

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:	2024/64/93586/W
Site Address:	Pet Warehouse Unit 2, Queensgate Retail Park, Queensgate, Huddersfield, HD1 2RD
Description:	Erection of illuminated and non-illuminated signs
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.

John Holmes

AUTHORISED OFFICER

Date: 12-Mar-2025

Site Description

The application site comprises the former commercial 'Pet Warehouse' shop but is currently a vacant retail unit. It is located to the south of the junction comprising the A62 (Queensgate) and Alfred Street with the north boundary of the application site facing out on to the junction. The A62 then runs west to east, parallel to the site's northern boundary, with Chapel Street forming its southern boundary. The site area refers to a middle retail unit adjoined to other retail units to each side.

Description of Proposal

Consent is sought for the erection of illuminated and non-illuminated signs. This will include one fascia sign and one totem sign.

Fascia sign –

The first sign will have a height of 0.6m, a width of 2.58m and a depth of 0.1m. This will be located above the entrance to the retail unit at a height of 3.07m from the ground floor to the base of the advertisement. The sign will be internally illuminated at a level of 350 cd/m².

Totem sign –

The second sign will have a height of 3.5m, a width of 1.5m and a depth of 0.15m. This will be located to the northeast of the site at the entrance from Queensgate. This sign will not be illuminated.

History of negotiations/amendments received

No negotiations or amendments were deemed necessary.

Relevant Planning History

98/92142 – Change of use of existing building to 3 retail units. Erection of new pitched roof, installation of new shop front and associated parking.

The wider site gained permission to change its use to three retail units and associated parking under permission 98/92142. The site gained outline permission for the erection of 13 townhouses and 60 bed student accommodation with (A1) retail and (A3) commercial uses under application number 2014/91958, however this wasn't implanted.

Representations

No publicity required

Representations received: Not required for publication

Parish/Town Council – not applicable

Consultations

K.C. Environmental Health – Advises that they only consider the impact illuminated signs may have on nearby residential receptors. We have reviewed the information supporting the application and examined our mapping systems. As there are no nearby residential receptors, we have no comments to make regarding to the application.

K.C. Highways – Advises (within consultation response for associated application 2024/93585) that although all advertising signs cause a level of distraction to drivers due to their very nature, the proposed sign is placed in a location that is not in the direct sight lines for approaching motorists and, therefore, will not cause any additional highway safety concerns within the vicinity of the site. Conditions were recommended to ensure illuminance levels do not exceed the values of safe illuminance and that the signs adhere to what is laid out in the plans and application form.

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 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.

The site is located within a town centre with a range of existing signage in the immediate area. The proposed signage which consists of the rebranding of the store with additional illumination. The signage will be located within an area of predominantly commercial uses along Queensgate and alongside the adjacent retail units 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 the restaurant, respecting the nearby build character of the area. It is noted the proposal would lead to a second totem sign in the street scene although it is not considered this would lead to an unnecessary level of signage clutter given the siting in relation to one another and fact they relate to clearly identified businesses in close proximity.

It is also noted that the illuminated sign is not located near any residential buildings or sensitive receptors that could impact the amenities of occupiers.

Therefore, the signs are considered acceptable as a function of the use of the site and the immediate surrounding area. The colouring is bright (blue, orange and black to advertise a Gregg's restaurant) however this is to replace existing branding at the site which is also bright in colour although the proposed fascia sign is to be illuminated. However, will be located in an area where there are brightly coloured advertisements and therefore will not appear out of character.

Therefore, it is 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 illuminated signs are of a modest size relative to the site and locality and are to be located in an area where branding and illuminated signs are prominent. Therefore, it is considered that the works would not be detrimental to highway safety as the signs would brand the site without distracting drivers or pedestrians.

K.C. Environmental Health were consulted on the application and state that there are no nearby residential receptors we have no comments to make regarding to the application.

K.C. Highways were also consulted and state the proposed sign is placed in a location that is not in the direct sight lines for approaching motorists and, therefore, will not cause any additional highway safety concerns within the vicinity of the site. However, suggest conditions to ensure illuminance levels do not exceed the values of safe illuminance and that the signs adhere to what is laid out in the plans and application form. These would be attached to any grant of permission.

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: 2024/93586

Officer Recommendation: Grant advertisement consent

Conditions and Reasons

Standard 5 advert conditions

6. Illuminated signs shall be designed such that the maximum luminance does not exceed the values defined within the ILE Technical Report No 5

"Brightness of Illuminated Advertisements" and the values quoted in the application.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the development does not cause a distraction to drivers and to accord with Policies LP24 & LP25 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

7. The permitted signs shall be statically illuminated only and no changes in their mode of illumination shall be permitted without the prior written consent of the LPA.

Reason: To ensure that the development does not cause a distraction to drivers and to accord with Policies LP24 & LP25 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

8. Flood lighting or general external illumination shall be appropriately baffled or suitably screened to prevent unwanted "upward light" or "light spill" onto the highway or adjacent properties or land.

Reason: To ensure that the development does not cause a distraction to drivers and to accord with Policies LP24 & LP25 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

9. The consent granted shall relate solely to the lighting system that is the subject of the application. Variation of or additions to the means/mode of lighting shall not be permitted without the prior written approval of the LPA.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the development does not cause a distraction to drivers and to accord with Policies LP24 & 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	TQRQM24348101640715	-	15/01/2025
Existing plans	-	-	19/12/2024
Proposed plans and elevations	-	-	19/12/2024
Proposed site/block layout	TQRQM24354103801131	-	15/01/2025
Climate change statement	-	-	16/01/2025
Application form	-	-	19/12/2024

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: 12th March 2025