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:	**2022/64/93072/W**
Site Address:	adj, 1, Westbourne Road, Marsh, Huddersfield, HD1 4LA
Description:	Advertisement consent for two internally illuminated digital 75 inch LCD display screens [within a Conservation Area]
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: 31-Jan-2023

Officer report: 2022/93072

Site Description

- The site of the proposed application is land within the public footway outside the Junction public house, a two-storey building in stone and Westmorland slate with a large paved forecourt which is located on the southern side of Westbourne Road close to the junction with Gledholt Road.
- The nearest buildings on the opposite side of the road are a church and an ambulance station, but on the south side of the road, the neighbouring development is residential.

Description of Proposal

- The proposal is for the erection of two internally-illuminated digital display screens.
- They would be installed within a proposed BT Hub (for which planning permission has been applied separately) measuring 2.98m high overall. The screens would measure 1.67m in height, 0.95m in width, and it would be 0.85m from ground level to the base of the screen.
- The display would present a range of static images.
- Maximum brightness, daytime and night-time respectively, would be 2500 cd/sqm and 600cd/sqm.

History of negotiations/amendments received

None.

Relevant Planning History

2022/93081 – Removal of existing BT phone box and installation of replacement BT street hub. Awaiting determination.

Representations

No publicity was undertaken as it is not a statutory requirement for applications of this type.

Two representations were however received. Summary of concerns raised:

- Reduction in footway width;
- The A629 Phase 4 Walking and Cycling route from Town Centre to Lindley had this as a shared space;
- Impact on visibility for motorists.

- Inappropriate in a residential area;
- Why do they need a sign, as you can't miss the pub?

Consultations

The following teams and services were consulted on the accompanying application for the BT Street Hub, and made, in brief, the following comments:

KC Police Architectural Liaison Officer – Recommend refusal because of the high risk of damage. The location of the existing phone box (on opposite side of Westbourne Road) would be preferable.

KC Town Centres Major Projects Team – Recommend refusal.

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 Greenhead Park / New North Road Conservation Area on the Local Plan Proposals Map.

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 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 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.

Regulation 3(2a) of the Advertisement Regulations states that: factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

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.

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.

The site is located within the Greenhead Park / New North Road Conservation Area. Paragraph 197 and 199-208 of the NPPF highlight, 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.

Amenity
The site is not within a town or local centre, nor is it within a location in which advertising is generally a prominent feature in the townscape. The character of Westbourne Road remains largely residential, at least on its southern side, from the site up to the boundary of Marsh Local Centre some 200m to the west.

The site is also within the Greenhead Park/ New North Road Conservation Area. The proposed site is directly in front of The Junction Inn, an Arts and Crafts building which makes a strongly positive contribution to the character of the Conservation Area, as does Gledholt Methodist Church, a Listed mid-19th century building on the opposite side of the roundabout.

It is considered that the proposed Street Hub and its digital screens would not be close enough to the Listed church to affect its setting, since it would not be seen in the same context. The proposed advertising screens would however increase visual clutter in this location and would appear jarring and out of

keeping with their surroundings. They would therefore be harmful to the visual amenity of the area, including the character of the Conservation Area.

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. It is considered that the harm caused to the Conservation Area would in this instance be less than substantial. It is considered however that the purported public benefits arising from the proposed screens, including public awareness messaging and the promotion of local small and medium-sized enterprises, would not outweigh the harm caused in this instance.

The proposed development would therefore be harmful to amenity and contrary to the aims of Policy LP24(a), LP35, and Chapter 16 of the NPPF, and the Council's duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area.

Safety
Planning Practice Guidance on advertisements (2014, amended 2019) lists the main types of advertisement which may cause danger to road users. The list includes, amongst other things, those which would because of their size or siting, obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal. In addition, it also refers to internally illuminated signs (incorporating either flashing or static lights), including those utilising LED technology, where the means of illumination is directly visible from any part of the road, and which are subject to frequent changes of display. The advertisements now under consideration would clearly fall within more than one of these categories.

By their very nature all advertising signs are a distraction to drivers. The severity of the distraction, the number of drivers that can be distracted and the location of the site can impact on the level of severity of the outcome of any distractions. In this instance, the proposed advertising screens would be positioned approximately 22m west of the roundabout forming the junction of Trinity Street, Gledholt Road and Westbourne Road. For drivers approaching the roundabout from an easterly direction (i.e. from Trinity Street), or those already on the roundabout and heading towards the Westbourne Road or Edgerton Grove Road (northern) exit, it is considered that the potential for distraction (arising from advertisements displayed on the east-facing screen) is sufficient to be a cause for concern and could give rise to an increased risk of accidents, contrary to the aims of LP21.

The Department for Transport document "Inclusive Mobility – A Guide to best Practice" dated December 2021 suggests that the width for a footway to allow two wheelchair users to pass would be 2m with an absolute minimum of 1.5m. A lower width of 1m can be accepted providing that the narrowing is no longer than 6m in length. However, in the case of higher-than-average pedestrian flows, such as those found in town centres and along certain desire lines, or

areas adjacent to shops and services where browsing or waiting may occur, then wider footway distances may be required.

As previously stated, the “official” width of the footway, based on maps held by the Council, is roughly 3.0m, and based on case officer’s observations, pedestrian flows are not particularly high at this point. It should be noted however that the useable width of the footway immediately west of the site is less than 3.0m because of the presence of a planter, which is shown on the applicant’s site layout plan. The Street Hub would leave a gap of 500mm before the carriageway boundary, and being just under 1.24m in width, this would imply approximately 1.26m of footway remaining on the opposite, or southern side. On occasions, the presence of a Hub user might make the width of the obstruction even greater. The localised narrowing of the footway to 1.26m or less next to a very busy road would certainly not be in the best interests of pedestrian safety or convenience. There is even a possibility that it might lead to pedestrians briefly straying on to the carriageway in order to negotiate the obstacle, at a point where motorists’ attention will already be preoccupied with the difficulty of negotiating the roundabout.

Whilst obstruction to the public footway was not raised as a concern by the Major Projects Team in this instance, it is considered that the creation of an additional obstacle to the footway at this point would give rise to an increased risk of road traffic accidents, contrary to the aims of LP21.

For the reasons set out above, the proposed digital advertising screens would be harmful to public safety, in particular the safe and convenient use of the highway, contrary to the aims of Policy LP21, and would therefore not be compliant with the aims of paragraph 136 of the NPPF above.

Representations:
Concerns relating to amenity and safety have been examined in the main part of the assessment, but are highlighted here with other issues raised and officer responses:

- Reduction in footway width;

Response: This concern is considered to be substantiated.

- The A629 Phase 4 Walking and Cycling route from Town Centre to Lindley had this as a shared space;

Response: The WY Combined Authority scheme for improved walking and cycling provision between Huddersfield and Halifax would pass through this area, and the footway outside the Junction Inn would become a shared footway / cycleway. Clearly, any new obstacles in the footway would make it impossible to fully implement this scheme, or would at least render it less effective. Whilst contrary to the aims of sustainable transport, it would not be possible to substantiate this as a reason for refusal on safety grounds alone.

- Impact on visibility for motorists.

Response: This was raised as a concern by Kirklees Major Projects team in the linked planning application for a BT Street Hub. The case officer

determined that any obstruction to visibility arising from it would be unlikely to affect highway safety.

- Inappropriate in a residential area;

Response: The area is not solely residential, but it is considered the proposed advertisements would be jarring and unsympathetic to the visual amenity of the area, as discussed previously.

- Why do they need a sign, as you can't miss the pub?

Response: This comment seems to have been made under the misapprehension that the proposed advertisement screens pertained to the Junction Inn, rather than being for general advertising. In general, perceived lack of need is not a material consideration in any case.

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 constitute sustainable development and is therefore recommended for refusal.

Recommendation **Refuse advertisement consent**

Decision Authorisation - Delegated Powers

Application Number: **2022/93072**

Officer Recommendation: Refuse advertisement consent

Reason for refusal:

1. The site lies within the Greenhead Park/ New North Road Conservation Area and in a location in which outdoor advertisements are generally not prominent in the street scene. The proposed digital advertisements would cause harm to the visual amenity of the area appearing jarring and out of keeping with their surroundings. They would detract from the setting of the Arts and Crafts Junction Inn and result in harm to the visual appearance and general character of the wider Conservation Area. Whilst the harm caused would be less than substantial, it is considered that the public benefits associated with the proposed development, as set out in the supporting documents, are not, in this instance, sufficient to outweigh the harm caused. The proposed development would therefore be harmful to amenity and contrary to the aims of Policy LP24(a) and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework, and the Council's duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

1. The proposed advertisements, by virtue of being sited close to a heavily-used traffic roundabout, their illumination, and the rotation of advertisements displayed, would give rise to an unacceptable degree of distraction to motorists, to the detriment of the safe use of the highway, contrary to the aims of Policy LP21 of the Kirklees Local Plan.

2. The proposed advertising screens would reduce the available width of the footway to significantly less than 2m, which is the recommended minimum set out in the Department for Transport document "Inclusive Mobility – A Guide to best Practice" (December 2021). This would not be in the best interests of pedestrian safety, especially for wheelchair users and for mobility-impaired or vision-impaired pedestrians, and would be contrary to the aims of Policy LP21 of the Kirklees Local Plan.

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Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			16-Sep-2022
Location plan, site layout as proposed	HUD-208	A	16-Sep-2022
Dimensioned elevations			16-Sep-2022
Covering letter	HUD-208		16-Sep-2022
Developer's Notice	HUD-208		22-Sep-2022

Plan Type	Reference	Version	Date Received
(highways)			
ICNIRP Declaration of Conformity	HUD-208		16-Sep-2022
Noise Management Plan			16-Sep-2022
Product Statement			16-Sep-2022
Brochure			16-Sep-2022
Photomontage as proposed	HUD-208		16-Sep-2022
Supporting statement			16-Sep-2022
Anti-social behaviour statement		2	16-Sep-2022
FAQ			16-Sep-2022
ILP Professional Lighting Guide			16-Sep-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 because it was considered that the planning concerns could not be overcome by the submission of amended or additional plans.

Report Dated: 27-Jan-2023