



Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1995

REFUSAL OF CONSENT TO DISPLAY ADVERTISEMENT(S)

Application Number: 2021/64/92372/W

To: Sam Dewar,
DPA Planning Ltd
74, Church End
Cawood
Selby
YO8 3SN

For: ARM Capital

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

ADVERTISEMENT CONSENT FOR THE DISPLAY OF A 48-SHEET
POSTER HOARDING

At: 1, BRADLEY ROAD, BRADLEY, HUDDERSFIELD, HD2 1UZ

In accordance with the plan(s) and applications submitted to the Council on 16-Jun-2021. The reasons for the Council's decision to refuse consent for the advertisement(s) to be displayed are:-

The proposed advertisement, by virtue of its prominent siting adjacent residential development and its large scale, would constitute an incongruous feature within the street scene, to the detriment of visual amenity and would detract from the character and appearance of the local area. The proposal is therefore contrary to Policies LP24 (a) and LP25 1 (a) and (b) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	10th June 2021
Site Location Plan	001	-	10th June 2021
Proposed Site Layout Plan	002	-	10th June 2021
Proposed Elevations	003	-	10th June 2021
Proposed Elevations with gable	004	-	16th June 2021
Planning Statement by DPA Planning dated May 2021	-	-	14th June 2021
Cover Letter by DPA Planning dated 8th June 2021	-	-	14th June 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. No amendments have been sought during this application given in principle concerns with this form of advertisement in this location, but the applicant's agent was informed that the application was to be recommended for refusal.

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

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse this application, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

All advertisement appeals have to be submitted to the Secretary of State within 8 weeks of the date of issue of the Local Planning Authority's decision against which you are appealing.

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 Inspectorate's 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 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 the Secretary of State that the local planning authority could not have granted advertisement consent 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.

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: 07-Sep-2021

Signed:



David Shepherd
Strategic Director Growth and Regeneration

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

<http://www.kirklees.gov.uk/business/planning/planning.asp>

If a paper copy of the decided plan is required please email:

dc.admin@kirklees.gov.uk

or telephone (01484) 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

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