# 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**

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| **Reference no.** | **2025/CL/91221/W** |
| **Site Address** | **HSBC, 2, Cloth Hall Street, Huddersfield, HD1 2EG** |
| **Description** | **Prior notification for change of use of floors 1-5 inclusive from commercial/business/service to 28 flats/studios and change of use of part of ground floor to provide associated facilities for the flats/studios, including refuse store (within a Conservation Area)** |
| **Recommending Officer** | **Jillian Rann** |

**DECISION – Prior Notification – Approve details**

**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.**

Nick Hirst

***AUTHORISED OFFICER***

**Date:02-Oct-2025**

**Officer Report**

**Application:** 2025/91221

**Application Site:** HSBC, 2, Cloth Hall Street, Huddersfield, HD1 2EG

**Proposal**: Prior notification for change of use of floors 1-5 inclusive from commercial/business/service to 28 flats/studios and change of use of part of ground floor to provide associated facilities for the flats/studios, including refuse store (within a Conservation Area)

## Site Description

The application relates to 2 Cloth Hall Street, a prominent building on the northern side of Cloth Hall Street, between its junctions with New Street and Chancery Lane.

The building is currently vacant, and was previously occupied by the HSBC bank, an E(c) use. The building has sections of full height glazing to its ground floor, and its upper floors facing New Street, Cloth Hall Street and Chancery Lane are characterised by multiple projecting square bay windows, whilst its northern elevation, facing the adjoining buildings on New Street, is blank.

The site is within Huddersfield town centre (where it is part of a secondary shopping frontage) and within Huddersfield Conservation Area, and the application building is adjacent to a Grade II listed building, 2-14, New Street.

The site is generally surrounded by other commercial uses within the town centre, and its immediate surroundings include a drinking establishment on the opposite side of New Street to the east, as well as retail units, banks and other food and leisure uses.

## Proposal

Prior notification for change of use of floors 1-5 inclusive from commercial/business/service to 28 flats/studios (within a Conservation Area).

The proposed units would comprise eighteen 1-bedroom flats and ten studios. The entrance to the proposed flats would be via the existing ground floor building entrance from New Street.

A cycle store area is proposed in the basement of the building. A refuse store for the proposed flats is proposed on the ground floor.

The remainder of the ground floor would remain in commercial use, and would be served by the existing ground floor building entrance from Cloth Hall Street. As there is a levels difference between Cloth Hall Street and the internal floor level of the proposed retained commercial unit, a platform lift is proposed to be installed within the building at the Cloth Hall Street entrance.

No external alterations to the building are proposed.

**Relevant Planning History**

All relevant planning history for the site relates to minor extensions and alterations associated with the building's former use as a bank, including plant, canopies, access ramp and ATMs, and applications for signage associated with that former use.

**History of Negotiations/Amendments received**

Revised plans and information have been received during the course of the application, in response to comments from the case officer and consultees regarding the proposals as originally submitted.

The changes included amendments to the ground floor layout to provide a separate refuse storage area for the proposed flats and relocate the entrance to the flats from Chancery Lane to New Street. Amendments were also made to the layout of some of the proposed apartments in response to concerns raised regarding natural light levels to some habitable rooms/areas, including within the proposed studios. Other revisions to the plans, and to the submitted Fire Statement, were made in response to comments from the Health and Safety Executive with regard to fire safety matters.

Relevant consultees were re-consulted following the receipt of those revised plans and details.

Following the receipt of those revised plans, the description of the proposed development was changed to incorporate the proposed change of use of part of the ground floor to provide associated facilities for the proposed flats/studios, including a refuse store. The application was also subsequently re-publicised, with the revised plans and revised description.

A further revised Ground Floor Plan has subsequently been received, showing the proposed installation of a platform lift within the building to provide level access between the retained ground floor commercial unit and the proposed retained entrance to that unit from Cloth Hall Street. The Health and Safety Executive was re-consulted following receipt of this revised plan.

However, given the minor nature of the changes, and as they related to internal layout changes only, this further revised plan was not the subject of further re-publicity.

## Procedural Matters

Prior notification applications for the change of use of buildings from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) are considered against the requirements set out in Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

### Limitations for Part 3, Class MA Development (Paragraph MA.1.)

Development is not permitted:

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| (a)… | Sch. 2 Pt. 3 Class MA para. MA.1(1)(a) omitted (5.3.2024) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 (S.I. 2024/141), arts. 1(1), 3(2)(a) |
| (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:** Based on the site's planning history, it is considered that the building has been in Class E use for a continuous period of at least 2 years prior to the date of this application. |
| (c)… | Sch. 2 Pt. 3 Class MA para. MA.1(1)(c) omitted (5.3.2024) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 (S.I. 2024/141), arts. 1(1), 3(2)(b) |
| (d) if land covered by, or within the curtilage of, the building—<br><br>(i) is or forms part of a site of special scientific interest;<br>(ii) is or forms part of a listed building or land within its curtilage;<br>(iii) is or forms part of a scheduled monument or land within its curtilage; | **Pass:** The site does not fall within any of the categories in paragraph (d). |

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| (iv) is or forms part of a safety hazard area; or<br>(v) is or forms part of a military explosives storage area; | |
| (e) if the building is within—<br><br>(i) an area of outstanding natural beauty;<br>(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;<br>(iii) the Broads;<br>(iv) a National Park; or<br>(v) a World Heritage Site; | **Pass:** The building is not within any of the areas 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; or | **Pass:** The application form confirms that the land is not occupied under any agricultural tenancy arrangements. |
| (g) before 1 August 2022, if—<br><br>(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<br>(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 proposal was submitted after 1 August 2022. Furthermore, the site is not within any land affected by an Article 4 Direction. |

* The classes specified in sub-paragraph (2) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

(i) Class A1 (shops);
(ii) Class A2 (financial and professional services);
(iii) Class A3 (food and drink);
(iv) Class B1 (business);

(v) Class D1(a) (non-residential institutions – medical or health services);
(vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
(viii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

In the light of the above, it is concluded that the proposal would not conflict with the restrictions in Paragraph MA.1.

**Conditions on Class MA (Paragraph MA.2.)**

Where a proposal is development under Class MA and complies with the restrictions in Paragraph MA.1., the development is permitted subject to the conditions in Paragraph MA.2.

Paragraph MA.2.(2) states that, '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' the specific matters set out in Paragraph MA.2.(2) (a) to (i) inclusive. Those matters are set out and considered in turn in the Assessment section below.

Paragraph MA.2.(4) states that 'the provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph' and clarifies a number of matters in that regard with respect to Class MA. Amongst other things, the provisions of Paragraph W include a requirement for publicity of the application. This requirement is considered in the Representations section below.

**Other provisions**

In addition to the requirements and conditions of Class MA as set out above, and those set out in Paragraph W, Article 3.(9A) of the GPDO states that:

*"Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—*

*(a) where the gross internal floor area is less than 37 square metres in size; or*

*(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015."*

Article 3.(9B) of the GPDO goes on to state that:

*"The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it."*

This matter is considered in the Space Standards part of the Assessment section below.

**Representations**

The application was originally advertised as a Prior Notification application via site notices, posted 16th May 2025.

Following the receipt of revised plans and information, the application was subsequently re-publicised via site notices, posted 14th August 2025.

*Final publicity date expired*: 5th September 2025

No public representations were received in response to the proposal.

However, local Ward Councillor Andrew Cooper has submitted comments, which include correspondence from a member of the public, and Councillor Cooper has advised that the comments are an objection to the proposals. The comments were received from Councillor Cooper in July 2025, before the application was re-publicised in August 2025. The comments cover the following matters:

- Concerns regarding the impact of the proposals on the character of this former banking hall, including effects on the double-height, glazed banking hall as a result of the proposed internal refuse store room.
- Merits of the existing building.
- Would be interested in the comments of the Conservation Team on the proposals.
- How are the requirements going to be balanced against the character of the building?
- How is internal refuse store room sanitary?
- Cycle storage proposed in basement, would be more practical if this and refuse store were reversed, lifts could be used to move bins.

- Amended plans submitted 13th June, after public consultation period had ended.
- Changes to plans, including matters above, requested by the Council.

A further revised Proposed Ground Floor Plan was received in September 2025. The amendments related to internal changes only, to provide a platform lift inside the entrance to the retained ground floor commercial unit from Cloth Hall Street and some minor changes to the ground floor layout to accommodate this. As those further internal changes were minor, the application was not re-publicised again following receipt of this further revised plan.

