# 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: | **2023/64/90411/E** |
| Site Address: | The Co Operative Food, 2-4, Station Road, Shepley, Huddersfield, HD8 8AA |
| Description: | Advertisement Consent for installation of illuminated and non-illuminated signs (within a Conservation Area) |
| Recommending Officer: | Nicole Helliwell |

**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-Apr-2023**

**Officer Report**

**Reference No.** 2023/64/90411/E
**Site Address:** The Co Operative Food, 2-4, Station Road, Shepley, Huddersfield, HD8 8AA
**Proposal:** Advertisement Consent for installation of illuminated and non-illuminated signs (within a Conservation Area).

**Site Description**
The application relates to The Co Operative Food, a retail unit located in Shepley, Huddersfield. The surrounding area is of mixed use and comprises residential and commercial properties of similar materials and architectural styles. The application site is also located within the Shepley Conservation Area.

**Description of Proposal**
The application seeks Advertisement Consent for the installation of illuminated and non-illuminated signs. The details of the proposed signage are as follows:

Fascia Sign
Height from the ground to the base of the advertisement: 2.755m
Dimensions of the proposed advertisement: Height 0.735m x Width 16.07m x Depth 0.125m
Maximum Height of any of the individual letters and symbols: 0.85cm
Colour of text and background: Ral 6035/Acrylic Green 6T-81
Materials: 3mm Aluminium tray with digital printed wood effect vinyl to the face and COOP tablet to the centre in RAL 6935 with Green Acrylic letters
Maximum projection of advertisement from the face of the building: 0.125m
It would be static and externally illuminated (1.703 external LED trough light in RAL 6035 – Ecolux mini on 200mm bracket)

Left Hand Side Graphics
Height from the ground to the base of the advertisement: 0.5m
Dimensions of the proposed advertisement: Height 1m x width 1.47m x Depth 0.01m
Maximum Height of any of the individual letters and symbols: 0.8cm
Colour of text and background: CMYK print
Materials: 4 no. digital printed vinyl glazing graphics

Maximum projection of advertisement from the face of the building: 0.01m

Glazing Graphics
Height from the ground to the base of the advertisement: 0.716m
Dimensions of the proposed advertisement: Height 1.935m x Width 1.55m x Depth 0.01m
Maximum Height of any of the individual letters and symbols: 31cm
Colour of text and background: CMYK print
Materials: 2 no. Digital printed vinyl glazing graphics - Hello and Opening Hours/Fair Trade
Maximum projection of advertisement from the face of the building: 0.01m

**Relevant Planning History**

2013/92766: Advertisement consent for installation of 2 illuminated fascia signs (within a Conservation Area). Planning application details | Kirklees Council

2013/94015: Installation of 2 non illuminated fascia signs (within a Conservation Area). Planning application details | Kirklees Council

93/04979: Alterations to shop front. Planning application details | Kirklees Council

**Representations**

The application was publicised by site notice and press advertisement which expired on 17th April 2023. As a result of the above publicity, no representations have been received.

Kirkburton Parish Council – No comment

**Consultation Responses**

KC Highways Development Management and KC Environmental Health were consulted, and no objections were received.

KC Conservation and Design were also consulted on the proposed scheme. Conservation advised that the signage should be externally illuminated and the height of the 'COOP' element should be reduced such that is it flush with the height of the timber effect signage. Following receipt of amended plans, no objections were received.

**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 specifically allocated but is within Shepley Conservation Area on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

**Kirklees Local Plan Policies**

- **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.

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:

- The design is consistent with the character of the existing building in terms of scale, quality and use of materials;
- Proposals respect the character of the locality and any features of historic, architectural, cultural or other special interest.

LP35 of the Kirklees Local Plan requires development proposals affecting a designated heritage asset to preserve or enhance the significance of the asset, retaining those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensuring that proposals maintain and reinforce local distinctiveness. Proposals within Conservation Areas should conserve those elements which contribute to their significance.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The application is for an externally illuminated fascia sign and two non-illuminated signs installed to the front elevation of the retail unit. Although the signage would be highly visible from public vantage points, it would be appropriate to the context of the site and would not give rise to any visual amenity harm.

KC Environmental Health were consulted on the proposal and have provided comments in relation to the illuminated fascia sign. The application clarifies the surface area of the sign to be greater than $10m^2$, with a maximum illuminance level of 200 $cd/m^2$. It is considered that the environmental zone of the area is 'Rural' (Zone 2) and therefore, $200cd/m^2$ is the maximum level recommended in The Institute of Lighting Professionals PLG05 document, Table 4 (maximum permitted recommended luminance). However, it is noted that the village location will have lower levels of light pollution. On this basis, given that the illuminated signage could disturb the amenity of the residents who are directly opposite, Environmental Health have recommended a condition to limit the illumination of the signage to mimic the store opening times.

KC highways Development Management were also informally consulted on the scheme. Whilst any advertisement would cause a level of distraction, it is noted that the luminance levels would be appropriate to the context of the site and the intended purpose of the sign. On this basis, the signage would not be a significant distraction to drivers and would not give rise to any highway safety issues.

Furthermore, it is noted that the application site is located within the Shepley Conservation Area. As such, KC Conservation and Design were informally consulted on the proposal. Following receipt of revised drawings, Conservation confirmed that the signage would be an enhancement of the existing and would not result in any detrimental harm to the significance of the setting of the Conservation Area.

In this instance, it is considered that the proposed signage, due to their position, design, and scale, would not result in any detriment to amenity or public safety. As such, the proposed advertisement is considered to comply with Paragraph 132 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**: 2023/90411
**Officer Recommendation**: Grant Advertisement Consent
**Conditions and Reasons**

Standard 5 advert conditions

6. The illuminated advertisement herby permitted shall:
   - be installed and maintained thereafter in accordance with the approved plans
   - shall not be operated between the hours of 21:00 and 07:00 on any day of the week
   - have a luminance not exceeding 200 cd/m2 at any part of the illuminated area.

**Reason:** To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with Policy LP52 of the Kirklees Local Plan and Chapters 2 and 15 of the NPPF.

**NOTE:** The Local Authority has powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

**Plans and specifications schedule: -**

| Plan Type | Reference | Date Received |
|---|---|---|
| Location Plan | - | 08/02/2023 |
| Block Plan | - | 08/02/2023 |
| Existing Elevation | 84317 | 08/02/2023 |
| Proposed Elevations and Plans: | | 24/03/2023 |
| Signage Details | 84302-D | 24/03/2023 |
| Existing and Proposed Signage | 84303-C | 24/03/2023 |
| Typical Trough Light Illuminated Section Details | 84633 | 24/03/2023 |
| Eco Lux Mini Trough Light Specification | 84534 | 24/03/2023 |

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. The Case Officer undertook negotiations with the agent to secure amended plans. The revised drawings received were considered acceptable.

**Report Dated: 15/04/2023**