

**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:	2022/62/93938/W
Site Address:	First and Second Floors, Shopping Precinct, New Street and Albion Street, Huddersfield, HD1 2TR
Description:	Change of use from A1 (business retail and storage) to C3 (residential) 18 flats at first and second floors and external alterations
Recommending Officer:	Liz Chippendale

DECISION – Full Planning Permission – Approve

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.

Nick Hirst

AUTHORISED OFFICER

Date: 17/07/2025

Decision Authorisation: Committee Decision

Committee: Strategic Planning Committee

Date of Committee: 26/06/2025

Application Number: 2022/93938

Officer Recommendation

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development to complete the list of conditions, including those contained within this report.

Committee Decision: Support officer recommendation.

Post Committee Update

In line with the committee decision, a Section 106 legal agreement was not required.

The conditions were drafted and shared with the applicant via email, who confirm that they (including those requiring pre-commencement information) were acceptable (email dated 03/07/2025).

An Extension of Time agreement has been agreed in writing until 18/07/2025.

Conditions and Reasons

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

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

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

3. Prior to any alteration to the building's windows, as shown on plan ref. 22-60 06, details of the material and colour of the proposed new and replacement windows of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Window shall be metal framed. Thereafter the development shall be undertaken in accordance with the approved details, which shall thereafter be so retained thereafter.

Reason: In the interest of visual amenity and to accord with the aims Policy LP24 and LP35 of the Kirklees Local Plan as well as aims of Chapter 12 of the National Planning Policy Framework and key principles of the Housebuilders Design Guide Supplementary Planning Document.

4. The development shall not be occupied until all works specified in Noise Impact Assessment authored by Nova Acoustics dated 07 December 2022 Ref 8707HC v001 have been carried out in full and such works shall be thereafter retained.

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 NPPF.

5. 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 floors/walls/ceiling of the development is of a minimum of 53dB 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 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.

6. Prior to development commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the numbers and size of vehicles expected to undertake the development, the routing of construction traffic to and from the site, construction workers and delivery parking facilities and the location of materials storage and site facilities. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: In the interests of highway safety, in accordance with the aims and objectives of Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure appropriate arrangements are considered and put in place before the effect of construction activities commence.

7. Prior to the occupation of the development hereby approved, details for cycle storage to serve the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include the location(s),

means of storage, and measures to make it secure. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: In the interests of amenity and highway safety and to meet the requirements set out in Local Plan Policy LP24 part d(vi).

8. Prior to occupation of the development hereby approved, a scheme including details of the deliveries and parking for deliveries including how these will be managed to avoid obstruction of the adopted highway or the spaces on the existing rooftop car park shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, all delivery arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: In the interests of amenity and highway safety and to meet the requirements set out in Local Plan Policy LP24.

9. Prior to occupation of the hereby approved development, details of the management and maintenance arrangements for the communal refuse storage area(s), by a designated private management company, shall be submitted to and approved by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter

Reason: In the interests of amenity and highway safety and to meet the requirements set out in Local Plan Policy LP24 part d(vi).

10. Prior to occupation of the hereby approved development, details of the proposed crime mitigation measures shall be submitted and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the occupation of the residential units and thereafter retained as such.

Reason: In the interests of crime prevention and safety and to accord with guidance within LP24 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

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

- 07.30 to 18.30 hours Monday 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.

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.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Design and Access Statement by Swish architecture and planning	-	-	19.12.2022
Existing ground, first and second floor plans	22-60-01	-	18.12.2022
Existing elevations and site block plan and OS plan	22-60-02	-	18.12.2022
Proposed ground and first floor plans	22-60-03	E	02.01.2024
Proposed second floor plans	22-60-05	B	16.06.2023
Proposed first floor plans	22-60-04	B	19.10.2023
Proposed elevations, site block and OS plans	22-60-06	-	07.12.2022
Application for vacant building credit	-	-	14.05.2024
Biodiversity metric 4.0	-	-	25.08.2023
Air Quality Assessment by Gem Air Quality Ltd dated August 2023	AQ2334	-	25.08.2023
Noise Impact Assessment by NOVA Acoustics dated December 2022	BS8233:2014		25.08.2023
Biodiversity Metric 4.0 by Paul Hicking Associates dated August 2023	2358 - PHA	-	25.08.2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

During the course of the application, the applicant was requested to submit amended proposed floor plans and submitted a viability assessment which was independently assessed on behalf of the Local Planning Authority.

Report Dated: 17/07/2025