

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:	2022/65/92001/W
Site Address:	Byram Arcade, Westgate, Huddersfield, HD1 1ND
Description:	Listed Building Consent for proposed external fabric repairs and alterations
Recommending Officer:	Sebastian Pickles

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 19-Aug-2022

Officer Report

Site Description

The building subject of the application is the Grade II Byram Arcade. The arcade which is a lovely building located in between Station Street, Westgate, John William Street and Byram Court. To the rear on Byram Court are the Grade II Gates and Railings to the alley between Station Street Buildings and rear of Byram Arcade Westgate. The Arcade's main access is off Westgate through the wrought iron canopy and off Byram Court. There is also a later canopy to Byram Court. The Arcade, which is of five stories, is of a central internal courtyard with mezzanine floors and topped with a central glazed atrium.

The site while being Listed is also with the heart of the Huddersfield Town Centre Conservation Area. Surrounding the Arcade there are several other fine architectural examples which include Grade II 1-9 John William Street, Grade II 11-15 John William Street, 12 Station Street, Grade II Westgate House and 20-24 Westgate.

Description of Proposal

The proposals are for repairs to the external fabric, including masonry, roof and other associated elements and internal repair and alterations.

History of negotiations / amendments received

Through the applications further clarification and detail was sought for the level of repairs and interventions, with specific detail for the repairs to the roof, rainwater goods, mortars and proposed internal alterations. Additional detail was submitted to provide greater detail and clarity for the proposed works.

Relevant History

2011/93243 – Meem, 6 Byram Arcade, Huddersfield – Listed Building consent for installation of folding collapsible gates to rear entrance (to improve security) – Consent Granted – 01.04.2012

2004/90892 – Byram Arcade, Westgate, Huddersfield – Listed Building consent for erection of access bollard/ gate to service entrance – Consent Granted – 08.04.2004

2002/91652 – 40 Byram Arcade, Westgate, Huddersfield – Listed Building consent for formation of a door opening – Consent Granted – 02.07.2002

2000/93502 – Byram Arcade, Westgate, Huddersfield – Listed Building consent for alterations to form wheelchair access from Balcony to intermediate level – Consent Granted – 03.12.2001

95/92241 – 3rd Floor, Byram Arcade, Westgate – Listed Building consent for alterations and refurbishment to form centre for literature including performance space and office – Granted Under Reg 3 – 08.12.1995

95/90584 – Adega Nighclub, Byram Arcade, Off John William Street, Huddersfield – Listed Building consent for erection of 2 no curtain wall glazed entrance screens and internal alterations to bar – Consent Granted – 28.04.1995

95/90583 – Adega Nighclub, Byram Arcade/Off John William Street, Huddersfield – Erection of 2 no Curtain Wall glazed entrance screens – Consent Granted – 30.04.1995

90/02672 – Byram Arcade, Westgate, Huddersfield – Listed Building consent for installation of a lift – Consent Granted – 30.08.1990

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 proposals are mainly for the repair of the existing historic fabric. This includes necessary repairs to the roof and improvements to the glazed atrium. The works will ensure that the building is in a good state of repair which will offer improvements of efficiency of the building.

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: 06/07/2022

Publicity expiry date: 22/06/2022

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, 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

Significance

Byram Arcade is Listed at Grade II, being of special interest. The building was constructed in 1880 and was the design of Architect W H Crossland. The main element of the building is constructed in hammer dressed stone. The building has a feel of Italianate gothic style. The building is of five stories, with a central internal courtyard with a central glazed atrium and shops on the ground and mezzanine levels. To the main entrance off Westgate there is the ornate cast iron canopy which covers the main entrance. Above the entrance is the elaborate cartouche with the arms of Ramsden which is supported by gryphons and carved letter 'Byram Arcade'. On Station Street there is a corner turret and an elaborate moulded corbel which is at the first floor.

On the elevation facing Byram Court there has been a degree of alteration, with the change of the fenestration to the elevation. While there have been a series of historic alterations the architectural detail, plan form and overall significance of the building has been retained.

The building

Impact of the proposal on significance

The proposed works are mainly repair works to the external fabric of the building and to the interior with some minor internal alterations. The main changes which are being considered are some alterations to the roof slates, alterations to the upper roof lantern, changes to some of the rainwater goods and alteration to the roof access to include a glazed door.

The existing main roof is in a poor state of repair, with many slates being cracked and having reached their practical life span. The intention is to lift the existing Burlington slates carefully, retaining as many of the slates as possible. Repair works to the structure will be undertaken and the existing slates will be

re-laid. It is likely that during the roof strip that there will be a reasonable loss of slates. It is intended to reuse Burlington slates from the Estates Building. There will be sufficient slates to cover the more visible roof planes with Burlington Slates. There may however a need for a small make up using Welsh slates. While this is not following the original material, this is considered reasonable as the locations being proposed are less visible and therefore the overall impact is reduced.

In this instance part of the reason for accepting this is the lack of availability of Burlington slates and leaving time the necessary number to be available, may lead to a lengthy period where the building is left exposed.

Repair works are to be undertaken to the glazed atrium, which currently has several panes which are cracked and allow water to penetrate. As noted in the submitted Heritage Impact Statement, while undertaking the necessary repairs, this could lead to damage of additional panes. The upmost care must be undertaken when working on the glazed atrium, however it is considered that these works are necessary and acceptable.

Works include repairs to the masonry. As noted in the Heritage Statement previous cleaning of the stonework and the introduction of cementitious mortars has led to accelerated deterioration of the stonework. Cleaning of buildings should only be considered where there is evidence of technical deterioration, it however appears that previous cleaning was purely for aesthetics purposes. The proposed works are considered to be acceptable, as they will see the removal of the cement-based mortars and replacement with appropriate lime mortars which will allow moisture to move through the mortar joint apposed to those the stonework. The proposed mortars will be of a match used on the neighbouring Estate Buildings. While it would be more appropriate for the mortars to be of a quick line (CL90), the proposed mixes are considered to be reasonable and will still perform as needed.

Part of the works include the repair/ replacement of the existing cast iron rainwater good. Current inspections have been limited and hampered by access, which has been clarified by the agent for the application and noted in the Heritage Impact Statement. The existing rainwater good appear to be original. Given the properties of cast iron and the historic lack of maintenance it is possible that some areas will require replacement. This will however be subject to further assessment. While this may see the loss of some of the original sections, given that if allowed to be retained, this would see poor rainwater management which would allow for the potential for water to be deflected or dripped onto the stonework, which would in turn lead to increase of deterioration and in some case focuses and localised issues. Subject to further assessment and replacement in matching profiles in cast iron effect goods, this would be considered to be acceptable.

The proposals do allow for some minor alterations, which include the addition of a glazed door to the glazed atrium. This is being considered to improve the access onto the roof spaces to allow for clearing and maintenance going

forward. While this will see a degree of intervention, this is considered to be acceptable, as the improvement of access will ensure improved access for maintenance, which will ensure the continued future maintenance of the roof and therefore protect the building.

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.”

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.

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 application has been assessed against relevant policies in the development plan and other material considerations. As set out the proposed works are mainly focused around the repair and maintenance of the building. The main alterations to the building are to the roof with the relaying of the slates, with make up using Welsh slates, opposed to the existing Burlington’s. There will be sufficient slates to reuse on the visible roof planes and Welsh to be used in the more enclosed and less visible locations. The alterations to the roof lantern are considered acceptable as they will improve the access to the roof space, which in turn will improve access for future maintenance. Overall the works are considered to have a neutral to minor beneficial impact to the Listed Building and the works will ensure the continued positive future maintenance of Byram Arcade.

Recommendation

Decision Authorisation - Delegated Powers

Application Number: - 2022/92001

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.

Reasons: In the interests of visual amenity and sustaining the architectural significance of the heritage asset in accordance with Chapter 16 of the National Planning Policy Framework and Policy LP35 of the Kirklees Local Plan.

3. Notwithstanding the submitted detail, the existing Burlington Slates and additional Burlington Slates shall be used on the outward facing, visible roof planes. Any Welsh slates shall be located in discreet areas which can only be viewed from the roof.

Reasons: In the interests of visual amenity and sustaining the architectural significance of the heritage asset in accordance with Chapter 16 of the National Planning Policy Framework and Policy LP35 of the Kirklees Local Plan.

4. There shall exclusively be no use of cement or concrete in any parts of the works.

Reasons: In the interests of visual amenity and sustaining the architectural significance of the heritage asset in accordance with Chapter 16 of the National Planning Policy Framework and Policy LP35 of the Kirklees Local Plan.

5. All raking out of mortar joints shall be undertaken using hand tools only. There shall be no use of cutting or grinding tools.

Reasons: In the interests of visual amenity and sustaining the architectural significance of the heritage asset in accordance with Chapter 16 of the National Planning Policy Framework and Policy LP35 of the Kirklees Local Plan.

6. There shall be no use of filler or expandable foams in any part of the works.

Reasons: In the interests of visual amenity and sustaining the architectural significance of the heritage asset in accordance with Chapter 16 of the National Planning Policy Framework and Policy LP35 of the Kirklees Local Plan.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
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Location Plan	KCE/BA.AHR.XX.SO.DR. A.50.000	A	13.06/2022
Roof Plan – As Proposed	KCE/BA.AHR.XX.RR.DR. A.50.008	B	13/06/2022
Roof Plan – Existing and Strip out	KCE/BA.AHR.XX.RR.DR. A.50.007	A	13/06/2022
Proposed Upper Lantern – Plan and Elevations	KCE/BA.AHR.XX.BD.DR. A.50.021		13/06/2022
Proposed Lower Lantern – Roof Details	KCE/BA.AHR.XX.BD.DR. A.50.020		13/06/2022
Existing and Proposed Basement Plan	KCA.BA.AHR.XX.B0.DR. A.50.001	A	13/06/2022
Existing and Proposed Fourth Floor Plan	KCA.BA.AHR.XX.04.B0. DR.A.50.006	A	13/06/2022
Existing and Proposed Third Floor Plan	KCA.BA.AHR.XX.03.B0. DR.A.50.005	A	13/06/2022
Existing and Proposed Second Floor Plan	KCA.BA.AHR.XX.02.B0. DR.A.50.004	A	13/06/2022
Existing and Proposed First Floor Plan	KCA.BA.AHR.XX.01.B0. DR.A.50.003	A	13/06/2022
Existing and Proposed Ground Floor Plan	KCA.BA.AHR.XX.O0.B0. DR.A.50.002	A	13/06/2022
Kirklees Council - Byram Arcade – Fabric Repairs - Heritage Impact Statement – June 2022	2021.00041.002		13/06/2022
Covering Letter	LS/2021.00041.002/05		18.08.2022

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.

Through the course of the application further clarification and detail was sought for the level of repairs and interventions, with specific detail for the repairs to the roof, rainwater goods, mortars and proposed internal alterations. Additional detail was submitted to provide greater detail and clarity for the proposed works.

Report Dated:

18.08.2022