

**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:	2022/65/93964/W
Site Address:	17-33a, John William Street, Huddersfield, HD1 1BR
Description:	Listed Building Consent for reinstatement, refurbishment and repair of 6no shops and signage [within a Conservation Area]
Recommending Officer:	Tom Hunt

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: 22-Mar-2023

Officer Report

Site Description

2022/93964 – 17-33a, John William Street, Huddersfield, HD1 1BR

This three-storey building is Grade II listed and dates to the mid-19th century. On the upper two floors are ranges of sash windows and on the ground floor is a terrace of retail premises. The site is situated in a prominent location within the Huddersfield Town Centre Conservation Area.

The external walls of the building are faced in stone in a neoclassical style. There have been numerous harmful modern interventions to the shopfronts with varied materials, glazed sections with advertising decals and fascia sizes so the shopfronts appear inharmonious and out of keeping with the host building.

It has strong architectural group value with the adjacent Grade II Listed buildings at No.s 1-9 and 11-15 and John William Street and with other nearby listed buildings similarly designed in the neoclassical style. The nearby Listed Buildings are Grade II Listed '22-34, John William Street', '11-15 John William Street' and Grade II* Listed 'Britannia Buildings'.

Description of Proposal

Listed Building consent for reinstatement, refurbishment and repair of 6no shops and signage [within a Conservation Area]

Listed Building Consent is sought to replace and repair six shop fronts on a Grade II Listed Building.

It is proposed to replace the modern and divergent shopfronts for ones which have the size, details and proportions of a historic shopfront design duplicated over 6 shopfronts.

The new shop fronts would have centrally located doors, laminated safety glass, numbered fanlights, traditional timber frames painted dark blue and narrow timber fascias painted black with gold painted bordering and lettering painted by a professional signwriter.

Shop signage itself is considered in details under the associated advertisement consent application reference: 2022/93896 but is also assessed in this application. The signage would conceal internal shutter boxes and be externally lit with LED back trough lighting.

The stonework would be repaired, cleaned and reinstated with steps, cornice, pilasters and stallrisers/plinths. Traditional lead flashings would be installed replacing the existing. Ironmongery details such as air grates would be in traditional style. An existing ATM would be retained within No. 19-21.

Tube linked open mesh roller shutters will be concealed within the ceiling void in coil boxes and have a factory applied powder coated finish in off white colour RAL 9018 to all shopfronts.

Internally, insulation, a suspended plaster ceiling, metal/steelworks supports and damp proofing tanking would be installed.

The application does not cover further internal alterations and is limited to the shopfront works only.

History of negotiations/amendments received

The case officer considered the application on review and sought clarifications on universal access arrangements, and the design of the roller shutters. The Conservation & Design Officer offered recommendations which was reviewed by the agent with minor revisions to the scheme.

Relevant Planning History

17 John William Street, Huddersfield, HD1 1BR

95/90976 – Use of Premises as Estate Agency (Listed Building). Conditional Full Permission.

96/92131 – Listed Building Consent for Erection of Non Illuminated Fascia and Hanging Sign (Within Conservation Area). Consent Refused.

2008/92537 – Change of Use of Coffee Lounge to include Hot Food-Takeaway (Use Class A5) (Listed Building within a Conservation Area). Conditional Full Permission.

2009/91612 – Variation of condition 4 relating to hours of opening on previous permission 08/62/92537W1 for change of use of coffee lounge to include hot food takeaway (Listed Building Within a Conservation Area). Refused.

19, John William Street, Huddersfield, HD1 1BR

2008/94095 – Listed Building Consent for replacement front entrance door & frame (within a Conservation Area). Consent Granted.

2015/91227 – Installation of illuminated sign (Listed Building within a Conservation Area). Advertisement Consent Granted.

2015/91230 – Installation of ATM (Listed Building within a Conservation Area). Conditional Full Permission.

2015/91762 – Listed Building Consent for installation of ATM and illuminated sign (within a Conservation Area). Consent Granted.

19, 21, John William Street, Huddersfield.

95/92863 – Conversion of First and Second Floors over Shop to 8 No Flats (Listed Building). Conditional Full Permission.

95/92864 – Listed Building Consent for Conversion of First and Second Floors over Shop to 8 No Flats. Consent Granted.

97/90407 – Listed Building Consent for Internal Alterations, Refurbishment, Stone Cleaning, Repair Work and Bird Netting (Within Conservation Area). Consent Granted.

2007/95340 – Erection of Illuminated Fascia Sign and Projecting Sign (Listed Building within a Conservation Area). Advertisement Consent Refused.
2008/92277 – Erection of Illuminated Sign and One Projecting Sign (Listed Building within a Conservation Area). Advertisement Consent Granted.
2008/92278 – Listed Building Consent for One Illuminated Sign and One Projecting Sign (Within a Conservation Area). Consent Granted.
2010/90929 – Listed Building Consent for erection of fascia sign (within a Conservation Area). Consent Granted.
2010/90930 – Advertisement consent for erection of fascia sign (within a Conservation Area). Advertisement Consent Refused.

27, John William Street, Huddersfield, HD1 1BL.

95/90638 – Change of Use of Vacant Premises to Estate Agency. Conditional Full Permission.
96/90624 – Change of Use from Sandwich Bar to Hot Food Take-Away (Listed Building within Conservation Area). Conditional Full Permission.
2000/91425 – Installation of New Shopfront (Listed Building within a Conservation Area). Refused.
2000/91426 – Listed Building Consent for Installation of New Shopfront and Erection of Illuminated and Non-Illuminated Signs. Consent Refused.
2000/91427 – Erection of Illuminated and Non-Illuminated Signs (Listed Building within a Conservation Area). Advertisement Consent Refused.
2001/90282 – Installation of New Shop Front (Listed Building within a Conservation Area). Conditional Full Permission.
2001/90283 – Erection of Illuminated and Non-Illuminated Signs (Listed Building within a Conservation Area). Advertisement Consent Granted.
2001/90284 – Listed Building Consent for Installation of New Shop Front and Erection of Illuminated and Non-Illuminated Signs (Within a Conservation Area). Consent Granted.
2021/92662 – Change of use from retail shop (Class E) to hot food take-away (sui generis) (Listed Building within a Conservation Area). Refused. Appealed but found Invalid (20/06/2022).

29, John William Street, Huddersfield.

89/03498 – Listed Building Consent for erection of illuminated fascia and projecting sign. Consent Refused.
99/90686 – Illumination of Existing Projecting Sign (Listed Building within a Conservation Area). Advertisement Consent Refused.
99/90830 – Listed Building Consent for Illumination of Existing Projecting Sign (Within a Conservation Area). Consent Refused.
99/91581 – Illumination of Existing Projecting Sign (Listed Building within a Conservation Area). Advertisement Consent Granted.
99/91582 – Listed Building Consent for Illumination of Existing Projecting Sign (Within a Conservation Area). Consent Granted.

31, John William Street, Huddersfield.

95/93282 – Installation of Security Shutter (Listed Building). Conditional Full Permission.
95/93513 – Listed Building Consent for Installation of Security Shutter to Door. Consent Granted.

33a, John William Street, Huddersfield.

96/91116 – Installation of Timber Shop Front (Listed Building). Withdrawn.

96/91117 – Listed Building Consent for Timber Shop Front. Consent Refused.

96/91988 – Listed Building Consent for Timber Shop Front. Deemed Withdrawn.

96/92016 – Installation of Timber Shop Front (Listed Building within Conservation Area). Deemed Withdrawn.

23-33a, John William Street, Huddersfield.

97/90824 – Listed Building Consent for Erection of Bird Protection Netting and wires. (Within Conservation Area). Consent Granted.

97/91113 – Erection of Bird Protection Netting and wires (Listed Building within Conservation Area). Conditional Full Permission.

27-33 John William Street, Huddersfield.

99/90374 – Conversion of existing first and second floor shops/offices to 8 no. flats (Listed Building within a Conservation Area). Conditional Full Permission.

99/90375 – Listed Building Consent for conversion of existing shops/offices to 8 no. flats at first and second floor level (Within a Conservation Area). Consent Granted.

95/90638 – Change of Use of Vacant Premises to Estate Agency. Conditional Full Permission.

Byram Court Arcade, John William Street, Huddersfield.

2004/90892 – Listed Building Consent for Erection of Access Bollard/Gate to Service Entrance (Within a Conservation Area). Consent Granted.

Current

17-33a, John William Street, Huddersfield, HD1 1BR

2022/93896 – Advertisement Consent for erection of externally illuminated signs (Listed Building within a Conservation Area). Pending.

2022/93895 – Installation of replacement shop fronts with associated reinstatement, refurbishment and repair to buildings (Listed Building within a Conservation Area). Pending.

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:

Site Notice Expired: 16/01/2023

Publicity expired: 23/01/2023

Two representations of Support have been received; a summary of the comments received is set out below:

- On behalf of the Huddersfield Civic Society – *“The Civic Society welcomes this long overdue improvement to shop frontages along John William Street and hopes the work will encourage other applications of a similar standard to be submitted and implemented. The society also*

welcomes repairs to previously unauthorised work such as the removal of paint on quoins at the entrance to Byram Court.”

- Keen to see the proposal take shape

Consultation Responses

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

- Conservation & Design – Fully supports.

Policy & Legislation

The proposal relates to a Grade II listed building, the site is within Huddersfield Town Centre / Conservation Area as identified within the Kirklees Local Plan (adopted 2019).

It is considered that the following policy and legislation is applicable to the determination of this application.

Kirklees Local Plan (LP):

- **LP 24 – Design**
- **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 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic environment

Legislation

The building is Grade II listed and therefore Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires the Local Planning Authority to *“have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic importance which it possesses”*.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on the significance of the Building
- 3) Representations
- 4) Conclusion

1 – Principle of development:

The proposal will be assessed having regard to the relevant policies and Chapter 16 of the NPPF. Of particular relevance, the NPPF states within paragraph 190 that Local Authorities and Plans should take into account:

a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;

b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;

and that in determining applications, within paragraph 197, that local planning authorities should take into account:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality

Furthermore this relates to Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment. LP35 states that:

“Development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”

The aforementioned policies and legislation are taken into account in the consideration of the impact of the proposal on the significance of the listed building.

On the basis the proposal is considered to have an acceptable impact on the significance of the listed building the principle of development could be considered to be acceptable in this case.

2 – Impact on the significance of the Building:

17-37 John William Street is part of a terrace facing east onto John William Street with various rear projections. This three-storey building is Grade II listed and dates to the mid-19th century. On the upper two floors are ranges of sash windows and on the ground floor is a terrace of retail premises. The majority of units feature modern shopfronts. However, the doorway of number 19 has Tuscan columns with a full entablature above, whilst the adjacent modern shopfront has a continuous moulded cornice and a rusticated pilaster with two elaborately moulded consoles immediately south of the Byram Court entrance.

Materials are sandstone ashlar frontage, and coursed stone rear elevations with slate roof and ashlar stacks. It has a short return to St Peter's Street where there is vehicular access into a rear courtyard.

Its listing sets out three principal reasons for listing:

- Architectural interest. A high quality mid c19 purpose built commercial building; an example of neoclassical style.
- Historic interest. Constructed as part of the planned New Town development by Ramsden Estate.

- Group value. Purposefully designed to be cohesive with nearby adjacent Listed Buildings built at the same time with similar neoclassical style.

The Conservation & Design Officer has been formally consulted and fully supports the application. This is subject to detailed conditions which are set out in the recommendation. These conditions accord with the 6-tests for conditions.

Many shop front alterations have been carried out over the years leading to an array of chaotic, harmful and uncontrolled shopfront designs hiding or removing historic shopfront features. This application seeks to introduce traditional shop fronts and signage based on historic evidence, and where this is not available, they are based on designs found in similar buildings of this age, status and function.

