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:	**2023/62/91211/W**
Site Address:	Shop, 50, Market Street, Milnsbridge, Huddersfield, HD3 4HT
Description:	Change of use and alterations to convert former bank/commercial unit into 3 dwellings (within a Conservation Area)
Recommending Officer:	Lucy Taylor

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.

John Holmes

AUTHORISED OFFICER

Date: 14th August 2023

Officer Report

Site Description

50 Market Street is sited in the corner plot of a row of terrace buildings. The building is faced in stone with a tiled gable roof. The building is located within the Milnsbridge District Centre.

At present, 50 Market Street is vacant but is Allocated in the Kirklees Local Plan with a primary classification as commerical, a secondary classification as retail and a tertiary classification as shop/showroom.

The building which adjoins 50 Market Street to the north functions commercially, as a fast-food take-away (No. 52 Market Street). The building adjoining to the east functions as a residential unit (No. 90 George Street).

With regards to heritage significance, the site is located within the Milnsbridge Conservation Area.

Description of Proposal

Planning permission is sought for the change of use and alterations to covert former bank/commercial unit into 3 dwellings.

Apartment 1 – would be on the ground floor, with an internal floorspace of approximately 45sqm. The apartment would comprise of one bedroom, one bathroom and a kitchen/dining/living area.

Apartment 2 – would be located to the ground floor, with an internal floorspace of approximately 54sqm. The apartment would comprise of a bedroom, bathroom, office/flexible living space and a kitchen/dining/living area.

Apartment 3 – would be located to the first floor, with an internal floorspace of approximately 94sqm. The apartment would comprise of two bedrooms, a bathroom, an office/flexible living space and a kitchen/dining/living area.

The existing flat roofed section to the rear of the building will be raised to form a dormer window to serve the first-floor apartment living area.

Velux windows would be installed within the west and south roof slopes.

History of Negotiations/Amendments Received

Following the first consultation response from KC Environmental Health, the applicant provided a noise impact assessment.

KC Environmental Health were formally re-consulted on this, concluding that the findings of the report are accepted.

The case officer sought amendments to ensure that each flat was served by at least one habitable room window.

In response to the case officers request, the applicant provided amended plans, showing a revised layout of the flats internally and a rear dormer to the first floor to serve apartment 3.

Relevant Planning History

- 2018/94209 – Change of use of bank to form 2 retail units and formation of new entrance. Granted conditional full permission.

- 2021/91662 – Change of use and alterations to derelict chip shop to form one dwelling and refurbishment of existing first floor flat. Granted conditional full permission.

- 2022/93899 – Prior Notification for change of use from ground floor commercial space into two apartments. Refused.

- 2023/90373 – Prior Notification for change of use from ground floor commerical space into two apartments. *Granted.*

Representations

Application publicised via neighbour letters, a site notice and within the newspaper.

Final publicity date expired: 17th June 2023.

One supporting comment was received, raising the following:

'This building has been empty for some time, and is in the heart of the village. Its very unlikely that it would ever been used as retail space again, so the conversion to two flats makes good use of a redundant building. We have a well documented shortage of living accommodation, and two additional flats will help address that shortage, plus it tidies a building up that sits in the middle of Milnsbridge, that would otherwise continue to decay and impact the village centre'.

Consultation Responses

KC Environmental Health – Accepted the findings of the submitted noise impact assessment report, recommending a condition upon any grant of approval to ensure the works proposed are implemented to protect the amenity of the occupiers of the proposed development.

KC Highways Development Management – no comments received.

The formal consultation response from KC Highways Development for Prior Notification application 2022/93899 has been taken into consideration, the

proposal sought permission for the change of use from ground floor commerical space into two apartments.

Policy/Legislation

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 application site is located within the Milnsbridge Conservation Area and within the Milnsbridge District Centre. In addition, the site is located within an area with a known presence of bats and within Flood Zone 2.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP7 – Efficient and Effective use of Land and Buildings
- LP11 – Housing Mix and Affordable Housing
- LP15 – Residential uses in Town Centres
- LP20 – Sustainable Transport
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP27 – Flood Risk
- LP30 – Biodiversity & Geodiversity
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Air Quality
- LP52 – Protection and Improvement of Environmental Quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 24th July 2018, 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 5 – Delivering a Sufficient Supply of Homes
- Chapter 9 – Promoting Sustainable Development
- Chapter 11 – Making Efficient Use of Land
- Chapter 12 – Good Design
- 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 Documents:

- Kirklees Housebuilders Design Guide SPD
- National Design Guide
- Nationally Described Space Standards
- Highways Design Guide SPD 2019

Assessment

The following matters are considered in the assessment below: -

1) Principle of development
1) Impacts to Visual Amenity and Historic Environment
2) Impacts to Residential Amenity
3) Impact on Highway Safety
4) Other Matters
5) Conclusion

1) Principle of Development

The proposal would lead to the formation of three residential flats; therefore, it is considered appropriate to consider the Council's housing land supply 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 latest published five-year housing land supply position for Kirklees, as set out in the Authority Monitoring Report is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outlines permission or Allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.

