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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2025/70/91328/E

To: David Storrie,
D5 Town Planning
Suite 6
Firth Buildings, 99-103, Leeds Road
Dewsbury WF12 7BU

For: Andrew Carden, Pennine Canoe Club

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:-

REMOVAL OF CONDITION 6 (PARKING AREA MATERIALS) ON PREVIOUS PERMISSION 2023/93783 FOR USE OF LAND FOR SITING OF FIVE STORAGE CONTAINERS, ERECTION OF DRYING ROOM, RECREATIONAL SPACE AND ASSOCIATED CAR PARKING

At: BATTYEFORD PLAYING FIELDS, HUDDERSFIELD ROAD, MIRFIELD, WF14 0EE

In accordance with the plan(s) and applications submitted to the Council on 14-May-2025 [together with those plans and application(s) submitted to the Council on15-Jan-2024 and incorporated into planning permission ref no. 2023/62/93783/E granted on 29-Jan-2025] and subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun no later than 28th January 2028.
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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP21, LP22, LP24, LP27, LP28, LP30, LP31, LP50, LP52, LP53 and LP61 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

3. The drying room hereby approved shall be faced in timber cladding for the external walls. The materials of construction shall thereafter be retained for the lifetime of the development.
Reason: This condition is necessary in the interest of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

4. The recreational space hereby approved shall be faced in timber cladding for the external walls and would feature elements of black cladding as per the Proposed Elevations South and East drawing (reference no. 2100, dated 18th December 2023) and the Proposed Elevations North and West drawing (reference no 2101, dated 18th December 2023). The materials of construction shall thereafter be retained for the lifetime of the development.
Reason: This condition is necessary in the interest of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

5. Notwithstanding the submitted plans and details, the storage containers hereby approved shall be faced in Pebble Grey (RAL 7032) for the external walls. The materials of construction shall thereafter be retained for the lifetime of the development.
Reason: This condition is necessary in the interest of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

6. The development shall be carried out in accordance with the document titled 'Club Flood Plan for Pennine Canoe Club' (dated January 2025) approved under permission 2025/90407.
Reason: In the interest of the safety of future occupiers with regards to flood risk in accordance with LP27 of the Kirklees Local Plan and the requirements of the National Planning Policy.

7. The development shall be carried out in accordance with the document titled 'Container Anchoring Scheme' (dated 5th February 2025) and 'Container Anchoring Scheme – Detail' (dated 6th February 2025, reference no. 1100-LGMH-01-00-DR-A-5000 revision P01) approved under permission 2025/90407.
Reason: To ensure that adequate and sustainable systems of drainage are employed in accordance with LP27 of the Kirklees Local Plan and the requirements of the National Planning Policy.

8. Whilst the area within the red line boundary submitted with this application is labelled as functional floodplain, main river flood zone 3b, the use associated with these containers must be 'water compatible' as defined as a flood risk vulnerability classification in National Planning Policy Framework. Changes of use to 'less vulnerable', 'more vulnerable' and 'highly vulnerable' classifications are not permitted.
Reason: This condition is necessary to ensure the proposed development accords with LP27 of the Kirklees Local Plan and the requirements of the National Planning Policy.

9. If contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been 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 Paragraph nos. 196 and 197 of the National Planning Policy Framework.

10. The development shall be carried out in accordance with the information submitted in support of the application, including:

- D5 Planning – Updated Flood Risk Assessment (in response to EA Objections)
- Technical note - 2023/93783: Batteyford Playing Fields Flood Storage Volume Mitigation
- Email from Owen Phillips to Bev Lambert and Nicole Helliwell (Kirklees Council), 9 July 2024 at 2:50pm and the following mitigation measures they detail:
  - The cabins shall be raised to a minimum level of 450mm above ground level.
  - The void space beneath the cabins shall be maintained, unblocked and free of debris for the duration that development is physically in place.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
Reason: To reduce the impact of the development on offsite flood risk in accordance with LP27 of the Kirklees Local Plan and the requirements of the National Planning Policy.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. 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: 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.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00 hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and Specifications Table:

Plan Type	Reference	Revision	Date Received
Plans and details pursuant to 2023/93783			
Location Plan	1000	2	15/01/2024
Existing Site Plan	1009	2	15/01/2024
Proposed Floor Plans – Ground	1100	4	15/01/2024
Proposed Site Plan	1101	4	15/01/2024
Proposed Site Plan – Context	1102	2	15/01/2024
Proposed Elevations South & East	2100	3	15/01/2024
Proposed Elevations North & West	2101	3	15/01/2024
3D Visuals	9000	4	15/01/2024
3D Visuals	9001	2	15/01/2024
Proposed Fencing Drawing	0043-LGMH-XX-XX-DR-A-1000	P01	27/09/2024
Supporting Letter	TP1124	-	15/01/2024
Updated Flood Risk Assessment (in response to EA Objections)	-	-	09/05/2024
Flood Storage Volume Mitigation	-	-	21/06/2024
Football Ball Strike Assessment	LSUK.24-0580_FBRA	2.0	13/09/2024
Football Car Park Risk Assessment	FRM-Site-001	3	13/09/2024
Climate Change Statement	-	-	15/01/2024
Plans and details pursuant to 2025/90407			
Club Flood Plan for Pennine Canoe Club	-	-	14/02/2025
Container Anchoring Scheme	-	-	14/02/2025
Container Anchoring Scheme - Detail	1100-LGMH-01-00-DR-A-5000	P01	14/02/2025
Plans and details pursuant to 2025/91328			
Cover Letter	TP1124	-	14/05/2025

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

DEVELOPMENT WITHIN A COAL MINING AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

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.

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: 09-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 2025/70/91328/E.

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
