

2026/CLASS MA/91970

10, Commercial Road, Skelmanthorpe, Huddersfield, HD8 9DA

There are primary rules and criteria for utilising Class MA prior approval application and this submission fails to meet with these requirements and as such should be dismissed.

The application fails on the following points and a detailed review of each of these is provided below:

1.0 Abandonment of Use.

2.0 It does not meet with the National Described Space Standards.

3.0 It fails to provide adequate natural daylight.

4.0 It doesn't meet with fire safety.

5.0 It fails to provide any details on the Impact of noise from the existing commercial premises below.

6.0 It fails on highways safety.

1.0 Abandonment of Use

Cessation of Use and Operational Inactivity

The application site has ceased operational use for a period exceeding ten continuous years. No documentary evidence—such as utility records, business rates accounts, or records of ongoing site maintenance—has been submitted to demonstrate an intention to preserve or resume the former operational use during this prolonged period.

Physical Sub-division and Loss of Functional Capability

Following significant physical sub-division, the subject site has been severed from its former, broader use context. The extent of this reconfiguration has compromised its viability as a functional commercial or business space.

Severance of Commercial Access

Access to the premises is restricted exclusively to the rear via a non-commercial entrance point that is unsuitable for standard business operations.

Conclusion:

As a result of long-term physical inactivity, physical sub-division, and the loss of essential commercial infrastructure, any previous lawful use must be considered abandoned. The proposal should therefore be assessed as a new, unestablished use rather than the continuation of a historic baseline.

2.0 Design Standards: The resulting homes must meet the Nationally Described Space Standards.

Assessment against the NDSS Technical Requirements to show why the proposals are non-compliant.

a. The dwelling provides at least the gross internal floor area and built-in storage area set out in within the technical requirements.

The floor area falls way below the requirements set out by the national described space standards. On the floor plan there is a clear indication where the 1.5m headroom can be achieved, and the floor plan extends beyond this zone. The drawings show a floor area of 53m² and this area includes the space beyond the 1.5m headroom. The NDSS clearly stipulates that these areas are not included within the Gross Internal Floor Areas (GIFA). Working within the NDSS guidance and discounting the floor area with a clearance of less than 1.5m the actual GIFA is 45.94m² and therefore fails to meet this standard.

In addition to the above assessment, it is evident on the drawings that any necessary thermal, acoustic and fire upgrades to the external walls have been left off the drawings. Once these are introduced the additional wall thickness will reduce the GIA further still.

On the plans, the applicant has shown a study, which lead me to believe this will be used as a second bedroom and has been shown as a study due to the room size restrictions. It's unusual to have a study in such a small dwelling and at the expense of providing more space within the main bedroom.

No bathroom has been provided, only a small shower room more associated with a studio space.

d. In order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5m².

The same is also true for the double bedroom where the floor area will be 9.81m² when taking into account the reduction of the headroom. This fails to achieve the required 11.5m² and therefore fails to meet this standard.

f. Any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (if the area under the stairs is to be used for storage, assume a general floor area of 1m² within the Gross Internal Area).

and

g. Any other area that is used solely for storage and has a headroom of 900- 1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all.

No storage space has been indicated on the plans. The eaves areas with low level doors would suggest storage areas, but as these are below 900mm in height these cannot be included within the calculations, and additional storage should be shown.

i. The minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area.

On the layout the current floor area with a floor to ceiling height greater than 2.3m is 28sq.m. As a minimum for a compliant one-bedroom dwelling this should be at least 37.5sq.m. Therefore, the proposals fail on this NDSS Technical Requirement

3.0 Offer adequate natural light in all habitable rooms.

The proposed dwelling relies exclusively on rooflights for its natural light. The submitted plans indicate a total of six rooflights of varying sizes, providing a combined glazing area of approximately 4.5m². This equates to less than 10% of the proposed overall floor area, falling

significantly short of the 20% benchmark generally recommended by Building Control for adequate daylight.

Furthermore, the primary habitable space comprising the living, kitchen, and dining area would benefit from merely 1.8m² of glazing. This represents less than 5% of that specific floor area. The reliance on such restricted glazing, coupled with the complete lack of standard windows, means the design fails to provide any meaningful natural daylight or outlook. Consequently, the proposal would result in a heavily compromised living environment and a highly substandard level of residential amenity for future occupiers.

No daylight assessment has been submitted with the application to provide any justification or compliance with the requirements of the prior approval application.

4.0 Fire safety requirements and the fire safety impact on the intended occupants of the building.

Fire regulations for a dwelling with a floor level over 4.5m from the ground floor will need to provide a protected stairway. The staircase on the upper level is shown to be open plan and therefore fails to comply with Approved Document Part B, in addition, cooking facilities are not remote from the main point of access and will impede the escape route should this area be the source of the fire. The travel distance from the furthest point within the bedroom to the top of the staircase will exceed 9m. For these reasons the layout fails fire safety requirements and will place the future occupiers at risk.

5.0 Impacts of noise from commercial premises on the intended occupants of the development.

The ground floor of the subject property currently operates as a public house, with licensed hours extending until 23:00, and features external seating and drinking areas. The current application fails to adequately address how this retained commercial use will impact the residential amenity of the proposed dwelling's future occupants. Given the clear potential for noise disturbance, a comprehensive Noise Impact Assessment (NIA) should have been submitted as a requisite part of this application. Furthermore, any such assessment must explicitly evaluate the acoustic impact of the existing MEP plant equipment located at the rear of the premises.

6.0 Highways safety and impact

The proposed development fails to provide adequate on-site vehicular parking. Consequently, future occupants will be entirely reliant on on-street parking immediately outside the dwelling. This anticipated overspill parking will have a demonstrably detrimental impact on the commercial viability of Skelmanthorpe's district centre. The existing on-street parking provision is critical to the survival of local businesses, facilitating short-term access for shoppers and visitors. Permitting these vital spaces to be monopolised by long-term residential parking poses a severe risk to the sustained vitality of the High Street.

Furthermore, the application lacks essential details regarding waste management, specifically the storage of refuse bins and their designated placement on collection days. In the absence of a

defined storage area, there is a high probability that bins will be left on the public footway, obstructing pedestrian movement and creating a tangible hazard to highway safety. Additionally, situating the bins at the front of the property appears to exceed the maximum bin drag distances stipulated in Kirklees Council's technical guidance. A comprehensive waste storage and collection strategy must be provided by the applicant to demonstrate that the proposal will not compromise highway safety or local amenity.