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:	**2023/65/92364/W**
Site Address:	1, Hungerford Road, Edgerton, Huddersfield, HD3 3AL
Description:	Listed Building Consent for erection of detached single-storey office building with rooms in roof space (within a Conservation Area)
Recommending Officer:	William Simcock

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 21-Nov-2023

Officer Report – 2023/92364
1 Hungerford Road, Edgerton

Site Description

Oakley House comprises a large detached building used as the headquarters of a law firm located within a substantial plot of land on a corner site. Access is taken from Hungerford Road which borders the site to the north-west. There is a shorter site frontage on the north-east side, to Halifax Road, which is at a much lower level. The building is set near the middle of the plot with a landscaped area to the north-east, a hard-surfaced area for parking and access on the Hungerford Road side. There is a more formal parking area adjacent to the main part of the site, at a higher level to the south-west and with a separate access point also off Hungerford Road. It is this plot of land to which the application relates.

Description of Proposal

The proposal is for Listed Building Consent for the erection of a detached building to serve as offices. It is to be situated towards the rear (south-eastern) boundary of the site, so that it would take up part of the existing parking area and some of the landscaping near the site boundary. The building is to have a rectangular built form with a central forward-facing gable and a double-pitched roof with copings and kneelers, 7.9m high to the ridge and 3.9m to the eaves. It would be two-storey but with most of the upper floor accommodation being in the roof void.

History of negotiations/amendments received

None

Relevant Planning History

2017/90803 – Erection of detached office building. Approved, not implemented. Expired 02-Aug-2020.

2020/91255 – Certificate of lawfulness for erection of extension and formation of parking spaces within curtilage of Oakley House. Granted.

2020/91253-4 – Planning permission and Listed Building Consent for erection of detached office building with rooms in roof space and reformation of car parking (within a Conservation Area) (Listed Building within a Conservation Area). Approved, not implemented.

2023/92363 – Planning permission for erection of detached office building with rooms in roof space. Awaiting determination.

Representations

Final publicity date expires: 26-Sep-2023 (publicity by site notice and press advertisement).

No representations received.

Consultation Responses

KC Conservation & Design – No objection.

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).

The site lies within Edgerton Conservation Area.

It lies within the curtilage of a Grade II Listed Building. Historic England list description:

1 Hungerford Road.
Mic C19. Hammer dressed stone. Ashlar dressings. Pitched slate roof. Ornamental cresting. Coped gables. 2 storeys and attics. Strings. Battened plinth. Irregular plan. Buttresses at corners. Casements with flat ashlar lintels, and shallow 2-centred chamfered relieving arches. Planked doors in moulded 2-centred arch with hoodmould. Garden front has shallow oblong 2-storey bay with hipped fish-scale tile roof. Picturesque composition. Little carving.

Kirklees Local Plan (LP):

- 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 5th September 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.

- Section 16 – Conserving and enhancing the historic environment

Assessment
The following matters are considered in the assessment below –

1) Principle of development
1) Impact on character and significance of Listed Building
2) Representations
3) Conclusion

1 – Principle of development: As the application is for Listed Building Consent, the only issues that fall to be considered are the impact the development would have on the character and significance of the Listed Building.

Under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities must, in considering whether to grant listed building consent for any works 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.

In this context preservation means not harming the interests of the building as opposed to keeping it unchanged. Furthermore Chapter 16 of the NPPF states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. If harm would result this should not be allowed without a proportionate justification. This approach is supported by policy LP35 of the Local Plan.

2 – Impact on character and significance of Listed Building: The 2017 submission was deemed to require Listed Building Consent because it involved demolition of a garage that formerly stood on the site. As this is no longer the case, and as the proposed development would not be attached to, or involve works to, any Listed building or structure, it would appear not to require Listed Building Consent. It is considered however that it has no adverse impact on the Listed Building, and that as a valid application has been made, consent can be granted as it would be compatible with the aims of the policies set out above.

In conclusion, it is considered that the proposal would accord with the aims of Policy LP35, NPPF Chapter 16, and the Council's obligations under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3 – Representations: No representations were made.

4 – 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 LISTED BUILDING CONSENT**

Decision Authorisation - Delegated Powers

Application Number: **2023/92364**

Officer Recommendation: Grant Listed Building Consent

Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission 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 Order 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: To ensure that the proposed works preserve the character and significance of the Listed Building and to accord with the aims of Policy LP35 of the Kirklees Local Plan Government policy as set out in the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			08-Aug-2023
Design & access statement			08-Aug-2023
Climate change statement			08-Aug-2023
Heritage Statement			08-Aug-2023
Sequential test			08-Aug-2023
Bat survey	Middleton Bell		15-Aug-2023
Arboricultural Survey	16105-AJB		08-Aug-2023
Arboricultural Method Statement	16105/A-AJB		08-Aug-2023
Tree Constraints Plan			08-Aug-2023
Previous Ecology comments	2017/90793 & 90803		08-Aug-2023
Previous Conservation comments	2017/90793 & 90803		15-Aug-2023
Location plan			08-Aug-2023
Block plan			08-Aug-2023
Site plan as existing	0201-P01		08-Aug-2023
Site plan as proposed	0701-P01		08-Aug-2023
Main building plans as existing	0202-P01		08-Aug-2023

Plan Type	Reference	Version	Date Received
Main building elevations as existing	0203-P01		08-Aug-2023
Plans and elevations as proposed	0702-P01		08-Aug-2023

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 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer did not request the submission of amended or additional plans as these were not deemed necessary in the circumstances.

Report Dated: 27-November-2023