

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/93350/W

Site Address	100-102, Northgate, Huddersfield, HD1 6AR
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Description	Prior notification for change of use from commercial/business/service to 3 dwellings
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Recommending Officer	Lucy Taylor
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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-Jan-2025

Officer Report.

Reference: 2024/93350

Location: 100-102, Northgate, Huddersfield, HD1 6AR

Proposal: Prior notification for change of use from commercial/business/service to 3 dwellings

Site Description.

100-102 Northgate is a two-storey building, fronting the highway of Northgate. The building currently operates as Northgate House, with a single storey projection at the rear which operates as a warehouse area. The external walls of the building are faced in stone, with a gable tiled roof above the two-storey building and a metal roof above the single storey warehouse.

The building is located within an area dominated by commercial uses, with the adjoining building operating as Coral Windows and a car showroom located directly north.

Byway (HUD/337/10) runs to the northern boundary of the site.

Description of Proposal.

The proposal seeks to confirm that the change of use from a commercial/business/service building to three 3 dwellings is permitted development under Class MA of the General Permitted Development Order (2015) (as amended).

Apartment 1 would be situated on the 1st floor of the building, with a kitchen / dining area, lounge, bedroom and bathroom.

Apartment 2 would be situated on the 1st floor of the building, with a kitchen / dining / lounge area, bedroom and shower room.

Apartment 3 would be situated to the attic level of the building, with kitchen / dining / lounge area, bedroom (with walk-in wardrobe) and bathroom.

History of Negotiations / Amendments Received.

No negotiations took place, and no amended plans were sought or submitted during the course of the application.

Relevant Planning History.

- 2023/93502 – Change of use from first floor and attic office (Eciii) to form 4 apartments (C3); erection of rear dormer extension at attic level and first floor extension to raise the roof of existing warehouse (B2/Eciii) to create additional storage space. *Refused*.

Representations.

The application was advertised via neighbour notification letters which expired on 31st December 2024. As a result of publicity, no representations have been received.

Procedural Matters.

The proposal constitutes development as defined within Section 55 of the Town and Country Planning Act 1990. The General Permitted Development Order 2015 Schedule 2 Part 3 Class MA (As inserted 2021) permits the following development:

'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 (dwellinghouses) of Schedule 1 to that Order.'

The proposal is considered to be covered within this Class, and is thus authorised subject to the restrictions, conditions and prior notification procedure outlined in Paragraphs MA.1, MA.2 and MA.3.

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;	Sub-paragraph (a) has been omitted.
(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 submitted application form confirms that the building has been in use, for a continuous period of at least 2 years immediately prior to the date of this application, under one or more of the classes specified in sub-paragraph (2).
(c) The cumulative floor space of the existing building changing use under Class MA exceeds 1500 square metres;	Sub-paragraph (c) has been omitted.
(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	Pass: The land covered by, or within the curtilage of, the building does not fall within any of the categories labelled from i to v.

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 submitted application form confirms that the site 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 1 st August 2021; and (ii)the development would not have been permitted under Class O immediately before 1 st 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 submitted application form confirms that the building is not within any land affected by an Article 4 Direction.

Paragraph MA.2 outlines a set of three conditions that the developer must adhere to. MA.2(2) states:

‘(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;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (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;

- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (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;
- (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, the impact on the local provision of the type of services lost, and
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building'

Paragraph MA.3 stipulates the need for the developer to comply with Paragraph MA.2(2)(i) which ensures developments meet the fire risk condition, the fire safety impacts on the intended occupants of the building.

Assessment.

As per Part 3, Class MA, Paragraph MA.2(2), the local planning authority must assess the impact on several matters.

Transport and Highway Impacts

The proposal seeks prior notification for the change of use of an existing commercial/business/service building to three one-bedroom apartments.

The submitted Design and Access Statement sets out that the existing 14 car parking spaces at the site would be retained for use by the residential apartments and also for the building's use at ground floor level.

The submitted Design and Access Statement also highlights the incorporation of bicycle parking at the site.

It is also noted that the site is located within a sustainable location, close to services, due to its proximity to Huddersfield Town Centre.

The submitted Design and Access Statement sets out details for refuse and recycle waste, outlining the following provisions: *"The refuse and recycle waste have now been incorporated within the existing rear yard of the building and is unaffected. These waste bins have been provided within the existing rear yard for these additional change of use for these spacious residential apartments. The residents will have access and will bring their waste to be*

kept dedicated waste bins area. The management team will bring out the respective waste bins during collection day.”

As such, it is considered that the transport and bin storage details are acceptable in this instance.

Contamination Risks

The site lies adjacent to a former petrol station (map reference 207/9).

However, given that this application seeks the conversion of the first and attic floors to 3 dwellings, it is not considered likely that any groundworks would be required. Therefore, there are minimal concerns in relation to contamination risks.

Flooding Risks

The site does not fall within a flood risk zone and there are no known flood risks associated with the site.

Noise Impacts

MA.2(2)(d) requires the LPA to assess impacts of noise from commercial premises on the intended occupiers of the development.

The surrounding area consists primarily of commercial buildings, garages and car dealerships with some residential dwellings. There is also a large road intersection to the southwest of the site and railways lines 120 metres to the west.

The submitted Design and Access Statement sets out that *“Noise can be mitigated by providing secondary glazing internally.”*

Despite the mitigation measure set out in the submitted Design and Access Statement, it is concluded that a condition be imposed, to ensure any measures required to be installed are carried out to an acceptable standard.

Conservation Area

MA.2(2)(e) requires the LPA to consider the heritage impacts of the development ‘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.’ The site is not located within a conservation area.

Provision of Natural Light

MA.2(2)(f) requires the provision of adequate natural light to all habitable rooms of the dwellinghouse.

The submitted floor plans demonstrate that all habitable rooms will be served by glazing to all 3 of the dwellings. Apartment 4 is only served by existing roof lights which whilst providing sufficient natural light does not provide the occupants with any quality outlook in terms of residential amenity. This was a concern raised by the inspector on the previous dismissed appeal. However, the criterion under Class MA only allows the Local Planning Authority to consider natural light rather than residential amenity.

Therefore and despite concerns over the quality of residential amenity, it is considered that the property would receive adequate natural light and as such, would be acceptable with regard to MA.2(2)(f).

Commercial Impacts

MA.2(2)(g) is not considered applicable as the authority do not consider the surrounding area to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

Furthermore, the proposal does not result in the loss of a nursery or health care centre and would therefore accord with MA.2(2)(h).

Fire Risk

MA.2(2)(i) states that where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building. The development is for two apartments which would not exceed the height of the building as outlined within article 9A of the General Management Procedure Order 2015. Therefore, the proposal would meet the fire risk condition.

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.

All of the proposed apartments are one bedroom.

Apartment 1 has been calculated to have an internal floor area of approximately 56sq. metres.

Apartment 2 has been calculated to have an internal floor area of approximately 45sq. metres.

Apartment 3 has been calculated to have an internal floor area of approximately 72sq. metres.

For these reasons, it is considered that the proposal would adequately meet basic lifestyle needs and provide a high standard of amenity for future occupiers.

Representations

N/A

Conclusion.

The application has been submitted with sufficient information to allow the Local Authority to assess the above relevant impacts which are considered acceptable subject to conditions.

Recommendation: Details Approved

Decision Authorisation – Delegated Powers

Application Number: 2024/93350

Officer Recommendation: Approve Details

Prior approval granted subject to the following additional condition: -

1. The proposed refuse arrangements as stated in the Design and Access Statement by Jade3 Architecture Ltd shall be provided and made available for use by the occupiers of the proposed apartments before first occupation. The external refuse areas shall thereafter be retained. In the event that external refuse storage areas are not available for use, the apartments shall not be occupied until an alternative scheme for the storage of refuse facilities is submitted and approved by the Local Planning Authority. Any alternative scheme for the storage of refuse facilities shall be retained thereafter.

Reason: To ensure adequate refuse storage areas are provided in the interest of highway and transport safety.

2. Before the apartments are first occupied, a report specifying the measures taken to protect occupiers of the apartments from noise from all noise sources shall be submitted to and approved in writing by the Local Planning Authority. The report shall:
 - Determine the existing noise climate
 - Predict the noise climate in bedrooms (night-time) and other habitable rooms of the development
 - Detail the attenuation / design to protect the amenity of occupants of the new residences, including secondary glazing internally.

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be retained thereafter.

Reason: To protect the amenity of future occupiers of the residential accommodation from noise disturbance.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Existing Site Plan Red Line	100	A	26.11.2024
Proposed First	105	C	26.11.2024
Proposed Basement and Ground	104	A	26.11.2024
Proposed Attic	106	C	26.11.2024
Existing First and Attic	103	-	26.11.2024
Existing Basement and Ground	102	-	26.11.2024
Existing Site Plan (Unchanged)	101	-	26.11.2024
Climate Change Statement	-	-	26.11.2024
Flood Map for Planning (Environment Agency)	-	-	26.11.2024
Design and Access Statement by Jade3 Architecture	-	-	26.11.2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

No negotiations took place, and no amended plans were sought or submitted during the course of the application.

Report Dated: 14.01.2025