**Consultation Responses**

**Health and Safety Executive (HSE) (Planning Gateway One – Fire Safety):** The HSE was originally consulted in May 2025. The HSE has subsequently been re-consulted on 3 further occasions following the receipt of revised plans and further information, most recently following receipt of a revised Proposed Ground Floor Plan in September 2025, which included changes to the ground floor internal layout to accommodate a platform lift inside the entrance to the retained ground floor commercial unit from Cloth Hall Street.

The first two responses from the HSE raised concerns regarding the proposals.

Following the subsequent receipt of further revised and additional information, the HSE was re-consulted again in July 2025. The subsequent comments from the HSE, dated 11/08/2025, advised that 'Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations. However, HSE has identified matters that the applicant should address in advance of later regulatory stages.' Further information was included as part of those comments from the HSE with regard to the specific details of those 'matters that the applicant should address in advance of later regulatory stages'.

Following the receipt of a revised Ground Floor Plan in September 2025, the HSE was re-consulted again. The subsequent comments from the HSE, dated 30/09/2025, concluded that 'Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations.' However, the HSE's comments dated 30/09/2025 also states 'HSE advises that the previous substantive response (SR), 25-0488 [the

reference number for the HSE's comments dated 11/08/2025], is read in conjunction with this SR due to the concerns and additional items previously referred to in the supplementary information section'.

**K.C. Highways (Development Management)** (Most recent comments, following receipt of revised plans during the course of the application):

'Would expect trip generation at the site for retail and residential to be lower than the extant use as offices and a bank'.

Access to proposed residential units has been relocated from Chancery Lane to New Street. This removes need to access residential part of the development 'via the substandard narrow footway on Chancery Lane and as such is viewed as a highway safety improvement'.

As site is in a 'very sustainable town centre location', no highway concerns that there is no parking associated with the proposals. Several public car parks within a short walk.

Revised plans show 28 cycle storage spaces to be made available in the basement with access via either lift or a cycle gutter on the stairs between the ground floor and basement. Indicative location of the cycle lockers shown, but based on scaled measurements 'this may not be suitable for cycle storage and so details of the lockers to be used' should be conditioned. 'Cycle parking/storage should be made suitable for e-bikes and include suitable fire safety precautions'.

Waste storage room for residential units proposed on ground floor and collection is to be from New Street. Note existing doors onto New Street do not open wide enough to allow bin to pass through, new doors may be required. Existing waste collection takes place from New Street and there is a dropped kerb so collection can take place from kerbside on Cloth Hall Street.

Waste storage and collection for commercial unit is indicated, and access is proposed from commercial unit access on Cloth Hall Street. Cloth Hall Street is suitable for waste collection.

Condition recommended for waste and servicing management plan for both aspects of the development, indicating how this would operate so as to avoid waste and recycling bins being left obstructing footways around the site.

Condition recommended requiring construction access plan, due to site location within town centre.

**K.C. Waste Planning:** (Most recent comments, following the receipt of revised and additional information during the course of the application)

Applicant has provided additional information. Have viewed revised document 'Waste Management Notes'. Proposed information is acceptable to the Waste Collection Authority.

**K.C. Lead Local Flood Authority (LLFA):**

Proposed development is a building conversion with no changes proposed to the footprint of the building or existing surface water drainage. Not within Flood Zone 2 or 3. 'Therefore the LLFA considers that there is no increase in flood risk and has no comments to make on this application'.

## Assessment

Paragraph MA.2.(2)

As set out above, Paragraph MA.2.(2) of Schedule 2, Part 3, Class MA of the GPDO requires the developer to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the specific matters in Paragraph MA.2.(2) (a)-(i) inclusive. These are considered in turn below.

(a) Transport impacts of the development, particularly to ensure safe site access

No parking is available, or proposed, within the site. However, the Highways officer has advised that they would expect trip generation at the site for retail and residential 'to be lower than the extant use as offices and a bank', and that as the site is in a 'very sustainable town centre location' they would have 'no highway concerns that there is no parking associated with the proposals', noting the presence of several public car parks nearby. The proposals are therefore considered acceptable in this regard.

Revised plans have been received during the course of the application, relocating the proposed entrance to the flats and studios from Chancery Lane, which is narrow with limited footway width, onto New Street. This is considered a significant improvement in terms of providing safe access to the flats and studios for potential future occupants, and the proposals are considered acceptable in this regard. A customer entrance to the retained ground floor commercial unit would be retained from Cloth Hall Street.

Cycle parking for the proposed flats and studios is proposed in the basement of the building. The Highways officer has noted this and has advised that further details of the cycle storage proposals, and their provision and retention should be conditioned. Subject to a condition to that effect, it is considered that the proposals would be acceptable in terms of providing cycle storage, to encourage sustainable transport use among potential future occupants, and taking into account that no vehicular parking is proposed within the site.

Following the receipt of revised plans, including the provision of separate refuse storage areas within the building for the proposed residential and retained commercial use, and further information and clarification from the applicant regarding some aspects of the proposed refuse storage and collection arrangements, the Highways officer and the Council's Waste Planning officer have advised that the proposals are acceptable with regard to the storage and collection of waste. A condition requiring details of a Servicing and Waste Collection Management Plan, as suggested by the Highways officer, is considered reasonable and necessary in this case, to ensure that satisfactory arrangements are in place for bins to be moved from, and returned to, their respective storage areas on collection days and that bins are not left on the footways around the site for extended periods, where they could result in an obstruction.

Comments received via Councillor Cooper, suggesting that the refuse and cycle storage areas are swapped round, with bins stored in the basement and cycles on the ground floor, are noted. However, the proposals for refuse storage on the ground floor and cycle storage in the basement have been reviewed by the Highways and Waste Planning officers, and no objections have been raised to the proposals as submitted in this regard. The proposals are therefore considered to be acceptable.

As the site is in a town centre and the existing building occupies the whole site, a condition requiring a construction access management plan, as suggested by the Highways officer, is considered necessary and reasonable in this case, to ensure that such matters including construction traffic access and the storage of materials and parking of contractors vehicles are considered and approved before works commence, to protect highway safety during construction. As this is considered necessary in relation to the construction phase of the development, it is considered that this would need to be a pre-commencement condition.

(b) Contamination risks in relation to the building

With regard to potential contamination risks, the application has been discussed with the Council's Environmental Health Officer (EHO).

The application relates to the proposed change of use of an existing building, with no external alterations. There are no potentially contaminating uses on the site, and the proposed flats and studios themselves would all be located on the upper floors, with only their entrance and refuse and cycle storage areas on the ground floor and basement levels. There would be no ground floor garden areas within the site.

On that basis, it is considered that no conditions are necessary with regard to land contamination risks in this case.

(c) Flooding risks in relation to the building

The Lead Local Flood Authority (LLFA) has noted that the proposed development would be a building conversion 'with no changes proposed to the footprint of the building or the existing surface water drainage' and has advised that the site is not within Flood Zone 2 or 3. Therefore, the LLFA has advised that it considered that there is no increase in flood risk, and has confirmed that it has no comments to make on this application.

On that basis, it is considered that the proposed development would not have adverse implications in terms of flood risk, and that no conditions in that regard are necessary.

(d) Impacts of noise from commercial premises on the intended occupiers of the development

With regard to potential noise impacts, the application has been discussed with the Council's EHO.

The site is located within Huddersfield town centre and there are commercial uses within the town centre nearby, including a bar/nightclub on New Street opposite the site. Therefore, having regard to the nature of surrounding uses, some of which would be likely to be open later into the evening, it is considered that there could be some impact on future occupiers of the proposed development with regard to noise. Nevertheless, none of these potential noise sources are considered so severe to prohibit the future residential use of the building (subject to mitigation, as required). Therefore, a condition is considered necessary as part of any approval, requiring a Noise Impact Assessment to be submitted and approved, and any necessary mitigation measures implemented.

Subject to such a condition, it is considered that the proposed development would be acceptable with regard to any potential noise impacts on intended occupiers from the commercial premises.

(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

The existing building is a prominent building, located within Huddersfield Conservation Area, and within Huddersfield town centre.

Concerns raised regarding the impact of the proposed development on the character of the existing building are noted, including as a result of the internal alterations proposed.

