Application No: 2016/91431

Type of application: ***65 - LISTED BUILDING***

Proposal: ***Listed Building Consent for installation of replacement shopfront, signage and internal alterations (within a Conservation Area)***

Location: ***7-9, Cross Church Street, Huddersfield, HD1 2PY***

Grid Ref: 414578.0 416692.0

Ward: ***Newsome Ward***

Applicant: ***G Bateha***

Agent: ***Ruzha Sirmanova, Acumen Designers & Architects Ltd***

Target Date: ***28-Jun-2016***

Recommendation: ***CR1 - REFUSAL OF CONSENT***

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.
http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Listed Building Consent is sought for the installation of a replacement shopfront, internal alterations and signage to allow the re-use of the building as a restaurant. The internal alterations have been assessed under an earlier application, ref 2016/91161 which has been granted listed building consent. The works to the shopfront cause harm the character of the Listed Building and the conservation area which is not outweighed by any public benefit, contrary to the aims of Chapters 7 and 12 of the NPPF and policies BE1, BE2, BE16 and BE17of the UDP.

RECOMMENDATION:
1. REFUSE LISTED BUILDING CONSENT AND
2. DELEGATE AUTHORITY TO OFFICERS TO PURSUE ENFORCEMENT ACTION TO REMOVE TIMBER CLADDING FROM THE SHOPFRONT AND UNDERTAKE ASSOCIATED REPAIRS.

2. INFORMATION

The application is referred to Committee at the request of Councillor Cooper for the following reasons:

"I would like to refer it to Planning Committee on the basis that I regard it as an improvement to the shop front and an enhancement to the street in general"

The Chair of the Sub Committee has confirmed that Councillor's Andrew Cooper's reason for making this request is valid having regard to the Councillors' Protocol for Planning Sub Committees.

3. SITE DESCRIPTION / PROPOSAL

Site description

The application site currently operates as restaurant following conversion from an Estates Agents that was unoccupied for a number of months. The building dates from the early 19th century, being of three storeys in height and constructed from hammer dressed stone. The building is one of many such listed buildings along Cross Church Street that are of a similar style of construction. The site is within the Huddersfield Town Centre Conservation Area. Listed Building Consent and Planning Permission have been granted previously for the installation of a modern shopfront in 2006 and recently for the change of use and internal alterations to enable the use as a restaurant.

Proposal

The proposal is for the changes to the existing modern shopfront and signage to 7-9 Cross Church Street, Huddersfield. The submitted plans indicate that the white painted cladding of the existing shopfront will altered by the attachment of new timber cladding to the vertical pilasters with new chrome

individual lettering on existing white painted facia. The supporting statement suggests that the fascia will be illuminated by the existing lighting. The works now undertaken to the shopfront also include timber cladding to the fascia panel and individual lettering in cream. These do not form part of the submitted scheme and clarification is being sought from the agent.

4. BACKGROUND AND HISTORY

2016/91300 –installation of replacement shop front and internal alterations (planning application) - current application

2016/91301 – erection of illuminated fascia sign (advertisement consent) - current application.

2016/91104 – Change of Use and alterations to convert from Class A2/B1 to A3 (restaurant) and associated alterations (amended proposal) – granted planning permission

2016/91161 – Listed Building Consent for works to convert premises to A3 – granted consent.

2006/94605 – listed building consent for installation of new shop front and erection of illuminated fascia and projecting signs – consent granted

2006/94603 – change of use from hairdressers to estate agents and installation of new shop front – granted planning permission.

5. PLANNING POLICY

Kirklees Unitary Development Plan:

- **BE1** – Design principles
- **BE2** – Quality of design
- **BE16** - shopfronts
- **BE17**-New Shopfronts in conservation areas or affecting listed buildings.

National Planning Policy Framework:

- Core Principles
- Chapter 7 – Requiring good design
- Chapter 12 – Conserving and enhancing the historic environment

6. CONSULTATIONS

Conservation and Design Officer: "The proposal makes some changes to the shopfront but in my opinion none of them look towards the aims and requirements of the legislation or national policy. There is a real opportunity here to bring the shop front back into style that would be in-keeping with the age of the building which would not only enhance the listed building but act as a catalyst for further change on Cross Church Street; promoting what could be an exemplar street in the town centre conservation area. There is no indication from the application what lies behind the existing shop front or whether investigations have taken place. It is suggested that a more traditional approach is taken. Failing that I do not believe that timber cladding is the way forward as this is not a traditional feature and as such it would be better to retain as is, albeit with the door relocated, than add another material. It is suggested that a traditional fascia is introduced, the pilasters exposed and an approach taken to add balance to the shop front."

7. REPRESENTATIONS

None received.

8. ASSESSMENT

General principle / Policy:

This application seeks Listed Building Consent for works to the shopfront of the building. The proposal will be assessed having regard to the relevant policies in Chapter 12 of the NPPF. Of particular relevance in the NPPF local authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and of development making a positive contribution to local distinctiveness. Furthermore that development causing harm to the significance of heritage assets should not be permitted unless a proportionate public benefit can be demonstrated to outweigh that harm.

These above requirements are reflected in one of the core principles of the NPPF stating that planning should ''always seek to secure high quality design. It is also a main objective of section 7 of the NPPF, with paragraph 56 stating that 'the Government attaches great importance to the design of the built environment'.

Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) states that in considering whether to grant listed building consent for any works 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 Act 1990 imposes a duty, when determining applications that affect buildings within a conservation area, that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.

Policies of the Kirklees UDP BE1, BE2 and BE17 are applicable.

Policies BE1 and BE2 seek to ensure that all development is of good quality design, creating & retaining a sense of local identity, is visually attractive, promotes a healthy environment and is energy efficient. They also stipulate that new development should be designed to be in-keeping with any surrounding development in respect of design, materials and scale.

BE16 requires that new shopfronts or alterations to existing shopfronts should be designed to respect architectural features, that fascia's are designed to respect the features of the building as a whole and replacement fascia signs respect the character and appearance of the host and adjacent buildings in terms of colour, materials and lettering style and make a positive contribution to the streetscene.

BE17 states that new shopfronts on buildings within conservation areas or which affect listed buildings should preserve or enhance their character.

These and other material considerations are assessed below.

Impact on the significance of the building:

The application site currently operates as restaurant following conversion from an Estates Agents. Before this conversion the building had been vacant for some time. The building dates from the early 19th century, being of three storeys in height and constructed from hammer dressed stone. The building is one of many such listed buildings along Cross Church Street that are of a similar style of construction. The site is within the Huddersfield Town Centre Conservation Area. It is noted that the character and appearance of the ground floor retail units along Cross Church Street is mixed and that there are examples of unsympathetic shop frontages. This however does not set a precedent for the determination of this application and each proposal should be viewed on its own merits.

The proposal is for works to alter the existing modern shopfront and signage. The submitted plans indicate that the white painted cladding of the existing shopfront will altered by the attachment of new timber cladding to the vertical pilasters, with new chrome individual lettering on the existing white painted facia. The supporting statement suggests that the fascia will be illuminated by the existing lighting. As stated earlier in the report the works undertaken differ from those indicated on the submitted plans and vertical timber cladding has been attached to the fascia with signage comprising individually attached cream lettering. Amended plans accurately representing the works undertaken had been requested at the time of writing.

It is accepted that the existing shopfront is a modern addition, which gained Listed Building Consent and Planning Permission in 2006. Equally it is accepted that more recently Listed Building Consent and Planning Permissions have been granted for alterations to the shopfront, internal layout alterations and change of use from A2/B1 to A3 restaurant. The point of

contention here relates to the treatment of the existing shopfront in terms of the introduction of timber cladding; both that indicated on the submitted plans and the works undertaken on site.

