PLANNING MANAGEMENT
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PLANNING STATEMENT

37-39 Union Street

Dewsbury

WF13 1AS

Proposal
Change of Use of Offices on Ground Floor (Use Class E) to 2 No. Self-Contained Residential Flats (Use Class C3) (1 bed – 1 person), Replacement of Existing Shopfront to Aluminium Shopfront, Alterations to Openings to Rear, and Provision of Cycle Storage and Bin Storage.

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January 2026

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1.0 INTRODUCTION

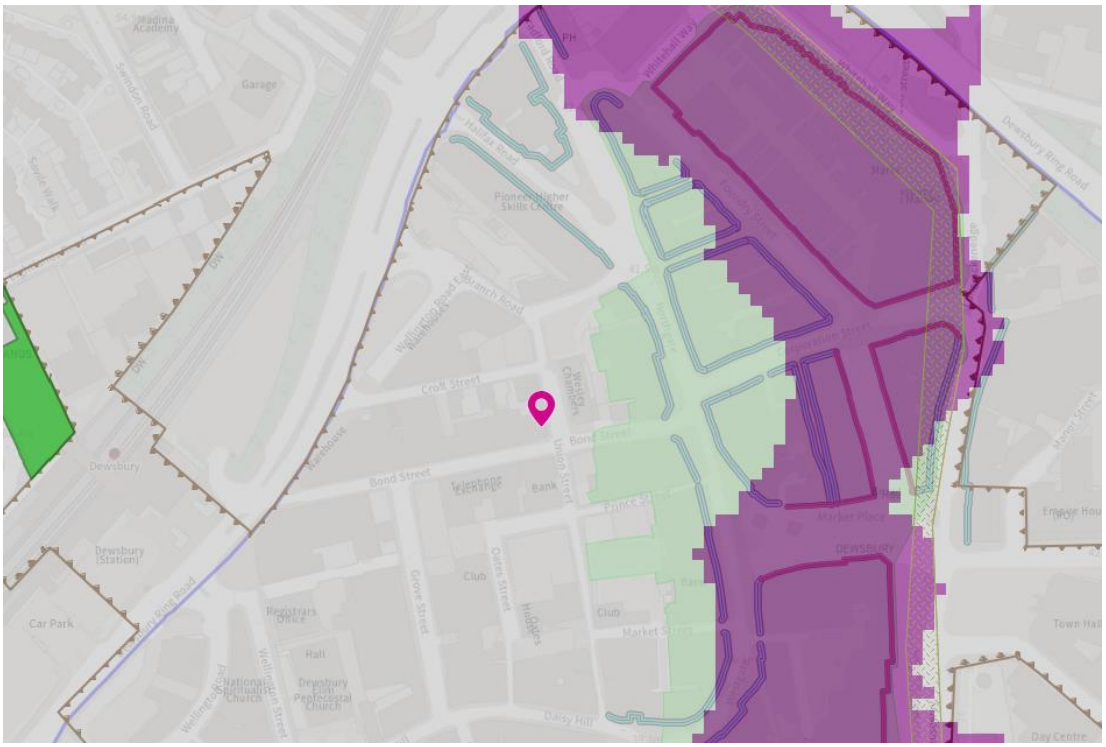
1.1 This Planning Statement is submitted on behalf of the applicant who owns the property at 37-39 Union Street in the Town Centre of Dewsbury. The application focuses on the vacant ground floor of the building which have been used as offices.

1.2 The building has recently been purchased by the applicant through auction, and there is little desire in this particular area of the town centre for it to be used for Class E purposes, therefore residential uses similar to those around the site is being proposed in this instance which helps regeneration of the town centre and makes use of an empty building.

2.0 SITE AND SURROUNDINGS

2.1 The application site relates to a two-storey flat roofed square shaped end terraced building positioned on the corner of Union Street and Croft Street in the Town Centre of Dewsbury. The ground and first floor are currently vacant and have previously been used as Offices (Class E) by Qualtech Resourcing. The property is empty and vacant and has been for about 1.5 years.

2.2 The building at ground floor facing Union Street has a traditional timber shopfront with recessed central door and large glazed shop windows with signage above. The side elevation along Croft Street has two windows at ground floor and two windows at first floor. A further recessed entrance is also provided on this elevation which leads to the first floor of the building.



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

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2.4 **Above**: Image shows the front elevation of the building facing Union Street with traditional shopfront (building now empty).



