

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND) REGULATIONS 2007

Site Location: Huddersfield Auto Salvage, Paddock Foot, Huddersfield, HD1 4RY

Application Reference: 2024/91090

Description: Advertisement consent for the installation of 1No. Freestanding 48 sheet LED illuminated advertising unit

Additional Information

The additional information provided in this statement has been submitted in response to the comments made by Sue Brooks, Senior Conservation Officer (SCO) at Kirklees Council in her report dated 13/06/2024. The SCO objects to the application proposal, as she considers that **“it would fail to preserve the setting of the Grade II listed Paddock Viaduct and would cause harm to its significance”**.

The Applicant is grateful of the opportunity to submit this additional information before the application is determined, and would like to remind the Council of the facts of the case and the issues raised so far during the consultation process.

1) The principle of large scale roadside advertising has been established at this location for several decades. The site had previously hosted a traditional ‘*paper and paste*’ 48 sheet billboard without any record of complaints or objections from the public, the Council, the SCO, nor has any action been taken by the Council to seek its removal. This is a clear indication that it had been assimilated into the built environment surrounding the application site.

2) The earliest photographic evidence of this previous 48 sheet billboard dates back to October 2008, (although advertising has been displayed on the site for many years before that) and this is clearly shown on a Google Street View photo, which was supplied in the planning statement. A further copy of this site photo has been included below.

Fig 1: Google Street View photo showing previous 1 x 48 sheet freestanding billboard at the Application Site of Huddersfield Auto Salvage, Paddock Foot, Huddersfield, HD1 4RY- October 2008.



3) The old timber framed 48 sheet billboard was removed in 2017 owing to its dilapidated condition, and the previous advertising contractor who operated the site considered that it was no longer appropriate or economically viable to invest in the reinstatement of the 'paper and paste' billboard.

4) There is currently no large scale poster advertisement in situ at application site, however, the remnants of the 48 sheet advertisement hoarding can still be seen at the application site, and this is clearly shown on the attached site photos, which show a close up view of the site, and a long distance view of the site in the setting of the Grade II listed Paddock Viaduct.

Fig 2: Site photo showing remnants of previous 1 x 48 sheet freestanding billboard at the Application Site of Huddersfield Auto Salvage, Paddock Foot, Huddersfield, HD1 4RY (Close up view).



Fig 3: Site photo showing remnants of previous 1 x 48 sheet freestanding billboard at the Application Site of Huddersfield Auto Salvage, Paddock Foot, Huddersfield, HD1 4RY (Long distance view)



- 5) The previous 48 sheet advertisement at the application site benefited from '*deemed consent*' status by virtue of Class 13 (Part 1, Schedule 3) of the Regulations, which allows advertisements to be displayed on a '*site*' that has been used continually for the preceding 10 years.
- 6) The current property owner originally intended to reintroduce advertising to the site by reinstating an identical traditional '*paper and paste*' 48 sheet billboard, however, there had been some uncertainty over the future site ownership and development of the host property. Unfortunately delays with securing contractual arrangements with a new advertising contractor were followed by the two year global pandemic and lockdown. This compounded the operational problems of trying to reintroduce advertising to this well-established advertising location.
- 7) The property owner consulted with several advertising operators, who carried out a full assessment of the future sustainability of the site as an advertising location, and the conclusion was to upgrade the advertising display to be consistent with current market requirements and planning developments. It is therefore proposed to upgrade the traditional '*paper and paste*' 48 sheet billboard to a modern LED illuminated format capable of being operated from a central location without the need to carry out physical site visits on a regular basis. This is consistent with the advertising industry wide drive to modernise and upgrade the advertising infrastructure to meet modern day requirements. It is proposed to replace the previous 48 sheet advertisement display on a '*like for like*' basis using new display technology that is lightweight, durable, efficient, and easily maintained.
- 8) The Applicant acknowledges that the '*deemed consent*' status has now lapsed, following the temporary removal and the break in the continuous period of display. Whether the previous advertisement had been reinstated immediately after a temporary removal (or in fact not removed at all), the '*deemed consent*' status would not apply to the display of the proposed LED illuminated advertisement. The situation would need to be formalised with an application for express consent, as the '*replacement upgrade*' represents a material change to the display of advertisements on site. The introduction of illumination and the potential to increase the rate of change of the adverts would require express advertisement consent. The impact of these alterations is not considered to have a detrimental impact in terms of visual amenity or public safety.
- 9) The advertisement proposal contained in the application is **not** proposing the development of a '*virgin site*' that is still in its natural state, or has not been used previously for the purpose of displaying advertisements (either on a temporary or permanent basis). The application proposal would exhibit the same operational characteristics of displaying static advert images, with the same proportions and orientation as the previous display. It is therefore a '*like for like*' replacement, but with the additional modernisation of the display unit, which will improve the both the quality of the advertisements and their contribution to the street scene.
- 10) The high quality design and materials used in the modern form of digital display technology is now commonplace and is gradually replacing the traditional advertising formats, which are costly in terms of energy use and pollutants. The application proposal aims to introduce a high standard of presentation and technology used in the display of 'static' advert images on the site. This has many practical and sustainable benefits: reduced energy consumption; easy recycling of component parts; and a vastly reduced number of maintenance visits to site.

11) The remnants of the previous 48 sheet hoarding support structures have remained on site and create an unsightly appearance to the corner plot of the application property, and this can be clearly seen in the following site photo.

Fig 4: Site photo showing remnants of the support structures from the previous 1 x 48 sheet freestanding billboard at the Application Site of Huddersfield Auto Salvage, Paddock Foot Huddersfield, HD1 4RY



12) The Applicant would point out that, in the absence of any sustainable proposals to modernise and upgrade this well-established advertising location, the 'default' position would be to leave the site in its current unsightly appearance. It would appear that the SCO would prefer this option, as she considers that the application scheme would cause some harm to the visual amenity of the area due to its modern and innovative appearance.

13) The outdoor advertising market is going through a period of significant change with a shift from traditional advertising formats to digital methods of display. Digital advertising is setting the highest standards in build quality, design and innovation. The use of greener and cleaner technologies in the outdoor media road side environment has fully embraced the drive for greater efficiency and sustainability across the industry. That approach has been adopted in this case, with the same high standards included in the application proposal.

14) Electronic digital displays represent the latest form of outdoor advertising technology. In fact in 2015 there were only 45 LED illuminated 48 sheet display panels in the UK. There are now over 1600 sites, many of which are new locations site, and others which were established 'paper and paste' billboard sites, such as the application site, which have been modernised. These display sites are in operation across the country, ranging from cities as large as London to towns as small as Ilfracombe. The Appeal proposal is therefore considered to be consistent with current market requirements and planning developments.

15) The clear thrust of national policy is that there is a presumption in favour of 'sustainable development' at the heart of the planning system, which should be central to the approach taken to both plan making and decision taking. The national presumption in favour of 'sustainable development' means that unless there are specific adverse impacts that would significantly and demonstrably outweigh the benefits of the development proposal, it is

considered that the Council should take a positive approach that reflects the presumption in favour of ‘*sustainable development*’.

‘*Sustainable development*’ is usually defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Advertising panels comply with this definition, as they are patently needed by advertisers and businesses, contribute to the economic health of the country, and can be easily removed without any trace and so not compromise the future.

16) The Council expects all new developments to embrace the principles of sustainable design, and to respond to the character and setting of the proposed development. The application site is situated within an existing sustainable built up location, and it is therefore an appropriate location to sustain the proposed advertisement.

17) Although the application scheme would introduce an LED illuminated display to the area, it would replace the derelict and outdated advertisement format, and introduce a modern presentation style which would improve both the quality of the advertisements and their contribution to the street scene. The differences between the previous and proposed displays are considered to be so minimal that the proposal would have no discernible impact on the existing character and appearance of the area, or the setting of the *Grade II listed Paddock Viaduct*. The introduction of digital technology is not considered to be a major material alteration to the manner of the well-established use of this site for 48 sheet advertising displays.

18) The application proposal would therefore provide significant visual benefits to the area to outweigh the introduction of the digital display. The matters surrounding the illumination of the scheme and the method on how it displays the static advert images would be controlled through the imposition of suitably worded planning conditions to ensure that any potential harm is mitigated.

