KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2021/62/94740/W**
Site Address:	25, Cross Church Street, Huddersfield, HD1 2PY
Description:	Installation of replacement shop front and an installation of external shutter (Listed Building within a Conservation Area)
Recommending Officer:	Tom Hunt

DECISION – Full Conditional Permission

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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 24/2/2022

Officer Report

Site Description

2021/94740 – 25, Cross Church Street, Huddersfield, HD1 2PY

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

Installation of replacement shop front and an installation of external shutter (Listed Building within a Conservation Area)

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

Officer Note: This is an application for planning whereby Listed Building Consent for the same scheme had been granted consent and the applicant told they need to gain Planning Permission.

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments as it met LP policies on visual and residential amenity.

Relevant Planning 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.

2021/93961 – Listed Building Consent for installation of replacement shop front and external shutter (within a Conservation Area). Approved.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, a site notice and press advert which expired on: 18/02/2021

No representations have been received.

Consultation Responses

No technical consultees required.

The Conservation & Design Officer had reviewed the scheme and supported the scheme in 2021/93961.

Due to the limited nature of the proposed and minimal ground works, the Coal Authority was not required to be consulted.

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 a Listed Building in the Huddersfield Town Centre Conservation Area on the Kirklees Local Plan. It is not within a Bat Alert Layer however is in a High Coal Risk Area.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 17 – Huddersfield Town Centre**
- **LP 24 – Design**
- **LP 25 – Advertisements and shop fronts**
- **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 20th July 2021, 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 6 – Building a strong, competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 12 – Achieving well-designed 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 visual amenity and heritage
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g., trees/ecology (e.g. bats)
6) Representations
7) Conclusion

1 – Principle of development:

The site is located within Huddersfield Town Centre Conservation Area and is a Grade II Listed Building. Therefore, Section 72 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 buildings or land within a Conservation Area. The host property is also listed so, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority should 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 relates to Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, LP35 states "development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in…harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring…public benefits that clearly outweigh the harm". This harm will be assessed and discussed later in the report.

Alongside this, LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

The site is located within Huddersfield Town Centre on the Kirklees Local Plan and the replacement shopfront would seek to retain the main town centre use at the site.

The principle of development has been considered acceptable, subject to the following material planning considerations.

2 –Impact on visual amenity and heritage:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seeks to secure

good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity. Policy LP25 is also relevant, which seeks to ensure that the design of new shopfronts are consistent with the character of the existing building and the character and appearance of the local area and historic environment.

The listed description of the host property needs to be considered is set out below, and a detailed assessment of the impact on the listed building is set out in the allied application 2021/93961:

> "CROSS CHURCH STREET 1. 5113 (West Side) No 25 SE 1416 NE 2/423 II GV 2. Early C19. Hammer-dressed stone. Pitched slate roof. 3 storeys. Moulded eaves cornice. Continuous 1st and 2nd floor sills. Giant pilasters at either end. 2 ranges of sashes. Modern shop."

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

The existing shop front is constructed from timber with pilasters and console brackets, a cornice and blind box, recessed doorway and single glazing. The proposed replacement shop front is timber framed, with a traditional part-glazed timber door as existing. The plinth would revert to its original tiled finish. This timber construction and historic shopfront proportions adds to the character and appearance of the local centre and the retention of timber shop fronts are considered an important element for the site which would appear in keeping with the Conservation Area and the historic streetscene.

Perforated 'open-mesh' shutters are set behind the two large shop windows, with a solid metal roller shutter to the front of the recessed entrance and to cover the entirety of the shopfront when closed. The shutter box is to be obscured behind the main shop signage and the shutter guides are to be the same colour as the solid panelling to integrate the design further. With regards to design, it is acknowledged that roller shutters these are generally not supported on listed buildings within a conservation area. However they would be perforated open mesh style shutters which would allow the shopfront to be seen through and as set out in the listed building consent report 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 therefore considered to be sufficiently 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.

It is therefore considered that the slight harm caused by the installation of security shutters is outweighed by the public benefits of restoring this façade with the appropriate materials, design and detailing which will enhance Huddersfield Town Centre Conservation Area and the Listed Building supporting the viability of the business.

When viewed against the commercial nature of the streetscene, Officers are satisfied that the proposed shop front and shutters 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 LP24 and LP25. Furthermore, it would accord with the Council's duties under S72 and S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3 – Impact on residential amenity:

Given the nature of the development, the works are unlikely to impact upon neighbouring amenity, over and above the existing situation. As such, the application would comply with the aims of Policy LP24 of the Kirklees Local Plan.

4 – Impact on highway safety:

There would be no impact on highway safety.

5 – Other matters:

Climate Change
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.
Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.
6 – Representations:

No representations had been received.

7 – 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.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation **Approve**
Decision Authorisation - Delegated Powers

Application Number: 2021/94740

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.
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 accord with Policies LP01, LP2, LP24 and LP25 of the Kirklees Local Plan, and Policies within Chapters 2, 12 and 16 of the National Planning Policy Framework

NOTE: This decision should be read in conjunction with the decision on the listed building consent for the works application 2021/93961.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Location Plan	Location Plan. Drawing No. 0020-001-SS. Revision: -.	-	24/12/2021
Plans – Existing Elevations	Existing Shopfront. Drawing No. 0020-204-SS. Revision: A.	A	24/12/2021
Plans – Proposed Elevations	Proposed. Drawing No. 0020-202-SS. Revision: C.	C	24/12/2021
Plans – General	New Shopfront/Shutter proposed Detail and 3D Axa. Drawing No. 0020-600-SS. Revision: A.	A	24/12/2021
Supp Info – Heritage Statement	Design, Access & Heritage Statement. Ref: 0020-RP-SS. Revision: A.	A	24/12/2021

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 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 case officer considered the application on review and sought no amendments as it met Local Plan policies on visual and residential amenity.

Date: 22/02/2022