KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2021/62/94058/W
Site Address:	land forward of, 115, Northgate, Almondbury, HD5 8US
Description:	Erection and installation of freestanding commemorative mosaic panel of the Almondbury area (within a Conservation Area)
Recommending Officer:	Tom Hunt

DECISION – Full Conditional Permission

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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 20/12/2021

Officer Report

Site Description

2021/94058 land forward of, 115, Northgate, Almondbury, HD5 8US

The application site relates to a lawned plot of public undesignated land forward of No. 115 where there is a tree present to the north boundary of the plot.

It is within Almondbury Conservation Area, may affect the setting of Listed Buildings in the vicinity, and is not adjacent to a PROW.

Description of Proposal

Erection and installation of freestanding commemorative mosaic panel of the Almondbury area (within a Conservation Area)

It is proposed to erect a freestanding powder coated black metal framework to support an artistic mural which would be sited parallel to the highway within the boundary of the lawned area south away from the tree. It would be similar to an existing 'Welcome to Almondbury' public board sited to its southeast within its own lawned land area.

Plans received were not to scale however dimensions include posts of approx. 0.1-0.15m width at a height of 3m with an additional decorative metal top in black each approximately 0.1-0.15m additional height and the posts would be spaced approximately 1.5m apart.

The mosaic would be 1.5m by 1.5m and have a metal post either side supporting it. It would be unilluminated.

Photographs were supplied of the mosaic.

History of negotiations/amendments received

The case officer considered the application on review and sought to have scaled plans to assess the size of the proposal and the position of the mural to the highway. Those were not supplied and following discussion, the proposal did not have amendments as it met LP policies on visual and residential amenity.

Relevant Planning History

No previous planning applications for this site. The 'Welcome to Almondbury' sign does not have an associated planning application.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on: 10/12/2021

No representations have been received.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Conservation & Design – The proposal is not in a sensitive location and would be acceptable.
- Highways Development Management – No highway implications as long as sightlines on the junction of Watercroft onto Northgate are not compromised.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is in the Almondbury Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 13 – Town centre uses**
- **LP 14 – Shopping frontages**
- **LP 21 – Highways and access**
- **LP 24 – Design**
- **LP 35 – Historic Environment**

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th 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
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity (including any heritage considerations)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) Conclusion

1 – Principle of development:

The site is located within the Almondbury Conservation Area on the Kirklees Local Plan. Therefore, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities pay special attention to preserving or enhancing the character and appearance/setting of buildings or land within a Conservation Area. There are Listed Buildings to the south and northwest of the proposed site and therefore Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant requiring that the LPA upholds the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy LP1 of the KLP is relevant which states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The principle of developing the site is considered to be acceptable subject to an assessed of visual amenity and heritage, residential amenity, highway safety and all other material planning considerations.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seeks to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.
With respect to heritage Policy LP35 of the Local Plan and Chapter 16 of the NPPF are relevant. Policy LP35 states “development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”.

The proposal has been assessed by the Conservation Officer to be in an appropriate setting that does not harm the significance of the Listed Building or the Conservation Area. Considering the Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the development would be small scale, heavily screened by buildings and trees from the northwest and south and materials would be black metal posts and artistic mural similar to the Welcome to Almondbury display and therefore would not appear

incongruous in its setting or of impact to either the Listed Buildings or the Conservation Area.

The provision of public art under LP24 j) would be in an appropriate setting and also would not have any conflict with LP21 maintaining sightlines.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policies LP24j) and LP35 of the Local Plan, Policies in Chapter 12 and 16 of the NPPF.

3 – Impact on residential amenity:

Due to the small scale and nature of the proposal, residential amenity would not be considered affected.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The proposed development would not adversely affect sightlines and therefore would not cause additional harm to highway safety.

5 – Other matters:

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

6 – Representations:

No representations had been received.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

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 **Approve**
Decision Authorisation - Delegated Powers

Application Number: 2021/94058

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22 and LP24 of the Kirklees Local Plan, and Policies within Chapters 2, 12 and 16 of the National Planning Policy Framework

NOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Location Plan	-	-	26/10/2021
Plans – Proposed Elevations	Steelwork	-	25/10/2021
Supp Info – Heritage Statement	-	-	04/11/2021

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 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.

The case officer considered the application on review and sought no further amendments as it met Local Plan policies on visual and residential amenity.

Report Dated: 20/12/2021