19) It is considered that the application scheme would preserve the setting of the listed structure of the *Grade II listed Paddock Viaduct*, because this application simply proposes to reinstate an advertisement on a site where the same size of display had been in existence for many years without objection from the public, the Council, or the SCO. It would appear that the SCO is assessing the application as if it is proposing to introduce an entirely new advertisement into the street scene near the Viaduct. The requirements under conservation area legislation are that, where a LPA designates part of its area or identifies a building to be of special architectural or historic interest, any development proposal should “*preserve or enhance the character or appearance of the area or listed building*”. For practical purposes, any proposal which affects a conservation area or listed building must at least preserve the area in the sense of doing no harm – i.e. a “*neutral*” effect.

20) The following site visuals, showing the close up and long distance views of the application site, illustrate how the proposed LED illuminated advertisement will replace the existing and unsightly structures of the previous hoarding, and therefore screen the appearance of the business activities of the host premises (Huddersfield Auto Salvage) to the rear of the advertisement site.

21) It can be seen from the visuals that the proposed reinstatement of advertising at the application site will do no harm to the listed structure of the *Grade II listed Paddock Viaduct*, because it would not be a new addition to the street scene. The application proposal will at least preserve the listed structure of the *Grade II listed Paddock Viaduct* in the sense of doing no harm – i.e. a “*neutral*” effect.

Fig 5: Visual showing proposed 1 x 48 sheet freestanding LED illuminated advertising display unit at the Application Site of Huddersfield Auto Salvage, Paddock Foot Huddersfield, HD1 4RY (Close up view)



Fig 6: Visual showing proposed 1 x 48 sheet freestanding LED illuminated advertising display unit at the Application Site of Huddersfield Auto Salvage, Paddock Foot Huddersfield, HD1 4RY (Long distance view)



21) Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses.

22) The application site and the four other 48 sheet advertisement hoardings located in the vicinity of the application site, have been assimilated into the built environment surrounding the site without any record of complaints or objections from the public or the Council (including the SCO). All of these hoardings have been in place for several decades, and as they are dwarfed by the *Paddock Viaduct*, (which is the dominant feature in the street scene), they are considered to make a neutral contribution to the character and appearance of the surrounding area.

22) The application site and the four other 48 sheet advertisement hoardings located in the vicinity of the application site have been assimilated into the built environment surrounding the site without any record of complaints or objections from the public or the Council (including the SCO). All of these hoardings have been in place for several decades, and as they are dwarfed by the *Paddock Viaduct*, (which is the dominant feature in the street scene), they are also considered to make a neutral contribution to the character and appearance of the surrounding area. The existing hoardings have become accepted as part of the street scene in the locality, otherwise, the Council would have sought their removal.

23) Two of these hoardings are freestanding structures located on land adjoining the *Paddock Viaduct*. The other 2 x 48 sheet hoardings are actually wall mounted on the tall stone piers which form part of the structures of the Viaduct together with the 6 round stone arches located to the north end of the Viaduct. There are also a further 5 round stone arches located to the south end towards Manchester Road.

24) At the point of the application site, the *Paddock Viaduct* consists of a steel box girder bridge structure which spans Longroyd Lane on the approach to the site, and this is the dominant feature in the street scene.

25) The Planning Practice Guidance (PPG) explains that, if the locality where an advertisement is to be displayed has important scenic, historic, architectural or cultural features, consideration should be given to whether it is in scale and in keeping with those features. The size of the Viaduct and its imposing nature is such, that the scale of the proposed advertisement (and the four existing 48 sheet hoardings) would not / do not appear as an overly large or over dominant feature in the street scene when seen in context with the Viaduct. The proposed advertisement display unit would not obscure or cut across any significant architectural features of the listed structure, and will not harm the visual simplicity of the locality.

26) Given the existing relationship between the hoardings and the *Paddock Viaduct*, and the improvements which the new advertisement scheme will bring to both the quality of the advertisements and their contribution to the street scene, it is considered that the application proposal would not harm the setting of this listed structure. It is proposed simply to reintroduce advertising back to an historical advertising site.

27) Large scale advertisements are commonplace in areas such as the application site, and the proposed siting of a 48 sheet LED illuminated display at an established advertising location is considered to be '*appropriately sited and well-designed advertising*'. The application proposal would be appropriate to the character of the surrounding area, and it would be consistent with advertising policy guidelines which state that developments should be "*appropriate in terms of scale, mass, height, layout, appearance, materials and relationship to adjoining buildings*".

28) During the consultation process additional information was submitted to the Case Officer on 30/05/24, and as a result the Environmental Health Officer confirmed that he had **no objections** to the proposal, subject to the following additional conditions:-

1) *"It is necessary to protect amenity during curfew hours by way of condition to ensure the display is switched off between 23:00 and 06:00".*

2) *"It is therefore possible that should complaints arise following installation, further controls for example baffles or shields may have to be retrofitted, luminance reduced, or additional time controls imposed. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited".*

The Applicant confirmed that he would not object to these additional conditions being applied to any consent granted.

29) A report was also received on 13/06/24 from the Highways Authority confirming that they have **no objections** to the proposal, subject to standard conditions.

30) The only issue for consideration for determining the application would appear to be the minimal effect of the proposed introduction of LED illumination on the setting of the *Grade II listed Paddock Viaduct*.

31) It is considered that the proposed illumination of the display during the day time will create little difference between that and the standard *'paper and paste'* printed image on a traditional billboard, which had been displayed on site for several decades without any complaints and objections. During the hours of darkness (when the viaduct is not illuminated), the illumination of the display will be controlled to limit the levels of illumination (and hours of illumination), and this has been agreed with the Environmental Health Officer to have no impact on the amenity in the area.

Fig 7: (APPENDIX L) Photo showing 'side by side comparison' between images on a 'paper and paste' and a digital 48 sheet advertisement.



The above image shows a 48 sheet LED illuminated display (elevated on the flank wall) and alongside this there is a traditional *'paper and paste'* display presenting the same advertisement on a freestanding 48 sheet hoarding.

32) The above photo shows how the illumination arising from the LED illuminated display does **not** make it a more prominent feature in the street scene during daylight. The light that a digital unit emits to create the image on the advertisement screen is clearer and sharper than that of a traditional printed poster image. The proposed illumination of the display during the day time will create little difference between the digital display and the standard 'paper and paste' image on a traditional billboard, which had been displayed on site for several decades without any complaints and objections from the public and Council.

It is acknowledged that a 48 sheet 'paper and paste' billboard poster is not illuminated during daylight, however, the above 'side by side comparison' photo shows how there is minimal visual change between the printed poster display and the digitally produced advert image.

The brightness of the 48 sheet digital display during daylight is controlled by light sensors to vary the brightness of the advert according to the brightness of the day. The maximum level of illumination (cd/m²) will be set in accordance with the recommendations in the "*Institute of Lighting Professionals best practice guidance; The Brightness of Illuminated Advertisements (05/23)*".

During the daytime the maximum brightness may increase in order to make the advertisement visible when there is bright sunlight shining on the advertisement, but by contrast on a dull day, the luminance will be reduced as the advert will not need to be as bright owing to the dull conditions. The level of luminance of the advertisement is sensitive to the change in daylight from sunrise to sunset and from summer to winter.

If the sun is shining directly onto the face of the digital 48 sheet display unit, then it would actually appear more washed out and harder to see than the traditional printed advert, and so the unit increases the energy it uses to create the image. On a very dull day, like in November or December, when the street lights (which work on light sensors), might come on early, the light sensors on the digital unit reduce the light it emits.

33) In order to illustrate how a digitally produced advert image is displayed on a 48 sheet screen with consistent levels of brightness during the day and night, the following comparison has been provided to show photos of an actual 48 sheet LED illuminated advertisement which were taken during day time and night time at the same site.

DAY TIME



NIGHT TIME



33) During the hours of darkness, the illumination of the display will be controlled by standard conditions to limit the levels of illumination. The display would be limited to 300cd/m² at night time in accordance with the Institute of Lighting Professionals (ILP) best practice guidance.

The application proposal would not be significant in the street scene as the proposed display would be located in close proximity to other sources of illumination such as street lighting and passing vehicles, which would emit a considerably higher intensity of light, and so the proposal would have little impact upon the visual amenity of the locality during night time.

