Planning
Strategic Investment Service
PO Box B93, Civic Centre 3,
Off Market Street, Huddersfield, HD1 2JR

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RECORDED DELIVERY

Nathan Still,
Infocus Public Networks Ltd
991, Great West Road
Brentford
TW8 9DN

Our Ref: 2019/91620
Date: 08-Jul-2019

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 - APPLICATION NO:2019/N /91620/W
DEVELOPMENT: TELECOMMUNICATIONS NOTIFICATION FOR INSTALLATION OF A COMMUNICATION HUB (WITHIN A CONSERVATION AREA) ST GEORGE'S SQUARE, HUDDERSFIELD, HD1 1JB

I refer to your submission of details relating to the above development received by the Council on the 15-May-2019.

The proposal is not acceptable to the Council, and notice is hereby given that the details submitted have been refused.

The reason for this is:

1. The proposed communication hub, by reason of its size, scale, colour and siting, would be a visually intrusive feature that would give rise to unsightly street clutter within the street scene in the locality. Furthermore for the same reasons it would detract from the character and appearance of the Huddersfield Town Centre Conservation Area and the setting of the Grade I listed building of Huddersfield Train Station and the Grade II* listed buildings of 7 St Georges Square and the Britannia Building. Consequently it would be contrary to Policies LP24 (a) and LP35 (3. a. & b.) of the Kirklees Local Plan and Paragraphs 127 and 190 of the National Planning Policy Framework.

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Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Covering Letter			15.05.2019
Location Plan			15.05.2019
Block Plan			15.05.2019
Supporting Information	Technical Specification		15.05.2019
Supporting Information	Acoustic Report		15.05.2019
Supporting Information	Site Location Photo		15.05.2019

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.

No negotiations were undertaken as, given the nature of the objections raised by officers and the limitations of the form of application, no reasonable alterations that would overcome the reason for refusal were considered achievable.

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).

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Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including 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, 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 or a similar service provider.

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://www.gov.uk/planning-inspectorate . Further information on the Planning Appeal process can be found online at the Planning Inspectorates website https://www.gov.uk/government/organisations/planning-inspectorate.

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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.

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 and Master Planning