

# 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>2024/64/92029/W</b>
Site Address:	Alice In Groomingland, 7, Beast Market, Huddersfield, HD1 1QF
Description:	Erection of illuminated and non-illuminated signs (Listed Building within a Conservation Area)
Recommending Officer:	Lucy Taylor

#### **DECISION – 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.**

John Holmes

***AUTHORISED OFFICER***

**Date: 24-Sep-2024**

## Site Description

Alice In Groomingland, 7, Beast Market, Huddersfield, HD1 1QF.

The application relates to Grade II Listed Buildings 7 and 9 Beast Market. The building is located just off a prominent thoroughfare through Huddersfield Town Centre. As well as being a Listed Building, the site is located within the Huddersfield Town Centre Conservation Area.

Given its siting, the site can be experienced from Beast Market from the east and west, but it can also be viewed on longer views off Kirkgate.

To the immediate south is the Grade Boyle and Barrel Inn, Grade II 6 Beast Market and just around the corner, 33-35 Kirkgate and 37-41 Kirkgate.

## Description of Proposal

The proposal is for the erection of illuminated and non-illuminated signs. The submitted application form and light statement provides the following details:

The outside of the building will display the main Kumon sign which would be composite aluminium with applied vinyl graphics. This would only be screwed to the darker grey fascia (along the top and bottom edges at 800mm spacing). We will also have lights (this will light up with the sign at night) this is mounted to the sign not the building.

The building will be using a single white light with LED's on the front fascia of the building. It will be 13.4 metres long and the lights lumen per metre will be 1790.

Window graphics will also be incorporated intended to be affixed to the glazing.

## Relevant Planning History

- 2024/92023 – Listed Building Consent for erection and installation of signs. *Pending Determination.*
- 2024/92028 – Change of use from Class E to education use (Class F). *Pending Determination.*

## History of Negotiations

The case officer entered into negotiation with the applicant, providing a copy of the consultation response from Kirklees Council (KC) Conservation and

Design Team which has been received in relation to Listed Building Consent application 2024/92023.

In response to the case officer's correspondence, the applicant confirmed that they wanted the application to be determined on the basis of the information as submitted and that they did not wish to submit any amended plans.

### **Representations**

No publicity required.

### **Consultations**

KC Environmental Health – do not consider residential amenity will be impacted and therefore, have no comments or recommendations to make.

KC Highways Development Management – consider that the application is acceptable on highways grounds, and we would have no wish to object.

Officers note the consultation response from KC Conservation & Design received for Listed Building Consent application 2024/92023, which seeks Listed Building Consent for the erection and installation of signs. The conclusion of their consultation response is for application 2024/92023 is that they do not consider the proposals to accord with Policy LP35 of the Kirklees Local Plan, or 16(2) of the Planning (Listed Building and Conservation Area) Act.

### **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 a Listed Building and is located within the Huddersfield Town Centre Conservation Area.

The following is considered relevant to the consideration of this application:

#### **Kirklees Local Plan:**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP24 – Design
- LP25 – Advertisements and Shop Fronts
- 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) 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**

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. 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.

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 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.

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.”*

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;*

Due to the site being a Listed Building, and its location within the Conservation Area, Paragraph 201 of the NPPF is relevant, which requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

The requirements of Section 72 & 66(1) of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 are also relevant.

Policy LP35 of the Kirklees Local Plan will also be taken into account, stating that *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”*.

*Amenity and Heritage Significance:*

The site is a Grade II Listed Building, located within the Huddersfield Town Centre Conservation Area.

The submitted details state that there are to be no internal changes to the building and the alterations are purely focused on the external frontage on Beast Market.

While the principle of bringing the building back into use can be supported, the proposed forms of signage raise concerns from both a visual amenity perspective and with regards to the heritage significance of the site and surrounding area.

It is recognised that the previous occupants of the building did have a small window vinyl in place to the left-hand side and right-hand side, however, the proposals under this Advertisement Consent application will see the entire window frontage covered in vinyl/details. It is considered that this amount of detailing would result in the main windows appears as overly cluttered, in turn, failing to preserve or enhance the character of the building.

No concerns are raised regarding the vinyl/details proposed to the main door, which is considered to provide necessary details.

Turning to the proposed signage on the fascia, the previous sign appears to be projecting metal lettering on a timber fascia board, with these proposals for a composite aluminium board with vinyl lettering. It is considered that the proposed signage should reflect the design and style of the previous signage and should have a timber backing board (make use of the existing fascia

board) and the lettering should be projecting lettering or could equally be painted directly onto the fascia board.

With regard to the proposed lighting, this is considered to further cause harm with regard to the impact of the proposed fascia signage, adding a negative detail. It is considered that lighting should be omitted from the scheme.

In conclusion, whilst officers are supportive of the aim of bringing the building back into use, the design of the proposed advertisements are considered to cause harm to the character of the host building and wider setting and therefore, harm the heritage significance of the Listed Building and Conservation Area. This is because they are not considered to be consistent with or sympathetic with the character of the buildings locality.

In turn, it is concluded that the proposals fail to comply with Policies LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the NPPF and 16(2) of the Planning (Listed Building and Conservation Area) Act.

### Public Safety

Highways Development Management were formally consulted and provided the following comments within their response:

This application is for the erection of illuminated and non-illuminated signs to an existing commercial premises fronting on to Beast Market, a 30mph two-way single carriageway town centre access cul-de-sac of approximately 5m width adjacent to the premises. There are No Waiting at Any Time TRO marking on the side of the site and No Waiting Mon – Sat 8am – 6pm TRO markings opposite.

Beast Market is a short cul-de-sac that serves as access to a few commercial properties and a hotel car park, and as such is expected to be very lightly trafficked.

The site is located within a sustainable town centre location with public transport links and parking within a short walk.

All advertising boards by their very nature cause some level of distraction, however in this case the proposals would have a negligible impact on road safety due to the low number of vehicles that may see it, the location within a town centre where shop frontages are expected to be lit and the existing sign lighting already in place on the street (The Boy And Barrel pub opposite the site has several lights on the frontage).

KC Highways Development Management concluded that the application is acceptable on highways ground and that they would have no wish to object.

### **Conclusion**

In conclusion, the proposal would adversely impact on visual amenity and heritage significance and refusal of consent is therefore recommended.

**Recommendation: Refuse Advertisement Consent**

**Decision Authorisation – Delegated**

**Application Number: 2024/92029**

**Officer Recommendation: Refuse Advertisement Consent**

**Reason for Refusal:**

1. The proposed advertisements, by virtue of their siting, materials, scale, design and nature of illumination, would create an overly cluttered frontage as a result of the extent of vinyl proposed to the glazing and an see the introduction of a fascia sign that would have an incongruous appearance that fails to reflect the design and style of the building and wider locality with the artificial lighting of this sign leading to additional visual harm. The advertisements would have a harmful impact upon the visual amenities and heritage significance of the site and local area, crating strident and discordant features. To permit such development would be contrary to Policies LP24, LP25 and LP35 of the Kirklees Local Plan, policies within Chapters 12 and 16 of the National Planning Policy Framework and the requirements of section 16(2) of the Planning (Listed Building and Conservation Area) Act.

Plans and Specifications Schedule: -

Location Plan	TQRQM24207123719272	-	25.07.24
Lighting	-	-	25.07.24
Block Plan	-	-	31.07.24
Images of Signs	-	-	24.07.24
Light Statement	-	-	31.07.24

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 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 case officer entered into negotiation with the applicant, providing a copy of the consultation response from KC Conservation and Design linked to Listed Building Consent application 2024/92023.

In response to the case officer's correspondence, the applicant confirmed that they wanted the application to be determined on the basis of the information as submitted and that they did not wish to submit any amended plans.

**Report Dated: 19.09.24**

