

**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:	2026/62/90257/E
Site Address:	37, Union Street, Dewsbury, WF13 1AS
Description:	Change of use of first floor offices (Use Class E) to 2 self-contained 1 bedroom residential flats (Use Class C3) including replacement of existing shopfront with aluminium shopfront and alterations to rear openings (within a Conservation Area).
Recommending Officer:	Danielle Cooper

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: 20 May 2026

Officer Report

Site description

The application site relates to no. 37-39 union street, a two storey commercial building (Class E), located within Dewsbury Town Centre. The wider area comprises a combination of residential and commercial properties of varying materials and architectural styles.

The site is located within the Dewsbury Town Centre Conservation Area and close to 18, 20 and 22 Bond Street, Grade II listed buildings.

Description of Proposal

The application seeks permission for the change of use of first floor offices (Use Class E) to 2 self-contained 1 bedroom residential flats (Use Class C3) including replacement of existing shopfront with aluminium shopfront, alterations to rear openings (within a Conservation Area).

Flat 1 – 1 bed, 1 person: 42.5m²

Flat 2 – 1 bed, 1 person: 41m²

Access will be provided via the side entrance.

External alterations:

- A new first floor window is proposed to the rear elevation.
- New windows and alterations to the openings to the rear would include aluminium window frames coloured brown (RAL 8017) to match existing windows to the rear.
- Replace the old timber elements of the existing shopfront with aluminium material in a similar colour (RAL 8017)

Bin Storage is located to the rear of the building and a bin collection point will be adjacent Croft Street.

Cycle storage is also proposed however it is noted that this is located outside of the red line boundary.

Relevant Planning History

2026/90258 – Change of use of first floor offices (Use Class E) to 2 self-contained 1 bedroom residential flats (Use Class C3) including replacement of existing shopfront with aluminium shopfront, alterations to rear openings (within a Conservation Area) – Under consideration

2008/91839 – Change of use from A1 to A2 (within a Conservation Area) – Approved

2008/93848 - Change of use from retail outlet to A2 for use by recruitment agency (within a Conservation Area) – Approved

No. 33 Union Street

2025/91458 – 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 and installation of new glazing to ground floor (within a Conservation Area) – Live planning application – Approved

History of Negotiations

A noise impact assessment was submitted by the agent.

The application was readvertised as a result of certificate B being signed.

Representations

This application was advertised by site notice and the press. Final publicity date expired: 02/04/2026

No representations received.

Consultation Responses

KC Environmental Health – No objection subject to conditions.

Planning Policy

Kirklees Local Plan (KLP)

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 Dewsbury Town Centre and within Dewsbury Town Centre Conservation Area on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Effective and efficient use of land and buildings
- **LP11** – Housing Mix
- **LP13** – Town centre uses
- **LP14** – Shopping frontages

- **LP15** – Residential uses in town centres
- **LP18** – Dewsbury town centre
- **LP20** – Sustainable travel
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP25** – Advertisements and shop fronts
- **LP35** – Historic environment
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of Environmental Quality

Kirklees Council Adopted Supplementary Planning Documents

Supplementary Planning Documents (SPD) build upon and provide more detailed guidance about policies in the Local Plan, carrying material weight in the determination of planning applications.

- Highways Design Guide SPD
- Kirklees Waste Management Design Guide for New Developments

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, and 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 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

Other

- DCLG: Technical Housing Standards – Nationally Described Space Standard
- MHCLG: National Design Guide

Assessment

1 – Principle of 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 assessed.

The site is not displayed as allocated on the KLP Policies Map. Policy LP2 states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

5 year housing land supply

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 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), 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 (NPPF Footnote 7) ; 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.”

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.’

Chapter 5 of the National Planning Policy Framework clearly identifies that Local Authorities should seek to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

It is considered that the development proposed by this application could reasonably be viewed as meeting the housing needs of the Council. This would be 'in line' with the aims of Chapter 5 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 with Policies LP3 and LP11 of the adopted Local Plan which collectively in part support development schemes that provide housing of a type and mix that meets identified need in the District. The site is also considered to be located within a sustainable location, located within close proximity to the adopted highway with good transport links.

In respect of the above, the quantum of development is considered acceptable, complying with Chapter 5 of the NPPF, as well as Local Plan policies LP1 and LP3, as the development will add to the lack of a 5 year housing land supply.

Residential use in town centres

The site falls within Dewsbury Town Centre and therefore, Policies LP13 & LP18 of the Kirklees Local Plan is relevant. Policy LP18 relates specifically to Dewsbury Town Centre and amongst other things, states that proposals within the town centre will be supported where they (d) provide space for town centre living. Policy LP13 encourages development that supports a strong, diverse economy that serves the local community by encouraging the vitality and viability of existing town centres. Paragraph 90 of the National Planning Policy Framework supports a mixed-use town centre that includes housing to grow and strengthen town centres.

Policy LP15 seeks to ensure that the impact of residential development in identified town centres does not undermine the commercial uses within the town centre. Part a of the policy sets out that residential proposals would normally only be permitted on upper floors.

In relation to the impact upon the role and function of the town centre, the proposal would alter the first floor only and would retain a main town centre use at ground floor.

Given the proposal would be the conversion of the first floor only, and on the basis the proposal would not prejudice existing established uses the proposal is concluded to be acceptable in terms of the principle of introducing a residential use in an identified town centre.

The proposal is therefore considered acceptable in principle, complying with LP1, LP2, LP3 and LP15 of the Kirklees Local Plan and guidance contained within the NPPF.

2 – Impact on visual amenity and the conservation area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of land within a Conservation Area. This is reiterated in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, LP35 states “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”. Whether harm exists, and whether it is substantial or less than substantial, will be assessed and discussed later in the report.

Alongside this, LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP24 of the KLP is also relevant and states that “good design should be at the core of all proposals in the district.

The application site is located within Dewsbury Town Centre Conservation Area and is located near a number of listed buildings. As such, it is important that the proposed development does not result in any negative impact on the character and appearance of the setting of the conservation area or any heritage assets.

The proposed alterations to the building include the following:

- A new first floor window is proposed to the rear elevation.
- New windows and alterations to the openings to the rear would include aluminium window frames coloured brown (RAL 8017) to match existing windows to the rear.
- Replace the old timber elements of the existing shopfront with aluminium material in a similar colour (RAL 8017)

The proposed alterations to the building are considered relatively minor and will replace the existing timber framed windows with coloured aluminium material of the same design.

The proposed window alterations are considered acceptable as they are of an appropriate colour in order to protect the character and appearance of the conservation area. A condition will be imposed to ensure the new fenestrations are coloured in brown (RAL 8017).

The proposed rear window will match the existing fenestrations and therefore raises no concern to visual amenity.

The proposal would lead to some alterations to the existing building, however these are not considered to significantly alter the character of the existing building and are not considered to be harmful to the setting of the Conservation Area or nearby listed buildings given they do not significantly affect the design / character of the existing building.

For these reasons, it is concluded that the proposal would not harm the visual amenity of the host building, the immediate area nor the Conservation Area / setting of listed building. The proposal is therefore concluded to be in accordance with Policies LP24 and LP35 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

3 – Impact on residential amenity

Policy LP24(b) requires development to provide a high standard of amenity for future and neighbouring occupiers. Specific to residential uses within town centres LP15(d) requires ‘the protection of the amenity of existing residents and future occupiers of the proposed residential use in accordance with amenity and design policies within the plan, and will in particular consider matters such as privacy, noise and air quality’. These requirements conform to the aims and objectives of Chapter 12 of the NPPF.

Principle 6 of the Housebuilders Design Guide is considered to be of relevance which sets out ‘Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking’

First considering the impact on neighbouring residents, no physical works are proposed to cause harmful overbearing or overshadowing on neighbouring land.

The east (front) windows will retain a separation distance of approx. 11m. This distance will fall short of the recommended 21m set out within the Housebuilders Design Guide for main to main windows. The property to the east is in residential use at the first floor level, and the proposal would see some level of overlooking possible between the properties. However weight is afforded the existing situation with the operation of the property as offices at first floor able to be undertaken in any event. On balance given the relationship and characteristics of this part of the street in terms of orientation of the buildings and established uses / separation distances, it is considered refusal on grounds of overlooking between these properties could not be substantiated in this case

The north windows will retain a separation distance of approx. 22m which raises no concern to loss of privacy.

The proposed first floor window to the west and existing west windows will face onto a blank elevation and as such raises no concern to privacy. It is noted that this separation distance is modest, however, It is acknowledged that residential uses within town centres typically exist at closer quarters, and appropriate weight is given to this context in this case. As such the modest separation distance is considered acceptable and would not warrant a refusal for refusal.

Therefore, the LPA do not consider there to be any harm caused to the amenity of neighbouring residents.

Amenity of future occupiers:

The proposed overall floorspace of each apartment is as follows:

Flat 1 – 1 bed, 1 person: 42.5m²

Flat 2 – 1 bed, 1 person: 41m²

The gross internal floor areas meet the nationally described space standards and therefore are considered acceptable, featuring ample amount of living area space.

The site is within Dewsbury Town Centre, located next to commercial uses. A Noise Impact Assessment has therefore been submitted and reviewed by KC Environmental Health who note the site occupies a town-centre location and is within close proximity to the A638 Dewsbury Ring Road and will experience noise levels associated with its location. The submitted noise report presents the findings of an environmental noise survey undertaken between the 15th-17th January 2026. The details the monitoring location as *“placed over 1m from the first-floor façade overlooking both Union Street and Croft Street”*.

The noise report presents a summary of the noise levels measured at the façade measurement location, and identified the sound insulation requirements, confirming that *“A standard 6/12/6 double glazing unit will, when closed, provide a sound reduction, $R_w(C;Ctr)$, of 36(-2;-5). Therefore, adequate to protect the future occupants of the accommodation from the prevailing environmental sound levels”*.

However, *“acoustic trickle ventilators for all windows to habitable rooms”* are required to achieve *“a similar or better performance to the windows when open and a number of suitable models are available from suppliers including the Greenwood DN Vent providing 34dB (Ctr) attenuation or the Titon, Trimvent Select S13 Ventilator providing 33dB (Ctr) attenuation. Other models and manufacturers area available”*.

