

**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: 2020/64/91748/W

Site Address: adj, Castlegate, Huddersfield

Description: Advertisement Consent for erection of digital
advertising screen (within a Conservation Area)

Recommending Officer: William Simcock

DECISION - 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: 08-Sep-2020

Site Description

The site comprises a grass verge on the inner edge of the north-eastern part of the Castlegate ring road.

- It is located close to the junction of Castlegate, Northgate, and Lower Fitzwilliam Street.

Description of Proposal

- The proposal is for Advertisement Consent for the erection of a freestanding digital advertising screen, to be placed close to the footway facing outwards towards the carriageway.
- It is to be 6m in overall height, 3m in width and 410mm in depth.
- The precise level of illumination will vary but it is predicted to be in the region of 1800 lumens, similar to that of a domestic television screen.

History of negotiations/amendments received

22-Jul-2020: A new location plan was submitted clarifying the position of the signage (to be on the verge not the footway). The plans were not subjected to formal publicity but the minimum period of 21 days was allowed to elapse before the application was determined.

Relevant Planning History

2019/91883 – Erection of digital advertising screen. Refused, no appeal.

Representations

No publicity required.

No representations received.

Consultations

- KC Highways – Recommend refusal.

KC Environmental Health, KC Conservation & Design were both consulted on the previous application and responded that it would be acceptable. They were not re-consulted since the application was not considered to raise new planning issues.

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 designated just beyond the Huddersfield Town Centre Conservation Area on the proposals map of the Local Plan.

Kirklees Local Plan (PDLP):

LP 1 – Achieving sustainable development

LP 2 – Place shaping

LP 21 – Highways and access

LP 24 – Design

LP 25 – Advertisements and shop fronts

LP 35 – Historic Environment

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
- Chapter 16 – Conserving and enhancing the historic environment

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.

This is a re-submission of application 2019/91883 and is identical in its location, the dimensions and siting of what is proposed, and the supporting information.

The site is located just outside the Huddersfield Town Centre Conservation Area – the boundary coinciding with the footway-verge boundary at this point. Paragraph 192 of the NPPF highlights, amongst other things, the desirability of new development making a positive contribution to local character and distinctiveness. Policy LP35 of the Local Plan sets out that development proposals affecting a designated heritage asset should conserve those elements which contribute to its significance. Harm to such elements will be permitted only where this is outweighed by public benefits in the proposal. In

this case any potential impact on the setting of the Conservation Area, or views into it, will be given consideration.

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 LP21 of the Local Plan states that developments must ensure that safe and efficient flow of traffic. Policy LP25 of the Local Plan sets out the display on advertisements on a Listed Building or within a Conservation Area should preserve or enhance the character and appearance of the building, the area in which it is located and any features of architectural or historical interest.

Government guidance on Advertisements (on the gov.uk website, updated 22nd July 2019) says:

“All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline”. It makes no recommendation on digital advertisements in particular.

Highway safety issues:

Siting a DAS in the immediate vicinity of traffic signals is discouraged by the Kirklees Road Safety Team and by The Design Manual for Roads and Bridges Vol 6 Section 2 Chapter 3, paragraph 3.8, on the grounds that they are liable to lead to a greater level of distraction than traditional billboards or other static signs.

Applications for digital advertisement signs (DAS) for locations close to the site have recently met with refusal. One was on a building at the corner of St John's Road was refused (ref. 2019/90651), the other on Waterloo Mills, on Leeds Road near the junction with Old Leeds Road (2020/90143), both having been so recommended by Highways Development Management. In the first instance this was because of the assessment that the sign would visually conflict with the existing signal heads. In the second example it was considered that as the DAS would be seen in the same line of sight as traffic signal heads from some angles, it would reduce their visibility and hinder their interpretation.

In the current example, the display board would not be seen in such close proximity to traffic signals or in the same line of sight, so the situations are not identical. But safety concerns relating to driver distraction still apply, as set out in more detail below.

Both the Highway Safety Assessment and the consultation response from the Kirklees Highways Officer make reference to a document issued by Transport for London – this of course is not a statutory document for assessing applications outside London, but it is a useful background source of information.

The applicant's Highway Safety Assessment carries out a detailed analysis of how the DAS would appear to road users. It notes that the proposed DAS would not block motorists' views of traffic signals or significantly impede sight lines, and that from some angles of approach it would be invisible (that is, some of the structural components would be visible but not the display itself). The document concludes that it would not result in an unacceptable impact in terms of driver distraction.

The document also expresses the view that the frequency of accidents over the last 5 years is not sufficiently high to amount to a cause for concern in the context of the proposal, and highlights a possible local precedent – the DAS at Shorehead Roundabout, which is purported to represent a similar scenario to the proposal now being considered.

However, the HDM comments on the current application, taking into account the findings of the Highway Safety Assessment, make the following comments:

- The proposed location is on a major five-arm signalised junction on the main town centre ring road;
- There is an abundance of pedestrian crossings and traffic signals in the vicinity;
- There have been 6 injury accidents reported at this junction in the last 5 years, including a serious accident in June 2018;
- The Highways Safety Department oppose the scheme for the above reasons.

A DAS was approved on the outside of the Kingsgate Centre overlooking the Shorehead roundabout (2013/90457). It is, in some ways, not a straightforward comparison, as the location is a roundabout rather than a junction; it is noted it does have traffic lights, and a DAS on a roundabout may still have the potential to distract drivers. Every case should be assessed on its own merits. The Kingsgate DAS is however positioned some 11m from the carriageway edge at its closest point, and is affixed to a large and imposing building. This, arguably, makes it less intrusive in the street scene, and therefore less of a distraction to motorists, than the current proposal which is for a free-standing structure roughly 2m from the carriageway edge.

It is acknowledged that there is no adopted national planning document giving a presumption against DAS near busy or complex junctions, or on main road locations generally.

It is however considered that taking all factors into account, including the comments of Highways Development Management, it is considered that this proposed advertising would give rise to an unacceptable level of distraction to motorists negotiating a complex junction, and would therefore be liable to give rise to a material increase in highway (public) safety problems.

Amenity issues:

It is considered that the principle of an illuminated sign with a changing display at this location would not be overtly detrimental to visual amenity in this specific location as it would be seen mainly in the context of modern commercial development without a strong architectural character. The potential exists for harm to amenity arising from glare but this can be avoided if (as suggested by the applicant) a light sensor is fitted to control the brightness of the display relative to ambient light levels, giving a lower level of luminance during the hours of darkness.

Other conditions, such as a limitation on hours of use, restrictions on the frequency and method of change of the display, and there being no moving images, might be deemed appropriate in the event of officers being minded to approve.

As such, the proposed advertisement, taking into account its position, design and scale, would not result in significant detriment to amenity, would preserve the setting of the Conservation Area and views into it, thereby complying with the aims of LP24, 25 and LP35 of the Local Plan.

Conclusion:

To conclude, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not necessarily cause harm to amenity or to the setting of the Huddersfield Town Centre Conservation Area, but would give rise to an adverse impact on public safety by reason of the increased potential for distraction to motorists. It is therefore recommended that consent be refused.

**Recommendation
consent**

Refuse advertisement

Decision Authorisation - Delegated Powers

Application Number: 2020/91748

Officer Recommendation: Refuse advertisement consent

Reason for refusal

The proposed advertising screen, owing to its position close to a signalled junction and pedestrian crossing points, would be liable to give rise to an unacceptable level of distraction to motorists negotiating the junction. It is therefore considered it would give rise to a material increase in public highway safety problems in a locality where the record of injury accidents is already a cause for concern. Allowing the application would therefore be contrary to the aims of National Planning Practice Guidance on Advertisements (updated 22nd July 2019), paragraph 132 of the National Planning Policy Framework, and Policy LP21(a) of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			12-Jun-2020
Location plan	BEE001	A	22-Jul-2020
Site plan	BEE002	A	22-Jul-2020
Proposed elevations	BEE003		12-Jun-2020
Map showing location in colour			23-Jul-2020
Covering letter			12-Jun-2020
Planning statement			12-Jun-2020
Highway safety report	20585-001		12-Jun-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.

Planning officers concluded that the scheme was unacceptable for highway safety reasons and that the planning issues could not be overcome by the submission of design amendments or further details. Clarification was sought as to the proposed location of the screen. For the reason set out in the reason

for refusal the development would not improve the environmental conditions of the area.

Report Dated:

08-Sep-2020