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:	2021/65/91475/W
Site Address:	Flat A, 10, Thornhill Road, Edgerton, Huddersfield, HD3 3AU
Description:	Listed Building Consent for installation of replacement tanking system to basement (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.

Nick Grimshaw

AUTHORISED OFFICER

Date: 27-Apr-2021

Officer Report

Site Description

Flat A 10 Thornhill Road forms part of the grade II listed building Nos. 10 and 12 Thornhill Road. The property is two storeys with basements and attics. Flat A is on the north side of the building, accommodation is split between the ground floor and basement. Historically the property was a semi-detached pair of villas known as Burbank and Fernleigh. It is now divided into three residential units. It dates from the mid-19th century and is constructed of rock faced natural stone with ashlar dressings. It has a pitched slate roof with coped gables and stone brackets to the eaves.

The property is set back from Thornhill Road and has generous gardens to the front and sides. There are smaller gardens to the rear.

The listed building is located within the Edgerton Conservation Area.

Description of Proposal

Listed Building Consent for installation of replacement tanking system to basement (within a Conservation Area)

History of negotiations/amendments received

The use of a perimeter drain and pump was clarified with the agent.

Relevant Planning History

2005/94995 - LISTED BUILDING CONSENT FOR ALTERATIONS TO BASEMENT TO FORM BEDROOM AND SHOWER ROOM (WITHIN A CONSERVATION AREA) – CONSENT GRANTED

Of particular relevance to this application are conditions 5,6 and 7 of listed building consent 2005/94995:

> 5. All areas to be plastered shall be plastered in a lime plaster.
> 6. This consent does not relate to the removal of the stone flagged floors as shown on the submitted plans.
> 7. This consent does not relate to dry lining of the walls at basement level

The reasons for the conditions were:

> 5. To ensure that the proposed works are in keeping with the character and appearance of the listed building and to accord with Policy BE5 of the Unitary Development Plan.
> 6. Removal of these would be detrimental to the character and appearance of the listed building/BE5

7. This would be detrimental to the character and appearance of the listed building/BE5

Policy BE5 (replaced by Local Plan Policy LP35) read:

BE5 PROPOSALS FOR NEW DEVELOPMENT WITHIN CONSERVATION AREAS, INCLUDING EXTENSIONS OR CHANGES OF USE TO EXISTING BUILDINGS, SHOULD RESPECT THE ARCHITECTURAL QUALITIES OF SURROUNDING BUILDINGS AND THEIR MATERIALS OF CONSTRUCTION, AND CONTRIBUTE TO THE PRESERVATION OR ENHANCEMENT OF THE CHARACTER OR APPEARANCE OF THE AREA.

Consultation Responses

Officer report has been compiled by the Conservation and Design Officer.

Public/Members Response

In accordance with The Planning (Listed Buildings and Conservation Areas) Regulations 1990 section 5(3) there is no requirement to advertise the application as the works affect only the interior of the listed building and it is listed grade II.

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.

Climate Change Emergency

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 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.

The existing tanking had failed resulting in a damp internal environment within the basement rooms that had to be managed with dehumidifiers adding to the operational energy usage of the listed building. The works will create a drier indoor environment capable of being managed through the existing central heating system.

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 does no fulfil all the tests set out in Paragraph 189. The West Yorkshire HER has not been consulted by the applicant, but the case officer established it holds no further information. There are no archaeological implications from the proposed development.

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.

Nos. 10 & 12 Thornhill Road are grade II listed. It is a fine example of a Victorian villa in a gothic style. It illustrates the wealth and architectural tastes of the Huddersfield's affluent middle classes in the mid-19th century. It makes

a positive contribution to the character and appearance of the Edgerton Conservation Area.

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 affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset.

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.

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 works are for the installation of a replacement tanking system to the basement. This will comprise the following work:

Floors

- excavation to the earth within the basement walls to a depth not exceeding the current house footings which are 250mm below existing basement finished floor level
- installation of a thin layer of levelled and compacted hardcore
- installation of an asphalt layer
- installation of platon membrane system complete with perimeter drain and pump
- installation of Kingspan closed cell insulation
- Reinstatement of original York stone flags that have been numbered and set aside bedded on a sand/cement screed.

Walls

- Replace existing membrane with new platon mesh membrane
- Replace dry lining and plaster
- Replace joinery to match existing
- Redecorate
- Walls

Consent was previously granted (2005/94995) for conversion of the basement to a bedroom and shower room. This included the removal of the stone

salting table to the proposed bedroom. It was conditioned that the stone flag floor should be retained, that the walls should be lime plastered and that the walls should not be drylined.

Previous owners have disregarded the conditions and drylined the walls and lifted the stone flags and drylined the floors.

The way in which the building was designed to perform will change as a result of the works when measured against the consented position. The original vapour permeable construction of stone flag floors and lime plaster over masonry walls will be replaced with a tanked system. The risk of damp remaining hidden behind the tanking or rising to the ground floor has been mitigated in the design of the proposed works by the inclusion of drainage channel and pump. The stone flags to the floor are or particular architectural interest and shall be retained and relayed as part of the proposed works. This will not cause harm to the listed building. The works to dryline the walls will cause slight harm to the listed building, when measured against the consented position. Lime plastered walls will be replaced with uniformly flat and smooth drylined walls.

Justification

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

In December 2020 an escape of water from the drains caused the existing tanking to fail resulting in a flood within the basement rooms. As the basement is below ground the use of a tanking system is necessary, vapour permeable construction would not be compatible with the use of the basement as a habitable space. Consent has been granted for the basement conversion and the space has formed part of Flat 10A for approximately 15 years. If implemented as conditioned, consent 2005/94995 would have resulted in the creation of an uninhabitable space. Notwithstanding the fact that unauthorised works have previously been undertaken, it is necessary to resolve the current situation. The basement is currently uninhabitable following the flood and the occupier's insurer is seeking to put right the flood damage. This is considered clear and convincing justification for the slight 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 proposed works taken as a whole will cause slight harm to the significance of the listed building, that harm would be balanced by the public benefit of ensuring the existing dwelling remains habitable and operational energy use is reduced.

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: 2021/91475

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 The stone flags must be carefully lifted from the floor, inspected for defects and set aside for reuse. The balance to replace those unsuitable for relaying are to be made up with second-hand salvaged stone flags to precisely match the existing.
Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	TQRQM21110142750515		20/04/2021
Heritage Statement			09/04/2021
Design and Access Statement			09/04/2021
Existing Floor Plans			09/04/2021
Block Plan	QRQM21097135048364		09/04/2021

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.

Report Dated: 27/04/2021

Development within a Coal Mining Area

DEVELOPMENT LOW RISK AREA – STANDING ADVICE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority