

**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: 2021/65/91672/W

Site Address: Jerk Hut, 160, Manchester Road, Longroyd Bridge,
Huddersfield, HD1 3JA

Description: Listed Building Consent for Installation of ATM

Recommending Officer: Ellie Worth

DECISION – Listed Building Consent Refused

**I hereby authorise the refusal 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: 16-Jun-2021

Officer report

Site description

Jerk Hut, 160 Manchester Road is a three storey, grade II listed building with the following description (Historic England ref: 1215805):

MANCHESTER ROAD 1. 5113 (North Side) No 160 SE 1316 33/890 II GV 2. Early or mid C19. Rendered. Pitched stone slate roof. 3 storeys. Stone brackets to gutter. 4 ranges of sashes. Late C19 shopfront. Door with 6 moulded panels.

The site forms part of a continuous row of commercial and residential properties and is constructed predominantly from natural stone with a tiled roof. At ground floor is a modern shop front associated with this application.

The site is also situated within Manchester Road/Longroyd Lane Local Centre and therefore has good links to public transport.

Description of development

The application is seeking Listed Building Consent for the installation of a ATM. This would be installed to the right of the pedestrian door within the glazed frontage.

History of negotiations/amendments received

Officers have entered into discussions with the agent on the allied planning permission, regarding the location of the ATM, as objections were raised by KC Crime Prevention. However, no amendments have been sought, with the agent confirming that they would like the scheme to be determined on the original plans submitted.

Relevant Planning History

At the application site:

2021/91487 Planning permission for installation of ATM – Pending consideration

2021/91486 Advertisement consent for internally illuminated signs – Pending consideration

91/05617 Erection of illuminated projecting sign (Listed Building) – Consent granted

91/05623 Listed building consent for erection of illuminated projecting sign – Consent refused

Representations

The application has been advertised by site notice, neighbour notification letters and the press.

Final publicity expires: 28th May 2021.

In this instance, no representations have been received.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

KC Conservation and Design – In objection to the scheme.

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 is situated within Manchester Road/Longroyd Lane Local Centre on the Kirklees Local Plan and is also grade II listed.

Kirklees Local Plan:

- LP24 – Design
- 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 19th February 2019, 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 12 – Achieving well design places
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

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

1.Principle of development

The site is a Grade II Listed Building (Historic Ref 1215805). Therefore, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of listed buildings. This is reiterated in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

LP35 further outlines that proposals which affect designated heritage assets should preserve and enhance the significant of the asset. More specifically in cases likely to “result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposal would bring substantial public benefits that clearly outweigh the harm to the historic environment”.

This is also reiterated in the National Planning Policy Framework. In particular Chapter 16 that relates to the importance of the historic environment, as paragraph 190 states how LPAs are to identify and assess the significance of any heritage asset that may be affected by a proposal, which should be taken into account when considering the impacts upon this asset. Paragraph 192 also sets out what LPAs are to consider when determining these applications, including the sustainability and enhancement the significance of heritage assets and putting them into viable and appropriate use, economic viability and positively contributing to local character and distinctiveness.

The main considerations in the determination of this application are whether the proposed works would preserve the special architectural and historic character of the building and its setting. In this respect, a consultation has taken place with the Council's Conservation and Design Team, who have provided comments outlining their concerns with the scheme and the previous unauthorised works to the shop's frontage.

2. Impact on visual amenity and heritage

As outlined above, 160 Manchester Road is a Grade II Listed Building, in which currently operates as a hot food takeaway at ground floor.

In this instance the ATM is proposed to be installed within the shop's glazed frontage. However, it has been noted that the aluminium framed shop front itself, does not have formal planning permission or listed building consent. Although it would appear this has been in place for more than 4 years, the carrying out of work without the necessary listed building consent, whereby such works materially affect the historic or architectural significance of the building, is an offence under section 9 of that Act – whether or not an enforcement notice has first been issued.

The ATM would further harm the significance of the building, viewing this in its own right as well as- outside the scope of this application - taking into account the unauthorised modern design of the shop front, roller shutters (and replacement windows which do not have listed building consent either). This has raised significant concerns from KC Conservation and Design Officers, as they consider the works to cause harm to the character and significance of the Listed Building, contrary to Paragraph 196 of the NPPF.

Heritage officers have also outlined that the installation of the ATM, with an internally illuminated surround would cause further harm, by introducing an additional modern element in a prominent location of the building.

The harm caused is considered to be less than substantial, Nevertheless, I am mindful that in the NPPF paragraph 193 says great weight should be given to the conservation of a designated heritage asset and paragraph 194 that any harm to such assets should require clear and convincing justification.

Justification

Paragraph 194 of the NPPF requires that the Local Planning Authority should require clear and convincing justification for any harm.

In this instance, the heritage statement submitted, does not acknowledge the harm and it is considered that the installation of the ATM on an unauthorised shop front would be wholly unacceptable.

Nonetheless, to conclude the harm caused to the significance of designated heritage assets is considered to be less than substantial.

Weighing of harm against public benefits

Paragraph 196 of the NPPF requires 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.

In this case, no public benefits have been provided, with the only potential positive being that the ATM would assist shoppers and other people visiting the local centre and would enhance the viability of the existing business. However, there are 3 other ATMs within 500m of this site and thus this is of very limited weight.

In summary, the public benefits to the ATM would be slight and therefore great weight is given to the conservation of the designated heritage asset. As such, the public benefits would not outweigh the less than substantial harm. To approve this application would be contrary to Policy LP35 of the KLP and also fails to accord with national policy which seeks to conserve and enhance the historic environment.

3. Representations

As a result of the above publicity, no representations have been received.

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.

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.

This application has been assessed against relevant policies in the development plan and other material considerations.

It is considered that the proposed ATM does not accord with Policies contained within the adopted development plan and the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

Recommendation – REFUSE LISTED BUILDING CONSENT

Decision Authorisation - Delegated Powers

Application Number: 2021/91672

Officer Recommendation: REFUSE LISTED BUILDING CONSENT

Reason for refusal:

1. The proposed ATM, by introducing an additional modern element in a prominent location of the building, would not preserve or enhance the building's special architectural and historic interest and would cause harm to its significance. The harm caused is considered to be less than substantial harm, however, as required by paragraph 193 of the NPPF, great weight has been given to that harm in assessing the impact of the proposed works. Clear and convincing justification has not been provided for the harm caused. Public benefits have not been demonstrated that would outweigh the harm caused in this case. The development would therefore be contrary to the Council's duties under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy LP35 of the Kirklees Local Plan and Paragraphs 190, 193, 194 and 196 of National Planning Policy Framework.

NOTE: This application has considered the ATM only. It should be noted that the existing shopfront, roller shutter and UPVC windows within the building do not have from listed building consent.

Plans and specifications schedule

Plan Type	Reference	Version	Date Received
Location plan	-	-	22 nd April 2021
Existing and proposed elevations	E023641	-	22 nd April 2021
Signage materials	NW0094	-	22 nd April 2021
ATM details	NW0302	-	22 nd April 2021
Design and access statement	E023641	-	22 nd April 2021
Heritage statement	E023641	-	22 nd April 2021
Photograph	(23)	-	22 nd April 2021

Photograph	(36)	-	22 nd April 2021
Photograph	(20)	-	22 nd April 2021
Photograph	(21)	-	22 nd April 2021
Visualisation of ATM on shop front	-	-	22 nd April 2021

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. In this instance, Officers have entered into discussions with the agent on the allied planning permission, regarding the location of the ATM, as objections were raised by KC Crime Prevention. However, no amendments have been sought, with the agent confirming that they would like the scheme to be determined on the original plans submitted.

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Dated: 16th June 2021