

---

**Report of the Head of Development Management**

**STRATEGIC PLANNING COMMITTEE**

**Date: 01-Dec-2016**

**Subject: Planning Application 2016/92030 Listed Building Consent for erection of extension to existing Kingsgate Shopping Centre to form new Leisure Development including new cinema and restaurants, and demolition of existing buildings on the site including 20-22 Cross Church Street (partly within a Conservation Area) Proposed development site comprising: 20, Proposed Kingsgate Leisure and Retail Development, 20-22 Cross Church Street, Fleece Yard, Sun Inn Yard, White Lion Yard, land at r, Huddersfield, Cross Church Street, Huddersfield, HD1 2TP**

**APPLICANT**

Peter Everest, WD  
Kingsgate Ltd

**DATE VALID**

20-Jun-2016

**TARGET DATE**

15-Aug-2016

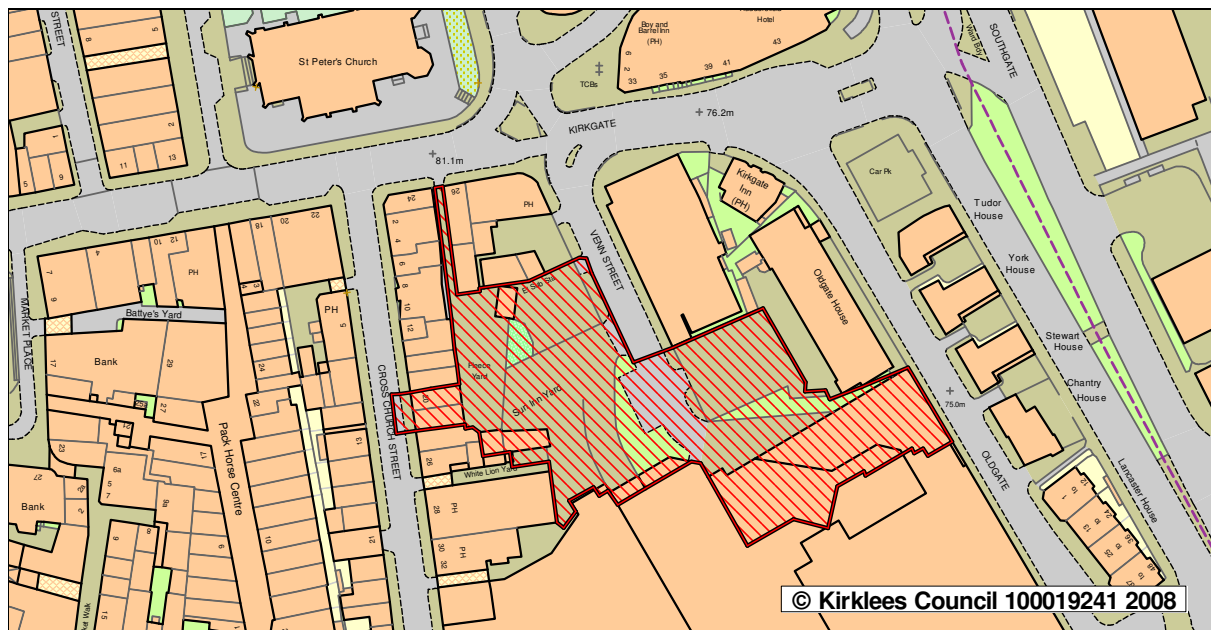
**EXTENSION EXPIRY DATE**

---

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

## LOCATION PLAN



Map not to scale – for identification purposes only

**Electoral Wards Affected: Newsome**

Yes

Ward Members consulted

## RECOMMENDATION: Grant Listed Building Consent

### 1.0 INTRODUCTION:

1.1 The application is submitted in conjunction with a corresponding planning application which seeks permission for the erection of an extension to the Kingsgate Centre to form a new leisure destination.

### 2.0 SITE AND SURROUNDINGS:

2.1 The site comprises land and buildings adjacent to the existing Kingsgate Shopping Centre within Huddersfield Town Centre. The site includes No's 20-26 Cross Church Street together with Fleece Yard, Sun Inn Yard and White Lion Yard. The site is located within the Huddersfield Town Centre insert map and located within the Huddersfield Town Centre Conservation Area.