The building is not a listed building and therefore consent is not required for internal alterations to the building. Furthermore, as this is an application for prior approval under the terms of the GPDO, only those matters specified in the relevant class of Schedule 2 of the GPDO (Part 3, Class MA in this instance) can be considered by the Council in assessing the proposals. In this case, insofar as they relate to matters of heritage, conservation and design, those matters are as set out in Paragraph MA.2.(2) (e) of Class 3 and are limited to 'the impact of that change of use on the character or sustainability of the conservation area'. This matter is considered below.

Insofar as it relates to the current application proposals, the character of the conservation area is drawn, in part, from the commercial buildings and uses within this part of the town centre, including their commercial ground floor uses and frontages. Although differing in age and character from many of the older buildings within the conservation area around it, the application building is nonetheless a distinctive building, which is representative of the period in which it was constructed, as part of the evolution of the town centre over time and, as such, it contributes to the character and appearance of the conservation area.

The proposed development would include the change of use of part of the ground floor of the building to provide facilities associated with the proposed flats and studios, including an entrance lobby and refuse store, via the building's existing entrance from New Street. However, the remainder of the ground floor would remain in commercial use, and the building would retain a ground floor commercial unit within the town centre, and a ground floor commercial frontage and entrance onto Cloth Hall Street. It is therefore considered that the presence of a ground commercial use and active ground

floor commercial frontage, and the associated contribution that the building makes to the commercial character of the conservation area, would be maintained. It is considered that the change of use of part of that ground floor to provide an entrance area and refuse store for the proposed residential flats and studios would not have adverse implications for the character or sustainability of the Huddersfield Conservation Area.

Furthermore, no external alterations to the building are proposed as part of the current application (nor does Part 3, Class MA of the GPDO permit any external alterations). Therefore, the existing shop front onto New Street would remain (albeit to be used as a residential entrance). Consequently, the proposals would not result in any external alterations that would have an impact on the character of the conservation area.

In the light of the above, it is considered that the proposed change of use of part of the ground floor to provide ancillary facilities associated with the proposed flats and studios, including refuse storage, would not have an adverse impact on the character or sustainability of the Huddersfield Conservation Area.

(f) The provision of adequate natural light in all habitable rooms of the dwellinghouses

For the Purposes of Schedule 2, Part 3 of the GPDO, the interpretation in Paragraph X. of Part 3 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'.

Revised plans have been received during the course of the application, including amendments to the internal layout of some flats/studios and the deletion of partitions that had originally been proposed adjacent to the sleeping areas in some studios, following concerns raised regarding natural light levels to some habitable areas of the flats and studios as originally proposed.

All the proposed flats and studios would be served by the building's existing large windows. In the studios, and in the open plan living/kitchen/dining areas within the flats, the layouts have been designed with the sitting/living areas closest to the windows. All bedrooms in the proposed flats would be served by an existing window (the bedroom in proposed Flat 1 would have one high level window, but would also include an area served by a further, higher window, thus providing satisfactory levels of natural light to that room overall).

In some studios, the proposed sleeping areas would also be close to windows. In others, the sleeping areas would be slightly further from the windows, but it is considered that their location, and the size of the existing windows, would be such that those areas would still receive adequate levels of natural light.

It is therefore considered that the proposed development would provide adequate levels of natural light in all habitable rooms.

(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

In this case the site is within Huddersfield town centre, surrounded by other town centre commercial uses. It is not considered to be an area which is important for general or heavy industry, waste management, storage and distribution, or a mix of such uses. Therefore, this criterion is not considered applicable in this instance.

(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

In this case, the former use of the application building was a bank. Therefore, the development would not involve the loss of services provided by a nursery or a health centre as defined in the GPDO, and it is not necessary to consider any impacts with regard to the loss of such services in this instance.

(i) Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

In this instance, the development would meet the fire risk condition. A Fire Statement was submitted as part of the application, and the Health and Safety Executive (HSE) has been consulted.

Revised plans and information, including a revised Fire Statement, have been received during the course of the application to address concerns raised by officers and consultees, including the HSE. The HSE has been re-consulted on multiple occasions during the application following the receipt of revised plans and information, including following the receipt of the most recent revised plan (a revised Ground Floor Plan) in September 2025.

Following the receipt of revised plans and information during the application, the HSE has now confirmed that it is 'content with the fire safety design as set out in the project description, to the extent that it affects land use planning considerations'. On that basis, in the light of the HSE's comments, it is considered that the proposed development would be acceptable, in planning terms, with regard to fire safety matters.

