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:	**2022/64/91459/W**
Site Address:	74, John William Street, Huddersfield, HD1 1EH
Description:	Advertisement Consent for internally illuminated signs
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: 17-Jun-2022

Officer Report 2022/91459
74 John William St, Huddersfield

Site Description

- 74 John William St is a stone three-storey building forming part of a row with a uniform appearance. The ground floor is in use as a restaurant and has large display windows.

Description of Proposal

- The proposal is for the retrospective one for the installation of an illuminated fascia sign.
- This consists of the name of the business, “Istanbul Restaurant”, spelled out in individual letters with halo illumination, and two logos with red and gold lettering inside an oval, internally illuminated. Materials described as plastic and aluminium. The background is timber-effect plastic.
- The signage is up to 4m high above ground floor level and the fascia is 800mm deep.

History of negotiations/amendments received

None.

Relevant Planning History

None.

Representations

No publicity required for applications of this type.

5 representations have been made. Summary of concerns raised:

1. The signage detracts from the character of the building and the area, and is not compatible with the aims of the Huddersfield Blueprint;
2. Light given off disturbs me and other residents;
3. The previous signage was neutral;
4. Stickers have been placed in the window;
5. It is against the terms of the lease;
6. The signage has been put up without consent and should be rejected on those grounds.

Consultations

KC Conservation & Design – Recommend refusal.

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 within Huddersfield Town Centre Conservation Area on the Kirklees Local Plan. It is also a Grade II Listed Building, reference HUD 1/49. Description: "Mid C19. Ashlar sandstone. Sandstone stacks with modillioned cornices. 3 storeys. Modillioned eaves cornice. Continuous moulded sill bands. Moulded cornice above ground floor. Rusticated quoins. Ground floor has modern shop fronts"

Kirklees Local Plan (LP):
LP 1 – Achieving sustainable development
LP 2 – Place shaping
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 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 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.

Paragraph 136 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. Proposals for advertisements affecting the amenity of designated heritage assets must be considered having regard to the aims of Chapter 16 of the National Planning Policy Framework, especially paragraphs 199-202.

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.

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.

Amenity

74 John William Street is a Grade II listed mid-19th century three-storey retail and commercial building in a prominent location within the Huddersfield Town Centre Conservation Area. It is surrounded by listed buildings, including the Grade II* listed George Hotel on the opposite side of John William Street.

The building is constructed from ashlar stone with fine detailing and a high-quality facade. The restaurant frontage is in four bays with granite clad pilasters and modern timber windows with stall risers, and three pairs of console brackets framing a large fascia.

The application contains no justification for the design or assessment of its impact on the listed building, conservation area and setting of nearby listed buildings. The signage includes high gloss gold lettering fixed to a brown timber-effect background, with halo backlighting to the letters and internal illumination to the red acrylic lettering. The means of illumination are not considered to be sympathetic to the Listed Building and its surroundings or the visual amenity of the area ; discreet external LED trough lighting would be preferable to internal or halo illumination. The proposed signage dominates the elevation and causes harm to the character and significance of the listed building, as well as harming the character of the wider Conservation Area and setting of the Listed Buildings within the vicinity. The harm to all heritage assets in this instance is considered to be less than substantial.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage

asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

No public benefits have been submitted to outweigh the harm, and no justification has been provided for the design of the signage. In considering the local characteristics of this neighbourhood where the advertisement is displayed, it is considered it has important historic and architectural features and that the advertisement would not be in keeping with these features.

The proposed advertisements would therefore fail to comply with the aims of paragraph 136 and 202 of the NPPF, Policies LP24, LP25 and LP35 of the Local Plan and the relevant parts of the NPPF.

Public Safety
It is considered that none of the signs would interfere with the use of highway, obstruct inter-visibility, or would give rise to other safety hazards (for instance by reason of undue distraction). They are therefore considered acceptable from a safety point of view.

Representations:

Concerns relating to its impact on visual amenity and heritage assets have been examined in the main part of the report but are highlighted here with other issues raised and officer responses:

The signage detracts from the character of the building and the area, and is not compatible with the aims of the Huddersfield Blueprint;
Response: The concerns relating to the character of the building are considered to be substantiated. The site could be deemed to fall within the Station Gateway area referred to in the Huddersfield Blueprint (which includes St George's Square, St Georges Warehouse and the Estate Buildings) but only very limited weight can be placed on this document since there are ongoing legal challenges to it and it has not yet been adopted.

Light given off disturbs me and other residents;
Response: There do not appear to be any residential uses immediately adjacent to or opposite the site. It is possible that there may be residential use on the upper floors of the building but, if so, it is unlikely that any illuminated signage would affect any such first-floor flats, owing to its position. Therefore this factor has not been given any significant weight as a material consideration.

The previous signage was neutral;
Response: It is considered that the signage now under consideration is materially worse than that which existed previously.

Stickers have been placed in the window;
Response: When the officer visited the site some images stuck to the inside of one window. Window graphics do not form part of this application and have not been assessed. In the event of enforcement action being taken against

the fascia advertisements, action could also be taken against the window graphics.

It is against the terms of the lease;
Response: This is a private civil matter and has not been taken into account in reaching a decision.

The signage has been put up without consent and should be rejected on those grounds.
Response: Any application, including a retrospective one, has to be assessed on its own merits.

Recommendation – Refuse advertisement consent

Decision Authorisation - Delegated Powers

Application Number: **2022/91459**

Officer Recommendation: Refuse advertisement consent

The signs detract from the character of the Grade II listed building on which they are displayed, from the setting of neighbouring listed buildings including the Grade II* listed George Hotel, and from the character of the Huddersfield Town Centre Conservation Area, by reason of their design, materials and means of illumination, and are harmful to the visual amenity of the area. The harm caused to heritage assets is considered to be less than substantial within the meaning of Chapter 16 of the National Planning Policy Framework (NPPF), but no public benefit has been demonstrated to justify the harm caused, contrary to paragraph 202 of the NPPF. To permit such a development would be contrary to the requirements of Policy LP24(a), LP25(1)(b) and LP35 of the Kirklees Local Plan and paragraphs 136 and 199-202 of the NPPF.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			28-Apr-2022
Location plan			12-May-2022
Statement and signage details	T4285 A4 052		28-Apr-2022

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, as the advertisments had already been installed and were deemed unacceptable, it would not be appropriate to seek amendments during the course of the application.

Report Dated: 17-Jun-2022