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:	**2022/64/94081/E**
Site Address:	Former Swan Inn, 962, Huddersfield Road, Mirfield, WF14 9HS
Description:	Erection of illuminated signs
Recommending Officer:	Elenya Jackson

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.

Emma Thompson

AUTHORISED OFFICER

Date: 17-Mar-2023

Site Description
2022/94081 Former Swan Inn, 962, Huddersfield Road, Mirfield, WF14 9HS

The application site was a piece of vacant land; however, development has commenced on the erection of petrol filling station, kiosk/convenience store, commercial retail units and associated works which was originally given planning permission in 2019 and recently amended by 2021/94005.

The site is currently several partially built units.

Description of Proposal
This application is one free standing totem sign to the south of the site, six signs affixed to the principal elevation of the eastern structure on the site and six on the side elevation of the building.
These signs to the principal elevation would be for:

- A BP logo on the front measuring 1.2m illuminated to 300Cd/M2
- A grey sign reading 'Welcome to The Swan Service Station' with a width of 1.9m and a height of 60cm. This is not illuminated.
- A red circle reading 24 hours with a height of 1.2m. Not illuminated
- A Costa Express sign with a width of 2.5m and a height of 65cm.
- A Green (RAL6005) internally illuminated sign reading grab and go with a width of 1.6m and a height of 90cm. This would be illuminated to 80 Cd/m2
- The Final sign on the principle elevation of the eastern structure would rear Nisalocal have a width of 4.6m and a heigh of 7.9m

The signs on the end elevation of the structure would have a width of 2.4m and a height of 60cm. These would be aluminium fabricated panels with an internal illumination level of 80Cd/m2

The signs would read

- Nisa Local
- Costa Express
- Proud to stock 'the co-op symbol'
- Free atm
- Jey wash
- Grab and go

The proposed totem sign would have a height of 6.6m and a width of 2.04m. This would feature an advertisement for costa and nisa. The totem would be illuminated to a maximum level of 300Cd/m2

The northern building would feature signage to all four of its elevations with the BP logo illuminated being 76cm wide and having an illumination level of 300 Cd/m2.

History of negotiations/amendments received
Clarification was requested regarding the proposal as the plans make reference to plans not submitted as part of this application.

Relevant Planning History
2022/93980: Discharge of condition 13 & 15. Approved
2022/93495: Variation of condition 3. Removal of condition
2021/94005: Variation of condition 2. Removal or modification of conditions
2021/93721: Dicharge of condition 9 and 10. Discharge of conditions approved
2021/90644: Variation of condtion 9 and 10. Removal or modification of conditions
2020/94003: Discharge of conditions 9, 12, 12, 14, 18, 19, 22, 25 and 27. Discharge of condition split decision.
2019/94003: Erection of petrol filling station kiosk, convenience store, commercial retail units and associated works. Conditional full permission

Representations
No publicity is required for applications regarding signs and advertisements; however, the application was publicised on the Kirklees Council Website.

No objections were received.

Advertisements are controlled with reference to their effect on amenity and public safety only and therefore, the application shall be determined considering the material considerations only.

Consultations
The Highways Authority and Environmental Health were consulted, and no objections were received. However, KC Environmental Health requested conditions relating to the installation of illuminated lighting.

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 not allocated.

Kirklees Local Plan (LP):
LP 24 – Design
LP25 – Advertisements and shop fronts

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

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.

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.

Principle of Development:
The application relates to an advertisement consent. Adverts are acceptable as a matter of principle. Paragraph 132 of the NPPF (2019) states that advertisements should normally be subject to control only in the interests of amenity and public safety.

2- Impact on amenity
The proposal would be set away from the street scene and contained within the site. Within the street scene there is a variety of residential properties, a car showroom and a to let unit. The scale of the signage is considered appropriate to the nature and scale of the development and KC Environmental Health have not raised any objections to the illumination levels of the proposal. However, a condition has been requested to prevent additional levels of illumination being added to the site. This is considered necessary as although the site is set back from the street scene, it is within a residential area

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A condition is proposed to be attached to the Decision Notice limiting the lifespan of the signs.

The signage would present no overshadowing, loss of light or overbearing for neighbouring residents.

3- Other Matters
The Highways Authority have been consulted and raised no objections as in this instance, the proposal is fully contained within the site and not adjacent to any junctions.

4 – Representations
No letters of representation have been received

As such, the proposed advertisement is considered to comply with paragraph 132 of the NPPF, and Policies LP24, and LP25 of the Local Plan in terms of achieving good design and well-designed places.

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 constitute sustainable development and is therefore recommended for approval.

Recommendation **Grant advertisement consent**

Decision Authorisation - Delegated Powers
Application Number: 2022/94081
Officer Recommendation: Grant advertisement consent
Conditions and Reasons

Standard 5 advert conditions

6. The external lighting shall be installed and operated in accordance with the details hereby approved. No other external artificial lighting shall be installed. The installed external artificial lighting hereby approved shall be operated in accordance with the approved scheme and thereafter.
Reason: For the avoidance of doubt and to safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the NPPF and LP52 of the Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Building signage as proposed	AD101		21/12/2022
Forecourt signage as proposed	AD100		21/12/2022
Location Plan	L001		21/12/2022

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 scheme was considered acceptable and therefore no alterations were required after submission.

Report Dated: