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Chris Pearson,
SDA Architects Ltd
Manor Mills
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LS11 9AHPaul Kemp
Acting Assistant Director
Investment & RegenerationDate: 06-Sep-2016
Our Ref: 2016/92374

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015
NOTIFICATION OF PROPOSED CHANGE OF USE
APPLICATION NUMBER: 2016/92374
AT: Unit 5, Centre 27 Business Park, Bankwood Way, Birstall, Batley, WF17 9TB

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 18-Jul-2016.

Prior approval of proposed change of use from offices (Class B1a) to 4 dwellings (Class 3)

The proposal is not acceptable to the Council, and notice is hereby given that the details submitted have been refused for the following reason(s);

The site falls within middle consultation zone for the Tennants Distribution Centre (H3639) Hazardous Installation. This represents a Safety Hazard Area as described in Class O.1 (d) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. As such, development is not permitted by Class O of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Location Plan	1/1250	1	20/07/16
Proposed site plan	SK13	1	20/07/16
Proposed floor plans	SK6	1	20/07/16
Supporting information	Environmental site assessment. Ref: 14-0672.01	1	20/07/16

Development within a Coal Mining Area

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

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at:

<https://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, digging of 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.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the 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

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse details of the proposed development, he may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of issue of this notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk> . Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that approval of details could not have been granted by the Local Planning Authority having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order.

Further correspondence regarding this application should bear the reference on this letter.

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



Simon Taylor
Head of Development Management