Modern and harmful shopfront interventions such as oversized fascias, non-historic brickwork, timber, metal frames, CCTV, lighting, hanging signs, alarms, modern framed glazing and doorways are to be removed. Shopfronts with painted timber frames, open sections of glazing and harmonised dark blues, blacks and gold details would be installed in their place. This would have the benefit of removing modern visual clutter from the existing arrangement for a unified shopfront design with strongly harmonious group value. Signage would be confined to the fascia. This would enhance the Listed Building by introducing a strengthened group value, cited by Historic England as one of the reasons for listing, within the historic streetscene.

The stonework which is damaged, eroded or missing would be cleaned, repaired and reinstated to have an aesthetically uniform appearance complementing the stonework on the upper two storeys. As such those would reveal and restore features of special architectural or historic interest. While some stonework would be new such as steps, stallrisers or pilasters, they would be viewed as sensitive and high quality additions to the primary frontage having the effect of balancing out the design where historic features had been lost and would not interfere with the original features.

The proposed roller shutters will be of open mesh design and visually permeable aiding in the shopfronts internally to appear revealed out of hours while of secure design. This high quality design would enhance the active frontage of the shopfronts creating visual interest to the Listed Building and the setting of Huddersfield Town Centre Conservation Area.

Internal alterations to the Listed Building shopfront for this application are limited to the shopfront and do not include the floor and ceiling works.

Interventions have been limited to insulation, internal roller shutters and vents seeking to improve energy efficiency and security arrangements for the Listed Building; these would not remove any historic materials and therefore be considered acceptable. As these internal works only affect modern fittings with some infill to the shopfront, they are considered not to result in harm to the significance of the building.

The Listed Building would retain its long term tenants for continued use and commercial operations of the purpose built commercial building, ensuring that it would be heated and maintained while in use providing some public benefit to its ongoing preservation. The design would reinstate a row of shopfronts with historic shopfront proportions enhancing its primary elevation at ground

floor respecting the neoclassical style of the Building and its group value. Considering these points, the benefits of this heritage led regeneration and shopping would have a substantial enhancement of the Building with a cohesive and historically sensitive design with a strong group value respecting the reasons why the Building was Listed. The proposal is therefore concluded to be fully supported in terms of impact upon a Grade II Listed Building.

3 – Representations:

Two representations of support had been received for this application and its associated planning application: 2022/93895.

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

Grant Listed Building Consent

Decision Authorisation - Delegated

Application Number: 2022/93964

Officer Recommendation: Approve

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.

Reasons: In the interests of visual amenity and sustaining the architectural significance of the heritage asset in accordance with policies within Chapters 12 and 16 of the National Planning Policy Framework and Policies LP24 and LP35 of the Kirklees Local Plan.

3. No works of stone cleaning and paint removal shall take place until a method statement for stone cleaning and paint removal has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved method statement thereafter.

Reason: So as to ensure the satisfactory visual amenity appearance of the development on completion, in the interests of the significance of the heritage asset and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

4. Stone repair works and reinstated sections of natural stone for all damaged or eroded stonework and new pilaster/stallrisers/steps shall match the existing in terms of stone type, constituents, colour, aggregate size, finish and bedding. Joints for repairs shall be tight, and in lime mortar pointing, using a 1:3 NHL3.5 hydraulic lime, well graded sharp sand mortar and flush pointed. All raking out of mortar joints shall be undertaken using hand tools only. There shall be no use of cutting or grinding tools.

NOTE: Weatherstruck, strap or ribbon pointing is not permitted.

NOTE: There shall exclusively be no use of cement or concrete in any of the proposed works to the host building.

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 LP24 and LP35 of the Kirklees Local Plan, as well as Chapters 12 and 16 of the National Planning Policy Framework.

5. All new windows shall be fixed with 7.5mm laminated safety glass to BSEN ISO 12543-2:2011 and timber frames with a dark blue painted finish, with mouldings and hardwood timber sections simple in design and profile. The works shall be undertaken in accordance with the joinery details submitted with this application and retained as such thereafter.