The Housing Delivery Test results are directly linked to part of the five-year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the Council will seek to publish a revised five-year supply position.

Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 69 of the NPPF recognises that: *"Small and medium sized sites can make an important contribution to meeting the housing requirement of an*

area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should… support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes".

Furthermore, Policy LP1 of the KLP 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 NPPF. Policy LP24 of the KLP is relevant and states that "good design should be at the core of all proposals in the district".

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. LP1 goes on further to state 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'.

The following principles within the adopted Housebuilders' Design Guide SPD will be applied in so far as they are relevant, however, it should be noted that the SPD as a whole relates mainly to new build dwellings rather than changes of use or conversions.

> *Principle 2* – New residential development proposals will be expected to respect and enhance the local character of the area by: Taking cues from the character of the built and natural environment within the locality; Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details; Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.
>
> *Principle 6* – Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.
>
> *Principle 14* - The design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials. Innovation for energy efficiency is encouraged, particularly for maximising solar gain to allow for passive solar construction.
>
> *Principle 17* – Outdoor amenity space that is functional and proportionate to the size of the dwelling.

Policy LP15 of the Kirklees Local Plan is relevant in this case. This sets out that residential uses (including student accommodation) within the defined town centres as set out on the Policies Map will be supported subject to:

a. the protection of primary shopping areas, primary and secondary shopping frontages, and space for other main town centre uses within the defined centre. Residential proposals in these areas shall normally only be permitted on upper floors, and shall not prejudice existing established uses;
b. the protection of the character of the centre, and the local street scene. proposals should retain and enhance the design and heritage features of buildings;
c. the protection and retention of existing ground floor uses and active frontages both within and outside the primary shopping area,
d. the protection of the amenity of existing residents and future occupiers of the proposed residential use in accordance with amenity and design policies within the plan, and will in particular consider matters such as privacy, noise and air quality;
e. the provision of space for the storage of sustainable modes of transport such as bicycles, where appropriate charging points of electric vehicles, and access to public transport;
f. the provision of space for vehicular parking which is appropriate to the scale of the proposal, particularly where it would otherwise cause highway and pedestrian safety concerns;
g. provision of affordable housing in accordance with policies set out in the Local Plan; and
h. the provision of refuse storage and collection

Parts b, d, e, f and h are addressed elsewhere within the following report. Insofar as these elements of the proposal are considered acceptable the proposal is considered to meet these requirements of LP15.

In terms of parts a, c & g these are addressed as follows. The proposal would not meet the trigger for the requirement to provide affordable housing. As such part g is not considered to be relevant.

The proposal is not a primary shopping area, primary or secondary shopping frontage. As such the proposal is not considered to have a detrimental impact in this regard. In terms of part c, the proposal would largely maintain an active frontage and is therefore concluded acceptable in regard to this part.

It should be noted that the proposal seeks to intensify the residential use of the building which already benefits from an extant consent to be used for residential purposes.

Taking account of the above it is concluded that the principle of the development can be concluded as acceptable subject to an assessment of the proposal in relation to visual impact, impact upon the historic environment and all other relevant considerations.

1) **Impact on Visual Amenity and Historic Environment**

Chapter 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *"New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context."*

Principle 14 of the Housebuilders design guide states that the design states that the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials. Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

The works proposed that relate to internal alterations to provide residential accommodation would not impact visual amenity.

One of the external alterations proposed is the insertion of conservation rooflights within the west and south roof slopes of 50 Market Street, with three proposed within the west roof slope and two within the south roof slope. The application form sets out that these roof lights would be grey coated timber conservation rooflights. The use of grey coated timber is concluded to appropriately harmonise with the appearance of the host roof.

Upon assessment of the area, it is noted that velux windows have been established to several other properties within the immediate vicinity of Milnsbridge District Centre, including to the front roof plane of No.57. In addition, stone detailing above the eaves of the building, which will be maintained, will aid in masking the visibility of the new velux windows.

In addition, the existing flat roofed section to the rear of the building will be raised to form a dormer window to serve the first-floor apartment living area. The dormer would have one window installed to the rear elevation. The appearance of the dormer extension would be in keeping with the existing architectural form of the building, raising the existing flat roofed section. The

materials would be conditioned upon any grant of approval, to ensure these are acceptable in accordance with the appearance of the host building.

It is considered that the proposals would not adversely affect the historic character of the building, and by ensuring that it is kept in use, would in principle help to ensure its long-term conservation. Thus, it is concluded that the scheme would accord with policies LP1, LP2, LP24 and LP35 of the Local Plan, Principles 2, 13 and 14 of the Housebuilders Design Guide SPD and Chapters 12 and 16 of the NPPF. This also takes into account the Local Planning Authority's duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

2) Impact to Residential Amenity

Section B and C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should: *'maintain appropriate distances between buildings' and '…minimise impact on residential amenity of future and neighbouring occupiers'.*

Further to this, paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

Principle 6 of the Kirklees Housebuilders Design Guide SPD 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."*

Amenity of Future Occupiers:

Principle 16 of the Housebuilders Design Guide seeks to ensure that all new build dwelling should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. The Council's adopted Housebuilders Design Guide SPD requires, within principle 16, that nationally described space standards are met to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupants.

Apartment 1 would have one bedroom with a single bed, demonstrating that there would be one occupier. The total floorspace of Apartment 1 equates to 45sqm. The minimum nationally described space standards for a one-storey one-bedroom apartment with one occupier is 45sqm. Therefore, Apartment 1 is compliant in this regard.

Apartment 1 is considered to be served by an appropriate number of windows, with windows serving the habitable rooms of the kitchen/living/dining area and the bedroom.

Apartment 2 would have one bedroom, showing a double bed, demonstrating that there would be two occupiers. The total floorspace of Apartment 2 equates to 54sqm. The minimum nationally described space standards for a single storey, one bedroom apartment with two occupiers is 50sqm. Therefore, Apartment 2 is compliant in this regard.

Apartment 2 is considered to be served by an appropriate number of windows, with windows serving the habitable rooms of the kitchen/living/dining area, the office/flexible living space and the bedroom.

Apartment 3 would have two bedrooms, with one bedroom showing a double bed and one bedroom showing a single bed, demonstrating that there would be three occupiers. The total floorspace of Apartment 3 equates to 94sqm. The minimum nationally described space standards for a single storey, two-bedroom apartment with three occupiers is 61sqm. Therefore, Apartment 3 is compliant in this regard.

Given the position of Apartment 3, to the first floor, and the roof design above the building, officers note that consideration should be given to Apartment 3 with regard to technical requirement 10(i) of the nationally described space standards: *'the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area'*. Apartment 3 is considered to be compliant in this regard.

Apartment 3 would have a dormer installed to the rear to serve the habitable room of the kitchen/dining/living area. Velux windows would be installed above the bedrooms and office/flexible living space.

Whilst no outdoor amenity space would be directly available to the occupiers of the apartments, flats in District Centre locations do not tend to provide this and given the sustainable location of the site, with public transport links (bus stops), the residents would have access to outdoor spaces if desired.

Amenity of Future Occupiers of 88 and 90 George Street:

These buildings have been granted planning permission for residential development under previous application 2021/91662, which appears to have begun implementation on site. The proposal to convert No. 50 Market Street into apartments is not considered to result in detriment to residential privacy for the future occupiers of No.'s 88 and 90 George Street.

The approved floor plans for the residential development of No.'s 88 and 90 George Street under permission 2021/91662 show the only first floor rear windows to serve a storage area and a bathroom. Therefore, the rear glazing on No. 50 Market Street is not considered to pose detriment of overlooking into these non-habitable rooms.

Whilst it is noted that a ground floor bedroom would be located within No.88, with a window facing towards the enclosed courtyard, the rear glazing to 50 Market Street is not considered to result in undue overlooking.

Firstly, this rear window to the ground floor bedroom of No. 88 George Street is considered to be secondary, with a larger window serving the bedroom to the side elevation.

Secondly, it is important to note that the ground floor window to serve the bedroom of Apartment 1 is existing and the dormer to serve Apartment 3 would replicate existing glazing to the flat roofed section at the rear. In turn, it can be concluded that the relationship between No. 50 Market Street and 88 George Street has previously been established.

In addition, the rear dormer would be at an obscure angle to the rear bedroom window of No. 88 Market Street and would be set to a different height/level, given the ground floor bedroom and the dormer to serve a first floor flat.

The proposed velux windows would not result in any undue impacts of overlooking.

The dormer is the only additional built form proposed to 50 Market Street and given its location, size and scale, it would not result in any detrimental impacts of overbearing or overshadowing for the future occupiers of No.'s 88 and/or 90 George Street.

No.'s 52 Market Street:

The only additional built form proposed to No. 50 Market Street as a result of the proposed developments is the rear dormer.

The proposed rear dormer would be contained broadly within the envelope of the existing building and would not breach any line of 45-degrees from neighbouring windows. In addition, no glazing would be opposite facing habitable room windows or amenity space.

