

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:	2023/65/92777/W
Site Address:	71, New Street, Huddersfield, HD1 2BQ
Description:	Listed Building Consent for alterations 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: 18-Jan-2024

Officer Report

Site Description

2023/92777 – 71, New Street, Huddersfield, HD1 2BQ

71 New Street is a fine Grade II listed terracotta building on the corner of New Street and Ramsden Street, located within the Huddersfield Town Centre Conservation Area and constructed in 1897-8. Historically, the terracotta extended to ground floor level, with six arched windows and piers following the line of the upper floor windows and an arched doorway on the left-hand side of the New Street elevation. Five of these windows were removed and replaced with a modern shop front prior to listing in 1978. This has extensive glazing and a wrap-around fascia with overhead strip lights. One ground floor window survives on the west elevation.

Description of Proposal

Listed Building Consent for alterations and signage (within a Conservation Area)

Relevant Planning History

The planning history for this site relates to the following:

The most relevant planning history is considered to relate to the following application:

87/05355	Listed Building Consent for installation of new shop front, erection of signs and internal alterations (within Conservation Area). <i>Granted.</i>
94/93012	Erection of non-illuminated sign (Listed Building). <i>Refused.</i>
94/93013 sign.	Listed Building Consent for erection of non-illuminated sign. <i>Refused.</i>
2008/91038	Listed Building Consent for removing existing partitions and provide new partitions to form new offices electrical re-wire and replacement of small amount of doors (within a Conservation Area). <i>Granted.</i>
2010/90498	Erection of illuminated signs (Listed Building within a Conservation Area). <i>Granted.</i>

2010/90501	Listed Building Consent for erection of illuminated signs (within a Conservation Area). <i>Granted.</i>
2015/93851	Installation of 1 no. internally illuminated fascia sign and 2 no. internally illuminated hanging signs (Listed Building within a Conservation Area). <i>Granted.</i>
2023/92644	Erection of illuminated signs (Listed Building within a Conservation Area). <i>Pending.</i>

History of negotiations/amendments received

Amendments were secured to the original proposal to overcome harm to the heritage amenity of the Huddersfield Town Centre Conservation Area and Listed Buildings nearby. The draft conditions were sent to the agent for review, however the Officer did not receive a response. In order to have a timely Decision, the Officer moved to determination.

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 predates 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, NPPF policies and guidance documents to embed the climate change agenda.

The proposed alterations would fit out a long established but vacant commercial unit, replace non-historic timber pilasters and skirtings with timber and would have a neutral impact on carbon emissions. Therefore, it is felt the proposal complies with the climate emergency requirements.

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 – Support.

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 and Press Publicity which expired: 27/10/2023

No representations were received. Amended plans were not re-advertised due to improvements to the visual amenity of the scheme on a Grade II Listed Building within Huddersfield Town Centre Conservation Area

Policies and 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”*.

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 1 – Presumption in favour of 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 20th December 2023, 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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

Significance

The Listed Building's significance is related to the storeys above the ground storey (which had been mostly removed) and the remaining original sections of the ground storey on New Street and Ramsden Street.

The building has been vacant for some time and the application proposes alterations to the non-historic shop front and interior for the new retail use. It is noted that the application site is on a very prominent corner plot and have three shop-frontages so it is in a sensitive location within its Conservation Area setting. The Conservation & Design Officer was formally consulted to assess the impacts on significance.

Internal alterations

The internal space on the ground floor is a modern retail unit and therefore the proposals internally have no impact on significance.

External alterations

The existing fascia is a timber board with a beaded edging and overhead external strip lighting. Although the existing shop front is a modern intervention, it reflects the design of traditional late 19th century shop fronts within Huddersfield Town Centre Conservation Area.

The replacement fascia would also be with an inset beaded edging to provide some visual depth. The replacement pilasters with beading removed would have a simplified and flatter appearance, however they and the skirting boards were in poor condition and showed signs of rot/water damage. In addition, it is acknowledged that the shopfront is non-historic so there would be no loss of historic fabric. Plans show the finish to be gloss which is not supported by Officers, however a condition to have this to be in eggshell or matt finish should satisfactorily overcome this; the softer appearance of eggshell or matt finish compared to what would be a harsh, reflective and uncharacteristic gloss finish would visually enable the proposed shopfront to appear more sympathetic to the attractive terracotta soft tones of the historic sections of the Listed Building.

