

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning (General Permitted Development) (England)  
Order 2015 - Schedule 2, Part 3, Changes of Use**

**DELEGATED DECISION FOR DISCHARGE OF CONDITION -  
NOTIFICATION OF A CHANGE OF USE UNDER THE ABOVE  
PROVISIONS**

Reference no.	<b>2020/CL/90690/E</b>
Site Address	<b>58, St Peg Lane, Cleckheaton, BD19 3SD</b>
Description	<b>Prior notification for change of use from Class A1 (retail) to one dwelling</b>
Recommending Officer	<b>Jennifer Booth</b>

**DECISION – PRIOR APPROVAL NOT REQUIRED**

**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.**

John Ritchie

***AUTHORISED OFFICER***

**Date: 28-Apr-2020**

## Officer Report

Application Reference: **2020/90690**

### Site Description

The application relates to 58 St Peg Lane, Cleckheaton, BD19 3SD

Prior approval is sought for the proposed change of use from shop (A1) to a dwelling (C3). The submitted application form states that the applicant seeks to change the retail premises to a residential. It cites that the retail property has been empty for some time and that it was previously residential.

#### 1. Procedural Matters

Prior notifications for the change of use of premises from Class A1 (shops) to a use falling within Class C3 (dwellinghouses) are considered against the requirements as set out by the Town and Country Planning (General Permitted Development) Order 2015 (amended) Schedule 2, Part 3, Class M, Condition 2:

#### Limitations for Part 3, Class M.1 Development

(a) the building was not used for one of the uses referred to in Class M(a)— (i) on 20th March 2013, or (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;	Retail/commercial
Permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part.	No
The cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;	No – approx. 102sq.m
The development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;	No
The development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;	No
The development consists of demolition (other than partial demolition which is reasonably necessary to convert the building	No

The building is on article 2(3) land;	No
The building is in a site of special scientific interest;	No
The building is in a safety hazard area;	No
The building is in a military explosives storage area;	No
The building is a listed building	No
The building is a scheduled monument	No

### **Condition M.2:**

As part of the notification procedure, the Local Authority notified members of the public of the proposed development by erecting a site notice adjacent to the site address and allowing 21 days for objections to be made. The Local Planning Authority shall take into account any representations made as a result of the notice given.

Publicity end date: 26th March 2020

#### **1. Objections**

1.1 Summary of representations: -

No representations have been made by members of the public or other third parties.

#### **2. Assessment**

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:

- Transport and highway impacts;
- Contamination risks;
- Flooding risks;
- Impact on the adequate provision of retail services (if there is a reasonable prospect of the building being used to provide such services);
- The design and external appearance of the building

The above details will be assessed below.

#### **Transport and highway impacts:**

The change of use relates to the whole retail unit. As such, the demand for parking would likely be low. There is restricted on-street parking to the front of the premises although there is parking to the rear of the building and therefore it is not anticipated that the proposal would cause undue harm highway safety.

#### **Contamination risks:**

The site does not occupy land which is known to be contaminated. Given the previous use of the ground floor of the building there is unlikely to be a risk of contamination from the previous use.

Flooding risk:

The site is not located within a flood zone nor is it within a critical drainage area.

Impact on adequate provision of retail services:

The site is not located within a defined Local Centre.

The design and external appearance of the building:

There are no external alterations proposed to the property with all the works being internal.

Given this, the proposal is acceptable in terms of design and external appearance.

### **3. Recommendation**

The application has been submitted with sufficient information to allow the Local Authority to assess the above relevant impacts without the need to require Prior Approval on any of these matters.

Recommendation: Prior Approval Not Required

#### **Decision Authorisation – Delegated Powers**

**Application number:** 2020/90690

**Officer recommendation:** Prior Approval Not Required

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Web ID</b>	<b>Date Received</b>
Location plan	-	796587	02/03/2020

**Dated:** 17/04/2020