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.	**2023/CL/92836/W**
Site Address	**1st & 2nd floors, 9-13, Market Walk, Huddersfield, HD1 2QA**
Description	**Prior notification for change of use from retail/storage to four dwellings (within a Conservation Area)**
Recommending Officer	**Laura Yeadon**

DECISION -

I hereby authorise the approval/refusal* (delete as appropriate) of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

West Team

AUTHORISED OFFICER

Date:09-Nov-2023

Article 3(9)A 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 standards issued by the Department of Communities and Local Government on 27th March 2015. The requirement to meet the national space standards was introduced to prior approval applications on 6th April 2021.

Apartment 1 is proposed to be a one bedroom first floor flat. The Technical Housing Standards document states that a one-bedroom flat for one person (minimum assessed) one storey should be at least 37 or 39 square metres dependant on whether the bathroom has a shower. In this instance, the internal accommodation is proposed to approximately 30.7 square metres which would not accord with the recommended space standards. However, the bedroom is shown to sleep two persons which requires 50 square metres of space, thus contrary to space standards.

Apartment 2 is proposed to be a one bedroom first floor flat. The Technical Housing Standards document states that a one-bedroom flat for one person (minimum assessed) one storey should be at least 37 or 39 square metres dependant on whether the bathroom has a shower. In this instance, the internal accommodation is proposed to approximately 34.6 square metres which would not accord with the recommended space standards. However, the bedroom is shown to sleep two persons which requires 50 square metres of space, thus contrary to space standards.

Apartment 3 is proposed to be a one bedroom second floor flat. The Technical Housing Standards document states that a one-bedroom flat for one person (minimum assessed) one storey should be at least 37 or 39 square metres dependant on whether the bathroom has a shower. In this instance, the internal accommodation is proposed to approximately 33.6 square metres which would not accord with the recommended space standards. However, the bedroom is shown to sleep two persons which requires 50 square metres of space, thus contrary to space standards.

Apartment 4 is proposed to be a one bedroom second floor flat. The Technical Housing Standards document states that a one-bedroom flat for one person (minimum assessed) one storey should be at least 37 or 39 square metres dependant on whether the bathroom has a shower. In this instance, the internal accommodation is proposed to approximately 41.3 square metres which would not accord with the recommended space standards. However, the bedroom is shown to sleep two persons which requires 50 square metres of space, thus contrary to space standards.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan			22nd September 2023
Proposed ground floor plan	A(BR)-04 – Rev: C		22nd September 2023
Proposed first floor plan	A(BR)-05 – Rev: D		22nd September 2023
Proposed second floor plan	A(BR) -06 – Rev: D		22nd September 2023
Bin storage plan	A(PL)-07		13th October 2023

Development within a Coal Mining Area

DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be

avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority