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:	**2023/64/90609/W**
Site Address:	St Stephens Church, Lidget Street, Lindley, Huddersfield, HD3 3JB
Description:	Erection of non-illuminated notice board
Recommending Officer:	Luke Walstow

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 26-Apr-2023

Officer Report

Application Reference: 2023/90609

Site Description

St Stephen's Church, Lidget Street, Lindley, Huddersfield, HD3 3JB

The proposal is located to the eastern frontage of St Stephen's Church yard. St Stephen's Church and the lych gate are both grade two listed buildings. The site is surrounded by a stone wall with trees being located on the boundary and within the church grounds. A grade 2* listed building (clocktower) is located across the highway from the application site.

Description of Proposal

This is an application for the erection of non-illuminated notice board. This is submitted for advertisement consent. The notice board would replace an existing noticeboard which has become rotten and needs to be replaced. The proposed new noticeboard would be erected in a similar place as that existing, slightly back from the stone wall.

Width: 2.15 metres
Height:1.2 metres (2.2 metres from ground level)

The proposed noticeboard would be constructed from powder coated aluminium and is black in colour with vinyl lettering in white. It would be in a simple rectangular form with three separate openings to display notices.

History of negotiations/amendments received

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

Relevant Planning History

95/90719. Erection of extension and alterations, formation of access ramp, rail and new steps (Listed Building). *Conditional Full Permission – 16/05/1995.*

Representations

No publicity required

Representations received - None

Consultations

KC Conservation Team – Required due to listed buildings within application site. Accepted in principle but wanted confirmation of the finish to the sign, as a glossy finish would appear at odds within the historic setting of the church.

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 allocated as Green Space on Kirklees Local Plan.

Kirklees Local Plan (LP):
LP 1 – Achieving sustainable development
LP 2 – Place shaping
LP 24 – Design
LP25 – Advertisements and shop fronts
LP35 - Heritage

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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

Assessment

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:

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.

It is important to note that the site contains two Grade II Listed Buildings (St Stephens Church and Lych gate to church grounds.

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 recognises that the quality and character of places can suffer when advertisements are poorly sited and designed. However, it goes on to state that: “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.”

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority 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.

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.

The proposed noticeboard would be non-illuminated and would be visible from Lidget Street. It would be replacing an existing noticeboard. The new noticeboard would be black in colour with white text. As existing it would be set slightly back from the stone boundary wall, but close enough for the notices to be read. It is of a more simplistic form than the existing notice board, which includes a pent top and is coloured maroon. The replacement notice board would be black finished and would be more in keeping with the adjacent lychgate.

KC Conservation Team were internally consulted regarding the application. Conservation officers stated they were satisfied with the scale and design of the proposed new noticeboard and were not concerned of any potential risks to existing listed buildings. They did however ask for confirmation of what finish would be used on the noticeboard as a glossy finish was stated to be an unsuitable appearance for the noticeboard. The agent confirmed that the noticeboard would be finished with a semi-matt finish, in which conservation officers could accept and would have a suitable appearance in elation to the local area.

Given the above, it is concluded that the proposed advertisement would comply with Paragraph 136 of the NPPF in respect of amenity as well as Policies LP24, LP25 and LP35 of the Kirklees Local Plan

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 no public safety issues in relation to highway safety. The proposal is replacing an existing noticeboard, be similar in size and scale as the existing signage and will be non-illuminated.

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

Recommendation **Grant advertisement consent**
Decision Authorisation - Delegated Powers
Application Number: 2023/90609
Officer Recommendation: Grant advertisement consent
Conditions and Reasons

Conditions 1-5: Standard 5 advertisement conditions

Standard 5 advert conditions

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			06 March 2023
Site Plan			06 March 2023
Proposed "Prestige" Range 3dr A1 Display Aluminium Noticeboard Design Mounted onto 800mm sq Aluminium Posts			01 March 2023
Design and Access Statement			23 February 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 sought to confirm the finish to the noticeboard. The agent provided confirmation that the black finish would be semi-matt, which would harmonise with the visual amenity of the area.

Report Dated: 25/04/2023

Coal - Low