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:	**2024/64/90110/W**
Site Address:	23, Station Road, Holmfirth, HD9 1AB
Description:	Advertisement Consent for erection of illuminated signs (Listed Building within a Conservation Area)
Recommending Officer:	Tom Hunt

DECISION -

I hereby authorise the approval/refusal* (delete as appropriate) 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: 05-Apr-2024

Site Description
23, Station Road, Holmfirth, HD9 1AB

- 25 Station Road is a Grade II Listed Building dating to the early to mid-19th century, situated within the Holmfirth Conservation Area and at the end of a short terrace in a prominent position. It is adjacent to Homeside Gardens and to the A635, a busy commuter traffic route.

Description of Proposal

- Advertisement Consent for erection of illuminated signs (Listed Building within a Conservation Area).
- There would be two identical advertisements installed to the southwest elevation and the southeast elevation of the host building.
- Dimensions are proposed to be a height of 1.22 metres by width 1.22 metres with a depth of 0.95metres. (**Officer Note**: Plans indicate that this would be 1.22m square; the application form states 1.2m square)
- The height from the ground to the base of the advertisement would be 3.17 metres.
- The maximum projection of the advertisement from the face of the Building would be 0.95 metres.
- The maximum height of any of the individual letters and symbols would be 59.5cm.
- Materials would have a back tray made from aluminium composite and the lettering and logo made in acrylic.
- Colour of text and background: Grey
- External ‘intermittent’ illuminance levels of 600 cd/m2. (Officer Note: the received plans states that the advertisements would be illuminated with halo lighting.)

There is an associated LBC application under 2024/90113.

History of negotiations/amendments received:

Amendments were advised to reduce the proposal’s prominence in Holmfirth Conservation Area and to be more in keeping with heritage style advertisements.

Following this, the agent confirmed that they had ordered the signage to be produced prior to determination and disagreed with the amendments. Officers are unable to support this as a reason for proceeding with the design on this basis. There is no guarantee upon the submission of an application that approval shall be forthcoming as amendments may be required to achieve a suitable outcome.

The signage on the southwest elevation was recommended to be removed as it would be in a prominent position and would appear of incongruous proportions within the Conservation Area; it was advised that a more discreet arrangement with a decal to the ground window could be supported by the

Conservation & Design Officer. The agent considered that a decal would *"be large, obtrusive, will obscure the view from within, reduce daylight into the building, and is most definitely not in keeping with the character of the building. It is considered that decal signage will look cheap and will significantly spoil the appearance of the building. It will not be in keeping with the clean simple image we wish to promote."* Officers consider that this impact would be dependent on the sizing of the decal (which is not controlled by advertisement regulations) and can be applied sensitively to not detract from the Conservation Area.

The signage to the southeast elevation was advised to be reduced to a more linear/rectangular appearance with simple beading to be more in keeping with traditional advertising proportions/style for Conservation Areas and to be more harmonious visually to the Listed Building. External slim line trough lighting was advised as an alternative to the proposed halo lighting to be more in keeping with the heritage assets. The agent considers that the linear signage would have a 'squashed appearance' and cannot alter the logo/signage to appear more horizontal. The agent is of the view that trough uplighting cannot be supported on grounds of amenity to the residence above as it would be 'too bright'; the Officer did not recommend uplighting and this was clarified in a following email. The halo effect lighting is considered to have a more subtle effect by the agent however this remains to be assessed as follows.

The agent's queries were answered in relation to the application yet had not agreed an Extension of Time. Upon completion of the Officer report, the agent indicated that they would reduce the signage, however still required halo lighting and did not agree with the southwest signage being removed. They wished to proceed to Appeal concerning the southwest signage. The report was submitted for determination on this basis as there did not appear to be sufficiently material changes to the scheme to achieve a satisfactory outcome for heritage and visual amenity.

Relevant Planning History

On site:

2024/90113 Listed Building Consent for erection of 2 illuminated signs (within a Conservation Area).
Pending.

Relevant closely situated commercial buildings:

No. 29 Station Road has signage which does not appear authorised (appearing substantially altered between March 2019-May 2023 on available visual records):

96/93442 Erection of non-illuminated sign (within a Conservation Area).
Refused.

No. 4 Station Road has rectangular linear signage approved within:

2012/92310	Installation of replacement shop front (within a Conservation Area). *Conditional Full Permission.*
2012/93674	Installation of replacement shop front (within a Conservation Area). *Conditional Full Permission.*

Representations
No publicity required.

