Town and Country Planning (Development Management Procedure) (England) Order 2015

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2025/70/91084/W

To: Ryan Barrett,
Lichfields
3rd Floor, 2 Bond Court
Leeds
LS1 2JZ

For: Kirklees Council

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-

VARIATION OF CONDITIONS 2 (PLANS), 10 (HABITAT MANAGEMENT AND MONITORING PLAN), 11 (CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN), 12 (ARBORICULTURAL METHOD STATEMENT) ON PREVIOUS PERMISSION 2023/93350 FOR DEVELOPMENT OF FORMER DEIGHTON CENTRE (PREVIOUSLY DEIGHTON HIGH SCHOOL) FOR A SOCIAL EMOTIONAL AND MENTAL HEALTH SCHOOL (USE CLASS F1) COMPRISING SINGLE AND TWO STOREY EDUCATIONAL BUILDINGS; ROOF MOUNTED PHOTO-VOLTAIC PANELS; SENSORY GARDEN SPACES; MULTI-USE GAMES AREAS; LANDSCAPING; HARDSTANDING AREAS; CARPARKING; ACCESS WITH SECURE FENCING AND ANCILLARY DEVELOPMENT

At: JOSEPH NORTON ACADEMY (FORMER DEIGHTON CENTRE), DEIGHTON ROAD, DEIGHTON, HUDDERSFIELD, HD2 1JP

In accordance with the plan(s) and applications submitted to the Council on 16-Apr-2025 [together with those plans and application(s) submitted to the Council on 09-Nov-2023 and incorporated into planning permission 2023/93350 granted on 13-May-2024] and subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Development insofar as it relates to the external facing materials shall be carried out in accordance with the details submitted and approved under application 2025/91368, granted 20/05/2025 (to satisfy/discharge condition no. 3 (Materials) imposed on previous permission 2023/93350, granted 13/05/2024). The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.
Reason: In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. Prior to the first occupation of the building, a landscape management and maintenance plan (LMMP) for the external areas including any open space accessible to the public, playing fields etc shall be submitted to, and approved in writing by, the Local Planning Authority. This should include:

- The landscape plan including all hard and soft details together with planting plan & specification, location and specification of any play equipment or play elements and playable/educational spaces or sports facilities/pitches including safety surfacing, seats and litterbins.
- An implementation, management and maintenance programme including full details for management of newly establishing trees including, but not limited to, a watering regime, monitoring of stakes and ties, formative pruning, replacement of failed or damaged trees.
- Details of initial aftercare and long-term maintenance for minimum of 5 years and seasonal maintenance operations. This should also include any SuDS features, existing trees and vegetation retained on site, slopes and bankings, woodlands, plus management of any equipment or playable/educational space, including where relevant RoSPA safety inspections.
- Details of monitoring and remedial measures, including replacement of any equipment, safety surfacing, site furniture, trees, shrubs, hedgerows or planting that fails or becomes diseased within the first five years from completion.
- The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this 5 year period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar

size and species unless the Local Planning Authority gives written consent to any variation.

The works shall thereafter be carried out in accordance with the management and maintenance plan and retained for the lifetime of the development.
Reason: To enhance and conserve the visual amenity of the built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

5. Development shall be carried out strictly in accordance with the Construction Environmental Management Plan, approved under application reference 2025/90303, granted 21/02/2025 (to satisfy/discharge condition no. 5 (Construction Environmental Management Plan) imposed on previous permission 2023/93350, granted 13/05/2024), and no change from there on shall take place without the prior written consent of the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Policies LP24, LP51 and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6. Prior to the school opening to pupils, a drop-off/pick-up management plan shall be submitted to and approved in writing by the Local Planning Authority. This management plan should contain details of processes to be put in place to ensure that the queues to the pick-up/drop-off point do not interfere with the safe and efficient operation of the adopted highway network, provide details of queue marshalling and monitoring and provide details of possible mitigation measures in the event that the queues regularly exceed the school grounds. The approved drop-off/pick-up management plan shall thereafter be retained throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

