

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:	2024/64/91090/W
Site Address:	Huddersfield Auto Salvage, Paddock Foot, Paddock, Huddersfield, HD1 4RY
Description:	Advertisement Consent for erection of 1 x 48 sheet free standing LED illuminated advertising display panel
Recommending Officer:	Katie Chew

DECISION – Advertisement Consent Refused

**I hereby authorise the refusal of this application for the reasons set out
in the officer's report and recommendation annexed below in respect of
the above matter.**

Kirsty Nicholls

AUTHORISED OFFICER

Date: 16-Jul-2024

Officer Report

Site Description:

Huddersfield Auto Salvage, Paddock Foot, Paddock, Huddersfield, HD1 4RY

The application site relates to a medium sized portion of land which is currently in operation as a salvage yard. The site is bounded by stone walling to the north and east, with a mix of metal sheeting and concrete boundary walls along the southern boundary. To the west and south and spread about the north of the site are other commercial units, with residential properties located in close proximity to the north-east and north-west.

The application site is not located within a Conservation Area although it is important to note that directly adjacent to the site (to the east) is a Grade II Listed viaduct.

Description of Proposal:

The proposal is for advertisement Consent for erection of 1 x 48 sheet free standing LED illuminated advertising display panel.

The proposed advertisement is to be installed along the eastern boundary of the application site, and is to measure 3.2m in height, with a width of 6.2m and a depth of 0.12m. The height from the ground to the base of the advertisement will be around 2.5m.

The advertisement is to consist of a pressed metal frame with sealed LED screen. The maximum height of any of the individual letters and symbols are to be 300cm, utilising various coloured text and static images.

The advertisement is to be internally illuminated at a luminance level of 300 cd/m².

Full specifications have been included within the submitted application form, alongside a site plan, location plan, specification drawing, existing and proposed imagery and a supporting planning statement.

History of negotiations/amendments received

Further information and clarification was requested from the applicant following receipt of comments from Environmental Health Officers in relation to the distances/sight lines from the windows of neighbouring residential properties. The applicant's agent also sought to provide additional information in the form of a statement in response to comments received from the Council's Conservation & Design Officer, unfortunately this statement does not overcome Officers concerns and therefore the application has been progressed to a decision.

Relevant Planning History

2012/91278 – Non material amendment to permission number 2008/92298 for erection of workshop with office and washroom. Refused 22nd August 2012.

2008/92298 – Erection of workshop with office and washroom. Approved 10th September 2008.

2006/94977 – Change of use of existing office and part of salvage yard to form taxi base with associated parking, erection of fencing and gates. Approved 24th January 2007.

2003/94684 – Erection of workshop, offices and washroom for autosalvage business. Approved 8th October 2004.

89/04097 – Installation of aluminium burning furnace. Refused 5th January 1990. Appeal withdrawn 29th November 1990.

Representations

No publicity required.

No representations have been received to date.

Consultation Responses

KC Conservation & Design (informal) – Comments received 13th June 2024. Object to the proposals.

Officer note: Following receipt of the above comments the applicant's agent sought to submit additional information to try and overcome Officers concerns. Conservation & Design Officers assessed this information and concluded that this does not alter their views on the application. Noting that in response to point 19 of the document, C&D's assessment was on the introduction of an illuminated panel which is not considered to preserve the setting of the listed viaduct. They consider it to cause less than substantial harm to its setting, particularly in low light, rather than no harm as stated in point 21 of the statement.

KC Environmental Health – Comments received 7th May 2024. ENVH Officers request further information in regard to the distances/sight lines from the windows of the nearest sensitive receptor and cowls to the sides of the frames, in order to allow them to fully assess impacts on residential amenity.

Officer note: Following receipt of the above comments, the applicant has provided additional supporting information by email dated the 30th of May 2024. The new information demonstrates the distance between the screen and number 1 The Triangle is 20m with a photo showing the angle of view from both numbers 1 and 7. The photographs demonstrate that number 7 would not have sight of the signage, but number 1 would see the sign from a slight angle. The email goes on to inform that at the point of No.1 The Triangle

the spread of light in the vertical plane, from the LED screen falls within the permitted lux level for E3 Zone 'during curfew'. Which is set at 10lux.

Whilst the above is in line with the current "Institute of Lighting Professionals best practice guidance; The Brightness of Illuminated Advertisements (05/23), due to change in contrast of different advertisements particularly at nighttime the Council's Environmental Health Officers consider it necessary to protect amenity during curfew hours by way of condition. Therefore, in line with the operating hours outlined within the submitted supported statement by Chris Welbourne dated 15th April 2024, the display is to be switched off between 23:00 and 07:00. In addition to this, further controls in relation to its luminance, installation and maintenance are to be regulated by the same condition.

KC Highways Development Management – Comments received 14th June 2024. No objections subject to conditions relating to the level of illumination, hours of illumination, moving and transition of images, cycle time of images, light sensors and the installation of a failsafe mechanism.

Parish/Town Council

N/A.

Local Ward Members

None.