The report goes on to advise that *“Care must be taken to ensure that windows are well fitted and gaps between the window frame and the brick work are minimised. Where gaps do occur, these should be filled with a suitable acoustic material, not expandable foam. The window frame should be sealed*

across the full depth of the frame and not just around the edges. This will ensure that sound does not 'leak' around the edge of the frame".

The findings of the report are accepted by the Environmental Health Team and a condition is recommended to secure the mitigation measures.

KC Environmental Health have also noted that due to the age of the building, any re-development work is likely to result in possible exposure and the release of asbestos containing materials (ACM). As such a destructive asbestos survey is advised to be undertaken by the applicant prior to commencement of works and this is recommended to be drawn to the applicants attention as an informative to make the applicant aware.

It is considered that once occupied the flats are unlikely to generate significant levels of noise. However, the site is surrounded by residential properties and the occupiers of these could potentially be disturbed by noise generated during the construction process. Therefore, should the application be approved, a footnote will be imposed limiting such works to between the hours of 7.30am and 6.30pm Monday to Friday, 8am and 1pm on Saturdays with no working permitted on Sundays or Public Holidays.

In conclusion, subject to the given conditions, the LPA are satisfied that the proposal would not harm the amenity of neighbouring residents as well as future occupiers, in accordance with LP24 and LP52 of the KLP and Chapters 12 and 15 of the NPPF.

4 – Impact on highway safety

Policies LP21 and LP22 of the Kirklees Local Plan, The Council's adopted Highway Design Guide are relevant. Principles 12 and 19 of the Housebuilders Design Guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

The proposal does not benefit from any off-street car parking spaces for the proposed flats. However, the site location is close to many local amenities and public transport links (Dewsbury Train Station) and is considered to be in a sustainable location. As such, the LPA does not raise any concern to there being no dedicated parking.

Bin storage will be located to the rear of the building and the bin collection point will be off of Croft Street which is considered acceptable. The bin collection point is shown in the submitted plan as well as cycle stands. A condition requiring the provision of these is recommended.

On the basis of the inclusion of the recommended condition it is considered the proposal would be acceptable and would not lead to harm in relation to the safe and efficient operation of the Highway, in accordance with LP20, LP21 and LP24 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 pre-dates 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. However, the proposal would provide a sustainable, residential use within a local centre. Windows would also be provided to all habitable rooms in order to aid passive solar gain and reduce the need for artificial light.

Ecology

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-minimis 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.

However, the following policies are relevant:

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

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.

Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

As the proposal is to convert the use of the first floor, it is not considered that the proposal is required to enhance biodiversity in this instance.

The proposed development is therefore considered acceptable complying with local and national policy.

6 – Representations

No representations have been received.

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 that the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2026/90257

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP01, LP02, LP11, LP13, LP15, LP21, LP22, LP24, LP30, LP52 of the Kirklees Local Plan, Principles within the Housebuilders Design Guide SPD and Policies within Chapters 2, 9, 12, 14 & 15 of the National Planning Policy Framework

3. The frames of the replacement and proposed fenestrations shall be aluminium, of a brown colour finish (RAL 8017), and shall thereafter be retained as such.

Reason: In the interests of preserving the visual amenity and the character of the conservation area, in accordance with Policies LP24 & LP35 of the Kirklees Local Plan and policies within Chapters 12 & 16 of the National Planning Policy Framework.

4. The development shall not be brought into use until all works specified within section 3 of the submitted Acoustic Survey and Assessment Report, ref: 3162-1, dated February 2026 have been completed. The works specified within section 3 of the submitted Acoustic Survey and Assessment Report, ref: 3162-1, dated February 2026 shall be retained thereafter.

Reason: 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 12 and 15 of the National Planning Policy Framework.

5. The waste storage and cycle storage arrangements detailed within submitted drawing S05 as well as Appendix 1 and 2 of the submitted document titled 'Planning Statement' shall be provided prior to the development hereby approved being brought into use and shall be retained thereafter.

Reason: To ensure adequate cycle and waste storage facilities are provided in the interests of visual and residential amenity and highway safety to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan, Kirklees Waste Management Design Guide for New Developments and policies contained within chapters 9, 12 and 15 of the National Planning Policy Framework.

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan

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: A destructive asbestos survey is advised to ensure that risks from asbestos in the environment, future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

Prior to the commencement of works on site, a destructive asbestos survey of buildings may be necessary for Building Control.

- The survey must locate and identify all asbestos containing materials before any structural work begins at a stated location or on stated equipment at the premises.
- Any asbestos containing materials must be removed and disposed of in accordance with the correct procedure prior to any demolition or construction works carried out. Development shall not be carried out other than in accordance with the approved details.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Plans and Elevations	S01C		29/01/2026
Proposed Plans and Elevations First Floor	S05		29/01/2026
Planning Statement			29/01/2026
Heritage Statement			29/01/2026
Noise Impact Assessment	3162-1		26/02/2026
Climate Change Statement			29/01/2026

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 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.