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:	**2024/65/92023/W**
Site Address:	Alice In Groomingland, 7, Beast Market, Huddersfield, HD1 1QF
Description:	Listed Building Consent for erection and installation of signs (within a Conservation Area)
Recommending Officer:	Lucy Taylor

DECISION – CONSENT REFUSED

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.

John Holmes

AUTHORISED OFFICER

Date: 24-Sep-2024

Officer Report

Site Description

Alice In Groomingland, 7, Beast Market, Huddersfield, HD1 1QF.

The application relates to a Grade II building consisting of nos.7 and 9 Beast Market. The building is located just off a prominent thoroughfare through Huddersfield Town Centre. As well as being a Listed Building, the site is located within the Huddersfield Town Centre Conservation Area.

Given its siting, the site can be experienced from Beast Market from the east and west, but it can also be viewed on longer views off Kirkgate.

To the immediate south is the Grade II Boy and Barrel Inn, Grade II 6 Beast Market and just around the corner, 33-35 Kirkgate and 37-41 Kirkgate.

Description of Proposal

Listed Building Consent for the erection and installation of signs.

The outside of the building will display the main Kumon sign which would be composite aluminium with applied vinyl graphics. This would only be screwed to the darker grey fascia (along the top and bottom edges at 800mm spacing). We will also have lights (this will light up with the sign at night) this is mounted to the sign not the building.

The building will be using a single white light with LED's on the front fascia of the building. It will be 13.4 metres long and the lights lumen per metre will be 1790.

Window graphics will also be incorporated intended to be affixed to the glazing.

Relevant Planning History

- 2024/92028 – Change of use from Class E to education use (Class F). *Pending Determination.*

- 2024/92029 – Erection of illuminated and non-illuminated signs. *Pending Determination.*

History of Negotiations

The case officer entered into negotiation with the applicant, providing a copy of the consultation response from KC Conservation and Design.

In response to the case officer's correspondence, the applicant confirmed that they wanted the application to be determined on the basis of the information as submitted and that they did not wish to submit any amended plans.

Access Considations
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.

In this case, the proposal relates to works involving advertisements. As such, it is considered that the proposed development would not have an impact on Climate Change that needs any further mitigation to address the climate change emergency.

It is therefore considered that the proposed development would comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

KC Conservation & Design - As proposed, we do not consider that the proposals accord with LP35 of the Local Plan, or 16(2) of the Planning (Listed Building and Conservation Area) Act.

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: 7th September 2024.

One supporting comment was received, which set out the following comments:

- All modifications are temporary and can be easily removed without altering the building's structure. There will be no nailing or permanently attaching anything to the building as stated within the application.

- It is encouraging to see new businesses, such as the tuition centre, contributing to the growth of our town centre.

- This development is vital for the economic and social growth of Huddersfield. By supporting these initiatives, we can foster a thriving community and ensure the continued prosperity of our town.

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 is 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:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place Shaping
- LP24 – Design
- LP35 – Historic Environment

National Polices 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

<u>Assessment</u>

Significance

The application relates to the Grade II 7 and 9 Beast Market. The building is located just off a prominent thoroughfare through the Town Centre. As well as being Listed the site is within the Huddersfield Town Centre Conservation Area.

Advertisements

Officers note the Heritage Statement submitted by the applicant, which concludes the following:

> *"We understand the importance of the listed aspect, therefore no structural changes will be made to the windows and the building itself. These advert changes as seen on the picture below will have no impact on the heritage asset. The inside of the building will stay as it is with no changes being made."*

The submitted details state that there are to be no internal changes to the building and the alterations are purely focused on the external frontage on Beast Market.

Whilst the principle of bringing the building back into use can be supported, the proposed forms of signage raise concerns with regards to the heritage significance of the site, which is a Listed Building.

It is recognised that the previous occupants of the building did have a small window vinyl in place to the left-hand side and right-hand side, however, the proposals under this Advertisement Consent application will see the entire window frontage covered in vinyl/details. It is considered that this amount of detailing would result in the main windows appears as overly cluttered, in turn, failing to preserve or enhance the character of the Listed Building.

No concerns are raised regarding the vinyl/details proposed to the main door, which is considered to provide necessary details.

Turning to the proposed signage on the fascia, the previous sign appears to be projecting metal lettering on a timber fascia board, with these proposals for a composite aluminium board with vinyl lettering. It is considered that the proposed signage should reflect the design and style of the previous signage and should have a timber backing board (make use of the existing fascia board) and the lettering should be projecting lettering or could equally be painted directly onto the fascia board.

With regard to the proposed lighting, this is considered to further cause harm with regard to the impact of the proposed fascia signage, adding a negative detail. It is considered that lighting should be omitted from the scheme.

In conclusion, whilst officers are supportive of the aim of bringing the building back into use, the design of the proposed advertisements are considered to cause harm to the character of the host Listed Building. This is because they are not considered to be consistent with or sympathetic with the character of the building.

In turn, it is concluded that the proposals fail to comply with Policy LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and 16(2) of the Planning (Listed Building and Conservation Area) Act.

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 proposed, the advertisements would lead to less than substantial harm for which the public benefit of a unit being brought into use is not considered to be such a significant benefit as to outweigh the identified harm. The development proposal is therefore considered to fail to accord with Policy LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and 16(2) of the Planning (Listed Building and Conservation Area) Act.

Recommendations: Refuse Listed Building Consent
Decision Authorisation: Delegated
Application Number: 2024/92023
Officer Recommendation: Refuse Listed Building Consent

Reason for Refusal:

1. The proposed advertisements, by virtue of their siting, materials, scale, design and nature of illumination, would create an overly cluttered frontage as a result of the extent of vinyl proposed to the glazing and see the introduction of a fascia sign that would have an incongruous appearance that fails to reflect the design and style of the building and wider locality with the artificial lighting of this sign leading to additional visual harm. The advertisements would have a harmful impact upon the visual amenities and heritage significance of the site and local area, crating strident and discordant features. To permit such development would be contrary to Policies LP24 and LP35 of the Kirklees Local Plan, policies within Chapters 12 and 16 of the National Planning Policy Framework and the requirements of section 16(2) of the Planning (Listed Building and Conservation Area) Act.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Block Plan	-	-	31.07.24
Block Plan	-	-	31.07.24
Lighting	-	-	25.07.24
Location Plan	TQRQM24207123719272	-	25.07.24
Light Statement	-	-	31.07.24
Images of Signs	-	-	24.07.24
Heritage Statement	-	-	18.07.24

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.

The case officer entered into negotiation with the applicant, providing a copy of the consultation response from KC Conservation and Design.

In response to the case officer's correspondence, the applicant confirmed that they wanted the application to be determined on the basis of the information as submitted and that they did not wish to submit any amended plans.

Report Dated: 19.09.24