Officer Note: the allied application for Listed Building Consent application 2024/90113 had been publicised with a site notice and a press notice which expired 15/03/2024.

Representations received: None.

Holme Valley Parish Council: Support (for both applications).

Consultations
Conservation & Design – Advised amendments to the scheme to be more in keeping with Holmfirth Conservation Area and the Grade II Listed Building (included in the 'History of negotiations/amendments received' section.)

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) and the Holme Valley Neighbourhood Development Plan adopted 8th December 2021.

The site is designated within the Holmfirth Conservation Area and is a Grade II Listed Building on the proposals map of the Local Plan. It is within the Holme Valley Neighbourhood Development Plan area and formally within the Local Character Area 4: River Holme Settled Valley Floor. It is outside Holmfirth Town Centre boundary but within 50m of the boundary.

Holme Valley Neighbourhood Development Plan:

- Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 4: Design Codes for High Quality Shopfronts and Advertisements

Relevant to the scale of the proposal, Officers are required to consider the LCA and to support its local identity by:

- having regard for the key characteristics that give these areas their distinctive character and to respect, retain, and enhance the character of existing settlements, including vernacular building styles and the streetscene.

Kirklees Local Plan (PDLP):

- 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 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 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.

The site is located within the Holmfirth Conservation Area. It is a Grade II Listed Building. Paragraph 141 of the NPPF 2023 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.

The scale of the advertisements and its illuminated form in the context of the host listed building is a material consideration when considering the effect on ‘amenity’
as the Advertisement Regulations state that factors relevant to ‘amenity’ include the presence of any feature of historic, architectural, cultural or similar interest. Although the question of harm/ public benefits existing from the proposal is judged in the allied application for listed building consent, the presence or otherwise of public benefits set out in the National Planning Policy Framework which should be assessed in respect of planning and listed building consent applications is not a test that applies in respect of advertisements and is not assessed here.

LP24 sets out that good design is achieved by ensuring:

> *"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;"*

In addition, Policy LP25 of the Local Plan sets out that the display of advertisements will only be permitted if they satisfy the relevant 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."*

Relevant to new advertisement displays on Listed Buildings or within a Conservation Area, LP25 2 states that they *"should preserve or enhance the character and appearance of the building, the area in which it is located and any features of architectural or historical interest"* and have a *"high standard of design and be appropriate in style, scale and materials to the building and its setting".*

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.

Relevant to the Holme Valley Neighbourhood setting, Policy 4 of the Holme Valley Neighbourhood Development Plan sets out that *"proposals for fascia, hanging*
and projecting advertisement signs should complement the design of the building and shopfront.

Cumulative impacts of advertisements should be considered in relation to street scene and visual clutter. Advertisements should not overly dominate the public realm or have an adverse impact on local character."

"Proposals for fascia signs should seek to sympathetically integrate the design of the fascia with the shopfront, making use of traditional design fascias.

Proposals are directed to reflect "*the local character and appearance of the area particularly within conservation areas;" and* to *"Minimise impacts on the historic fabric of the building".*

"Illumination of fascias should not be excessive or intrusive and should make use of energy efficient methods of lighting such as via LED. Schemes should avoid light pollution into adjoining residential properties and not unnecessarily cause poorly directed light pollution elsewhere."

Advertisement policies are within the Local Plan under LP25 and Officers are directed under the Town and Country Planning (Control of Advertisements)

(England) Regulations 2007 (as amended), Part 1, Regulation 3 to have regard to the “interests of amenity and public safety, taking into account—

(a)the provisions of the development plan, so far as they are material; and

(b)any other relevant factors;”

therefore LP02, LP24, LP25 and LP35 of the Kirklees Local Plan and Policies 2 and 4 of the Holme Valley Neighbourhood Development Plan are material considerations for this proposal to be considered under.

Amenity

The proposed site is a Grade II Listed Building constructed with natural ashlar stone and roofed in slate. It has an asymmetrical gable end facing southwest, prominently positioned facing a heavily trafficked and Classified A Road (Station Road/A635). Previously there was unauthorised signage to this gable end however this was mostly permeable and had a small decal within the top opening section of the ground floor window; those have now been removed. The southeast elevation has a remaining rectangular black and white painted panel above the main entrance.

Surrounding buildings are predominantly in natural stone and slate. Signage locally is kept to a minimum being restricted to signage on no. 29 (discussed briefly within Planning History).

The proposal was informally consulted with the Conservation & Design Officer who noted that the site is highly prominent within Holmfirth Conservation Area and affecting the setting of the Listed Building.

The proposal would lead to signage being installed with non-traditional proportions and halo illuminated, which would appear as prominent features, made of smooth, engineered and modern materials in acrylic and aluminium composite against
a natural stone backdrop, and thus being a harsh and inharmonious addition to prominent elevations of the Listed Building. As such, this incongruous addition would compete with the building detracting from the sensitive visual amenity of the area within Holmfirth Conservation Area and the Listed Building.

Although advertisements are intended to attract attention, the isolated design and halo illuminated display proposed in this case would therefore appear incongruously large and prominent to the building. There is no other signage of this size and permanence in the locality further creating a harmful feature of the proposed should it be permitted. The application form also suggests the illumination would be intermittent; which would exacerbate the harm.

In relation to residential amenity, the proposed illuminance levels of 600cd/m2 would be limited to two relatively small areas of signage and be halo illuminated. This has the potential to have overspill lighting affecting the residential unit at no. 25 Station Road. It is not clear from Council records whether this includes the first floor of the Building above the proposed signage on the southwest elevation. The agent did not wish to install LED

trough lighting, preferring to have halo lighting. Nonetheless, halo lighting would appear incongruous in the Conservation Area contrasting with the simpler non-illuminated signage or the slimline discreet LED trough lighting in the locality. The application form confirms that the illuminance is to be intermittent, this would also serve as an uncharacteristic lighting feature in the streetscene. Subject to a condition controlling illuminance levels for a downlit slimline trough lighting arrangement and to be static, should the application be otherwise acceptable, impact on amenity to the first floor of the Building could be minimised effectively for LP24b) of the Kirklees Local Plan.

In conclusion with regard to amenity, the harshly modern and incongruous proportions of the signage given its prominence, materials, size and type of illuminance would not be consistent or sympathetic with the character of its locality contrary to LP24, LP25 and LP35 of the Kirklees Local Plan Kirklees Local Plan (KLP) and Policies 2 and 4 of the Holme Valley Neighbourhood Development Plan which seek to influence design and advertising and protect historic assets respectively and so are material in this case.

Public Safety
The proposed signage would not be close to traffic signals or directional boards which could affect highway safety. The positioning of the signage would therefore have no disadvantage to highway safety nor would create a road safety hazard subject to being controlled in illuminance to avoid glare and to comply with LP21 of the Kirklees Local Plan and paragraph 115 of the National Planning Policy Framework.

Conclusion

In conclusion, the proposal would adversely impact on amenity.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting consent would significantly and demonstrably outweigh the benefits of the when assessed against policies in the NPPF taken as a whole.

Recommendation **Refuse advertisement consent**

Decision Authorisation - Delegated
Application Number: 2024/90110
Officer Recommendation: Refuse advertisement consent.

Reason

1. The proposed advertisements, by virtue of their siting, materials, scale and
nature of illumination, would be an overly dominant and incongruous feature in the street scene. They would adversely affect the setting of the Grade II Listed Building and Holmfirth Town Centre Conservation Area, creating a poorly sited, modern and strident feature. This would have an adverse impact on the amenity of the local area. To permit such a development would be contrary to advice contained within the National Planning Policy Framework (paragraph 141) and Policies LP24 (a), LP25 1. (a) and (b), LP35 3.(a) and (b) of the Kirklees Local Plan and Policies 2 and 4 of the Holme Valley Neighbourhood Development Plan.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan.	Planning Portal Reference: PP-12734023v1.	Unamended	16/01/2024
Proposed Elevation Plans.	Drawing no. 24006D-01-P01.	P01	16/01/2024
Projex logo- Halo visual	Projex logo- Halo visual	Unamended	22/01/2024
Projex signage Specification	Projex signage Specification	Unamended	16/01/2024
Covering Letter	Letter to Kirklees Planning	Original	16/01/2024
Technical Specification	FirstLite LM3 Specification Sheet	Unamended	16/01/2024

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 applicant was approached regarding amendments to the application but wished it to be determined on the basis of the submitted scheme. For the reason set out in the reason for refusal the development would not improve the visual amenity of its locality.

Report Dated: 03/04/2024