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.	**2025/CL/93385/W**
Site Address	**The Bridge, 42, Market Street, Milnsbridge, Huddersfield, HD3 4HY**
Description	**Prior notification for change of use from commercial/business/service to one dwelling (within a Conservation Area)**
Recommending Officer	**Elenya Jackson**

DECISION – 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.

Sarah Longbottom

AUTHORISED OFFICER

Date:08-Jun-2026

Officer Report.

Reference: 2025/93385

Location: The Bridge, 42, Market Street, Milnsbridge, Huddersfield, HD3 4HY

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

Site Description.

42 Market Street is an end of terrace, two storey stone building which is located in the Milnsbridge district centre in Huddersfield. The building has an existing residential property at first floor level and a retail unit at ground floor level.

The structure is located immediately adjacent to the bridge which is located centrally and over the River Colne.

The wider area is mixed use with retail at ground floor level in the immediate street scene and residential at first floor.

The site is located in a low risk coal area and Milnsbridge Conservation area.

Description of Proposal.

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

The dwelling would occupy the ground floor of the building to provide 1 no. 1 bed flat.

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.

No relevant history

Representations.

The application was advertised via a site notice. As a result of publicity, no representations were 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). Google Streetview shows the property to have been a café since at least 2009.
(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 its curtilage; (iv)is or forms part of a safety hazard area; or (v)is or forms part of a military explosives storage area;	**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.
(e) if the building is within— (i)an area of outstanding natural beauty; (ii)an	**Pass:** The building is not in any category in Paragraph (e).

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;	
(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 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 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 one dwelling.

KC Highway Development Management have been informally consulted on the proposal and have raised no concerns as the site is in a sustainable location.

No details have been provided regarding the location of bin storage and HDM requests that this is clearly presented on a plan to ensure they do not obstruct the highway.

In light of the response from KC Highways, officers consider that given its location within the Milnsbridge Centre, the site is in a sustainable location where a car-free development could be supported.

However, officers consider it reasonable to impose a condition requiring details of the location of bin storage areas and presentation points, to ensure that adequate waste storage facilities are provided in the interests of visual and residential amenity and highway safety.

As such, subject to the above, the proposals are considered to be acceptable in this instance.

Flooding Risks

The site is located within Flood Zone 2. Officers have informally discussed the application with the LLFA and following the submission of a Flood Risk Assessment, the Environment Agency has raised no objections to the proposal. Due to the proposal not increasing the footprint of the building, it is considered that a note should be added to advise the applicant to sign up to flood warnings from the EA and subject to this, the proposal would not raise any concerns regarding flood risk.

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 site is immediately surrounded by commercial buildings, with some residential dwellings located within the wider locality. The application form states ‘ The immediately adjacent commercial premises, within this terrace of mixed use - shop & residential units - is a computer repair shop, small in scale, and faces Market Street. Noise from this establishment is negligible. Ventilation to the proposed dwelling will be via a mechanical HVR system to limit the need for windows to be opened’

It is considered that a computer repair shop would fall within a class E use and could be amended to another use falling within class E without requiring planning permission and the proposal would be in close proximity to a main through route through Milnsbridge.

Officers consider it reasonable to impose two conditions requiring the submission of a noise assessment report and an airborne sound insulation performance report to the Local Planning Authority. These conditions are necessary in the interests of protecting the amenity of future occupiers. It is therefore concluded that conditions should be imposed to ensure that any mitigation measures identified are implemented 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.’

Officers have reviewed the application and consider that as no external alterations are proposed to the property, it would not impact the character of the 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 at least one window with bedroom 1 served by two windows to the front of the building.

The criterion under Class MA only allows the Local Planning Authority to consider natural light rather than residential amenity. Therefore 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 does 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 to convert the building 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 need to be assessed. The development relates to one residential unit 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.

The floor space as shown on plan indicates the floor space is 38 square metres and contains a shower unit. Therefore it is considered that the proposal would meet space standards for a one person, 1 bed residential unit.

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: 2025/93385
Officer Recommendation: Approve Details

Prior approval granted subject to the following additional conditions: -

1.Before the development is brought into use, a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

a. an assessment of all noise emissions from the proposed development
a. details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises
b. a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such measures shall be thereafter retained.
Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives 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 53dB DnTw + Ctr 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.

3. Notwithstanding the plans submitted, the development shall not be brought into use until a scheme detailing (i) the location, design and materials of all bin storage areas/enclosures and recycling storage areas and; (ii) bin presentations points for collection of wastes has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works required have been completed/provided, which shall thereafter be retained.
Reason: To ensure adequate waste storage facilities are provided in the interests of visual and residential amenity and highway safety to accord with

Policies LP21, LP24 and LP52 of the Kirklees Local Plan, Kirklees Waste Management Design Guide for New Developments and policies contained within chapters 12 and 15 of the National Planning Policy Framework.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan		-	5/12/2025
Proposed Site		-	5/12/2025
Existing Site Plan		-	5/12/2025
Proposed floor plans		-	5/12/2025
Flood risk assessment		-	14/05/2026
Application form	-	-	5/12/2025

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.

No negotiations took place; however, officers have requested a flood risk assessment was submitted during the course of the application.