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:	**2024/48/91116/E**
Site Address:	Crow Nest Park, Heckmondwike Road, Dewsbury Moor, Dewsbury, WF13 2SG
Description:	Removal of bandstand on Longcauseway and re-erection of bandstand at Crow Nest Park (Listed Building)
Recommending Officer:	Edward Cheseldine

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: 01-Jul-2024

Officer Report

2024/91116 - Crow Nest Park, Heckmondwike Road, Dewsbury Moor, Dewsbury, WF13 2SG

Site Description

The site area is a section of the Grade II registered Crow Nest Park. The park was formally part the gardens of Crow Nest House which was designed in the early 1890s. The park and gardens was registered as a heritage asset in 2001. The public park has retained many of its original features whilst incorporating later additional elements of design.

The site is formed of a bandstand which is present on the 1907 OS maps. It is in a central location within the park. The former iron stand was removed in the late 20th century; however the foundations were left and remain.

To the south of the Park and Garden is the Grade II listed Crow Nest House. The Gardens also include the Grade II listed Coach House to Crow Nest House, Grade II South African War Memorial and Grade II First and Second World War Memorial. The Gatepiers and Gates at Boothroyd Gate, Burgh Lane and West Town Gate are also Grade II.

Proposal Description

The proposal is for planning permission for the relocation of a bandstand from the centre of Dewsbury to the foundations of the site of the former bandstand at Crow Nest Park.

The bandstand is an octagon shape with a pointed canopy. It is formed of steel legs and balustrades. A colour scheme has not been proposed. The stand will be placed on the existing foundations, it will be ~6.00m in diameter, the canopy roof will be set ~2.40m above the base reaching a height of ~4.50m including the pointed canopy.

The application for planning permission was accompanied by a Listed Building Consent application, there is no requirement for such an application as there is no separate consent system for works to a registered park. The impact to the significance of the setting of the registered park will be a material consideration within this application for planning permission.

Amendments Negotiations

None.

Relevant Planning History

None.

Public Representations

The application was advertised by a site notice and a press advertisement.

Site Notice expiry date: 07 June 2024

Press Advertisement expiry date: 14 June 2024

As a result of the publicity, there were 2 representations. Full comments can be viewed on the Kirklees planning website. A summary of the comments follows;

- There are no associated facilities such as W/Cs, seating or refreshments areas
- There is anti-social behaviour within the park
- The bandstand should be retained in its current location
- Public money could be spent in maintaining other aspects of community infrastructure.

In terms of the location of the band stand, this will be assessed in the *Visual Amenity* section of the report. The comments will also be concluded in the *Representations* section.

Consultation Responses

KC Parks and Recreation – No comment

The Gardens Trust – No comment

Conservation & Design – Neutral impact to the setting of the grade II Crow Nest Park and Garden. No objection, subject to conditions that a paint scheme will be submitted in writing and approved by the local planning authority.

Policy & Legislation

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 within undesignated on the Kirklees Local Plan Proposals Map.

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 predates 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.

Kirklees Local Plan Policies

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Parking
- LP 22 – Highway Safety
- 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 December 2023, and 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places and beautiful places
- Chapter 14 –Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Other Material Considerations:

- Planning (Listed Buildings and Conservation Areas) Act 1990

Assessment

1) Principle of development
    a) Historic Environment
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Environmental matters
6) Representations
7) Conclusion

Principle of development:

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

In respect of the Grade II Crow Nest Park and Gardens, the bandstand will sit within an area of the park which the bandstand would be the central focus of the area. The seating area and paths are set out to observe the area of the bandstand, which is currently absent of such a feature. The foundations of the previous bandstand still exist, there will be no removal of areas of landscaping. It will provide a feature which is historically appropriate and respectful of the layout of the park and gardens.

Paragraph 205 of the NPPF states that:
"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Paragraph 207 goes on to state that:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

The bandstand is reflective of the historic park and gardens it sits within. It is contextually appropriate given there was an existing bandstand that is present on the 1907 OS map, it will have a neutral impact on the setting of the conservation area.

The application is accompanied by a Heritage Statement which meets the requirements of the NPPF in describing the significance of the heritage asset and further assessing the works required in the context of its location and heritage merit. The assessment extends to discuss the physical and visual impacts and measures taken to maximise enhancement and minimise harm.

<u>Impact on visual amenity</u>

LP 24 of the Kirklees Local Plan regards design, 'Proposals should promote good design by ensuring:

a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.

The proposal is for the removal and replacement of an existing bandstand that sits on Longcauseway, Dewsbury. Permission was originally granted for the erection of the bandstand in 2013. The area is within the boundaries of works commencing for the Dewsbury Blueprint regeneration scheme. Works to Longcauseway will provide an updated green space. The requirements of the bandstand are no longer needed due to the scheduled improvements.

The bandstand will be repositioned within Crow Nest Park and Gardens, which has retained its features from its time as private gardens for the House. It is decorated with lattice metal work sides and a metal canopy. As it sits on existing foundations, the bandstand will compliment the existing section of the site. A colour scheme has not been submitted with the application. In the event that planning permission is approved, it is recommended that a condition be attached that such a scheme is submitted and approved by the planning authority within a timeframe of 3 months. The colour scheme should be in traditional colours that respect the site's surroundings.

The bandstand reflects the features of the heritage asset and landscape, reestablishing a community feature that once stood in the garden, therefore according with Policy LP24 a of the Kirklees Local Plan.

<u>Impact on residential amenity</u>

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 monument is not a habitable space, there are no nearby noise sensitive receptors which would be impacted by the placement of a bandstand. There will be no impact to residential amenity.

Impact on Highway Safety

Policy LP 21 & LP 22 regard impact to highway safety. The bandstand will serve to compliment the existing park and gardens. It is not considered the interest of such a structure will increase the amount of traffic to the detriment of road safety.

Environmental Matters

High Risk Coal Area – The site falls on an area of high risk due to historic coal mining in the area. The Coal Authority should be consulted on coal mining risks unless the application is exempt, within which, there are exemptions for developments where building and/or ground works are minimal. The foundations are existing it is considered the works fall under such an exemption.

Representations

It has been considered whether the objections brought forward would have a material weight to the decision for planning permission.

Material weight has been considered for the location of the bandstand. The site has a previous use and it complements the historic gardens. The loss of the bandstand to Longcauseway is accepted due to the Dewsbury Blueprint improvement. Therefore the location is appropriate.

In consideration of;

- There are no associated facilities such as W/Cs, seating or refreshments areas
- There is anti-social behaviour within the park
- Public money could be spent in maintaining other aspects of community infrastructure.

These concerns are not material considerations within the planning balance related to this planning application, therefore minimal weight has been afforded to these representations.

Conclusion

This application for replacement of a bandstand at Crow Nest Park 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 its neutral impact to the setting of the designated heritage asset and the nature of the bandstand, the application is 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.

As set out above, 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**

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.

1. 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 Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

2. Notwithstanding the drawings ref: PP03, within 3 months of the erection of the bandstand, a scheme detailing the colour/paint scheme shall be submitted to the local planning authority in writing. The approved scheme shall be implemented and retained thereafter.
   Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP24 & LP35 of the Kirklees Local Plan, as well as Chapter 12 & 16 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan – Bandstand existing	PP-01	-	18 April 2024
Location plan – Bandstand proposed	PP-02	-	18 April 2024
Bandstand layout plan	PP-03	-	18 April 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 has, 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.