Reason: 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. The proposed open tube linked security shutters to all shop fronts and doors and associated box housing hereby approved shall have coil boxes concealed in the ceiling void and have a factory applied powder coated finish in off white colour RAL 9018 as set out in 'Image of proposed roller shutter design from agent' and Proposed Elevation and Floor Plans. Drawing No: 22.2714.05C.'

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 Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

7. The new lead flashing installed above the cornicing of the shopfront elevations shall be finished in code 5 lead in traditional detailing to match the existing with the correct expansion joints, thickness, and sheet lengths to the specifications of the Lead Sheet Association guidelines. All lead flashings shall be fixed into mortar joints and shall not be cut into the masonry, and no weepholes shall be inserted.

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.

8. All fascias shall be 25mm weather and boil-proof ply lining over treated hardwood frame painted in matt black and to have a 15mm gold painted border. Prior to installation, samples of the lettering and numbers (font, point and method) on a sample fascia board shall be painted on in gold, painted by a professional signwriter, to be submitted to and approved in writing by the Local Planning Authority. The works and future signage shall be carried out in accordance with the approved font, point and method thereafter.

Reason: To ensure the proposed works are sympathetic and do not detract from the character of the host Listed Building and preserve the character and appearance of the Huddersfield Town Centre Conservation Area and to accord with Policy LP24 and LP35 and to accord with Chapters 12 and 16 of National Planning Policy Framework.

9. Before work begins to install the secondary metal/steelwork supports necessary to allow for location fixings of shop frames, shutters, fascias and ceiling, drawings to a minimum scale of 1:50 on elevation plan and 1:50 in sections fully detailing how those will be concealed within the shopfront shall be submitted to approved in writing by the Local Planning Authority. The works shall be carried out in complete accordance with the approved details and so retained thereafter.

NOTE: Any proposal for black glass above transom level to hide bulkheads, should be black glass rather than applied film.

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the shopfronts on completion in order to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

FOOTNOTE: The applicant's attention is drawn to the security recommendations of West Yorkshire Police Designing Out Crime Officer detailed within their consultation response dated 6th June 2022.

FOOTNOTE: The temporary portable access ramps to each shopfront should be compliant with Part M of the Building Regulations 2010 and retained within easy reach for each shopfront to be made available for the use of customers on demand. They should be put away when not in use.

FOOTNOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location and Block Plans.	Drawing No. 22.2714.01A.	Unamended	01/12/2022
Existing Elevation Plans.	Drawing No: 22.2714.03.	Unamended	01/12/2022
Existing Floor Plan.	Drawing No. 22.2714.02.	Unamended	01/12/2022
Existing and Proposed Street Scene Elevation Plans.	Drawing No: 22.2714.06C.	C	13/03/2023
Proposed Elevation and Floor Plans.	Drawing No: 22.2714.05C.	C	16/03/2023
Conservation, Heritage and Design and Access Statement	Conservation, Heritage and Design and Access Statement by DK	Original	01/12/2022

	Architects. 28/11/2022.		
Joinery Details - Typical Layout.	Drawing No: 22.2714.04B.	B	13/03/2023
Joinery Details Shopfront Plans.	Drawing No: 22.2714.07.	Unamended	01/12/2022
Joinery Details - Shopfront Plans.	Drawing No: 22.2714.08.	Unamended	01/12/2022
Joinery Details - Shopfront Plans.	Drawing No: 22.2714.09.	Unamended	01/12/2022
Email from agent rec'd 13/03/2023	RE: 2022/93896 and 2022/93964	Original	13/03/2023
Image	Image of proposed roller shutter design from agent	Original	16/03/2023

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 received amended plans following the Conservation & Design Officer comments on signwriting and bordering to ensure high quality visual amenity and heritage amenity to Huddersfield Town Centre Conservation Area and its Listed Buildings. Additional clarifications were received to ensure that the accessibility of the shopfronts were considered in the assessment above.

Report Dated: 20/03/2023