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:	2021/64/90565/E
Site Address:	Bensons for Beds, Birstall Shopping Park, Holden Ing Way, Birstall, Batley, WF17 9DT
Description:	Advertisement Consent for erection of illuminated and non-illuminated signs
Recommending Officer:	Alice Downham

DECISION – ADVERTISEMENT CONSENT GRANTED

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

Paul Dowd

AUTHORISED OFFICER

Date: 06-May-2021

Officer Report

Site Description

The application site comprises Unit 8b of the Birstall Shopping Park. The existing unit is currently vacant (previously held by Tui).

Description of Proposal

The application seeks advertisement consent for the erection of illuminated and non-illuminated signs. The proposed signage includes two “econoflex” box signs (one main sign and one to rear), two aluminium trays (one welcome panel and one “goods in” sign, and 8 vinyl stickers (with Bensons for Beds logo). A summary of each sign is below:

Item 1 – Internally-illuminated fascia sign with a static illumination level of 450 cd/m^2. The sign would measure 7.0m wide x 3.5m high x 0.17m deep, comprising “Bensons for Beds” logo with white text on purple background. To be displayed on the front elevation of the building on an aluminium panel, approximately 6.0m off the ground.

Item 2 – Internally-illuminated fascia sign with a static illumination level of 450 cd/m^2. The sign would measure 4.9m wide x 2.5m high x 0.17m deep, comprising “Bensons for Beds” logo with white text on purple background. To be displayed on the rear elevation of the building on an aluminium panel, approximately 3.5m off the ground.

Item 3 – Non-illuminated fascia sign. The sign would measure 2.1m wide x 0.5m high x 0.04m deep, comprising “Welcome” in white text on grey background. To be displayed above the entrance on an aluminium panel, approximately 2.0m off the ground.

Item 4 – Non-illuminated fascia sign. The sign would measure 1.2m wide x 0.8m high x 0.04m deep, comprising “Bensons for Beds” logo with white text on purple background. To be displayed on the rear elevation of the building on an aluminium panel, approximately 1.0m off the ground.

Item 5 – 4 no. non-illuminated vinyl sticker sign. The sign would measure 0.3m wide x 0.2m high, comprising “Bensons for Beds” logo with white text on purple background. To be displayed under the canopy to the front elevation, approximately 2.0m off the ground.

Item 6 – 4 no. non-illuminated vinyl sticker sign. The sign would measure 1.0m wide x 0.2m high, comprising “Bensons for Beds” logo with white text on purple background. To be displayed under the canopy to the front elevation, approximately 2.0m off the ground.

Full specifications have been included on the application form and are shown on the submitted drawings.

History of negotiations/amendments received

It was not necessary to seek amendments / further information during the course of the application.

Relevant Planning History

96/90660 - Erection of signage and totem sign. Advertisement consent granted.
2002/90502 - Erection of 4 no. illuminated signs. Advertisement consent granted.
2002/91573 - Erection of illuminated fascia and free standing signs. Advertisement consent granted.
2007/90599 - Erection of 2 no. illuminated fascia signs. Advertisement consent granted.
2010/90590 - Erection of face sign, fascia sign, and 2 vinyl graphics signs. Advertisement consent granted.
2017/94374 - Advertisement Consent for erection of 1 illuminated and 2 non-illuminated signs. Advertisement consent granted.
2018/90217 - Advertisement consent for erection of illuminated fascia sign. Advertisement consent granted.

Representations

No publicity is required for applications regarding signs and advertisements, and as such, no representations have been received.

Consultation Responses

No consultations were considered necessary in this instance.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design
- **LP 25** – Advertisements and shop fronts
- **LP 53** – Contaminated and unstable land

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 14** – Meeting the challenge of climate change, flooding and coastal change

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.
b. Proposals respect the character of the locality and any features of historic, architectural, cultural, or other special interest.

Unit 8b is located within an existing shopping park. It is noted that there is a range of existing signage within the surrounding area. Therefore, in principle, advertisements are considered acceptable as a function of the use of the building and the immediate surrounding area. The signage proposed is clearly related to the use of the unit. The signage would be unobtrusively positioned either within close proximity, or attached to, the existing building. In this instance, it is considered that the proposed signage, due to its position, design, and scale, would not result in any detriment to amenity or public safety.

As such, the proposed advertisement is considered to comply with paragraph 132 of the NPPF, and Policies LP1, LP2, LP24, and LP25 of the Local Plan in terms of achieving good design and well-designed places. There will be no negative impacts on the Priority Employment Area due to this proposal, it therefore complies with policy LP8 of the Kirklees Local Plan (KLP).

The application site is located within 250m of three former landfill sites, is located within a buffer zone of a hazardous material site and is located on potentially contaminated land. However, given the nature of the proposed development, it is considered that there would be no risks due to the proposal and it therefore complies with LP53 of the KLP.

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 constitute sustainable development and is, therefore, recommended for approval.

Recommendation: **Grant Advertisement Consent.**

Decision Authorisation - Delegated Powers
Application Number: 2021/90565
Officer Recommendation: Grant Advertisement Consent

Conditions and Reasons

Standard 5 advert conditions.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations		-	23/02/2021
Location Plan		-	12/02/2021

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 has, 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.

In this instance, it was not considered necessary to seek amendments / further information during the course of the application.

Report Dated: 30/04/2021