**Town and Country Planning Act 1990**

**Town and Country Planning (Control of Advertisement) Regulations 2007**

**CONSENT TO DISPLAY ADVERTISEMENT(S)**

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**Application Number: 2022/64/93959/W**

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**To:** Michael Chow,
Jade3 Architecture
Studio 12
Silver Street
Wakefield
WF1 1UY

**For:** Adal Rasool, Belgian Waffle

**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:-**

ERECTION OF ILLUMINATED FASCIA AND PROJECTING SIGNS (WITHIN A CONSERVATION AREA)

At: THE BELGIAN WAFFLE COMPANY, 33, BLACKER ROAD, BIRKBY, HUDDERSFIELD, HD1 5HU

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**In accordance with the plan(s) and applications submitted to the Council on 19-Dec-2022, for a period of five years commencing on 18-May-2023 and expiring on 17-May-2028 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).

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

Additional condition :-

6) This consent does not extend to the display of the vinyl window coverings as shown on the proposed elevation drawing.
**Reason:** In the interest of visual amenity and character of the streetscene and in accordance with policy LP25 of the Local Plan and chapter 12 of National Planning Policy Framework.

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Location plan | 100 | | 8th December 2023 |
| Existing store front | 121 | | 8th December 2023 |
| Proposed elevation | 120 | | 8th December 2023 |
| Proposed block plan | 113 | | 8th December 2023 |
| Planning Statement | 2012 enquiry 38 | | 8th December 2023 |
| Proposed store layout (one document containing numerous plans) | The Belgium Waffle Co. | | 8th December 2023 |
| Photograph – shop front | | | 16th December 2023 |
| Photograph – trough light | | | 16th December 2023 |
| Photograph – projecting sign | | | 16th December 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 Planning 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.

**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 Coal Authority on 0345 762 6848.

Further information is also 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/appeal-planning-decision. 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:** **18-May-2023**

**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 2022/64/93959/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.

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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

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