

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:	2023/65/92815/W
Site Address:	Chicken Cottage, 23, Cross Church Street, Huddersfield, HD1 2PY
Description:	Listed Building Consent for erection of single storey rear extension, alterations to upper floors to form 2 apartments, alterations to frontage to create additional entrance, internal and external alterations
Recommending Officer:	Katie Chew

DECISION – Refuse listed building consent

I hereby authorise the refusal 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: 16-Apr-2024

Officer Report

Site Description

Chicken Cottage, 23, Cross Church Street, Huddersfield, HD1 2PY

The application site relates to a three-storey mid-terraced property located within Huddersfield Town Centre. The building is stone-built and is designed with a pitched roof. The building currently serves as a takeaway and restaurant. The building fronts onto Cross Church Street and provides a small yard area to the rear.

The application site is located within Huddersfield Town Centre Conservation Area and relates and is adjacent to several Listed Buildings.

Description of Proposal

The application seeks Listed Building Consent for erection of single storey rear extension, alterations to upper floors to form 2 apartments, alterations to frontage to create additional entrance, internal and external alterations.

The proposed single storey extensions is to be erected on the rear elevation of the existing property and is to measure 6.1m x 2.5m, with a ridge height of 2.8m. The extension is to be constructed from stone with a flat roof and is to provide an extended kitchen/prep area to Chicken Village.

Other external alterations include the provision of a new entrance lobby on the front elevation at ground floor level. 3 new rooflights are also proposed within the front and rear roof slopes.

Internally, alterations are proposed to ensure that access can be gained to the new apartments and that the building functions sufficiently as residential accommodation on the first, second and attic floors.

Apartment 1 comprises of a lobby area, bathroom, open plan kitchen/lounge and double bedroom. The apartment will have a floorspace of approximately 45sqm.

Apartment 2 comprises of 2 double bedrooms, bathroom, open plan kitchen/lounge, en-suite and lobby area. The apartment will have a floorspace of approximately 61sqm (when taking into consideration the lack of head height in bedroom 2 – which falls below 1.5m).

No off-street parking or garden/amenity space is proposed within the development.

History of negotiations/amendments received

No amendments have been sought on this occasion as the proposals are deemed to be wholly unacceptable.

Relevant Planning History

2023/92779 - Erection of a single storey rear extension, alterations to upper floors to form 2 apartments, alterations to frontage to create additional entrance, internal and external alterations (Listed Building within Conservation Area). Refused 25th March 2024.

2003/90267 – 3 no. illuminated signs. Replacement of 14 no. banners (part within a Conservation Area). Approved 27th February 2003.

2003/90266 – Overcladding of existing concrete panels on frontages, replacing glazed canopies and external alterations (part within Conservation Area). Approved 27th February 2003.

96/92063 – Listed Building Consent for demolition, alterations and internal alterations in materials to match existing (within Conservation Area). Approved 7th March 1997.

Pre-application Advice

2023/21508 – EIA Screening Request. EIA not required.

2023/21181 – Pre-application for heat network linking Huddersfield Incinerator to Huddersfield Town Centre. Comments made 1st November 2023.

Representations

Final publicity date expires:

Site Notice – Expired 7th March 2024.

Press Notice – Expired 22nd March 2024.

No representations have been received to date.

Officer note: This application has been advertised by site notice and press notice in line with the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development management Charter. This is due to the application seeking listed building consent.

Consultation Responses

KC Conservation & Design (informal) – Officers request the submission of additional information in respect of a heritage statement and details on the proposed external and internal changes. The information submitted at present is insufficient to allow them to undertake a full assessment of impacts on heritage assets.

Officer note: Whilst the above comments are noted, given the conclusions drawn in respect of residential and visual amenity Officers have not sought to request the submission of this additional information as the proposals are considered to be wholly unacceptable as originally submitted.

Historic England – Comments received 15th April 2024. No advice provided, it is suggested that the views of the Council's specialist conservation and archaeological advisors is sought.

National Amenities Society – No comments received within statutory timescales.

Parish/Town Council

N/A.

Local Ward Members

None.

Planning Policy Background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are 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).

The application site is located within Huddersfield Town Centre, within the Primary Shopping Area, Secondary Shop Frontage, Huddersfield Town Centre Conservation Area and a Coal Referral Area. It is also important to note that the host building relates to a Grade II Listed building, set adjacent to, and in close proximity to other Listed Buildings.

Kirklees Local Plan (LP):

- **LP35 – 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) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 16 - Conserving and enhancing the historic environment

Legislation:

- Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Assessment

1 – Principle of Development

The key issue for consideration in this case is the impact on the significance of the listed building.

Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State 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.”*

Listed Buildings are designated heritage assets and Paragraph 201 of the NPPF states that: *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.”*

Paragraph 205 of the NPPF state 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 206 of the NPPF goes on to state that: *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”*

Paragraph 208 of the NPPF states that when a proposed development would lead to harm, it is necessary to achieve public benefits that outweigh the harm to the heritage asset.

