

**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>2025/62/93130/E</b>
Site Address:	opp, 10, Foundry Street, Dewsbury, WF13 1QQ
Description:	Installation of 1 black digital communications kiosk with defibrillator (within a Conservation Area)
Recommending Officer:	Jennifer Booth

**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:** 9-Jan-2026

## **OFFICER REPORT**

### **Site Description**

The site is a small area of the pavement on Foundry Street opposite no. 10. The location is in the town centre on a pedestrianised road.

The site is within the Dewsbury Town Centre Conservation Area

### **Description of Proposal**

The proposal is for the installation of 1 black digital communications kiosk with defibrillator with an advertising panel.

### **Relevant Planning History**

None

### **Representations**

The application was advertised by site notice, which expired on 15/12/2025

As a result of the above publicity, no representations have been received.

### **Consultation Responses**

None

### **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 27<sup>th</sup> February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

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 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
- LP 24 - Design
- LP35 - Heritage

## 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 2024, and the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving & enhancing the Historic Environment

## Assessment

### 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 development in the public realm Policy 24 of the Kirklees Local Plan and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

In this instance, the property is located within the Dewsbury Town Conservation Area which is a busy commercial and shopping town centre with a large proportion of Victorian buildings including Market Hall, shopping arcades, railway station, an impressive warehouse quarter and civic cultural buildings. Stone built and some original shop fronts remain. As such, consideration is to be given to the current proposals in terms of the relationship formed between the proposals and the Conservation Area with regards to policy PLP35 of the Kirklees Local Plan and chapter 16 of the National Planning Policy Framework.

### Impact on visual amenity and historic environment

The application site is located within Dewsbury Town Centre Conservation Area. Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Paragraph 212 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

At paragraphs 214 – 216 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this context, preservation means not harming the interest of the building itself, or the wider conservation area within which it is set.

The land subject to this application is located within a prominent position within the Dewsbury Town Centre Conservation Area, meaning that any development has the potential to affect its setting.

The proposed Kiosk would have a modest physical presence within the street scene and is limited in overall scale. The inclusion of an advertising panel is restrained, with its size proportionate to the unit and not unduly prominent within the wider streetscape. Foundry Street contains a limited range of existing street furniture and infrastructure typical of a town centre environment; however, it is not so cluttered as to result in visual harm. In this context, the proposal would integrate acceptably with its surroundings and would not appear visually dominant or intrusive. On balance, it is considered that the development would not have an unacceptable impact on visual amenity. However, it should be noted that any further introductions of such types of development may lead to harm and would have to be considered in the context should planning permission be approved.

Having taken the above into account, the proposals would not cause any significant harm to the visual amenity of 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 chapter 12 of the National Planning Policy Framework.

### *Public Benefits*

Paragraph 215 of the NPPF states that where less than substantial harm is identified, it must be weighed against public benefits.

The applicant has identified a number of potential public benefits associated with the proposal, including: a public telephone system, a portrait-format interactive touchscreen providing wayfinding and public information, equipment for public Wi-Fi and/or small-cell mobile connectivity, an integrated defibrillator, and a digital display for advertising and public messaging. These benefits are considered limited in weight however due to the limited harm to the Dewsbury Town Centre Conservation Area by the introduction of one communications kiosk, it is considered that they are not required. However, it must be noted that any further proliferation of such development would have to be read in the context of this planning application and may constitute substantial harm to the heritage asset.

### 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.

There are no residential properties which could be affected by the proposed kiosk.

Having considered the above factors, the proposals are considered to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

### Impact on highway safety

Foundry Street is a pedestrianised road within Dewsbury Town Centre. Accordingly, the proposal is not expected to result in any adverse impacts on highway safety and is considered to comply with Policy LP21 of the Kirklees Local Plan.

### Other matters

#### *Carbon Budget*

The proposal is a small scale development. 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 install a digital communications kiosk with defibrillator opposite 10 Foundry 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 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: 2025/93130**

**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.

**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	ref 001A-Pav Opp	1113811	11/11/2025
Site Plan	001B-Pav Opp	1113803	11/11/2025

Plan Type	Reference	Web ID	Date Received
Proposed Elevational plans	005C-NWP- PROPOSED- ELEVATIONS 002B	1113876	11/11/2025
Planning Statement	-	1113802	11/11/2025
Management Plan	-	1113812	11/11/2025
Overview and Specification	-	1113911	11/11/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application.

As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated

23/12/2025