7. Development shall be carried out strictly in accordance with Drainage Layout, Drawing No. JNA-HEX-01-ZZ-D-C-9201 Rev P07, Flood Exceedance Plan, Drawing No. JNA-HEX-01-ZZ-D-C-9920 Rev P01 and Surface Water Calculations Ref No. JNA-HEX-XX-XX-T-X-9201-P01, approved under application 2025/90576, granted 09/05/2025 (to satisfy condition nos. 7 (Drainage Scheme) & 8 (Storm Events) imposed on previous permission 2023/93350, granted 13/05/2024. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.
Reason: To ensure the provision of adequate and sustainable systems of drainage and the effective disposal of surface water from the development (including its internal roads), in the interests of amenity, environmental wellbeing, and to avoid an increase in flood risk, in accordance with Policy LP28 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework.

8. Merged with Condition 7.

9. Development shall be carried out strictly in accordance with the Temporary Surface Water Drainage Scheme, Ref: 511277 Rev 00, authored by Wates, approved under application 2025/90576, granted 09/05/2025 (to satisfy/discharge condition no. 9 (Surface Water Drainage) imposed on previous permission 2023/93350, granted 13/05/2024). No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.
Reason: To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

10. The hereby approved development shall be carried out in accordance, and thereafter operate in accordance with, the Habitat Management and Monitoring Plan, authored by Arbtech, Ref: JNA-ARB-XX-XX-T-X-0001-HMMP-V2 Issue 2.1, received 30/06/2025.
Reason: In order to ensure the development provides ecological enhancement and creation of measures sufficient to provide a biodiversity net gain in accordance with LP30 of the Kirklees Local Plan and the National Planning Policy Framework.

11. Construction works shall be carried out strictly in accordance with the Construction Ecological Management Plan, authored by Arbtech, dated 08/01/2025, received 17/04/2025, unless otherwise agreed in writing by the local planning authority.
Reason: To protect biodiversity during construction by avoiding direct impacts to protected species and preventing the spread of non-native plants, and to accord with Kirklees Local Plan Policy LP30.

12. The development shall be undertaken in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement rev E by FPCR Environment and Design Ltd. These shall be implemented and maintained throughout the construction phase and retained thereafter.
Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

13. Unless otherwise discharged against condition no. 13 imposed on previous permission 2023/93350, granted 13/05/2024, where site remediation is recommended in the Phase II Intrusive Site Investigation Report reference HSP2023-C4164- G-GPII-1222, further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

14. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (13). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

15. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

16. All works to minimise the noise from the impact of balls should be carried out in accordance with the Design Guidance Note from Sport England - Artificial Grass Pitch (AGP) Acoustics - Planning Implications.
Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

17. The MUGAs shall not be used outside the hours of 08:30 to 18:30 Mondays to Fridays only.
Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

18. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. “Rating level” and “background sound level” are as defined in BS 4142:2014+A1:2019.
Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

19. Before first occupation details regarding the technical specification of the 12 electric vehicle charging points (EVCPs) must be submitted to and approved in writing by the Local Planning Authority. This scheme must meet the minimum requirements in the current West Yorkshire Low Emission Strategy (WYLES) document. The approved facilities for charging electric vehicles must be installed before occupation and retained for use thereafter.
Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

20. Before the installation of external artificial lighting commences, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information applicable to both the site and to the MUGAs:
a) The proposed hours of operation of the lighting
b) The location and specification of all of the luminaires
c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
d) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
e) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.
No external artificial lighting shall be used unless the lighting has been installed and operated in accordance with the approved scheme.
Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and LP52 of the Local Plan.

21. Prior to the development being first brought into use and notwithstanding the submitted plans, a scheme for the provision of photovoltaic arrays shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed and made operational prior to the first occupation and shall be retained for the lifetime of the development.
Reason: In the interests of sustainable development and addressing climate change, to ensure a contribution towards the development's energy needs is made by renewable sources, and to accord with Policies LP24 and LP26 of the Kirklees Local Plan and the National Planning Policy Framework.

22. The hereby approved development shall be operated in accordance with the provisions to encourage sustainable travel detailed within the approved Travel Plan 'DEI-BWB-GEN-XX-RP-TR-0002_Travel Plan Rev P01, By BWB Consulting.
Reason: To promote sustainable measures of travel, in accordance with LP20 of the Kirklees Local Plan.

NOTE: Artificial lighting

The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the "Guidance Note 01/21 for the Reduction of Obtrusive Light" by the Institution of Lighting Professionals: 2021 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for the corresponding Environmental Zone.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:
- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Electric Vehicle Charging Point

- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.
- The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:
- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays
- With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

For further information regarding dust control, guidance can be found in the Institute of Air Quality Management (IAQM) document "Guidance on the assessment of dust from demolition and construction" Version 1.1 2014.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Site Location Plan	FSA-XX-ZZ-DR-A-1000	P01	17/04/2025
Site Plan	JNA- DLA-XX-XX-D-A-10001	P02	17/04/2025
Ground Floor GA Floor Plan	JNA-DLA-XX-XX-D-A-10002	P02	17/04/2025
First Floor GA Plan	JNA-DLA-XX-XX-D-A-10003	P02	17/04/2025
GA Roof Plan	JNA-DLA-XX-XX-D-A-10004	P02	17/04/2025
GA Elevations	JNA-DLA-XX-XX-D-A-10005	P02	17/04/2025
GA Sections Sheet 1	JNA-DLA-XX-XX-D-A-10006	P02	17/04/2025
General Arrangement Plan Landscape Layout	JNA DLA 00 00 D L 10010	P02	17/04/2025
Proposed Landscape Sections	JNA DLA 00 00 D L 10011	P01	17/04/2025
Planting Strategy	JNA DLA 00 00 D L 10012	P02	17/04/2025
General Arrangement Plan Boundary Treatments	JNA DLA 00 00 D L 10013	P02	17/04/2025
Construction Ecological Management Plan –	-	-	17/04/2025

Supporting Information			
Covering Letter – Supporting Information	65150/02/JG/JSt/33644695V1	-	17/04/2025
Planning Statement – Supporting Information	-	-	17/04/2025
Arboricultural Assessment – Supporting Information	-	E	17/04/2025
Arboricultural Method Statement – Supporting Information	-	E	1704/2025
Habitat management and Monitoring Plan – Supporting Information	JNA-ARB-XX-XX-T-X-0001-HMMP-V2	2.1	30/06/2025
Supporting Tree Information (Photos) – Supporting Information	11376/GEC	-	01/05/2025
File Note BNG – Supporting Information	-	-	01/05/2025
BNG Biodiversity Metric – Supporting Information	-	-	17/04/2025
Email from Mr. Ryan Barrett – Supporting Information	-	-	30/06/2025
Approved under app ref: 2025/91368			
Wienerberger Pagus Grey/Black Stretcher Bond brick	-	-	19/05/2025
Wienerberger Bronsgroen Stretcher Bond brick	-	-	19/05/2025
Photographs of Brick Samples	-	-	19/05/2025
Covering Letter	65150/02/JG/RBa/33592821V1	-	19/05/2025
Approved under app ref: 2025/90303			
Construction Environmental Management Plan – Supporting Information	511277	Rev 01	18/02/2025
Approved under app ref: 2025/90576			
Drainage Layout	JNA-HEX-01-ZZ-D-C-9201	P07	07/04/2025
Surface Water Calculations	JNA-HEX-XX-XX-T-X-9201	P01	07/04/2025
Flood Exceedance	JNA-HEX-01-ZZ-D-C-9220	P01	07/04/2025
Temporary Surface Water Drainage Scheme	511277	00	04/03/2025
Approved under app ref: 2023/93350			
Existing Site Plan	22308-FSA-XX-XX-DR-A-1001	P01	10/11/2023
Existing Site Sections	L-2352-SEC-3000	01	10/11/2023
Transport Assessment (Part 1)	DEI-BWB-GEN-XX-RP-	-	10/11/2023

