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:	**2021/65/94500/W**
Site Address:	5-7, Dundas Street, Huddersfield, HD1 2HE
Description:	Listed Building Consent for removal of external steps
Recommending Officer:	Sue Brooks

DECISION – Grant Listed Building Consent

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.

Nick Grimshaw

AUTHORISED OFFICER

Date: 26-Jan-2022

Officer Report

Site Description

5 to 7 Dundas Street is a Grade II listed, mid-19th century commercial premises within Huddersfield Town Centre. The building does not lie in the conservation area. This three-storey building is constructed from rock faced coursed stone with ashlar quoins and a pitched slate roof. On the north facing façade are 10 ranges of sash windows on the upper floors. On the ground floor are round arched windows and two doorways, one of which has been partially infilled and converted into a window.

Description of Proposal

The proposal is for the removal of the external stone steps in front of the redundant doorway facing Dundas Street.

History of negotiations / amendments received

None.

Relevant Planning History

None.

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 proposal is for the removal of redundant external steps. This work is not considered to have any impact on carbon emissions and therefore it is felt that climate emergency requirements are not relevant in this instance.

Consultation Responses

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

Representations

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

Date site notice expired: 29/12/2021

Publicity expiry date: 10/01/2022

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.

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, Ministerial 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 the removal of the external stone steps in front of the redundant doorway facing Dundas Street.

Historic maps show that a set of steps were in place in in 1890, which indicates that the existing steps are contemporary with the building. They are located in front of a former doorway which has been partially blocked up and converted into a window, and although they no longer have a function, they indicate the position of the original entrances.

The removal of the steps would lead to a degree of less than substantial harm to the significance of the listed building by reducing its legibility, however the doorway is redundant and has been for some time, and the level of harm is therefore low. The proposal is part of a wider scheme to enhance the public realm on Dundas Street, creating wider footways which will give pedestrians priority over vehicular traffic and provide safer and more accessible space.

The removal of the redundant steps will reduce obstacles for pedestrians on the reconfigured footway.
Once the steps are removed the footways will be paved in stone flags, which is consistent with the historic character of the town and will greatly enhance this street.
On balance, the public benefits of enhancing the public realm and reducing obstacles on the footway will outweigh the low level of harm caused by the loss of historic fabric. A condition has been applied to ensure that the wall behind the steps is made good following the removal of the steps.

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, the level of harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."
The removal of the historic steps leads to a degree of less than substantial harm to the significance of the listed building by the loss of historic fabric and partial loss of the legibility of the façade. However, the harm is slight, and the public benefit of creating a more accessible footway as part of a wider public realm scheme outweighs the impact of the proposed alteration. The proposal is therefore acceptable.

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.
As the proposed works are minimal and justified, and the face of the building will be made good following the removal of the steps, it is felt that the architectural and historic interest of the listed building is preserved.

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

public benefits of the proposal outweigh the slight harm to the significance of the building which would arise from its alteration and is therefore recommended for approval.

Recommendation: Grant Listed Building Consent

Decision Authorisation - Delegated Powers
Application Number: - 2021/94500
Officer Recommendation: Grant Consent

Conditions and Reasons:

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. Following removal of the steps, the stonework of the façade shall be repaired, with pointing in a lime-based mortar and flush pointed to match the surrounding stonework. If replacement stones are required these shall match the low-level stonework in terms of coursing, joint size stone type and finish.
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.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Design and Access Statement			01 December 2021
Heritage Statement			01 December 2021
Proposed plan of Dundas Street	25/65053/GA/DS/04		01 December 2021
Photograph of existing steps			01 December 2021
Location Plan			01 December 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. The submitted plans are felt to be acceptable.

Report Dated: 26 January 2022