

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2024/62/92422/E
Site Address:	Cumberworth Ce Va First School, Cumberworth Lane, Upper Cumberworth, Huddersfield, HD8 8NU
Description:	Installation of pole mounted access control system (Listed Building within a Conservation Area)
Recommending Officer:	Edward Cheseldine

DECISION – Full Conditional Permission

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 4-OCT-2024

Officer Report

2024/92422 - Cumberworth Ce Va First School, Cumberworth Lane, Upper Cumberworth, Huddersfield, HD8 8NU

Site Description

Cumberworth Ce Va First School is a grade II listed building set within the Upper Cumberworth Conservation Area. It is a single-storey building with a hipped roof featuring distinctive gothic window features. The building has been previously extended to include a glazed reception area linking the side elevation of the listed building to a later extension. To the south-east, in front of the main building, is a playground for the school. The front boundary is formed of a low stone wall with picket gates for access.

List description:

Former National School. Dated 1820. Altered. Hammer dressed stone with ashlar dressings. Hipped stone slated roof. Single storey. Originally a symmetrical facade. Four 3-light gothic arched windows with intersecting tracer.

Proposal Description

Installation of pole mounted access control system (Listed Building within a Conservation Area)

The alterations consist of works to the boundary treatment and installation of an intercom system.

- Erection of 3 No. 60 x 60mm polyester powder coated square section steel posts in black.
- 2 posts will be fitted with Paxton Entry panels with rain hoods with stainless steel finish, 1.40m from ground level
- 1 post mounted with a green dome press to exit button, 1.80m from ground level

2 No. posts will be located adjacent to the boundary low. 1 No. post will be located at in front of the entranceway of the reception area.

Negotiations/Amendments

None required.

Relevant Planning History

None relevant.

Public Representation

The application was advertised by a site notice and a press advertisement.

Site notice expiry date: 25 October 2024

Press advertisement expiry: 01 November 2024

As a result of the publicity, there were no representations.

Consultation Responses

KC Conservation & Design – No objection.

Policy & Legislation

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 is within the Upper Cumberworth Conservation Area the on the Kirklees Local Plan Proposals Map.

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 predates 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.

Kirklees Local Plan Policies

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Parking
- LP 22 – Highway Safety
- LP 24 – Design
- LP 35 – Historic environment
- LP 49 – Educational and health care needs

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 December 2023, and 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Other Material Considerations:

- Planning (Listed Buildings and Conservation Areas) Act 1990

Assessment

- 1) Principle of development
 - a) Historic Environment
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Environmental matters
- 6) Conclusion

Principle of development:

Historic Environment

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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 (1) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The application is for the installation of No 3 mounted poles, required for the installation of electronically controlled access to the school and intercom equipment. The heritage asset is used as a primary school, as such the frontage of the listed building is comprised of the original school building and a modern entranceway leading to new school buildings. The sections of original material are distinct from the modern additions due to the change in materials and architectural design.

In terms of the modifications, the poles appear lightweight, assimilating with the modern materials that appear at the front of the building. A collection of infrastructure has the ability to appear cluttered and bulky. In this case, the poles are well spaced and streamlined, so not to negatively detract from the setting of the listed building and conservation area.

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 207 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.”

Due to the nature of the development, the poles will cause slight harm to the significance of the listed building, as the infrastructure will contribute further modern additions in front of the principal elevation of the heritage asset. Given this, the harm should be weighed against the public benefits of the proposal.

The poles will provide the school with an intercom system and internal security-controlled power to the front access gate. In terms of public benefits, the infrastructure will equip the school with modern remote systems to a functioning community asset. Given the public use of the site, there is sufficient justification for the installation of such infrastructure.

The proposal therefore accords with Chapter 16 of the NPPF, as well as the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on visual amenity

LP24 & LP35 of the Kirklees Local Plan regard design within the historic environment.

LP24 states, 'proposals should promote good design by ensuring, the form, scale, layout and details of all development respects and enhances the character of heritage assets.

LP35 states, 'development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset'.

The metal poles are 60mm x 60mm, rising to a height of 1.40m/1.80m. They will be powder coated black. The poles are relatively slim in appearance due to their dimensions. A coated black finish is considered to be sympathetic to the appearance of the listed building. The poles are fixed to ground, set in front of modern alterations, providing a separation to the listed building therefore preserving the significance of the listed building and conservation area. The ancillary equipment is modest in scale, in terms of visual amenity the machinery is suitable so not to detract from the frontage of the school.

In light of the above, the design respects the heritage assets, therefore complying with LP24 & LP35 of the Kirklees Local Plan.

Impact on residential amenity

LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

Given the separation distance between the intercom and residential dwellings, it is not considered there will be a negative impact to the amenity of neighbouring occupants.

Impact on Highway Safety

Policy LP 21 & LP 22 regard impact to highway safety.

Due to type of apparatus to be installed, the proposal will not have an impact on highway safety.

Environmental Matters

High Risk Coal Area

The site falls on an area of high risk due to historic coal mining in the area. The Coal Authority should be consulted on coal mining risks unless the application is exempt, within which, there are exemptions for developments where building and/or ground works are minimal. The ground fixed poles and associated electricity works are considered to fall under this category due to the shallow nature of their fixings.

Conclusion

This application for the erection 3 No poles with access control system has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given its acceptability in terms of the impact to the historic environment, visual amenity and residential amenity, the proposal is acceptable.

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.

As set out above, 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

Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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 ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	LP	-	27 August 2024
Existing Elevation and Street Scene Overview	Dwg. No 001	-	27 August 2024
Existing Pedestrian Access Gate Arrangement	Dwg. No 003	-	27 August 2024
Existing Main Entrance Elevation Detail	Dwg. No 005	-	27 August 2024
Proposed Elevation and Street Scene Overview	Dwg. No 002	-	27 August 2024
Proposed Pedestrian Access Gate Arrangement	Dwg. No 004	-	27 August 2024
Proposed Main Entrance Elevation Detail	Dwg. No 006	-	27 August 2024
Design and access statement	-	-	27 August 2024
Conservation/Heritage Statement	-	-	27 August 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 has, 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. No amendments were sought.

