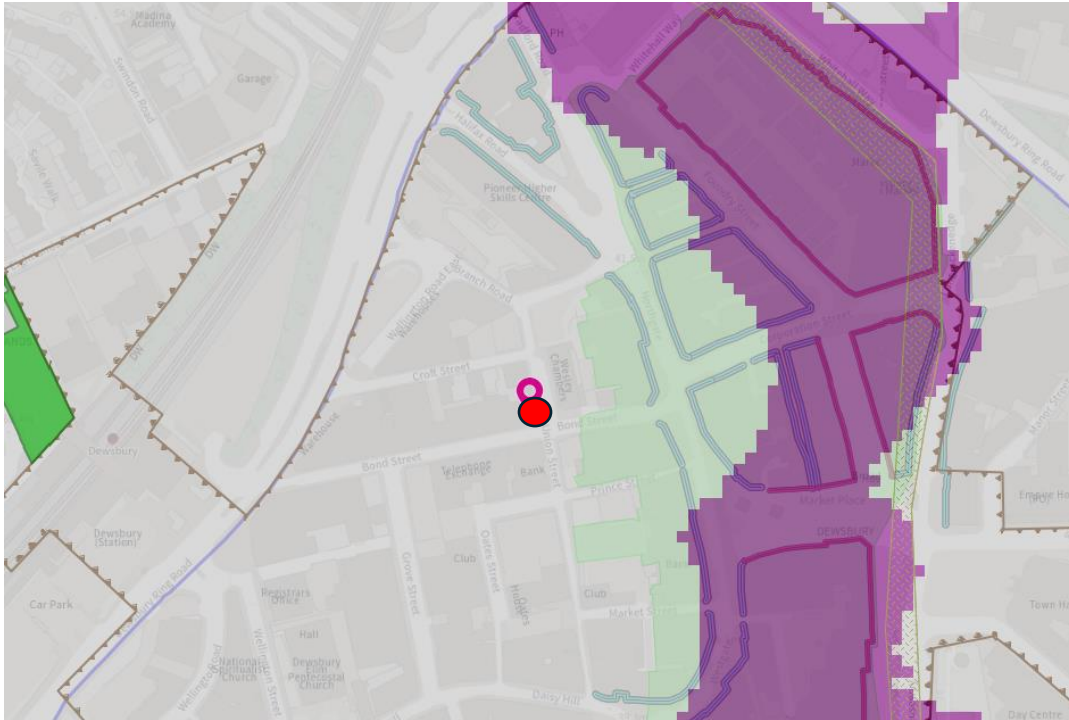
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## **1.0 INTRODUCTION**

- 1.1 This Planning Statement is submitted by 'Planning Management Ltd' on behalf of the applicant who has recently acquired the property which covers 33 Union Street and 12-14 Bond Street in the Town Centre of Dewsbury. The property has been vacant for a long period of time at both ground and first floors. This application focuses on the upper floor of the building.
- 1.2 The property requires considerable investment. The town centre and proposed site have lost significant trade over the past decade and can no longer sustain the whole site to be used for shops, including the upper floor. The first floors of the property are currently empty and have separate access from the rear of the building.
- 1.3 In terms of housing delivery, the government's aspirations for housing delivery are a shift in emphasis to focus more on home ownership options means that the council will need to enable a variety of approaches and work creatively and collaboratively with development partners to deliver housing growth and tenures which meet needs.
- 1.4 The Vision for Kirklees is for a mix of high-quality housing which offers choice and meets the needs of all communities including affordable housing. The challenges of an ageing population will have been addressed and a range of housing and employment choices available to attract and retain younger age groups within the district to build sustainable communities.
- 1.5 The applicant would like to work with the Council in order to secure approval for the proposed use.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The application site relates to a two storey terraced building positioned on the corner of Union Street and Bond Street in the Town Centre of Dewsbury. The ground floor consists of three retail units (Class E), whilst the first floor is used for storage for the uses at ground floor. The property as a whole has been empty and vacant for a number of years and in a poor state of repair.
- 2.2 The commercial units at ground floor have traditional timber shopfronts with recessed doors and large glazed shop windows. The shopfront to No.16 Bond Street is currently boarded up with glazing behind missing. The upper floor is of stone construction with evenly spaced sash windows with stone heads and stone banding.
- 2.3 The wider area comprises a combination of residential and commercial properties of varying materials and architectural styles. There are no Public Rights of Way (PROW) within close proximity to the site.
- 2.4 Pay and display parking is available on both Union Street and Bond Street. A shared yard area is available to the rear of the site accessed from Croft Street, this can also be accessed through the passage between No.33 and 35 Union Street.
- 2.5 The site is located within the Dewsbury Town Centre Conservation Area and close to No's 18, 20 and 22 Bond Street which are Grade II listed buildings.



