

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. 2024/CL/90501/W

Site Address	Clifton House Surgery, 1, Church Street, Golcar, Huddersfield, HD7 4AQ
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Description	Prior notification for change of use from commercial/business/service to one dwelling (within a Conservation Area)
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Recommending Officer	Laura Yeadon
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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:15-Apr-2024

Officer Report

Site Description

Clifton House, 1 Church Street is a former GP surgery which is single storey to the front elevation and two storeys to the rear constructed from stone. The building is semi-detached with the adjoining property being two storeys to the front elevation and three storeys to the rear and is in residential use on the Council's mapping system.

The property has a small strip of amenity space to the rear and to the side is a detached garage with amenity space to the front of the property which is covered by hardstanding. Both areas of land to the front and side of the building are within the blue line boundary of the site and therefore within the same ownership.

Prior approval is sought for the proposed change of use of the building from commercial, business and service (Class E) to one dwelling (C3).

The submitted details indicate the following:

Ground floor:

Existing entrance, office, WC and 3 no. consulting rooms internally reconfigured to living/dining room, living room, kitchen, bathroom and 2 no. bedroom with 1 no. ensuite bathroom

Lower ground floor:

Staff room, store, kitchen and WC internally reconfigured to 2 no. ensuite bedrooms and garden room which would have external access only.

There are no proposed alterations to the external appearance of the building and no new openings would be created.

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, condition 2:

Limitations for Part 3, Class MA.1 Development

Development is not permitted:-

(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	Pass: The use of the building has been Class E at least over the last two year period (based on desk based assessment)
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prior to the date of the application for prior approval;	
(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 the future occupants from commercial premises
- where the building is located in a Conservation Area and the development would involve a change of use of the whole or part of the ground floor and the impact of that change of use on the character of sustainability of the Conservation Area
- 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 result does not in the loss of a health centre or registered nursery as the GP surgery closed in 2018 (indicated by desk top assessment) although the potential use for a GP surgery will be lost. However, the development does not meet the fire risk condition.

For the avoidance of doubt and while the red line boundary submitted with the application simply outlines the building, it is considered in light of the extent of the landownership and unit of occupation of the GP surgery including the detached garage and parking/amenity areas that the change of use applies to the existing planning unit.

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.

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 square metres or does not meet nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

In this instance the ground floor would provide approximately 119 square metres of accommodation and the lower ground floor would provide approximately 75 square metres of accommodation and therefore a total of approximately 194 square metres. The Nationally Described Space Standards Document indicates that for a 4 bedroom property, occupied by 7 no. persons (based on the information submitted on plan) over two storeys should provide 115 square metres. As such, the proposed dwelling would meet the required space standards.

Publicity end date: 27th March 2024

Representations

As a result of the above publicity, no responses have been received.

Planning history

1989/05602 Erection of single storey extension to surgery to form 2 no. consulting rooms
Granted Conditionally

2024/90516 Planning permission for relevant demolition of garage (within a Conservation Area)
Not yet determined – under consideration

Assessment

Transport and highway impacts:

Off street parking is available within the submitted blue line boundary of the site both to the front and side of the dwelling. The property is a 4 no. bedroom property and to meet modern standards, 3 no. off-street parking spaces should be available at the property.

Whilst no comments have been received to date from Highways Officers, it is considered that 3 no. parking spaces can be achieved within the site blue line boundary and therefore there are minimal concerns regarding parking and highway safety. In addition, the application site is within a sustainable location at a distance of approximately 180 metres from the defined Golcar Local Centre within the Kirklees Local Plan.

In terms of waste management, Officers have provided comments which cite that 3 no. 240ltr bins would be required for the property to provide residual and recycling provision with adequate space for a third bin for garden waste. It is noted that due to the split level of the property the bin storage would need to be to the front of the property.

The comments were sent to the Agent for the application and an updated plan was submitted and received on 3rd April 2024 which indicated the provision of 3 no. bins which would be located adjacent to the entrance of the site.

As such, it is considered that the impact of the proposal on transport and highways has been adequately addressed within the application submission.

Contamination risks:

The site is not located within an area of potentially contaminated land and therefore there are minimal concerns.

Flooding risk:

None

Impact in terms of noise:

The site is located adjacent to a classified C road, Church Street and would be attached to an existing residential property and within an area which is predominantly residential. Therefore, due to the former use of the building being a GP surgery, it is considered that there would be a reduction in traffic movement and number of persons within the property as a residential use than within the former use.

As such, in this instance, it is not considered that a noise assessment is required to be submitted.

Impact on a Conservation Area:

There are no proposed external alterations to the building. Therefore, there would be a neutral impact on the Golcar Conservation in which the property is located.

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

For clarification purposes, the interpretation under Part 3 of Schedule 2 provides an interpretation of what a 'habitable room' means and states that *habitable rooms 'means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms.'*

In this case all the proposed accommodation within the dwelling would be served by the existing windows. The proposed garden room at lower ground floor would not be served by existing windows and hosts an external door. Given that this does not appear to be habitable accommodation, it is not considered that this would require natural light in any event.

It is therefore concluded that there is the provision of adequate natural light in all habitable rooms provided by the existing openings.

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

The development is generally surround by town centre related uses and does not impact upon any of the uses listed above.

Other matters

There are 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: 2024/90501

Officer Recommendation: Approve details

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays
08.00 and 13.00hours, Saturdays
With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan, existing and proposed roof site plan, elevations and floor plans	23-065-05A		3 rd April 2024
Supporting Statement	Dated February 2024		21 st February 2024

Report Dated:

10th April 2024

