

**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: 2019/64/93525/W

Site Address: 8, Morley Lane, Milnsbridge, Huddersfield, HD3 4NZ

Description: Erection of advertising hoarding (within a
Conservation Area)

Recommending Officer: William Simcock

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-Jun-2020

Site Description

8 Morley Lane is a two-storey semi-detached dwelling built on the north-west side of the highway which is otherwise mostly undeveloped. It has a stone front elevation and rendered blank gable end facing south-west. The opposite side of the highway is continuously built up, consisting of two-storey dwellings built in stone and of traditional appearance.

Description of Proposal

- The proposal is for the installation of an advertisement billboard for the display of non-illuminated advertisements.
- The proposed billboard is to measure 3.0 by 6.1m.
- It is to be sited 3.45m above ground level on the blank gable end elevation of 8 Morley Lane.

History of negotiations/amendments received

None

Relevant Planning History

None

Representations

No publicity required

No representations received.

Consultations

- Environmental Health – No objections
- Highways Development Management – No objections
- Conservation & Design – Some concerns about setting of Conservation Area.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is without designation on Kirklees Local Plan. It is just outside the boundary of Milnsbridge Conservation Area.

Kirklees Local Plan (LP):

LP 1 – Achieving sustainable development

LP 2 – Place shaping

LP 24 – Design

LP 25 – Advertisements and shop fronts

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 12 – Achieving well-designed places

Assessment

The NPPF 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 132 of the NPPF considers that the quality and character of places can suffer when advertisements are poorly sited and designed. However, advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Policy LP25 of the Local Plan sets out that the display of advertisements will only be permitted if they satisfy the following criteria:

- a. The design is consistent with the character of the existing building in terms of scale, quality and use of materials;
- a. Proposals respect the character of the locality and any features of historic, architectural, cultural or other special interest.

LP25 does not explicitly state that the setting of a Conservation Area or views into it can be a concern, although “the character of the locality and any features of historic . . . interest” could be taken to include Conservation Area setting.

Amenity:

The proposed billboard would be affixed to a building of domestic scale and which has been built, and is in use, as a dwellinghouse. Whilst it is recognised that Morley Lane carries a significant amount of traffic and is one of the principal roads leading into Milnsbridge District Centre from Manchester Road, it is still only classed as a ‘C’ road. Development along Morley Lane between no. 17 in the south-west and Cuckoo Bridge in the north-east is strongly residential in character, and the site is roughly 170 and 190m respectively from the two nearest commercial centres, these being Mount Street Local Centre and Milnsbridge District Centre.

The advertisement, it is noted, would be on a building that is immediately adjacent to the Milnsbridge Conservation Area boundary; it is considered however that being a static, non-illuminated advertisement and in a position that would be unlikely to affect views into the Conservation Area, any impact on its setting would be negligible.

Notwithstanding the above, it is considered that in this location commercial advertising, especially a billboard of the scale shown and in a prominent position on a building overwhelming the gable elevation of the building, would introduce an alien and intrusive feature to the street-scene that would be out of character with its surroundings and would be harmful to visual amenity.

Public safety:

All advertisements, by their nature, will act as a distraction to drivers, but it is considered that the level of distraction resulting from the proposed billboard, since it is to be a static advertisement and is not particularly close to a signalised junction or pedestrian crossing, would not be such as to give rise to highway safety concerns. It is therefore judged acceptable on safety grounds.

To conclude, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed advertisement would not jeopardise public safety but would be harmful to visual amenity and therefore not in accordance with the aims of Policy LP25 and Paragraph 132 of the NPPF.

**Recommendation
consent**

Refuse advertisement

Decision Authorisation - Delegated Powers

Application Number: 2019/93525

Officer Recommendation: Refuse advertisement consent

Reason for refusal

1. The proposed advertising hoarding would be affixed to a building of domestic scale and appearance and in a mainly residential setting. It is considered that commercial advertising in this location, and especially a hoarding of the scale and siting proposed, would introduce an alien and intrusive feature to the street-scene that would be out of character with its surroundings, out of scale to the adjacent domestic property and harmful to visual amenity, contrary to the aims of Policy LP25 of the Kirklees Local Plan and Paragraph 132 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			29-Oct-2019
Grouped plans and elevations as proposed			16-Apr-2020
Supporting statement			15-Apr-2020

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 case officer did not undertake negotiations with the applicant since the planning concerns related mainly to the principle of commercial advertising in this location rather than the details, and could not be overcome by the submission of amended plans.

Report Dated:

22-Jun-2020