

**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: **2024/48/91223/E**

Site Address: The Walsh Building, Town Hall Way, Dewsbury, WF12
8EE

Description: Erection of boundary fence

Recommending Officer: Elenya Jackson

DECISION – CONDITIONAL FULL 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.

Emma Thompson

AUTHORISED OFFICER

Date: 31-Jul-2024

OFFICER REPORT

Site Description

The Walsh Building, Town Hall Way, Dewsbury, WF12 8EE is a large single storey detached building located in the centre of Dewsbury. The site is located to the south of the Town Hall and west of Rishworth Way. The site has previously been for a customer service centre associated with Kirklees Metropolitan Council.

The main vehicular access is from the Northeastern boundary of the site from Town Hall Way, which enters onto a small amount of vehicular parking. The main pedestrian access is along the northeastern boundary.

The site is abutted by Dewsbury Town Hall which is a listed building.

Description of Proposal

The applicant is seeking permission for a 2.1m high decorative fencing along the west of the site (9m), decorative fencing long existing wall (21m) a new drop down barrier along the north of the site with vehicular hoop barriers and alterations to the existing paving around the site to reduce paving around tree stumps.

Details of the appearance of the fencing have been provided in the design and access statement.

Relevant Planning History

N/A

History of negotiations

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration.

No further amendments required by the Local Planning Authority. Amended plans were received during the course of the application.

Representations

The application was advertised by site notice, a press notice and the council website as there are no immediately adjoining neighbour. These expired on 4/07/2024.

Amended plans were received during the application; however, a re consultation was not undertaken as the alterations did not change the principle of the application.

No comments received.

Consultation Responses

KC Conservation and Design: No objections subject to conditions regarding fencing appearance.

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 located within Dewsbury Town Centre.

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** – Highways & access
- **LP 24** - Design
- **LP 30** – Biodiversity
- **LP35**- Historic Environment
- **LP 61** – Urban green space

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 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 7 – Ensuring the vitality of town centres
- Chapter 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 13- Conserving and enhancing the historic environment

Assessment

Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates that proposals that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability.

These considerations, along with others, are addressed in the following sections in this report.

The site is within Dewsbury Town Centre.

Due to the proposal being for fencing around an existing structure, in a built up area of Dewsbury and being limited in perimeter, with no impact on the function of the town centre, the principle of development is considered acceptable.

The proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

The principle of development is considered acceptable subject to the satisfactory taking into account of material considerations.

Impact on visual amenity:

Policy LP24 'a) the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'

and 'e) the risk of crime is minimised by enhanced security' are relevant. Policies within Chapter 12 of the NPPF highlights similar themes.

As previously highlighted, the site is not located within a Conservation Area; however, it is in reasonably close proximity to Dewsbury Town Hall which is a Listed Building. As such, LP35 of the Kirklees Local Plan is considered relevant in this instance.

Paragraph 201 of the NPPF advises that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 203 of the NPPF goes on to state 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.

KC Conservation and Design have informally been consulted on this application and have not raised any objections subject to conditions relating to details of the fencing being the same as submitted.

The alterations to the site would not be significantly different to the existing layout of the site and it is therefore considered that no significant issues would arise regarding visual amenity.

Having taken the above into account, the proposals would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and the aims of Chapters 12 and 16 of the National Planning Policy Framework.

Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, 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 fencing and gate installation would represent operational development attendant to an existing use and would not introduce any amenity impacts beyond this use. The fencing would be permeable and sited around an established site boundary; and therefore will not introduce overshadowing or loss of privacy to any neighbouring residential property.

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.

Impact on highway safety:

The proposed gate and fence would not obscure the highway nor would it affect parking. The proposed development, therefore, is considered to be acceptable in terms of highway safety and parking and consistent with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

Other matters:

Biodiversity

The proposal is a minor fence within a town centre, would have a permeable design ensuring that wildlife are still able to go through it with no significant impacts on biodiversity.

Mature trees

The fencing proposed does not require the removal of any of the trees, this has been confirmed within the design and access statement any pruning required will be managed through the installation without detriment to the trees within the site. Therefore the proposals are considered to comply with LP33 of the KLP.

Carbon Budget

The proposal is a small scale development to an existing building. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

Representations:

None

Negotiations:

None

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Conclusion:

This application to erect a fence at The Walsh building, Dewsbury 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 proposals are considered to be 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

Decision Authorisation - Delegated Powers

Application Number: 2024/91223

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 so as 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.

3. Notwithstanding the submitted plans and information, the proposed railings shall be 'Manor Ball Top' in design. The development shall be completed in accordance with the approved details and thereafter retained.

Reason: To ensure the proposed development does not cause any harm to the setting of a listed building and to ensure the satisfactory appearance of the development in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 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: 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	Web ID	Date Received
Location plan	A01		30/05/2024
Existing site plan	A02 REV:A		11/06/2024
Existing Elevations	A03 REV:A		11/06/2024
Proposed site plan	A04 Rev:A		11/06/2024
Proposed plans	A05 Rev:A		11/06/2024
Design & access statement	-		30/05/2024

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.

Revised plans were submitted and considered acceptable.

Report Dated

19/07/2024
