

**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:	<b>2024/62/92393/W</b>
Site Address:	Kirklees College, Waterfront Quarter, Manchester Road, Huddersfield, HD1 3LD
Description:	Erection of 2.4m Palisade fence to boundary of Manchester Road and access road to College
Recommending Officer:	Joanna Rednall

**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:** 11-NOV-2024

## **The Site**

The application site is located south west of Huddersfield Town Centre and relates to Kirklees College. The site is adjacent to Manchester Road and is suited northwest of the main College and relates to a car park. To the south of the site is the Huddersfield Narrow Canal.

The site is unallocated on the Kirklees Local Plan.

## **The Proposal**

The application is seeking planning permission for erection of 2.4m Palisade fence to boundary of Manchester Road and access road to College.

The fence would span along the boundary with Manchester Road with the panels each being a total width of 2.75 meters and height of 2.4 metres.

It is proposed that the fence would be of green finish and would not be attached to a building and would be set along the boundary with Manchester Road and to the vehicular access point where bi-folding speed gates are proposed.

## **Planning History**

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

## **History of Negotiations**

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

## **Publicity & Representations**

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired: 8<sup>th</sup> November 2024

No representations were received as a result of the publicity.

## **Consultations**

KC Highways Development Management – no comments received within statutory period.

## **Allocation & Policies**

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).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

### **Kirklees Local Plan (LP)**

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity
- LP53 Contaminated and unstable land

### **National Policies and Guidance**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> December 2023, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 2 – Achieving sustainable development

- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

### Supplementary Planning Guidance

Kirklees Highway Design Guide (November 2019)

### Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### **Assessment**

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area
3. Impact upon residential amenity
4. Impact upon highway safety
5. Other matters
6. Representations
7. Conclusion

#### **1 – Principle of development:**

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

*The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*

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”.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

## **2 – Impact on character and appearance of the area**

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.”*

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 states that 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...” and “c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

The key consideration for the development is its impact on the character and appearance of the street scene and the wider local area. The proposed fence would be of green finish along the north and north west boundary and join to the proposed access gate. The colour finish is considered to have an acceptable impact upon visual amenity and would appear a sympathetic addition to the existing trees and shrubbery along the boundary. The fence would be situated alongside Manchester Road, an adopted A Road. Due to the limited area the fence would cover, it would have a limited impact on the appearance of the street scene and would not detract from the appearance of neighbouring buildings / the wider locality.

The proposal is therefore regarded as acceptable in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP24 of the Kirklees Local Plan and chapter 12 of the NPPF.

### **3 – Impact on residential amenity:**

Section B and C of LP24 states that alterations to existing buildings should:

*“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”*

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

There are residential properties opposite Kirklees College (48 – 22 Manchester Road), however given the separation distance of the propose development (a minimum of approximately 18 metres) and the street scene in turn, the fence is considered to have an acceptable impact upon residential amenity with no undue overshadowing/ overlooking/ loss of privacy impacts.

It is therefore considered that in terms of residential amenity, the proposal would comply with Policy LP24 of the Kirklees Local Plan and advice contained within Chapter 12 of the National Planning Policy Framework.

### **4 – Impact on highway safety:**

Policies LP21 and LP22 of the Kirklees Local Plan, The Council’s adopted Highway Design Guide and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application.

The proposed development would not adversely affect the existing parking spaces within the site, and it is considered that the palisade fence would not detrimentally impact on sightlines in the local area. The fencing is set well back from the roadside and will not be close boarded, resulting in no harm to the highway.

The proposal would therefore would not cause additional harm to highway safety and comply with principles LP21 and LP22 of the Kirklees Local Plan and guidance found within Kirklees Highway Design Guide.

## **5 – Other matters:**

### *Ecology*

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

### *Climate Change*

On 12<sup>th</sup> 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency.

### *Impact upon land stability*

The application site partially falls within an area at High risk of ground movement as a result of past mining activities as determined by the Coal Authority. Whilst falling within a high risk area the Coal Authority identify the development type as that which does not need submission of a Coal Mining

Risk Assessment. In this case the fact the proposal would require minimal ground disturbance works. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with policy LP53 and Chapter 15 of the National Planning Policy Framework.

## **6 – Representations:**

None 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: 2024/92393**

**Officer Recommendation: Approve**

**Conditions**

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 (as amended).

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 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. The fence hereby approved shall be of a green colour finish which shall be thereafter retained.

**Reason:** In the interests of visual amenity to accord with policy LP24 of the Kirklees Local Plan and policies contained within chapter 12 of the National Planning Policy Framework.

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Fence location plan	3070-EWA-01-ZZ-DR-A-10409	P1	06/09/2024
Application form	-	-	27/08/2024

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 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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

**Report Dated:**

11/11/2024

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