However, the HSE's comments also advise that the HSE 'has identified matters that the applicant should address in advance of later regulatory stages'. Therefore, although the proposals are considered acceptable in planning terms, it is recommended that a footnote is included as part of the decision, drawing the applicant's attention to those other matters which are identified in the relevant comments from the HSE, and to the need for other approvals under separate legislation, including the Building Regulations.

GPDO Article 3(9A) – Space Standards

All of the proposed flats and studios would meet the relevant Nationally Described Space Standards.

| **Flat** | **Size (sqm)** | **NDSS requirement** | **NDSS met?** |
|---|---|---|---|
| 1 | 70 | 50 | Yes |
| 2 | 39 | 37 | Yes |
| 3 | 46 | 37 | Yes |
| 4 | 51 | 50 | Yes |
| 5 | 38 | 37 | Yes |
| 6 | 40 | 37 | Yes |
| 7 | 44 | 37 | Yes |
| 8 | 38 | 37 | Yes |
| 9 | 41 | 37 | Yes |
| 10 | 39 | 37 | Yes |
| 11 | 38 | 37 | Yes |
| 12 | 40 | 37 | Yes |
| 13 | 44 | 37 | Yes |
| 14 | 38 | 37 | Yes |
| 15 | 41 | 37 | Yes |
| 16 | 39 | 37 | Yes |
| 17 | 38 | 37 | Yes |
| 18 | 40 | 37 | Yes |
| 19 | 44 | 37 | Yes |
| 20 | 38 | 37 | Yes |
| 21 | 41 | 37 | Yes |
| 22 | 39 | 37 | Yes |
| 23 | 38 | 37 | Yes |
| 24 | 40 | 37 | Yes |

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|---|---|---|---|
| 25 | 44 | 37 | Yes |
| 26 | 38 | 37 | Yes |
| 27 | 41 | 37 | Yes |
| 28 | 39 | 37 | Yes |

Several flats would have a floor area below 39m$^2$, the base requirement for a 1-bedroom, 1 person unit. However, on the basis of the submitted details, those flats would have a shower room instead of a bathroom, and all would have a floor area of at least 37m$^2$. As such, and taking into account footnote 3 of the Nationally Described Space Standard (which states that 'Where a 1b1p has a shower room instead of a bathroom, the floor area may be reduced from 39m$^2$ to 37m$^2$), those flats would meet the relevant Nationally Described Space Standard.

Public Sector Equality Duty

In considering this application, due regard has been had to the Public Sector Equality Duty in Section 149 of the Equality Act 2010, which requires that a public authority must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under the Equality Act 2010, and to advance equality of opportunity, and foster good relations, between persons who share a relevant protected characteristic and persons who do not share it.

The proposals include the change the use of part of the ground floor of the building to provide an entrance lobby and refuse store for the proposed residential flats and studio, with level access via the building's existing ground floor entrance from New Street.

As a result, the remaining customer entrance to the retained ground floor commercial unit would be from Cloth Hall Street, which is at a higher level than the internal floor level of the proposed retained ground floor commercial unit, with internal steps inside the Cloth Hall Street entrance leading down into the ground floor at present.

The proposed development would thus remove the existing ground floor level access (from New Street) from the commercial unit.

As part of the application, revised plans have been received, which now show the proposed provision of a platform lift within the building, between the Cloth Hall Street customer entrance to the commercial unit and the ground floor commercial unit itself.

This would not be a direct replacement for the existing step-free access from New Street, which does not require a lift, and it would introduce some further inconvenience for those customers requiring level, step-free access, compared with the existing situation. However, this is in the context of the wider proposals, which seek to bring an existing large, prominent, vacant, former commercial building in Huddersfield town centre back into use, including the provision of residential accommodation on the upper floors and a satisfactory entrance to the proposed flats.

Although the originally-submitted proposals included the retention of the New Street entrance to the ground floor commercial unit, the entrance to the proposed flats and studios was proposed from Chancery Lane, which raised some concerns in terms of safety and security, given the limited width and limited footway availability on Chancery Lane, and the proposals were subsequently revised to relocate the entrance onto New Street, which is now considered acceptable in terms of the safety of pedestrians accessing the residential part of the building.