### **3.0 PROPOSAL:**

- 3.1 The application seeks listed building consent for the erection of an extension to the Kingsgate Centre to form a new leisure destination. This would include a cinema complex and restaurant space, and for an extension to the existing Next retail unit to provide an additional 1,949 sq m of retail floor space.
- 3.2 The extension would be large in scale, and have a functional appearance, which would extend from the rear of properties off Cross Church Street, across the existing yard areas to Venn Street, and including land to the west of Oldgate House. Six restaurant units are proposed at mall level with a total floor space of 2,911 sqm. The cinema entrance would be located at first floor with direct access from the mall via an escalator. The cinema multi-screen complex is located at second floor and comprises an area of 2,303 sqm. The proposed materials include reconstituted stone, metal cladding systems, render, curtain walling and metal feature beam. It is proposed the highest level of wall cladding forming the envelope of the cinema level is to have a reflective, low maintenance, gloss finish.
- 3.3 The proposal would involve the partial demolition of two listed buildings: No's 20-22 Cross Church Street. The extent of demolition involves removal of the internal a ground floor wall which divides the two properties to in order to create an enlarged a pedestrian entrance to the cinema. The rear ground floor wall would also be removed to allow a new glazed link to connect to the rear of the listed buildings to the new cinema/restaurant element of the development. A proposed hanging sign and a proposal for public art on Cross Church Street to act as a way marker are included in these proposals. Note – The developer now proposes to remove the proposed canopy and details of amended plans will be reported to Members in the update. The link to the interior of the Kingsgate Mall is via the existing location of the mid escape corridor which will be glazed top lit.
- 3.4 The existing service access point will remain off Venn Street, with an undercroft parking area of 8 spaces and the provision of a new ramp. The intention is to utilise the existing multi-storey parking to serve the proposed leisure development.

### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 88/06698 – Outline application for retail development, refurbishment of Queen Street Mission and King St yards with ancillary parking & highway works – conditional outline permission
- 4.2 89/06911 – Outline for retail & ancillary development including refurbishment of the yards properties, environmental improvements and associated change of use – Conditional Outline permission
- 4.3 91/02220 – Reserved Matters for new shopping centre and associated development including car parking – Approval of reserved matters

- 4.4 96/92049 – Erection of covered shopping centre with car parking including use classes A1, A2, A3 (shops, financial & professional services, food & drink) and ancillary uses (amended proposals) – conditional full permission
- 4.5 96/93118 – Variation of condition 1a relating to the time limit for submission of reserved matters being extended to eight years on previous approval 89/06911 for outline application for retail and ancillary development including refurbishment of the yards – Conditional Full Permission
- 4.6 2001/90493 – Erection of centre-wide shop signage – Advertisement consent granted
- 4.7 2007/92060 – Outline application for extension to existing shopping centre to provide additional floor space (Class A1 and A3), basement car parking, servicing and associated development (partly within a conservation area) – Mind to refuse. Appeal upheld
- 4.8 2008/90016 – Outline application for extension to existing shopping centre to provide additional floor space (class A1 and A3), basement car parking, servicing and associated development (party within a conservation area) – Refused.
- 4.9 2011/91613 – Extension to time limit for implementing existing permission number 2007/60/92060/W1 for outline application for extension to existing shopping centre to provide additional floor space (class A1 and A3), basement car parking, servicing and associated development – Granted

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Officers have undertaken negotiations with the applicant to secure:
- A reduction in the height of the building
  - Revised elevational details to secure corners to the highest cinema level to soften the building profile, and widen the gap between the proposed building and neighbouring residential properties.
  - Real Yorkshire Stone introduced to the gable elevation
  - Greater reflectivity introduced to the top level cladding
  - A reduction in the extent of demolition proposed to 20-22 Cross Church Street
  - It is the developers' intention to remove the proposed entrance feature (canopy) and details of amended plans will be reported to Members in the update.

## **6.0 PLANNING POLICY:**

- 6.1 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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007).

- 6.2 The Council's Local Plan will be published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (adopted 1999) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.3 BE1 – Design principles  
BE2 – Quality of design

National Planning Guidance:

- 6.4 Chapter 12 - Conserving and enhancing the historic environment

**7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 Huddersfield Civic Society – No objection to the plan in general but concern the proposed canopy protrudes too far into Cross Church Street and is garish in appearance. The street is already rather narrow and the canopy would further reduce its width as well as have a detrimental effect on the setting of the listed parish church. The way markers between the existing Kingsgate entrance and the proposed cinema entrance are also gaudy and unnecessary, detracting from the Conservation Area. The HCS have been reconsulted on the revised scheme and their comments will be brought to Committee in the Update report.

**8.0 CONSULTATION RESPONSES:**

**8.1 Statutory:**

- 8.2 **Historic England** – Accept the scheme as it stands with the exception of the new entrance feature. Unless this feature is removed, they object on the grounds that the proposal will result in major harm to the significance of the listed buildings, and would harm this part of the conservation area and the setting of the Grade II\* listed building. Historic England has confirmed verbally that if the canopy is removed, they would not exercise their right to call in the application to the Secretary of State.

**Non Statutory:**

- 8.3 **K.C Conservation and Design** – No objections

8.4 **The Victorian Society** – Objected to the original submission due to the size of the cinema building and the impact of the front canopy and the alterations to the frontage of the two listed buildings which form the entrance into the development. The VS have been reconsulted on the revised scheme and their comments will be brought to Committee in the Update report

8.5 **Council for British Archaeology** – Objected to the original submission due to the impact on the listed buildings, the conservation area and the setting of St Peters Church. The CBA have been reconsulted on the revised scheme and their comments will be brought to Committee in the Update report.

## 9.0 MAIN ISSUES

- Urban design issues
- Planning obligations
- Representations

## 10.0 APPRAISAL

### 10.1 Principle of development

The principle of a mixed use leisure and retail development within this highly sustainable central town centre location is welcomed. As such there are no objections to the principle of development.

### 10.2 Urban Design and Heritage Matters

10.3 The footprint of the proposed leisure complex is of a significant scale which would extend from the rear of properties off Cross Church Street, across the existing yard areas to Venn Street. The development footprint also extends into land to the west of Oldgate House to provide an extension to the existing Next unit. The site is partially located in the Huddersfield Town Centre Conservation Area, and the proposed development would affect a number of heritage assets including 20-22 Cross Church Street, all separately Grade II listed and the setting of several other listed buildings including St Peter's Church, Grade II\* listed.

10.4 The special interest of the conservation area is characterised by the town's nineteenth century buildings, a variety of streetscapes, alleyways and yards focused along the ancient east - west axis of Kirkgate and Westgate. During the late eighteenth and early nineteenth centuries, Huddersfield expanded rapidly with commercial and industrial development to the north and south of the market place. Cross Church Street is one of a number of north- south routes leading to Kirkgate and provides significant views of both St Peter's Church, Grade II\* listed and the former St Paul's Church. The historic street pattern, narrow plots and dense urban grain of Cross Church Street reflects the town's growth during this period and is characterised by the continuous streetscape.

- 10.5 The distinctive character of the street is strengthened by small scale commercial properties including 20 - 22 Cross Church Street (Grade II listed) constructed from Pennine Gritstone with a consistent pattern of fenestration and pitched roofs clad with stone slates. These buildings make a positive contribution to the conservation area and the setting of St Peter's Church.
- 10.6 Levels vary across the site, generally sloping downwards from Cross Church Street to Venn Street. Level pedestrian access would be achieved from Cross Church Street leading through to the proposed restaurant units and onto the existing shopping mall. The cinema complex is proposed on the upper floor with access provided via escalator. The roof line of the building would sit above that of neighbouring properties along Cross Church Street and the former Palace Theatre, and the building would have a functional box like appearance to be constructed of a mix of reconstituted stone, aluminium cladding and render.
- 10.7 Paragraph 128 of the NPPF stipulates that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 131 states local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.
- 10.8 Historic England supports the proposed development in principle, but raised a number of concerns regarding the scale and massing of the building and the impact on the conservation area, the impact on listed buildings 20-22 Cross Church Street, and the impact on the setting of several other listed buildings, including St Peter's church, grade II\* listed.
- 10.9 Officers have undertaken negotiations with the applicant to secure a reduction in the height of the building of 4.1 metres, together with revised elevational details to secure corners to the highest cinema level to soften the building profile. The proposed construction materials now include natural Yorkshire stone to the gable elevation and the top level cladding would have greater reflectivity. Further negotiation has been undertaken with the developer, and it is their intention to increase the amount of natural Yorkshire Stone on the northern elevation. The details of the amended plans will be reported to Members in the update.
- 10.10 The massing and height of the proposed building is still significant, and it is appropriate to give consideration as to how this compares to the previously approved scheme for an extension to the Kingsgate Centre in 2007. This was an outline application which sought to approve details of scale, approved at appeal in 2008 with a later extension of time granted in 2011. It is therefore a material consideration to the assessment of this application. The proposed height of the scheme is comparable to that previously proposed, although the

footprint of the extension is significantly reduced in comparison to the 2007 scheme which previously incorporated both the former Palace Theatre and Oldgate House.

- 10.11 Historic England welcomes the revisions the applicant has made to the proposed scheme. They note the reduction in height of the proposed retail extension and consider it imperative that careful thought is given to the palette of materials to further mitigate the harm.
- 10.12 Revisions have also been secured to reduce the amount of demolition proposed to the listed buildings, and the treatment of the entrance off Cross Church Street. The relationship between the proposed mall and 20-22 Cross Church Street has been redesigned so that 22-22 will be clearly read as distinct buildings in their own right, and not confused as part of the new build proposal. A comprehensive set of enhancements are proposed to include the removal of modern features, and the entrance feature off Cross Church Street has been revised to allow less obstruction to views down the street towards St Peter's Church.
- 10.13 Historic England welcomes the refurbishment of the front elevations of 20-22 Cross Church Street, and consider this has the potential to enhance the buildings and the wider streetscape along this important route through the conservation area. They are also pleased to see the comprehensive schedule of alterations to the listed buildings, and the retention of more of the rear elevation, and the reduction in size of the opening link to the cinema. They welcome the retention of the first floor, although they remain concerned about the removal of the staircase from ground to first floor. They are concerned the proposed ladder access would preclude the use of the upper floors and remain to be convinced that the removal of this fabric will not harm the significance and use of the upper floors. They are also concerned that there is limited information regarding how structures will be adequately supported to form the opening at ground floor. In response to this, officers understand that the rooms will be left vacant which can be an issue for future maintenance. However, the existing stair is non-original so no historic fabric is to be removed and should the use change in the long term, a stair case can be reinstated. In the meantime it is proposed that ladder access is to be provided. Similarly this applies to the basement. Details of how the structure will be supported can be submitted through condition.
- 10.14 Historic England still raise concerns about the extension of the frontage into Cross Church Street with the formation of a canopy which could obscure views of the listed buildings, including St Peter's Church and the contribution 20-22 Cross Church Street make to the historic streetscape. The applicant has sought to overcome these matters by removing the proposed totem signage from the canopy and proposing a single hanging sign above. The applicant has also proposed to contribute £30,000 towards a public art work on Cross Church Street which would act as a way marker, together with £10,000 towards appropriate preparation of the area. Historic England remain to be convinced by the need for the projection into the street and why this cannot be achieved by appropriate signage, lighting and hard landscaping.



They remain concerned these additions will obscure views of the listed buildings including St Peters Church and the contribution the 20-22 Cross Church Street makes to the historic streetscape. In response the developer has confirmed that they will be removing the proposed canopy from the proposal, and details of amended plans will be reported to Members in the update. Historic England has confirmed verbally that if the canopy is removed, they would not exercise their right to call in the application to the Secretary of State.

10.15 Subject to the above matters being addressed, it is likely that the proposal could amount to less than substantial harm. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The economic benefits of the scheme have already been stated. The applicant has offered a contribution towards highway improvement works along Cross Church Street to the value of £185,000, the details of which are considered in the highway section below. It is considered the proposed significant benefits to the town centre economy of Huddersfield, and the impacts on the vitality and viability would be sufficient to outweigh the harm in this case. This is however, dependent on the applicant addressing the concerns about the canopy.

#### 10.16 Representations

10.17 The Civic Society have commented on the original plans and raise no objection in general but are concerned that the proposed canopy protrudes too far into Cross Church Street and is garish in appearance. They are concerned the canopy would further reduce the limited width of the road as well as have a detrimental effect on the setting of the listed parish church. They are also concerned that the way markers between the existing Kingsgate entrance and the proposed cinema entrance are gaudy and unnecessary, detracting from the Conservation Area. In response to this, the proposed way markers have been omitted, to be replaced by a piece of public art, and it is the developers' intention to remove the canopy. The HCS have been reconsulted on the revised scheme and their comments will be brought to Committee in the Update report.

10.18 The amended plans publicity expires on 25<sup>th</sup> November and any comments received will be brought to Committee in the Update report.

#### 10.19 Planning obligations

10.20 The applicant has offered a contribution towards highway improvement works along Cross Church Street to the value of £185,000, and £30,000 towards a public art work on Cross Church Street and £10,000 towards appropriate preparation of the area. This will be secured by a Section 106 agreement on the corresponding planning application.

## **11.0 CONCLUSION**

11.1 The proposal would cause less than substantial harm to the affected heritage assets which would be outweighed by the economic and regeneration benefits.

**12.0 CONDITIONS** (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

1. Timeframe for implementation
2. Development in accordance with the approved Plans

### **Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92030>

Certificate of Ownership – Notice served on:

Mr David Harvey of 6 Cross Church Street  
The owner of 28 Kirkgate  
The owner of 41 Kirkgate  
Jonathan Wilson of 14 St Georges Square  
Phil Kelly of 90 New North Road  
Mr Patel of 100 Westbourne Road  
Messrs Forshaw of 14 Wood Street  
Martyn Roe of 6-8 James Street  
The Owner of 14-16 Cross Church Street  
The Owner of 18 Cross Church Street  
The Owner of 18 Cross Church Street  
The Owner of 20 Cross Church Street  
The Owner of 22 Cross Church Street  
The Owner of 24 Cross Church Street  
The Owner of 26 Cross Church Street  
The Owner of 28 Cross Church Street  
The Owner of 26 Kirkgate