

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:	2021/65/93688/W
Site Address:	75, New North Road, Edgerton, Huddersfield, HD1 5ND
Description:	Listed Building Consent for internal and external alterations, installation of rear disabled access ramp (within a Conservation Area)
Recommending Officer:	John Holmes

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.

Stuart Howden

AUTHORISED OFFICER

Date: 28-Jun-2022

Site Description

The application site is located on New North Road which is a main route between Huddersfield Town Centre and the M62 (Junction 24). The site is approximately 350 metres from the identified town centre boundary of Huddersfield.

The site relates to a listed building which is large Grade II listed detached villa situated within the Greenhead Park / New North Road Conservation Area. The property is one of many listed villas along the same street which form a significant group of high-status mid-19th Century dwellings.

The property is located in a predominantly residential area with dwellings being the use of buildings to the immediate north west and south east. Opposite the site to the east is a public right of way. Further afield and opposite the site are buildings which are in use for commercial purposes and which appear to have previously been in residential use.

The most recent use for the building subject of this application is for child day care and prior to that it was used as offices.

THE PROPOSAL

The applicant is seeking Listed Building Consent for internal and external alterations, installation of rear disabled access ramp.

The development is being considered retrospectively with much of the work and the change of use of the building undertaken already.

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application:

- Heritage Statement (dated July 2021)
- Planning Statement (dated September 2021)

During the course of the assessment of the application, the following additional/amended plans/information was submitted for consideration:

- Drawings 001revF, 002revD, 003revD, 004revD, 005revD and 006revA

HISTORY OF NEGOTIATIONS / AMENDMENTS RECEIVED

During the course of the processing of the application, a number of further details / information have been requested and provided. In response to concerns raised by the Conservation Team amended plans were submitted

which reduced the extent of alterations to the listed building and amended the bin / cycle storage arrangements.

The scheme was not significantly altered from that as advertised to the public and as such it was not considered necessary to require further advertisement of the application to be undertaken in this case and the scheme as advertised was considered to adequately alert the public to the nature of the development. However, the National Amenity Society were re-consulted given that they initially objected to the application.

PLANNING HISTORY

The planning history relates to the following planning applications

2002/93968 – Change of use of offices to nursery – Conditional full permission granted 23rd January 2003.

2003/91582 – Listed building consent for internal alterations to form nursery – Consent Granted 15th May 2003.

2004/95742 – Listed building consent for erection of railings to boundary wall, damp proof course to basement, installation of fire doors and exits and alterations – Consent Refused 7th March 2005.

2021/93739 – Tree notification / works to trees – Granted 8th November 2021.

2021/93687 – Undetermined application seeking planning permission for the same development the subject of this application.

In addition to the above there have been two withdrawn applications submitted in 2002 seeking consent to change the property to a House in Multiple Occupation (HMO).

The planning history sets out the lawful use of the building which can be undertaken (childcare) which is taken into account within the 'Assessment' section of this report.

REPRESENTATIONS

The application has been publicised as affecting the setting of a Listed Building / Conservation Area by site notices, newspaper advertisement and on the Council's website in accordance with the Council's Development Management Charter (July 2015).

Letters of Objection

Two letters of objection have been submitted, raising the following concerns:-

- The development seeks changes away from the residential use when the intention is to return the building back to residential.
- There is congestion and disturbance resulting from the development
- Existing problems with traffic and congestion will be exacerbated by the development.
- Parking close to existing residential properties would become more difficult for local residents
- 12m road widening scheme is just 300m from the site
- There is insufficient parking capacity within the site
- Worsening air quality impact from traffic would occur
- The estimated numbers of people attending is likely to be higher than anticipated
- Works to the listed building would erode its character and not be reinstated in the future
- Many UPVC windows have been installed in the locality without planning permission
- The alterations to the building would be detrimental to the listed buildings character and should not be permitted
- Schools are contrary to other legislation
- There are anti social behaviour problems in the locality
- The locality is Highfield not Edgerton
- Hours of use would lead to noise and disturbance
- The development would see 120 – 138 people on site at any time, much higher than the 40 people per day permitted to attend the nursery
- Flashing lights within the building are used, out of character with the locality
- No reference to signage / lighting within the building
- The development adversely affects the character of the building and its special architectural / historic interest
- No justification the property cannot retain all current features

Letters of Support

None

Letters of Comment

None

CONSULTATIONS

The following consultations have been undertaken for this application with the summarised responses listed below.

Conservation Officer (WMDC) – No objection, subject to conditions

Historic England – Confirms they have no comment to make and refer to Conservation Team

National Amenities Society – Did not support the scheme as initially proposed, but have not provided comment to the amended scheme following further consultation.

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

ALLOCATION AND POLICIES

The site is within the Conservation Area as indicated within the Kirklees Local Plan (adopted 2019). The building the subject of this application is a Grade II listed building (ref: - HUD 27/1011).

The following legislation, policy and guidance is considered relevant to the determination of this application: -

Kirklees Local Plan

- LP24 – Design
- 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 20th July 2021, 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 16: Conserving and enhancing the historic environment

Legislation

The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

ASSESSMENT

The application site contains a listed building and is within a Conservation Area, permission is being sought for alterations to the listed building

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*

The building is Grade II listed and therefore Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic importance which it possesses'.

In addition, Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework are relevant.

Policy LP35 states that: *"development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm."*

With regard to Chapter 16 of the NPPF, this chapter initially sets out that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 194 of the NPPF details that applicants must describe the significance of any heritage assets affected, including any contribution made by their setting and that the LPA should identify and assess the particular significance of any heritage asset that may be affected by a proposal.

Paragraph 200 of the NPPF details that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In the event of such harm being considered substantial the justification would need to be exception / wholly exceptional if such harm relates to Grade II listed buildings or buildings, parks monuments, battlefields world heritage sites with a higher degree of protection.

As part of this application a Statement of Heritage Significance and Assessment of Impact has been submitted. This assessment sets out the location of the site and applicable policies in determining the proposal. A description of the exterior / interior of the building and the setting of the site is provided as well as details of the historic development of the site. The historic assessment details that the land was undeveloped in the 1854 OS map, although by 1857 the property was in place. The 1888 OS map details the property in its current form.

The assessment sets out that during the 20th Century some levels of internal alterations appear to have been undertaken to facilitate the change of use of the building to offices. An assessment of the significance of the site is undertaken in reference to Historic England's 'Conservation and Principles: Policies and Guidance for the Sustainable Management of the Historic Environment' document.

The assessment sets out that the property is typical of the mid-Victorian period and incorporates classical elements to the primary façade. The stone gate piers

are also identified as making a positive contribution. The assessment concludes that the development has a low or neutral impact upon the listed building / Conservation Area in relation to the development.

The Council's Conservation Team have been consulted and initially advised that the level of internal demolition / interventions to the first floor were excessive and harmful to the significance of the listed building, with the application not demonstrating why this is the only possible option available to achieve their outcomes.

Following notification of their initially raised concerns the applicant submitted amended plans. Following receipt of the amended scheme the Conservation Team provided their further response.

Within their further response the Conservation Team confirm that externally the proposed changes are considered to be minimal and generally acceptable, subject to new aluminium downpipes having a round section, and gutters having an ogee section. Use of existing stone jambs for works to widen the doorway are recommended. If a new lintel is required they advise that this should be in matching stone type, tooling, bedding and colour. They consider the timber panelled door acceptable.

CCTV cameras and external lights are proposed to replace the existing units. Small units with black housings are proposed. The Conservation Team consider these to be fixed in unobtrusive locations such as under the eaves or adjacent to downpipes, with fixings through mortar joints and not drilled into the masonry. They advise this is an enhancement on the existing and note the inclusion of such measures is considered necessary following recommendations in the KC Crime Prevention response.

With regard to internal alterations. The Conservation Team confirm that the significance of the basement is considered to be low and the reconfiguration of this space whilst leading to low level of harm, is acceptable. Further justification has been submitted, explaining that the existing staircase is not historic and the narrow hallway to the external entrance could create a bottleneck in the event of a fire. The Conservation Team consider the further justification is acceptable in relation to that alteration.

In relation to the first floor the Conservation Team observe that most of the original walls remain in place and the historic plan form can still be understood. They consider it necessary that the unauthorised fencing at the front of the property be removed, and acknowledge this is a separate issue which does not form part of the consideration of this application.

The application has been amended to reduce the extent of further internal demolition, with the sufficient retention of internal walls to the rear for the historic floorplan to be understood. The loss of the central front room in its entirety is still proposed, and the Conservation Team recommend that the

beams supporting the original walls are boxed in below the ceiling height to retain an indication of the original layout.