Planning Policy Background

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 application site is located within a Bat Alert Area. It is also important to note that directly adjacent to the site is a Grade II Listed viaduct.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP21 – Highway Safety and Access**
- **LP24 – Design**
- **LP25 – Advertisements and Shop Fronts**
- **LP30 – Biodiversity and Geodiversity**
- **LP35 – 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) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic 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.

Paragraph 141 of the NPPF recognises that the quality and character of places can suffer when advertisements are poorly sited and designed.

Policy LP25 of the Kirklees Local Plan states 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;*
- b. *c. the shop fascia is designed to be in scale, in its depth and width, with the façade and street scene of which it forms part'.*

The Planning Practice Guidance (PPG) refers to the possibility that large hoardings may be permitted in an industrial or commercial area of a major city where they would not adversely affect the visual amenity of the neighbourhood of the site (Paragraph Reference ID: 18b-079-20140306).

Whilst not significant in scale, regard needs to be had to the suitability of such a digital advertising screen in this location.

The proposal seeks to fix a 1 x 48 sheet free standing LED illuminated advertising display panel along the eastern boundary of Huddersfield Auto Salvage yard in Paddock. This location is sited between Market Street and Paddock Foot, with the proposed signage facing out onto Longroyd Land and is therefore located within a highly visible and prominent location. It is acknowledged that within the submitted Planning Statement the applicant outlines that there is no large-scale poster advertisement in situ at present at the site, and that there has previously been a traditional 48 sheet 'paper and paste' billboard displayed at the site for several decades, until its removal in 2017. Whilst this may be correct, this style of advertisement has not been in situ for a number of years, and on this occasion the proposals seek to erect a large LED illuminated display panel which is significantly different to a 'paper and paste' feature. Nevertheless, each application is based on its own merits and is assessed as such. It is therefore considered that this supporting information has limited weight within the assessment of this application.

The overall character of the area could be described as mixed residential and commercial. Whilst it is acknowledged that to the south there are a number of commercial uses adjacent to Paddock Foot and Longroyd Lane, the application site is bounded by residential properties to the east and north-west. Residential properties in this location are typically two-storey stone built terraces which front on to the public highway. The site is not within Thornton Lodge or Manchester Road/Longroyd Lane Local Centres as defined in the Kirklees Local Plan.

As highlighted above, large (48-panel) digital advertising screens are more likely to be considered appropriate in town/city centre locations, or where the surroundings are strongly industrial or commercial in character. The application site is neither.

Where there are adverts in the locality, these are either small in scale and generally related to the use of the commercial premises on which they are sited, or when larger in size, do not comprise of internally illuminated LED screens and therefore the proposals would appear as a more imposing and visual jarring feature within the area.

Given the nature of the proposals the Council's Environmental Health officers were consulted. Officers initially raised concerns in respect of the sign's visibility to adjacent residential properties, where excessive light, glare and change in contrast could give rise to the loss of amenity. They do also note that the submitted documents outline that the static illuminated sign will have an illuminated surface area about 10m², and that the maximum luminance level of the sign is to be 300 cd/m². ENVH Officers consider this luminance to accord with the current "Institute of Lighting Professionals Best Practice Guidance; The Brightness of Illuminated Advertisements (05/23)"

Following receipt of the above ENVH comments the applicant's agent has provided additional supporting information by email dated the 30th of May 2024. The new information demonstrates the distance between the screen and number 1 The Triangle is 20m with a photo showing the angle of view from both numbers 1 and 7. The photographs demonstrate that number 7 would not have sight of the signage, but number 1 would see the sign from a slight angle. The email goes on to inform that at the point of No.1 The Triangle the spread of light in the vertical plane, from the LED screen falls within the permitted lux level for E3 Zone 'during curfew'. Which is set at 10lux.

Whilst the above is in line with the current "Institute of Lighting Professionals best practice guidance; The Brightness of Illuminated Advertisements (05/23), due to change in contrast of different advertisements particularly at nighttime the Council's Environmental Health Officers consider it necessary to protect amenity during curfew hours by way of condition. Therefore, in line with the operating hours outlined within the submitted supported statement by Chris Welbourne dated 15th April 2024, the display is to be switched off between 23:00 and 07:00. In addition to this, further controls in relation to its luminance, installation and maintenance are to be regulated by the same condition.

Taking the above into consideration, this additional information is considered to overcome Officers concerns with regards to residential amenity. However, as discussed below there are still concerns in respect of the proposed advertisement impacting upon visual amenity and adjacent heritage assets.

Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities must, in considering whether to grant planning permission for development which affects a listed building or its setting, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It is noted that this application does not seek 'planning permission' such that this duty may not apply. Nevertheless, in terms of amenity the impact of the proposal on the visual and historic amenity of the area will be assessed.

Chapter 16 of the NPPF states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. If harm would result this should not be allowed without a proportionate justification. This approach is affirmed by Policy LP35 of the Kirklees Local Plan, and also LP24(a) which says that the form, scale, layout and details of development must respect the character of heritage aspects.

