

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:	2024/64/93308/W
Site Address:	adj, 18, High Street, Huddersfield, HD1 2LE
Description:	Advertisement Consent for erection of double sided digital display
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.

Emma Thompson

AUTHORISED OFFICER

Date: 14-Jan-2025

Site Description

The application site relates to land adjacent to 18 High Street, which currently comprises of a bus shelter which has an existing double-sided illuminated 6-sheet bus shelter advertising display to its east side. The other bus shelter on Market Street located to the land adjacent to 14 High Street also has a similar double sided advertisement display.

Around the site are office and retail properties. The site is not within a Conservation Area and not in close proximity to any listed buildings.

Description of Proposal

Consent is sought for the erection of double sided digital display.

The application form states that the scheme would replace the existing double sides internally illuminated 6-sheet bus shelter advertising display with a double sided digital display.

The replacement display will consist of static advertising images that change every 10 seconds.

The proposed Digital display will have an in-built sensor control system. In daytime, this control system reads ambient light levels and adjusts display luminance to the ambient light level prevailing; this means lower display luminance when ambient light levels are lower, and higher display luminance when ambient light levels are higher.

The Specification accompanying the application states that the maximum Daytime luminance for displaying full white (which is the brightest content) is 3,500 cdsq.m. In darkness, the proposed Digital display operate at set very low levels not exceeding 300 cdsq.m. Between midnight and 5am, the display will be turned off.

The digital display advertising unit as a whole will have a height of 2.213m from ground level with a width of 1.37m. The digital display itself will measure 1.635m x 0.924m.

History of negotiations/amendments received

No negotiations or amendments were deemed necessary.

Relevant Planning History

2019/90990 - Advertisement Consent for erection of digital illuminated advertising panel – Advertisement Consent Granted.

Representations

No publicity required

Representations received: Not required for publication

Parish/Town Council – not applicable

Consultations

No consultations were deemed necessary for this application. Consultee responses from application number 2019/90990 are considered to be applicable and sufficient. This is due to the current application being assessed against the same policy considerations in the Kirklees Local Plan adopted in 2019.

For the previous 2019 application on the site K.C. Environmental Health stated that the brightness should not exceed 1035cdm².

K.C. Highways and K.C. Conservation and Design had no objections to the advertisement in this location.

These will be discussed later on in 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 13 – Town centre uses
LP 21 – Highway safety and access
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 December 2024, 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 4 – Decision making
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural 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.

In regard to public safety, LP21 seeks to ensure the safe and efficient flow of traffic within the development and on the surrounding highway network.

The site is located within a town center with a range of existing signage in the immediate area. The proposed signage which consists of the replacing of the previous internally illuminated 6 she bus shelter display with a digital double sided display. The signage will be located within an area of predominantly commercial uses along High Street therefore the placement of the signage will neither oppose nor deteriorate the existing character of the area. It is considered that the scheme is minimal and efficient for the purpose of advertising different companies/services.

With regards to residential amenity there are no residential properties or sensitive receptors within the immediate vicinity of the site. In terms of design, the overall

appearance of the display will not be changed by the proposal, with the visual change from an internally illuminated display to a digital display being minimal.

Therefore, the digital display is considered acceptable as a function of the use of the site and the immediate surrounding Local Centre area. Although the proposed is to be illuminated at a higher level it is to be located in an area where there are brightly coloured advertisements and therefore will not appear out of character. It is therefore considered that the size and scale of the signs are in keeping with the host building/site therefore in terms of amenity, the proposal is considered 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.

However, in this instance the digital display is to be mounted upon the existing and will be of a modest size relative to the locality in an area where branding and illuminated signs are prominent. Therefore, is considered that the works would not be detrimental to highway safety as the signs would provide advertisement without distracting drivers or pedestrians.

It is noted that on the previous 2019/90990 a condition was placed on the decision notice following a recommendation from K.C. Environmental Health. This was to limit the illuminance level to 1035cdm² through the day and 600cdm² in the evening. However, the current application proposes that on average brightness days, average luminance of bright colours within advertisements is around 2,500 cdsq.m and that the maximum daytime luminance for displaying full white is 3,500 cdsq.m. However, it is noted that the proposal (as confirmed in the supporting statement) adheres to the illuminance levels set out in the Institute of Lighting Professionals guidance document 5. This document also states that in daytime, appropriate advertisement luminance is dependent on ambient light conditions and, as such, is variable. It recommends that that digital displays have a control system or similar technology that ensures the display luminance relates to ambient light levels.

Therefore, this increase in illumination levels is considered acceptable as the digital display will have an in-built sensor control system. In daytime, this control system reads ambient light levels and adjusts display luminance to the ambient light level prevailing; this means lower display luminance when ambient light levels are lower, and higher display luminance when ambient light levels are higher.

In darkness, the proposed Digital display(s) operate at set very low levels not exceeding 300 cdsq.m and between midnight and 5am, the displays are turned off. This is considered acceptable.

It is also proposed that the displayed images be static and to that the advertisements, images or messages displayed on the digital panel shall not change more than once every 10 seconds. Furthermore, that the digital panel shall not display any moving images, animation, flashing scrolling or video and no visual effects shall accompany the transition between any successive advertisements, images or messages. This is to ensure the continued appropriate impact upon amenity and public safety.

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: 2024/93308

Officer Recommendation: Grant advertisement consent

Conditions and Reasons

Standard 5 advert conditions

6. The advertisements, images or messages displayed on the digital panel shall not change more than once every 10 seconds.

Reason: In the interest of amenity and public safety, to comply with the aims and objectives of LP21, LP24 and LP25 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

7. The intensity of the luminance of the advertisement display shall be controlled by the installation of a light sensor to adjust the illuminance levels to ambient light conditions. **Reason:** In the interest of amenity and public safety, to comply with the aims and objectives of LP21, LP24 and LP25 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

8. Notwithstanding the requirements of condition 7, the intensity of the luminance of the advertisement display shall not exceed 300cd/m² on any part of the illuminated area in hours of darkness.

Reason: In the interest of amenity and public safety, to comply with the aims and objectives of LP21, LP24 and LP25 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

9. The digital panel hereby granted consent shall not display any moving images, animation, flashing scrolling or video and no visual effects shall accompany the transition between any successive advertisements, images or messages.

Reason: In the interest of amenity and public safety, to comply with the aims and objectives of LP21, LP24 and LP25 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	0703-0090	-	20/11/2024
Proposed site/block layout	0703-0090	-	20/11/2024
Proposed Double Elevations BSU digital	-	-	20/11/2024
Proposed specifications BSU	-	-	20/11/2024
Planning statement	-	-	20/11/2024
Application form	-	-	20/11/2024

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 in the course of the application.

Report Dated: 14th January 2025