2.6 **Above:** Image taken from the Local Plan Proposals Map; The application site (red circle) is located within the Dewsbury Town boundary and its Conservation Area but otherwise unallocated. The site is outside of the Primary Shopping Area (Green) and does not form a main shopping frontage (blue and red lines).



2.7 **Above:** Aerial image indicates the application site and also shows the variety of commercial, and retail uses in the vicinity of the site.

### **3.0 PROPOSED DEVELOPMENT**

- 3.1 The applicant is applying for planning permission to change of use of the first floor of the building from existing storage space to 2no. residential flats (Use class C3). The external alterations to the building includes the insertion of a door and windows to the rear elevation.
- 3.2 The submitted plans show the access to the flats on the first floor would be from the rear elevation of the building leading to the existing stairs within the building. The flats would be separate and self-contained from the commercial units at ground floor. The proposed flats would comprise of the following internal areas:
- Flat 1 (1-bedroom, 1-person) – 45.9sqm
  - Flat 2 (1-bedroom, 1-person) – 39.4sqm
- 3.3 External alterations include the new access door, and two new windows installed on the first floor. The existing windows on the front elevations of the building are to be retained. The windows frames would be of aluminium material.
- 3.4 In terms of parking, the proposed development would provide no dedicated parking, similar to existing.
- 3.5 Existing outdoor yard space would be retained to the rear of the site for future residents. The existing and proposed bin storage areas to the rear of the building would be retained where they would be accessible to future residents and employees, and also for easy bin collection.
- 3.6 A new cycle storage area would also be introduced for the residential occupiers.



3.7 **Above:** Image shows the corner location of the building facing Union Street and Bond Street with traditional shopfronts (shops now empty).



3.8 **Above:** Image shows the access to the rear yard area from Croft Street.

#### **4.0. INVOLVEMENT**

- 4.1 No formal pre-application advice in this instance has been sought from the Council. The scheme put forward is an acceptable proposal providing quality development in this area whilst bringing a mainly disused property back into a viable use.
  
- 4.2 This planning Statement has been submitted as part of the planning application to provide a reasoned justification for its acceptability using local and national planning policy and guidance.
  
- 4.3 The issues of highways safety, amenity of the surrounding area, design and the principle of the development are taken into consideration in the assessment below.

## 5.0 HISTORY

5.1 A history check has been undertaken which has revealed the following relevant planning history;

- 94/90031: Change of use from retail to estate agents. Planning application details | Kirklees Council – Conditional Full Permission.
- 93/05231: Change of use of toy shop to estate agent's office and showroom. Planning application details | Kirklees Council – Conditional Full Permission.
- 87/01810: Change from office use to Retail Shop User for the retail sale of prams pushchairs and associated products. Planning application details | Kirklees Council – Granted Conditionally.
- 2024/62/92935/E - Change of use and alterations to shops to form 4 apartments (within a Conservation Area).

5.2 The above application (2024/62/92935/E) which is most relevant was refused by the Council recently for the following reasons;

- 1)** The external alterations proposed would materially detract from the character and appearance of the Dewsbury Town Centre Conservation Area and 18, 20 and 22 Bond Street, Grade II listed buildings. There are no public benefits to outweigh the less than substantial harm to the setting and character of the adjacent Listed Buildings and the Dewsbury Town Centre Conservation Area. To permit the development would be contrary to Policies LP15, LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and the requirements of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.
- 2)** The proposed two-bedroom flats would fail to accord with the nationally described space standards and would fail to adequately meet basic lifestyle

needs. Therefore, the proposal would provide an unacceptable standard of living for future occupants and would fail to accord with Policy LP15 and LP24(b) of the Kirklees Local Plan, Principles 6 and 16 of the Council's Housebuilders Design Guide SPD, and Paragraph 135(f) of the National Planning Policy Framework.

