

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:	2023/65/92566/W
Site Address:	Ephesus, 52, John William Street, Huddersfield, HD1 1ER
Description:	Listed Building Consent for relocation of extractor fan and associated alterations (within a Conservation Area)
Recommending Officer:	Tom Hunt

DECISION – CONSENT GRANTED

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.

Helen Bower

AUTHORISED OFFICER

Date: 13-Dec-2023

Officer Report

Site Description

2023/92566 – Ephesus, 52, John William Street, Huddersfield, HD1 1ER

52 John William Street is part of the Lion Chambers Building, a substantial Grade II* listed building situated within the Huddersfield Town Centre Conservation Area.

Description of Proposal

The proposal seeks Listed Building Consent for relocation of extractor fan and associated alterations (within a Conservation Area).

History of negotiations / amendments received

The Officer requested revised plans following assessment that the plans were not accurate. The Officer requested plans to clearly set out where the vent would be in red outline and confirmed condition on appearance is acceptable.

Relevant Planning History

92/05001	Listed Building Consent for provision of bird netting to 3 no facades and painting of windows and ironwork. <i>Granted</i>
95/92029	Listed Building Consent for repair and renewal of roof covering and rooflight to lightwell. <i>Granted</i>
2001/91442	Listed Building Consent for installation of replacement doors (within a Conservation Area). <i>Granted</i>
2009/92252	Installation of facade lighting to front (Listed Building Within a Conservation Area). <i>Granted</i>
2009/92253	Listed Building Consent for installation of facade lighting (Within a Conservation Area). <i>Granted</i>
2014/93348	Listed Building Consent for internal alterations and secondary glazing to all road facing windows (within a Conservation Area). <i>Granted</i>

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.

Due to the minor and limited scale of works proposed, it is not considered that specific mitigation measures are required to comply with the climate emergency requirements.

Consultation Responses

Conservation and Design Officer – Support with recommended conditions.

Kirklees Council Environmental Health – Support with recommended footnote.

Officer Note: Whilst not required within the remit of this application, there is some local sensitivity concerning appropriate use of controls on noise and odour in nearby Listed Buildings following inappropriate installation or use of devices within the Buildings. The response was invited as a safety measure.

Representations

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

Final publicity date: 03/11/2023

Policies

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'.

Kirklees Local Plan

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019). The following policies are considered relevant to this application:

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.

Chapter 16 Conserving and enhancing the historic environment

Assessment

The Conservation & Design Officer undertook an assessment of the proposal as below:

The proposed works are for a new extractor system with internal ducting at ground floor level leading to a replacement single external vent on the rear elevation facing Wood Street. This is outlined in red on the proposed elevation plan for accuracy.

As the proposed extractor vent replaces existing equipment, the impact on significance and character internally is neutral. It will be a visual enhancement externally, with the removal of a large extract unit in front of the rear window and installation of a flush extract vent within the window opening.

The rear elevation drawing submitted with the application shows the location of the rear vent, which is set within the rear window. No detail has been submitted to show the colour and finish of the external vent, and limited detail has been submitted to show how it will fit within the window. Subject to a recommended condition on the removal of redundant equipment and fitting of the vent to be flush, Officers are satisfied that this could be adequately controlled for visual and heritage amenity.

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.”

The proposal would reduce clutter to the rear elevation of the host building and set ventilation vent within an existing window opening. There would be no removal of historic fabric and an improved visual appearance to the Grade II* Listed Building, as such no less than substantial harm has been identified and therefore no public benefits are required.

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, it is felt that the architectural and historic interest of the listed building is suitably enhanced subject to a recommended condition.

It is therefore concluded that the proposed development accords with the requirements of policies LP35 of the Kirklees Local Plan, policies within Chapter 16 of the National Planning Policy Framework and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

This application has been assessed against relevant policies in the development plan and other material considerations with no conflicts identified and is therefore recommended for approval.

Recommendation Grant Consent

Decision Authorisation - Delegated
Application Number: - 2023/92566
Officer Recommendation: Grant Consent

Conditions and Reasons:

1. The development shall be begun within three years of the date in which this 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: To ensure the satisfactory appearance of the development on completion 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.

3. Notwithstanding the details provided, all redundant equipment associated with this application shall be removed internally and externally, and the new external extractor vent permitted shall be in a matte black finish and set within the existing window frame as outlined and within the red circle shown on 'Proposed Rear Elevation and System Section Plans. Drawing no. A1.4. Amended. Received 13/12/2023'.

Reason: To ensure the satisfactory appearance of the development on completion 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.

FOOTNOTE: The kitchen extract system must be installed in accordance with the Proposed Ground Floor Plan by Mold Architectural Design dated 19.06.2023. In addition, it is vital that all filters are regularly changed, and that the kitchen extract system is maintained as per the manufacturers instructions.

FOOTNOTE: The applicant is reminded that Kirklees Council has powers under 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 Plan.	Drawing no. A0.1.	Unamended	14/09/2023
Existing Ground Floor Plan.	Drawing no. A1.0.	Amended	09/10/2023
Existing and Proposed Front Elevation Plan (demonstrating no alteration).	Drawing no A1.1.	Amended	09/10/2023
Proposed Ground Floor Plan.	Drawing no. A1.3.	Amended.	13/12/2023
Proposed Rear Elevation and System Section Plans.	Drawing no. A1.4.	Amended.	13/12/2023
Heritage Statement	Heritage Statement by Mold+ Architects. Dated: 25/08/2023.	Unamended	29/08/2023
Design & Access Statement	Design & Access Statement by Mold+ Architects. Dated 25/08/2023	Unamended	29/08/2023
Supp Info – General	Sitesafe Carbon Filters by Purified Air Ltd	-	27/09/2023
Supp Info – General	The Commercial Kitchen Filtration Experts by Purified Air Ltd.	-	27/09/2023

	Technical Brochure		
Supp Info – General	Flanged Circular Attenuator RSD Specifications by Helios	-	27/09/2023
Supp Info – General	Fans. SuperLite - JM Aerofoil Accessories	-	27/09/2023
Supp Info – General	'Our ESP Range' by Purified Air Ltd	-	27/09/2023

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. Following Conservation & Design Officer response, no additional negotiations were required. The agent noted that they had reviewed the suggested draft condition in written communication.

Report Dated: 13/12/2023