

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:	2022/62/92841/E
Site Address:	23, Northgate, Dewsbury, WF13 1DS
Description:	Erection of extension to extend shop units and formation of 12 apartments (within a Conservation Area)
Recommending Officer:	Sarah Longbottom

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.

Julia Steadman

AUTHORISED OFFICER

Date: 05/12/2023

Officer Report

Site Description

The application site is a three storey detached building located on Northgate within Dewsbury Town Centre. It has been vacant for some time, although work has commenced pursuant to a planning permission granted in 2016, with two commercial units at ground floor level.

The site is located within the Conservation Area and is adjacent to two Listed Buildings, including Pioneer House (Kirklees College) to the north. To the rear of the building are some single storey extensions which appear to be more modern additions. There is a small parking area beyond this.

The surrounding area is predominantly commercial/business uses with a number of residential units at first and second floors. There are a number of bars/pubs and other night-time entertainment uses within the immediate area. Dewsbury Market is to the east and the main shopping area located to the south & south east.

Description of Proposal

Permission is sought for the erection of an extension to extend the shop units, and the formation of 12 apartments (6 within the existing part of the building and 6 within the extension). As the apartments within the existing part of the building are not yet completed, they have been included within the description of development, however from the information provided by the applicant, it is considered that the previous permission granted in 2016 (for the change of use and extension to form amusement centre and book keepers at ground floor level and formation of 6 apartments) has been implemented. The current proposal includes the addition of 'unit 3'.

The alterations to the car park would consist of a new dropped kerb on Union Street, a footpath along the northern boundary of the site, the removal of the existing external stairs and some minor levelling works. The retaining walls would be positioned around the southern part of the site which effectively curves around the parking area and separates the site from the adjacent buildings and land (which are at a slightly lower level).

History of negotiations/amendments received

Through the course of the application, some further details were requested for the purposes of clarification relating to the use of 'Unit 3' and the status of the bat survey stated to have been undertaken in relation to the site. In addition to this, amended floor plans were received to accord with the National Technical Space Standards.

Relevant Planning History

2021/20721 – Pre-application enquiry for extension and addition of five apartments at 23, Northgate, Dewsbury -Advice given

2020/92020 - Demolition of no's 23-27 Northgate, Dewsbury and creation of public open space (within a Conservation Area) – pending consideration

2015/93965 - Partial demolition of rear extensions, change of use of ground floor to amusement arcade and bookmakers, alterations to convert first and second floors to six apartments, erection of extension, formation of new loading area, erection of retaining walls and alterations to car park access (within a Conservation Area) – approved

2009/90605 - Repair and renovation of existing unused funeral parlour premises and erection of 1010sm. of retail floorspace and amusement arcade and 24 no. apartments (within a Conservation Area) - refused

2007/93193 – Conservation Area consent for Demolition of existing premises - refused

2007/93192 – (Nos.25-27) – Demolition of existing premises and erection of retail units including amusement arcade and 27 apartments – refused

2006/91342 - Conservation Area Consent for Demolition of existing premises - refused

2003/95101 – Conservation Area Consent for Demolition of existing premises - refused

2003/95100 – (Nos.25-27) – Outline Application for Erection of Mixed-Use Development for Erection of Retail/Residential – refused

2002/91348 -Change of use to form amusement/bingo centre and installation of new shop front – approved

98/92254 – Change of use of existing building to Class A3 (pub/restaurant) at ground floor with managers flat over – approved

91/01801 – (Nos. 19-23) – Change of use from funeral parlour/business to wine bar and bistro restaurant - approved

Representations

The application was publicised by site notice, neighbour notification letter and press advert. No representations were received as a result of site publicity.

Consultation Responses

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

Yorkshire Water: Recommend conditions relating to discharge of foul and surface water.

KC Strategic Housing: Provided comments in relation to the affordable housing requirement (2 units) and vacant building credit.

KC Environmental Health: No objections subject to imposition of conditions relating to noise attenuation, hours of use and land contamination.

KC Lead Local Flood Authority: No objections

KC Ecology: Request submission of Preliminary Roost Assessment.

KC Highways DM: Request further information in relation to waste storage/collection and provision of a footway.

KC Highways Structures: Request imposition of a condition requiring submission of design and constructional information relating to new building retaining walls adjacent to Branch Road.

KC Conservation and Design: Made comments in relation to the design of the proposed shop fronts and suggested imposition of conditions.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is located within Dewsbury Town Centre and Conservation Area on the Kirklees Local Plan proposals map. The site is also indicated as a secondary shopping frontage.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP7** - Efficient and effective use of land and buildings
- **LP11** – Housing Mix and Affordable Housing
- **LP13** – Town Centre Uses
- **LP14** – Shopping Frontages
- **LP15** – Residential in Town Centres
- **LP18** – Dewsbury Town Centre
- **LP21** – Highways and Access
- **LP22** – Parking
- **LP 24** – Design
- **LP28** – Drainage
- **LP30** – Biodiversity and Geodiversity
- **LP35** – Historic Environment
- **LP51** – Local Air Quality
- **LP52** – Protection and Improvement of Environmental Quality
- **LP53** – 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 19th February 2019, 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 6 – Ensuring the Vitality of Town Centres
- Chapter 8 – Promoting Healthy and Safe Communities
- 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 Guidance

Housebuilder's Design Guide SPD
Highways Design Guide SPD
Biodiversity Net Gain Technical Advice Note
Affordable Housing and Housing Mix SPD
The Dewsbury Design Guide
The Dewsbury Blueprint

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

Town Centre

The site is located within the primary shopping area and Dewsbury Conservation Area, within Dewsbury Town Centre. Policy LP1 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 National Planning Policy Framework.

Policy LP1 goes on further to stating that: "The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area".

Local Plan Policy LP13 sets out a hierarchy of centres with Dewsbury being defined as a Principal Town Centre. It's role and function are to:

- Provide for the shopping needs (particularly for non-food goods) of residents across Kirklees.
- Be the main focus in Kirklees for the provision of financial and professional services, offices, entertainment, sport, leisure, arts, cultural and tourism facilities, further and higher education; and health services.

As the site is within Dewsbury Primary Shopping Area and forms part of the secondary shopping frontage, Policy LP14 Shopping Frontages is also relevant.

Primary shopping areas are where retail and other main town centre uses are focused. The policy states that 'uses within Primary Shopping Areas will be expected to maintain or provide active ground floor uses. Retail uses within the above areas will be supported.'

Secondary shopping frontages are characterised by a mix of retail and other 'main town centre uses'. The use of the ground floor of the building for the retail units would be compatible with this, and the principle of such a use is considered to be acceptable.

Housing Land Supply

The application site comprises a three storey building with later additions, which has been undergoing renovation for some time. The development would introduce residential development including a total of 12 apartments on the upper floors where residential development has not existed before. As such, it is appropriate to consider the Local Planning Authority's overall housing position.

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 2023 up-date of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, 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 weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer's assessment.

Extension

The proposals include the erection of an extension to the rear of the building, where later additions already exist. The principle of an extension in this location is considered acceptable, subject to an assessment of 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 in relation to all aspects of the proposals.

2 –Impact on visual amenity and heritage considerations:

General design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity. Local Plan Policy LP24 states that 'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.'

The Housebuilders Design Guide SPD also sets out design principles which need to be considered for new dwellings to ensure that they are of an appropriate design, scale and siting for their context.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Policy LP35 of the Kirklees Local Plan also states that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

Paragraph 199 of the NPPF (July 2021) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

23 Northgate is a prominent unlisted building located within the Dewsbury Town Centre Conservation Area and adjacent to the substantial Grade II listed Pioneer House. This early 19th century building makes a positive contribution to the character and appearance of the conservation area and its restoration is welcomed and would provide a significant public benefit. An application was approved in 2015 for a single-storey flat roofed rear extension and alterations. This proposal is for a substantial three storey rear extension, alterations to the existing building and new shop fronts on the Branch Road elevation.

Front (east) elevation

The front elevation remains as existing except for the reconfiguration of the shop doorways. The proposed detailing is unclear as there are inconsistencies between the plan and elevation drawings, and as such it is considered that the final details of the proposed shop fronts should be submitted for approval by condition.

