

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:	2023/64/91050/W
Site Address:	57, Lidget Street, Lindley, Huddersfield, HD3 3JP
Description:	Advertisement Consent for erection of illuminated signs
Recommending Officer:	Laura Yeadon

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: 31-May-2023

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023/91050>

Site Description

57 Lidget Street is a mid-terraced property located within an area without notation on the Kirklees Local Plan although it is within the Lindley District Centre. The ground floor of the property is a former chemist with residential accommodation above. A parking space for the first floor accommodation is located to the rear of the property where access for the flat is located. Surrounding development is comprised of both commercial and residential units.

The property has recently gained permission for the installation of kitchen extraction and flue to rear and new shopfront to facilitate change of use from former chemist (Class E) to restaurant (Class E).

Description of Proposal

Advertisement consent is sought for the erection of illuminated signs.

There are 2 no. signs proposed which are located on the front elevation of the building that would replace the existing.

Sign 1

Location – above right window

Size – H 0.5m x W 1.96m x D 0.08m

Height from ground to base – 3.2m

Materials – aluminium

Colour – pale green background with white, green and red text

Static internal illumination

Sign 2

Location – above left window

Size – H 0.5m x W 1.62m x D 0.08m

Height from ground to base – 3.2m

Materials – aluminium

Colour – pale green background with white, green and red text

Static internal illumination

Relevant Planning History

1993/03007 Installation of new shop front
Conditional Full Permission

2022/92530 Installation of kitchen extraction and flue to rear and new shopfront to facilitate change of use from former chemist (Class E) to restaurant (Class E)
Conditional Full Permission

2023/90878 Discharge condition 3 (noise assessment report) on previous permission 2022/92530 for installation of kitchen extraction and flue to rear and new shopfront to facilitate change of use from former chemist (Class E) to restaurant (Class E)
Approved

Representations

None

Consultations

K.C. Environmental Health – no objection subject to signs only being illuminated during permitted opening hours

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 located within an area without notation on the Kirklees Local Plan.

Kirklees Local Plan

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP21 – Highway safety
- LP24 – 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 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 4 – Decision making
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

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

Amenity:

Regulation 3 (2a) of the Advertisement Regulations state 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.

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 say 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 Kirklees Local Plan states 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.*

The PPG provides more advice in relation to 'amenity' with regards to advertisements:

"Amenity" is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. It includes aural and visual amenity (regulation 2(1)) and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (regulation 3(2)(a)).

It is, however, a matter of interpretation by the local planning authority (and the Secretary of State) as it applies in any particular case. In practice, "amenity" is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.

So, in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example if the locality where the advertisement is to be displayed has important scenic, historic,

architectural or cultural features, the local planning authority would consider whether is in scale and in keeping with these features.

The site is located within a row of terraced properties which comprise of commercial premises at ground floor with residential above. As such, Environmental Services have been formally consulted with regards to the works. The comments state that having reviewed the information and supporting documents, it is not considered to be any significant health impacts with the development and therefore there are no objections to the proposed works. However, to protect the amenity of the occupants of nearby properties, it is recommended that the signs are only illuminated permitted opening hours. This is considered reasonable and necessary and therefore an appropriately worded condition can be attached to the decision notice.

It is considered that the proposed materials are more in keeping with the host building and less signage is proposed than currently exists at the property and therefore in terms of amenity, the proposal is considered acceptable.

Public safety:

In addition to the above, it is also considered that the proposed signage, due to its position, design and scale would, the signs would not result in any detriment to public safety.

Signage to buildings can present some degree of distraction to vehicle drivers, however, in this instance, being located adjacent to a zebra crossing, it is considered that traffic speeds would be low and therefore it is not considered that the works would be detrimental to highway safety in accordance with the requirements of Policy LP21 of the Kirklees Local Plan.

Conclusion:

The proposed advertisements are considered to comply with the relevant policies within Chapter 12 of the NPPF and Policies LP21, LP24 and LP25 of the Kirklees Local Plan.

The application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute is therefore recommended for approval.

Recommendation

GRANT CONSENT

Decision Authorisation - Delegated Powers

Application Number: 2023/91050

Officer Recommendation: Grant consent

Conditions:

Standard 5 advert conditions

6. The illumination of the hereby approved signage shall be switched off between the hours of 22:00 and 09:00 on any day.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with Policies LP24 and LP25 of the Local Plan and Chapters 2 and 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	A(00)-10		11th April 2023
Proposed signage details	XL Print Huddersfield		11th April 2023
LED specification	LM3 Spec – Firstlite		11th April 2023
Photo – existing signage			11th April 2023
Photo – proposed signage			11th April 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 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 any negotiations with the applicant due to the application being acceptable in its submitted format.

Report dated: 30th May 2023