

Planning and Development Management
City Development
Leeds City Council
110 Merrion Centre
Leeds
LS2 8BB



07 June 2023

Dear Planning Department,

Prior Approval for the Change of use of Offices (Use Class E(g)) at Grafton Street, Bradford Road, Batley, West Yorkshire, WF17 6AR under Class MA to Residential (Use Class C3)

Introduction

- 1.1 We are instructed on behalf of our client 'The Unitech Industries Group' (the Applicant) to submit a planning application for the change of use of office block (Use Class E(g)) to residential (C3) at Grafton Street, Bradford Road, Batley, West Yorkshire, WF17 6AR.
- 1.2 The application is made under Class MA of the Town and Country Planning (General Permitted Development) (England) (as amended) Order 2015 which relates to the change of use of offices to dwellings under permitted development rights, business or service (Use Class E) to a residential unit (Use Class C3).

The Site

- 1.3 The application site comprises a two-storey office building, fronting Grafton Street. Historical maps (old-maps.co.uk) confirm that the building was built between 1961 and 1974 and adjoins an existing warehouse, built prior to this timeframe.
- 1.4 The property in question is two stories in height and made from brick with pebble dash. The building benefits from two entrance doors, with car parking to the rear and on-street.
- 1.5 Importantly, a planning history search confirmed that there are no restrictive conditions in place. This was confirmed with Kirklees Council on 12th January 2021. An application can therefore be progressed under this permitted development right.

The Planning Case

- 1.6 Where development proposed under Schedule 2, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) meets the relevant criteria as set out in paragraphs MA and MA.1 of that class, development is permitted subject to the conditions as set out in paragraph MA.2 of that class.

- 1.7 Section 3 paragraph 9A of The Town and Country Planning (General Permitted Development) (England) Order 2015 states that Schedule 2 does not grant permission for or authorise any development of any new dwellinghouse – (a) Where the gross internal floor area is less than 37 square metres in size; or (b) That does not comply with the nationally described space standard issued by the Department of Communities and Local Government on 27th March 2015.
- 1.8 Drawing Number 2120-D04 Rev A 'Proposed Plans' Prepared by EDG: Architecture confirms that the total area of each (excluding attic low head room below 1.5m) is not less than 37sqm. As such, the proposal meets the threshold in criteria (a) above.
- 1.9 NDSS (Nationally Described Space Standards) sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms. Importantly, the proposal complies with NDSS's criteria for gross internal floor area and minimum bedroom sizes and heights.
- 1.10 A full assessment against the requirements of Use Class MA has been undertaken below, by Astrum Planning.

Permitted Development Criteria

Class MA – commercial, business and service uses to dwellinghouse

Class MA development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouse). Development not permitted

MA.1.—(1) Development is not permitted by Class MA—

- (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;*
- (b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;*

- 1.11 It is our understanding that the site has been vacant since 2019. As such the proposal complies with criteria (a) above. Against criteria (b) the building has lawfully operated as offices under use class E(b) (former B1) since construction and for more than 2 years.

- (c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;*

- 1.12 The total floor space that will change use Class MA is approximately 271.7sqm. The proposal meets this requirement.

- (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 explosive storage area;*

- 1.13 The above does not apply to this case.

- (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(1); (iii)the Broads; (iv)a National Park; or (v)a World Heritage Site;*

1.14 The above does not apply to this case.

- (f) *if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or*

1.15 The above does not apply to this case.

- (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.*

1.16 The above does not apply to this case, and there are no Article 4 Directions in place – preventing the conversion of the said building to residential.

MA.2.—(1) Development under Class MA is permitted subject to the following conditions.

- (2) *Before beginning development under Class MA, 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—*

- (a) *transport impacts of the development, particularly to ensure safe site access;*

1.17 The building is located within the urban area of Batley and occupies a sustainable location, with strong linkages to existing infrastructure and services, including bus stops along Bradford Road. All facilities are within walking distance; as such the site occupies a sustainable location.

1.18 The proposal provides 6 car parking spaces to the rear of the building – one space per flat, which has been tracked by ATTP Transport and shown on the enclosed ‘Proposed Site Plan’. The Plan confirms that vehicles can easily manoeuvre within the proposed car parking area, with no conflicts from remaining service yard - which will be retained by the Applicant for continued operations. A 2m fence and green wall separates the two areas, with cycle store and bin storage also provided within the Site.

1.19 Access into the site will be via an entrance from Grafton Street.

- (b) *Contamination risks in relation to the building;*

1.20 The proposal is for the change of use of an existing building and given the use of the floors as office accommodation, we consider the risk of contamination is likely to be low. Furthermore, no breaking of the ground will be required to facilitate the change of use. As such, we do not consider that a Phase 1 Desk Study and/or Phase 2 (Site Investigation) Report and Remediation Strategy is required in this instance. However, a condition can be imposed if required by Kirklees Council.

(c) *Flooding risks in relation to the building;*

- 1.21 The application site is located within Flood Zone 1 and there have been no records of any recent flooding within the property or adjacent areas. An initial review has also identified that there are no known flood risks which require specific mitigation and would impact on the proposed development. As the application involves only a change of use, internal modifications are proposed, alongside minor changes to the external areas. We note that any modifications to the existing building surface water drainage, will be dealt with by the Building Inspector to ensure any drainage works comply with Part H of the Building Regulations.

(d) *Impacts of noise from commercial premises on the intended occupiers of the development.*

- 1.22 The site comprises an office block, set within a mixed use area, with residential development to the east; retail to the south; a garage to the north; and commercial to the west. Importantly, the Applicant also owns the former Dixon Hall Site to the west and south, as shown by the enclosed Location Plan. An acoustic report accompanies this application and confirms that from a sound insulation point of view the location of the bedrooms on the quieter side of Dixon Hall is appropriate. The proposed refurbishment work to comply with current building regulations will further enhance the sound insulation performance of the building and will comply with the requirements of BS 8233:2014 and that there is a low likelihood of adverse impact on the future occupants of the flats.

- 1.23 A Green wall is also proposed within the existing service area to separate car parking for the residential flats from commercial operations.

(e) *Where— (i) the building is located in a conservation area, and (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;*

- 1.24 The site is not located within a conservation area and the building is not nationally or locally listed. As such, this criterion does not apply.

(f) *The provision of adequate natural light in all habitable rooms of the dwellinghouses;*

- 1.25 Existing window frames will be utilised, with windows inserted into all habitable rooms of the dwellinghouse, therefore all rooms benefit from natural light.

(g) *the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and*

- 1.26 This does not apply, and the site is not within an allocated employment or safeguarded area.

(h) *where the development involves the loss of services provided by— (i) a registered nursery, or (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006(2), the impact on the local provision of the type of services lost.*

- 1.27 The site has been used for office space and is not a health centre or nursery. This does not apply.

- (3) *An application for prior approval for development under Class MA may not be made before 1 August 2021.*

1.28 *This does not apply.*

- (4) *The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”.*
- (5) *Development must be completed within a period of 3 years starting with the prior approval date.*
- (6) *Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose.*

1.29 The above provisions will be complied with by the applicant.

Summary

- 1.30 From our technical assessment above, it is apparent that the proposal meets the requirements of Class MA; and therefore, comprises permitted development.
- 1.31 Overall, we consider that the conversion of property into residential accommodation will add to the vibrancy of the area, and enable the reuse of a vacant premises. The proposal also meets the conditions of Class MA, as outlined above.
- 1.32 Importantly, the proposal will meet required space standards and will add to the local housing mix - offering accommodation to single people or a couple within the Batley area.
- 1.33 If you wish to discuss this further, please do not hesitate to contact me via the details outlined below.

Yours Sincerely,



Rachel Reaney, MRTPI



M: 07989659350

E: Rachel@astrumplanning.com

161 Bilton Lane, Harrogate, HG1 3DQ

Company Registration Number: 12969998