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:	**2025/62/93005/W**
Site Address:	23, Market Place, Huddersfield, HD1 2AA
Description:	Change of use and alterations to convert upper floors of commercial property into 3 individual houses of multiple occupation, installation of window and erection of dormer (within a Conservation Area)
Recommending Officer:	Danielle Cooper

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: 2nd March 2026

Officer Report

Reference: 2025/93005

Location: 23, Market Place, Huddersfield, HD1 2AA

Proposal: Change of use and alterations to convert upper floors of commercial property into 3 individual houses of multiple occupation, installation of window and erection of dormer (within a Conservation Area)

Site Description.

The site relates to a masonry built commercial unit set over 3 storeys with a painted stone façade with a slate roof. The ground floor is currently used as offices and has a full glazed surround. Towards the rear of the building of the ground floor facing Market Walk is the access to the upper floors of the unit with 3 further floors of office space.

The site is located within Huddersfield Conservation Area and is adjacent listed buildings.

The site is also located within Huddersfield Town Centre and is identified as a primary shopping area.

Description of Proposal.

Planning permission is sought to change of use and alterations to convert upper floors of commercial property into 3 individual houses of multiple occupation, installation of window and erection of dormer (within a Conservation Area).

Ground floor: Retained as existing commercial use and covered walkway

Proposed internal works:

- First floor: 4 bed HMO with ensuites and a shared living and kitchen area.
- Second floor: 4 bed HMO with ensuites and a shared living and kitchen area.
- Third floor/attic: 2 bed HMO with ensuites and shared living and kitchen area.

All flats will be accessed via the ground floor entrance on Market Street.

A proposed bin store is shown internally at ground floor level.

Proposed external works:

Erection of rear dormer window on the rear elevation of the building.

- Depth: 3m
- Height: 1.7m
- Length: 2.1m

History of Negotiations / Amendments Received.

None.

Relevant Planning History.

88/04487
Erection of 2 illuminated signs (within Conservation Area)
Approved 1988

Representations.

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via a site notice and within the press.

Final publicity date expired: 20th February 2026.

No representations have been received.

Consultation Responses.

KC Waste – No objection subject to conditions.

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 falls within the Huddersfield Town Centre Conservation Area and within Huddersfield Town Centre.

A right of way (HUD/334/10) runs through the site at the ground floor level, a number of listed buildings (grade II) are located to the south and north of the site.

Kirklees Local Plan:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping

- **LP3** – Location of new development
- **LP7** – Effective and efficient use of land and buildings
- **LP11** – Housing Mix and Affordable Housing
- **LP13** – Town centre uses
- **LP14** – Shopping frontages
- **LP15** – Residential uses in town centres
- **LP17** – Huddersfield town centre
- **LP20** – Sustainable travel
- **LP21** – Highway safety and access
- **LP24** – Design
- **LP35** – Historic environment
- **LP51** – Protection and improvement of local air quality

Supplementary Planning Guidance and Other Considerations:

- Highways Design Guide SPD
- Nationally Described Space Standards
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Huddersfield Town Centre Blueprint SPD

National Policies and Guidance:

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, together with Circulars, Parliamentary 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 8 – Promoting Healthy and Safe Communities
- Chapter 11 – Making Efficient 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

Legislation:

- The Town & Country Planning Act 1990 (as amended).
- The Planning and Compulsory Purchase Act 2004.
- The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

Assessment.

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity
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 explored.

Kirklees Local Plan 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...

Housing Mix:

In this instance, LP11 of the Kirklees Local Plan is also relevant, as the scheme aims to convert existing premesis into House of Multiple Occupation at the first, second and third floor level with the ground floor remaining in existing use.

The policy states that: *"all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need."*

Chapter 11 of the NPPF states that planning decisions should promote the development of under-utilised land and buildings, but this must not be at the expense of creating developments that function well and add to the quality of the area as set out in Chapter 12.

The principle of converting the upper floors of the building into a HMO is considered acceptable, adding residential homes and a mix of housing tenure to the existing housing stock in this locality.

Town Centre:

The site is located within the Huddersfield Town Centre boundary. As such, the following policy is relevant:

Huddersfield Town Centre is the subject of the Huddersfield Town Centre Blueprint SPD. The Blueprint SPD supplements Local Plan Policy LP17, which sets out the focus for new development in Huddersfield Town Centre. The Blueprint SPD vision reflects the strategic framework set by the Local Plan. The site falls into the New Street Area within the SPD. This area is identified as such in order to retain the area as a primary shopping area to help focus investment and build a strong retail identity. Other policies of relevance are LP7 (reuse or adaption of vacant or underused properties), LP13 (Town Centre Uses), LP14 (Shopping Frontages) and LP15 (Residential uses in town centres).