During the consideration of the application the Conservation and Design Officer raised concerns over the use of horizontal timber cladding on the pilasters due to this not being a traditional feature and that there was no evidence or supporting information over whether the shopfront could be returned to a traditional style with defined pilasters and stall risers. Failing this it would be better to retain the existing shopfront, repaint and install the proposed signage. Discussions were held with the agent who confirmed that during the installation of the approved shopfront all the existing features had been removed and due to the structural work carried out, a traditional approach could not be taken; this was agreed by the Conservation Officer. However, it was still felt appropriate to retain the shopfront as existing.

Due to the applicant requiring the restaurant to open, the works were carried out prior to determination and the timber cladding was extended onto the fascia which was not previously shown on the submitted drawings. This introduced a feature onto a listed building which fails to preserve or enhance its character, does not respect the scale, design and architectural features of the building as a whole and fails to preserve or enhance the conservation area as required by the Planning (Listed Building and Conservation Areas) Act 1990. Traditionally the fascia of a shopfront would be flat to allow the painting of sign and defined by bevelled edges as a surround. The introduction of vertical timber 'wainscoting' is not a traditional shop front feature, does not provide the flat surface and prevents the use of a surround to terminate this flat surface. By doing so the fascia becomes overlarge and dominant and fails to provide a horizontal emphasis which again is a traditional approach.

The agent was contacted and advised to remove the cladding due to the impact on the building but as a way forward the Conservation Officer suggested that the shop front be returned to its previously approved style and repainted in a neutral colour of the agent's choice. The lettering style, as undertaken on site rather than that shown on the current plans, was not felt to be an issue. However, despite this advice the shopfront was not returned to the previous style and the cladding remains.

Paragraph 132 of the NPPF requires that when considering the impact of a proposed development on the significance of a heritage asset great weight is given to the asset's conservation. The NPPF describes any harm as substantial or less than substantial depending on the nature of the harm; substantial harm is normally the total loss of heritage features. In this case it is felt that the harm caused is less than substantial bearing in mind the previous alterations to the building. In such cases paragraph 134 applies which states that in such cases the harm should be weighed against the public benefit accrued by the proposal. There is little or no public benefit accrued from the style of shopfront, the public benefit comes from achieving a use for the

building. As such the development fails to comply with this paragraph and is contrary to the NPPF.

Having considered the proposal against relevant policies in the adopted development plan it is also considered that the proposed works to the shopfront, by reason of the timber cladding, would fail to respect the character and appearance of the host building or the surrounding area contrary to Policies BE1, BE2, BE16 and BE17 of the UDP.

Conclusion:

The proposed works to the shopfront, specifically the timber cladding, causes less than substantial harm to the significance of designated heritage assets: the listed building and the conservation area in which it is sited. This harm is not outweighed by any public benefit, contrary to guidance in the NPPF.

The proposed works to the shopfront, by reason of the timber cladding, would fail to respect the character and appearance of the host building or the surrounding area contrary to Policies BE1, BE2, BE16 and BE17 of the UDP.

The application is therefore not in accordance with Sections 16 or 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

9. <u>RECOMMENDATION</u>:

RECOMMENDATION:
1. REFUSE LISTED BUILDING CONSENT AND
2. DELEGATE AUTHORITY TO OFFICERS TO PURSUE ENFORCEMENT ACTION TO REMOVE TIMBER CLADDING FROM THE SHOPFRONT AND UNDERTAKE ASSOCIATED REPAIRS.

1. The proposed works to the shopfront would, by reason of their scale and in particular the use of timber cladding, fail to preserve or enhance the listed building or the Huddersfield Town Centre Conservation Area in which the building is sited. As such the works would be contrary to policies BE1(i,ii), BE2 (i), BE16 (i-iv) and BE17 of the UDP and Sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore the works would result in less than substantial harm to the significance of the heritage asset as defined by the National Planning Policy Framework. There is no public benefit afforded by the proposals to outweigh the harm to this heritage asset, contrary to paragraph 134 of the National Planning Policy Framework.

This recommendation is based on the following plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Plans and Elevations	2413-01B	-	19.5.16
Proposed Plans and Elevations (to be revised to accurately represent works undertaken on site)	2413-02L	-	27.7.16