- 3)** The application provides insufficient information to demonstrate that a satisfactory layout could be provided on site which allows for the storage and collection of waste. As such, the development proposed would be contrary to with Policies LP15, LP21 and LP24 of the Kirklees Local Plan, Principle 19 of the Council's Housebuilders Design Guide SPD, and the National Planning Policy Framework.

## **6.0 RELEVANT PLANNING POLICY**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 The National Planning Policy Framework (December 2024) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 6.3 The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019). It states that 'Our vision needs to consider what Kirklees should be like in the future if the needs and aspirations of those who live, work in or visit Kirklees are to be met whilst retaining the characteristics that make it attractive and distinctive. It also needs to be flexible to allow us to respond to future challenges in a way that is right for Kirklees and its residents and businesses.'
- 6.4 The statement vision for Kirklees is that people will have access to a range of local facilities including services, healthcare and education provision, and adequate infrastructure. Places will be well-connected encouraging sustainable travel including increased opportunities for walking and cycling and improved links to other parts of the Region and beyond.
- 6.5 The following Local Plan policies have relevance to the proposal:
- Local plan
- 6.6 The following Local Plan policies have relevance to the proposal:
- 6.7 LP 1 - Achieving Sustainable Development

LP 2 - Place Shaping  
LP 7 - Efficient and Effective Use of Land and Buildings  
LP 11 - Housing Mix and Affordable Housing  
LP 13 - Town Centres  
LP 20 - Sustainable Travel  
LP 21 - Highway Safety and Access  
LP 22 - Parking  
LP 24 - Design  
LP 28 - Drainage  
LP 30 - Biodiversity & Geodiversity  
LP 35 - Historic Environment  
LP 51 - Protection and Improvement of Local Air Quality  
LP 52 - Protection and Improvement of Environmental Quality  
LP 53 - Contaminated and Unstable Land

6.8 The below supplementary planning Documents (SPDs) are also considered to be relevant as part of this planning application;

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide (2021) - Nationally Described Space Standards
- National Design Guide
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions
- Technical Planning Guidance (2016)

#### NPPF (2024)

6.9 The NPPF clearly states ‘that the purpose of the planning system is to contribute to the achievement of sustainable development’ (paragraph 7). Paragraph 10 confirms that ‘So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development’. Paragraph 11 states that Plans and decisions should apply a presumption in favour of sustainable development. ‘for decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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; 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.

6.10 Paragraph 61 of the NPPF states:

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area’s identified housing need, including with an appropriate mix of housing types for the local community.”

6.11 Paragraph 125 of the NPPF states that Planning policies and decisions should:

- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.

6.12 Paragraph 129 of the NPPF states:

Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.

6.13 Paragraph 135 of the NPPF, advises that Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which

promote health and well-being, with a high standard of amenity for existing and future users.

- 6.14 The general perspective of the NPPF is that planning should proactively drive growth and support sustainable economic development. It also states that planning should make effective use of land by reusing land that has been previously developed and sets out a presumption in favour of sustainable development. The government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.
- 6.15 In terms of retail uses the NPPF states at Paragraph 128; “Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:
- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework”.

#### National Planning Practice Guidance (NPPG)

- 6.16 The government published its NPPG on 6 March 2014. This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the NPPG or other national advice in the Analysis section of the report, where appropriate.