2.5 **Above:** Image shows the side and rear elevation of the building with access to rear yard area provided from Croft Street.

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3.0 PROPOSAL

3.1 The applicant is applying for Pre -application advice to 'change the use of the building to 2 no. 1 bed (1 person) self-contained residential flats (use class C3), replacement of existing shopfront to aluminium shopfront, and provision of cycle storage and bin storage to rear.

3.2 The submitted plans show the access to the two flats at ground floor would be from the front elevation of the building with an internal hall separating the two flats. The two flats at first floor (separate application) would be accessed from the existing door in the side elevation of the building. Each flat would be separate and self-contained. The proposed flats would comprise of the following internal areas:

- Flat 1 (1-bedroom, 1-person) – 38.8sqm
- Flat 2 (1-bedroom, 1-person) – 40.6sqm
- Flat 3 (1-bedroom, 1-person) – 42.5sqm
- Flat 4 (1-bedroom, 1-person) – 41.0sqm

3.3 Internally to maintain privacy at ground floor an obscure film (see Appendix 3) Is proposed to the east front windows at ground floor to allow privacy of future occupants whilst also allowing sufficient light into the flats. This would also maintain the shopfront in this area of the town centre location.

3.4 The existing shopfronts which currently consist of mainly rotten timber windows frames would be replaced with slim line anthracite coloured (RAL 7016) aluminium material of the same design.

3.5 New windows and alteration to the openings to the rear would also include aluminium window frames coloured brown (RAL 8017) to match existing windows to the rear.

3.6 A new safe cycle storage area would also be introduced for the future residential occupiers; details are provided in Appendix 1 of this document.

3.7 Bins would also be stored in the rear yard area, similar to existing. A bin collection point is provided in Appendix 2 of this Document.

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4.0. INVOLVEMENT

4.1 A formal pre-application was submitted and advice in this instance has been sought from the Council (2025/20571, Officer Danille Cooper, amended plans submitted with alterations ensured 4 flats were acceptable at the site). The scheme put forward is an acceptable proposal providing quality development in this area whilst bringing a mainly disused property back into a viable use.

4.2 This planning Statement has been submitted as part of the planning application to provide a reasoned justification for its acceptability using local and national planning policy and guidance.

4.3 The issues of highways safety, amenity of the surrounding area, design and the principle of the development are taken into consideration in the assessment below.

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5.0 HISTORY

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

- 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

- 2025/20571 - Change of use and alterations to shops to form 4 apartments (within a Conservation Area) – Refused due to harm to visual amenity, insufficient internal living accommodation, and no waste storage/bin collection points.

- 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.

6.0 RELEVANT PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions should be made in accordance with the development plan unless material considerations indicate otherwise.

6.2 The National Planning Policy Framework (December 2024) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

6.3 The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019). It states that 'Our vision needs to consider what Kirklees should be like in the future if the needs and aspirations of those who live, work in or visit Kirklees are to be met whilst retaining the characteristics that make it attractive and distinctive. It also needs to be flexible to allow us to respond to future challenges in a way that is right for Kirklees and its residents and businesses.'

6.4 The statement vision for Kirklees is that people will have access to a range of local facilities including services, healthcare and education provision, and adequate infrastructure. Places will be well-connected encouraging sustainable travel including increased opportunities for walking and cycling and improved links to other parts of the Region and beyond.

6.5 The following Local Plan policies have relevance to the proposal:

<u>Local plan</u>

6.6 The following Local Plan policies have relevance to the proposal:

6.7 LP 1 - Achieving Sustainable Development

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LP 2 - Place Shaping

LP 7 - Efficient and Effective Use of Land and Buildings

LP 11 - Housing Mix and Affordable Housing

LP 13 - Town Centres

LP 20 - Sustainable Travel

LP 21 - Highway Safety and Access

LP 22 - Parking

LP 24 - Design

LP 28 - Drainage

LP 30 - Biodiversity & Geodiversity

LP 35 - Historic Environment

LP 51 - Protection and Improvement of Local Air Quality

LP 52 - Protection and Improvement of Environmental Quality

LP 53 - Contaminated and Unstable Land

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

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

NPPF (2024)

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

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.10 Paragraph 61 of the NPPF states:

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

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

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

6.12 Paragraph 129 of the NPPF states:

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

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

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

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

6.14 The general perspective of the NPPF is that planning should proactively drive growth and support sustainable economic development. It also states that planning should make effective use of land by reusing land that has been previously developed and sets out a presumption in favour of sustainable development. The government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

6.15 In terms of retail uses the NPPF states at Paragraph 128; "Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework".

National Planning Practice Guidance (NPPG)

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

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7.0 ASSESSMENT

Principle

7.1 The proposed development of the property will bring a mostly disused existing building and wider site into a suitable and sustainable use which is currently open to crime, dumping and anti-social behaviour, and could become an eyesore over time. It is positioned in a prominent location along the busy Union Street, on a corner plot, and an opportunity has arisen where investment can be made to bring the building to a suitable functional use and where it would not have a negative impact on the surrounding area.

7.2 The proposal would consider the needs of the local community, protect the surrounding built environment and provide the future occupiers with services within walking distance and reduce the need to travel.

7.3 In terms of housing, the proposal would increase the supply of smaller housing units in the locality. The proposal would therefore make a small but positive contribution to the number and mix of household units on brownfield sites in Dewsbury, consistent with Policies in the Local Plan and the NPPF.

7.4 It is also considered that the proposal would not have a detrimental effect on the safe and efficient operation of the existing transport and road infrastructure. Highway's safety is further discussed in the relevant section below.

7.5 In respect of the Local Plan policies, the surrounding area is predominantly mixed use, however, as explained above, given the current use of the site as commercial, the proposed commercial (existing ground floor) and residential uses are considered as an appropriate and compatible use to the existing make up and character of the area, and are located in a sustainable area with good access and facilities and which makes efficient use of the land whilst delivering an appropriate use for the site.

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

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Impact on Amenity

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

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

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

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

7.11 In respect of other matters, it is important that the development provides adequate space about buildings, it is considered that there would be no concerns regarding the distance to the front and side elevations of the building which would face the main highways and buildings opposite.

7.12 It is acknowledged that a distance of less than 21m would be provided for some habitable room windows. However, in this instance given that town centre and close

tight knit distances between properties, the guidance distance cannot be achieved and the shortfall in distance is considered acceptable given the circumstances and acute need for housing in the area. As detailed, the residential units would not detrimentally overlook neighbouring properties.

7.13 The proposed development would adequately provide the level of amenity that would be expected at a residential property within this area. the proposal would be compatible with the density and character of the surrounding development. The nationally prescribed space standards for a 1-bedroom, 1-person dwelling it is 37sqm, inclusive of 2sqm of built-in storage. The standards require main double bedrooms to be at least 11.5sqm in area and have minimum dimensions of 2.75m wide, whilst single bedrooms have an area of at least 7.5sqm and minimum dimension of 2.15m wide. The proposed development would meet these standards.

7.14 With regard to the living conditions of future occupiers of the property, it is noted that each habitable room within the building would be provided with natural light and ventilation, with an outlook to the streets on the front, side and rear of the property. Each property would have its own WC and washing facilities.

7.15 In terms of outdoor amenity space all flats would have access to the yard area. This area is private and enclosed and therefore provides a suitable outdoor space that achieves a reasonable level of amenity for future occupants. Also, there are public open spaces provided within a short walking distance of the site in the town centre square for future occupiers to sit and enjoy.

7.16 A dedicated bin storage area would be provided in the yard area to the back of the building. This is also where bins can easily be collected from on bin collection day. The bins in their proposed area and where they would not appear unsightly.

7.17 The doors to each flat would have access control, this would offer simple solution to restrict access into the building. Authorised individuals would carry a key fob and when access through a restricted door is required, the fob is held in front of a reader placed

next to the door. The solution is flexible and would be used on the rear doors to restrict access to the general public. The mechanism would keep the users of the site safe. All internal doors would be fire doors which would be soft close to limit the noise.

7.18 In light of the above, it is considered that the development would provide adequate space about buildings, so as to protect future residents from any excessive levels of overshadowing and/or loss of privacy and a good standard of living accommodation. The application is therefore acceptable in this respect and would meet with the expectations of Policies along with the relevant requirements of the National Planning Policy Framework.

Visual Appearance

7.19 The proposal also includes a new shopfront material which would replace the old timber elements of the existing shopfronts with aluminium material in a similar colour. This is to provide a more durable, modern and safe site for the proposed use and its users. The ground floor of the property is of a commercial use. It should be noted that a number of neighbouring properties have been modified to include traditional durable shopfronts.

7.20 The existing shopfronts are in a poor state of repair, with the existing timber surrounds detracting from the character of the street scene. The existing stone stall risers would be retained as they reflect the style and materials of other shop fronts along Union Street and Bond Street.

7.21 The use of aluminium framing would replicate the existing profile of the timber framing and as such is considered to be acceptable. The openings to the rear would also be of aluminium framing and a colour to match existing windows.

7.22 The public benefits of the new shopfronts and openings with continued use of the site by virtue of this development for the future users would have a positive impact on the building itself and the surrounding area, the application should therefore be supported.

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7.23 A number of commercial units within the vicinity include aluminium shopfronts and this proposed shopfront would not detract from this.

7.24 The proposed changes to the rear of the building would not be readily visible from public vantage points. In any case, the windows are well proportioned and organised and would not appear as poorly designed additions. The alterations to the building are considered acceptable where they would not have a negative impact on the building.

7.25 Therefore, in this instance it is considered that the works proposed would preserve the Character of the area and building and as such complies with policies within the Kirklees Local Plan and the NPPF.

Highways

7.26 Paragraph 116 of the NPPF makes clear that **'**Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be **severe'**.

7.27 Government's policy on parking is set out in the National Planning Policy Framework. Paragraph 39 of the NPPF states that when setting local parking standards for residential and non-residential development, policies should take into account:

- the accessibility of the development;
- the type, mix and use of development
- the availability of and opportunities for public transport;
- local car ownership levels; and
- the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

7.28 The site is located in the town centre of Dewsbury and within a short walk of the shops and services, in addition, the good accessibility location of the site should be considered in favour of the limited highways impact. The Dewsbury Railway and Bus Stations are also within close walking distance.

7.29 Given its location close to a main route into and out of the main town centre, with excellent bus links and parking available on side streets, it would be sufficient provision for a development of this size in a location as sustainable as this (close to the main town centre, on a major bus and train route); as such this is considered justified for this type of proposal.

7.30 Secure Cycle parking (see appendix) would also be introduced to the rear of the building which would result in less reliance on the car, and also provide an alternative mode of transport, including reducing greenhouse gases. It is not expected that this proposal would impact negatively upon the surrounding highway network.

7.31 Given the details, it is considered the proposed development can safely be provided without resulting in harm to pedestrian and highway safety. The proposed development as demonstrated would be in accordance with the Councils Local Plan and the NPPF where the proposal would not have a severe cumulative impact. In addition, parking restrictions are in place where poor and awkward parking would be avoided.

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8.0 CONCLUSION

8.1 It has been demonstrated that the proposed development can be carried out in full compliance with the Council's polices in the Local Plan and the National Planning Policy Framework. The development would provide a good quality mixed use development which would bring a positive contribution into the area of Inner Oldham without creating a significant detrimental impact on the amenity of the local occupiers and residents.

8.2 In addition, the development would bring an existing property that requires investment back into an appropriate use, providing an enhancement to the building and the surrounding area. As such the proposal should be supported in full by the Council.

8.3 When considering future development, the Council should take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will work proactively with applicants jointly to find solutions, which means that proposals can be approved wherever possible, and to secure development that improves the economic, social, and environmental conditions in the area.

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Appendix

1 - Secure Bicycle Storage as shown plans



Above: 4 Bikes - Spec 106 cm long x 22 cm deep x 20 cm high

The Wiggins Bike Rack is a straightforward and cost-effective bike parking solution. Accommodating 3-5 bikes, this rack's 'toast rack' style design ensures efficient use of space and secure bike storage. Constructed for durability, it's suitable for a variety of settings, providing a reliable option for cyclists.

The Wiggins Bike Rack is not only practical but also blends well into various environments, from school campuses to business premises. Its design focuses on user-friendliness, allowing easy access and secure locking of

bicycles. The rack's capacity to hold multiple bikes makes it an ideal choice for locations with high bicycle traffic, promoting cycling as a sustainable mode of transportation. Its durability and ease of installation are additional benefits, making it a popular choice for those seeking efficient and reliable bike storage solutions.

2 - Bin collection area on collection day



Above: Bins would be wheeled out to Croft Street to the side of the building on bin collection day, once emptied they will be returned to storage area as shown on the plans.

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3 – Privacy Film

Haton One Way Clear Window Film Privacy for Glass Windows, Heat Reflective Mirror Tint Film Anti Glare and UV, Static Cling Sticker See Out Not In for Home

