

**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:	2024/64/90953/W
Site Address:	Kfc, 47-49, Wakefield Road, Moldgreen, Huddersfield, HD5 9AB
Description:	Erection of illuminated and non-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-May-2024

Site Description

The application site relates to a fast food restaurant at 47-49 Wakefield Road, Moldgreen, Huddersfield. The building is on a corner plot with one elevation facing onto Wakefield Road and the other elevation facing onto Carr Pit Road. The terrace property is surrounded by commercial buildings such as hairdressers, shops and other fast food restaurants. On the opposite side of the road there is student flats.

Description of Proposal

Consent is sought for 5 illuminated signs. Other non-illuminated and internal illuminated signs are shown on the plans however these would appear to benefit from deemed consent.

The first proposed signs relate to two externally illuminated light boxes (fascia signages). One will be located above the window panels on the front south elevation facing onto Wakefield Road and one will be located above the window panels on the site west elevation facing onto Carr Pit Road. The signs will have a height from the ground of 2.8m and will measure 2.1m width x 0.8m height x 0.2m depth. They will have white text on a red background will be static and will have an illuminance level of 600cd/m².

The second proposed signs relate to a small illuminated light box (fascia signages) above the entrance door on the corner of the unit. This will also be located at a height from the ground of 2.8m and will measure 1.1m x 1.1m x 0.2m and will have the restaurant's branding with black and red colouring on a white background. The sign will be static and will have an illuminance level of 600cd/m².

The third proposed sign will be a single illuminated hanging sign located on the front (south) elevation along the fascia. This will be set 2.6m from the ground and measure 0.7m x 0.7m x 0.2m. the sign will have black and red vinyl's on a white background. The sign will be static and will have an illuminance level of 600cd/m².

History of negotiations/amendments received

No negotiations or amendments were deemed necessary as the scheme is a re-branding of what is already existing and was considered acceptable upon submission.

Relevant Planning History

87/01866 - Change of use from retailing flooring materials to hot food take-away – Conditionally Granted.

95/90295 - Change of use from retail of flooring materials to hot food take-away – Conditional Full Permission.

95/92050 – Erection of illuminated fascia and projecting signs – Deemed Consent.

98/90952 - 95/92050 – Erection of illuminated fascia and projecting signs – Deemed Consent.

2006/90802 – Erection of internally illuminated fascia and projecting signs – Advertisement Consent Granted.

2022/91466 – Advertisement consent for illuminated and non-illuminated signs - Advertisement Consent Granted.

Representations

No publicity required

Representations received: Not required for publication

Parish/Town Council – not applicable

Consultations

No consultations required

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 13 – Town centre uses

LP 24 – Design

LP 25 – 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 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 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.

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;
- 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 within a local centre with a range of existing signage in the immediate area. The proposed signage which consists of the rebranding of the restaurant with some additional illumination is small in terms of size and scale as it is limited to above the doors/window panelling. Therefore, the signs are considered acceptable as a function of the use of the site and the immediate surrounding Local Centre area. The colouring is to replace that of the existing branding on a road where there are brightly coloured advertisements and therefore will not appear out of character.

Therefore, it is considered that the modest size and scale of the signs are in keeping with the host building 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.

However, in this instance the illuminated signs are of a limited size and are to be located on a road where branding and illuminated signs are prominent. Therefore, it is considered that the works would not be detrimental to highway safety as the signs would brand the site without distracting drivers or pedestrians.

As such, the proposed advertisements are considered to comply with paragraph 141 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: 2024/90953

Officer Recommendation: Grant advertisement consent

Conditions and Reasons

Standard 5 advert conditions

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	-	-	04/04/2024
Proposed and existing grouped plans and elevations	2016/2024/P210	B	04/04/2024
Location plan	PP-12947097v1	-	04/04/2024

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. No amendments were sought in the course of the application.

Report Dated: 20/05/2024