## **7.0 ASSESSMENT**

### Principle

- 7.1 The proposed development of the property will bring a mostly disused existing building and wider site into a suitable and sustainable use which is currently open to crime, dumping and anti-social behaviour, and could become an eyesore over time. It is positioned in a prominent location along the busy Union Street/Bond Street, on a corner plot, and an opportunity has arisen where investment can be made to bring the building to a suitable functional use and where it would not have a negative impact on the surrounding area.
- 7.2 The proposal would consider the needs of the local community, protect the surrounding built environment and provide the future occupiers with services within walking distance and reduce the need to travel.
- 7.3 In terms of housing, the proposal would increase the supply of smaller housing units in the locality. The proposal would therefore make a small but positive contribution to the number and mix of household units on brownfield sites in Dewsbury, consistent with Policies in the Local Plan and the NPPF.
- 7.4 It is also considered that the proposal would not have a detrimental effect on the safe and efficient operation of the existing transport and road infrastructure. Highway's safety is further discussed in the relevant section below.
- 7.5 In respect of the Local Plan policies, the surrounding area is predominantly mixed use, however, as explained above, given the current use of the site as commercial, the proposed commercial (existing ground floor) and residential uses are considered as an appropriate and compatible use to the existing make up and character of the area, and are located in a sustainable area with good access and facilities and which makes efficient use of the land whilst delivering an appropriate use for the site.

7.6 In light of the above it is considered that the principle of providing the proposed use at the application site is acceptable.

#### Impact on Amenity

7.7 The building is located along the busy Union Street/Bond Street which is within the town centre area. The surrounding area is characterised by a number of small commercial and larger retail units, with a good proportion of food and retail outlets. The types of uses within the area, along with its proximity to high density residential areas, create a vibrant area during the day and a throughfare during the evening hours.

7.8 It has already been established above that the principle of providing residential accommodation and retail uses at the site is considered acceptable, consideration should also be given to the uses at ground floor and the noise and comings and goings this would generate in the early hours of the morning and evening.

7.9 The area is established as mixed use, and the proposal would therefore be in keeping with existing land uses around the area. It is however important to ensure that the proposal would not impact unduly on matters such as noise and other pollution effects, with regards given to the impact of each flat within the building as well as the impact of the development upon existing surrounding properties.

7.10 In relation to noise, it should be acknowledged that there would be some noise from neighbouring commercial land uses as well as road noise from traffic, and from the shop use at ground floor level. There are residential uses in the vicinity and by virtue of its location, the noise from neighbouring uses is not considered to have a significant impact on the amenity of future occupiers or from external noises.

7.11 In terms of internal noise between flats and the commercial uses, the internal layout has been carefully designed so that bedrooms and living rooms are least affected by noise, however it should be noted that any new partitions would have acoustics barriers fitted where required to ensure future residents are adequately protected from unacceptable levels of noise, internal noise levels can be conditioned if required.

- 7.12 In terms of noise from the shop units at ground floor level, these would typically be open from 8am until 6pm most days. As such the residents on the upper floors and those surrounding would still enjoy peace and quiet during the evening and night where they can relax and sleep in a quiet environment with little disturbance. In any case, a Noise impact assessment can be conditioned as part of any approval which would include mitigation measures to ensure the acceptability of the proposal in terms of noise.
- 7.13 In respect of other matters, it is important that the development provides adequate space about buildings, it is considered that there would be no concerns regarding the distance to the front and side elevations of the building which would face the main highways and buildings opposite.
- 7.14 It is acknowledged that a distance of less than 21m would be provided for some habitable room windows. However, in this instance given that town centre and close tight knit distances between properties, the guidance distance cannot be achieved and the shortfall in distance is considered acceptable given the circumstances and acute need for housing in the area. As detailed, the residential units would not detrimentally overlook neighbouring properties.
- 7.15 The proposed development would adequately provide the level of amenity that would be expected at a residential property within this area. the proposal would be compatible with the density and character of the surrounding development. The nationally prescribed space standards for a 1-bedroom, 1-person dwelling it is 37sqm, inclusive of 2sqm of built-in storage. The standards require main double bedrooms to be at least 11.5sqm in area and have minimum dimensions of 2.75m wide, whilst single bedrooms have an area of at least 7.5sqm and minimum dimension of 2.15m wide. The proposed development would meet these standards.
- 7.16 With regard to the living conditions of future occupiers of the property, it is noted that each habitable room within the building would be provided with natural light and ventilation, with an outlook to the streets on the front, side and rear of the property. Each property would have its own WC and washing facilities.

