

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:	2024/65/90021/W
Site Address:	26-30, John William Street, Huddersfield, HD1 1BG
Description:	Listed Building Consent for change of use and alterations to vacant office/store (Egi use) to form one apartment (C3 use) (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: 11-Apr-2024

Officer Report

Site Description

2024/90021 – 26-30, John William Street, Huddersfield, HD1 1BG

No. 26-30 John William Street in Huddersfield Town Centre Conservation Area is a Grade II Listed three storey building which comprises of three retail units at ground floor level and the upper floors are apartments.

It is constructed from ashlar stonework with fine detailing.

The property fronts John William Street with the rear of the building fronting Wood Street. On the upper floors the properties form two wings to the rear of the building bridged on the first floor by a later infill forming a central light well. The site is situated in a prominent location within the Huddersfield Town Centre Conservation Area.

Description of Proposal

Listed Building Consent for change of use and alterations to vacant office/store (Egi use) to form one apartment (C3 use) (within a Conservation Area).

Officer note: The solar PV panels on the plans were not included in the description and would require a separate planning application. A condition is recommended to be attached to ensure this application does not include the installation of Solar PV Panels without a separate Listed Building Consent application being made for those works.

Relevant Planning History

90/04010	Listed Building Consent for conversion of first floor offices to restaurant including glazed atrium over lightwell demolition of chimney, blocking up of windows, internal alterations. <i>Consent Granted.</i>
2003/90379	Change of use from shop/printers to cafe-bar (Listed Building within a Conservation Area) <i>Conditional Full Permission.</i>
2013/93025	Alterations to convert first and second floors to 13 apartments (Listed Building within a Conservation Area). <i>Conditional Full Permission.</i>
2013/93026	Listed Building Consent for alterations to convert first and second floors to 13 apartments (within a Conservation Area).

Consent Granted

- 2014/92671 Discharge conditions 4 (ventilation), 6 (travel), 8 (method statement) on previous permission 2013/93025 for alterations to convert first and second floors to 13 apartments (Listed Building within a Conservation Area).
Approved
- 2014/92672 Discharge conditions 4 (method statement) and 5 (construction details) on previous permission 2013/93026 for Listed building consent for alterations to convert first and second floors to 13 apartments (within a Conservation Area).
Approved
- 2019/90745 Change of use from ground floor (A2) offices to (A3) restaurant with ancillary (A5) takeaway with internal and external alterations (Listed Building within a Conservation Area).
Conditional Full Permission.
- 2019/90928 Listed Building Consent for change of use from ground floor (A2) offices to (A3) restaurant with ancillary (A5) takeaway with internal and external alterations (within a Conservation Area).
Consent Granted.
- 2019/92512 Installation of 3 externally illuminated fascia signs and 1 externally illuminated projecting sign (Listed Building within a Conservation Area).
Consent Granted.
- 2023/93750 Change of use and alterations to vacant office/store (Egi use) to form one apartment (C3 use) (Listed Building within a Conservation Area).
Pending.

Enforcement History:
COMP/20/0468

Alleged breach of condition 4 – extraction not in accordance with approve permission.
Ongoing.

No pre-application advice was sought in relation to this site.

History of negotiations/amendments received

The case officer considered the application on review and sought some alterations and clarifications for heritage amenity and for bin storage.

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

The proposal seeks to install double glazing; this reduction in thermal loss/carbon emissions would be in keeping with the aims of the climate change agenda.

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 with a final expiry date of 16/02/2024.

No representations received.

Amended plans were received however they were not readvertised as they did not change the description of development and did not materially have a detrimental impact on planning considerations.

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 – 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 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

The Conservation & Design Officer was formally consulted and provided recommendations for amending the scheme to avoid harm to the Grade II Listed Building.

The proposal would have replacement glazing suitably detailed as existing with double glazing in timber frames which can be suitably controlled by condition; this would include for, if required, the replacement of existing windows – but only where this was demonstrated that the existing windows were not capable of re-use. The inclusion of obscure glazing would not materially alter the appearance of the Listed Building. No other external alterations are intended apart from the inclusion of a fire escape route on Wood Street connecting to the existing fire escape route; this would be installed in accordance with Building Regulations and would appear similar to the existing arrangements to be in keeping. A condition is recommended to exclude fillers or expandable foams for the installation of glazing to ensure that those harmful interventions do not impede the breathability of the building and for ease of future repairs.

Internally, insulation would be provided using rockwool insulation panels which would be overboarded with plasterboard and be suitable materials for the breathability of the Listed Building. There would be some subdivision of rooms which would assist in noise dampening and greater thermal retention of heating compared to the open plan room layout and this would be reversible.

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.

The proposed works are minimal and justified, and would enable the proposal to be sympathetically integrated with the Building respecting its original design, material and architectural features. In this case, subject to condition on windows, the proposal would not have any identified harm to the Listed Building and therefore would not require public benefits in this regard to satisfy the requirements of LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF

It is considered that the proposed design would have a neutral impact on the Listed Building proposing minor alterations to the glazing of the Listed Building.

Therefore it is 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 is therefore recommended for approval.

Recommendation

Grant Listed Building Consent

Decision Authorisation - Delegated

Application Number: 2024/90021

Officer Recommendation: Grant Listed Building Consent

Conditions and Reasons

1. The works 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: 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. There shall be no use of filler or expandable foams in any part of the works to the windows.

Reason: In the interest of preserving the historic and architectural interest/setting of the curtilage listed heritage asset pursuant to the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy LP35 of the Kirklees Local Plan.

4. Before the dwelling unit hereby approved is brought into use, the new window glazing to the existing timber frames in 'drawing no. 103. Unamended' or 'drawing no. 104.' (received 20/12/2023) shall be installed as slim line double glazing with a section of no more than 16mm (4:8:4: 4mm glass and an 8mm gap) with black spacer bars. New glazing shall be fitted to the internal face of the frames to ensure that no alterations are made to the external

profiles of the windows. The works shall thereafter be completed in accordance with the approved details and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policy LP02, LP24 and LP35 of the Kirklees Local Plan, policies within Chapters 12 and 16 of the National Planning Policy Framework and Council's duties under Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990.

5. Notwithstanding the provisions of condition 4, in the circumstances where it demonstrated that the existing window frames cannot be re-used, details of all proposed replacement window specifications (1:20 elevations and 1:5 sections) shall be submitted to and approved in writing by the Local Planning Authority before their installation commences. Submitted information shall include glazing type, materials to be timber, profiles, colour, opening configuration and mechanisms, and depth within the reveals. Friction hinges, egress hinges and visible trickle vents shall not be permitted. The works shall thereafter be completed in accordance with the approved details and thereafter retained.

Reason: In the interests of visual amenity, to preserve the significance of designated heritage assets and to accord with Policy LP02, LP24 and LP35 of the Kirklees Local Plan, policies within Chapters 12 and 16 of the National Planning Policy Framework and Council's duties under Section 16 the Planning (Listed Building and Conservation Areas) Act 1990.

This Decision Notice should be read in conjunction with the associated planning application: 2023/93750.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	Drawing no. 100.	Unamended	20/12/2023
Existing Elevation and Section Plans.	Drawing no. 105.	Unamended	20/12/2023
Existing Floor Plans.	Drawing no. 101.	Unamended	20/12/2023
Proposed Rear Elevation Plan with Section.	Drawing no. 102.	Unamended	20/12/2023
Proposed Floor Plans.	Drawing no. 103.	A	11/01/2024
Proposed Floor Plans.	Drawing no. 104.	A	11/01/2024
Existing Bin Layout with Bin Capacity.	Existing Bin Layout with Bin Capacity. Date: 10/04/2024.	Unamended	10/04/2024
Heritage Statement	Heritage Statement by Jade3 Architecture Ltd. Job ref: 2023	Unamended	08/01/2024

Plan Type	Reference	Version	Date Received
	enquiry 67. Date: 05/01/2024.		
Design and Access Statement	Design and Access Statement by Jade3 Architecture Ltd. Job ref: 2023 enquiry 67. Date: 18/12/2023.	Unamended	20/12/2023
Climate Change Statement	-	-	20/12/2023

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 case officer considered the application on review and sought some alterations and clarifications for heritage amenity.

Report Dated: 11/04/2024