Any concerns from the Council that the LED illuminated display could result in harm to the residential amenity of nearby properties, especially at night time, can be mitigated with the inclusion of conditions to restrict the levels of luminance and the hours of illumination. In order to ensure that the proposed display operates without harming visual amenity, the Applicant recommends that the proposal adheres to the schedule of planning conditions which were set out at the end of the planning statement. These conditions have been accepted in several other cases in the Kirklees area, where the Council has considered that illuminated advertisements would have no detrimental impact on the amenity of nearby residential properties, subject to these conditions being applied to any consents granted.

The locality is classified as a Lighting Environmental Zone E3 (Suburban / Medium District Brightness), in accordance with the recommendations for maximum luminance levels (cd/m²) set out in the "*Institute of Lighting Professionals best practice guidance; The Brightness of Illuminated Advertisements (05/23)*".

The Applicant is aware that in other cases of similar LED illuminated advertisement proposals where there is an element of residential use in the vicinity of a proposed site, the Council has considered that an additional condition should be included with the consent to cover the restriction on the hours of illumination between 23.00 and 06.00, in order to mitigate any concerns relating to neighbouring residential properties. The Applicant has confirmed during the consultation process with the Case Officer that he would not object to the inclusion of this condition in addition to the standard recommended conditions, which are

now widely accepted by LPAs across the country as standard for the control of digital displays and reflect best practice guidance in the outdoor industry.

34) The proposed display unit has been architecturally designed with high quality materials to create an integrated unit, which requires no access for internal maintenance or changing of advertising displays. The digital display would be controlled remotely via a dedicated internet connection and computer software that would control every aspect of the displays in real-time, including brightness, timing of each image, and transition time between each image. The screen would also be linked to sensors which detect external lighting levels and automatically adjust the screen's level of luminance.

35) The advertisement will show 'static' images, with the added feature of automatic change via a secure computer feed to display a range of static messages. No individual advertisement on the LED screen will contain moving images, animation, intermittent or full motion video images, or any images that resemble road signs or traffic signals.

36) Local policy recognises that advertising is an important part of commercial activity, in particular for retailing, which relies on external advertisements or signage to communicate information to sell goods or services. Advertising is a prominent feature in modern society, and it is playing an important role in the revival of local and national economic

37) The application proposal is consistent with the advertising industry wide drive to modernise and upgrade the advertising infrastructure to meet modern day requirements, and the Council has supported this approach by granting consents for '*like for like*' upgrades of well-established '*paper and paste*' billboards. The application proposal will not alter the amenity status of the locality or detrimentally affect the safety of the public.

38) The location of the application site has been used solely for advertising purposes and has been accepted as part of the street scene, where there has been little to no significant change to the commercial settings for decades. The acceptability of large static roadside advertisements at the site in terms of visual amenity has therefore been established,

39) As the application proposal seeks to replicate the previous 48 sheet advertisement, and therefore mimic the previous situation in the street scene, there will be minimal impact on the visual amenity of the surroundings. The size and positioning of the advertisement will remain the same, and the level of illumination will reflect local and ambient conditions, with little material change to the site as it existed with the previous advertisement in situ.

The Applicant would request that the SCO gives consideration to the additional information in this document and provide her revised comments. We trust that she will agree that the reinstatement of a 48 sheet advertisement at the application site will have a 'neutral effect' for the reasons cited in this document.

The Applicant does not consider that it could be reasonably argued the reinstatement of a 48 sheet advertisement at this 'historical site' would cause harm to the setting of the *Grade II listed Paddock Viaduct*, particularly when two other 48 sheet hoardings are displayed close to it, and two additional 48 sheet hoardings are actually affixed to the Viaduct structure. It has been accepted that these existing hoardings must have a '*neutral effect*' on the setting of the Viaduct, and the same logic must be applied to the proposal to reinstate the 48 sheet display at the application site.

The proposal submitted with the application reflects the Applicant's preference, but he would be interested to hear the views of the Case Officer on the application proposal in view of this

additional information. The Applicant is hopeful that the Case Officer will concur with the logic and the context in which this application has been submitted, and that the application will be recommended for approval.

If the Case Officer still has any concerns, the Applicant would appreciate it if he could be provided with these details and also sufficient time to consider and address the issues prior to the determination of the application.

2nd July 2024