- 7.17 In terms of outdoor amenity space all flats would have access to the yard area. This area is private and enclosed and therefore provides a suitable outdoor space that achieves a reasonable level of amenity for future occupants. Also, there are public open spaces provided within a short walking distance of the site in the town centre square for future occupiers to sit and enjoy.
- 7.18 A larger bin storage area would be provided in the yard area to the back of the building. This is also where bins can easily be collected from on bin collection day. It is considered a bin store with fencing should be provided to secure the bins in their proposed area and where they would not appear unsightly.
- 7.19 The doors to each flat would have access control, this would offer simple solution to restrict access into the building. Authorised individuals would carry a key fob and when access through a restricted door is required, the fob is held in front of a reader placed next to the door. The solution is flexible and would be used on the rear doors to restrict access to the general public. The mechanism would keep the users of the site safe. All internal doors would be fire doors which would be soft close to limit the noise.
- 7.20 In light of the above, it is considered that the development would provide adequate space about buildings, so as to protect future residents from any excessive levels of overshadowing and/or loss of privacy and a good standard of living accommodation. The application is therefore acceptable in this respect and would meet with the expectations of Policies along with the relevant requirements of the National Planning Policy Framework.

#### Visual Appearance

- 7.21 The proposal includes new windows and a door in the rear elevation of the building. This would be of aluminium material. There would be no changes to the front elevations of the building as part of this proposal.

- 7.22 The proposed changes to the rear of the building would not be readily visible from public vantage points. In any case, the windows are well proportioned and organised and would not appear as poorly designed additions. The alterations to the building are considered acceptable where they would not have a negative impact on the building.
- 7.23 The public benefits of the alterations and continued use of the site by virtue of this development for the future users would have a positive impact on the building itself and the surrounding area, the application should therefore be supported. A number of commercial units within the vicinity include aluminium and the proposed windows would not detract from this.
- 7.24 Therefore, in this instance it is considered that the works proposed would preserve the Character of the area and building and as such complies with policies within the Kirklees Local Plan and the NPPF.

#### Highways

- 7.25 Paragraph 116 of the NPPF makes clear 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**’.
- 7.26 Government’s policy on parking is set out in the National Planning Policy Framework. Paragraph 39 of the NPPF states that when setting local parking standards for residential and non-residential development, policies should take into account:
- the accessibility of the development;
  - the type, mix and use of development
  - the availability of and opportunities for public transport;
  - local car ownership levels; and
  - the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
- 7.27 The site is located in the town centre of Dewsbury and within a short walk of the shops and services, in addition, the good accessibility location of the site should be

considered in favour of the limited highways impact. The Dewsbury Railway and Bus Stations are also within close walking distance.

- 7.28 Given its location close to a main route into and out of the main town centre, with excellent bus links and parking available on side streets, it would be sufficient provision for a development of this size in a location as sustainable as this (close to the main town centre, on a major bus and train route); as such this is considered justified for this type of proposal.
- 7.29 Secure Cycle parking would also be introduced to the rear of the building which would result in less reliance on the car, and also provide an alternative mode of transport, including reducing greenhouse gases. It is not expected that this proposal would impact negatively upon the surrounding highway network.
- 7.30 Given the details, it is considered the proposed development can safely be provided without resulting in harm to pedestrian and highway safety. The proposed development as demonstrated would be in accordance with the Councils Local Plan and the NPPF where the proposal would not have a severe cumulative impact. In addition, parking restrictions are in place where poor and awkward parking would be avoided.

## **8.0 CONCLUSION**

- 8.1 It has been demonstrated that the proposed development can be carried out in full compliance with the Council's policies in the Local Plan and the National Planning Policy Framework. The development would provide a good quality mixed use development which would bring a positive contribution into the area of Inner Oldham without creating a significant detrimental impact on the amenity of the local occupiers and residents.
- 8.2 In addition, the development would bring an existing property that requires investment back into an appropriate use, providing an enhancement to the building and the surrounding area. As such the proposal should be supported in full by the Council.
- 8.3 When considering future development, the Council should take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will work proactively with applicants jointly to find solutions, which means that proposals can be approved wherever possible, and to secure development that improves the economic, social, and environmental conditions in the area.