

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

**Planning (Listed Buildings and Conservation Areas) Act 1990 (as
amended) – SECTION 16**

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR LISTED
BUILDING CONSENT**

Reference No: 2019/65/91102/W

Site Address: 202, Blacker Road, Edgerton, Huddersfield, HD2 2AA

Description: Listed Building Consent for alterations to boundary wall (within a Conservation Area)

Recommending Officer: Craig McHugh

DECISION – GRANT LISTED BUILDING CONSENT

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.

Nigel Hunston

AUTHORISED OFFICER

Date: 04-Jul-2019

Officer Report

Site Description

202 Blacker Road, is a grade II listed building. It is a Gothic-styled lodge house associated with the grade II listed villa 'Ellerslie', which is located approximately 75 metres to the north west. The lodge's front boundary is formed by two walls. The first a 1.6 metre high wall constructed of coursed hammer dressed stone with chamfered copings is to the south of a pedestrian gate. The second to the north of the gate is a 0.6 metre high dwarf wall with coping stones with chamfered edges. The gate has stone piers with chamfered tops. Originally the dwarf wall had iron railings fitted directly into the copings.

The 1.6 metre wall continues south to form the front boundary to 6 and 6A Edgerton Road, alterations to which form a separate application 2019/91103. Historic maps show that the alignment of the boundary wall was changed between 1907 and 1922. Originally the boundary walls met at a right angled corner at the Edgerton Road and Blacker Road junction but this was later changed to a radius corner. The site is located within the Edgerton Conservation Area.

Edgerton Road was constructed in 1824 and formed part of the Halifax and Huddersfield Turnpike (Ainley Branch), and was thus a privately funded road with shareholders. Since that time it has been a major thoroughfare connecting the two towns and allowed the land either side to be developed for housing. Tolls were collected at a toll bar immediately to the east of Blacker Lane until 1867 when the Huddersfield Corporation acquired the route. A steam tram service from Huddersfield to Edgerton Bryan Road was one of the first to be opened in the town in 1884. The route was electrified 1900-1902, then served by trolleybuses between 1937 and 1961. Blacker Lane and Blacker Lane Wood (a remnant of which is in the grounds of 6 Edgerton Road), pre-date Edgerton Road. Edgerton Road forms part of the A629. Blacker Road is a busy road connecting Edgerton with Birkby.

Description of Proposal

It is proposed to demolish and rebuild most of the 1.6 metre boundary wall to 202 Blacker Road to facilitate improvements to the Blacker Road junction, including creating a 3 metre wide opening to create an access for off-road parking. New double gates and gate piers are to be erected to match the existing pedestrian gate.

The proposed works are part of a much wider series of highway works on the A629 between Junction 24 of the M62 and Huddersfield Town Centre, to deliver traffic capacity improvements at four locations along the route:

- 1) Blacker Road / Edgerton Grove Road / New North Road / Edgerton Road Junction (Blacker Road Junction) – road widening northbound and westbound to which this application relates.

2) East Street / Birkby Road / Halifax Road Junction (Cavalry Arms Junction) - Re-align east-west approach lanes.

3) Cavalry Arms to Birchencliffe Hill Road - Remove parking from both sides of road to enable free-flow of traffic and enable footways to be used safely. Cars currently park on both sides of the road, blocking footways and preventing free-flow of traffic.

4) Yew Tree Road to Ainley Top - Extend southern approach lanes and create new left slip onto roundabout.

History of negotiations/amendments received

Further information was requested and provided on the business case for the A629 Highway Works. The relative merits of rebuilding the wall in lime or concrete were discussed and the detailed drawings amended accordingly.

Relevant Planning History

2005/90370 - ERECTION OF KITCHEN EXTENSION – WITHDRAWN – included drive

2005/90372 - LISTED BUILDING CONSENT FOR DEMOLITION OF LEAN-TO KITCHEN AND PART OF BOUNDARY WALL AND OUTBUILDING AND ERECTION OF KITCHEN EXTENSION. FORMATION OF OFF-ROAD PARKING AREA – WITHDRAWN – included drive

2005/92224 - ERECTION OF KITCHEN EXTENSION - CONDITIONAL FULL PERMISSION – lean to extension no drive

2005/92225 - LISTED BUILDING CONSENT FOR DEMOLITION OF LEAN-TO KITCHEN AND OUTBUILDING AND ERECTION OF KITCHEN EXTENSION – CONSENT GRANTED – Lean to extension to rear no drive

2005/92226 - ERECTION OF KITCHEN EXTENSION - CONDITIONAL FULL PERMISSION - larger extension no drive

2005/92227 - LISTED BUILDING CONSENT FOR DEMOLITION OF LEAN-TO KITCHEN AND OUTBUILDING AND ERECTION OF KITCHEN EXTENSION – CONSENT GRANTED – larger extension no drive

2005/93758 - DEMOLITION OF PORCH AND ERECTION OF KITCHEN EXTENSION – CONSENT GRANTED

Consultation Responses

Officer report has been compiled by the Conservation and Design Officer. The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

In accordance with paragraph 4 of the Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015 the National Amenity Societies were consulted on the basis that nearly 50% of the boundary wall to 202 Blacker Road is to be demolished and partly rebuilt in a different location. This was considered to be works for the alteration of a listed building which comprise or include the demolition of any part of that building. The Victorian Society provided a no comment response.

The applicant's Heritage Statement considered that an archaeological watching brief may be required for the works. West Yorkshire Archaeological Advisory Service were consulted and they advised that there are no apparent significant archaeological implications to the above proposed development.

Public/Members Response

The application has been publicised with a site notice and a press notice. No representations have been received.

Date site notice expired: 06/05/2019

Publicity expiry date: 13/05/2019

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).

Local Plan

- LP35 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 February 2019, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 16 (Conserving and Enhancing the Historic Environment)

Access considerations

None

Assessment

Significance of the affected heritage assets.

Paragraph 189 of the NPPF requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting, consult the historic environment record, use appropriate expertise where necessary and where there is known or potential archaeological interest, submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The applicant has provided a heritage statement, which fulfils the tests set out in Paragraph 189. It includes a desk-based assessment of the archaeological interest of the development site, which concludes that there is a low potential for discovery of archaeological remains and that any findings are likely to be from the post-medieval to modern periods (AD1540 – AD2000).

Paragraph 190 of the NPPF requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on a heritage asset.

The proposed development affects the boundary wall to 202 Blacker Road, which is part of a grade II listed building and the setting of both 202 Blacker Road and Ellerslie. The listed building is a good example of a mid-19th century lodge house in a Gothic style. Ellerslie and its associated lodge attest to the wealth and architectural tastes of Huddersfield's middle classes in the mid-19th century and make a positive contribution to the character of the Edgerton Conservation Area. They are an accomplished design in the Gothic style attributed to John Kirk. Kirk began his career as a joiner, then became a builder and finally an architect. Three of his sons joined his practice, they were responsible for many works in Kirklees especially public buildings. The boundary wall contributes to the architectural interest of the listed buildings and their settings. Prior to the construction of 202 Blacker Road, the land on which the boundary wall stands was part of the grounds of Nos. 6 and 6A Edgerton Road and before that woodland, the site's archaeological potential is therefore low.

Impact of the proposed alterations

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority 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.

Policy LP 35 of the 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

Paragraph 190 of the NPPF requires that the Local Planning Authority avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

The proposed development would result in the re-alignment of part of the boundary wall to 202 Blacker Road and the loss of part of the wall to create an opening to allow for off-road parking, these alterations would cause harm to the listed building. Edgerton Road has since its construction in 1824 formed part of the main road from Huddersfield to Halifax and as such has undergone numerous changes associated with that function in order to accommodate the transportation needs of each generation. The proposed works are a consequence of that continued use as a major transport route but have been designed to minimise their impact on the historic environment.

The walls will be reconstructed to match the existing height, appearance and details. They will however be constructed in a manner to meet highway safety standards. For strength they will have concrete foundations, a core of concrete infill and be bedded on cement mortar, with steel wall ties. One expansion joint will be required where the boundary wall meets that of 6 and 6A Edgerton Road. To minimise the impact on the architectural interest of the listed building, the expansion joint will be located behind a new lighting column and the wall will be pointed with lime mortar with a buff colour. This will also aid evaporation of moisture in the stonework to ensure its long term conservation. The new gates and gate piers will match the materials and details of the existing pedestrian gate.

The impact of the proposed development on buried archaeology is considered to be low and therefore an archaeological watching brief is not warranted.

As the application is for Listed Building Consent, the impact of the proposal on the character and appearance of the Edgerton Conservation Area is not a material consideration, however these impacts are similar in nature to those on the listed building.

Paragraph 193 of the NPPF requires 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.

Taken together, the impacts of the proposed development would cause a moderate level of harm, especially due to the loss of part of the wall to form off-road parking. However, this harm would still be less than substantial harm to the affected heritage assets.

Justification

Paragraph 194 of the NPPF requires that the Local Planning Authority should require clear and convincing justification for any harm.

The proposed development, forms a part of the wider A629 Halifax Road scheme, the applicant has set out that the harm is necessary to deliver numerous public benefits summarised below:

- Improve accessibility between Huddersfield and Halifax and to the M62 by reducing congestion and improving journey times and reliability between the ring road and Ainley Top roundabout by at least 1 minute for all road users in both directions by 2022 and support delivery of the Lindley Moor West and East Enterprise Zones. Without the proposed scheme, the delays and congestion will worsen over time and inhibit growth and accessibility within and between Huddersfield and Halifax and to the wider area of west Yorkshire.
- Job retention and growth in the wider area with the creation of 189 indirect jobs by 2030.
- Support housing growth in Lindley area and west Huddersfield generally (1230 homes) and enable the delivery of up to 780 dwellings within the vicinity of the corridor by 2030.
- Improve air quality for local residents by contributing to a reduction of NO_x levels by 10µg/m³ and a target PM 2.5 particulates to 7µg/m³. Two locations along the corridor (Edgerton and Ainley Top) have recently been declared Air Quality Management Action Areas due to exceedance of nitrogen dioxide Objectives.
- Contribute to Improved Gross Value Added across West Yorkshire. An increase of £10.9m by 2030 is estimated for this project alone.

Changes to the method of construction of the wall are necessary in the interests of highway safety.

The off-road parking is proposed as on street parking is to be removed in the vicinity of 202 Blacker Road.

The level of justification is considered clear and convincing for the level of harm caused.

Weighing of harm against public benefits

Paragraph 196 of the NPPF requires 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.

The moderate level of harm to affected heritage assets would be outweighed by the significant public benefits of the A629 Halifax Road scheme as set out above.

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 – GRANT CONSENT

Decision Authorisation - Delegated Powers

Application Number: 2019/91102

Officer Recommendation: GRANT CONSENT

Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which consent is granted.

Reason: Pursuant to Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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, in the interests of the significance of the heritage asset and to accord within the National Planning Policy Framework.

3. No building works to reconstruct the boundary wall shall take place until a sample of replacement walling stone has been submitted for inspection and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved stone sample thereafter.

Reason: So as to ensure the satisfactory appearance of the development on completion, in the interests of the significance of the heritage asset and to accord within the National Planning Policy Framework.

4. No pointing works shall take place until a lime-sand mortar mix together with its sand/aggregate specification has been submitted to and approved in writing by the Local Planning Authority. A 1 sq. metre sample shall be submitted for inspection and approval in writing by the Local Planning Authority before pointing is commenced. The works shall be carried out in accordance with the approved mortar mix thereafter.

Reason: So as to ensure the satisfactory appearance of the development on completion, in the interests of the significance of the heritage asset and to accord within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			02/04/2019
Plans, Elevations and Sections	TF5/WP7/1/BR/AW-1E		02/04/2019
Blacker Road Junction General Arrangement	TF5/WP7/1/BR/GA-2A		02/04/2019
Design and Access Statement			03/07/2019

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. The case officer undertook negotiations with the applicant to secure amended construction details and further justification for the works.

Report Dated:

04/07/2019