

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: 2021/64/92860/E

Site Address: Centre 27 Business Park, Bankwood Way, Birstall,
Batley, WF17 9TB

Description: Installation of illuminated and non-illuminated signs

Recommending Officer: Olivia Roberts

DECISION – GRANT ADVERTISEMENT CONSENT

**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.**

Sarah Longbottom

AUTHORISED OFFICER

Date: 20-Oct-2021

Officer Report

Site Description

The application relates to an existing restaurant building which is located with the Centre 27 Retail Park in Birstall. Planning permission has recently been granted for the conversion of the restaurant to form a new restaurant with an ancillary drive-thru lane (reference 2021/91660). It is noted that at the time of site visit, the building was vacant and works on the approved development had not yet commenced. The building, as existing is single storey in height. The application building is located within the Centre 27 Retail Park which is commercial in nature.

Description of Proposal

The application seeks advertisement consent for the erection of illuminated and non-illuminated signs. A summary of each sign follows:

Four non-illuminated rectangular fascia signs to be wrapped around the existing square section to the roof form of the building with a height of 1.2m. Would display the 'Taco Bell' logo on a purple graphic background. Aluminium sign with digitally printed vinyl letters and detailing.

Three non-illuminated square fascia signs measuring a maximum of 2.7m H x 4m W x 0.10m D. Would display the 'Taco Bell' name and logo on a purple graphic background. Aluminium sign with digitally printed vinyl letters and detailing. Located to three elevations of the existing tower element.

Two internally illuminated fascia sign measuring a maximum of 1.6m H x 1.8m W x 0.2m D. Aluminium sign in colour black, providing way finding to the drive through. To be located on two elevations of the building.

White vinyl lettering to drive through height restrictor to read '2500mm/8' 2" Clearance.

Two wall-mounted internally illuminated leader board signs proposed to be located to the side of the drive through lane measuring 2.0m H x 0.8m W x 0.25m. Sign casing comprising rolled aluminium panels powder coated black with two poster displays.

White vinyl lettering to read 'Confirm Order Here' to be located on order point which would be located to the side of the drive through.

Internally illuminated digital menu board measuring 1.8m H x 1.5m W x 0.35m D. Aluminium sign casing with 1215mm x 1415mm digital screen.

Internally illuminated, double sided totem sign with a total height of 10m when measured internally from within the site. The sign itself would comprise two elements, measuring 2.0m H x 1.6m W x 0.55m D. The highest element of the sign would display the 'Taco Bell' name and logo as well as the words 'Drive Thru'. The sign would be black with white lettering and purple detail.

History of negotiations/amendments received

During the course of the application, the case officer requested the height of the totem sign be reduced to 8m. Alternatively, it was requested that a street scene plan be provided to demonstrate how the sign would sit within the street scene, against the host building and the sign at the adjacent premises. A street scene plan has been submitted and following review, the height of the sign as originally proposed is considered acceptable. The case officer queried the design of the totem sign which differed between the originally submitted and street scene drawings. An amended drawing has been submitted altering the design of the totem design to match that shown on the street scene drawing. The details of the sign are set out above.

Relevant Planning History

At the application site –

98/93537 – Erection of double sided illuminated pole sign. Refused.

98/93116 – Erection of 12 illuminated fascia signs, 2 menu box signs, 3 neon signs and 1 pole sign. Advertisement Consent Granted.

There have been several other applications for advertisement consent within the Centre 27 Retail Park.

Representations

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

Parish/Town Council comments: not applicable.

Consultation Responses

KC Highways Development Management – Informal discussion in which no concerns to the proposed development were raised.

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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 24 – Design
- LP 25 – Advertisements and shopfronts

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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 15 – Conserving and enhancing the natural 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.

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 Kirklees Local Plan (KLP) 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.

The application site is located within the Centre 27 Business Park, which comprise commercial uses. It is noted that the majority of premises with the Business Park benefit from signage which varies in terms of its location, scale and design.

The materials proposed for the signage and the colour scheme would reflect that of the business that would occupy the unit. Whilst some of the signage would be relatively large in scale and would be highly visible within both the Business Park and wider area, the scale and design of the signage is considered to be in keeping with the overall scale and appearance of the site and would not appear out of place within the commercial setting. A number of the signs proposed for the external walls of the building would replace existing signage for the previous business. Other signs would be linked to the drive through and associated paraphernalia.

A totem sign is proposed as part of the proposal, and it is noted that a totem sign in the same location has been refused previously under application reference 98/93537. The sign, which was proposed to be double sided and illuminated, was considered to be visually unacceptable due to its height and dominant impact in the street scene. It is noted that this is an historic application and there have been changes in both local and national policy since its refusal. Since the refusal of the application, there have been a number of changes to the appearance of both the Business Park and wider area. Whilst the totem sign would be of a significant height, a street scene plan has been submitted by the applicant's agent showing how the sign would sit against the host building and signage at the adjacent premises. Whilst the sign would measure 10m in height, it would be sited within the site which is located at a lower level to Gelderd Road. As such, the height of the sign when viewed from the street scene would be significantly reduced. On the basis of the street scene drawing, the scale and height of the sign is considered to be acceptable, and it is considered that the sign would not appear incongruous either against the host building, signage at the neighbouring premises or within the commercial setting of the site. There are other double sided signs to the perimeter of the Business Park and a number of signs which are

illuminated. As such, the totem sign as proposed is considered acceptable from a visual amenity perspective.

It is considered that the proposed signage, due to its location, design and scale, would not result in any detriment to amenity or public safety. The proposed totem sign would replace the existing totem sign which is located within the banking to the edge of the carpark associated with the application building. As such, it would not impact on parking arrangements, nor would it affect visibility for vehicles entering or exiting the site, with the access taken to the east of the site. It is noted that under the previous application (98/93537), the totem sign was considered to be a distraction to driver on the busy A class road (Gelderd Road). Having regard to the volume of traffic in the area and the number of driver decision points in the immediate vicinity, the proposed pole sign raised concern for road safety issues. The Council's Highways Development Management officer has reviewed the submitted plans and information and is aware of the previous refusal on highway grounds. The changes to the highway network within the vicinity of the application site since the previous refusal has been noted, including the removal of the traffic signals approaching the roundabout on Gelderd Road. When considering the context of the site, the Highways Development Management officer has raised no concern to the proposal on the basis of highway safety. The illumination of the sign would be static and limited to 600cd/m² which is considered to reduce the potential for distraction to passing traffic.

For the reasons set out above, the proposed advertisements are considered to comply with Paragraph 136 of the NPPF and Policies LP24 and LP25 of the KLP in terms of achieving good design and well-designed places.

Recommendation:

Grant Advertisement Consent

Decision Authorisation - Delegated Powers

Application Number: 2021/92860

Officer Recommendation: Grant Advertisement Consent

Conditions and Reasons

Standard 5 advert conditions

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	14/07/2021
Existing Site Plan	0000/2021/P120	-	14/07/2021
Proposed Site Plan	0000/2021/P122	A	14/10/2021
Existing Elevations	0000/2021/P210	-	14/07/2021
Proposed Elevations	0000/2021/P211	A	14/07/2021
Existing Totem View	C-8134-1	-	14/10/2021
Totem Street View 1	C-8134-1	-	14/10/2021
Totem Street View 2	C-8134-1	-	14/10/2021
Totem View	C-8134-1	-	14/10/2021

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 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. Negotiations were held with the applicant's agent to secure a street scene plan showing how the proposed totem sign would sit within the street scene, against the host building and signage at the neighbouring premises. Amendments have also been made to the design of the totem sign. The decision is made on the amended plans and conditions listed above.

Report Dated:

20/10/2021