North elevation

The design of the shop fronts on the Branch Road elevation differ slightly from those shown at the pre-application stage, which showed the transoms and fascia consistent along the elevation and full height shop front windows with short stall risers. Revised details can be submitted for approval by condition.

External masonry should reflect the coursing, stone type, finish and colour of the existing building, with simple ashlar heads and cills, and flush pointing. Details can be submitted for approval by condition.

Rear (west) elevation

As above, external masonry should reflect the coursing, stone type, finish and colour of the existing building, with simple ashlar heads and cills, and flush pointing. Details can be submitted for approval by condition.

In summary, the impact of the proposed development on the setting of Pioneer House, 52, 55 and 57 Branch Road and 3 & 5 Wellington Road East, which are Grade II listed, and the Dewsbury Town Centre Conservation Area, has been considered and there would be minimal harm from the proposed development. Following the pre-application enquiry, the applicant has amended the design of the proposed rear extension, in line with Officer advice. The stepping of rooflines by one storey between properties to accommodate the topography is common within Dewsbury Town Centre and therefore the scale and form of the development would be appropriate. Other matters as set above can be addressed by condition.

For the reasons set out above, and subject to the imposition of conditions, the proposals would accord with Policies LP24 and LP35 of the Kirklees Local Plan and guidance contained within Chapters 12 and 16 of the NPPF.

3 – Impact on residential amenity:

Permission was previously granted for a residential use of the upper floors of the building in 2015, however since that time, there has been a change in legislation with the adoption of the Kirklees Local Plan and introduction of the Technical Housing Standards - Nationally Defined Space Standards.

Notwithstanding this, the applicant states that the previous permission has been implemented and therefore the internal floor space and layout of the previously approved residential units has been established.

In respect of the additional residential units proposed as part of this application, the applicant's agent was made aware that some of these did not meet the Technical Space Standards, and subsequently amended plans were received which addressed this matter. These comprise 6 x 1 bed apartments with a gross internal floor area of between 39 and 57 m² (39 m² being the minimum requirement).

The impact of the proposal on the amenity of surrounding properties and future occupiers of the apartments needs to be considered in relation to Policy LP24 of the Local Plan. Policy LP24 seeks to “provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.” This is further supported by policies set out in Chapters 12 and 15 of the NPPF. Principle 6 of the Housebuilders Design Guide SPD echoes this but precisely 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’.

In relation to the proposed hours of use of the ground floor retail units, KC Environmental Health recommends the imposition of a condition to protect the amenity of future occupants of the residential units. However, no such condition was imposed on the previous permission. Furthermore, the site is located within the Town Centre and therefore surrounded by a number of commercial uses which open at varying times of day. On this basis, and

subject to the imposition of other conditions which are recommended to mitigate noise from the proposed retail units, Officers consider that it would be unreasonable to impose such a condition in this instance.

In this instance, the building is located in close proximity to neighbouring buildings and due to the layout proposed, habitable room windows would face the elevations of these at close quarters. Notwithstanding this, this relationship has been previously accepted and established by the granting of the previous permission. It is also noted that the nature of buildings within the Town Centre is characterised by close relationships.

In conclusion, the proposals would accord with Policy LP24 of the KLP and the key design principles of the Housebuilders Design Guide.

4 – Impact on highway safety:

The application site is located between Northgate to the east, Branch Road to the west and a side road between the site and Pioneer House to the north. The side road is currently an un-adopted public street.

This proposal will result in 3 retail units to the ground floor, with access onto Northgate and Branch Road. 12 apartments in total are proposed over the first, second, and third floors. An area is shown on the layout plans for bin and cycle storage to the rear of the property with access via an existing car park with access from Branch Road.

Existing stairs are shown to be removed and the existing car park is shown to be extended with the provision of a new retaining wall and railings.

The proposals are considered to be acceptable from a highways perspective, subject to the imposition of conditions relating to the surfacing and layout of the car park, provision of footway and structural details of retaining walls.

These would ensure that the development would accord with Policies LP21, LP22 and LP24 of the KLP.

5 – Other matters:

Noise

The proposed development is above an existing row of retail shops and includes the provision of additional retail floorspace which has the potential to generate noise from a number of sources, including direct transfer through the party floor, customer noise, delivery noise and possible noise from fixed plant and equipment. The proposed development is located on a busy road (within the Dewsbury ring road) with numerous existing commercial premises including a public house (although currently vacant). Noise from all of these sources could lead to loss of amenity to future occupiers of the proposed dwelling. Conditions are therefore necessary to protect the amenity of future residential occupants, in respect of submission of a Noise Assessment, details of sound insulation and a restriction in the level of noise from fixed plant and equipment. This would ensure that the proposals accord with

Policies LP24 and LP52 of the KLP and guidance contained within Chapters 12 and 15 of the NPPF.

Contaminated Land

The site is not on land identified as potentially contaminated. The proposed development involves ground works therefore it will be necessary to recommend a condition relating to unexpected ground contamination, in accordance with Policy LP53 of the Kirklees Local Plan.

Affordable Housing/Vacant Building Credit

Policy LP11 of the Kirklees Local Plan states that *“the Council will negotiate with developers for the inclusion of an element of affordable homes in planning applications for housing developments of more than 10 homes, including proposals involving self-contained residential units. The proportion of affordable homes should be 20% of the total units on market housing sites”*. On site provision is preferred, however where the Council considers appropriate, a financial contribution in lieu of on-site provision will be acceptable.

On the basis of the above, 2 units (20% of the proposed units) are sought from this development for affordable housing.

In terms of affordable tenure split, across the district, Kirklees works on a split of 55% social or affordable rented intermediate tenure housing.

The type of housing required in the different Kirklees sub-areas is based on evidence from the Kirklees SHMA and further analysis of affordable housing need in relation to dwelling type by sub-area as set out in the Kirklees Council Dwelling Mix Analysis 2020-2031. In respect of Dewsbury and Mirfield, this is as follows:

	Dewsbury and Mirfield
1 and 2 bed	20-59%
3 bed	0-19%
4+ bed	20-39%

Principle 9 of the Affordable Housing and Housing Mix SPD (2023) relates to residential development in town centres. For residential proposals in town centres, the Council expects proposals to meet identified local housing needs and support mixed and balanced communities. In considering the suitability of different tenures and mix of housing, the Council will consider viability evidence as part of the planning application process. The Council broadly supports residential development in town centres to increase activity levels, including through the re-use of vacant upper floor units and high-density schemes. Such proposals will need to be in accordance with Local Plan Policy LP15 (Residential Use in Town Centres).

Principle 11 of the SPD relates specifically to Dewsbury Town Centre and advises a mix of

Housing types and tenures in accordance with the most up to date SHMA. Evidence within the Dewsbury Local Housing Market Assessment Dewsbury town centre has a much higher percentage of 1-bedroom flats (23.8%) and rented accommodation (29.8%), especially social rented housing than the rest of Kirklees (3.1% and 17.3% respectively).

The amount of affordable housing may be affected by if Vacant Building Credit is applicable regarding the existing building on site:

Government guidance and policy set out in planning practice guidance and the National Planning Policy Framework, notes the following on vacant building credit (VBC):

'National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floor-space of relevant vacant buildings when calculating any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floor-space'. –Planning practice guidance (Planning obligations).

'To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount- equivalent to the existing gross floor-space of the existing buildings. This does not apply to vacant buildings which have been abandoned'. -National Planning Policy Framework.

In this case, Vacant Building Credit applies, and would result in a reduction in the total amount of affordable housing allocation. In any case, and notwithstanding the description of development of the current application, the applicant has confirmed that the 2015 permission has been implemented and therefore the current proposal essentially seeks approval for the additional 6 units, which would fall under the threshold for an affordable housing requirement.

Flood Risk and Drainage

The site is located within Flood Zone 1 and therefore at minimal risk from flooding.

Whilst it is noted that Yorkshire Water refer to the surface water disposal hierarchy and conditions in respect of this (in order to protect their assets), the LLFA comments that given the nature of the development, the increase in drained area is minimal therefore there is no significant increase in the risk of flooding, therefore there is no requirement to attenuate surface water run-off from the site. Any new surface water drainage provision should be connected to the existing drainage outlets to the Yorkshire Water sewers adjacent to the site.

In respect of foul drainage, it appears that the proposed development will be able to make a connection to the main foul sewer system.

