KIRKLEES METROPOLITAN COUNCIL
DEVELOPMENT & MASTER PLANNING SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning (General Permitted Development) (England) Order 2015(as amended) - Schedule 2, Part 3, Class MA

DELEGATED DECISION FOR PRIOR APPROVAL FOR CHANGE OF USE FROM COMMERCIAL, BUSINESS AND SERVICE USES TO DWELLINGHOUSES

Reference no.	**2023/CL/90337/W**
Site Address	**Klippers Gents Hair Salon, 150, Blackmoorfoot Road, Crosland Moor, Huddersfield, HD4 5RE**
Description	**Prior notification for change of use from Class E commercial to one dwelling**
Recommending Officer	**Laura Yeadon**

DECISION – DETAILS APPROVED

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.

Kevin Walton

AUTHORISED OFFICER

Date:23-Mar-2023

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f90337

Site Description

150 Backmoorfoot Road is a two storey mid terraced property located within the defined Local Centre of Crosland Moor. Within the terraced row are a number of buildings which include residential properties, a public house an off-license and takeaways. The unit known as No. 150 is a former hairdressers with the rear extension and the first floor being a flat known as No. 150A Balckmoorfoot Road.

Prior approval is sought for the proposed change of use of the ground floor of the building from Class E commercial to one dwelling. The submitted application form and proposed floor plans indicate that the ground floor would be converted to a residential unit comprising of a kitchen/dining room, bedroom, shower room with fitted storage space.

An application has been submitted under number 2023/90333 for alterations to the front elevation comprising the installation of new double-glazed window, infill facing stonework to match the existing and removal of roller shutter which runs concurrently to this application.

1. **Procedural Matters**

Prior notifications for the change of use of premises from Class E (commercial business and service) to a use falling within Class C3 (dwellinghouses) are considered against the requirements as set out by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 3, Class MA.

Limitations for Part 3, Class MA.1 Development

Development is not permitted:-

(a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval	**Pass**: There is no evidence to suggest the building has been occupied 3 months prior to the date of the application.
(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;	**Pass**: The use of the premises is and has been commercial for at least a 2 year period based upon the information submitted by the Agent
(c) The cumulative floor space of the existing building changing use under Class MA exceeds 1500 square metres;	**Pass**: The cumulative floor space of the existing building changing use under Class MA would not exceed 1500 sq m

(d) if land covered by, or within the curtilage of, the building— (i)is or forms part of a site of special scientific interest; (ii)is or forms part of a listed building or land within its curtilage; (iii)is or forms part of a scheduled monument or land within its curtilage; (iv)is or forms part of a safety hazard area; or (v)is or forms part of a military explosives storage area;	**Pass**: The development is not in any category in paragraph (d)
(e) if the building is within— (i)an area of outstanding natural beauty; (ii)an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(3); (iii)the Broads; (iv)a National Park; or (v)a World Heritage Site;	**Pass**: The building is not in any category in paragraph (e)
(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;	**Pass**: The building is not occupied under any agricultural tenancy
(g) before 1 August 2022, if— (i)the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and (ii)the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.	**Pass**: The building is not within and land affected by an Article 4 Direction.

Condition MA.2:

In this instance the developer must apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to:

- Transport and highway impacts
- Contamination risks
- Flooding risks
- Impact in terms of noise for future occupants from commercial premises
- The provision of adequate natural light in all habitable rooms of the dwellinghouses
- The impact of residential use in an area the authority considers to be important for general of heavy industry, waste management, storage and distribution, or a mix of such uses

The development does not result in the loss of a health centre or registered nursery.

The building is not located within a Conservation Area and the whole of the ground floor would be converted.

The development does not meet the fire risk condition.

As part of the notification procedure, the Local Authority notified members of the public of the proposed development by sending neighbour notification letter to those with an adjoining boundary and allowing 21 days for objections to be made. The Local Planning Authority shall consider any representations made as a result of the notice given.

