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:	**2024/62/91337/E**
Site Address:	Eastern Delights, 42, Mill Road, Dewsbury, WF13 2HH
Description:	Demolition of existing retail unit and erection of retail unit to ground floor with two flats above
Recommending Officer:	Edward Cheseldine

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 13 May 2025

Officer Report

2024/91337 - Eastern Delights, 42, Mill Road, Dewsbury, WF13 2HH

Site Description

The site comprises a retail unit, adjoining building and a courtyard. The retail unit is a single-storey building set within a row of retail outlets. It has brick exterior walls which have been painted white, with a pitched roof clad in stone roof tiles. It is positioned abutting the public footpath. The adjoining building within the site is a single-storey building with a lean-to roof, it has a large shopfront opening on the front. To the rear is a courtyard enclosed by a high boundary wall.

Proposal Description

The applicant is seeking planning permission to demolish the existing retail unit and erect a retail unit on the ground floor with two flats above.

The ground floor will be formed of retail space with an open shop frontage on the front elevation, it will be 71sqm.

There will be 1no. apartment on the first and 1no. apartment on the second floor.

The building will be constructed with stone exterior walls with a hipped roof clad in concrete roof tiles. An internal roller shutter will be placed behind the shop front window frame.

Negotiations/Amendments

A preliminary bat roost assessment was requested to aide in the ecology assessment in terms of impact to bats. Further information was request in terms of the use of the retail unit.

Relevant Planning History

None.

Public Representations

Neighbour notification letters have been distributed to advertise the application, which expired on the 11-Jul-2024. The application was also readvertised, expiring on 13 February 2025 due to the signing of ownership certificate B. As a result of the publicity, no representations were received. This publicity was undertaken prior to the update to the DM charter in December 2024, in accordance with the requirements of the DM charter at the time.

Consultation Responses

Environmental Health – No objection, subject to conditions relating to the submission of a further noise assessment, party wall sound improvements hours of use, deliveries/waste collection.

KC Highways DM – No objection.

KC Ecology – No objection.

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 site is unallocated on the Kirklees Local Plan Proposals Map.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 13** – Town Centre Uses
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 25** – Advertisement and shop fronts
- **LP 30** – Biodiversity and Geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – 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 December 2024, 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 7** – Ensuring the Vitality of Town Centres
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Kirklees Biodiversity Net Gain Technical Advice Note (2021).
- Kirklees Housebuilders Design Guide SPD (2021).
- Nationally described Space Standards

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Environmental issues
5) Conclusion

Principle of development

Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be assessed.

The site is UNALLOCATED on the KLP Policies Map. Policy LP2 states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

New Dwellings

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, 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, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.’

In this case, two additional units would make a small contribution to that supply. Good design is a key aspect of sustainable development which contributes to creating better places. Therefore, a balance will be formed, within this assessment, against the benefits two dwellings would bring.

Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate 2 dwellings. Therefore, the density is appropriate for the size constraints of the site.

Main Town Centre Use

Policy LP13 states, in brief, that local centre uses should remain to predominantly provide top-up shopping and local services including restaurants. The policy also requires that proposals that have a significant adverse impact on the vitality and viability of a centre or compromise the role and function of a centre will not be supported.

The site is located approx. 160m outside of the Batley Carr Local Centre boundary. The proposed use as a retail shop is a main town centre use and therefore it is considered that the proposal would need to pass a sequential test in accordance with Policy LP13. It states:

As to accord with Policy LP13 b of the Kirklees Local Plan, a sequential test was submitted. An assessment of Batley Carr Local Centre, Halifax Road Local Centre and Mount Pleasant Local Centre was undertaken, which is appropriate given the new retail unit is modest in size, which will contain a shop for local use.

The sequential test found only one unit was vacant, which was not offered for sale or rent. During the time of submission, as there were no retail units available, it should be considered if the placement of the business is suitable. The existing site contains a retail unit which is being replaced. Mill Road hosts a row of 3 retail / food outlets which are established sites. Considering the former use of the outlet to be demolished, the placement of the new unit is appropriate.

Policy LP7 relates to the reuse of efficient and effective use of land and buildings. Street level imagery indicates the property to be demolished has been vacant for a number of years. LP7b states development, '*should encourage the reuse or adaptation of vacant or underused properties'.* There are clear benefits to the proposal, in terms of infilling the first and second floor area whilst revitalising use of the current site.

Considering the appropriateness of the application in terms of Policy LP13, the application is supported under Policy LP7 which will have benefits to revitalising a vacant site. The principle of development is therefore acceptable and shall now be assessed in terms of visual amenity, residential amenity, highway safety and environmental matters.

Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places and beautiful places) whereby paragraph 131 provides a principal consideration concerning design which states:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…"

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

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."*

The application seeks a three-storey structure that includes a shopfront on the ground floor with two apartments above. The site is set in a frontal position on Mill Road. Adjacent to the north-west is a two-storey commercial building with front facing gable. To the south-east is a single-storey commercial unit.

The proposed building will adjoin the two-storey structure to the north-west. It will match in terms of materials with stone exterior walls and concrete roof slates. The roof will be a cross-hipped roof. The eaves of the building will meet the eaves of the adjacent building. In order to provide a harmonious appearance with the adjacent building, it will be conditioned that the windows on the front of the building are regressed by 100mm.

There will be a shop front window on the front of the building. The openings are appropriate given the proposed retail unit. An internal roller shutter will avoid a utilitarian appearance.

The development will infill a space creating a three storey structure, where a single-storey structure currently stands. It will continue the building line of the adjacent structure which is appropriate for infilling the area. There are other such structures to the west within the locality.

In terms of placement, the building will ~1.35m from the single-storey structure to the south-east, giving a sense of separation.

Therefore, it is considered that a development which meets the policies of Chapter 12 of the NPPF, by contributing positively to the surrounding area, as well as policies LP1, LP2, LP25 and LP24 of the Kirklees Local Plan and principles 2, 5, 13, 14 and 15 of the Council's adopted Housebuilders Design Guide.

Impact on Residential Amenity

Section B and C of LP24 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 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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."* The SPD also provides advised separation distances for two storey dwellings:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

The properties affected will be 44 Mill Road, 40 Mill Road, 101 Mill Road & 39 to 45 Town Street. There are other properties on the other side of Mill Road which will not be affected as they are over 21.00m from the front elevation windows.

Impact on 44 Mill Road

44 Mill Road is the adjacent, three-storey building. It is a commercial building, it is within the ownership of the applicant. There are side facing windows, which will be blocked up due to the height increase of the new building. The applicant has indicated these windows light rooms used for storage. There will not be an impact to residential occupants from the development.

Impact to 40 Mill Road

40 Mill Road is a single-storey retail unit. There are no side elevation openings on the property. The new building will project to the rear of this building, however given its use, there will not be an impact to residential occupants.

Impact to 101 Mill Road

101 Mill Road is a residential dwelling set ~19.00m from the front elevation of the development, the position of which is off-set from its front elevation. There will be new openings that serve habitable spaces on the first and second floor of the building. Due to the distance and angle of outlook, it is not considered there will be a negative impact to the privacy of the occupants. In addition, due to distance, there will not be a loss of light, outlook or an overbearing impact.

Impact on 39-45 Town Street

This building serves as a dental unit with residential properties on the first-floor. Habitable windows are ~16.50m from the rear elevation of the dwellings. There is a slight off-set relationship between the buildings. The relationship is sufficient to mitigate a significant detrimental impact. Due to distance, there will not be a loss of light, outlook or an overbearing impact.

Amenity of the Future Occupiers

Principle 16 of the Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards), these are not currently adopted in the Kirklees Local Plan."*

Guidance as to the suitable standards for internal space are set out in the House Design Guide SPD, which states in paragraph 9.1, '*The Council recognises the Nationally Described Space Standards (NDSS) as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers'.*

The submitted floor plans indicate the residential units will be identical and will be assessed on this basis. Each apartment will have two bedrooms over 1 floor. NDSS outline a dwelling of 1 storey with 2 bedrooms should have an internal floorspace of 61m2. The apartments are ~72m2. The largest of the bedrooms is 13.80m2, whilst the second bedroom is ~10.40m2, which accords with NDSS standards. Each bedroom has a sufficient layout, with rectangular bedrooms which appropriate functionable space. Sufficient openings serve each room provided a suitable level of light. The apartments are therefore suitable for occupants in terms of NDSS and Principle 16 of the Housebuilders Design Guide SPD.

Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is*

functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."

A shared outdoor area will be provided to the rear of the buildings, which will be shared with the commercial unit. In terms of suitability for the use of outdoor space, its functionality is limited considering the area will be used to store large bins. The apartments will contain 2 bedrooms. They are located ~80.00m from Lidgate Garden which leads onto other green spaces, and ~120.00m from Conway Recreation Ground. For the provisions of outdoor spaces, considering the make-up of the apartments being 2-bedroom, the location is suitable to support apartment living.

Impact on Highway Safety

Paragraph 115 of the NPPF states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Policy LP21 states all proposal should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Kirklees Highways Design Guide Supplementary Planning Document are relevant insofar as they relate to parking provisions.

The two apartments will be serviced by 4 car parking spaces to the rear of the property. Policy set out in the Kirklees Highways Design Guide SPD states 1-2 bedroom should have 1 designated parking space. In addition, there will be a retail unit on the ground floor.

KC Highways DM were consulted on the proposal who requested further information on residential and customer parking for the site, including the use of the dental practice car park. Considering the use of the site, with the car park that is associated to the rear of the building, KC Highways DM raised no objection to the proposal. There is sufficient parking for both the dental practice and the apartments within the existing car park.

The development therefore accords with LP21 & LP22 of the Kirklees Local Plan.

Environmental Matters

Biodiversity & Ecology

Paragraphs 187, 193, 194 and 195 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.

Furthermore, Biodiversity Net Gain (BNG) came into effect for minor sites on 02 April 2024. There is a requirement to replace the loss of a habitat whilst delivering at least 10% biodiversity net gain.

The applicant has indicated a biodiversity net gain uplift is not required within the application form. Satellite imagery and a site visit indicate the area to the rear and side of the existing building is hard standing, the development would fall under the *De Minimis* exemption, as listed within the Government Biodiversity Net Gain Advisory Note, therefore no uplift is required.

A preliminary roost assessment was received on 27 March 2025 due to the demolition of the existing building as the site is within a bat alert layer o the Council's GIS mapping system. The details of which were assessed by KC Ecology. Full physical searches, detailed within the report provided no evidence of bat habitation in any parts of the buildings. There the details are accepted. The report's findings were agreed by KC Ecology.

However, Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design SPD set out that proposals should provide net gains in biodiversity. It will therefore be conditioned a bat box is installed on above 3.00m from ground level of the building.

Noise

Section B of LP24 states development should: '…minimise impact on residential amenity of future and neighbouring occupiers."

Kirklees Local Plan Policy LP52 ensures the protection of development from noise or disturbance from nearby noise generating premises.

KC Environmental Health were consulted in terms of impact from noise sources to future occupiers.

The applicant has submitted Noise Impact Assessment authored by NoiseAir dated 01 November 2024 Ref P7619-R1-V1.

An unattended noise monitoring exercise was conducted between the 27th of September and the 1st of October 2024.

There are a number of uncertainties within the report and as such, it is rejected by KC Environmental Health. The report does not contain the proposed use of the ground floor unit, therefore it does not contain any of the ancillary equipment.

It will be conditioned that prior to the occupation of the ground floor retail units, all noise emissions for the proposed retail unit and detailed specifications of noise mitigation measures that are required for outdoor noise

levels of no more than 50dB LAeq,16hour to be achieved are submitted in writing.

A condition is recommended for the submission of a further/addendum report to address the uncertainties raised along with a condition for the level of sound insulation, which will be set due to the potential disturbances to future occupiers of the first and second floor residential units.

Odour

Section B of LP24 states development should: '…minimise impact on residential amenity of future and neighbouring occupiers."

Kirklees Local Plan Policy LP52 ensures development does not cause harmful odour pollution within either a public area or at neighbouring premises in the interest of amenity

KC Environmental Health were consulted in relation to odours impacts.

The applicant has submitted an Odour Assessment from NoiseAir dated 17 October 2024 Ref P7619-R2-V1. It identifies the neighbouring sources of odour in tables 1 and 2 and odour surveys were undertaken on the 27th of September, 7th of October and 10th of October 2024. The findings of the survey are shown in tables 14, 15 and 16.

In accordance with the Institute of Air Quality Management guidance, the level of odours has been assessed and the report concludes the odour impacts were negligible and that the odour significance effect is slight.

The findings of the report are accepted by KC Environmental Health.

Hours of Use

Kirklees Local Plan Policy LP24 & LP52 ensures the protection of development from noise or disturbance from nearby noise generating sources.

Given the use of the retail unit is currently unavailable and noise and disturbances can arise, not just from output from the retail unit but from customers turning up and vehicular traffic, it will be conditioned that hours of operation are 09:00-18:00 Mon-Sat. 10:00-16:00 Sundays and Bank Holidays.

Collections and deliveries shall be between the same hours.

This is due to the proximity to residential dwelling, so not to impact upon residential amenity during sensitive hours according with LP24 & LP52.

Waste

Policy LP43 of the Kirklees Local Plan, seeks to safeguard suitable waste management facilities for developments to work towards achieving the objectives and targets for recycling/recovery for waste as set out in the Waste Framework Directive.

Kirklees Local Plan Policy LP24 & LP52 ensures the protection of development from noise or disturbance from nearby noise generating sources.

