

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:	2023//92455/W
Site Address:	Byram Arcade, Westgate, Huddersfield, HD1 1ND
Description:	Variation condition 2 (plans) on previous permission 2022/92001 for Listed Building Consent for proposed external fabric repairs and alterations
Recommending Officer:	Sebastian Pickles

DECISION – GRANT LBC-REMOVAL/VARIATION OF CONDITION 2

I hereby authorise the variation of condition 2 of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Helen Bower

AUTHORISED OFFICER

Date: 11-Oct-2023

Officer Report

Site Description

The building subject of the application is the Grade II Byram Arcade. The arcade is 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 application is for a variation of condition 2 (plans) of the previous permission 2022/92001 and centres around a change in approach from the previously consented repairs to the glazed lower lantern to justified full replacement.

History of negotiations / amendments received

There was engagement to discuss the variation and understand the level of amendments.

Relevant History

2022/92001 – Listed Building Consent for proposed external fabric repairs and alterations. – Approved 19.08.2022

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 – 3 rd 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.

Consultation Responses

Officer report has been compiled by the Senior 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: 21.09.2022

Publicity expiry date: 29.09.2022

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 1-Achieving Sustainable Development

LP 2 – Place Shaping

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 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. The following chapters are of particular relevance to this application.

- Chapter 2 Achieving sustainable development
- Chapter 12 Achieving well-designed places
- 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 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 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.

Impact of the proposal on significance

The impact of the proposals has been previously assessed under 2022/92001 and were found to be acceptable. The proposed variation centres around a proposed change in approach to the lower roof lantern. On further assessment of the existing lower lantern, it was found to be beyond economic repair. It is therefore intended to replace the lower lantern with a modern replica of the existing lantern. The detail has been considered and while this will be a replacement lantern, the detail is matching, with some minor improvements to the ventilation and accessibility of the lantern, with some of the glazing being openable. All other plans remain as per the previously consented scheme and the proposed change in approach from repair to full replacement of the lower lantern is considered to have been justified and is therefore 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.”

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. While the proposals will see the existing lower lantern replaced, the existing lantern is beyond economic repair. The replacement is of matching detail with some minor alterations which will allow for improved access and ventilation. The proposed variation of condition 2 (specifically in relation to the lower lantern works) is therefore considered to be acceptable.

Recommendation

LBC-Removal/Variation of Condition 2

Decision Authorisation - Delegated Powers

Application Number: - 2023/92455

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.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Roof Plan – Existing and Strip Out	KCE/BA_AHR_XX_RR_DR_A_50_007	D	21/08/2023
Roof Plan – As Proposed	KCE_AHR_XX_RR_DR_A_50_008	E	21/08/2023
Proposed Lower Lantern – Roof Details	KCE/BA_AHR_XX_BD_DR_A_50_020	C	21/08/2023

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 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 and information is felt to be acceptable.

Report Dated:

04.10.2023