The proposal relates to changing the use of the first, second and third floors of the building to a C4 HMO use, which complies with policy LP15 which supports residential uses within the town centre which are located on the upper floors of buildings. The ground floor retail unit will be retained and as such complies with Policy LP14 which seeks to retain primary shopping frontages at street level, as well as meeting the aims of the blueprint SPD which seeks to retain primary shopping areas to ensure a strong retail identity within the town centre.

As such, given the above, the proposal is considered acceptable in principle, complying with LP1, LP2, LP7 and LP15 of the Kirklees Local Plan and guidance contained within the NPPF.

2) **Impact on Visual Amenity**

Visual Amenity:

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Policy LP35 of the Local Plan requires that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

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.

The application site is located within Huddersfield Town Centre Conservation area. Specific to Huddersfield Town Centre, LP17(a) requires development to 'preserve and enhance the towns' cultural and architectural heritage'. LP17(h) seeks to 'retain and regenerate key historic features of the town centre' and LP17(i) to 'retain and refurbish traditional shop fronts wherever practicable'. Listed buildings are also located close to the application site.

The proposal includes the erection of a dormer window within the rear roofscape of the building. The proposed dormer is a small addition to the rear elevation that will be set well within the roofscape, ensuring a substantial area of the original roof is retained. It is noted that no other dormers are located within the immediate vicinity, however given the location of the dormer to the rear of the building and its small scale, the proposed dormer is not considered to have a detrimental visual impact on the character and appearance of the host building, nearby listed buildings or the conservation area. A condition will also be imposed to ensure the dormer side and cheeks are constructed from slate roof tiles to match the roof materials of the host property.

No other external alterations are proposed.

Subject to condition the proposal is therefore concluded to accord with policies LP24 and LP35 of the Kirklees Local Plan, as well as policies contained within chapters 12 and 16 of the National Planning Policy Framework.

3) **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 Housebuilders Design Guide sets out 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 text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable rooms;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 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.

Impact on Surrounding/Neighbouring Occupants:

First considering the impact on neighbouring residents, the proposed rear dormer window will be located well within the rear roofscape of the host building and as such raises no concern to potential overbearing and or overshadowing impact. The dormer will provide views across the top of buildings and as such raises no concern to the loss of privacy.

No other physical works are proposed to cause harmful overbearing or overshadowing on neighbouring land. Regarding overlooking, the proposed front and side windows will face directly onto the pavement / public land and not face in close proximity to 3rd party land. The proposed rear windows serving bedrooms will be located within close proximity to No. 5,6,7 Market Place, retaining a distance of approximately 6.6m. Whilst this separation distance is considered limited, it is acknowledged that residential uses within town centres typically exist at closer quarters, and appropriate weight is given to this context in the assessment. The limited separation distance is therefore considered acceptable and is not considered significant enough to warrant a refusal.

Impact on Future Occupiers:

In terms of the amenities of the proposed occupiers, the Kirklees Housebuilders Design Guide SPD is used as a guide on the following: Principle 16 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." Further to this, 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."

The Nationally Described Space Standards contain no specific standard for HMOs. However, Kirklees Council has its own amenity standards for Houses of multiple occupation, which can be found at the following link: https://www.kirklees.gov.uk/beta/housing/pdf/HMO-amenity-standards.pdf.

Whilst it should be noted that this is not an adopted planning document and therefore carries limited weight in the determination of this application, it does provide a useful guide as to the standard of amenity that is considered acceptable for a HMO.

Section 8.1 of this document refers to two or more room units with cooking, living and sleeping facilities.

With regard to the size of bedrooms, this document sets out that where a separate common room is provided which is not a kitchen or a kitchen/dining room, each bedroom should have an internal floor area of 6.5m^2. From reviewing the proposed floor plans, all 10 bedrooms are in accordance with the required 6.5m2.

Furthermore, officers note that all of the bedrooms are served by a window.

The document goes on to assess shared accommodation and states each living room should have a minimum living room size of 8m^2 plus an additional 1m^2 per person.

The living/kitchen areas shown at ground and first floor level is annotated on the submitted plan to be 15.8m2 – both of these floors would require a living room size of at least 12m2. The third floor living/kitchen area is annotated on the submitted plan to be 13.3m2 – the first floor would require a living room size of 10m2. As such the proposed 3 HMO units are considered to meet the space standards set out by the Kirklees HMO guidance.

The proposed development is therefore considered to provide an acceptable amount of living area space in this case.

In addition the locality benefits from areas of public open space and good levels of public transport, services and amenities in proximity to the site.

Noise:

The site is within a town centre location, with road traffic and town centre use which may affect the amenity of future occupiers. It is also noted that the

ground floor is a retail use and as such it is important to ensure noise disturbance is not caused to the future occupiers of the upper apartments. A Noise Impact Assessment will therefore be secured via condition. This is considered reasonable and necessary. As the proposal is will also adjoin to an existing commercial use 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 53dB D_{nTw} + C_{tr} is submitted to the LPA.

In conclusion, subject to the reccommended 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

No off-street parking or cycle storage is provided for the proposed residential uses. However, as the site is located within Huddersfield Town Centre, close to many local amenities and public transport links. It is considered to be located within a sustainable location and as such, the LPA does not raise any concern to there being no dedicated parking or cycle storage.

It is noted that a bin storage area is shown on the proposed ground floor plan, however the information is considered to be minimal and KC Waste have requested further details of bin storage and a detailed management and maintenance of the communal refuse storage areas by a designated private management company. These details shall be conditioned as prior to occupation to ensure sufficient bin storage and collection points are provided before the use is undertaken.

As the site is within a location of parking restrictions, the LPA consider it necessary to condition a construction access management plan to show how the site will be accessed during all phases of the development.

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

Climate Change:

On the 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.

As part of this application, a Climate Change Statement was submitted which set out various mitigation measures. Due to the nature of the proposal, 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.

Ecology:

A Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission for minor sites granted pursuant to an application submitted after 02 April 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The applicant has stated the application falls under the '*Di-Minimus'* exemption category within the application forms. A change of use would not result in a loss of wildlife habitat. Therefore, the officer agrees, the application is exempt from a BNG uplift.

Prow:

A PROW runs along Market Walk - HUD/334/10. It is not considered that the proposed development will interfere with the existing PROW route and as such no concerns are raised. An informative shall be included to state that the public right of way should not be closed or obstructed at any time during the construction or operation phase of the development.

6) Representations

None.

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: 2025/93005
Officer Recommendation: Approve

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.
   Reason: To ensure compliance with 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 specification 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 Policies LP1, LP2, LP3, LP7, LP11, LP13, LP15, LP17, LP21, LP22, LP24, LP35 & LP51 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapters 2, 4, 8, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. The face and cheeks of the rear dormer hereby approved shall be faced in vertically hung tiles which shall in all respects match those used in the construction of the existing building which shall be retained thereafer.
   Reason: In the interests of preserving the setting of the Conservaiton Area, adjacent listed buildings and visual amenity in accordance with Policies LP01, LP02, LP24 & LP35 of the Kirklees Local Plan, and policies within Chapters 12 & 16 of the National Planning Policy Framework.

4. The development hereby approved shall not be brought into use until a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic, commercial/licensed premises has been submitted to and approved in writing by the Local Planning Authority. The report shall:

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

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

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

5. The development hereby approved shall not be brought into use until written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 53dB D_{nTw} + C_{tr} has been 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.

6. The development hereby approved shall not be brought into use until a waste management scheme has been submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall include details of bin storage areas, screening, bin collection points, and refuse collection vehicle access. The approved scheme shall be operational and provided before the development is brought into use and shall be so retained thereafter.
   Reason: In the interests of amenity and highway safety to accord with policies of Policies LP21 and LP24 of the Kirklees Local Plan and policies within Chapters 9 and 12 of the National Planning Policy Framework.

7. The development hereby approved shall not be brought into use until a scheme which details the management and maintenance of communal refuse storage areas by a designated private management company has been submitted to and approved by the Local Planning Authority. The approved scheme shall be operational and provided before the development is brought into use and shall be so retained thereafter.
   Reason: In the interests of amenity and highway safety to accord with policies of Policies LP21 and LP24 of the Kirklees Local Plan and policies within Chapters 9 and 12 of the National Planning Policy Framework.

8. Prior to commencement of the development hereby approved, a construction management scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall include details of the number and size of vehicles expected during the development, parking, loading and unloading of contractors' plant and materials, the storage of building materials and the parking of the workforce during construction works. The conversion and construction works shall be undertaken in accordance with the approved scheme for the entirety of the construction phase of the development.
Reason: In the interests of highway safety and to accord with LP21 of the Kirklees Local Plan and policies within Chapter 9 of the National Planning Policy Framework.

NOTE: This proposal involves works adjacent to the public highway. It is an OFFENCE to carry out any works that may affect the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary consent or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are obtained from the Council.

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

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

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

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received

Location Plan	P.100.01		05/01/2026
Existing and Proposed Ground Floor Plans	P.100.11		05/01/2026
Existing Floor Plans	P.100.10		05/01/2026
Proposed Floor Plans	P.100.12		05/01/2026
Proposed Rear Elevations	P.100.14		05/01/2026
Proposed Side Elevations	P.100.15		05/01/2026
Existing and Proposed Sections	P.100.16		05/01/2026
Climate Change and Energy Efficiency Statement			05/01/2026
Planning Statement			05/01/2026
Heritage Statement			05/01/2026

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