

**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>2024/64/92453/W</b>
Site Address:	13-15, Victoria Square, Holmfirth, HD9 2DW
Description:	Erection of non-illuminated signs (within a Conservation Area)
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.**

Julia Steadman

***AUTHORISED OFFICER***

**Date: 29-Oct-2024**

## **Site Description**

The application site related to 13-15 Victoria Square; a three storey stone building located within the area of Holmfirth. The building formally functioned as Barclays Bank, with relevant signage and detailing which has since been removed. The building is located on a main of Victoria Square within Holmfirth town centre and it also located within Holmfirth Conservation Area.

The surrounding development consists of a mix of residential properties and other restaurants, cafes and shops. The area has a sense of familiarity with the common construction material being stone.

## **Description of Proposal**

Consent is sought for the erection of non-illuminated signs (within a Conservation Area).

Sign A:

- Main Fascia sign
- 1.2m x 1.2m
- Black power coated aluminium base with white text

Sign B:

- Projecting sign
- 0.6m x 0.9m
- Steel frame with aluminium sleeve white logo and text

## **History of negotiations/amendments received**

After consulting the Conservation and Design team with regard to this application officers raised concerns in relation to some elements of the scheme. The originally proposed window vinyl was said to add an element of 'clutter' which was not a feature of the existing building which would be overly visible given the prominent location of the building. It was suggested that this be omitted from the plans.

There were also concern with the placement of the projecting sign. It was suggested that this be set back to the previous location of the Barclays projecting sign to make use of these existing fixings as to have minimal impact on the building.

The agent responded with amended plans which will be discussed in the following report.

## **Relevant Planning History**

2001/90290 – Erection of illuminated fascia sign (Within a Conservation Area)  
– Advertisement Consent Granted.

2012/90482 - Installation of external CCTV camera (within a Conservation Area) – Conditional Full Permission.

2012/90491 - Erection of illuminated signs (within a Conservation Area) - Advertisement Consent Granted.

2023/91430 - Removal of external signage, ATM and night safe and infilling existing apertures with stonework (within a Conservation Area) - Conditional Full Permission.

## **Representations**

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via, site notice and newspaper advertisement.

Final publicity date expired 25th October 2024

As a result of the public consultation period three representations have been received with the summary of comments set out below:

Parish/Town Council – Holme Valley Parish Council - In support.

## **Consultations**

KC Conservation and Design (informal) – With regard to the original plans officers were not supportive of window vinyl to the main elevation. This is because this was not a feature of the existing building and would've been overly visible given the prominent location of the building. They considered that these should be omitted from the proposals.

Officers also had concerns with the placement of the projecting sign. It was suggested that this be set back to the previous location of the Barclays projecting sign to make use of these existing fixings as to have minimal impact on the building.

Conservation and Design were consulted again with amended plans and were satisfied that these plans overcame previous concerns.

## **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 27<sup>th</sup> February 2019).

The site is located within Holmfirth Conservation Area on the Kirklees Local Plan.

The site also falls within the Holme Valley Neighbourhood Development Plan and is within an associated landscape character area 4, the River Holme Settled Valley Floor.

### **Kirklees Local Plan (KLP):**

LP 1 – Achieving sustainable development  
LP 2 – Place shaping  
LP 21 – Highway safety and access  
LP 24 – Design  
LP 25 – Advertisements and shop fronts  
LP 35 – Historic environment

### **Holme Valley Neighbourhood Development Plan (2020-2031):**

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

The application site is within Landscape Character Area 4, the River Holme Settled Valley Floor.

The policies from the Holme Valley Neighbourhood Development Plan that are relevant to this application are:

- Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 3: Conserving and Enhancing Local Heritage Assets
- Policy 4: Design Codes for High Quality Shopfronts and Advertisements

### **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 6<sup>th</sup> 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
- 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.

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.

Policy 4 of the Holme Valley Neighbourhood Plan sets out that the proliferation of bold, dominant or illuminated advertising material can have a significant detrimental effect on the visual character of a locality, particularly in sensitive places such as Conservation Areas. Therefore, Policy 4 seeks to ensure that advertisements are sensitively designed and integrate into the existing building.

With regards to location of the site within a Conservation Area, Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF are relevant.

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 building to advertise the building as a café is small in terms of size and scale as it is spaced out around the building creating signage that is modest. Therefore, the signs are considered acceptable as a function of the use of the site and the immediate surrounding Local Centre area.

In addition, the host building already has an established commercial use and has functioned as a bank for a significant amount of time with relevant signs to advertise this on the building. Although, the proposed plans show additional signage in the form of a fascia sign, this is minimal and it is noted that a different fascia sign is removed from the building. As such, the proposed signs will harmonise with the new business use of the building and therefore, it is concluded that the signage would not appear out of keeping or negatively prominent within the wider street scene.

K.C. Conservation and Design have been informally consulted as part of this assessment and after amended plans were received that reduced the 'clutter' on the window of the main elevation and set back the projecting sign to the location of the Barclays projecting sign to make use of existing fixings it was

considered that the works would preserve the setting of the Conservation Area and would be in keeping with the character of the building.

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.

It is therefore deemed to comply with the aims of Policies LP24(a) and LP35 of the Kirklees Local Plan, Policy 4 of the Holme Valley NDP, and Chapters 12 and 16 of the NPPF.

### 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 signs will be non-illuminated, limited in size and are to be located on a road where branding is prominent. Therefore, it is considered that the advertisement does not give rise to any adverse effect on highway safety since it does not have the effect of unduly distracting highway users, nor does it interfere with visibility or hinder the interpretation of road signs or signals. It therefore does not conflict with the aims of LP21.

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:** 2024/92453

**Officer Recommendation:** Grant advertisement consent

### Conditions and Reasons

Standard 5 advert conditions

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped plans and elevations	2431/01A	2	16/10/2024
Application form	-	-	29/08/2024

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. Amendments were sought after concerns were raised by officers with regard to the originally proposed window vinyl adding an element of 'clutter' in a prominent location and the placement of the projecting sign. The agent submitted amended plans which showed the window vinyl's omitted from the scheme and the projecting sign set back to the previous location of the Barclays projecting sign to make use of these existing fixings.

**Report Dated:** 28 October 2024