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:	2021/65/93961/W
Site Address:	25, Cross Church Street, Huddersfield, HD1 2PY
Description:	Listed Building Consent for installation of replacement shop front and external shutter (within a Conservation Area)
Recommending Officer:	Sue Oakley

DECISION – Grant Listed Building Consent

I hereby authorise the approval/refusal* (delete as appropriate) of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Nick Grimshaw

AUTHORISED OFFICER

Date: 16-Dec-2021

Officer Report

Site Description

25 Cross Church Street is a Grade II listed, three-storey mid-terraced building situated on an established shopping street within the Huddersfield Town Centre Conservation Area and dating to the early 19th century. The ground floor is used as retail premises, with a traditional Victorian style shop front on the façade and timber sash windows on the upper floors. The facade is constructed from coursed dressed stone with ashlar detailing and a pitched roof.

Description of Proposal

The proposal is for a replacement shop front which incorporates double-glazing and an external shutter with the shutter box set within the fascia.

History of negotiations / amendments received

None.

Relevant History

94/91842 – Listed Building Consent for installation of shutters – Consent Refused, Appeal Dismissed.

94/91841 – Planning Permission for installation of shutters – Refused, Appeal Dismissed.

94/91080 - Listed Building Consent for alterations to shop front – Consent Refused.

94/91079 - Planning Permission for alterations to shop front – Refused.

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 proposed alterations include a replacement shop front with double-glazing. The replacement of the existing single-glazing with double-glazing will improve the thermal performance of the building and therefore it is felt the proposal complies with the climate emergency requirements.

Consultation Responses

Officer report has been compiled by the Conservation and Design Officer.

Public/Members Response

The application has been publicised with a site notice and a press notice. No representations have been received.

Date site notice expired: 11/11/2021

Publicity expiry date: 03/12/2021

Policy
Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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).
LP 35 Historic environment.

LP 25 Advertisements and shop fronts.

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published July 2021, together with Circulars, Parliamentary Statements and associated technical guidance.
The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
Chapter 16 (Conserving and Enhancing the Historic Environment).

Assessment

The proposal is for a replacement shop front which incorporates double-glazing and an external shutter with the shutter box set within the fascia.
The existing shop front is constructed from timber with pilasters and console brackets, a cornice and blind box, recessed doorway and single glazing.

Perforated shutters are set behind the two large shop windows, with a solid metal roller shutter to the front of the recessed entrance.
The heritage statement submitted with the application includes archive photographs of the façade, showing that elements of a historic shop front appear to survive. Due to its poor condition and numerous patch repairs, it is proposed to replace the shop front in its entirety to replicate the original, albeit with double-glazing to improve energy efficiency and improved security measures.
The proposed replacement shop front is timber framed, with a traditional part-glazed timber door as existing. The shop front is consistent with the character of the building and street scene in terms of design, materials, scale, depth and detailing and conforms to the requirements of Policy LP25. The existing overbearing signage is removed and replaced with more traditional signage on a smaller scale.
The only concern is the proposal for an external shutter which would generally not be acceptable on a listed building or within a conservation area. However, the shop is located on a street where there is a large amount of evening activity and a history of vandalism in the locality and therefore in this instance the proposal is felt to be justified. Although an internal shutter would be preferable, this would not safeguard the windows from damage or prevent anti-social activities within the recessed entrance. The harm caused by installing an external shutter has been mitigated somewhat by hiding the shutter box within the fascia signage, with the shutter painted to match the colour of the shop front and with a perforated design to retain a lightweight appearance whilst still providing the necessary level of security. On this basis the proposal is considered acceptable.
Conclusion

Paragraph 199 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 202 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.”
The proposed shop front replaces the existing which is in poor condition and has lost some historic detailing. It replicates the material, design and detailing of the existing and enhances the listed building. However, the installation of

an external security shutter leads to less than substantial harm to its significance. This harm has been mitigated by building the shutter box into the fascia, painting it to match the colour of the shop front, and specifying a perforated shutter to reduce the impact. The public benefits of providing security measures to help the business operate in this location is considered to outweigh the harm.
Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that any application for development must preserve the character and appearance of the listed building.

As the proposed works will enhance the building by reinstating historic details, albeit with necessary security measures, it is felt that the character and appearance of the listed building overall is maintained.

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 proposal is considered to enhance the character and significance of the conservation area by installing a timber shop front in a traditional design. The installation of an external shutter causes a degree of harm but is justified and has been mitigated by painting it a colour to match the shop front and the perforated design.
This application has been assessed against relevant policies in the development plan and other material considerations. The slight harm caused by the installation of security shutters is outweighed by the public benefits of restoring this façade which will enhance the conservation area and listed building and supporting the viability of the business. It is therefore recommended for approval.

Recommendation **Grant Consent**

Decision Authorisation - Delegated Powers
Application Number: - 2021/93961
Officer Recommendation: Grant Consent

Conditions:

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, in the interests of the significance of the heritage asset and to accord within the National Planning Policy Framework.

3. The new shop front shall be a replica of the traditional shop front in terms of timber profiles and detailing, albeit with dimensions to accommodate an external shutter and shutter box. High quality, durable and sustainable timber shall be used for the shop front and door, with a finish that can withstand external weathering.
Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion in order 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
Design, Access and Heritage Statement	0020-RP-SS		14 October 2021
Existing plan, elevation and sections	0020-204-SS	A	14 October 2021
Proposed plan, elevation and sections	0020-202-SS	C	14 December 2021
Shop front and shutter proposed details	0020-600-SS		14 December 2021

Photograph of example perforated shutter			16 December 2021
Location Plan			14 October 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. Negotiations have taken place over the impact of the proposals on the character and significance of the listed building. These discussions led to the submitted plans which accurately mirror those negotiations and are felt to be acceptable.

Report Dated: 16 December 2021