In that context, as the proposals relate to the conversion of an existing building, and as the proposed platform lift would still ensure that people requiring level access would be able to access the retained ground floor commercial unit, it is considered overall that reasonable endeavours have been made to maintain level access for customers to the commercial unit, whilst also providing level access to the proposed flats and studios, and thus to ensure that customers, residents and visitors with disabilities who require level access can access the building.

Other matters

*Coal risk*

The site is within a defined Development High Risk Area for coal mining. However, the *Planning applications and Coal Mining Risk Assessments* guidance on the gov.uk website confirms that the Mining Remediation Authority does not require the submission of a Coal Mining Risk Assessment (CMRA) for some types of application or forms of development, as set out in the exemptions list within the guidance. Those exemptions include applications for prior approval and applications for 'pure 'changes of use' of land or buildings', and the guidance confirms that 'only one of these requirements needs to be met for a CMRA not to be needed'.

The current application is for prior approval and relates solely to the proposed change of use of the building (indeed, Part 3, Class MA of the GPDO relates solely to 'development consisting of a change of use of a building and any

land within its curtilage', and does not include any provision for external works or alterations as part of that permitted development right).

Therefore, it is considered that no CMRA is necessary in this case.

*Waste storage*

Concerns have been raised about whether the inclusion of an internal refuse storage area on the ground floor of the building is sanitary. The proposals have been reviewed by the Council's Waste Planning Officer with regard to refuse storage, and no objections have been raised in that regard, subject to a condition requiring a management plan, to include details of how waste collections will be managed to ensure that bins are put out and returned to storage areas on collection days. The condition is recommended as part of the decision.

**Representations**

The following are officers' responses to the concerns raised, which have not been addressed elsewhere within the assessment:

- Concerns regarding the impact of the proposals on the character of this former banking hall, including effects on the double-height, glazed banking hall as a result of the proposed internal refuse store room.
- Merits of the existing building.
- Would be interested in the comments of the Conservation Team on the proposals.
- How are the requirements going to be balanced against the character of the building?

**Response**: The conservation officer was not consulted on the application in this case, as the building is not listed and no external alterations to the building are proposed. However, the comments above are addressed in the section above titled *'(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'.*

- Amended plans submitted 13th June, after public consultation period had ended.
- Changes to plans, including matters above, requested by the Council.

**Response**: Comments received via Councillor Cooper refer to revised plans having been received in June 2025, after the original public comments period

ended. However, the application was subsequently re-publicised, following the receipt of those revised plans in June 2025, and interested parties have therefore had further opportunity to comment since those revised plans were received.

**Conclusion**

For the reasons given, it is considered that the proposed development would be acceptable with reference to the matters identified in Schedule 2, Part 3, Class MA of the GPDO. It is therefore recommended that the application is approved, subject to the suggested conditions.

**Recommendation**: Approve

**Report Dated:** 02/10/2025

**Decision Authorisation:** Delegated Powers

**Application Number:** 2025/91221

**Officer Recommendation:** Approve details.

1. No works shall commence in association with the development hereby approved until a Construction Access Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Access Management Plan shall include details of the provision to be made for:

- The number and size of vehicles expected during the construction of the development;
- Parking, loading and unloading of contractors' plant and materials;
- The storage of building materials and the parking of the workforce during construction works.

The conversion and construction works shall be carried out in accordance with the details thereby approved.
**Reason:** In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity impacts, are devised and approved at an appropriate stage of the development process.

2. None of the flats or studios hereby approved shall be first occupied until details of the proposed cycle storage facilities for the flats and studios, within the basement of the building as shown on Proposed Basement Floor Plan drawing number: 2412-09 Rev B, have been submitted to and approved in writing by the local planning authority. The submitted details shall include details of the proposed cycle storage stands and/or lockers, and any measures proposed for the storage of e-bikes, including appropriate fire safety precautions.

None of the flats or studios hereby approved shall be first occupied until the cycle storage facilities have been provided and made available for use in accordance with the details thereby approved, and a cycle gutter has been fitted to the stairs between the basement and ground floor residential entrance in accordance with Proposed Basement Floor Plan drawing number: 2412-09 Rev B and Proposed Ground Floor Plan drawing number: 2412-10 Rev D. The approved cycle storage facilities shall thereafter be retained as such.

