

Enquiries to: Stuart Howden

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Philip Fletcher  
302, New Road  
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Date: 18-May-2021  
Our Ref: 2021/90950

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: 2021/90950  
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 24-Mar-2021.

Prior approval for change of use from office (B1) to 9 residential units

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. Part of this building subject of this proposed change of use is not within a B1(a) use as defined by the Town and Country Planning (Use Class) Order 1987 (as amended) therefore the proposed development does not constitute permitted development under Class O, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended). In addition, the proposed development fails to constitute permitted development given that the evidence available to the Council indicates that part of this building was not used as B1(a) use class on 29th May 2013 and it has not been demonstrated that this was the case as required by Paragraph O.1, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended)

2. The application has failed to provide elevations and floor plans, as well as details of the proposed apartments and specific rooms (including dimensions, the position and dimensions of windows, doors and walls). 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). Furthermore, without this information, it has not been demonstrated that all the habitable rooms of the dwellings proposed would be served by adequate natural light. The proposal therefore fails to comply with condition O.2(e) of Class O, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended).

3. Details regarding on-site parking to serve the proposed development and the size of the proposed residential units are insufficient and it is not clear whether there would be adequate on-site parking to serve the occupiers of the proposed dwellings as well as the staff and visitors to the driving test centre. As a result of this, there could be potential for such a development to result in an increase in on-street parking on well-used highways, thereby increasing the likelihood of conflict between highway users, detrimental to the safety and convenience of highway users, including pedestrians. The proposal is therefore contrary to Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework, and therefore fails to comply with Condition O.2(a) of Class O, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended).

**NOTE:** The hard surfaced area to the west of the building, which is annotated as 'existing car park' on the submitted site location plan at scale of 1:500 on A4 paper (which appears to have been constructed in late 2020), does not appear to benefit from planning permission. This appears to be an engineering activity and it is considered that this element requires planning permission. The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) does not make provision for engineering operations as part of the change of use permissible under Class O or under Part 7, Class G if not laid for the purposes of any office. As the proposed parking area to the side of the building does not appear to benefit from planning permission, Officers are of the view that this area cannot be considered as car park under this prior approval application (planning permission is required for this feature).

**NOTE:** From 6th April 2021, dwellings delivered through permitted development rights also have to meet Nationally Described Space Standards. Any applications submitted after this date will also have to comply with this criteria (see the Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020).

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application Form	-	-	24th March 2021
Location Plans at a Scale of 1:500 and 1:1250 on A4 paper	-	-	9th March 2021
Site Location Plan at a scale of 1:500 on A4 paper	-	-	9th March 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.

Given the extremely limited information submitted alongside the application, it was considered that requesting additional information that was required would have likely led to delays in the processing of the application. The applicant and the applicant's agent have also previously been informed of the requirements of such a prior approval application (under the previous application at the site). Paragraph 41 of the National Planning Policy Framework stresses the importance of determining applications in a timely manner.

#### **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](http://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](http://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](mailto: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