The fascia would be lit by external slimline trough lighting, the colour is not specified on plans. Officers note that the limited widths of the trough lighting, compared to the previous full width arrangement, would aid in the scheme's lighting to appear more restrained and less harsh within the Conservation Area. The projecting signage is not set out as externally illuminated on plans. Internal lighting is not supported in Huddersfield Town Centre Conservation Area or others due to its modern appearance. As such, Officers recommend a condition on lighting to be externally illuminated on both the fascia and projecting signage, using slimline trough lighting in a matt white finish and limited to 400cd/m². This would aid in the scheme on a triple fronted shopfront and prominent corner plot to appear well integrated to the heritage assets. Subject to those conditions, the proposal would preserve the character and significance of Huddersfield Town Centre Conservation Area.

Conclusion

Paragraph 205 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 208 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(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 and justified, updating a non-historic section of the Listed Building’s fabric subject to conditions attached, it is considered that there is a neutral impact on the architectural, cultural and historic interest of the listed building.

This modest scale of works would enable the proposal to be sympathetically integrated with the building to a non-historic elevation and to be acceptable in terms of visual and heritage amenity. As such, Officers have identified that there would be a neutral impact to the significance of the Listed Building and therefore the proposal would not require any public benefits to clearly outweigh the minor interventions undertaken.

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 proposal, within a busy and commercial setting, is considered to preserve the character and significance of the Huddersfield Town Centre Conservation Area.

It is therefore concluded that the proposed development accords with the requirements of policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, policies within Chapters 2, 12 and 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. It is considered that there is no identified harm from the proposal to require public benefits to outweigh the harm and it is therefore recommended for approval.

Recommendation
Consent

Grant Listed Building

Decision Authorisation: Delegated

Application Number: 2023/92777

Officer Recommendation: Grant Listed Building Consent

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.

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 in accordance with Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended), Chapter 16 of the National Planning Policy Framework and Policy LP35 of the Kirklees Local Plan.

3. Notwithstanding the plans received, the fascia signage and projecting signage, including lettering in the logos, hereby permitted shall be in an eggshell or matt finish. The use of gloss finish to signage is not permitted.

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.

4. Notwithstanding the plans received and the application form details provided, all fascias and projecting signage hereby permitted, shall be externally illuminated by slimline trough lighting in a matt, white finish, and limited to 400cd/m² in illumination. No internal illumination shall be permitted to all fascia and projecting signage.

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: This is to be read in conjunction with the associated Advertisement Consent application 2023/92644.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	Location Plan.	Unamended	19/09/2023
Existing Ground and Basement Floor Plans.	Drawing no. 1822-01-01.	C	19/09/2023
Existing and Proposed Elevation Plans and Proposed Ground Floor Plan.	Drawing no. 1822-01-05.	E	08/01/2024
Proposed Construction Interventions in Ground and Basement Floor Plans.	Drawing no. 1822-01-02.	C	19/09/2023
Proposed Ground and Basement Electrical Layout.	Drawing no. 1822-01-07.	C	19/09/2023
Proposed Ground and Basement Floor Plans.	Drawing no. 1822-01-03.	C	19/09/2023
Proposed Ground and Basement Flooring Details.	Drawing no. 1822-01-04.	C	19/09/2023
Proposed Ground and Basement Lighting Layout.	Drawing no. 1822-01-08.	C	19/09/2023
Proposed Ground Floor Sections.	Drawing no. 1822-01 06.	C	19/09/2023
Heritage Statement	Heritage Statement	Unamended	19/09/2023
Design and Access Statement	Design and Access Statement	Unamended	19/09/2023

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 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. Amendments were secured to the original proposal to overcome harm to the heritage amenity of the Huddersfield Town Centre Conservation Area and Listed Buildings nearby. The draft conditions were sent to the agent for review, however the Officer did not receive a response. In order to have a timely Decision, the Officer moved to determination.

18/01/2024

Report Dated: