

**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:	2024/64/92964/W
Site Address:	Bradley Filling Station, Leeds Road, Bradley, Huddersfield, HD5 0RL
Description:	Advertisement Consent for erection of freestanding illuminated advertisement display
Recommending Officer:	Joshua Merriman

DECISION – GRANT OF 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: 19-Nov-2024

Officer Report

Site Description

The application site refers to Bradley Filling Station, Leeds Road, Bradley, Huddersfield. The site is a petrol station located to the North East of Huddersfield town centre. The site benefits from a large open, hard surfaced area containing 8 fuel pumps, 2 air pumps, a car wash, convenience store, parcel lockers, and around 5 car parking spaces.

The location has easy access from Leeds Road, which is a busy road running next to the site.

Description of Proposal

Consent is sought for the erection of one freestanding illuminated advertisement display.

The proposed sign seeks to exhibit static advertisements on rotation. The advertisements will stand at 2.4m in height, 1.23m in width, and 0.22m in depth.

History of negotiations/amendments received

None

Relevant Planning History

91/01039 – Erection of illuminated pole sign – Advertisement consent granted.

92/01876 – Petrol filling station development including canopy, pumps, storage tanks, shop & car washing with ancillary valet bays – Refused.

92/04260 - Petrol filling station development including canopy, pumps, storage tanks, shop & car washing with ancillary valet bays – Conditional full permission.

93/03041 – Erection of various illuminated signs – Advertisement consent granted.

94/90929 – Erection of illuminated signs – Advertisement consent granted.

95/93309 – Erection of illuminated 'A' frame sign – Advertisement consent granted.

2012/93504 – Erection of internally illuminated, 6 sheet, free-standing advertising unit – Advertisement consent granted.

Representations

No publicity required.

Consultations

K.C. Highways Development Management – Following a verbal consultation with the Highways team it was concluded that the proposed advertisement will cause a limited distraction to drivers when considering the surrounding illuminated signs, and their existing effect on highway safety. Furthermore, the consent is for a sign which is set to replace an existing sign, although not illuminated, there is a certain level of distraction currently present.

K.C. Environmental Health – The Environmental Health team provided the following formal response regarding this application:

We have reviewed the application and supporting information, we offer the following comments. The application concerns the erection of a freestanding D6 small format advertising display advertisement board, sized 2.4m by 1.23 m. Our comments and recommendations are limited to residential amenity, which are within the remit of Environmental Health. Due to the location of the proposal next to a busy highway the planner is advised to engage with other consultees.

According to our mapping system the nearest sensitive receptor is across the road circa 15m but given the angle of the proposed sign relative to the dwellings the view would be offset.

The sign proposed has a surface area of 2.952m², the accompanying letter by Carter Jonas dated the 9th of October 2024 informs; The quality of the image produced will mimic that of a traditional paper and paste display, a maximum of 6 different advertisements, changing 1 every 10 seconds. The display is controlled remotely, light levels will adjust to background conditions ensuring levels do not exceed the Institute of Lighting Professionals (ILP), Technical Note 5 “The Brightness of Illuminated Advertisements including Digital Displays”

(PLG05/23). Maximum night operation will be set at 300cd/m² max.

We have reviewed the submitted information which confirms adherence to the institute of Lighting Professionals current Guidance, lighting will be monitored and controlled.

We accept this information and recommend condition 9 at the end of the report.

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 without notation on the Kirklees Local Plan.

Kirklees Local Plan (KLP):

LP 1 – Achieving sustainable development
LP 2 – Place shaping
LP 24 – Design
LP 25 – Advertisements 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 July 2021, 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 places

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.

The proposed sign will stand at 2.4m in height, 1.23m in width, and 0.22m in depth.

Given these dimensions and designs, the sign is of an acceptable design that is consistent with the surrounding street scene and character of the local area. The advertisement proposed is of an adequate scale, and submitted plans show it to be constructed to a high quality, using materials that respect the character and locality of the site. As such, the proposed advertisement is considered to comply with paragraph 132 of the NPPF, Policies LP24 and LP25 of the Local Plan in terms of achieving good design and well-designed places.

As aforementioned, a consultation with the environmental health team has deemed the luminance of the proposed illuminated sign acceptable when considering any potential effects on residential amenity.

It is considered that from the standpoint of amenity, the proposal fulfils all relevant laws and policies outlined above, therefore, is deemed acceptable and constitutes sustainable development.

To ensure the visual impact of the development is acceptable, conditions are recommended to be included which require no moving images, interval and period of time advert is presented on screen, luminance in relation to brightness of the screen and measures to be in place should the screen become faulty.

On the basis of the inclusion of the recommended conditions the visual impact of the proposal is considered to be acceptable.

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).

As aforementioned, a consultation with the Councils highways team has deemed the illumination of the signs acceptable due to there already being examples of illuminated signs within the immediate area. Moreover, the signs will not cause a severe impact on highway safety as the adjacent highway is straight, with good visibility, and it is without any pedestrian crossings in the vicinity of the site. Although there are numerous side streets joining in the area of the site, it is considered the illuminated sign would not cause an unacceptable distraction to be a highway safety concern.

As such, the proposed advertisement is 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: 2024/92964

Officer Recommendation: Grant advertisement consent

Conditions and Reasons

Standard 5 advert conditions

6. There shall be no moving images or special effects (including noise, smell, smoke, animation, flashing, scrolling, three-dimensional, intermittent or video elements) of any kind during the time that any message is displayed.

Reason: In the interests of visual amenity and public safety.

7. The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change, and there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays.

Reason: In the interests of visual amenity and public safety.

8. The display shall not change more than once every 10 seconds, the use of message sequencing for the same product is prohibited and the advertisements shall not include features or equipment which would allow interactive messages or advertisements to be displayed.

Reason: In the interests of visual amenity and public safety.

9. The intensity of the illumination of the advertising units permitted by this consent shall at all times accord with the thresholds set out in the Institute of Lighting Professionals publication "The Brightness of Illuminated Advertisements" (PLG05:2015).

Reason: In the interests of visual amenity and public safety.

10. The screen display shall be erected with a mechanism installed in order that, if the installation breaks down, it defaults to a blank black screen in order to avoid any flashing error messages or pixilation.

Reason: In the interests of visual amenity and public safety.

Plans and specifications schedule:-

Plan Type	Reference	Date Received
Application Forms	-	16/10/2024
Covering Letter	Leeds Road Planning Cover Letter	16/10/2024
Application Appendices Leeds Road	-	16/10/2024
CGI	07	16/10/2024
Existing and Proposed Elevations	05	16/10/2024
OS-PLANNING-FINAL	23938/PA/01	16/10/2024
Existing Site Plan	02	16/10/2024
Proposed Site Plan	03	16/10/2024
Proposed Site Plan	04	16/10/2024
Specification	06	16/10/2024

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 13th November 2024