

**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 G**

**DELEGATED DECISION FOR PRIOR APPROVAL FOR CHANGE OF USE
FROM – COMMERCIAL, BUSINESS AND SERVICE USES OR BETTING
OFFICE OR PAY DAY LOAN SHOP TO MIXED USE OF COMMERCIAL,
BUSINESS AND SERVICES USES AND AS UP TO 2 FLATS**

Reference no. 2025/CL/91485/E

Site Address

**6-14 Aldos, Central Parade,
Dewsbury Road, Cleckheaton,
BD19 3RU**

Description

**Prior approval for change of use
of first floor from commercial,
business and service to two
dwellings**

Recommending Officer

Danielle Cooper

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:22-Jul-2025

Officer Report

Reference No. 2025/91485

Site Address: 6-14 Aldos, Central Parade, Dewsbury Road, Cleckheaton, BD19 3RU

Proposal: Prior approval for change of use of first floor from commercial, business and service to two dwellings

Site Description

The application site relates to 6-14 Aldos, Central Parade, Dewsbury Road, Cleckheaton, BD19 3RU which is a located amount a parade of commercial units. The units are two storey tall and constructed from brick. The units relevant to this site are located within the middle of the parade.

The site operates under class E and is currently undergoing works, but the last known use was a restaurant as ground and first floor.

The site is located within Cleckheaton Town Centre and is identified as a secondary shop frontage.

The site is not within a conservation area.

Description of Proposal

The proposal seeks to confirm that the change of use of the first floor from commercial, business and service (Class E) to two dwellings (flats) (Class C3) is permitted development under Class G of the General Permitted Development Order (2015) (as amended). The proposal would convert the first floor of the building into 2 flats; a one bed roomed flat and a two bedroom flat. The ground floor would be retained as a commercial use.

The flats will be accessed via the front elevation of the building. The submitted plans show space to fit a bike at ground floor. It is noted, however that the proposed plans indicates a physical alteration to the front of the building to replace a chamfered shop front with a flush frontage incorporating a new doorway to the proposed flats. While no elevational details have been provided, this is likely to constitute development requiring planning permission. However, the existing doorway could be utilised to create access to the first floor.

One on site parking space will be provided for each flat to the rear of the building.

Bin storage and collection points are demonstrated on the proposed block plan.

History of Negotiations

The case officer requested the agent to submit a block plan to show on site parking and bin storage and collection points. The agent submitted a proposed block plan showing the requested information.

Relevant Planning History

2004/95254 – Change of use from A1 (photo shop) to A3 (restaurant/café bar)
– Approved 2005

Representations

The application was advertised by neighbour notification letters, which expired on 4th December 2024. As a result of the above publicity, three representations have been received. These were all in support of the application.

Procedural Matters

The above described 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 G (As inserted 2021) permits the following development:

‘G. Development consisting of a change of use of a building and any land from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a mixed use for any purpose within that class and as up to 2 flats.

The proposal (other than the alterations) is considered to be covered within this Class, and is thus authorised subject to the restrictions, conditions and prior notification procedure outlined.

Conditions for Part 3, Class G Development

Development is not permitted:-

<p>(a) some or all of the parts of the building used for a use within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;</p>	<p>PASS: The ground floor of the building would retain a commercial use with the flats being located on the first floor.</p>
<p>(b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat;</p>	<p>PASS: The proposed residential use is to be on the first floor.</p>
<p>(c) a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)— (i) by a single person or by people living together as a family, or</p>	<p>PASS: The proposal would be for a residential dwelling.</p>

(ii)by not more than 6 residents living together as a single household (including a household where care is provided for residents)	
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Condition G.1(d):

'(2) Before beginning development under Class G, 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—

(i)contamination risks in relation to the building;

(ii)flooding risks in relation to the building;

(iii)impacts of noise from commercial premises on the intended occupiers of the development;

(iv)the provision of adequate natural light in all habitable rooms of the dwellinghouses;

(v)arrangements required for the storage and management of domestic waste

Assessment

As per Part 3, Class G, Paragraph G1 (D) , the local planning authority must assess the impact on several matters.

Contamination Risks

The site is not located within an area of potentially contaminated land and no ground works are proposed. As such there are no concerns relating to contaminated land.

Flooding Risk

The site is not within flood zone 2 or 3 and therefore there are no further comments.

Impacts of noise from commercial premises on the intended occupiers of the development

KC Environmental Health have provided informal comments to the application. As the site is located within a Town Centre and will be located amongst other commercial uses along the parade, a noise impact assessment will be required to be conditioned have reviewed the application. A further condition in relation to ensuring a sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 55dB $D_{nTW} + C_{tr}$ will be required to be submitted to the LPA also.

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

G1 (IV) requires the provision of adequate natural light to all habitable rooms of the dwellinghouse. Paragraph X of Part 3 defines habitable rooms and any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes.....". All rooms within the flats will be served by windows and as such all rooms will be served by adequate natural light.

Domestic Wastes

The proposal seeks prior notification for the change of use of an existing commercial building to two apartments, which would intensify the domestic use on site. A submitted block plan, shows that both flats will be served by one on site parking space each to the rear of the property which can be accessed off of Parkside. It is also noted that the site is located within a sustainable town centre within close proximity to transport infrastructure, it is considered acceptable in this instance.

Bin storage and collection points have been provided as shown on the proposed block plan and are considered acceptable.

Representations

One representation has been received in support of the application. The comments are summarised below:

- Does each flat meet Nationally Described Space Standards

Officer comment: Both flats meet the required Nationally Described Space Standards.

- Does the access meet Fire Regulations
- Officer comment: Matters relating to fire regulations would be dealt with by building control
- Impact of noise and air pollution from vehicles

Officer comment: A noise impact assessment will be conditioned.

- Concern of noise from the existing commercial premises

Officer comment: A noise impact assessment will be conditioned.

Conclusion

The application has been submitted with insufficient information to allow the Local Authority to assess noise impacts although it is considered reasonable and necessary to require further details by condition. The plans also indicate the one bedroom does not benefit from any natural light and no details are provided relating to the location of bin storage.

Recommendation: PRIOR APPROVAL APPROVED

Decision Authorisation – Delegated Powers

Application Number: 2025/91485

Officer Recommendation: APPROVE DETAILS

1. Prior to the hereby approved development being brought into use a report specifying the measures to be taken to protect the development from external noise from road traffic and entertainment premises shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall include, but not be limited to: -
 - a) Determine the existing noise climate
 - b) Predict the noise climate in bedrooms (night-time) and other habitable rooms of the development
 - c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including alternative ventilation to open windows if required).

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 thereafter retained.

Reason: In the interests of amenity of the occupiers of these properties and to accord with the requirements of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

2. Before the development is brought into use written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of $55\text{dB } D_{nTW} + C_{tr}$ shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and further written evidence to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

NOTE: Development consisting of a change of use pursuant to Class G, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) does not permitted any external alterations which would materially affect the external appearance of the building. Any such alterations will require planning permission.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location Plan			29/05/2025
Proposed Plans		A	25/06/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application.

As set out in the report, at the request of the case officer, a proposed block plan showing on-site parking spaces, and bin storage and collection point was submitted.