Historic England have raised no objection deferring to the specialist advice of the Council's Conservation Team. The Historic Buildings and Places Society (formerly the Ancient Monuments Society) stated that they did not support the scheme as initially submitted and have not provided comment in relation to the amended scheme.

Weight is given to the scheme as amended and the response of the Conservation Team, as well as the benefits of ensuring the continued use of the building and provision of a community use. It is considered that the development would not lead to substantial harm to the Grade II listed building, but would cause less than substantial harm to the significance of the listed building

In relation to paragraph 202 of the NPPF, and the conclusion the development would lead to less than substantial harm weight is afforded the fact the building would be in use as a community facility securing its longer term use. It is considered that these public benefits would outweigh the less than substantial harm identified.

Subject to inclusion of the condition as recommended by the Conservation Team the development is concluded to accord with the aforementioned policies of the National Planning Policy Framework and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Given the application is in conjunction with a planning application for the same development it is considered that the conditions recommended by the Conservation Team shall be included upon this consent insofar as they relate to matters which fall outside of the scope of the planning application rather than replicating conditions on both applications

Other Issues

Insofar as they are not addressed elsewhere in this report the representations received are addressed (in italics) as follows: -

- The development seeks changes away from the residential use when the intention is to return the building back to residential. *This application is being assessed on its own merits on the basis of the information submitted.*
- Flashing lights within the building are used, out of character with the locality.
The use of internal lighting cannot be controlled by the LPA.
- Hours of use would lead to noise and disturbance
- The development would see 120 – 138 people on site at any time, much higher than the 40 people per day permitted to attend the nursery

- There are anti social behaviour problems in the locality
- There is congestion and disturbance resulting from the development
- Existing problems with traffic and congestion will be exacerbated by the development
- Parking close to existing residential properties would become more difficult for local residents
- 12m road widening scheme is just 300m from the site
- There is insufficient parking capacity within the site
- Worsening air quality impact from traffic would occur

These matters cannot be considered as part of this application for listed building consent and are addressed in the consideration of the application for planning permission (application 2021/93687)

- Many UPVC windows have been installed in the locality without planning permission. *This matter cannot be addressed as part of this application and a separate complaint raised with the Council's Planning Enforcement Team would be required to be made in relation to unauthorised works to neighbouring properties.*
- Flashing lights within the building are used, out of character with the locality. *The LPA is unable to control indoor lighting.*
- No reference to signage / lighting within the building. *Signage would need to be the subject of an application for Advertisement / Listed Building consent.*

Conclusion

The proposed development, being for internal / external alterations is considered to adequately preserve the special character of the listed building. Whilst less than substantial harm has been identified, this is considered to be outweighed by the public benefits of the scheme. Approval is therefore recommended.

Recommendation

APPROVE

Decision Authorisation – Delegated Powers

Application Number: 2021/93688

Officer Recommendation: Consent Granted

Conditions

1. 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 LP24 and LP35 of the Kirklees Local Plan and Policies within Chapter 16 of the National Planning Policy Framework

2. All beams supporting the original walls which are removed shall be boxed in below the ceiling height.

Reason: To ensure reference to the historic layout of the building is retained to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Policies within Chapter 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan / Document Type	Reference	Version	Date Received
Location Plan	A1359(02)001	Rev F	31 st January 2022
Heritage Statement dated July 2021			20 th September 2021
Planning Statement and Design and Access Statement dated September 2021			20 th September 2021
Proposed Lower Ground and Ground Floor Plan	A1359(02)002	Rev D	31 st January 2022
Proposed First Floor and Loft Plans	A1359(02)003	Rev D	31 st January 2022
Proposed East and North Elevations	A1359(02)004	Rev D	31 st January 2022
Proposed West and South Elevations	A1359(02)005	Rev D	31 st January 2022
Proposed Bike and Bin Store	A1359(02)006	Rev A	31 st January 2022
Existing West and South Elevations Plan	A1359(01)005		20 th September 2021
Existing East and North Elevations Plan	A1359(01)004		20 th September 2021
Existing first Floor and Loft Plan	A1359(01)003		20 th September 2021

Plan / Document Type	Reference	Version	Date Received
Existing Lower Ground and Ground Floor Plan	A1359(01)002		20 th September 2021
Existing Site Plan and Location Plan	A1359(01)001		20 th September 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. Amendments and additional information were sought to address concerns raised by the Council's Conservation Team in relation to the impact of the development upon a Grade II listed building. Amended plans were received addressing these concerns.

Report Dated: 28th June 2022

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