

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:	2024/65/91050/E
Site Address:	Al Hashim Academy, Cambridge Street, Batley, WF17 5JH
Description:	Listed Building Consent for installation of solar panels to roof
Recommending Officer:	Sebastian Pickles

DECISION – CONSENT GRANTED

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.

Helen Bower

AUTHORISED OFFICER

Date: 18-Jun-2024

Site

The application relates to the Grade II former Technical School, which is now known as the Al Hashim Academy. The building is located on the corner of Wellington Street, Cambridge Street and backs on Providence Street. The site is located to the west of the centre of Batley and is to the south west of the Batley Memorial Park, which has the Grade II War Memorial in the centre. The site is also directly opposite the Grade II Public Baths.

The former school is comprised of several buildings which run up along Cambridge Street and also backs on Providence Street. The building is a lovely example of late 19th century municipal building which has a reasonably high degree of decoration which includes detailed stone carving.

Proposals

The application is for listed building consent for the installation of solar panels.

Relevant Planning History

None

History of negotiations / amendments received

There has been reasonably extensive engagement with the agent for the application. Upon review of the initial proposals, concerns were raised with the number of panels being proposed and it was considered that the impact to the Listed Building was unacceptable. Advice was provided about potential alternative locations for panels which could be considered acceptable. The agent then proposed some further suggestions about the placement of panels within the grounds of the complex, but not attached to the buildings. Further advice was given that this option could not be considered under the current Listed Building application and would require separate planning permission. Final amended plans were submitted following engagement which reflect the discussions with the agent/ applicant.

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 proposals are for the placement of solar panels on the roof of the building. PV panels are considered to produce renewable energy however, panels do have a limited life span and do require replacement. While in place the panels will provide some offsetting producing some energy which will provide some reduction in the use of mains power.

Consultation Responses

The officer report has been compiled by the Senior Conservation and Design Officer.

Public/Members Response

The application has been publicised with a site notice and a press notice.

Date site notice expired: 17.05.2024

Publicity expiry date: 30.05.2024

Kirklees Local Plan Policy

LP 1-Achieving Sustainable Development

LP 2 – Place Shaping

LP 24 – Design

LP 35 Historic environment.

National Policies and Guidance:

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'.

National planning policy and guidance are set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

Chapter 2 Achieving sustainable development

Chapter 12 Achieving well-designed places

Chapter 16 Conserving and Enhancing the historic environment

Assessment

As set out the proposals are for the addition of solar panels to the roof of the buildings. The building is a nice example of late 19th-century municipal building which was designed by Harry Bagshaw Buckley. The building is constructed in rock-faced stone with ashlar dressing. The frontage along Cambridge Street is more ornate and includes fine stone carved details, whereas the elevations

along Providence Street are less detailed and simpler in form. The range of buildings also includes a small single-storey flat-roof building.

The site can be experienced from several views, site lines including long views along Wellington Street from the east, off Cambridge Street and Providence Street.

The initial proposals were for panels on the majority of the roofs for buildings. Comments were provided to the agent/ applicant setting out that the number and placement of panels could not be supported as the impact on the Listed Building was unacceptable and there was insufficient demonstrated benefit to outweigh the harm.

Comments and advice were provided to the agent/ applicant on possible locations of panels which could be supported, looking at locations which are more discreet and cannot be viewed from any key site lines or views.

Following further engagement, the agent, and applicant agreed to reduce the number of proposed panels and the placement of the panels.

The revised scheme will have panels placed on roof planes which cannot be viewed or experienced from ground level due to the pitch of the roofs and parapet balconies providing some visual mitigation.

The panels to the section of roof E have been placed within the roof valleys and due to the raised parapet and pitch of the roofs, there will be no views of the panels.

There will be some glimpsed views of the panels to the flat roof section on roof B, however, it has been confirmed by the applicant that the panels will sit flat to the roof plane and therefore the impact will be negligible.

There are a large number of panels proposed to the roof of building D. While this is the case, the number of panels has been reduced from the original proposal. It has been confirmed by the agent that the panels to the roof will sit flat to the roof line, with no degree of angle and this will be conditioned to ensure compliance. While there will be a degree of impact with the panels on the roof of Building D, this will be reduced with them sitting flat on the roof and they will only be able to be experienced within the immediate area. Given the building is of more recent construction the impact is considered to be acceptable.

The proposed panels will be mounted using fixing brackets and hooks which work around the existing roof structure and slates. This means that the panels can easily be dismantled and removed if required, with minimal to no impact to the roof planes.

The consideration of fitting solar panels on a Listed Building does require a high degree of consideration. While trying to consider the use of renewable energies, this does have to be balanced against the impact on the Listed Building and whether there is sufficient justification and benefit to outweigh any identified harm.

Conclusion

Paragraph 205 of the NPPF states 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 208 goes on to state 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 including, where appropriate, securing its optimum viable use.”

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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

This application has been assessed against relevant policies in the development plan and other material considerations. As set out in the main report, there has been extensive engagement with the agent/ applicant as the initial submission was considered to be unacceptable. Following further engagement and subsequent amendments to the proposals, a position has been reached which is considered to have an acceptable impact on the Listed Building, with the majority of the proposed panels not being visible from any key views or site lines and the small section of panels which are visible will have a minor degree of visibility are therefore considered to have a negligible impact. It is therefore concluded that the proposed development accords with the requirements of policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, policies within Chapters 2, 12 and 16 of the National Planning Policy Framework and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Recommendation Grant Consent

Decision Authorisation - Delegated Powers**Application Number:** - 2024/91050**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 to ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

3. Notwithstanding the submitted details, the solar panels to roofs B and D shall be fixed so that they sit entirely flat to the roof plane with no angle of projection permitted.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	PP-12907510	V1	16/04/2024
Proposed Solar Panels Layout	AE-231001-DWG01		13/06/2024
Installation Manual	Renusol Europe GmbH		23/04/2024
Structural Load			16/04/2024
Heritage Statement			16/04/2024

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. Following detailed engagement and discussions with the agent and applicant the proposals are considered acceptable.

Report Dated:

13.06.2024