

**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:	<b>2025/62/91398/W</b>
Site Address:	Well Pharmacy, 63, Market Street, Milnsbridge, Huddersfield, HD3 4HZ
Description:	Erection of extension and alterations to form 3 apartments (within a Conservation Area)
Recommending Officer:	Danielle Cooper

**DECISION – Full Conditional 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.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date:** 5-NOV-2025

## **Officer Report**

### **Site description**

The application relates to 63 Market Street, Milnsbridge a two storey mid-terrace property. The building appears to be in use as a chemist at ground floor. An office and store rooms are located at first floor level.

The building has a small yard to the rear, which appears to be used for off street parking and bin storage.

The site is located within Milnsbridge Conservation Area and is located within Milnsbridge District Centre. The site is also located within Flood Zone 2. The site is surrounded by commercial and residential units.

### **Description of Proposal**

The application seeks planning permission for the erection of extension and alterations to form 3 apartments (within a Conservation Area).

Flat 1 – 1 bed, 1 person: 38.99m<sup>2</sup>

Flat 2 – 1 bed, 1 person: 37m<sup>2</sup>

Flat 3 – 1 bed, 1 person: 49.15m<sup>2</sup>

The agent has confirmed that all flats will be 1bed/1person.

Access will be provided via a new steel staircase to the rear to the first floor level. Internal stairs at first floor will provide access to flat 3.

External alterations:

A roof extension is proposed to the existing two storey rear element to improve functionality of flat 1. The extension will feature a pitched roof which is the same height as the adjacent adjoining buildings rear extension. The eaves will sit below the eaves of the main building. The extension will be constructed from matching stone and slate roof tiles. A first-floor rear window is proposed.

One of the existing first floor side windows within the two storey rear extension will be blocked up.

4 conservation roof lights are proposed. 2 at the front, and 2 within the rear roofscape.

A steel gate will be erected to the rear for security, along with a steel stair case for access into the proposed flats at first floor level.

2 windows are proposed within the side elevation of the building, within the attic.

The rear extensions are to be lined with a new timber structure to both improve the insulation and strength and also to support new extension above.

New drainage pipes are proposed as shown on the proposed rear elevation.

A total of 5 parking spaces will be available for the flats located to the rear of the building. These spaces will be shared with the adjacent optician's business as this is the agreed current situation.

Bin storage is proposed to the rear of the lean to single storey rear extension and in front of the proposed rear gates.

The chemist will be retained at ground floor.

### **Relevant Planning History**

99/92903 - Installation of new shop front and roller shutters – Approved

59, Market Street

2020/93220 - Alterations to convert first floor to flat (Within a Conservation Area) – Approved

### **History of Negotiations**

Concern was raised in regard to the proposed flats falling short of the required national minimum space standards (NDSS). The agent has confirmed that all flats will be 1 bed and 1 person, meeting the required national minimum space standards.

The agent revised the roof form the rear extension.

### **Representations**

This application was advertised by site notice and the press. Final publicity date expired: 19.09.2025.

One letter of objection has been received. The comments have been summarised below:

- Concern of increased parking along Lipscomb Street.

### **Consultation Responses**

K.C. Highways (Informal): No objection. Site located within a sustainable local centre.

K.C. Local Lead Flood Authority: No Objections.

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

### **Planning Policy**

Kirklees Local Plan (KLP)

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 LP Policies Map. The site falls within the Huddersfield Town Centre Conservation Area and within Huddersfield Town Centre.

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Effective and efficient use of land and buildings
- **LP13** – Town Centres
- **LP15** – Residential uses in town centres
- **LP20** – Sustainable travel
- **LP21** – Highway safety and access
- **LP24** – Design
- **LP27** – Flood Risk
- **LP35** – Historic environment
- **LP51** – Protection and improvement of local air quality

Kirklees Council Adopted Supplementary Planning Documents

Supplementary Planning Documents (SPD) build upon and provide more detailed guidance about policies in the Local Plan, carrying material weight in the determination of planning applications.

- Highways Design Guide SPD
- Kirklees Waste Management Design Guide for New Developments

#### 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, and 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 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

#### Other

- DCLG: Technical Housing Standards – Nationally Described Space Standard
- MHCLG: National Design Guide

#### **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity and conservation area
- 3) Impact on residential amenity

- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

#### 1 – Principle of 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 not displayed as allocated 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...”*

#### *5 year housing land supply*

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.’

Chapter 5 of the National Planning Policy Framework clearly identifies that Local Authorities should seek to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

It is considered that the development proposed by this application could reasonably be viewed as meeting the housing needs of the Council. This would be ‘in line’ with the aims of Chapter 5 of the NPPF, which states that small developments such as this can make an important contribution to meeting the housing requirement of an area, and with Policies LP3 and LP11 of the adopted Local Plan which collectively in part support development schemes that provide housing of a type and mix that meets identified need in the District. The site is also considered to be located within a sustainable location, located within close proximity to the adopted highway with good transport links.

