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:	**2022/64/93959/W**
Site Address:	The Belgian Waffle Company, 33, Blacker Road, Birkby, Huddersfield, HD1 5HU
Description:	Erection of illuminated fascia and projecting signs (within a Conservation Area)
Recommending Officer:	Laura Yeadon

DECISION – CONSENT GRANTED SUBJECT TO CONDITIONS

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.

Kevin Walton

AUTHORISED OFFICER

Date: 17-May-2023

Site Description

33 Blacker Road is a mid-terraced property located within the Birkby Conservation Area. The ground floor of the property was formerly occupied as a hairdressers and is now occupied by The Belgium Waffle Company which is a dessert restaurant. The submitted information indicates that the upper floors are residential apartments which do not form part of this application.

Description of Proposal

Permission is sought for Advertisement Consent for a fascia sign, a projecting sign and vinyl stickers.

At the time of the site visit, the fascia sign and projecting sign were in situ. The vinyl stickers had not been applied to the shop front.

The details are as follows:

Fascia sign

- Height form ground to base of sign – 2.71m
- Dimensions – 1.01m x 5.9m x 0.1m
- Colour – beige text and background
- Materials – acrylic
- Internal static illumination

Projecting sign

- Set above fascia sign
- Dimensions – 0.7m x 0.1m
- Colour – beige text and background
- Materials – acrylic
- Internal static illumination

Vinyl stickers

- Within shop front glazing
- Dimensions – 0.35m x 3.14m x 0.01m
- Colour – various
- Materials – vinyl stickers
- Non-illuminated

History of negotiations/amendments received

No amendments have been sought

Relevant Planning History

1996/93213 Erection of workshop extension
Refused

1998/90763 Workshop extension
Refused

2000/90269 Alterations to shop front
Conditional Full Permission

2021/92529 Change of use of vacant dwelling to form 3 residential apartments (C3) on first and attic floors and dormer window to rear (within a Conservation Area)
Conditional full permission

2022/93879 Certificate of lawfulness for existing change of use from vacant hairdresser shop on ground floor to form a dessert restaurant
Not yet determined –

Representations

No publicity required

Consultations

K.C. Conservation and Design – Informal comments – No objection due to existing development within the street scene

Policy

Kirklees Local Plan

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP21 – Highway safety
- LP24 – Design
- LP25 – 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic environment

Legislation

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Assessment

The site is designated within the Birkby Conservation Area on the proposals map of the Local Plan.

Regulation 3 of the Advertisement Regulations limits the Local Planning Authority's powers in respect of advertisement applications to the consideration of amenity and public safety. Therefore, these are the key issues for consideration in this case.

Amenity:

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 the display on advertisements on a Listed Building or within a Conservation Area should preserve or enhance the character and appearance of the building, the area in which it is located and any features of architectural or historical interest.

Policy LP25 goes on to state that the following criteria should be as follows:

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

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.

Over time and largely as a result of unlawful advertisements, the quality of the streetscene has been eroded by visually poor quality signage consisting of a stark selection of materials and design choices leading to inconsistent sizes, scales and appearances. Unfortunately the majority of this signage has become lawful through the operation of time.

Consequently, the proposed signage, due to its position, design and scale would not result in an appearance out of character with the wider streetscene. Blacker Road itself is comprised of commercial units at ground floor with various types of fascia signs, projecting signs and window displays/stickers.

Discussions have taken place with the Council's Conservation and Design Officer who has raised no concerns with the proposed works given the existing works within the street scene.

Notwithstanding the above, the local planning authority may wish to consider its powers to tackle inappropriate signed that has a deemed consent under the provision of the Advertisement Regulations via Discontinuance action as part of the Conservation Area appraisal. This may tackle the harm caused via inappropriate signage that has appeared over time.

The strip illumination downlighting the signage would not be considered overly oppressive or harsh to the degree it would create a bright feature in the streetscene. However, the neon effect strip lighting around the projecting signage and circular design feature would introduce a modern appearance at odds with the traditional stone building. Notwithstanding this and as described above, the existing streetscene contains equally unsympathetic illumination.

As such, the fascia and projecting signage, while in itself at odds with the host building, would not have a wholly negative impact on the wider streetscene or upon the preservation of the character and appearance of the conservation area. As such, the proposed advertisements are considered to comply with the aims of the NPPF and Policies LP24, PLP25 and PLP35 of the Local Plan in terms of achieving good design and well-designed places.

It is noted that alterations to the shop front have been undertaken within the previous 4 years. While plans attached to planning permission reference 2021/92529 indicated the works to the shop front, this development was not explicitly part of the description of development authorised by that planning permission and as such cannot benefit from the approval. Consequently those works appear to be without permission and therefore unauthorised. It is considered, therefore, that the proposed vinyl window coverings should not form part of this advertisement consent. Furthermore, the vinyl coverings are exacerbate the visual clutter already created by the signed on the buildings which would be at odds with the other shop fronts along the streetscene. It is therefore considered necessary and reasonable to impose a condition removing the vinyl coverings from this consent.

Public safety:

Regulation 3(2b) of the Advertisement Regulations makes clear that factors relevant to public safety include the safety of persons using the transport network, including the potential for an advertisement to obscure views of transport signage or equipment, and the potential for an advertisement to hinder the operation of any device used for security purposes.

There are minimal concerns with the proposal in terms of highway safety. The proposal is located on a one-way street whereby there is on-street parking available.

Given the above, the proposal is considered to be acceptable from a public safety perspective.

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 be at odds with the streetscene, other than the vinyl coverings and would not result in harm to the Conservation Areas or its setting and is therefore recommended for approval.

Recommendation **Grant advertisement consent**

Decision Authorisation - Delegated Powers

Application Number: 2022/93595

Officer Recommendation: Grant advertisement consent

Conditions and Reasons

Standard 5 advert conditions

Additional condition:-

6) This consent does not extend to the display of the vinyl window coverings as shown on the proposed elevation drawing.
Reason: In the interest of visual amenity and character of the streetscene and in accordance with policy LP25 of the Local Plan and chapter 12 of National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	100		8th December 2023
Existing store front	121		8th December 2023
Proposed elevation	120		8th December 2023
Proposed block plan	113		8th December 2023
Planning Statement	2012 enquiry 38		8th December 2023
Proposed store layout (one document containing numerous plans)	The Belgium Waffle Co.		8th December 2023

Plan Type	Reference	Version	Date Received
Photograph – shop front			16th December 2023
Photograph – trough light			16th December 2023
Photograph – projecting sign			16th December 2023

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 17th May 2023