

**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:	2024/65/91393/W
Site Address:	Foot Asylum, 33-37, King Street, Huddersfield, HD1 2PZ
Description:	Listed Building Consent for replacement windows (within a Conservation Area)
Recommending Officer:	Sebastian Pickles

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.

John Holmes

AUTHORISED OFFICER

Date: 02-Oct-2024

Site

The application site relates to the Grade II Burns Tavern, 33-37 King Street, Huddersfield. The building is corner building wrapping around from King Street onto Cross Church Street. As well as being Listed, the site is within the Huddersfield Town Centre Conservation Area. On the ground floor, historically and as noted in the List description, there was formerly a good example of a Public House frontage. There is now a more contemporary shop frontage which is of the mid-20th century, with a large fascia signage board. However, there does appear to be some of the surviving moulded ashlar stone to the base. On the first and second floors, the elevations remain unaltered.

Proposals

The application is for listed building consent for the replacement of the windows to the first and second floor.

Relevant Planning History

None

History of negotiations / amendments received

There has been engagement with the agent for the application. Upon review of the submitted details, there were concerns with the proposed detail of the replacement windows regarding the frame details including the horn detail. There was insufficient detail regarding the replacement glazing and finishes. Amended/ updated details were subsequently submitted which satisfied the concerns.

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.

The proposals will have no climate change implications.

Consultation Responses

The officer report has been compiled by the Conservation and Design Officer.

Public/Members Response

The application has been publicised with a site notice and a press notice.

Date site notice expired: 06.07.2024

Publicity expiry date: 26.06.2024

Kirklees Local Plan Policy

LP 1-Achieving Sustainable Development

LP 2 – Place Shaping

LP 24 – Design

LP 35 Historic environment.

National Policies and Guidance:

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’.

National planning policy and guidance are set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

Chapter 2 Achieving sustainable development

Chapter 12 Achieving well-designed places

Chapter 16 Conserving and Enhancing the historic environment

Assessment

As set out the application relates to the Grade II Burns Tavern, 33-37 King Street. The works are solely focused on the windows to the first and second floors only. The intention is to replace and repair the existing windows.

On inspection and this is confirmed in the supporting information, some of the windows only require an overhaul and some minor maintenance to bring them back into sound working condition. However, as stated seven windows have been identified for full renewal. This also includes a window which is currently boarded over and will have a window reinstated.

Replacement of windows is a last resort, however, it has been established that the windows to be replaced are beyond reasonable economic repair and therefore replacement is considered the only option.

Following engagement with the agent for the application the detail for the replacement windows has been confirmed. The replacement sash windows will be an exact match to the existing windows in every respect, including the horn detail.

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.

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. As set out under the assessment, the proposals are for the repair and replacement of the existing windows. As noted, there are only 7 windows to be replaced and the remaining windows will be repaired and overhauled as required. The replacement windows will be an exact match to the existing windows.

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).

Recommendation **Grant Consent**
Decision Authorisation - Delegated Powers
Application Number: - 2024/91393
Officer Recommendation: Grant 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 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 submitted details the existing and replacement windows shall be putty finished to the glazing which shall be retained thereafter.

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 submitted details the window surrounds shall be finished using burnt stand mastic only. Once cured the burnt sand mastic shall be painted to match the windows frames.

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

5. Notwithstanding the submitted details the glazing for the replacement window shall be of no more than 4mm in thickness which shall be retained thereafter.

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

6. Notwithstanding the submitted details in the fitting of the replacement windows there shall be no use of filler or expandable foams.

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

7. Notwithstanding the submitted details there shall be no fitting of trickle vents.

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

8. Notwithstanding the submitted details the replacement window shall have brass latches/ closers which shall be retained thereafter.

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

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan			16/05/2024
Sash Window Cross Section	Replacement Timber Framed Window Cross Section	No.01	19/09/2024
Window Reference	Elevation A King Street Elevation C Cross Church Street		19/09/2024
Design and Access Statement			16/05/2024
Heritage Statement			16/05/2024

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 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 assessment of the submitted details the proposals are considered acceptable.

Report Dated:

01.10.2024