

**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:	2023/64/92348/W
Site Address:	Longley Park Motors Ltd, The Triangle, Paddock, Huddersfield, HD1 4RU
Description:	Advertisement consent for erection of illuminated signs
Recommending Officer:	Lucy Taylor

DECISION – Advertisement Consent Granted

**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.**

Kirsty Nicholls

AUTHORISED OFFICER

Date: 06-Dec-2024

Site Description.

Longley Park Motors Ltd formally functioned as a car sales commercial unit and is now currently vacant. The site sits within a corner plot, at the junction between the highways of Queen Mary Street, Market Street and Gledholt Bank.

Description of Proposal.

Consent is sought for the erection of illuminated signs.

3 Fascia Signs:

- Height: 0.76 metres
- Width: 12.21 metres
- Depth: 0.14 metres
- Height from the ground to the base of advertisement: 3.2 metres
- Maximum projection of advertisement from the face of the building: 0.14 metres
- Maximum height of any individual letters and symbols: 35 centimetres
- 3 No. S/S internally illuminated fascia signs; manufactured from 3 No. flex boxes powder coated to match RAL 9004, satin black, with applied vinyl to flex skin. To include steel frame with aluminium cladding.
- Black, green and white
- Illuminance levels: 400 cd/m² (internally, static)

Illuminated Pole Sign:

- Height: 6.05 metres
- Width: 5.25 metres
- Depth: 0.46 metres
- Height from the ground to the base of advertisement: 5 metres
- Maximum projection of advertisement from the face of the building: 0 metres
- Maximum height of any individual letters and symbols: 100 centimetres
- T-sign – flex box headers powder coated black and applied fret cut vinyl to flex skin. To include steel frame and aluminium cladding. Refer to detailing drawing to follow.
- Black, green and white
- Illuminance levels: 400 cd/m² (internally, static)

2 Directional Signs:

- Height: 2.7 metres
- Width: 7.2 metres
- Depth: 0.2 metres
- Height from the ground to the base of the advertisement: 2.1 metres
- Maximum projection of advertisement from the face of the building: 0 metres
- Maximum height of any individual letters and symbols: 600 cm

- Pole mounted car club band sign. 3mm aluminium powder coated panels in satin white with 400mm returns. Complete with fret cut vinyl to wrap around.
- White, black and green
- No details of illumination, suggesting that this sign will not be illuminated.

5 Car Return Signs (fixed to fencing).

History of Negotiations.

Amended plans were submitted to provide clarity as to what signs are proposed, their location within the site, their design and their illuminance, specifically the 'Proposed Signage Location Plan', Dwg No. 209 Rev A.

Following the consultation response from KC Environmental Health the applicant / planning agent provided confirmation via email that the illuminated signage will be on a timeclock and that there will be no illumination between 23:00 through to 07:00 daily.

Relevant Planning History.

- 2023/92347 - Partial demolition and rebuild on the same footprint as the original structure. Works to include the removal of the first-floor offices and the canopy over the former petrol station pumps. New materials used in construction are to match the existing. Change of use to include vehicle car rentals and sales. *Granted Conditional Full Permission.*
- 2024/92617 - Discharge of details reserved by condition 4 (CCTV Survey), 8 (Noise Management Plan), 9 (Phase II Intrusive Site Investigation Report), 10 (Remediation Strategy) on previous permission 2023/92347 for partial demolition and rebuild on the same footprint as the original structure; works to include removal of first floor offices and canopy over former petrol station pumps; new materials used in construction are to match existing; change of use to include vehicle car rentals and sales. *Pending Determination.*
- 2024/92616 - Variation condition 7 (opening hours) on previous permission 2023/92347 (which granted consent for partial demolition and rebuild on the same footprint as the original structure. Works to include the removal of the first floor offices and the canopy over the former petrol station pumps; new materials used in construction are to match the existing change of use to include vehicle car rentals and sales on 4th July 2024): To allow hours of openings to be to 0800 – 1800 (Mon to Fri), 0800 – 1600 (Saturdays) and 1000 – 1600 (Sundays) for customers with no deliveries to, or dispatches from, the premises by vehicles above 7.5 tonnes in weight outside these hours and no deliveries to take place on Sundays or Bank Holiday. *Variation of Condition Approved.*

- 2024/93100 – Variation of condition 5 (access) on previous permission 2023/92347 for partial demolition and rebuild on the same footprint as the original structure. Works to include the removal of the first-floor offices and the canopy over the former petrol station pumps. New materials used in construction are to match the existing. Change of use to include vehicle car rentals and sales. *Pending determination.*

Representations.

No publicity required.

Consultations.

KC Highways Development Management (formal & informal) – no objections with the inclusion of conditions.

KC Environmental Health (formal & informal) – no objections with the inclusion of conditions.

Policy.

This application is submitted pursuant to the requirement of paragraph 4 of Part 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

A culverted watercourse is present at the site and the council's records indicate that the proposed development site is on an area of land identified as potentially contaminated. Given that this application is for signage only, it is not considered that any further assessment of the proposals in relation to these matters are considered necessary in this instance.

