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:	**2026/62/90178/E**
Site Address:	59, High Street, Heckmondwike, WF16 0AD
Description:	Alterations to convert take away to one dwelling
Recommending Officer:	Nicole Helliwell

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 September 2026

Officer Report
Reference No. 2026/62/90178/E
Site Address: 59, High Street, Heckmondwike, WF16 0AD
Proposal: Alterations to convert take away to one dwelling.

Site Description
The application site relates to 59 High Street is a mixed use property located in Heckmondwike. The site is unallocated on the Kirklees Local Plan Proposals Map. The surrounding properties are of commercial and residential use and are highly varied in age, size and style. The site is not within a Conservation Area or near to any listed buildings. However, public right of way HEC/15/10 is located east of the site.

Description of Proposal
The applicant is seeking planning permission for alterations to convert a takeaway to a dwelling. The submitted plans confirm that only internal alterations are proposed as part of the application and the building's exterior will remain as existing.

History of Negotiations/Amendments Received
No amendments were sought or received during the course of the application.

Relevant Planning History
- **2025/92172:** Prior notification for change of use from commercial/business/service (Use Class E) to Dwellinghouses (Use Class C3). – Withdrawn – Invalid

Representations
The application was publicised by site notice, which expired on 1st September 2026. As a result of the above publicity, no representations have been received.

Parish/Town Council Comments
Not Applicable.

Local Ward Members
Not Applicable.

Consultation Responses
The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Highways Development Management – No objection
KC Ecology – No objection

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 UNALLOCATED on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies
- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 11** - Housing Mix and Affordable Housing
- **LP 20** - Sustainable Travel
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity & Geodiversity
- **LP 51** - Protection and Improvement of Local Air Quality
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - 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 August 2026, 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.

- **Chapter 3** - Decision-Making
- **Chapter 4** - Achieving Sustainable Development
- **Chapter 5** - Meeting the Challenge of Climate Change
- **Chapter 6** - Delivering a Sufficient Supply of Homes
- **Chapter 14** - Achieving Well-Designed Places
- **Chapter 15** - Promoting Sustainable Transport
- **Chapter 19** - Conserving and Enhancing the Natural Environment

Other Guidance Documents:

- 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)

Assessment

1. Principle of Development

Housing Land Supply

Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 4 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

Paragraph 1 of Policy S3 of the National Planning Policy Framework (NPPF) advises that "*decisions on development proposals should apply a presumption in favour of sustainable development. This means:*

a. *Policy S4 in this Framework should be applied when considering development proposals within settlements;*
a. *Outside settlements, policy S5 should be applied; and*
b. *In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay."*

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing land.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that

housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold.

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF Paragraph 1 of Policy S3 which triggers a presumption in favour of sustainable development.

The Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.

The proposal seeks planning permission for alterations to convert take away to one dwelling within Heckmondwike and would assist in meeting the housing needs of the Council. This would be 'in line' with the aims of Chapter 6 of the NPPF, which states that small developments such as this can make an important contribution to meeting the housing requirement of an area and are often builtout relatively quickly.

It is necessary to consider planning applications for housing development in the context of NPPF Policies S3 – S5 of Chapter 4. The objective of the Policies in Chapter 4 are to meet development needs through sustainable patterns of development, including by maximising the potential for growth on suitable land within settlements. For proposals within settlements policy S4 sets out development should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 14 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

The proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

1. Impact on Visual Amenity

Kirklees Local Plan Policies LP1, LP2 and LP24 all 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…"*

The NPPF offers guidance relating to design in Chapter 14 (achieving well designed places) whereby Paragraph 1 of NPPF Policy DP3 states: *"Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features***.**

The submitted plans confirm that no external alterations are proposed as part of the application. It is therefore considered that the proposal would not cause detrimental harm with regard to visual amenity and would accord with the aims of Policy LP24 of the Kirklees Local Plan, guidance within the Housebuilders Design Guide SPD, and the aims of Chapter 14 of the National Planning Policy Framework.

2. Impact on Residential Amenity of Neighbouring Residents

Sections B and C of Policy LP24 state 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 1 (ii) of Policy L2 of the National Planning Policy Framework states that proposals should maintain safe access and egress for occupiers and users, and acceptable living standards for residents and neighbours in terms of access to daylight, sunlight, privacy and external amenity space.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *"Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking."*

The Housebuilders Design Guide SPD also provides advised separation distances for residential properties:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;

- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- For a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

The proposed development would not include any exterior alterations to the building and therefore the proposal would not cause any additional overlooking, overbearing or overshadowing harm to the residential amenity of the neighbouring occupants, over and above the existing arrangements on site.

Having considered the above factors, the development proposed would have an acceptable impact upon the residential amenity of the neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, KDP 6 & 16 of the Housebuilders Design Guide SPD and the National Planning Policy Framework.

3. Impact on Residential Amenity of Future Occupiers

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account Principle 16 of the Kirklees Housebuilders Design Guide SPD which sets out that:

'*All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations' and that 'All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24'.*

National described space standards require the following gross internal floor area for a two storey dwelling:

- 3 Bedroom, 4-person dwelling set over 2 storeys - 84 square metres
- 3 Bedroom, 5-person dwelling set over 2 storeys - 93 square metres
- 3 Bedroom, 6-person dwelling set over 2 storeys - 102 square metres

The proposed floor plans show that the dwelling would have three bed spaces and is therefore required to have a minimum internal floor space of 84m^2. The submitted plans confirm that the dwelling would have an internal floor space of approx. 119m^2 which would adequately meet basic lifestyle needs and provide a high standard of amenity for future occupiers. It is also noted that

each of the habitable rooms would benefit from a sufficient amount of natural light. For these reasons, it is considered that the proposal would provide an acceptable standard of living for future occupants and would accord with LP24(b) of the Kirklees Local Plan, Principles 6 and 16 of the Council's Housebuilders Design Guide SPD, and the National Planning Policy Framework.

4. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 4 of TR6 of the NPPF states that development proposals should be refused if they would have a severe adverse impact on the transport network or an unacceptable impact on highway safety.

The proposal seeks to convert a hot food takeaway to a three bedroomed dwelling. The site is outside of the town centre but within a reasonable walkable distance of it. There are bus stops within 400m with frequent Monday to Saturday daytime bus services.

Cycle parking is desirable in a secure and enclosed storage facility to accommodate at least one bicycle and preferably one per bedroom. This would support policies LP20 and LP22, Active Travel objectives and mode choice. There is unlikely to be space for an electric vehicle charging point to support sustainable travel and the lowering of emissions under policies LP20 and LP24.

Access is to be retained from High Street. There is a small forecourt at the front and hardstanding to the rear but no formal on-site car parking. It is noted that the forecourt has been and is used for parking but is suitable only for a small car to avoid overhang onto the footway and is reliant on co-operation with neighbours otherwise the footway is used to reach it which is unconducive to pedestrian safety. Whilst this is not condoned, it is a long-standing practice.

The typical amount of car parking for a three-bedroom dwelling is two spaces under the Kirklees Highway Design Guide SPD. However, only one is likely to be possible unless on-street space is used away from the zig zag markings for the crossing on a first come first served basis or with permission of land owners within the unadopted street known as Milton Square. The parking demand for a residential use of the proposed type is likely to be lower than for a hot food takeaway where staff and customer parking are likely to occur. On balance, given the accessible location, a reduced number of spaces or no car parking provision is acceptable in line with Policy LP22.

There is space for bin storage with collection arrangements expected to be similar to the current operation. The proposal is unlikely to give rise to severe adverse impacts for capacity, congestion and cumulative impacts on the transport network, or an unacceptable impact on highway safety to meet Policy LP21. The site is within a reasonable walking distance of many facilities and services. The level of movement and parking demand is likely to be less than for a hot food takeaway with an historic forecourt parking arrangement likely to continue with use of the footway to reach it. Furthermore, there are no Police recorded personal injury collisions within the last five year to end 2025; the latest verified data to indicate an inherent safety risk from this practice. The Applicant is advised to consider cycle parking storage to further encourage sustainable travel.

In view of the above, KC Highways Development Management raise no objection as the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 in the Council's Housebuilders Design Guide SPD, guidance within the Council's Highways Design Guide SPD, and Chapter 15 of the National Planning Policy Framework.

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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures with any future application.

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, therefore, should the application be approved, it is

considered necessary for a footnote to be imposed restricting the times when noisy construction activities will be permitted.

Biodiversity Net Gain

The application form states that the development, is subject to the de minimis exemption and would be exempt from providing Biodiversity Net Gain. At this stage, Officers are only able to assess this on the basis of submitted information. Should the proposal be considered not exempt by reason of not being this or other relevant categories for the scale of the development then an appropriate condition, supported by a BNG metric submitted for the approval of the LPA, would be required to ensure on-site BNGs would last for at least 30 years to meet the requirements of this legislation. Therefore, it is considered the proposal would be in accordance with Policy LP30 and LP33 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 19 of the NPPF.

Ecology

No ecological information has been submitted alongside this application; however, the proposals relate solely to an existing building, within a residential area. No protected or priority species are likely to be found onsite. Therefore, KC Ecology have no further comments.

Contaminated Land

The site of the proposed development is shown to be on potentially contaminated land. However, as no external alterations are proposed, officers have recommended a condition relating to unexpected contamination.

Coal Mining Legacy

The application site falls within the defined Development High Risk Area. However, the proposal would not require any groundworks or earthworks and therefore, officers does not consider that a Coal Mining Risk Assessment is required to support the proposal in this particular case.

Sound Insulation

A higher level of sound insulation is required where commercial and residential uses share a party wall/floor/ceiling. Therefore, officers have recommended a condition for a sound insulation assessment to be submitted to consider this in the interests of protecting the amenity of the occupiers of the dwelling.

There are no other matters considered relevant to the determination of this application.

6. Representations

No representations were received during the course of the application.

7. Conclusion

This application to convert a take away to one dwelling at 59 High Street 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. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered to be acceptable.

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: Approve

Decision Authorisation - Delegated Powers
Application Number: 2026/90178
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.

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 ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP11, LP20, LP21, LP22, LP24, LP28, LP30, LP51, LP52 and LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works 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. Works 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 Verification 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 Verification 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 Chapter 17 of the National Planning Policy Framework.

4. Before the development is brought into use written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 55dB D_{nTw} + C_{tr} shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and further written evidence to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use**.**
Reason: This condition is necessary to protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 14 and 19 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex B: Glossary of the National Planning Policy Framework. 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.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required. You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the site access(es).

This process will involve entering into a Section 38, 184 or 278 agreement of the Highways Act 1980, or other appropriate agreement to enable delivery of the works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

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 granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Revision	Date Received
Location Plan	TQRQM26190134012669	-	14/07/2026
Ground Floor	-	-	14/07/2026
First Floor	-	-	14/07/2026
Second Floor (Loft)	-	-	14/07/2026
Climate Change Statement	-	-	14/07/2026

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. In this case, the design of the original scheme has been found acceptable.

Report Dated: 14/09/2026