It is considered that the proposed works would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

Impact in Terms of Noise:

The applicant has submitted a Noise Assessment authored by Infinity Acoustics dated May 2023 Ref A033AB. The findings of this report were concluded acceptable upon formal consultation by KC Environmental Health. Upon any grant of approval, a condition will be implemented to protect the amenity of the occupiers of the proposed development.

For these reasons, the proposed development at 50 Market Street is not considered to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design

Principles 3, 4, 5, 6 and 7 of the Council's adopted House Extensions and Alterations SPD.

3) Impact on Highway Safety

The application is seeking permission to turn a commerical premises in to three residential dwellings at an existing building that fronts on to the B6111 Market Street, a 30mph two way single carriageway town centre link road of approximately 9 metres in width with footways on both sides and street lighting present. There are 'No Waiting at Any Time' TRO markings on all the streets in the vicinity, with some resident permit or limited (45 mins) bays to the east of the site on George Street. The site is situated on a signalised crossroads in the commerical centre of Milnsbridge, there is a bus stop on a high frequency route approximately 45 metres from the proposal site and there are numerous shops and services within a very short walk of the site. This would place the site in a very sustainable location.

No parking is proposed for the application, this would be acceptable on balance given the type and size of the proposals and the very sustainable town centre location of the site.

The submitted floor plans show that bin storage would be located to the rear of the building, within the enclosed courtyard. There is also potential for secure cycle storage in this location too. This position is considered acceptable from a highway safety perspective.

In turn, development would appropriately accord with Chapter 9 of the NPPF and policies LP21 and LP22 of the Kirklees Local Plan.

4) Other Matters

Climate Change:

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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 predates 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.

A climate change mitigation statement was submitted as part of this planning application, setting out the following measures:

- Refurbishment of existing building
- Water consumption figures will be in accordance with the approved documents.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Bats:

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The application site lies within the bat alert layer on the Council's GIS system. The proposal would see works to the roof which has the potential for roosting bats to be present. Given the age / design of the property it is not considered necessary for a full assessment of the roof space to be undertaken in this case given the low likelihood for roosting bats to be present.

Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

Flood Risk:

The site is located in Environment Agency Flood Zone 2, defined as land which has between a 1% and 0.1% annual probability of fluvial flooding or between a 0.5% and 0.1% annual probability of tidal flooding in any year. Paragraph 168 of NNPPF excludes the requirement for a sequential and exceptions test for applications for changes of use although a site specific flood risk assessment is required.

It is considered that flood risk is not a factor that would indicate refusal in this instance but that there is a material risk to future occupants of the ground floor flats.

The flood risk assessment report submitted as part of this application includes details of evacuation plans and resilience measures. This report sets out the proposed evacuation plan for occupants of the dwelling, including maps, floor plan evacuation drawings and encouragement to register for the Environment Agency's Flood Line warning. The evacuation plan and resilience measures included within the flood risk report are considered acceptable.

Therefore, if approval is granted, a condition will be imposed requiring the development to be carried out to accord with the Flood Warning and Evacuation Plan.

5) Representations

In response to publicity, one supporting comment was received.

6) 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. 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: 2023/91211
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.

1. 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 Policies LP1, LP2, LP7, LP11, LP15, LP20, LP21, LP22, LP24, LP27, LP30, LP35, LP51 & LP52 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 9, 11, 12, 14, 15 & 16 of the National Planning Policy Framework.

2. The roof lights shall be framed in grey coated timber. This material to frame the roof lights shall be retained thereafter.
   Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

3. The rear dormer shall be faced in materials that match the exterior appearance of No. 50 Market Street. Matching materials shall thereafter be retained.
   Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

4. 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.

5. Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Assessment authorised by Infinity Acoustics dated May 2023 Ref A033AB:
   a) shall be completed; and
   a) written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, the development shall not be brought into use until a further scheme incorporating further measures to achieve those noise levels has been submitted to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have 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 policies within Chapters 12 and 15 of the National Planning Policy Framework.

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: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and Specifications Schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan	-	-	3.5.23
Existing Plan & Elevations	22 532 001A	-	3.5.23
Existing Site Sections	22 532 04	-	3.5.23
Proposed Site Sections	22 532 400	-	3.5.23
Proposed Plans & Elevations	22 532 200E	-	11.8.23
Noise Assessment	A033AB	-	3.7.23
Climate Change Statement	-	-	27.4.23
Design and Access and Heritage Statement	22 532	-	24.4.23
Flood Risk Assessment	-	-	24.4.23

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 have, 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.

Following the first consultation response from KC Environmental Health, the applicant provided a noise impact assessment. KC Environmental Health were formally re-consulted on this, concluding that the findings of the report are accepted.

The case officer sought amendments to ensure that each flat was served by at least one habitable room window. In response to the case officers request, the applicant provided amended plans, showing a revised layout of the flats internally and a rear dormer to the first floor to serve apartment 3.

Report Dated: 14.8.23