Policy LP35 of the Kirklees Local Plan echoes this guidance and 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 application site relates to a three-storey stone-built mid-terrace property which is Grade II Listed. The official listing description is outlined below:

CROSS CHURCH STREET 1. 5113 (West Side) SE 1416 NE 2/422 No 23 II GV 2. Early C19. Hammer-dressed stone. Pitched slate roof. 3 storeys. Moulded eaves cornice. Continuous 1st and 2nd floor sills. Giant pilasters at either end. 2 ranges of sashes. Modern shop.

The property is set within a group of Listed Buildings, in a highly visible and very prominent location within Huddersfield Town Centre. The site is also located within Huddersfield Town Centre Conservation Area.

In respect to harm to the Listed Building, the Council's Conservation Officer was informally consulted on the proposals and noted that insufficient details have been submitted to support the proposals. Whilst a Design Access and Heritage Statement has been submitted Officers do not consider the statement to be sufficient to meet the requirements of Chapter 16 paragraph 200 of the NPPF which requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. The statement does not provide any assessment of the significance of the building, except the inclusion of the list entry. There is equally no assessment of potential impact on the building, the considered level of harm and where there is harm how the proposals are considered acceptable.

In respect of the proposed internal and external alterations, insufficient details have been provided and although internal photographs have been submitted, no information has been given on how the removal, installation or retention of certain structures/features such as the staircase, internal walls, installation of rooflights etc. are to be undertaken to ensure that the fabric of the Listed Building is protected and enhanced where possible. Of note, the existing staircase looks to be a rare surviving element of the Listed Building and therefore its removal/alteration could significantly impact on the significance of the building.

C&D Officers also note that the proposed extension to the rear should have no impact on the setting and significance of the Listed Building, but again further details are required to ensure that it is constructed sensitively. In principle, the conversion of the upper floors of 23 Cross Church Street and a single storey rear extension could be acceptable subject to the proposals being sympathetic but without the submission of further information Officers are unable to undertake a full assessment of the scheme. With the overall main concern being the lack of assessment and understanding of the significance and character of the building.

It is therefore concluded that the proposed development is contrary with the requirements of Policy LP35 of the Kirklees Local Plan, and Chapter 16 of the National Planning Policy Framework and Section 16(2) of the Planning (Listed

Buildings and Conservation Areas) Act 1990 (as amended). As such it is recommended for refusal.

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 proposed works would not constitute sustainable development and is therefore recommended for refusal.

Recommendation:

Refuse Listed Building Consent.

Decision Authorisation - Delegated Powers

Application Number: 2023/92815

Officer Recommendation: Refuse

Reason(s) for Refusal:

1. In the absence of sufficient information being submitted which identifies the relevant heritage assets, and if/how the proposals may impact upon them, a full and proper assessment of the impact of the development on the fabric of the Grade II Listed Building and its setting cannot be undertaken. The applicant has failed to demonstrate that the proposed works would not have a harmful impact on the Listed Building and have not demonstrated any public benefits which would outweigh any harm caused. The proposals therefore do not meet the requirements of Paragraphs 200, 206 and 208 of Chapter 16 of the National Planning Policy Framework and Policy LP35 of the Kirklees Local Plan and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location Plan	-	-	19 th September 2023
Existing Floor Plans	2314/201	A	19 th September 2023

Proposed Floor Plans	2314/202	C	24 th January 2024
Existing and Proposed Elevations & Section	2314/203	A	19 th September 2023
Proposed Site Plan	2314/204	A	5 th December 2023
Proposed Section	2314/205	A	24 th January 2024
Coal Mining Risk Assessment – Supporting Information	-	1.1	27 th November 2023
Design and Specification for Kitchen Ventilation System – Supporting Information	KRS/2028/Wa	-	28 th November 2023
Climate Change Statement – Supporting Information	-	-	6 th October 2023
Design Access and Heritage Statement – Supporting Information	-	-	6 th October 2023
Multiflow SEL Product Brochure – Supporting Information	-	-	28 th November 2023
LONGAR Type 2 High Performance Premium Baffle Filter brochure – Supporting Information	-	-	28 th November 2023
Electrostatix 7000/10500 AG Grease & Smoke Control brochure – Supporting Information	-	-	28 th November 2023

Xtract 2100+ Odour Control – Supporting Information	-	-	28 th November 2023
Flakt Woods Limited Technical Data Sheet MaXfan Compac – Supporting Information	-	-	28 th November 2023
Acoustic Deck 34 Premium Overlay Board – Supporting Information	-	-	28 th November 2023
Site Photos – Supporting Information	-	-	15 th & 24 th January 2024

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments have been sought on this occasion as Officers have considered within tandem application (2023/92779) that the proposals are wholly unacceptable as submitted and would require significant amendments to try and overcome Officer concerns, therefore it was not considered necessary to request further details under this Listed Building Consent which could not be supported for the reason set out in the refusal above.

Report Dated:

16th April 2024.