In respect of the above, the quantum of development is considered acceptable, complying with Chapter 5 of the NPPF, as well as Local Plan policies LP1 and LP3, as the development will add to the lack of a 5 year housing land supply.

#### *Residential use in town centres*

Policy LP15 seeks to ensure that the impact of residential development in identified town centres does not undermine the commercial uses within the town centre. Part a of the policy sets out that residential proposals would normally only be permitted on upper floors.

Given the proposal would be the conversion of the first floor and within the attic, and on the basis the proposal would not prejudice existing established uses within the district centre, the proposal is concluded to be acceptable in terms of the principle of introducing a residential use in an identified town centre.

The proposal is therefore considered acceptable in principle, complying with LP1, LP2, LP3 and LP15 of the Kirklees Local Plan and guidance contained within the NPPF.

## 2 – Impact on visual amenity and the conservation area

The site is located within Milnsbridge Conservation Area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of land within a Conservation Area. This is reiterated in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, LP35 states “development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”. Whether harm exists, and whether it is substantial or less than substantial, will be assessed and discussed later in the report.

Alongside this, 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 also relevant and states that “good design should be at the core of all proposals in the district.

The proposal seeks the following external alterations:

A roof extension is proposed to the existing two storey rear element to improve functionality of flat 1. The extension will feature a pitched roof which is the same height as the adjacent adjoining buildings rear extension. The eaves will sit below the eaves of the main building. The extension will be constructed from matching stone and slate roof tiles. A first-floor rear window is proposed. The proposed extension is considered to keep in character with that of the host building in regard to design and materials. As such the proposed extension is considered visually acceptable and will respect the character and appearance of the host building and conservation area. However, in the event that planning permission be approved, a condition is recommended to ensure the materials of the proposed extension match those of the existing building.

One of the existing first floor side windows within the two storey rear extension will be blocked up however raises no visual concern.

4 conservation roof lights are proposed, 2 at the front, and 2 within the rear roofscape. As the roof lights are conservation roof lights and there are existing roof lights amongst the rows of terraces along Market Street, the inclusion of the front and rear roof lights is considered acceptable.

A steel gate will be erected to the rear for security, along with a steel stair case for access into the proposed flats at first floor level. As the proposed steel gates and stair well is located to the rear of the site, and there are other steel stair cases on buildings within the immediate street scene when viewed from Lipscomb Street, this element of the proposal is considered acceptable and will not result in significant adverse harm to the visual amenity of the host property, immediate area or conservation area.

2 windows are proposed within the side elevation of the building, within the attic which are considered visually acceptable.

Part of the proposal states that the rear extensions are to be lined with a new timber structure to both improve the insulation and strength and also to support new extension above, as well as the inclusion of new rain pipes. The LPA consider the proposed alterations to be visually acceptable and will not cause any adverse visual harm to the appearance of the host building.

For these reasons, it has been considered that the proposal would not harm the visual amenity of the host building, the immediate area nor Milnsbridge Conservation Area. The proposal is therefore in accordance with Policies LP24 and LP35 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

### 3 – Impact on residential amenity

Policy LP24(b) requires development to provide a high standard of amenity for future and neighbouring occupiers. Specific to residential uses within town centres LP15(d) requires ‘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’. These requirements conform to the aims and objectives of Chapter 12 of the NPPF.

First considering the impact on neighbouring residents, the proposed attic side windows will overlook the roofscape of the attached terrace and as such raises no concern to loss of privacy. The proposed rear window within the two storey rear extension will overlook the highway and as such raise no concern to loss of privacy.

The existing side window within the rear extension will face towards the rear courtyard area of No. 61 Market Street, serving a dining room. The courtyard area is predominantly used as a car parking area. It is not considered that this window will result in any undue loss of privacy given that it is an existing opening and as such there are no concerns to loss of privacy.

The raised roof of the two storey rear extension will be situated next to an existing two storey rear extension and as such there will be no adverse overbearing or overshadowing impact to No. 65/57 Market Street. The extension is also stepped away from the shared side boundary with No. 61 Market Street and as such there are no concerns with potential overbearing and overshadowing impact.

Therefore, the LPA do not consider there to be any harm caused to the amenity of neighbouring residents.

Amenity of future occupiers:

The proposed overall floorspace of each apartment is as follows:

Flat 1 – 1 bed, 1 person: 38.99m<sup>2</sup>

Flat 2 – 1 bed, 1 person: 37m<sup>2</sup>

Flat 3 – 1 bed, 1 person: 49.15m<sup>2</sup>

The agent has confirmed that all flats will be 1bed/1person.

The gross internal floor areas meet the required nationally described space standards and therefore are considered acceptable, featuring ample amount of living area space.

Where a 1b1p has a shower room instead of a bathroom, the floor area may be reduced from 39m<sup>2</sup> to 37m<sup>2</sup>. The agent has confirmed via email that all flats will be 1bed/1person, and revised plans have been received to evidence a one bed/person in each flat.

The site is within Milnsbridge District Centre, located next to commercial uses. Therefore, noise pollution may be an issue. A Noise Impact Assessment will therefore be required as commercial units are present at ground floor. This is

recommended to be secured via condition should planning permission be approved. A further condition in relation to ensuring a sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 55dB  $D_{nTW} + C_{tr}$  is also recommended.

In conclusion, subject to the given conditions, the LPA are satisfied that the proposal would not harm the amenity of neighbouring residents as well as future occupiers, in accordance with LP24 and LP52 of the KLP and Chapters 12 and 15 of the NPPF.

#### 4 – Impact on highway safety

A total of 5 parking spaces will be available for the flats located to the rear of the building. These spaces will be shared with the adjacent optician's business as this is the agreed current situation.

The LPA consider this arrangement to be acceptable, providing future occupants with one car parking space each. It is also noted that KC Highways Development Management have been informally consulted, and they stated that as the application site is close to many local amenities and public transport links and is considered to be in a sustainable location, the requirement of parking is not considered necessary, however it is beneficial that the applicant has confirmed that there will be some on-site parking. As such there are no highway safety concerns in this regard.

Bin storage is proposed to the rear of the building and will be collected via the existing arrangement and as such raises no concern.

A bike store is proposed within the gated area which is considered acceptable.

The proposal would therefore not harm the safe and efficient operation of the Highway, in accordance with LP20, LP21 and LP24 of the Kirklees Local Plan.

#### 5 – Other matters

##### *Flood Risk*

The site is within Flood Zone 2 on the Environment Agency's Flood Risk Map for Planning (land assessed as having 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).

Policy LP27 of the Kirklees Local Plan relates to flood risk and states that proposals must be supported by an appropriate site-specific Flood Risk Assessment in line with national planning policy.

K.C. Local Lead Flood Authority have been consulted on the application. They have stated that as the proposed development is minor, with residential flats on the upper floor levels there are no objections, and no further information is required.

Given the above, officers are content that the proposal would not increase the flood risk on site or elsewhere. This is to accord with Policy LP27 of the KLP and Chapter 14 of the NPPF.

### *Climate Change*

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures. However, the proposal would provide a sustainable, residential use within a local centre. Windows would also be provided to all habitable rooms in order to aid passive solar gain and reduce the need for artificial light.

### *Ecology*

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the de-minimis exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

However, the following policies are relevant:

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

Chapter 15 of the National Planning Policy Framework is 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.

Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

As the proposal is to convert the use of the first and attic floor, and the only ground works will be to erect a steel staircase, it is not considered that the proposal is required to enhance biodiversity in this instance.

While the site is within a bat alert layer, the nature of the proposal is not considered to have significant impacts to roosting potential, with the building appearing well-sealed. It is recommended that in this case an appropriate approach of the LPA is the inclusion of an informative note upon and grant of permission which alerts the applicant of their private responsibilities if any signs of bats or potential to disturb those protected species are found.

The proposed development is therefore considered acceptable complying with local and national policy.

## 6 – Representations

One letter of representation has been received. The comments have been summarised below:

- Concern of increased parking along Lipscomb Street.

**Officer comment:** *KC Highways Development Management provided informal advice and stated that as the site is located within a district centre close to local amenities and public transport, the requirement of parking is not necessary, however as the applicant is proposing on-site parking to the rear of the site (5 spaces in total), the LPA does not consider there to be any highway safety concerns with unacceptable increased traffic within the area.*

## **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 proposed development would constitute sustainable development and is therefore recommended for approval.

## **Recommendation**

**APPROVE**

### **Decision Authorisation: Delegated Powers**

**Application Number:** 2025/91398

**Officer Recommendation:** Approve

### **Conditions:**

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

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

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

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

**Reason:** In the interests of visual amenity and in accordance with Policies LP01, LP02, LP24 and LP35 of the Kirklees Local Plan, and Chapters 12 and 16 of the National Planning Policy Framework.

4. Prior to the hereby approved development being brought into use, a report specifying the measures to be taken to protect the development from external noise from road traffic and entertainment premises shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall include, but not be limited to:

- a) Determine the existing noise climate
- b) Predict the noise climate in bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including alternative ventilation to open windows if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

**Reason:** In the interests of amenity of the occupiers of these properties and to accord with the requirements of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

5. 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  $55\text{dB } D_{nT\text{w}} + C_{tr}$  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.

**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-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

**NOTE:**

Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 42 of The Conservation of Habitats and Species Regulations 2017. 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:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Elevations and Floor Plans	2506 - 01		02/06/2025
Location Plan, Site Plan, Elevations and Floor Plans as Proposed	2506 - 02	A	29/10/2025
Car Parking Layout			11/09/2025
Design, Heritage, and Access Statement			06/08/2025
Climate Change Statement			02/06/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

Concern was raised in regard to the proposed flats falling short of the required national minimum space standards. The agent has confirmed that all flats will be 1 bed and 1 person, meeting the required national minimum space standards.

The agent revised the roof form the rear extension.

**Report Dated:**