KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS - REGULATION 3 TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992 (AS AMENDED)

Reference No:	**2025/48/90079/E**
Site Address:	former market, Blanket Hall Street, Heckmondwike, WF16 0HD
Description:	Installation of free standing mural(s) and 7 pictures artwork
Recommending Officer:	Nicole Helliwell

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 10-Mar-2025

Officer Report
Reference No. 2025/62/90079/E
Site Address: Former market, Blanket Hall Street, Heckmondwike, WF16 0HD
Proposal: Installation of free standing mural(s) and 7 pictures artwork

Site Description
The application relates to a parcel of vacant land located off Blanket Hall Street in Heckmondwike. The site is unallocated on the Kirklees Local Plan Proposals Map and was previously occupied by Heckmondwike Market, now demolished. The surrounding area comprises a combination of commercial and residential properties of varying materials and architectural styles. The site is not within a conservation area, nor are there any listed buildings or public right of ways within close proximity.

Description of Proposal
The application is seeking planning permission for the installation of free standing mural(s) and 7 pictures artwork. The details of the proposal are summarised below:
- 7 pieces of artwork would be installed within the side elevation of the 'Bargain World' building
- The 7 printed Di-bond panels would each measure 3.04m x 1.5m in size
- The 8 existing window artwork would be replaced with black and white stripes to fit the current dimensions
- The free standing murals would be mounted to the back of the shipping containers approved under app no. 2024/91901.
- The submitted plans confirm that the murals would measure approximately 6.1m in width, approx. 3m in height and would have a height of approx. 5.9m cumulatively with the approved containers.

History of negotiations/amendments received
No amendments were sought or received during the course of the application.

Relevant Planning History
- **2024/91901:** Change of use from Vacant Land to Public Open Space with ancillary works. Planning application details | Kirklees Council - Granted Under Reg.3 General Regulations 1992
- **2023/93128:** Prior notification for demolition of market. Planning application details | Kirklees Council – Demolition Details Approved
- **2006/94272:** Erection of non-illuminated sign to frontage of market hall. Planning application details | Kirklees Council – Advertisement Consent Granted
- **2006/90934:** Erection of canopies, installation of entrance doors. Planning application details | Kirklees Council - Granted Under Reg.3 General Regulations

Representations
The application was publicised by neighbour notification letters, which expired on 7th March 2025. No representations were received following the statutory publicity.
Parish/Town Council Comments
Not Applicable.

Local Ward Members
Not Applicable.

Consultation Responses
Not Applicable.

Planning Policy Background
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 UNALLOCATED on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

- **LP 1 -** Achieving Sustainable Development
- **LP 2 -** Place Shaping
- **LP 7 -** Efficient and Effective Use of Land and Building
- **LP 21 -** Highway Safety and Access
- **LP 22 -** Parking
- **LP 24 -** Design
- **LP 25 -** Advertisements and Shop Fronts
- **LP 30 -** Biodiversity & Geodiversity
- **LP 48 -** Community Facilities and Services
- **LP 52 -** Protection and Improvement of Environmental Quality

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance.

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

Other Guidance Documents:
- Kirklees Highways Design Guide (2019)
- Biodiversity Net Gain Technical Advice Note (2021)

<u>Assessment</u>

1. Principle of development

The site is without notation on the Kirklees Local Plan (KLP). 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 the NPPF. In terms of extending and making alterations to a building, Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

In this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety and other matters that may arise.

1. Impact on Visual Amenity

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape.

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

The submitted plans confirm that 7 pieces of artwork would be installed within the side elevation of the 'Bargain World' building as part of the application. The 7 printed Di-bond panels would each measure 3.04m x 1.5m in size. Furthermore, the free standing murals would be mounted directly to the back of the shipping containers approved under planning application reference no. 2024/91901. The submitted plans confirm that the murals would each measure

approximately 6.1m in width, approx. 3m in height and would have a height of approx. 5.9m cumulatively with the approved containers. Although the murals and artwork would be visible from public vantage points, the proposal would enhance the appearance of the public space. Therefore, it is considered that the proposed development would be acceptable in terms of visual amenity.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of the wider street scene, complying with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

2. Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

The proposed free standing murals and artwork would not cause any additional overlooking, overbearing or overshadowing harm to the residential amenity of the neighbouring occupants, over and above the existing arrangements on site. Therefore, having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135(f) of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed development would not materially intensify the use or affect the existing highway access and parking arrangements on site. Therefore, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

4. Other Matters

<u>Climate Change</u>

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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

Biodiversity

The development is subject to the de minimis exemption and would be exempt from providing Biodiversity Net Gain. At this stage, Officers are only able to assess this on the basis of submitted information. Should the proposal be considered not exempt by reason of not being this or other relevant categories for the scale of the development then an appropriate condition, supported by a BNG metric submitted for the approval of the LPA, would be required to ensure on-site BNGs would last for at least 30 years to meet the requirements of this legislation.

There are no other matters relevant to the determination of this application.

5. Representations

No representations were received following the statutory publicity.

6. Negotiations

No amendments were sought or received during the course of the application.

7. Conclusion

This application for the installation of free standing mural(s) and 7 pictures artwork at Former Market, Blanket Hall Street has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

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: 2025/90079
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 ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP7, LP21, LP22, LP24, LP25, LP30, LP48 and LP52 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

Plan Type	**Reference**	**Revision**	**Date Received**
Location Plan	LA-501	-	30/01/2025
Proposed Elevations	LA-502	-	30/01/2025
Design Details	-	-	30/01/2025

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. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

Dated: 10/03/2025