

# KIRKLEES METROPOLITAN COUNCIL

## PLANNING SERVICE

### UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY STRATEGIC PLANNING COMMITTEE

1 DECEMBER 2016

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**Planning Application 2014/92893**

**Item 11 – Page 29**

**Erection of 34 dwellings and associated car parking**

**Land Off, Croft Street, Birkenshaw**

Recommended to include an additional condition to ensure the protection of existing retaining walls along the boundary with Allen Croft.

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**Planning Application 2016/93411**

**Item 12 – Page 45**

**Outline application for erection of residential development**

**Land to rear of, 125, Helme Lane, Meltham, Holmfirth, HD9 5RJ**

**Consultations:**

The Environment Agency - No objections.

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**Planning Application 2016/92029**

**Item 13 – Page 57**

**Erection of extension to existing Kingsgate Shopping Centre to form new Leisure Development including new cinema and restaurants, and demolition of existing buildings on the site including 20-22 Cross Church Street (partly within a Conservation Area)**

**Proposed development site comprising, 20-22, Cross Church Street, Fleece Yard, Sun Inn Yard and White Lion Yard, Huddersfield, HD1 2TP**

**Amended Plans**

Since publication of the committee report, further revisions to the scheme have been received. These include:

- Removal of the proposed canopy from 20-22 Cross Church Street. The alternative proposal for marking the entrance is to propose a hanging sign at first floor level, and a proposal for public art work on Cross Church Street.
- The introduction of a flat roof section to the proposed retail extension where the proposal abuts the former Palace Theatre.

## **Consultation Responses**

In response to the amended plans consultation, the following responses have been received.

Historic England - Historic England consider the proposal will result in major harm to the significance of the listed buildings, and would harm this part of the conservation area and the setting of the Grade II\* listed building. However, following the removal of the proposed canopy they recommend that if the development cannot be amended to avoid all harm, then this harm should be weighed against the public benefits of the scheme, including securing the optimum viable use of the designated heritage assets.

The Victorian Society – The proposal to retain more of the historic fabric of the listed buildings at 20-22 Cross Church Street is of course welcomed, although we echo Historic England's concern at the apparent lack of access provided to their upper floors, and the obvious need to resolve this issue.

Despite the evident improvements, however, we maintain our objection to the application on two principal grounds: firstly, the proposed canopy and totem way markers, which we have consistently recommended are omitted from the scheme, remain a part of the proposals (now omitted from the scheme). For the reasons outlined in my previous letter (a copy of which is attached) we object to this damaging aspect of the proposals.

We also remain unconvinced by the architectural treatment of the new entrance proposed through 20-22 Cross Church Street. While we recognise that the provision of suitable access to the shopping centre poses challenges in respect of the listed buildings' character and appearance, it should be by no means impossible to settle on an appropriate solution. A more sensitive and refined design should be sought, one that pays greater respect to the special interest of these nationally important buildings and the surrounding conservation area. The Victorian society also objects to this element of the proposals.

## **Representations**

In response to the amended plans publicity, the following response has been received.

Huddersfield Civic Society – “The society is pleased that its original objections to the canopy and way markers have been heard and that both have now been removed from the plan. We are also supportive of the use of natural stone on the visible elevations as now proposed in the amended plans. There are still concerns that the hanging sign could set a precedent for other listed buildings, but overall we are satisfied that our original fears have been assuaged. We would ask to be consulted before the proposed “public art” is commissioned”

## **Assessment**

### Heritage Impacts

Following the removal of the canopy from the frontage of 20-22 Cross Church Street, Historic England have removed their objection and no longer wish to exercise their right to call in the application to the Secretary of State. They recommend that if the development cannot be amended to avoid all harm, then this harm should be weighed against the public benefits of the scheme, including securing the optimum viable use of the designated heritage assets.

The Victorian Society has objected on the grounds of the proposed canopy and totem way markers, and the architectural treatment of the new entrance proposed through 20-22 Cross Church Street. They consider a more sensitive and refined design should be sought, one that pays greater respect to the special interest of these nationally important buildings and the surrounding conservation area.

As noted above, the plans have been further revised and the canopy and way markers have now been removed. In respect to the proposed alterations to 20-22 Cross Church Street, revisions have been secured during the course of the application to restrict the proposed entrance opening to the ground floor, where alterations to the shop fronts have already occurred. The Victorian Society has not indicated that they would call in the application, and the harm has to be weighed against public benefit.

Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The economic benefits of the scheme are set out in the committee report. The applicant has offered a contribution towards highway improvement works along Cross Church Street to the value of £185,000, a contribution of £30,000 towards a public art work, and £10,000 to prepare the area for the art work. It is considered the proposed significant benefits to the town centre economy of Huddersfield, and the impacts on the vitality and viability would be sufficient to outweigh the harm in this case.

### Residential Amenity:

The proposed extension would have a close relationship with the student accommodation in the former Palace Theatre. This is made more acute by a recent planning approval (2016/91196) for an extension to the south of the former theatre to create additional units.

Officers have negotiated with the applicant to secure a further revision to the roof of the proposed retail extension to mitigate the concern about loss of light to habitable room windows. The scheme now proposes a flat roof section which further increases the separation distance to improve the amenity as a result of increased light to the flat windows. This is considered overall as much as reasonably can be achieved. Weighing everything in the balance, it is considered the proposed regeneration benefits weigh in favour of the proposal.

## Conditions

Following consultation with Yorkshire Water conditions 7 and 8 have been revised to reflect the proposal to divert the public sewer. The revised list of conditions is as follows:

1. Timeframe for implementation
2. Development in accordance with the approved Plans
3. A Phase II Contaminated Land Report
4. Remediation Strategy
5. Validation Report
6. Scheme of drainage measures to incorporate green or blue roof systems and / or grey water recycling
7. Building works close to public combined sewers and live water mains to be carried out in accordance with approved method statements
8. A scheme for the proposed means of disposal of foul and surface water drainage, including details of any redirection of flows linked to sewer diversion.
9. Scheme detailing intended crime prevention measures
10. A Noise Report specifying measures to protect occupants of nearby noise sensitive premises at Kirkgate and Oldgate.
11. Air Quality Impact Report
12. The provision of swift nesting opportunities
13. Details of how the listed buildings will be supported.

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**Planning Application 2016/92030**

**Item 14 – Page 75**

**Listed Building Consent for erection of extension to existing Kingsgate Shopping Centre to form new Leisure Development including new cinema and restaurants, and demolition of existing buildings on the site including 20-22 Cross Church Street (partly within a Conservation Area)**

**Proposed development site comprising, 20-22, Cross Church Street, Fleece Yard, Sun Inn Yard and White Lion Yard, Huddersfield, HD1 2TP**

The above comments on heritage matters are also applicable to this application.

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