

**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:	<b>2024/64/90179/W</b>
Site Address:	16, Acre Street, Lindley, Huddersfield, HD3 3DU
Description:	Advertisement Consent for one internally illuminated fascia sign and one internally illuminated projecting sign
Recommending Officer:	Lucy Taylor

**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.**

John Holmes

***AUTHORISED OFFICER***

**Date: 14-Mar-2024**

## **Officer Report.**

**Reference:** 2024/90179

**Location:** 16, Acre Street, Lindley, Huddersfield, HD3 3DU

**Proposal:** Advertisement Consent for one internally illuminated fascia sign and one internally illuminated projecting sign

## **Site Description.**

16 Acre Street is a two-storey detached building located within the New Hey Road and Acre Street local centre. The external walls of the building are faced in stone, with a tiled gable roof above. The building was granted permission under application 2006/92550 to become a cafe bar, however, it is considered that the building is currently vacant.

## **Description of Proposal.**

The proposal is for advertisement consent for one internally illuminated sign and one internally illuminated projecting sign.

Projecting / Hanging Sign:

- Height: 1 metre
- Width: 1 metre
- Depth: 0.02 metres
- Height from the ground to the base of advertisement: 3.65 metres
- Maximum projection of advertisement from the face of the building: 1.3 metres
- Maximum height of any individual letters and symbols: 0.3 centimetres
- Constructed from aluminium
- White text on black background
- Illuminance levels: 600 cd/m<sup>2</sup> (internally, static)

Fascia Sign

- Height: 1.2 metres
- Width: 2.1 metres
- Depth: 0.3 metres
- Height from the ground to the base of advertisement: 3.65 metres
- Maximum projection of advertisement from the face of the building: 0.3 metres
- Maximum height of any individual letters and symbols: 0.4 centimetres
- Constructed from aluminium
- White text with black background

- Illuminance levels: 600 cd/m<sup>2</sup> (internally, static)

### **History of Negotiations/Amendments.**

No negotiations took place, and no amended plans were sought or submitted.

### **Consultations.**

KC Highways Development Management – The locations of the signs are not in close proximity to a busy or signalised junction, and do not affect visibility from existing accesses, the proposals are, therefore, acceptable from a highway's perspective, with the inclusion of several conditions including conditions relating to illuminance levels and static illumination.

KC Environmental Health - Whilst KC Environmental Health do not object to the proposed development, they do have concerns that the illuminated signage could disturb the amenity of the residents who are directly opposite during curfew hours, with no justification offered regarding the need for the signs to be lit 24hrs/day. KC Environmental Health therefore recommend a condition to limit the illumination of the signage during curfew (overnight).

### **Relevant Planning History.**

- 2004/92222 – Erection of external staircase with new access door to first floor flat. *Granted Conditional Full Permission.*
- 2006/90716 – Change of use from (A1) butchers' shop to (A4) cafe bar and alterations. *Withdrawn.*
- 2006/91807 – Change of use from A1 butchers' shop to A4 cafe bar and alterations. *Withdrawn.*
- 2006/92550 – Change of use from (A1) butchers' shop to (A3) cafe bar with alterations. *Granted Conditional Full Permission.*
- 2023/92682 – Variation of condition 4 (hours of use) on previous permission 2006/92550 for change of use from (A1) butchers' shop to (A3) cafe bar with alterations to alter the hours of use to be between 07:00-22:00. *Approve Variation of Condition.*
- 2024/90178 – Installation of new shop front. *Pending consideration.*

### **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:**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety and Access
- LP24 – Design
- LP25 – Advertisement 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 December 2023, together with Circulars, Parliamentary 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 12 – Achieving Well-Designed and Beautiful Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- 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.

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 LP52 of the Kirklees 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.*

In this case, it is not considered that the proposed signage would result in significant detriment to amenity or public safety for the following reasons.

The site is located within a local centre. It is noted that other commercial units in the area have advertisements erected to their principal elevation, with fascia signs erected to the building's northwards and southwards of the site,

and to The Bay Horse, a public house directly opposite No. 16. In addition, hanging signs have been established within the vicinity of the site, including to Acre Pharmacy approximately 40 metres southwards of the site, to The Examiner and Premier Express approximately 50 metres from the site and to The Bay Horse directly opposite No. 16 Acre Street.

It is also important to note that some of the advertisements within the vicinity of the site appear to be illuminated, including a trough lit sign to Premier Express, Lindley Dental Practice and Piccola Taverna, only approximately 15 metres from No. 16 Acre Street.

As a result, it is considered that this proposal would be in keeping with the character of the area and would not result in any detriment to visual amenity or public safety. The signage would preserve the character and appearance of the surrounding area. The proposed signage is clearly relating to the buildings use. It would be unobtrusively positioned within close proximity, or attached to, the existing building and would be similar in scale and positioning to the existing signage in the surrounding area.

As such, the proposed advertisements are considered to comply with the aims of the NPPF and Policies LP1, LP2, LP21, 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:** 2024/90179

**Officer Recommendation:** Grant Advertisement Consent

**Conditions and Reasons:**

Standard 5 advert conditions

6. The illuminated advertisement hereby permitted shall:
- be installed and maintained thereafter in accordance with the approved plans
  - shall not be operated between the hours of 23:00 and 06:00 on any day of the week
  - have a luminance not exceeding 600 cd/m<sup>2</sup> at any part of the illuminated area.

**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.

7. 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:** To safeguard the amenities of occupiers of nearby properties and for reasons of highway safety in accordance with Policy LP52 and LP21 of the Kirklees Local Plan and Chapters 2, 12 and 15 of the National Planning Policy Framework.
  
8. 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:** To safeguard the amenities of occupiers of nearby properties and for reasons of highway safety in accordance with Policy LP52 and LP21 of the Kirklees Local Plan and Chapters 2, 12 and 15 of the National Planning Policy Framework.
  
9. 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:** To safeguard the amenities of occupiers of nearby properties and for reasons of highway safety in accordance with Policy LP52 and LP21 of the Kirklees Local Plan and Chapters 2, 12 and 15 of the National Planning Policy Framework.
  
10. 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:** To safeguard the amenities of occupiers of nearby properties and for reasons of highway safety in accordance with Policy LP52 and LP21 of the Kirklees Local Plan and Chapters 2, 12 and 15 of the National Planning Policy Framework.

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Location Plan	-	-	23.01.24
Existing and Proposed Plans and Elevations	01	-	23.01.24

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 Authority have, where possible, made a preapplication 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:**

13.03.24