

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:	2025/62/91661/W
Site Address:	156-158, Luck Lane, Paddock, Huddersfield, HD1 4RA
Description:	Installation of internal shutter and glazed shop fronts, installation of extraction flue to rear for restaurant/takeaway use and associated works
Recommending Officer:	Joshua Merriman

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.

John Holmes

AUTHORISED OFFICER

Date: 26th August 2025

Officer Report – 2025/91661

Site Description

The application site refers to 156-158, Luck Lane, Paddock, Huddersfield, HD1 4RA, which are a two-storey terraced properties which are part commercial, part residential. The buildings are faced in stone, with a pitched tiled gable roof, and a gable end with render and white 'Tudor style' detailing to the front elevation. The application property lies in a slightly varied street scene, surrounded by a mixture of commercial and residential units, which slightly differ in size, scale, character, and appearance. The site benefits from a small highway to the front which can facilitate parking, and an area of amenity space to the rear, predominantly used for waste and other storage.

Description of Proposal

The Scheme

The applicant is seeking permission for the installation of internal shutter and glazed shop fronts, installation of extraction flue to rear for restaurant/takeaway use and associated works.

Reference to associated works was added, although the description as publicised ('installation of internal shutter and glazed shop fronts, installation of extraction flue to rear for restaurant/takeaway use') was updated for clarity it is considered to have adequately alerted the public to the nature of the development and further publicity was not necessary in this case.

Supporting Information

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

- Planning Statement
- Climate Change Statement
- 25-006-DA-02-Appendix

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

99/91136 - CHANGE OF USE OF VACANT SHOP TO FORM ADDITIONAL ACCOMMODATION TO EXISTING VETERINARY SURGERY – Conditional Full Permission.

Representations

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

The application has been publicised on the Council's website and by site notice. The expiry date of the publicity period was the 14/08/2025.

Consultation Responses

No consultations were deemed necessary for this application.

Allocation and Policy

The site is allocated in a bat alert layer within the Kirklees Local Plan (adopted 2019).

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
- LP30 Biodiversity and Geodiversity
- LP51 Protection and Improvement of Local Air Quality

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

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 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

Assessment

The following matters are considered in the assessment below –

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

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Policy LP2 of the KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

The site is currently a vets and has operated under consent 99/91136. No restrictions in terms of hours or use are in place upon consent 99/91136. The site is therefore considered to operate as a Class E premises and benefit from a lawful class E use at ground floor level.

The proposal would operate as a Class E restaurant with ancillary takeaway facility. It is considered this would fall within the extent of class E and as such on the basis of a condition requiring the site to operated in class E use(s) only at the ground floor level it is considered the development would be acceptable in principle.

In this case, the principle of the development is acceptable and shall be assessed against the applicable material planning considerations within the following report.

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’*.

As the proposed shopfront installation and shutter are considered to be similar visually to that of the neighbouring unit ‘Sal’s Desserts’, it is not considered to have a significant impact on the local street scene and will accetably integrate with the local character. Furthermore, as the proposed extraction flue is proposed to the rear of the property and is not visible from the street scene and front of the building, it is considered that this will also have no significant impact on the visual amenity of the surrounding area.

As a result, it is considered that the design characteristics of the proposal will ensure the proposed alterations respect the character of the local area and the original house, fulfilling the requirements of Policies LP1, LP2, and LP24 of the Kirklees Local Plan, and policies within Chapter 12 of the NPPF.

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.

Policy LP52 is considered to be of relevance and sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise, light & odour emissions.

Given the shopfront will be located an adequate distance from the nearest neighbouring dwelling it is considered that there will be no significant impacts on privacy on neighbouring properties. Furthermore, as the residential units above the ground floor commercial property have no presence of roof lights or other windows in a very close vicinity to the proposed extraction flue, it is considered that the unit will also have no significant impact on residential amenity as a result of noise / odour emissions from the flue / ground floor use.

Weight is afforded the fact the premises benefits from an established open class E use, noise as a result of the ground floor operations would impact to some degree although it is noted the operation as a restaurant / ancillary take away function could take place in any event given the planning history of the site.

Given the planning history of the site and fact the operation could realistically be undertaken in any event it is considered it would not be reasonable of the LPA to impose a condition restricting hours of use in this case. Given the installation of the flue is to mitigate potential odour resulting from the use, it is considered reasonable to include a condition requiring the operation of the flue to be undertaken in accordance with the submitted details to ensure odour emissions are not significant in relation to neighbouring residential occupiers.

It is therefore considered that in terms of residential amenity, the proposed development would have an acceptable impact having regard to the aforementioned policies.

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 Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

Principle 19 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) 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.

Although the submitted plans do not detail the storage of bins on the property, there is adequate space on the site for the provision of waste storage.

The operation of the site would be within the same use class which the property already falls within and as such it is considered a realistic fall back that operation of the building at the ground floor level as a restaurant could take place in any event. As such it is considered in light of this the proposal would have an acceptable impact having regard to access and highway safety / parking and requirements of policies LP21 and LP22 of the Kirklees Local Plan, Principle 15 of the Council's Street Design Guide and Chapter 9 of the National Planning Policy Framework.

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, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. Measures including windows being energy efficient and use of low energy consumption appliance(s) is detailed within the submitted climate change statement. 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, the proposals are relatively modest, and in this case would not significantly impact upon the existing roof space which has the potential for providing a roost for bats. Therefore it is considered unlikely that the proposals would have a significant impact on the bat population. An informative would be included 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. Subject to informative the proposal is considered to be acceptable in this regard.

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 benefit from the de-minimus exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

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
PERMISSION

CONDITIONAL FULL

Decision Authorisation: Delegated Powers

Application Number: 2025/91661

Officer Recommendation: Conditional Full Permission

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).

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 to accord with Policies LP01, LP02, LP21, LP22, LP24, LP30 & LP51 of the Kirklees Local Plan, and Policies within Chapters 2, 12, 14 & 15 of the National Planning Policy Framework

3. The extraction flue hereby approved shall be serviced, with the secondary filter and carbon filters being replaced, every 3 months to accord with the details provided within the submitted planning statement.

Reason: In accordance with Policy LP24 of the Kirklees Local Plan and Paragraph 135 of the National Planning Policy Framework.

4. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) the use of the ground floor of the buildings outlined in red upon the drawing titled 'Existing and Proposed Plans and Site Plans' shall be for a use which falls within Class E of Part A of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) only.

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP21, LP22, LP24, LP56 of the Kirklees Local Plan, and Policies within Chapters 2, 12, 14 & 15 of the National Planning Policy Framework

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	25-006-PL-01-A	-	01/07/2025
Existing and Proposed Plans and Site Plans	25-006-PL-02-A	-	01/07/2025
Application Forms	-	-	01/07/2025
Planning Statement	-	-	01/07/2025
Climate Change Statement	-	-	01/07/2025
General	25-006-DA-02-Appendix	-	01/07/2025

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:

19/08/2025