**Reason:** To ensure that future occupants have adequate cycle storage facilities, so as to promote sustainable transport options in order to mitigate the highway and transport impacts of the development, in accordance with Policy LP20 and LP21 of the Kirklees Local Plan.

3. No part of the development hereby approved shall be first occupied or brought into use until a Servicing and Waste Collection Management Plan has been submitted to and approved in writing by the local planning authority. The Servicing and Waste Collection Management Plan shall include details of how servicing and deliveries to the premises will be made, how waste collection will be managed including the responsibilities for opening the waste access doors and movement of bins on collection day and the return of bins to the bin stores to avoid obstruction of the highway and/or footway.

The development shall thereafter be operated in accordance with the Servicing and Waste Collection Management Plan thereby approved.
**Reason:** To ensure that, having regard to its location and the restricted servicing facilities available, servicing and deliveries are satisfactorily managed and that arrangements are in place to ensure that bins are moved in and out of the building on collection days and prevent obstruction to the surrounding highway and/or footways, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan.

4. No works shall commence to the internal layout of the building in association with the development hereby approved until a report specifying the measures to be taken to protect the flats and studios from noise from all significant noise sources that are likely to affect the development, including commercial premises, has been submitted to and approved in writing by the local planning authority.

The report shall:

a) Determine the existing noise climate;
b) Predict the noise climate in living rooms (daytime), bedrooms (night-time) and other habitable rooms of the development; and
c) Detail the proposed attenuation/design measures necessary to protect the amenity of the occupants of the approved flats and studios.

The development shall not be first occupied or brought into use until all works specified in the report thereby approved have been carried out in full, and such works shall be retained as such thereafter.
**Reason:** To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise-generating commercial premises, in accordance with the aims of Policies LP24 and LP52 of the

Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that measures necessary to protect the amenities of future occupants are identified at an appropriate stage to allow those measures to be incorporated as part of the development.

**NOTE:** The developer is advised that separate approval will also be required for the proposed development under other relevant legislation, including the Building Regulations. The developer's attention is specifically drawn to the matters raised in the 'Supplementary Information' section of the comments received from the Health and Safety Executive, dated 11/08/2025 (HSE ref: 25-0488).

Plans and specifications schedule:

| Plan Type | Plan Reference | Version | Date Received |
|---|---|---|---|
| Location Plan | Date Produced: 01-May-2025 | | 02/05/2025 |
| Proposed Basement Floor Plan | 2412-09 | B | 16/07/2025 |
| Proposed Ground Floor Plan | 2412-10 | D | 08/09/2025 |
| Proposed First Floor Plan | 2412-11 | A | 13/06/2025 |
| Proposed Second Floor Plan | 2412-12 | A | 13/06/2025 |
| Proposed Third Floor Plan | 2412-13 | A | 13/06/2025 |
| Proposed Fourth Floor Plan | 2412-14 | A | 13/06/2025 |
| Proposed Fifth Floor Plan | 2412-15 | A | 13/06/2025 |
| Proposed Sixth Floor Plan | 2412-16 | A | 13/06/2025 |
| Elevations | BLD/404/EL | | 14/05/2025 |
| Existing Basement Floor Plan | 2412-01 | | 02/05/2025 |
| Existing Ground Floor Plan | 2412-02 | | 02/05/2025 |
| Existing First Floor Plan | 2412-03 | | 02/05/2025 |
| Existing Second Floor Plan | 2412-04 | | 02/05/2025 |
| Existing Third Floor Plan | 2412-05 | | 02/05/2025 |
| Existing Fourth Floor Plan | 2412-06 | | 02/05/2025 |
| Existing Fifth Floor Plan | 2412-07 | | 02/05/2025 |
| Existing Sixth (Plant Room) Floor Plan | 2412-08 | | 02/05/2025 |
| Fire Statement Form | Date: 16/06/2025 | | 16/07/2025 |
| Waste Management Notes | | | 10/07/2025 |

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.

In this case, the case officer allowed the applicant the opportunity to submit revised plans to address matters raised, including with regard to refuse storage, natural light within some of the proposed apartments, and maintaining level access to the retained ground floor commercial unit. Those matters were resolved.