Policy LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure that they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure

that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

The Council's Conservation & Design Officer was informally consulted on the proposals, in which they object to the scheme as they consider this proposal to directly affects the setting of the Grade II listed Paddock Viaduct. Two large, non-illuminated poster boards are already fixed to the viaduct supports, along with two more fixed to the adjacent wall alongside the canal. The introduction of a 6m x 3m illuminated display panel directly in context with the listed viaduct and directly visible through the viaduct structure when viewed from the east will cause far more harm to its setting than the existing panels, particularly during low light. C&D Officers do not feel that the precedents included in the application are relevant to this context and **disagree** with the submitted statement within the planning statement that *'an illuminated digital display will have no more impact on the viaduct than the previous non-illuminated board, will preserve views of the viaduct and will have a neutral effect'*.

By reason of its illumination and prominent location, C&D Officers consider that this proposal would fail to preserve the setting of the Grade II listed Paddock Viaduct and would cause harm to its significance. It is not considered that sufficient public benefits have been submitted to outweigh this harm and therefore the proposal is deemed to be contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP24 and LP35 of the Kirklees Local Plan and paragraphs 205, 206 and 208 of the NPPF.

In addition to the above, it is considered that the proposed digital advertising display screen would have an adverse effect on the visual amenity of the site and its surroundings due to the incongruous and intrusive presence that a large, illuminated advertisement would have in this prominent and open visible area. Consequently, it would not accord with the National Planning Policy Framework, which states that the quality and character of places can suffer when advertisements are poorly sited and designed, or with the guidance in the PPG. Nor would it accord with Policies LP24 and LP25 1 (a) and (b) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

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).

With regard to impact to highway safety, criterion (a) of Policy LP21 is relevant, proposals should:

‘a) ensure the safe and efficient flow of traffic within the development and on the surrounding highway network’.

The Council’s Highways Officers have been consulted on the proposals and note that the proposed advertising panel is to be located at the eastern boundary of Huddersfield Auto Salvage adjacent to the junction of Longroyd Lane/Paddock Foot. The site has a long history of advertising uses, a 48-sheet paper advertisement display being sited on the site for more than 10 years.

The application seeks permission to install a 48 sheet LED illuminated display unit measuring 6.2m x 3.2m presented in a landscape format. The proposed display unit is located such that it does not obstruct junction or forward visibility of the highway, and following a review of accident records which indicate that there is no inherent accident problem in the vicinity of the site, and it is noted that the highway is well-lit, with good forward visibility on approach to the site. It is considered that the display will not cause undue distraction or confusion to highway users, or lead to an increase in the risk of accidents. The Council’s Highways team therefore have no objections to the proposals but do suggest a plethora of conditions in relation to the level of illumination, hours of illumination, moving and transition of images, cycle time of images, light sensors and the installation of a failsafe mechanism, should the application be approved.

The proposals therefore do not conflict with the aims of LP21 of the Kirklees Local Plan but do conflict with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, Policies LP24, LP25 (1 (a) and (b)) and LP35 of the Kirklees Local Plan and paragraphs 141, 205, 206 and 208 of the NPPF.

Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and it is recommended for refusal.

Recommendation: Refuse.

Decision Authorisation: Delegated Decision

Application Number: 2024/91090

Officer Recommendation: Refuse.

Reason(s) for Refusal:

1. The proposed digital advertising screen, by virtue of its illumination and prominent location, would form a visually jarring, intrusive and incongruous feature within the street scene, to the detriment of visual amenity and would fail to preserve the setting of the Grade II Listed Paddock Viaduct, causing harm to its significance of which sufficient public benefits have not been demonstrated to outweigh the proposed harm. To permit such development would be contrary to Policies LP24 (a), LP25 1 (a) and (b) and LP35 of the Kirklees Local Plan, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Policies within Chapters 12 and 16 of the National Planning Policy Framework.

Plans and Specifications Schedule:

Plan Type	Reference	Web ID	Date Received
HAS1 Site Plan	-	-	18 th April 2024
HAS2 Location Plan	-	-	18 th April 2024
HAS3 Specification Drawing	-	-	18 th April 2024
Site Location – Existing (Photograph)	-	-	23 rd April 2024
Site Location – Proposed (Image)	-	-	23 rd April 2024
Huddersfield Auto Salvage Planning Statement – Supporting Information	10127	-	23 rd April 2024
Crash Map Statistics 1999-2022 – Supporting Information	-	-	18 th April 2024
Detailed Site Survey via Email from Applicant's Agent on 30 th	-	-	3 rd May 2024

May 2024 – Supporting Information			
Huddersfield Auto Salvage Additional Information – Supporting Information	-	-	2 nd July 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 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. Further information and clarification was requested from the applicant following receipt of comments from Environmental Health Officers in relation to the distances/sight lines from the windows of neighbouring residential properties. The applicant's agent also sought to provide additional information in the form of a statement in response to comments received from the Council's Conservation & Design Officer, unfortunately this statement does not overcome Officers concerns and therefore the application has been progressed to a decision.

Report Dated:

10th July 2024.