

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:	2026/64/91352/E
Site Address:	962, Huddersfield Road, Mirfield, WF14 9HS
Description:	Advertisement Consent for erection of illuminated and non illuminated signs
Recommending Officer:	Elenya Jackson

DECISION – Advertisement Consent - Granted

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 15-Jul-2026

Site Description

The application relates to land associated with 'The Swan Service Station' which is comprised of a petrol court, associated kiosk and three retail units to the east. The signage is proposed to be erected as fascia boards to the building and a free standing totem sign.

The site is accessed adjacent to the retail units and can be exited adjacent to the 'Nisa Local' unit.

The site is located on an area at high risk of instability due to the coal mining legacy

Description of Proposal

Advertisement Consent is sought for erection of one free standing digital totem sign adjacent to Huddersfield Road, three fascia boards onto the front of the building and vinyl window stickers.

Illuminated totem:

Width: 1m

Height: 2.5m

Illumination: 250 cd/m²

This would have static illumination.

Free standing totem:

Width: 0.7m

Height: 1.5m

Non illuminated fascia signs:

Width: 9m

Height: 80cm

Height: 2.6m above FFL

Vinyl graphics

Width: Varied between 1.1m and 1.5m

Height: 2.2m

History of negotiations/amendments received

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

Relevant Planning History

There is no planning history considered relevant to the current proposal.

Representations

No publicity required

Representations received: None

Consultations

KC Highways Development Management: Informal discussion on 14/07/2026.
No objections subject to conditions.

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 19 – Strategic Transport Infrastructure
LP 20 – Sustainable travel
LP 21 – Highway and access
LP 24 – Design
LP25 – 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 12 – Achieving well-designed places

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16th December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

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 application site occupies a prominent position along Huddersfield Road.

The majority of the signage would be contained within the site and set back from the public realm with the exception of the illuminated totem. This would be contained within the site but located adjacent to the public footpath.

Officers consider that due to the fact the site is characterised by a mix of commercial uses and already contains illuminated signage in differing scales, formats and designs, the proposals are acceptable within the site context.

It is again acknowledged the illuminated digital display screens would be located in closer proximity to the public realm. However, the site sits within a busy road and is not located adjacent to any residential development and the signage present on site already forms part of the established character of the area.

Owing to its limited scale, it is not considered that the proposal would appear overly dominant, garish or incongruous within the wider street scene. The scale, siting and appearance of the advertisement are reflective of the use of the site. In this instance, the structure would be viewed in the context of the wider site and existing infrastructure rather than as an isolated feature.

Overall, whilst the proposal would introduce a modern and visually prominent feature into the street scene, it is considered that the context is capable of accommodating the development without resulting in unacceptable harm to visual amenity or the character of the area.

Notwithstanding the application form, Officers consider it necessary to add a condition that states the development shall accord with the illuminance levels defined by the institute of lighting to ensure the development does not result in any undue harm to the visual amenity of the area.

On balance, the proposal is considered to comply with the broad aims of LP24 of the Local Plan and the aims of Chapter 12 of the NPPF. Given the character of the surrounding townscape and the established presence of street infrastructure within the locality, it is not considered that a refusal on visual impact grounds could be reasonably substantiated.

Public Safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application.

The Department for Transport document “Inclusive Mobility – A Guide to best Practice” dated December 2021 suggests that the width for a footway to allow two wheelchair users to pass would be 2m with an absolute minimum of 1.5m. Where there are higher-than-average pedestrian flows, such as those found in

town centres and along certain desire lines, or areas adjacent to shops and services where browsing or waiting may occur, wider footway distances may be required.

With regard to the impact of the proposed advertisement, Planning Practice Guidance on advertisements (2014, amended 2019) is mainly intended as a guide to determining applications for consent to display an advertisement. Since the two criteria to be taken into account in the determination of advertisement consent applications, amenity and public safety, are also material considerations in assessing applications for planning permission, the PPG can be deemed relevant and any advice it contains, other than that relating to purely procedural matters, can be deemed relevant.

Planning Policy Guidance on advertisements lists the main types of advertisement which may cause danger to road users. The list includes, amongst other things, those which would because of their size or siting, obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal. In addition, it also refers to internally illuminated signs (incorporating either flashing or static lights), including those utilising LED technology, where the means of illumination is directly visible from any part of the road and which are subject to frequent changes of display.

The advertisements proposed would be relevant to this criteria as it is illuminated. However, the guidance in the PPG relating to advertisements in terms of public safety does not, in itself, mean that all internally illuminated signs utilising LED technology would be harmful to highway or pedestrian safety. The individual circumstances of the site and surroundings of each of the LED advertisement screen displays are, therefore, necessarily considered.

Kirklees Council Highway Development Management have been consulted (informally) on the proposal given the siting of the development adjacent to a Primary Road and the inclusion of illuminated digital displays. Whilst it is acknowledged that the proposal would introduce an illuminated advertisement within the streetscene, and therefore create some degree of distraction to passing motorists, the site is already characterised by a significant amount of commercial signage and lighting which would be visible from the highway and it is considered that the proposed advertisement would be limited in scale and reasonably contained on the site. The proposed displays would therefore be viewed within the context of the existing environment and are not considered likely to result in a level of distraction materially above that which already exists within the locality.

Officers considered the potential to add a condition should planning permission be approved requiring the signage to be 'dimed' dependent on ambient conditions to ensure the proposal would not be overly distracting to highway users. However, this was considered unnecessary due to the addition of the condition relating to allowed illuminance levels. On this basis, the proposal is not considered to give rise to detrimental impacts on highway safety.

Overall, no highway safety or pedestrian accessibility concerns have been raised in relation to the proposal due to its location off the highway.

In conclusion, it is considered that the proposed development would not cause harm to the safe or convenient use of the highway, accessibility or sustainable transport objectives, and would thereby accord with the aims of LP19-21 of the Local Plan.

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: 2026/64/91352/E

Officer Recommendation: Grant advertisement consent

Conditions and Reasons

Standard 5 advert conditions

6. At no time shall the luminance level of the signs hereby approved exceed the values defined within the Institute of Lighting Professionals (ILP) guidance document PLG05 – The Brightness of Illuminated Advertisements 2015 as amended or superseded, for the lifetime of the development.

Reason: To avoid excessive glare and light spill, and to minimise distraction to road users, in accordance with the aims of Policies LP21 and LP25 of the Kirklees Local Plan and the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	207272	D	19.05.2026
Proposed Site Plan	207273	D	19.05.2026
Proposed Totem Sign	207273	D	19.05.2026
Proposed Vinyl	207273	D	19.05.2026
Proposed Fascia	207273	D	19.05.2026
Application Form	-		19.05.2026

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 2024 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.

13/05/2026
