

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

**Town and Country Planning (General Permitted Development) (England)
Order 2015 - Schedule 2, Part 3, Changes of Use**

**DELEGATED DECISION FOR DISCHARGE OF CONDITION -
NOTIFICATION OF A CHANGE OF USE UNDER THE ABOVE
PROVISIONS**

Reference no.	2019/CL/91462/W
Site Address	79, Huddersfield Road, Holmfirth, HD9 3AS
Description	Temporary flexible change of use of premises to A1 (shops) for up to 2 years commencing 1 June 2019 (within a Conservation Area)
Recommending Officer	Teresa Harlow

DECISION – Application Noted

**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.**

Neil Bearcroft

AUTHORISED OFFICER

Date: 03-May-2019

This submission is a notification under the process set out Class D of Part 4 of Schedule 2 (Temporary Buildings and Uses) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

This allows for a flexible change of use between specified use classes without the formal submission of a planning application for a change of use to be submitted. Premises where the use currently falls within class A1, A2, A3, A4, A5, B1, D1 and D2 uses will be allowed to change use for a single period of up to two years to A1, A2, A3 and B1 uses.

In this case it allows for the change of use of a Physiotherapists (which could be classed as either a 'professional' service in Class A2 or a non-residential institution in Class D1 similar to a dentists, doctors or other medical service) to a Class A1 use is proposed .

There are certain conditions that the applicant needs to satisfy before the new use can start:

1. The developer has to tell the LPA the date the site will begin being used for one of the flexible uses, and what use that will be, before the use begins.

In this case the use is proposed to commence in 1st June 2019 and would be used as a Vape Shop. This use would fall within Class A1.

At any given time during the two year flexible period the use can change to another use within the flexible categories by submitting a further notification, but can only have one flexible use at any time.

Not applicable at this time

The site will retain its original use for the purposes of the Use Class Order and will revert to the previous lawful use at the end of the 2 year period.

This would be explained in correspondence to the applicant in response to the notification

The area that can be changed under this temporary change of use must be less than 150m²

The notification states that the floor area (ground and first floor) is 120m²

Following the period of two years no further flexible uses can be applied for.

Not applicable.

The information submitted has been assessed against the criteria set out in D.1 of Class D of Part 4 of Schedule 2 (Temporary Buildings and Uses) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

- a. The change of use relates to less than 150 square metres of floor space within the building
- b. The site has not at any time in the past relied upon the permission granted by Class D
- c. The site does not form part of a military explosives area
- d. The site does not form part of a safety hazard area
- e. The building is not listed
- f. The building is not a community asset/'specified building'.

Recommendation

The notification will be acknowledged.

Report dated 3rd May 2019