

**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/91112/W

**Site Address 8, Leatham Royd, Marsden,
Huddersfield, HD7 6HA**

**Description Prior notification for change of use
from commercial/business/service
to one dwelling (within a
Conservation Area)**

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.**

John Holmes

AUTHORISED OFFICER

Date:21-Jun-2024

Officer Report

[Weblink](#)

Site Description

8 Leatham Royd is a former office building located on Leatham Royd which is off Manchester Road in Marsden. The property fronts Leatham Royd and is a back-to-back property with internal space within the basement, ground floor, first floor and second floor. The building is an end-terraced building located within the Marsden Conservation Area.

The property has a small yard to the front of the property with no amenity space to the side or rear indicated within the submitted red line boundary.

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:

Basement: basement kitchen, cellar, pantry and staircase

Ground floor: living room and staircase

First floor: bedroom, bathroom, landing and staircase

Second floor: floor area and staircase

The submitted application form details that the works would all be internal and there does not appear to be any new openings 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 prior to the date of the application for prior approval;	Pass: The use of the premises is and has been offices for at least a 2 year period. This is reflective of the records held by the Council.
(d) if land covered by, or within the curtilage of, the building— (i) is or forms part of a site of special scientific interest;	Pass: The development is not in any category in paragraph (d)

(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;	
(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 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.

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.

In this instance floor plans have been submitted detailing the room sizes of the building and are noted as follows:

Basement kitchen – $4.13\text{m} \times 2.7\text{m} = 11.07 \text{ sqm}$

Pantry – $2.2\text{m} \times 1.43 = 3.146 \text{ sqm}$

Cellar – $1.74 \times 1.43 = 2.48 \text{ sqm}$

Living room – $4.13 \times 3.41 = 14.08 \text{ sqm}$

Bedroom – $4.13 \times 4.09 = 16.89 \text{ sqm}$

Bathroom – $2.62 \times 2.00 = 5.24 \text{ sqm}$

Second floor area – $3.91 \times 4.36 = 17.04 \text{ sqm}$

Therefore the total room sizes, excluding the staircases is 69.946 square metres. the Nationally Described Space Standards document indicates that for a one bedroom property over 2 storeys (maximum storeys prescribed for a one bedroom dwelling) should provide a floor area of at least 58 square metres and therefore, the proposed dwelling would meet the required space standards.

Publicity end date: 5th June 2024

Objections

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

Assessment

Transport and highway impacts:

In terms of this proposal, the property is a back-to-back property within a terraced row of existing back-to-back residential properties whereby no dedicated parking appears to be available for any of the properties. However, there is a marked out parking area on Leatham Royd which forms part of the A62 Manchester Road. In this case, given that that the use of the building would be as a one bedroom dwelling, it is not considered that there would be a significant increase in the demand for parking over and above the previous uses of the building under Class E use whereby staff and customers/visitors would attend the property.

It is considered that the building is located within a sustainable location, within an approximate distance of 60m from the defined Marsden District Centre and within close proximity to local transport infrastructure.

In terms of waste management, it is anticipated that the bin storage and collection requirements would be as existing.

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:

The property is within Flood Zone 2. It is not anticipated that there would be an increase to flood risk as there are no alterations being carried out to the structure of the building or any external alterations.

Impact in terms of noise:

The site is located adjacent to a classified A road. The property is a back-to-back end-terraced dwelling within a row of residential properties. Therefore, due to the former use of the building being within a Class E use whereby staff and customers/visitors would be in attendance, it is considered that there would be a reduction in traffic movement and the number of persons within the property as a residential use rather than its former use.

Impact on a Conservation Area:

There are no proposed external alterations to the building. Therefore, there would be a neutral impact on the Marsden 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 the proposed accommodation within the building would be served by existing windows and these are prescribed within the submitted application form which states: '*Theres is natural light on all floors. The attic space has a Velux window to provide natural light. The house will replicated the layout of adjacent residential properties. The basement kitchen with floor level light. Ground floor lounge with large windows. First floor (one) bedroom and bathroom both with windows. Attic space for storage or office with Velux window.*'

It is therefore concluded that there is 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

Strategic Green Infrastructure Network - The site is within the Strategic Green Infrastructure Network. The role of the Network is to safeguard and enhance green infrastructure networks, green infrastructure assets and the range of functions they provide. As the proposed works would be within the confines of the residential curtilage, it is not considered that the proposed works would be detrimental to the aims of relevant local or national policies.

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: Details Approved

Decision Authorisation - Delegated Powers

Application Number: 2024/91112

Officer Recommendation: Details Approved

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
Application form			19 th April 2024
Photograph	Front elevation		19 th April 2024
Photograph	Site view		19 th April 2024
Photograph	5		19 th April 2024
Photograph	4		19 th April 2024
Photograph	26		19 th April 2024
Photograph	14		19 th April 2024
Location plan	TQRQM24111164549934		22 nd April 2024
Basement floor plan			29 th April 2024
Ground floor plan			29 th April 2024
First floor plan			29 th April 2024
Second floor plan			29 th April 2024

Report Dated:

17th June 2024