Town and Country Planning Act 1990

Town and Country Planning (Control of Advertisement) Regulations 2007

CONSENT TO DISPLAY ADVERTISEMENT(S)

Application Number: 2022/64/90427/W

To: Glyn Dyer Design
115, High street
Wombwell
Barnsley
S73 8HS

For: J O Donoghue

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

ADVERTISEMENT CONSENT FOR HALO INTERNALLY ILLUMINATED FASCIA SIGN, ONE EXTERNALLY ILLUMINATED HANGING SIGN, AND FOUR ILLUMINATED POSTER SIGNS TO EXISTING WINDOWS [WITHIN A CONSERVATION AREA]

At: REVOLUTION DE CUBA, 30-36, CROSS CHURCH STREET, HUDDERSFIELD, HD1 2PT

In accordance with the plan(s) and applications submitted to the Council on 08-Feb-2022, for a period of five years commencing on 06-May-2022 and expiring on 05-May-2027 subject to the condition(s) specified hereunder:-

1) Before any advertisement is displayed on land pursuant to this consent, the permission of the owner of that land or other person entitled to grant permission in relation thereto shall be obtained.

2) All advertisements displayed and any land used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

3) Any hoarding or similar structure, or any sign, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.

4) Where any advertisement is required under the above-mentioned regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.

5) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

6) Notwithstanding the submitted plans, the illuminated advertisements hereby permitted shall: -

- Have a luminance not exceeding 600 cd/m2 at any part of the illuminated area.
- Have light sources that are not directly visible from any usual viewing angle, in particular by drivers of vehicles on highways or pedestrians or from nearby premises.
- Have illumination that is not flashing, intermittent or changing.
- Have the illumination turned off if any of the above requirements are not being met.

The reason in each case for imposing the numbered conditions above are:

1/5) Conditions imposed by the above-mentioned regulations.

6) In the interest of visual and residential amenity and highway safety in order to avoid disturbance from light pollution and to accord with Policies LP21, LP24, LP35 and LP52 of the Kirklees Local Plan and the aims of Chapters 12 and Chapter 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Elevations	CH-D010-REV F	-	19.4.22
Location Plan	CH-D014	-	8.2.22
Proposed Elevations	CH-D012	-	19.4.22
Proposed Advertisement Details	CH-D013-REV C	-	29.4.22

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. Amended plans were sought and submitted to alter the proposed lighting strategies for the fascia sign and window posters, this was for reasons of conservation and design.

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

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 at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.**

- **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.**

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to grant this application subject to conditions, 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: 06-May-2022

Signed: 

David Shepherd
Strategic Director Growth and Regeneration

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 2022/64/90427/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