Yorkshire Water state that a 125mm live water main runs close to the outside of the red line boundary of the application site. Whilst this cannot be seen on the Council's GIS mapping system, it is considered necessary to impose a condition in respect of this.

On the basis of the above, and subject to the imposition of conditions, the proposals would accord with Policies LP24 and LP28 of the KLP.

Ecology

Due to the nature of the site, there is little current ecological value, however the site is located within the 'bat alert' layer on the Council's GIS mapping system and it is also within an area where there is a record of nesting swifts. At the time of the pre-application enquiry, the applicant was advised to submit relevant ecological information, however none was submitted with the current application. They have since stated that a bat survey has previously been undertaken and in the meantime, the building has been re-roofed. Notwithstanding the above, the development would be required to provide a biodiversity net gain in accordance with LP30 (ii). Given the small scale of the site and urban context of the surrounding area, the provision of biodiversity enhancement in the form of bat and bird boxes could be considered appropriate and proportionate in this instance to meet the requirements of Policy LP30.

Climate Emergency

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. As vehicle parking is to be provided within the development, there would be a requirement for electric vehicle charging points to be incorporated, and this could be addressed by condition.

Crime Prevention

At the pre-application stage, the Council's Crime Prevention Officer made recommendations with respect to security measures to be incorporated into the development and details of boundary treatments and lighting etc. This information was passed on to the applicant at that time.

6 – Representations:

None received.

8 – 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. The proposed development would bring a prominent vacant building back into use within Dewsbury Town Centre and accord with relevant local and national policies.

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: 2022/92841

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan.

3. Prior to commencement of development on the superstructure of the extension hereby approved, all external material samples shall be submitted to and approved in writing by the Local Planning Authority, including roof slates, coursed natural sandstone for the north and west elevations, and brick sample for the south elevation. A sample panel of stonework and 1m² sample panel of brickwork shall be prepared on site for inspection to show the proposed masonry, coursing and pointing. Stonework pointing shall be in a mortar colour to match the stone and shall be flush pointed. Strap pointing will not be permitted. The development shall be carried out in accordance with the approved details and therefore retained.

Reason: In the interests of visual amenity and to preserve and enhance the setting of the adjacent listed building, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and guidance contained within Chapters 12 and 16 of the National Planning Policy Framework.

4. Prior to commencement of development on the superstructure of the extension hereby approved, window details shall be submitted to and approved in writing by the Local Planning Authority comprising 1:20 elevations and 1:5 sections, including depth of reveals, frame dimensions, profiles and colour, opening configuration, dimensions of stone heads and cills. Jambs shall be finished in fair faced stone and no cut marks (angle grinder, etc) shall be visible on the exposed faces. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of visual amenity and to preserve and enhance the setting of the adjacent listed building, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and guidance contained within Chapters 12 and 16 of the National Planning Policy Framework.

5. Prior to commencement of development on the superstructure of the extension hereby approved, shop front details shall be submitted to and approved in writing by the Local Planning Authority comprising 1:20 elevations and 1:5 sections. Submitted details shall include stall riser, pilaster, fascia,

console bracket and door details. Window proportions and detailing to be consistent along the elevation. If shutters are required, these shall be internal shutters with internal shutter boxes. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of visual amenity and to preserve and enhance the setting of the adjacent listed building, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and guidance contained within Chapters 12 and 16 of the National Planning Policy Framework.

6. Prior to commencement of development on the superstructure of the extension hereby approved, details of all boundary treatments shall be submitted for approval, including materials, finish and depth of copings. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of visual amenity and to preserve and enhance the setting of the adjacent listed building, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and guidance contained within Chapters 12 and 16 of the National Planning Policy Framework.

7. Prior to commencement of development on the superstructure of the extension hereby approved, details of the proposed (including materials) of the external bin store shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation of the approved extension, and thereafter retained.

Reason: In the interests of visual amenity, to preserve and enhance the setting of the adjacent listed building, and in the interests of highway safety in accordance with Policies LP21, LP24 and LP35 of the Kirklees Local Plan and guidance contained within Chapters 12 and 16 of the National Planning Policy Framework.

