

**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. 2024/CL/92299/E

**Site Address 64, Market Place, Market Street,
Heckmondwike, WF16 0HX**

**Description Prior notification for change of use
from commercial/business/service
to 2 residential flats**

Recommending Officer Elenya Jackson

DECISION - REFUSED

**I hereby authorise the refusal of this application for the reasons set out
in the officer's report and recommendation annexed below in respect of
the above matter.**

Kevin Walton

AUTHORISED OFFICER

Date:07-Oct-2024

1. The applicant has failed to demonstrate that a suitable standard of living could be provided for the future occupiers of the site due to one of the units annotated as Flat 64B failing to meet the nationally described space standards. Therefore, the proposal would be contrary Article 9A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

1. The application provides insufficient information to adequately assess the transport and highways impacts of the development. Given the failure to demonstrate that the site is able to provide suitable waste collection and storage, the proposal would be contrary to Class MA.2 (a), Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. The application provides insufficient information to adequately address the impact of commercial uses in terms of noise impact on future occupiers of the dwellings. Given the failure to demonstrate that the site would be viable for occupation, the proposal would be contrary to Class MA.2 (b), Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location Plan		-	14/08/2024
Proposed first floor	A107	-	14/08/2024
Proposed ground floor	A106	-	14/08/2024
Existing	P1	-	14/08/2024

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 2015 and otherwise actively engaged with the applicant in dealing with the application.

Following comments received from KC Environmental Health and a review of the details provided, it was established that additional information would be

required and significant alterations required to the proposal to overcome the issues identified and adequately assess the proposal. Given that it would be unlikely that this level of information could be supplied and assessed in the time frame allocated to a prior notification, no further amendments or information were sought.

Development within a Coal Mining Area

DEVELOPMENT LOW RISK AREA – STANDING ADVICE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

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