Space standards

Article 3(9A) of the Town and Country Planning (General Permitted Development) (England) Order (as amended) precludes any grant of planning permission where the gross floor area does not exceed 37 square metres or does not meet nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015. The requirement to meet national space standards was introduced to prior approval application on 6th April 2021.

In this instance, the gross floor area exceeds 37 square metres for a one bedroom property with one occupier.

Representations

Publicity end date: 13th March 2023 – no representations received

Assessment

Transport and access impacts

The site is located on a classified C road known as Blackmoorfoot Road. There is a bus stop outside the front of the property where a regular bus service operates. The site is within the defined local centre and therefore within the vicinity of a number of shops and services and is considered to be a sustainable location. There is no parking provision demonstrated however as the proposed use would likely generate less traffic movement than the former use of the property as a hairdresser it was not considered necessary to formally consult with Highways Development Management Officers.

In terms of waste management and the collection of waste, the Council's Waste Strategy's Officers were formally consulted regarding the application with the comments citing that the wheeliebins must not be stored permanently on the pavement on Blackmoorfoot Road but should be presented on the pavement on collection day before returning to the waste storage area shown on plan. It is also cited that the proposed development would require provision of a waste storage area for 2 x 240ltr bins – 1 for general waste and 1 for recyclable waste. The storage area should be on hard, smooth, level surfaces that can be easily cleaned and drained and be on the

same level as the alleyway which provides access to Blackmoorfoot Road avoiding steps or steep gradients. The storage area should be constructed to the dimensions as detailed in the Kirklees Waste Management Design Guide 2020. Also, it should be noted the proposed bin storage is located directly adjacent to the rear entrance/ exit to flat No150A. Consideration should be given to the fire risk presented by waste storage. See BS5906:2005, Building Regs 2010 Part H6 and CFPA-E Guideline No 7:2022 F.

Contamination risks:

The site is not located close to any sources of contamination.

Flooding risk:

The site is not located within a Flood Zone.

Impact in terms of noise:

Due to the property being located within the defined Local Centre with noise generating units within the terraced row, Environmental Health Officers were formally consulted as part of the application process. The comments cite that the proposed development is a ground floor dwelling, with an existing first floor residential property above. It is located next to a pub and a takeaway, noise from which is likely to have an adverse impact on future occupiers of the site. Therefore, it is necessary for a condition to ensure there is sufficient sound insulation in the party walls of the adjoining commercial properties, and in the ceiling between the ground and first floor residential properties. Due to the siting of the property, it is considered reasonable and necessary to impose the requested condition.

The provision of natural light to all habitable rooms of the dwellinghouse:

The proposed accommodation would span across part of the ground floor of the building. It is proposed as part of the planning permission application that the existing frontage would be altered and a large window installed into the front elevation where the kitchen/dining room is proposed. Notwithstanding this, there is an opening within the front elevation of the building as existing, should the application for planning permission not be approved or equally not implemented if approved. There is also a window within the rear elevation of the property where the bedroom would be located. It is therefore considered that there would be adequate natural light for the property.

Impact upon general or heavy industry, waste management, storage and distribution, or a mix of such uses:

The Local Planning Authority does not consider there to be an impact upon these uses.

Other matters:

None

Representations:

None

Recommendation

The application has been submitted with sufficient information to allow the Local Authority to assess the above relevant impacts..

Recommendation: Details approved

Decision Authorisation – Delegated Powers

Application Number: 2023/90337

Officer Recommendation: Details approved

1. Before the development is brought into use for residential purposes written evidence to demonstrate that the airborne sound insulation performance of the party walls/ceiling of the development is of a minimum of 55 dB 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 before the building is used for residential purposes. 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 for residential purposes.
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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	1190-3-OS-01 – Rev: A		1st February 2023
Existing floor plans	1190-X-GA-00 – Rev: A		1st February 2023
Existing front elevation	1190-X-EL-01 – Rev: A		1st February 2023
Proposed floor plan	1190-A-3-GA-00 – Rev: A		1st February 2023
Proposed site plan	1190-3-OS-02 – Rev: A		1st February 2023

Dated: 21st March 2023