

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:	2024/64/92139/W
Site Address:	Land at, Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW
Description:	Advertisement consent for erection of 2 non- illuminated sign boards
Recommending Officer:	Joanna Rednall

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: 30-Sep-2024

The Site

Land at, Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW

The application site relates to an open field adjacent to Penistone Road. The land is elevated above the highway and is an allocated housing area on the Kirklees Local Plan. To the north of the site are residential properties and to the south is an engineering site. Across Penistone Road to the west is open land.

The Proposal

The applicant is seeking planning permission for advertisement consent for erection of 2 non-illuminated sign boards.

2 x Honey 'coming soon' sales signs

- Height: 3m
- Width: 3m
- Depth: 3m
- Height from ground to the base of advertisement: 1m
- Maximum height of individual letters and symbols: 35.6cm
- Materials: Aluminium composite sign panels with aluminium powder coated posts
- Colour of text: Predominately black background with white text. Small amount of orange background with black text.

Planning History

2020/92307 Outline application, including the consideration of access, for erection of residential development (up to 75 units)
SECTION 106 OUTLINE PERMISSION

History of Negotiations/Amendments Received

No amendments were sought as the proposals were considered to be acceptable in their original form.

Consultations

None

Allocation & Policies

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 within land allocated for housing development upon the Local Plan.

National guidance

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan

LP1	Achieving Sustainable Development
LP2	Place Shaping
LP21	Highway Safety
LP22	Parking Provision
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, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters: -

- 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, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

Kirklees Highway Design Guide (November 2019)

Assessment

The following matters are considered in the assessment below-

1. Principle of development
2. Impact upon character and appearance of the area
3. Impact upon highway safety
4. Representations
5. Conclusion

1- Principle of development:

The site is within an allocated housing area on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

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”.

2- Impact on character and appearance of the area

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).

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. The application form details that the signage would not be illuminated. The signage is limited in scale and due to its position and design, and the signage is on a temporary basis to advertise the future development of land adjacent to Penistone Road.

Due to their position, design, and scale, as well as the temporary nature of the signage and fact the subject matter of the signage relates to future development of the land it is concluded the signage would not have a significant visual impact in this case. As such, the proposed advertisement is considered to comply with Paragraph 141 of the NPPF, and Policies LP24, and LP25 of the Local Plan in terms of achieving good design and well-designed places.

3- Impact upon highway safety

Signage can present some degree of distraction to drivers, however, in this instance, the proposed distraction levels would be set back from the highway and whilst visible from the road their impact upon highway safety is not considered to be significant and therefore, the proposed advertisements are considered acceptable in terms of highway safety impact.

Given that the proposed signs would be located within the development site and would be set back from the highway on a straight section of road, it is considered that the signage would not be a significant distraction to drivers and would not give rise to any highway safety issues.

For these reasons, the proposed advertisement adjacent to Penistone Road is considered to appropriately comply with Chapters 12 and 15 of the NPPF, as well as policies LP21, LP24, LP25 & LP52 of the Kirklees Local Plan.

4- Representations

None received.

5- Conclusion

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:** 2024/92139**Officer Recommendation:** Grant advertisement consent**Conditions**

1-5) Standard 5 advertisement conditions

Plan Type	Reference	Version	Date Received
Location Plan	C005 000	A	06/08/2024
Signage Sales Location	C005 000	-	06/08/2024
Proposed Elevations	-	-	06/08/2024
Proposed coming soon boards	-	-	30/07/2024
Application form	-	-	30/07/2024

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. As the proposals were considered to be acceptable in their original form, no amendments were sought.

Report date: 25/09/2024