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:	**2023/64/92808/W**
Site Address:	John Shaw And Son Ltd, Canker Lane Garage, Leeds Road, Huddersfield, HD2 1XT
Description:	Advertisement consent for erection of illuminated signs
Recommending Officer:	Molly Storer

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: 21-Nov-2023

Site Description

The application site relates to a former garage at John Shaw and Son Ltd, Canker Lane Garage, Leeds Road, Huddersfield. The building consists of two adjoined sections and is surrounded by terrace residential properties to both sides and looks on to Leeds Road retail park. It is located adjacent to a busy signalised junction which crosses Leeds Road and Red Doles Lane.

Description of Proposal

Consent is sought for multiple illuminated and non-illuminated signs.

The proposed first sign relates to an illuminated door surround signage (fascia signage) on the front of the shop (south elevation) facing onto Leeds Road. This sign will have a total illuminated area of 0.15 m2 and will be a vinyl sign with a black and blue background with white lettering.

The second proposed sign are a fascia-type roundel sign on the gable end of the Leeds Road elevation in the same colouring these signs. The first of these is a printed stretched fabric sign, lit back with LED and had a total illuminated area of 2.39m2. The second is a rectangular sign running the length of the gable fascia (9.2m x 0.5m x 0.2m) with the total illuminated area being 0.16m2.

The third sign is an externally illuminated sign proposed on the west elevation facing Red Doles Lane. It will be 7m x 2.5m and will have a LED illumination strip above it.

The last sign is a stand-alone, roadside totem sign at the front of the shop. The sign will be a printed Perspex sign, back lit with LED 1.2m x 2.15m x 0.25m overall with over cladding continuing to ground level. The total illuminated area for this sign will be 1.41m2.

History of negotiations/amendments received

After visiting the site and assessing the originally submitted scheme. It was considered that with the plans as submitted could not be supported due to the quantum of proposed signage to advertise the business. The first issue was the proposal to reinstate a 48-sheet hoarding at the site – which is presently disused. Whilst acknowledging the surrounding area contains a number of commercial premises that exhibit a variety of advertisements, both on and around the buildings these are particularly prevalent along the south of Leeds Road. At closer range, except for the application site, the advertisement would

be experienced against a more restrained and predominantly residential backdrop.

In this more immediate context, it would be seen as a large and unsympathetic addition to the host building; exacerbated by the proposal to illuminate the feature. There was also some concern as to how the scale and illumination of the signage might distract drivers at a busy signalised junction too. As an alternative to the re-use of this feature, a modest non-illuminated sign that does to exceed the eaves level of the adjacent building was suggested.

Secondly, in regard to the 'totem sign' it was considered that due to its scale, proximity and illumination it may adversely impact on the neighbouring property's amenity (no. 411 Leeds Road). Therefore, it was suggested that this is deleted from the scheme.

Lastly, it was discussed where the applicant intended to retain the original Morris car service and sales signage, which may well be contemporaneous with the building itself. We suggested that this to be retained in situ.

Due to this and further email correspondence the agent produced amended plans. In regard to the first point the amended plans propose a significant reduction in the size of the sign reduced to the height of the top of the original panelling to be less protruding in the residential backdrop. The plans also show a significant reduction in the size of the totem sign meaning the maximum level of luminance and height is reduced. Email correspondence confirmed that the Morris sign will be mounted internally on the gable. This report is based on the amendments received.

Relevant Planning History

2002/94406 - Erection of extension to garage and change of use from dwelling to office use with sales forecourt – conditional full permission

2023/92597 - Change of use from B2 to Class E, Conversion of existing car garage to retail unit- Pending Consideration

Representations

No publicity required

Representations received: None

Parish/Town Council – not applicable

Consultations

K.C. Highways and Environmental Health were consulted, no comments have been received.

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).

The site is without notation on the Kirklees Local Plan.

Kirklees Local Plan (KLP):

LP 1 – Achieving sustainable development
LP 2 – Place shaping
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 5th September 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 places
- 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 applications to the consideration of amenity and public safety. Therefore, these are the key issues for consideration in this case.

<u>Amenity</u>

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 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:

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.

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.

The site is located next to a busy junction connecting Leeds Road and Red Doles Lane and is situated on a street with residential terrace houses. In the original plans the totem sign was considered harmful to amenity due to its scale, proximity and illumination potentially adversely impacting on the neighbouring property’s amenity (no. 411 Leeds Road).

However, after amended plans were produced this totem sign was significantly reduced in size and is now deemed to have significantly less impact on this neighbouring property. In addition the original plans showed the intention to reinstate signage on a feature of a similar scale to a 48-sheet

hoarding at the site however this was very out of place with the residential nature of the area. Due to the reduction of this down to the level of the original panelling of the building it would now fit in with the street scene.

The other proposed fascia and associated signage to the Leeds Road elevation was considered proportionate to the building and respectful of the mixed commercial/residential area in which the application site is located.

The existing Morris Service sign to the building may be original to the use and erection of the property. It has been agreed that this signage will be retained on site and re-erected on the internal gable of the building, see notes on plans and referred to on the plans table.

Therefore, it is considered that the size and scale of the signs in the amended plans are 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:

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).

However, in this instance there has been a significant reduction in the size of the advertisement to the side of the premise at the junction of Red Doles Lane facing the junction on Leeds Road and illumination levels have been minimised (this was previously illuminated). Therefore, it is considered that the works would not be detrimental to highway safety. The reduction in the height of the totem is welcomed and this also replaces an existing longstanding totem sign. The illuminated roundel is a small feature within the existing gable that would not distract drivers.

As such, the proposed advertisements are considered to comply with paragraph 136 of the NPPF, Policies LP24 and LP25 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: 2023/92808

Officer Recommendation: Grant advertisement consent

Conditions and Reasons

Standard 5 advert conditions

6. The hereby approved advertisements shall not be illuminated between the hours of 23:59 and 07:00 on any day.
Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with Policies LP1 and LP2 of the Kirklees Local Plan and policies within Chapters 2 and 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	-	-	21/09/2023
Lighting Assessment (original proposal)	-	-	21/09/2023
Climate Change Statement	-	-	21/09/2023
Location plan	PP-12471464v1	-	21/09/2023
Existing site/ block layout	A1000	P1	25/09/2023
Proposed grouped plans and elevations: signs	A2201	P2	09/11/2023
Proposed elevations: with note regarding re-siting of Morris sign to the internal gable of the building	A2200	P2	09/11/2023
Proposed site/block layout	A2000	P1	09/11/2023
Existing elevations with note regarding re-siting of Morris sign to the internal gable of the building	A1200	P2	09/11/2023

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. Amendments were sought to reduce the scale of the advertisements in the interests of amenity and public safety and to re-site the existing Morris signage to an interior gable of the building.

Report Dated: 21.11.23

14/11/2023