

Enquiries to: Laura Yeadon

Kirklees Direct
Tel: 01484 414746
Email: laura.yeadon@kirklees.gov.uk

Susan Chan,
HMS Town Planning & Urban Design
43, Cemetery Road
Langold
S81 9RF

Date: 01-Feb-2024
Our Ref: 2023/93645

Dear Ms Chan,

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015 (as amended), SCHEDULE 2, PART 3, PART MA
NOTIFICATION OF PROPOSED CHANGE OF USE CLASS MA – COMMERCIAL,
BUSINESS AND SERVICE USES TO DWELLINGHOUSES
APPLICATION NUMBER: 2023/93645
AT: 1st & 2nd floors, 9-13, Market Walk, Huddersfield, HD1 2QA**

I refer to your submission of details relative to the proposed change of use as described below which was received by the Local Planning Authority on 08-Dec-2023.

Prior approval of proposed change of use of a building from commercial, business and service uses to dwellinghouses.

The proposal as submitted is acceptable and, subject to all works being carried out in accordance with the description contained in the notification, prior approval is hereby granted.

The development shall begin within a period of three years beginning with the date of this letter.

Prior approval is granted subject to the following additional conditions.

1. Notwithstanding the submitted details, Apartment 1 shall not be occupied by more than 1 no. person unless space standards for additional occupants as defined by the National Described Space Standards are achieved.

Reason: To ensure that a satisfactory level of accommodation is achieved to meet the National Described Space Standards.

2. Notwithstanding the submitted details, Apartment 2 shall not be occupied by more than 1 no. person unless space standards for additional occupants as defined by the National Described Space Standards are achieved.

Reason: To ensure that a satisfactory level of accommodation is achieved to meet the National Described Space Standards.

3. Notwithstanding the submitted details, Apartment 3 shall not be occupied by more than 1 no. person unless space standards for additional occupants as defined by the National Described Space Standards are achieved.

Reason: To ensure that a satisfactory level of accommodation is achieved to meet the National Described Space Standards.

4. Notwithstanding the submitted details, Apartment 4 shall not be occupied by more than 1 no. person unless space standards for additional occupants as defined by the National Described Space Standards are achieved.

Reason: To ensure that a satisfactory level of accommodation is achieved to meet the National Described Space Standards.

5. Before the development is first brought into use written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of each apartment is a minimum of 55dB 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.

All measures to achieve the airborne sound insulation performance shall thereafter be retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises.

NOTE All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

NOTE In light of previous refusals it is advised that on site floor area dimensions are verified as notwithstanding any granting of prior approval, Article 3(9A) of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) does not grant permission or authorise any development of any new dwellinghouses where the internal floor area is less than 37 square metres in size or that does not comply with national described space standards issued by the Department for Communities and Local Government on 27 March 2015.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan			12 th December 2023
Proposed first floor plan	A(SK)-50		12 th December 2023
Proposed second floor plan	A(SK)-51		12 th December 2023
Planning Statement			12 th December 2023
Proposed block plan indicating bin storage area	A(PL)-07		20 th December 2023
Service and Wast Management Transfer Note	Veolia		20 th December 2023

Development within a Coal Mining Area

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



Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL

Customer Feedback

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Yours faithfully

Mathias Franklin
Head of Planning and Development