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:	**2025/62/91983/W**
Site Address:	40, Peel Street, Marsden, Huddersfield, HD7 6BW
Description:	Installation of replacement shop front (within a Conservation Area)
Recommending Officer:	Molly Storer

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: 21 November 2025

OFFICER REPORT

Site Description

The site related to The Cuckoo's Nest (40 Peel Street) an end of terrace building located in the area of Marsden. The current use of the site is a charity stop which raises money for local groups. The site is located on the main street of Marsden District Centre with properties on this street typically being a commercial/retail use on the ground floor, with residential accommodation above.

The shop frontage is currently made of timber frames with single glazing panels. This is now weathered beyond repair and needs to be replaced.

The site is located within Marsden Conservation Area, and whilst there are Listed Buildings to the north and south, they are not located in close proximity to the application site.

Description of Proposal

This application has been submitted for the Installation of replacement shop front (within a Conservation Area).

The new shop front will be constructed in timber which can support the double glazing which is proposed to the windows and door. The corners of the windows will be rounded to keep a traditional design.

History of Negotiations/Amendments Received

A meeting was held with the applicant, Conservation officer and case officer to discuss the application. It was agreed that the shop plays an important role in the local community however the scheme must preserve or enhance the Conservation Area. it was originally suggested that features such as thicker turned mullions should be included in the design. A joiner was contacted who stated that fully turned mullions would not be possible as the wood needs to be thick in order to hold the double glazing. However, the corners of the windows could be rounded to maintain more traditional design. This was accepted by the Conservation and case officers.

Relevant Planning History

None.

Representations

The application was advertised by a site and press notice which expired on the 17th October 2025 .

As a result of the above publicity, 26 representations were received, these are summarised below:

Energy use/working climate:

- Would work towards net-zero targets.
- The double glazing would be more economical.
- The shop is very cold in winter and heated is wasted.
- The design would accord with local policies.

Other supporting statements:

- Marsden community trust support the application.
- Marsden swing band support the project.

Community:

- The charity shop is vital in the community.
- Local joiners are being used for the project.

Appearance:

- The shopfront will maintain a high quality appearance.
- Current shopfront is rotting.
- The appearance would enhance Peel Street.
- There has already been changes to the original shopfront.
- The existing shopfront is weathered and beyond repair.
- The renovated shopfront will attract more customers.

Heritage:

- There isn't enough information on how the shopfront will retain local distinctiveness and heritage value.
- The shopfront currently has turned mullions but it is not clear whether these are being retained.
- The application doesn't give information of whether the shopfront could be repaired.

Councillor comments:

- Existing shop frontage is beyond repair and must be replaced.
- Keeping the damaged frontage poses greater risk to the Conservation Area.
- Replacement design is sympathetic to the original, though double glazing requires stronger support.

- Local joinery company produced the design, respecting traditional methods and heritage character.
- Double glazing improves energy efficiency, reduces costs, and supports Net Zero goals.
- Other shop fronts on Peel Street have greater negative impact; this proposal is minimal and sensitive.
- Cuckoo's Nest contributes to Marsden's thriving centre and reinvests profits into the local community.
- Community benefits are substantial, outweighing minimal heritage harm.
- Applicant has engaged constructively with council officers during the application.

- Proposal aligns with:

- Local Plan Policy 10.
- NPPF Chapter 7.
- Local Plan Policy 48.
- Local Plan Policy 35 & NPPF Chapter 16.

Consultation Responses

KC Conservation and Design – No objections following discussions.

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 located within the Marsden Conservation Area on the Kirklees Local Plan.

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.

Kirklees Local Plan Policies

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP13 –** Town Centre Uses
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP31 -** Strategic Green Infrastructure Network
- **LP35 –** Historic Environment

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, 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.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 12** – Achieving well-designed places
- **Chapter 15** – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity and Character of the Conservation Area
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Negotiations
7) Conditions
8) Conclusion

1 – Principle of development:

Sustainable 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 LP1 of the Kirklees Local Plan (KLP) declares that: “…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”

Policy LP1 goes further and states: “The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

Policy LP2 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”.

Chapter 6 of the NPPF relates to ‘Building a strong, competitive economy’. Paragraph 85 sets out the following:

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.”

The requirements of Policy LP13 are that commercial units within District Centres should provide a range of shopping for everyday needs and serving specialist markets and be the local focus for basic financial services, food and drink, entertainment, leisure and tourist facilities and health services. Officers consider that the retention of the shop at ground level is appropriate for a district centre and therefore weight would be given to keeping it in use.

The scheme therefore complies with Policy LP13 of the Kirklees Local Plan and paragraph 85 of the NPPF.

A more detailed assessment of the proposal’s design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2 –Impact on Visual Amenity and Historic Environment:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 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.

Policy 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…"

Section 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

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.".*

Paragraph 205 of the NPPF states: *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation…".* This is further supported by paragraph 208 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.

In this instance, the application site is located within Marden Conservation Area. The Council's Conservation and Design Officers were consulted on the information provided and was followed by a meeting with the applicant, case officer and Conservation officer.

In the first instance the applicant was asked to provide further information proof that the current shopfront was beyond repair. The applicant provided images to show this.

Therefore, with regards to replacing the shopfront it was originally suggested that features such as thicker turned mullions should be included in the design. A joiner was contacted who stated that fully turned mullions would not be possible as the wood needs to be thick in order to hold the double glazing. However, the corners of the windows could be rounded to maintain more traditional design. This was accepted by the Conservation and case officer.

It is also noted that the shop plays an important role in the community and the double glazing will help the shop keep running. It is considered that the proposed changes would not be out of keeping with the other shopfront within the street. It is also noted that the application site is located within a commercially dense area and the new fenestrations would not negatively impact the wider context of the site.

Therefore, it is concluded that the proposed development would not appear out of place within the established built environment, in accordance with Policy LP24 of the Kirklees Local Plan.

As such, the impact of the proposal and the wider area is considered acceptable from a visual amenity perspective in this case, complying with Policy LP24 & LP35 of the Kirklees Local Plan and Chapter 12 of the NPPF.

3 – Impact on residential amenity:

Section 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.

Properties affected:

38 Peel Street – This property is the neighbouring business. The proposed changes to the shop front will have no impact on these properties.

Peel Street – the new proposed shopfront will replace the existing and will have no impact across the street scene.

Therefore, it is considered that the proposal would have no detrimental impact with regard to residential amenity, comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

4 – Impact on highway safety:

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 also seeks to

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

The new changes do no propose development that will affect the highway.

It is considered that the proposal would not cause harm to the safety or efficiency of the highway and would accord with Policies LP21 and LP22 of the Kirklees Local Plan.

5– Other matters:

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.

Given the nature and scale of development, it is not considered that any specific measures are required in terms of the planning application, with regards to carbon emissions.

6) Representations

As a result of the publicity, 26 representations were received, these are summarised below:

Energy use/working climate:

- Would work towards net-zero targets.
- The double glazing would be more economical.
- The shop is very cold in winter and heated is wasted.
- The design would accord with local policies.

Other supporting statements:

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Councillor comments:

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- Community benefits are substantial, outweighing minimal heritage harm.
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- Proposal aligns with:
- Local Plan Policy 10.
- NPPF Chapter 7.
- Local Plan Policy 48.
- Local Plan Policy 35 & NPPF Chapter 16.

<u>Officer note:</u>

As discussed in the above report, following further information and discissions the application is considered acceptable.

6) Conclusion

This application for the installation of replacement shopfront at 40, Peel Street, Marsden, Huddersfield, HD7 6BW has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would comply with the relevant material planning considerations and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2025/91983

Officer Recommendation: APPROVE

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, LP8, LP21, LP22, LP24, LP30, LP31 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

2. Notwithstanding the submitted information the corners of the shopfront where the turned millions currently are shall be rounded and thereafter be retained.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

3. Notwithstanding the submitted information the shopfront shall be constructed from timber and clear glazing and thereafter be retained.
Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	**Reference**	**Date Received**
Location plan	TQRQM24227112337439	12/08/2025
Existing shopfront photo	-	12/08/2025
Proposed elevations	-	12/08/2025
Proposed front sketch	-	12/08/2025
Conservation/heritage statement	-	12/08/2025
Application form	-	12/08/2025

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 Planning 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. Discussions took place between the applicant, Conservation officer and case officer to ensure that the shopfront was in accordance with local and national policy.

Report Date: 10th November 2025