
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Jul-2017

Subject: Planning Application 2014/90001 Listed Building Consent for partial demolition of a building (within a Conservation Area) 43, Northgate, Almondbury, Huddersfield, HD5 8RX

APPLICANT

G & R Lees

DATE VALID

12-Feb-2016

TARGET DATE

08-Apr-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: Almondbury

No

Ward Members consulted

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 43 Northgate, Almondbury is the former Rose and Crown public house which is a Grade 2 listed building situated in the Almondbury Conservation Area. The building has been vacant for a number of years following the closure of the public house, and has been significantly altered due to the use of the building.
- 1.2 The application is for the partial demolition of the listed building to allow its conversion to a retail and office use. An application for Planning Permission for the erection of the retail units and offices is the subject of a separate report.

2.0 SITE AND SURROUNDINGS:

- 2.1 Northgate is the main road through the village of Almondbury linking Somerset Road with the historic core of the village around the All Hallows Church. Northgate is a mix of shops, small retail units and residential with a mix of ages and styles. Immediately to the north of 43 Northgate is the existing Co-Op, which is set back from the road, which is single storey and of modern construction along with the associated car park. Immediately to the south are two semi-detached dwellings and a Doctors Surgery which are a Grade 2 listed and date from the mid 19th Century.
- 2.2 43 Northgate is constructed from two distinct eras and sits immediately on to the road side. To the rear of the building is a large car park that slightly slopes to the east; whilst the building is closed the car park is used by shoppers. Between the building and number 55 Northgate is the former garden to the public house that is fronted by a stone boundary wall that adds a sense of enclosure to the street scene.

2.3 The principal listed building is constructed of ashlar with a hipped slate roof with its principal elevation facing south. To the north is the earlier inn, which is constructed in rough stone with a rendered north gable due to the adjoining building being removed. The earlier inn is attached to the principal building by way of an extension. The list description is confused and does not relate properly to the existing building, the list description fails to understand the various alterations and does not follow the street numbering as exists today. However, the earlier Inn, whilst not described in the list description, is afforded the same protection as that of the later ashlar building to the south.

3.0 PROPOSAL:

3.1 The application is for the partial demolition of the former Rose and Crown along with the removal of internal walls and works necessary to convert the building into retail and office use. Due to the complex nature of the building, the amount of alterations already carried out and the history of its development, the proposals are split into the various parts of the building as follows:-

3.2 *Original building:* The front of the building has an existing porch; to the north of this the existing building will be demolished including the internal walls on the ground floor which once formed the rear of the inn before the building was extended in the early 20th Century. This extension will be completely removed on the ground floor. The upper floors are to be retained as existing apart from the demolition of the north end of the building.

3.3 *Principal Listed Building:* This will remain as existing both on the ground and first floor but will be repaired to ensure its long term retention.

3.4 Following demolition the building will be extended to the north and east to form the entrance to the supermarket to the rear (Unit A on the submitted plans) and the retail unit (unit B) in the original building. The extension will be formed in materials to match the existing and windows will be formed of the same design as those in the existing building. A further extension to the rear will be constructed to house the supermarket which will be comprised of a flat roof link leading to the main building which will have a hipped roof to match the principal building. To the south of the building a range of retail units will be formed which will be single storey nearest the listed building which in turn lead to a two storey unit. The single storey building will be linked to the existing.

4.0 RELEVANT PLANNING HISTORY:

4.1 2013/93746- Partial demolition and erection of A1 Retail Store and 2 units for A1-A3 use- Subject of a separate report to committee.

4.2 There are records of two historic enforcement notices being served at the property in 1991. These relate to breaches of planning control regarding the erection of a satellite dish without planning and listed building consent.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application was originally submitted in January 2014 for the complete demolition of the building with the intention of building a new retail store on the site. Due to the level of objections received from local residents and the statutory consultees negotiations took place to retain as much as possible of the original buildings. Revised plans and a heritage impact assessment were received showing the retention of one external wall to the principal listed building which again attracted a number of objections. Following further discussions with the agent and applicant the current plans were received showing the retention of much more of the building.

