

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR
CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION**

Reference No:	2021/44/94379/W
Site Address:	50, Market Street, Milnsbridge, HD3 4HT
Description:	Discharge of conditions 3 (Windows), 4 (Noise Report), 5 (Flood Resilience) and 6 (Flood Evacuation) on previous permission 2021/91662 change of use and alterations to derelict chip shop to form one dwelling and refurbishment of existing first floor flat (within a Conservation Area)
Recommending Officer:	Tom Hunt

DECISION – Details for conditions 3, 4, 5 and 6 acceptable

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 28-Apr-2022

This application relates to planning permission 2021/91662 for change of use and alterations to derelict chip shop to form one dwelling and refurbishment of existing first floor flat (within a Conservation Area) at 50, Market Street, Milnsbridge, Huddersfield, HD3 4HT. The application seeks to discharge the following four conditions as identified:

3. Notwithstanding the details on the application form, the use of UPVC windows is not approved for the front elevation of the building. All new windows in the front elevation shall be timber. Design details of windows and of the new front door at a scale of 1:50 or larger shall be submitted to and approved in writing by the Local Planning Authority before any replacement of the existing windows or doors commences and the development shall be implemented in accordance with the approved details. All new windows shall be given a painted finish externally before either flat is first occupied.

Reason: To ensure that the development conserves and enhances the character and significance of the Milnsbridge Conservation Area and to accord with the aims of Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

4. Before construction work commences a report specifying the measures to be taken to protect the development from noise from nearby commercial premises on Market street and George Street shall be submitted to and approved in writing by the Local Planning Authority. The report shall: -

- a) Determine the existing noise climate
- b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To ensure that future occupants do not suffer loss of amenity arising from undue levels of noise disturbance and to accord with the aims of Policy LP24(b) and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

5. Before work commences on the conversion of the ground floor of the property to form a flat, details shall be submitted to and approved in writing by the Local Planning Authority of measures to improve the flood resilience of the ground floor accommodation and flood resistance and/or resilience measures for any basement. The approved measures shall be implemented before the ground floor flat is first brought into use and thereafter retained.

Reason: To ensure that the development has sufficient protection from the effects of

flooding and to accord with the aims of the National Planning Policy Framework Chapter 14 and Policy LP27 of the Local Plan.

6. Notwithstanding the submitted details, the ground floor accommodation shall not be occupied until details of a flood evacuation plan has been submitted to and approved in writing by the Local Planning Authority. All future residents shall be provided with a copy of the flood evacuation plan and shall in addition be required to sign up for the Environment Agency's flood warning service.

Reason: To ensure the safety of future residents against flood risk and to accord with the aims of Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Assessment

Condition 3 – window details

The following details have been submitted for Condition 3:

- Proposed George Street Elevation. Project No. 2021 Enquiry 76
Revision: A. Received 25/04/2022.
- Existing and Proposed Ginnel Elevation. Project No. 2021 Enquiry 76.
- Proposed Door 1. Project No. 2021 Enquiry 76. Revision: A. Received: 25/04/2022
- Proposed Window 1. Project No. 2021 Enquiry 76.
- Proposed Window 2. Project No. 2021 Enquiry 76.
- Proposed Window 4. Project No. 2021 Enquiry 76.

Officer Note: There is no 'Proposed Window 3' plan.

To George Street Elevation, Window 1 & 2 at the ground floor and Window 3 at sub-basement level are identified. Window 1 is to be a new sash traditional window. Window 2 is to have softwood timber frames and to be painted anthracite grey colour RAL 7016. Window 3 is to be closed off but the existing frames are to be repaired and painted anthracite grey colour RAL 7016. The four windows to the first floor are to be repaired and painted in the same anthracite grey colour RAL 7016. A fanlight is to be above the entrance door which would be painted anthracite grey colour RAL 7016 and the entrance door would have four window panels with the top two panels glazed (following consultation with the Conservation & Design Officer) for a simpler design.

To the Ginnel Elevation the new window is to be a new sash traditional window with a natural stone infill below.

Condition 3 had been informally discussed with the Conservation and Design Officer. A minor amendment was requested to change the door to a simpler design befitting its architectural history. The retention of the historic windows through repair or replacement by timber sash windows with the anthracite grey paint colour would be acceptable and can be agreed.

The proposed replacement windows and repairs to existing windows and the amended 4-panel door are considered to be acceptable for the purposes of condition 3. The development shall be implemented in accordance with the

approved details to accord with the requirements of condition 3 before this condition can be considered 'discharged'.

Condition 4 – noise assessment

The following details have been submitted for condition 4:

- Environmental Noise Survey, Noise Break - In Assessment & Sound Insulation Scheme authored by Nova Acoustics dated 15 December 2021 Ref 6955MC.

This sets out the required information to be assessed by the Environmental Health Officer. The applicant had submitted an Environmental Noise Survey, Noise Break - In Assessment & Sound Insulation Scheme authored by Nova Acoustics dated 15 December 2021 Ref 6955MC.

