

**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/92147/W

**Site Address Beauty Seal, 501, Wakefield Road,
Dalton, Huddersfield, HD5 9XN**

**Description Prior notification for change of use
from commercial/business/service
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.**

West Team

AUTHORISED OFFICER

Date:24-Sep-2024

Officer Report

[Weblink](#)

Site Description

501 Wakefield Road is a semi-detached property located within the defined 'Wakefield Road/Dalton Green Local Centre'. The property has a stone constructed front elevation with a red brick side elevation and an outtrigger is located on the rear elevation.

To the front of the property is a small amenity space and to the rear is a larger amenity space which is finished with hardstanding. There is a driveway to the side accessed off Wakefield Road and spans the depth of the front amenity space and side elevation of the property to the hardstanding to the rear which is used as parking for the property. Access to this area can also be taken from a private access road between No. 503 and 505 Wakefield Road.

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:-

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| (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; | Pass: The use of the premises is and has been within Use Class E for at least a 2 year period (based on desk based assessment). The property has been occupied as a beauty salon over the previous 2 years specialising in facial treatments. It is |
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| | considered the professional service offered can fall in Class E of the Use Classes Order 1987 (as amended). |
| <p>(d) if land covered by, or within the curtilage of, the building—</p> <p>(i) is or forms part of a site of special scientific interest;</p> <p>(ii) is or forms part of a listed building or land within its curtilage;</p> <p>(iii) is or forms part of a scheduled monument or land within its curtilage;</p> <p>(iv) is or forms part of a safety hazard area; or</p> <p>(v) is or forms part of a military explosives storage area;</p> | Pass: The development is not in any category in paragraph (d) |
| <p>(e) if the building is within—</p> <p>(i) an area of outstanding natural beauty;</p> <p>(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(3);</p> <p>(iii) the Broads;</p> <p>(iv) a National Park; or</p> <p>(v) a World Heritage Site;</p> | Pass: The building is not in any category in paragraph (e) |
| <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> | Pass: The building is not occupied under any agricultural tenancy |
| <p>(g) before 1 August 2022, if—</p> <p>(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</p> <p>(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</p> | Pass: The building is not within and land affected by an Article 4 Direction. |

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| 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
- 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 facing the property 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, no floor plans or elevations of the property have been submitted for consideration as there are no internal or external works to the property proposed (as detailed within the accompanying application form). Based upon the records held by the Council, the footprint of the building is approximately 51 square metres and therefore over 2 floors of accommodation the square metres of the building would be approximately 102 square metres which meets the requirement of the Nationally Described Space Standards document with regards to two storey dwellings.

Publicity end date: 6th September 2024

Objections

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

Planning History

2003/93972 Change of use of ground floor into well-being clinic

Conditional Full Permission

Assessment

Transport and highway impacts:

Off-street parking is available within the red line boundary which can be accessed directly from Wakefield Road to the front of the property or via a privately owned road to the rear of the property. It is not known as part of the application submission how many bedrooms would be utilised as part of the resultant dwellinghouse however, ample parking is evident based upon aerial photographs.

Highways Development Management Officers were formally consulted as part of the application process who raise no objections to the former single dwelling being returned to a single dwelling and no specific highway conditions have been requested.

In terms of waste management, whilst no comments have been requested or received with regards to bin collection or storage requirements, it is not anticipated that there would be significant concerns given that the surrounding area is mixture of commercial and residential properties whereby a regular waste service will be in situ.

Contamination risks:

The site is not located within an area of potentially contaminated land and therefore there are minimal concerns. The Council's Environmental Health Team were formally consulted as part of the application process and no concerns have been raised.

Flooding risk:

None

Impact in terms of noise:

The site is located adjacent to a Classified A road and can be accessed from the front of the property off Wakefield Road or from the rear of the property off a private access road which is also off Wakefield Road. It is not considered that the noise assessment is required to change the use of the building back to its original residential use.

Impact on a Conservation Area:

The property is not located within a Conservation Area.

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 property would be served by the existing openings with no proposed additional openings. The location of the existing windows appear to serve what would likely be habitable accommodation and therefore, it is concluded that there is provision of adequate natural light 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 surrounded by local centre related and existing residential 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: 2024/92147

Officer Recommendation: Approve details

Conditions and Reasons

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 | TQRQM24211151046414 | | 31 st July 2024 |

Report Dated:

23rd September 2024