Details of the waste management and maintenance have not been submitted as part of the application. There would be a small scale increase in the amount of wase produced on site. It is not considered a management plan is necessary due to the increase. It will be conditioned that waste is collected 09.00 and 18.00 on Mondays to Fridays and 09:00 and 16.00 on Saturdays and at no time on Sundays and bank holidays due to protect from the amenities nearby occupiers.

Construction Site Working Times

Construction working times are covered by other regulations, therefore it is not deemed necessary to add a secondary planning condition, however a footnote would be added.

Electric Vehicle Charging Points

The requirements for EV charging points are set out within the Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group, therefore a secondary planning condition is not necessary.

Carbon Budget

The proposal is a small scale development. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Conclusion

The application for commercial and residential development at 42 Mill Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable principle and design, and lack of harm in terms of visual amenity, residential amenity highway safety and environmental matters, the proposed change of use is considered to be acceptable.

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.

As set out above, 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: 2024/91337
Officer Recommendation: Approve

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP1, LP2, LP13, LP16, LP21, LP22, LP24, LP25, LP48, LP51 and LP52 of the Kirklees Local Plan, the Council's adopted Hot Food Takeaway Supplementary Planning Document (2022) and the policies within Chapters 2, 4, 6, 7, 8, 12, 14 and 15 of the National Planning Policy Framework.

2. The external walls and roofing materials of the development hereby approved shall be formed of stone walling materials and concrete roof tiles.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of chapter 12 of the National Planning Policy Framework.

3. Prior to the occupation of the ground-floor retail unit, a further noise assessment report shall be submitted to, and approved in writing by, the Local Planning Authority. The report must:
- assess all of the noise emissions from the proposed development (retail use)
- provide a detailed specification for the noise mitigation measures that are required for outdoor noise levels of no more than 50dB LAeq,16hour to be achieved (residential use).

All works which form part of the approved scheme shall be completed prior to the occupation and retained thereafter.

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.

4. Before the development is brought into use written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 55dB DnTw + Ctr shall be submitted to and approved in writing by the Local Planning Authority. 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 to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and further 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.

5. The use of the ground floor retail unit hereby approved shall not take place outside the hours of: 09:00 to 18:00 hours Mondays to Saturdays, and 10:00 to 16:00 hours on Sundays or Public Holidays.
Reason: To safeguard the amenities of the occupiers of nearby properties to accord with Policies LP24 and LP52 of the Kirklees Local Plan and policies within chapter 15 of the National Planning Policy Framework.

6. Deliveries and collections of waste shall only be between 09.00 and 18.00 on Mondays to Fridays and 09:00 and 16.00 on Saturdays and at no time on Sundays and bank holidays
Reason: To safeguard the amenities of the occupiers of nearby properties to accord with Policies LP24 and LP52 of the Kirklees Local Plan and policies within chapter 15 of the National Planning Policy Framework.

7. A bat box shall be installed to the exterior of the new dwelling, as per manufacturers instructions before the dwelling hereby approved is first brought into use and thereafter retained for the lifetime of the development
Reason: In the interests of the biodiversity of the site and in accordance with the Wildlife & Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2010 and, compliance with the

National Planning Policy Framework and provide an biodiversity uplift as per LP 30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design SPD

8. The windows of the front façade shall be regressed with a depth of 100mm within the reveals to provide a reasonable appearance that respects the adjoining building.
Reason: In the interests of visual amenity, and to preserve the character and appearance of the building group, in accordance with Policy LP14, LP24, of the Kirklees Local Plan, as well as Chapter 12 of the National Planning Policy Framework.

NOTE: All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants http://www.association-of-noiseconsultants.co.uk/ (020 8253 4518) or the Institute of Acoustics http://www.ioa.org.uk (0300 999 9675) for a list of members.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: Due to its location, a roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally 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 bats are present or not. If bats are discovered on site, development shall cease, and the applicant is advised to contact Natural England for advice.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	23291-D01	A	10 May 2024
Proposed site / block plan	23291-D02	A	10 May 2024
Grouped plans and elevations	23291-D03	A	10 May 2024
Demolition plan	23291-	A	10 May 2024

Plan Type	Reference	Version	Date Received
	D04		
Bat survey	2025[74]	-	27 March 2025
Air quality assessment	P7619-R2-V1	-	05 November 2024
Noise assessment	P7619-R1-V1	-	05 November 2024
Sequential test	-	-	10 May 2024
Climate change statement	-	-	10 May 2024

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 has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

A preliminary bat roost assessment was requested to aide in the ecology assessment in terms of impact to bats. Further information was request in terms of the use of the trail unit.