Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1995

REFUSAL OF CONSENT TO DISPLAY ADVERTISEMENT(S)

Application Number: 2022/64/93072/W

To: Martin Brown
Harlequin Group
Rutland House, 5, Allen Road
Livingston
EH54 6TQ

For: James Browne, British Telecom Plc

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby refuses consent to:-

ADVERTISEMENT CONSENT FOR TWO INTERNALLY ILLUMINATED DIGITAL 75 INCH LCD DISPLAY SCREENS [WITHIN A CONSERVATION AREA]

At: ADJ, 1, WESTBOURNE ROAD, MARSH, HUDDERSFIELD, HD1 4LA

In accordance with the plan(s) and applications submitted to the Council on 15-Sep-2022. The reasons for the Council's decision to refuse consent for the advertisement(s) to be displayed are:-

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.

2. 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.

3. 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.

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 (highways)	HUD-208		22-Sep-2022
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.

Development within a Coal Mining Area

DEVELOPMENT LOW RISK AREA – STANDING ADVICE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse this application, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

All advertisement appeals have to be submitted to the Secretary of State within 8 weeks of the date of issue of the Local Planning Authority's decision against which you are appealing.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/appeal-planning-decision. Further information on the Planning Appeal process can be found online at the Planning Inspectorate's website https://www.gov.uk/government/organisations/planning-inspectorate.

You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted advertisement consent or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 01-Feb-2023

Signed: 

David Shepherd
Strategic Director Growth and Regeneration

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

http://www.kirklees.gov.uk/business/planning/planning.asp

If a paper copy of the decided plan is required please email:

dc.admin@kirklees.gov.uk

or telephone (01484) 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
