Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL

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Steve Bell,
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Empire House
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Date: 30-Mar-2023
Our Ref: 2023/90373

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (as amended), SCHEDULE 2, PART 3, PART MA
NOTIFICATION OF PROPOSED CHANGE OF USE CLASS MA – COMMERCIAL, BUSINESS AND SERVICE USES TO DWELLINGHOUSES
APPLICATION NUMBER: 2023/90373
AT: 50, Market Street, Milnsbridge, Huddersfield, HD3 4HT

I refer to your submission of details relative to the proposed change of use as described below which was received by the Local Planning Authority on 03-Feb-2023.

Prior approval of proposed change of use of a building from commercial, business and service uses to dwellinghouses.

The proposal as submitted is acceptable and, subject to all works being carried out in accordance with the description contained in the notification, prior approval is hereby granted.

The development shall begin within a period of three years beginning with the date of this letter.

1.The development hereby permitted shall be completed within three years of the date of this permission.
Reason: Pursuant to the requirements of Class MA (MA.2.) (5)) of the General Permitted Development Order 2015, as amended.

2. The dwellings hereby approved shall remain in use as dwellings within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwelling.
Reason: Pursuant to the requirements of Class MA (MA.2. (6)) of the General Permitted Development Order 2015, as amended.

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3. 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 internal layout of the development on completion, and to accord with the requirements of Paragraph W of Part 2 of the General Permitted Development Order 2015, as amended.

4. Before the hereby approved dwellings are first brought into use, details of storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing 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).

5. The development and occupation of the dwellings hereby approved shall be carried out in complete accordance with the Flood Warning and Evacuation Plan dated November 2021. All first and subsequent occupants of the dwellings shall be provided with a copy of the Flood Warning and Evacuation Plan prior to their occupation.
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. Before the hereby approved dwellings are first brought into use 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).
d) Demonstrate that the airborne sound insulation performance of the floor/wall of the development is a minimum of 55fB Dntw + Ctr

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.

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Note: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Note: The granting of planning permission does not 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: Prior approval under the provision of Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015(as amended) does not extend to any building operations necessary to convert the building to residential units. Any building operations that materially affect the external appearance of the building will require planning permission.

Plans and Specifications Schedule

Plan Type	Reference	Version	Date Received
Application form	-	-	3.2.23
Existing Site/Block Layout	22 532-P01	-	3.2.23
Proposed Elevations	22 532-P300	-	3.2.23
Proposed Floor Plans	22 532 -P100B	B	27.3.23
Location Plan	-	-	3.2.23
Flood Warning and Evacuation Plan	-	-	3.2.23

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 has, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

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Customer Feedback

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Yours faithfully

Mathias Franklin
Head of Planning and Development