

**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/93447/W

Site Address	Truckline Services Ltd, Gordons Place, Manchester Road, Linthwaite, Huddersfield, HD7 5RF
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Description	Prior notification for change of use from office to two dwellings
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Recommending Officer	Laura Yeadon
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DECISION - REFUSED

**I hereby authorise the refusal 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:16-Jan-2024

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f93447>

Site Description

Truckline Services Ltd, Gordons Place, Manchester Road, Linthwaite, Huddersfield, HD7 5RF is a modest sized detached building located within an area which is unallocated within the Kirklees Local Plan however is within an area defined as the Strategic Green Infrastructure Network. The building is two storeys in height and constructed from stone. The building forms part of a wider site which includes a workshop, ancillary buildings and parking and storage yard areas.

Description of Proposal

Prior approval is sought and described to change the use of the of building from office (Class E) to two dwellings (Class C3). One dwelling would be located on the ground floor of the building with one dwelling located within the first floor of the building.

The submitted Supporting Statement identifies that the office building is currently unused. It goes on to state that there is a poor-quality extension to the rear of the building which is redundant and would be demolished as part of the conversion. It also states that the building is in good condition and very suitable for residential use with minimal internal alterations required as the building works well with the existing room divisions as two apartments.

It is proposed that parking for the building would be to the front of the property where there are existing spaces for 5 no. vehicles.

1. Procedural Matters

Prior notifications for the change of use of premises from Class E (commercial, business & 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) Order 2015 (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	Fail: The buildings forms part of the wider use of the site by Truckline Services Ltd including a main workshop to the side, ancillary buildings, parking

<p>of at least 2 years prior to the date of the application for prior approval;</p>	<p>and storage yards all within the same ownership and within the blue line of the submitted site plan (drawing number (P1190 – 02)). The subject building appears to be an office building which has, historically, been an office building serving the wider use of the site. It therefore appears that the building formed part of the wider planning unit in terms of being an ancillary building to the main use of the site for Truckline Services Ltd and formerly DM Textile Machinery Ltd. Truckline Services Ltd appear to provide a truck body fabrication service including sales as the primary use neither of which are considered to fall within the uses as specified in paragraph 2 and as defined by the Use Classes Order 1987 (as amended).</p>
<p>(c) The cumulative floor space of the existing building changing use under Class MA exceeds 1500 square metres;</p>	<p>Pass: The cumulative floor space of the existing building change use under Class MA would not exceed 1500 sq m.</p>
<p>(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;</p>	<p>Pass: The development is not in any category in paragraph (d)</p>
<p>(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;</p>	<p>Pass: The building is not in any category in paragraph (e)</p>
<p>(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;</p>	<p>Pass: The building is not occupied under any agricultural tenancy</p>
<p>(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</p>	<p>Pass: The building is not within and land affected by an Article 4 Direction.</p>

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.	
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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 the future occupants from commercial premises
- the provision of adequate natural light in all habitable rooms of the dwellinghouses
- 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

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

The development does not meet the fire risk condition.

The above details will be assessed below.

As part of the notification procedure, the Local Authority notified members of the public of the proposed development by sending neighbour notification letters 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.

Publicity end date: 4th January 2024 – no representations received

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 of any new dwelling does not exceed 37 sq metres or does not meet nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

The submitted details indicate that at ground floor a 3 no. bedroom unit at ground floor. The National Described Space Standards document states that for a 3 bedroom property for 6 persons (3 x double bedrooms) over one storey would need to have a minimum of 95 square meters of floor space with each double/twin bedroom having a

minimum of 11.5 square metres of space. The ground floor apartment would meet these requirements.

The submitted details indicate that the first floor 1 no. bedroom unit would be created. The National Described Space Standards document states that for a 1 bedroom property for 2 persons over one storey would need to have a minimum of 50 square metres of floor space with the bedroom (double/twin) having a minimum of 11.5 square metres of floor space. The first floor apartment would meet this requirement.

Assessment

Transport and highway impacts:

the site is located on a Primary A road (A62), approximately 460 metres from the defined Milnsbridge Local Centre within the Kirklees Local Plan and faces a row of terraced dwellings which face and are set up from the roadside. Due to the location and siting of the building, this is considered to be on a well connected transport route with regular bus services and bus stops within close proximity of the site.

Parking is available to the front of the office building which can accommodate 5 no. vehicles as demonstrated on the submitted plans and which is evident on Google Maps.

Whilst formal comments have not been received from Kirklees Highway Officer's it is considered that to serve the building as a whole with a total of 4 no. bedrooms proposed that to provide 5 no. parking spaces would be acceptable in this instance. Whilst the cars would be required to be parked at an oblique angle to the A62 to prevent encroachment onto the highway, it has been demonstrated that this can be achieved.

In terms of bin storage, it has not been addressed on the submitted where the provision would be placed, within the red line boundary of the site. Should the application be considered acceptable and subsequently prior approval not required, a condition can be attached to the decision notice, requesting details of the bin storage, collection, drop-off points etc to be submitted and agreed in writing by the LPA.

Contamination risks:

The site has been identified on the Council's mapping system as potentially contaminated land due to its previous use as works. K.C. Environmental Health Officers have been formally consulted as part of the application process and have requested that due to the demolition works to the extension to the rear of the property, a condition is recommended to be imposed providing details of the reporting of unexpected land contamination during the demolition and making good of the site area.

Flooding risk:

The site is not within Flood Zones 2 or 3 however for clarification purposes, the Lead Local Flood Authority were formally consulted as part of the application process. The

Flood Management Team have confirmed that the latest current surface water flood risk plans do not show problems envisaged for the 1 in 100-year event. The comments cite that the 1 in 1000-year extreme event may have water at the front of the building. However, finished floor levels are clearly elevated from ground levels.

The comments have cited that there are windows demonstrated on the proposed elevations at lower ground floor level which have not been demonstrated on the proposed floor plans. Subject to the lower ground floor not being used for habitable space, there are no objections to the application in terms of flood risk. This can be secured by condition, should the application be granted consent.

Impact in terms of noise:

The site fronts Manchester Road and is adjacent to a commercial/light industrial use. Environmental Health Officers have raised concerns due to the impact of noise on the amenity of the occupiers of the proposed development and therefore should the application be granted consent, it is recommended that a condition requiring a Noise Assessment should be submitted prior to works commencing. The Report should specify 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 premises etc.

The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in living rooms and gardens (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)

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

The provision of adequate natural light in all habitable rooms of the dwellinghouse

The submitted plans demonstrate that all habitable rooms within both proposed apartments have the provision of natural light by hosting openings. Therefore, the works would comply with this requirement.

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

The development is situated within an area which contains residential and commercial enterprises. Any issues relating to the impact to and from the commercial use of the wider site would be identified within the required Noise Assessment along with any proposed mitigation measures. The loss of the office building is not considered to

unduly impact on the existing commercial operations of the site, subject to appropriate conditions.

Other matters

No other matters to consider.

Representations

None received

Recommendation

The application has been submitted with sufficient information to allow the Local Authority to assess the above relevant impacts without the need to require Prior Approval on any of these matters.

Recommendation: Prior Approval Not Required

Decision Authorisation - Delegated Powers

Application Number: 2023/93447

Officer Recommendation: Refusal

The building is considered to form part of a wider planning unit currently occupying the site as Truckline Services Ltd. The planning unit appears to include the office building, workshop, further ancillary buildings and parking and storage yard areas.

On the balance of probabilities the building subject to this application serves as an ancillary office to the wider functions of the company and the former occupants of the site. Taken as a whole it is considered the ancillary office use would have formed part of a wider single planning unit within a primary use relating to the principal operations of Truckline Services Limited including lorry body fabrication and sales which would fall outside use Class E as defined by the Use Classes Order 1987 (as amended). The information submitted fails to demonstrate that the proposed use of the building currently benefits from a primary Class E use.

As such, the proposal would fail to comply with the requirements set out by the Town and Country Planning (General Permitted Development) Order 2015 (Amended) Schedule 2, Part 3, Class MA.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	P1189 – 02		22 nd November 2023

Plan Type	Reference	Web ID	Date Received
Existing elevations and floor plans	P1189 – 05		22 nd November 2023
Proposed elevations and floor plans	P1189 – 10 – 01		22 nd November 2023
Supporting Statement			22 nd November 2023

Report Dated:

11th January 2024