– Supporting Information	TR003_Transport Assessment_P01_Revised		
Transport Assessment (Part 2) – Supporting Information	DEI-BWB-GEN-XX-RP-TR003_Transport Assessment_P01_Revised	-	10/11/2023
Transport Assessment (Part 3) – Supporting Information	DEI-BWB-GEN-XX-RP-TR-003_Transport Assessment_P01_Revised	-	10/11/2023
Transport Assessment (Part 4) – Supporting Information	DEI-BWB-GEN-XX-RP-TR003_Transport Assessment_P01_Revised	-	10/11/2023
Response to Consultation Comments – Supporting Information	65150/01/JG/JSt/29894096v2	-	27/02/2024
Statement of Community Involvement – Supporting Information	Dated August 2023	-	10/11/2023
Travel Plan – Supporting Information	DEI-BWB-GEN-XX-RP-TR-0002_Travel Plan	P01	10/11/2023
Coal Mining Risk Assessment – Supporting Information	C4164	A	10/11/2023
Air Quality Impact Assessment – Supporting Information	DEI-BWB-ZZ-ZZ-RP-LA-AQA_S0_P01	-	10/11/2023
Noise Impact Assessment – Supporting Information	10046/3	B	10/11/2023
Health Impact Assessment – Supporting Information	Dated Nov 23	-	10/11/2023
Phase 1 (part 1) – Supporting Information	HSP2022-C4164-G-GI-1137	-	10/11/2023
Phase 1 (part 2) – Supporting Information	HSP2022-C4164-G-GI-1137	-	10/11/2023
Phase 1 (part 3) – Supporting Information	HSP2022-C4164-G-GI-1137	-	10/11/2023
Phase 1 (part 4) – Supporting Information	HSP2022-C4164-G-GI-1137	-	10/11/2023
Phase II Geo-Environmental Assessment Report – Supporting Information	HSP2023-C4164-G-GPII1222	B	27/02/2024
Flood Risk Assessment (part 1) – Supporting Information	HSP2022-C4164-C&SFRAS1-1069	-	10/11/2023
Flood Risk Assessment (part 2) – Supporting Information	HSP2022-C4164-C&SFRAS1-1069	-	10/11/2023
Ecological Impact Assessment – Supporting Information	By Arbtech	-	10/11/2023
Preliminary Ecological Appraisal – Supporting Information	By Arbtech	2	10/11/2023
Climate Change Statement –	22308-FSA-XX-XX-RP-A8800	03	10/11/2023

Supporting Information			
Design and Access Statement (part 1) – Supporting Information	22308-FSA-XX-XX-RP-A8700	04	10/11/2023
Design and Access Statement (part 2) – Supporting Information	22308-FSA-XX-XX-RP-A8700	04	10/11/2023
Design and Access Statement (part 3) – Supporting Information	22308-FSA-XX-XX-RP-A8700	04	10/11/2023
Design and Access Statement (part 4) – Supporting Information	22308-FSA-XX-XX-RP-A8700	04	10/11/2023
Design and Access Statement (part 5) – Supporting Information	22308-FSA-XX-XX-RP-A8700	04	10/11/2023
Design and Access Statement (part 6) – Supporting Information	22308-FSA-XX-XX-RP-A8700	04	10/11/2023
Sustainable Drainage Statement – Supporting Information	SDT-BWB-ZZ-XX-RP-CD0001_SDS	P4	10/11/2023
Flood Risk Assessment (part 1) – Supporting Information	HSP2022-C4164-C&SFRAS1-1069	-	10/11/2023
Flood Risk Assessment (part 2) – Supporting Information	HSP2022-C4164-C&SFRAS1-1069	-	10/11/2023

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. Revisions were requested to be made to the submitted HMMP following comments received from KC Ecology.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

Development within a Coal Mining Area

The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

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 Mining Remediation 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 a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:
Building on or within the influencing distance of mine entries - GOV.UK

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation 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. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
What is a permit and how to get one? - GOV.UK (www.gov.uk)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speeder installation at a later date.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

Where the application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:**

i) 28 days from the date of this notice where the enforcement notice has been served,
ii) 28 days of the date of service of the enforcement notice or,
iii) the specified period starting from the date of this notice,

whichever period expires earlier.

- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**

- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**

- **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/appeal-planning-decision. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website https://www.gov.uk/government/organisations/planning-inspectorate.**
- **You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.**
- **The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.**
- **The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.**

- **In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.**

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- **If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.**

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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.

Dated: 03-Jul-2025

Signed:



David Shepherd
Executive Director for Place

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2025/70/91084/W.

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL