



Planning (Listed Buildings and Conservation Areas) Act 1990

LISTED BUILDING CONSENT

Application Number: 2023/65/92777/W

To: Andrew Phipps
Unit A & B, Highgrove Industrial Park
Quatremaine Road
Portsmouth
PO3 5QQ

For: Andrew Phipps, PEARL Fit Out

The KIRKLEES COUNCIL hereby give notice that LISTED BUILDING CONSENT has been granted for the execution of the works referred to:-

LISTED BUILDING CONSENT FOR ALTERATIONS AND SIGNAGE (WITHIN A CONSERVATION AREA)

At: 71, NEW STREET, HUDDERSFIELD, HD1 2BQ

In accordance with the plan(s) and applications submitted to the Council on 18-Sep-2023 subject to the condition(s) specified hereunder:-

1. The development shall be begun not later than the expiration of three years beginning with the date on which consent is granted.

Reason: Pursuant to Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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 to ensure the satisfactory appearance of the development on completion, in the interests of the significance of the heritage asset in accordance with Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended), Chapter 16 of the National Planning Policy Framework and Policy LP35 of the Kirklees Local Plan.

3. Notwithstanding the plans received, the fascia signage and projecting signage, including lettering in the logos, hereby permitted shall be in an eggshell or matt finish. The use of gloss finish to signage is not permitted.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

4. Notwithstanding the plans received and the application form details provided, all fascias and projecting signage hereby permitted, shall be externally illuminated by slimline trough lighting in a matt, white finish, and limited to 400cd/m² in illumination. No internal illumination shall be permitted to any fascia or projecting signage, notwithstanding the details set out on the application form.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

FOOTNOTE: This is to be read in conjunction with the associated Advertisement Consent application 2023/92644.

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|---|-------------------------|----------------|----------------------|
| Location Plan. | Location Plan. | Unamended | 19/09/2023 |
| Existing Ground and Basement Floor Plans. | Drawing no. 1822-01-01. | C | 19/09/2023 |
| Existing and Proposed Elevation Plans and Proposed Ground Floor Plan. | Drawing no. 1822-01-05. | E | 08/01/2024 |
| Proposed Construction Interventions in Ground and Basement Floor Plans. | Drawing no. 1822-01-02. | C | 19/09/2023 |
| Proposed Ground and Basement Electrical Layout. | Drawing no. 1822-01-07. | C | 19/09/2023 |
| Proposed Ground and Basement Floor Plans. | Drawing no. 1822-01-03. | C | 19/09/2023 |
| Proposed Ground and Basement Flooring Details. | Drawing no. 1822-01-04. | C | 19/09/2023 |

| Plan Type | Reference | Version | Date Received |
|---|-----------------------------|-----------|---------------|
| Proposed Ground and Basement Lighting Layout. | Drawing no. 1822-01-08. | C | 19/09/2023 |
| Proposed Ground Floor Sections. | Drawing no. 1822-01-06. | C | 19/09/2023 |
| Heritage Statement | Heritage Statement | Unamended | 19/09/2023 |
| Design and Access Statement | Design and Access Statement | Unamended | 19/09/2023 |

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 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. Amendments were secured to the original proposal to overcome harm to the heritage amenity of the Huddersfield Town Centre Conservation Area and Listed Buildings nearby. The draft conditions were sent to the agent for review, however the Officer did not receive a response. In order to have a timely Decision, the Officer moved to determination.

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 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.

Development within a Coal Mining Area

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

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

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.

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse listed building consent for the proposed works, or to grant consent subject to conditions, he/she may, by notice served within six months of the date of issue of this notice, appeal to the Secretary of State for the Environment in accordance with Sections 20-21 of the Planning (Listed Buildings and Conservation Areas) Act 1990. 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 has power to allow a longer period for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the Local Authority in regard to the proposed works are in progress.

Please note, only the applicant possesses the right of appeal.

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: 19-Jan-2024

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 2023/65/92777/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
