

Enquiries to: Stuart Howden

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Philip Fletcher
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Date: 02-Feb-2021
Our Ref: 2020/93614

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: 2020/93614
AT: Waverley House, Waverley Street, Huddersfield, HD1 5NA**

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 04-Nov-2020.

Prior approval for change of use from office (B1) to 13 residential units (within a Conservation Area)

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);

1. The application would fail to provide the future occupants of the proposed residential units with an acceptable level of amenity as not all habitable rooms within the dwellinghouses would be served by adequate natural light. Therefore the proposal fails to comply with the requirements of paragraph O.2(e) and the application site is unable to take advantage of the general grant of Planning Permission provided by Class O, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) by virtue of paragraph 2(A) of Class W.

2. The application has failed to provide floor plans indicating the dimensions of each room and the position and dimensions of windows, doors and walls of the dwelling houses. The proposal therefore fails to meet all of the requirements of Paragraph W(2) Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	4th November 2020
Location Plan	-	-	27th October 2020
Proposed Basement Floor Plan	-	-	17th December 2020
Proposed Ground Floor Plan	-	-	17th December 2020
Proposed First Floor Plan	-	-	17th December 2020
Proposed Attic Floor Plan	-	-	17th December 2020
East and North Elevations	-	-	17th December 2020
South and West Elevations	-	-	17th December 2020
Existing Floor Plans	-	-	9th December 2020
Bin Store Location	-	-	14th December 2020
E-mail from agent confirming that the proposal is for 13 units	-	-	28th January 2021

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 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.

The applicant's agent had not originally provided floor plans or elevations and was therefore requested to do so by Officers given the provisions of Part 3, Class O of the GPDO and the applicant's agent was made aware of the requirements of Class O and Paragraph W within Part 3 of the GPDO. The applicant's agent was also requested to provide details of bin storage. Whilst these plans have been provided by the applicant's agent (which has ended up in a reduction in the number of residential units proposed from 16 to 13), these plans are not to scale and some habitable rooms are not considered to be served by an adequate standard of natural light. As a result, it was considered that the application should be refused given the provisions of Part 3, Class O of the GPDO.

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 at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former 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 new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

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

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

Mathias Franklin
Head of Planning and Development