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:	**2022/64/91742/E**
Site Address:	11-13, Branch Road, Batley, WF17 5RY
Description:	Advertisement consent for erection of illuminated sign (within a Conservation Area)
Recommending Officer:	Nina Sayers

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: 22-Mar-2023

Site Description

11-13 Branch Road is a retail unit in Birstall, Batley. It is currently occupied by Elite Café and Patisserie. It previously hosted a Building Society. The property is a mid-terraced retail unit surrounded by other retail units of a similar design, age and size.

It is noted that this is a retrospective application and the proposed signs have already been erected.

The property is located within Batley Town Centre and Batley Marketplace Conservation Area and is allocated as a secondary shop frontage within the Kirklees Local Plan.

Description of Proposal

The applicant is seeking advertisement consent for the erection of an externally illuminated sign.

The proposal comprises a fascia measuring 1m(h) x 12m(w) x 75mm(d), comprising a purple background, with gold border, with the text ‘Elite’ and associated slogan in gold. It would be located on the front of the property and would be 2.5 metres off the ground. The fascia would be illuminated via external swan neck lights located at 3 points along the fascia.

History of negotiations/amendments received

Officers had concerns regarding internal illumination and the impact on the historic character of the conservation area. Amended plans were sought and received which showed external lighting.

Relevant Planning History

Various applications for advertisement consent granted previously.

Representations

The application site is within Batley Marketplace Conservation Area and therefore was advertised via site notice, in the press and online. The comment period expired on 05/08/2022.

One representation was received in response to the above publicity. This relates to another application and will therefore not be assessed.

Consultations

KC Conservation and Design – No objections

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 located within Batley Town Centre and Batley Marketplace Conservation Area and is allocated as a secondary shop frontage within the Kirklees Local Plan.

Kirklees Local Plan (PDLP):
LP 1 – Achieving sustainable development
LP 2 – Place shaping
LP 24 – Design
LP25 – Advertisements and shop fronts
LP35 – 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 built 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.

The application site is located within Batley Town Centre and is allocated as a secondary shopping frontage on the Kirklees Local Plan. It is a predominantly retail area and the site is surrounded by other commercial units which have advertisements, all of a similar design and size to the proposed. The previous advertising at the site was illuminated as well as other nearby properties also having illuminated advertising.

KC Conservation and Design officers were consulted regarding this application site being located within Batley Marketplace Conservation Area. They requested the internal illumination was amended to external lighting in the interest of visual amenity and preserving historic character. Following amended plans, they have no objections.

As a result, it is considered this proposal would be in keeping with the character of the area and would not result in any detriment to visual amenity, historic character or public safety. The signage would preserve the character and appearance of the surrounding area.

The signage proposed is clearly relating to the building's use. The signage would be unobtrusively positioned within close proximity, or attached to, the existing building and would be similar in scale and positioning to existing signage in the surrounding area.

As such, the proposed advertisements are considered to comply with the aims of the NPPF and Policies LP24, LP25 and LP35 of the Local Plan in terms of achieving good design and well-designed places.

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: 2022/91742
Officer Recommendation: Grant advertisement consent

Conditions and Reasons

Standard 5 advert conditions

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped plans	11ELIBR	As amended	19/01/2023
Application Form			19/05/2022

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.

Report Dated: 16/03/2023