An environmental sound survey was carried out from 0930hrs on 01 December 2021 to 1400hrs on 02 December 2021 at two measurement positions (MP1 – Front & MP2 - Rear) and the findings are shown in table 1. The findings show that noise levels are elevated and mitigation will be required to ensure the internal levels meet with those within BS8233.

Section 4 looks at the sound insulation that should be installed at the proposed development to protect the amenity of the future residents and states it should be installed prior to occupation and be retained thereafter. The report specifies works to the roof space and the glazing to the facades of both MP1 and MP2. As the windows need to remain closed to meet with the internal levels, alternative ventilation is required, and this is specified in table 6.

The findings of the report are accepted, following consultation with Environmental Services. The requirements of the condition are that the development shall not be occupied until all works specified in the approved report, Environmental Noise Survey, Noise Break - In Assessment & Sound Insulation Scheme authored by Nova Acoustics dated 15 December 2021 Ref 6955MC, have been carried out in full and such works shall be thereafter retained.

Condition 5: flood resilience measures

The following details have been submitted for Condition 5:

- Proposed Evacuation Plan. Project No. 2021 Enquiry 76.
- Discharge of Conditions Letter from Michael Chow dated 9th November 2021 setting out flood resistance design measures in detail
- Email from agent stating 'Wireless flood alarm a-protect 800 series kit' to be adopted with other measures optional received 26th April 2022.

This sets out the flood resilience measures to be adopted. Kirklees Council Lead Local Flood Authority were consulted and noted that the change of use to a more vulnerable land use within Flood Zone 2 which would have increased risk. A sequential test is not required.

Reviewing the evacuation plan for the ground floor, the proposed is satisfactory considering that the wireless floor alarm, Flood Evacuation plan, flood resistance design measures and the copy of the Evacuation plan in the Tenancy Agreement to aid Flood resilience.

The approved measures shall be implemented before the ground floor flat is first brought into use and thereafter retained to satisfy condition 5.

Condition 6: flood evacuation plan

The following details have been submitted for Condition 6:

- Ground Floor Apartment: Flood Warning & Evacuation Plan. November 2021.
- Discharge of Conditions Letter from Michael Chow dated 9th November 2021 setting out flood resistance design measures in detail
- Email from agent stating 'Wireless flood alarm a-protect 800 series kit' to be adopted with other measures optional received 26th April 2022.

This sets out the Proposed Evacuation Plan for occupants of the dwelling including maps, floor plan evacuation and encouragement to register for the Environment Agency's Flood Line warning.

Reviewing the submitted detail, email clarification on what measures are to be adopted received 26th April 2022 and given the letter dated 9th November 2021, all ground floor occupiers would have this in their tenancy agreement and be required to sign up for the Floodline scheme.

Condition 6 is satisfied, subject to all future residents being provided with a copy of the flood evacuation plan and in addition being required to sign up for the Environment Agency's flood warning service.

Decision notice text

You have submitted

Condition 3 (Windows and Door)

- Proposed George Street Elevation. Project No. 2021 Enquiry 76
Revision: A. Received 25/04/2022.
- Existing and Proposed Ginnel Elevation. Project No. 2021 Enquiry 76.
- Proposed Door 1. Project No. 2021 Enquiry 76. Revision: A. Received: 25/04/2022 (4-panel)
- Proposed Window 1. Project No. 2021 Enquiry 76.
- Proposed Window 2. Project No. 2021 Enquiry 76.
- Proposed Window 4. Project No. 2021 Enquiry 76.
- External joinery to be painted anthracite grey (RAL 7016)

The proposed replacement windows and repairs to existing windows and the amended 4-panel door are considered to be acceptable for the purposes of condition 3.

The development shall be implemented in accordance with the approved details to accord with the requirements of condition 3 before this condition can be considered 'discharged'.

Condition 4 (Noise)

The following details have been submitted:

- Environmental Noise Survey, Noise Break - In Assessment & Sound Insulation Scheme authored by Nova Acoustics dated 15 December 2021 Ref 6955MC.

The findings of the report are accepted. The requirements of condition 4 are that the development shall not be occupied until all works specified in the aforementioned report, have been carried out in full and such works shall be thereafter retained.

Condition 5 (Flood Resilience)

- Proposed Evacuation Plan. Project No. 2021 Enquiry 76.
- Discharge of Conditions Letter from Michael Chow dated 9th November 2021 setting out flood resistance design measures in detail
- Email from agent stating 'Wireless flood alarm a-protect 800 series kit' to be adopted with other measures optional received 26th April 2022

The approved measures shall be implemented in full before the ground floor flat is first brought into use and thereafter retained to satisfy condition 5.

Condition 6 (Flood Evacuation Plan)

- Ground Floor Apartment: Flood Warning & Evacuation Plan. November 2021.
- Discharge of Conditions Letter from Michael Chow dated 9th November 2021 setting out flood evacuation measures
- Email from agent stating 'Wireless flood alarm a-protect 800 series kit' to be adopted with other measures optional received 26th April 2022.

Condition 6 is satisfied, subject to the flood alarm being fitted, other measures being adopted, all future residents being provided with a copy of the flood evacuation plan, and in addition being required to sign up for the Environment Agency's flood warning service as part of their Tenancy Agreement.

