



**Town and Country Planning Act 1990**

**Town and Country Planning General Regulations 1992**

**PLANNING PERMISSION FOR DEVELOPMENT SUBJECT TO REGULATION 3**

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**Application Number: 2021/48/94515/W**

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**To:** Kirklees Council, Landscape Architects  
Flint Street  
Fartown  
Huddersfield  
HD1 6LG  
**For:** Kirklees Council, Landscape Architects

**Description and location of development:**

RESERVED MATTERS APPLICATION PURSUANT TO OUTLINE PERMISSION  
2020/90757 FOR ERECTION OF 3 SCULPTURAL FEATURES WITH A  
MAXIMUM HEIGHT OF 12M

**At:** 22-24, NEW STREET, HUDDERSFIELD, HD1 2BU

**Date of submission: 01-Dec-2021**

**In pursuance of its powers under the above mentioned Act and Regulations KIRKLEES COUNCIL (hereinafter called "The Council") hereby grants planning permission for the above development subject to the following condition(s):-**

1. 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 accord with Policies LP02, LP17, LP24 & LP35 of the Kirklees Local Plan and Policies within Chapters 2, 8, 12 and 16 of the National Planning Policy Framework.

2. Before the substantial completion of the development hereby approved a scheme detailing CCTV provision along New Street shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall include details of CCTV coverage of New Street which will be achieved following the completion of the development. The approved scheme shall be implemented before the final completion of the structures and shall be thereafter retained.

**Reason:** In the interests of safety and security to accord with policy LP24 of the Kirklees Local Plan, policies within Chapters 8 and 12 of the National Planning Policy Framework and Section 17 of the Crime and Disorder Act 1998 (as amended).

3. The sculptures hereby approved shall be constructed in the materials of construction detailed within submitted drawing VP1D and of a 'Traffic White' (RAL 9016) colour finish. The materials of construction and colour finish shall be retained thereafter.

**Reason:** In the interests of visual amenity and to preserve the character of the Huddersfield Town Centre Conservation Area to accord with policies LP2, LP17, LP24 & LP35 and the policies within Chapters 2, 12 and 16 of the National Planning Policy Framework.

**NOTE:** The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

**NOTE:** The applicant's attention is drawn to the advice and guidance contained within the response of the West Yorkshire Police Designing Out Crime Officer dated 7th January 2022.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	2nd December 2021
Site Plan	LA02	-	2nd December 2021
Construction Plan	25/64845-KC-VP-PA-01		2nd December 2021
Proposed Plans	VP2A	-	2nd December 2021
Elevation Plans	VP1D	-	2nd December 2021
Structural Calculations	CO21/371/09	A	2nd December 2021
Letter dated 27th October re condition 6 crime prevention measures	-	-	2nd December 2021
D & A Statement	-	-	2nd December 2021
Location Plan	PP01RevA	RevA	2nd December 2021
Anti Climb Measures Statement	-	-	5th January 2021

Email dated 5th January 2021 relating to CCTV	-	-	5th January 2022
Email dated 30th March relating to colour finish	-	-	30th March 2022

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 were sought as it was considered that the proposal was acceptable as submitted.

**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 Tel No: (01484) 221550 for more information.**

**It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.**

#### **Details Reserved by Condition**

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "*submitted to and approved in writing by the Local Planning Authority*".
- You can apply online for approval of these details at [the Planning Portals website](#). Alternatively the forms and supporting guidance for submitting an application can be found online at [Kirklees Council Planning Website](#).
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances

**publicity.**

- **It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.**
- **If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.**

#### **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 this application has been publicised by notice(s) in the vicinity of the site please would you now remove the notice(s) and dispose of it/them responsibly to avoid harm to the appearance of the local 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 you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date 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 [the Planning Inspectorates website](http://theplanninginspectorates.gov.uk). Further information on the Planning Appeal process can be found online at [the Planning Inspectorates website](http://theplanninginspectorates.gov.uk)
- 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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

Dated: 31-Mar-2022

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:

[Kirklees Council Planning Website](#)

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

[planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk)

or telephone (01484) 414746 with the application number.

There may be a charge for this service.

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Address to which all communications should be sent:

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

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