KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 220 & Town and Country Planning Act (Control of Advertisements) (England) Regulations 2007 - Regulation 14

DELEGATED DECISION TO DETERMINE PLANNING APPLICATION FOR ADVERTISEMENT CONSENT

Reference No:	2017/64/94267/W
Site Address:	Adj 468b, Manchester Road, Crosland Moor, Huddersfield, HD4 5BW
Description:	Advertisement Consent for erection of 2 illuminated LED advertising display signs
Recommending Officer:	Aimee Procter

DECISION – Advertisement Consent Refused

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 22-Feb-2018

Officer Report

Application: 2017/64/94627/W
Site: Adj 468b Manchester Road, Crosland Moor, Huddersfield HD4 5BW.
Proposal: Advertisement Consent for the erection of 2 illuminated LED advertising display signs

Site Description
The application relates to a small part of land off Manchester Road in Crosland Moor. Adjacent to the site north is no. 468b Manchester Road; to the east of the site along Manchester Road is land currently occupied as a car wash. To the north of the site is Huddersfield Narrow Canal, and a large area surrounding the canal, particularly to the north and west of the applicant site is woodland protected by a Tree Protection Area.

The closest residential neighbour to the applicant site is approximately 35 metres and is adjacent the site opposite Manchester Road. Across Manchester Road is a large residential area. The applicant site is located close to the boundary with the Milnsbridge Conservation area to west. Within the Publication Draft Local Plan, the surrounding area is mixed in use, to the north across the Huddersfield Narrow Canal are large areas designated as priority employment areas.

Description of proposal
The application proposes the erection of 2 illuminated LED advertising display panels, equivalent to 48-sheet poster panel size, in replacement of the 2 existing 96 sheet paper and paste display panels.

The advertisement consent is sought for the period 01/02/2018 to 01/02/2028.

The proposal is to replace the existing advertising display signs which currently measure 12m in width, 3m in height and 150mm in depth (overall height of 4.5m)

The proposed advertising display signs will be approx. 2.5m from the ground to the base of the advertisement. They displays will measure 3m in height, 6m in width and 450mm in depth (overall height 6m). The display signs will be constructed using GRP/Pressed mental frame containing an LED screen, the screen will show static text and images changing with each advertising image; the maximum height of any letters/symbols will be 300cm.

The proposed advertising display signs is indicated to be internally illuminated to a maximum level of 600cd/m.

Relevant Planning History
90/02140 erection of 2 no. 96 sheet hoardings – advertisement consent granted

Representations
No publicity required for this type of application.
No representations were received.

Consultations
KC Highways – no objections to the proposal

KC Environmental – 1
The proposal is to replace the existing advertising hoardings with LED illuminated advertisements which are smaller than those existing. Inappropriately illuminated advertisements have the potential to cause glare which is undesirable. The applicant has not provided any detailed information regarding the proposed LED advertisements in particular any information regarding their luminance and their potential adverse impact.
I consider that more information is required from the applicant to demonstrate that the proposed LED advertisements will not have an adverse impact, and are operated in an acceptable manner.
Before the proposed illuminated LED advertising display signs are installed a design and operation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show how the proposed illuminated LED advertising display signs will be designed and operated in accordance with the guidance provided in *PLG05 The Brightness of Illuminated Advertisements (by the Institution of Lighting Professionals: 2015).*
The illuminated LED advertising display signs shall be installed and thereafter operated in accordance with the approved scheme.

KC Environmental – 2
In our original response dated 28 Jan 2018 (above) we recommended a condition requiring the applicant to submit for approval a design and operation scheme for the proposed LED displays.
An email from Paul O'Sullivan of Insite Poster Properties Ltd dated 8 Feb 2018 has now been received. In the email he specifies the different luminance levels that will be used during the day and night these being switched automatically by a sensor. In addition the display will be fitted with a timer so that its hours of operation can also be automatically controlled. I consider that the proposals are satisfactory and recommend that our original recommended condition is replaced with the one below.'
<u>Recommended Condition</u>
The illuminance of any part of the LED displays hereby permitted shall not exceed:-
600 cd/m2 between dawn and dusk and
300 cd/m2 between dusk and dawn and
The displays shall not be illuminated between midnight and 6am.

Policy
The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material

considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The examination began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given substantial weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the UDP and the PDLP Proposals Maps.

Kirklees Unitary Development Plan:
D2 – General Development Policy
BE1 – Quality of design
BE2 – Design principles
T10 – Highway safety

Kirklees Publication Draft Local Plan (PDLP):
PLP 1 – Achieving sustainable development
PLP 21 – Highway safety
PLP 24 – Design
PLP25 – Advertisements and shopfronts
PLP35 - Heritage
PLP52 – Pollution (includes light pollution)

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
Chapter 7 – Requiring good design

Assessment
The National Planning Policy Framework seeks a presumption in favour of sustainable development and seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings, as well as taking account of the character of different areas and the way they function.

Paragraph 67 of the NPPF considers that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. However, advertisements should be subject to control only in the interest of amenity and public safety, taking account of cumulative impacts.

The National Planning Policy Framework (the Framework) and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Advertisement Regulations) state that advertisements should be subject to control in the interests of public safety, including the safety of persons using any highway. The Planning Practice Guidance (PPG) provides more detailed guidance on the locations where advertisements are more likely to affect public safety on roads.(Ref: ID 18b-067-20140306). It goes on to list the main types of advertisement which may cause a danger to road users, which include those likely to distract road users because of their unusual nature and illuminated signs including those using LED technology, where the means of lighting is directly visible from the road and which are subject to frequent changes of the display (Ref: ID 18b-068-20140306). Policy T10 of the UDP and emerging Policy PLP21 are also concerned with the impact of development on highway safety.

The proposed upgraded signage would be exactly this type of advertisement. Whilst it would replace an existing display of a much larger size and the level of illumination could be limited by condition, the proposal would include changing images from the existing paper and static displays on the site. The rotation of advertisements would be at relatively frequent intervals (10 seconds), which could be a distraction to drivers and pedestrians.

The illuminated panels will front the A62 Manchester Road. The size, illumination and constant rolling of screen advertising could be intrusive in the street scene, and potentially a distraction to passing motorists. Consultation has taken place with Highways DM and it is considered however, that given the point of passing the site the road is relatively straight, well-lit and single-lane with a 30-mph speed limit in force, no unacceptable harm to motorists using the highway would occur. Furthermore there would be likely to be few instances where there would be conflicting traffic and pedestrian movements given the nature of the road and the development which adjoins the road in the locality of the site. It is also noted that the advertising will be a range of static images with no movement, animation or flashing lights, therefore reducing distraction to passing motorists. Provided the signage was displayed in accordance within the supplementary planning document, in that a new advertising image will appear no less than every 10 seconds, with the interchange between each image virtually instantaneous, it is considered there would not be detriment to public safety.

The new advertisements would face east and west bound users of Manchester Road. They would also be visible from a gateway entrance to Milnsbridge Conservation Area (CA), which is located on land some 80 metres to the west of the site. Although situated outside the CA, the proposal would form part of the setting of the CA. Accordingly, special attention is to be

paid to the desirability of preserving or enhancing the character or appearance of the CA, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In the Milnsbridge Conservation Area appraisal the junction of Manchester Road and Park Road West is highlighted as a key gateway to the CA. At this junction when looking east the proposed advertisement would be a prominent and intrusive feature, due to its height but especially its illuminated nature and rolling display. In doing so, the proposal would detract from the setting of the CA, thus diminishing its character and qualities as a designated heritage asset. As a result, the proposal would fail to preserve or enhance the character and appearance of the CA and be contrary to Policy PLP35 (1) of the PDLP.

The overall impact of the display of advertising material would be considerable and both intrusive on, and out of keeping with, the character and appearance of the local area. In views along Manchester Road the proposed advertisements would be noticeably higher than the open land uses and structures they surround and because land levels drop steeply to the north of the site. Although the width of the advertisements would be significantly reduced, the height would be increased to 6 metres above ground level. When travelling west bound, the advertisement would be seen against a wooded backdrop; so lessening its prominence. However, when travelling east there is no backdrop and it would appear as a substantial prominent feature in the local street scene. That the new advertisement would be illuminated and has a rolling display would accentuate its harmful visual impact, especially at night. In this respect the scheme would fail to comply with Policy BE2(i) of the UDP, Policy PLP24(a) of the PDLP and para 64 of the NPPF.

Historic England has published good practice advice notes – The Setting of Heritage Assets 2015. Within this document Historic England have set out steps to proportionate decision-taking. Firstly, the heritage asset affected by this proposal would be the Milnsbridge Conservation Area and its setting. It is considered that the effects of the proposed development would have significant harm to the heritage asset, as the proposal includes a number of potential attributes listed in this document that affect a setting. The location and siting of the development is within close proximity to the heritage asset, and is constructed in materials that are out of keeping. The dimensions, scale and massing of the development, being 6 metres above ground level and illuminated, would increase the advertisements prominence and dominance in the street scene and wider setting of the Milnsbridge Conservation Area.

It is considered that proposed display panels would not result in any undue impact on residential amenity. Adjacent to the site north is no. 468b Manchester Road; to the west of the site along Manchester Road is land currently occupied as a car wash. The closest residential neighbours to the applicant site are approximately 35 metres set high above the site along Park Road West. It is considered that although the panels would be illuminated,

given the topography of the area – there is no clear direct line of sight to the panels from residential property and they are located in a mixed use area with established commercial properties adjacent - they would not have any significant impact on the amenities of these neighbouring residents.

The level of luminance of the panels could lead to light pollution if not properly controlled. Although Manchester Road is a primary distributor route it is less busy at night and this section is within a mixed use area, with a large area of woodland to the north which is designated as a Wildlife Habitat Network in the emerging local plan. Policy PLP52 of the PDLP states that proposals would have the potential to increase pollution from…light…must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

Consultation has taken place with Environmental Services and the applicant has submitted evidence to demonstrate the luminance would concur with *PLG05 The Brightness of Illuminated Advertisements (by the Institution of Lighting Professionals: 2015).* This includes reducing the level of luminance between dusk and dawn and the panels not being illuminated at all between midnight and 6am. Given these proposed measures, together with the level of luminance from the street lights along Manchester Road, it is considered that light from the displays would not be harmful to residential amenity or the biodiversity of the area.

Given the above, although the proposed advertisements would not result in any detrimental impact upon biodiversity, residential amenity or public safety (due to the distance between the site and its residential neighbours and the mitigation measures proposed by condition) they would have an unacceptable impact on the amenity of the area. This includes the setting of the Milnsbridge Conservation Area and the prominent and intrusive appearance they would have in the wider streetscene of Manchester Road.

Recommendation: Refuse advertisement consent

Decision Authorisation - Delegated Powers
Application Number: 2017/64/94627/W
Officer Recommendation: Refuse advertisement consent
Conditions and Reasons

1. The proposed advertisements, by reason of their illumination and rolling display, would form an overly prominent and intrusive feature within the streetscene which would have a negative impact on the visual amenity of the area. This includes the setting of the nearby Milsnbridge Conservation Area and a gateway entrance to this conservation area. To permit such a development would be contrary to the requirements of policy BE2(i) of the Unitary Development Plan, Policy PLP25 1.b. of the Publication Draft Local Plan and paragraph 67 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped plans and elevations	T4285 A4 061		18/12/2017
Grouped plans and elevations	T4285 A4 060		18/12/2017
Proposed site / block layout	T4285 A4 051		18/12/2017
Location Plan	T4285 A4 050		18/12/2017

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.

The agent was contacted regarding the levels of illumination and provided more information so that the potential for light pollution could be assessed. The agent was contacted again regarding concerns about the impact of the proposal on the amenity of the area and given the opportunity to provide further justification. This was received but did not overcome the concerns regarding the effect the advertisements would have on the amenity of the area.

Report Dated: 22/02/2018