The site falls in an area with a known presence of bats and within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP21 – Highways and access
- LP24 – Design
- LP25 – Advertisements and shop fronts
- LP30 – Biodiversity & geodiversity
- LP52 – Protection and improvement of environmental quality

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 December 2023, 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 and beautiful 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 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.

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

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 141 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;
- b. Proposals respect the character of the locality and any features of historic, architectural, cultural or other special interest;

Policy LP21 of the Kirklees Local Plan, The Council's adopted Highway Design Guide, relates to access and highway safety and is considered to be relevant to the consideration of this application.

Following a consultation with the KC Highways Development Management Team, it was deemed that the proposals are acceptable from a highway's perspective, with the inclusion of conditions. The consultation response sets out that the proposal is to replace the existing signage and that the locations of the signs are not in close proximity to a busy or signalised junction, and do not affect visibility from existing accesses, thus fulfilling the requirements of policy LP21 of the Kirklees Local Plan.

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.

Policy LP25 of Kirklees Local Plan details that new or replacement shop front units and display of advertisements will only be permitted if the design is consistent with the character of the existing building in terms of scale, quality and use of materials, respect the character of the locality and are designed to be in scale, in its depth and width, with the façade and street scene of which it forms part.

Given the nature of the site and its previous use and the dimensions, size/scale, location and design of signage, it is considered that the signs would appear as consistent with established character of the street scene, with the proposal to replace the existing signage for the previous use of the site. As such, the proposed advertisements are considered to comply with paragraph 132 of the NPPF, policies LP24 and LP25 of the Kirklees Local Plan in terms of achieving good design and well-designed places.

As aforementioned, a consultation with the environmental health team has deemed the luminance of the proposed illuminated signs acceptable (with conditions) when considering any potential effects on residential amenity.

It is considered that from the standpoint of amenity, the proposal fulfils all relevant laws and policies outlined above, therefore, is deemed acceptable and constitutes sustainable development.

Policy LP30 of the Kirklees Local Plan, and Chapter 15 of the NPPF, requires that proposals protect Habitats and Species of Principal Importance.

The application site is located within an area with a known presence of bats. Due to the nature of the proposal, it will pose no significant opportunity for bat roosts, thus complying with the relevant policies. A note will be added to the decision notice for the purpose of notifying the applicant that the proposal lies within an area of bat activity.

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.

The PPG sets out the main types of advertisements which may cause danger to road users. Of note, the PPG notes that this includes those, which would reduce the clarity or effectiveness of a traffic sign or signal, as well as illuminated signs when they are directly visible from the road, or the means of brightness could result in glare and dazzle or distract road users (Paragraph 068 Reference ID: 18b-068-20140306).

As aforementioned, a consultation with KC Highways Development Management deemed the illumination of the signs acceptable, with the inclusion of conditions.

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: 2023/92348
Officer Recommendation: Grant Advertisement Consent

Conditions and Reasons:

1. Before any advertisement is displayed on land pursuant to this consent, the permission of the owner of that land or other person entitled to grant permission in relation thereto shall be obtained.
2. All advertisements displayed and any land used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
3. Any hoarding or similar structure, or any sign, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.
4. Where any advertisement is required under the above-mentioned regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

The reason in each case for imposing the numbered condition above are:

1/5) Conditions imposed by the above-mentioned regulations.

6. Illuminated signs shall be designed such that the maximum luminance does not exceed the values defined within the ILE Technical Report No 5 "Brightness of Illuminated Advertisements" and the values quoted in the application.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

7. The permitted signs shall be statically illuminated only and no changes in their mode of illumination shall be permitted without the prior written consent of the LPA.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

8. Flood lighting or general external illumination shall be appropriately baffled or suitably screened to prevent unwanted "upward light" or "light spill" onto the highway or adjacent properties or land.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

9. The consent granted shall relate solely to the lighting system that is the subject of the application. Variation of or additions to the means/mode of lighting shall not be permitted without the prior written approval of the LPA.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

10. Before the development is brought into use, the illuminated media screen advertisement shall be installed in accordance with the submitted information. Once installed, the Illuminated Media Screen Advertisement shall be maintained in accordance with the Professional Lighting Guide (PLG 05) from the Institution of Lighting Professionals.

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 National Planning Policy Framework.

11. The illuminated advertisement hereby permitted shall be on a timeclock and there shall be no illumination between 23:00 through to 07:00 daily.

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 National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or

obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	001	-	07.08.23
Proposed Signage Location Plan	209	A	04.11.24
Proposed Canopy Fascia Signs	210	-	22.02.24
Proposed Illuminated Pole Sign	212	-	22.02.24
Proposed Directional Sign	213	-	22.02.24
Car Return Sign fixed to Existing Fencing	214	-	22.02.24

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.

Amended plans were submitted to provide clarity as to what signs are proposed, their location within the site, their design and their illuminance, specifically the 'Proposed Signage Location Plan', Dwg No. 209 Rev A.

Following the consultation response from KC Environmental Health the applicant / planning agent provided confirmation via email that the illuminated signage will be on a timeclock and that there will be no illumination between 23:00 through to 07:00 daily.

Report dated: 03.12.2024