8. Before completion of enabling works a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic and noise from surrounding nearby commercial premises 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 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 protect the amenity of occupants of the residential units, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and guidance contained within Chapters 12 and 15 of the National Planning Policy Framework.

9. Before the development is brought into use the developer shall provide written evidence to the Local Planning Authority to demonstrate that the

airborne sound insulation performance of the party floor of the development is of a minimum of 55 dB Dntw + Ctr. 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 for the written approval of the Local Planning Authority. All works comprised within those further measures shall be completed and 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: To protect the amenity of occupants of the residential units, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and guidance contained within Chapters 12 and 15 of the National Planning Policy Framework.

10. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

11. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks 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. Groundworks 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 Validation 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 Validation 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 paragraph nos. 178 and 179 of the National Planning Policy Framework.

12. No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public water main i.e. a protected strip width of 6 (six) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all times, in accordance with Policy LP28 of the Kirklees Local Plan.

13. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage, in accordance with Policy LP28 of the Kirklees Local Plan.

14. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical; b) evidence of existing positive drainage to public sewer and the current points of connection; and c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage, in accordance with Policy LP28 of the Kirklees Local Plan.

15. Prior to commencement of development on the superstructure of the extension hereby approved, details of biodiversity enhancement measures in the form of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to occupation of the development and thereafter retained.

Reason: In the interests of biodiversity mitigation and enhancement, in accordance with Policy LP30 of the Kirklees Local Plan and guidance contained within Chapter 15 of the National Planning Policy Framework.

16. Before the development commences a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new building retaining walls adjacent to the existing highway on Branch Road shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

Reason: To ensure public safety when using the adjacent Branch Road and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework. This is a pre-

commencement condition to ensure that an adequate technical specification for the retaining walls can be incorporated within the development at the appropriate time.

17. Prior to the development being brought into use the proposed car park hereby approved shall be laid out, surfaced, marked out into bays and drained in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with Policies LP21 and LP22 of the Kirklees Local Plan.

18. Notwithstanding the details shown on the approved plan, the development shall not commence until a scheme detailing the provision of a 1.8m wide footway to Branch Road along the northern boundary of the application site including construction specification, surfacing, drainage, edging and kerbing and associated highway works has been submitted and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented and thereafter retained.

Reason: In the interests of highway and pedestrian safety and to achieve a satisfactory layout. This information is required 'pre-commencement' so as to ensure that the details are assessed at an appropriate stage, in accordance with Policy LP21 of the Kirklees Local Plan.

19. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet the requirements of the current West Yorkshire Low Emission Strategy (WYLES) document. The approved dedicated facilities for charging electric vehicles shall be installed prior to occupation and retained for use thereafter.

Reason: This pre-commencement condition is in the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

NOTE All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. 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

NOTE Noisy construction related activities shall not take place outside the hours of: 07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

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 electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation. 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 in relation to Approved Document S.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Location Plan and Site Layout Plan	KL/21/1467/01	B	05.10.22
Existing Block Plan	KL/21/1467/02		05.10.22
Existing Floor Plans and Elevations	KL/21/1467/09		05.10.22
Ground and First Floor Plans Phase I as approved	KL/15/1102/02	A	05.10.22
Second Floor Plan Phase I as approved	KL/15/1102/03	A	05.10.22
Existing Elevations Phase I as approved	KL/15/1102/04	B	05.10.22
Proposed Elevations	KL/21/1467/08	C	05.10.22
Proposed Ground Floor Plan	KL/21/1467/04	B	05.10.22
Proposed Ground/Lower Ground Floor Plan	KL/21/1467/03	A	05.10.22
Proposed First Floor Plan	KL/21/1467/05	C	15.08.23
Proposed Second Floor Plan	KL/21/1467/06	C	15.08.23
Proposed Third Floor Plan	KL/21/1467/07	C	15.08.23

Plan Type	Reference	Version	Date Received
Design and Access Statement			05.10.22
Heritage Statement			05.10.22

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 2015 and otherwise actively engaged with the applicant in dealing with the application. Through the course of the application, further details were requested for the purposes of clarification relating to the use of 'Unit 3' and the status of the bat survey stated to have been undertaken in relation to the site. In addition to this, amended floor plans were received to accord with the National Technical Space Standards.

Report Dated: 04.12.23