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). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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. At this stage Officers consider considerable weight can be afforded to the Publication Draft Local Plan. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The land is designated within the Almondbury Conservation Area within the UDP and Publication Draft Local Plan (PDLP). It is designated as being within the Almondbury district shopping centre boundary within the PDLP and within a local centre on the UDP.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 BE1- Design Principles
BE2-Quality of design

Kirklees Publication Draft Local Plan submitted for examination April 2017

- 6.3 PLP35 – Historic Environment

National Planning Guidance:

- 6.4 National Planning Policy Framework:

Chapter 2: Requiring good design

Chapter 12: Conserving and enhancing the historic environment

6.5 Other Guidance:
Planning Practice Guidance Suite March 2014.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been the subject of six separate periods of consultation by way of site notice, press advertisements and individual letters. The latest round of consultation ended on the 16th of May 2017 where four letters of representation were received, one seeking clarification and two of support and one objecting.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Historic England: No objection subject to details being provided

Victorian Society: Objection due to amount of demolition

8.2 Non-statutory:

Report compiled by the Conservation and Design Officer

9.0 MAIN ISSUES

- Amount of demolition
- Erection of retail units

10.0 APPRAISAL

Amount of demolition

10.1 The proposal is for the partial demolition of the building including internal walls to create retail units. Outwardly the public house presents two different elements to the street. On the left side from the street is the original inn (43 Northgate) which is constructed of roughly squared and coursed stone; the northern elevation is rendered due to the adjoining building being removed. On the right side from the street is a later addition to the inn with its front and side elevations being of finely squared and jointed ashlar. The rear of the public house is more unified but is marred by unsightly alterations and extensions from the 20th century. The buildings, despite being of differing materials, are from around the same age and show that the original building was extended as trade or use increased. For the benefit of the report these buildings are described separately and provide details of the amount of demolition in each of them.

- 10.2 By 1851 the oldest part of the building had been built, outwardly appearing much as it does today, apart from the loss of the northern end. The removal of wall plaster suggests that the original building comprised of two elements, the principal frontage and a rear lean to; this latter structure has been replaced by a 20th century addition. By the mid-20th century the building went under substantial changes resulting in a range of buildings to the north of the inn being demolished and the rear being extended. At this time substantial internal alterations took place, with ground floor walls being removed to create a larger space, freeing up bar space and moving the stairs. The upper walls are supported on steel work. In terms of this part of the overall structure, the proposal is to remove the northern two thirds of the building on the ground floor from the existing porch northwards, the remaining internal walls on the ground floor with little alteration to the upper floor apart from the demolition of the northern third; the upper floor is retained above the existing porch. The majority of these internal walls are part of the 20th century alterations and have little heritage merit. The loss of the northern two thirds of the building on the ground floor does cause harm to the historic significance of the building.
- 10.3 The principal listed building which is the ashlar faced building is a slightly later addition to the inn. It was firstly formed by a narrow extension that extended closer to the road; it is felt that whilst not part of the inn it was ancillary to it due to the ground floor entrance and the take-in door on the first floor. The second extension was the creation of three terraced properties which may have been separate to the inn due to the difference in floor levels. These extensions probably took place in or around 1851. The latter terraced properties were constructed of brick but faced in ashlar, which was extended across the slightly earlier extension to hide the joint between the two. Externally this part of the building will remain unaltered but will be repaired due to the failure of the ashlar along with the repair and replacement of the windows and door. Internally the ground floor will be opened up by the removal of the partition walls and the remains of the spine wall between the two extensions. The upper floor will be left as is. Again there is harm to the significance of the building as the demolition works will remove the remaining elements that show the evolution of the building albeit internally.
- 10.4 The final area to be altered is the 20th Century rear extension which crudely alters the appearance of the rear elevation. There is no significance to this part of the building due to the poor quality of the building, its late construction date and the previous removal of items of heritage value. The demolition internally is restricted to the ground floor and in effect removes the 20th century alterations; the upper floor is not going to be altered.
- 10.5 As part of the alterations the retained elements of the building will be repaired or replaced by more appropriate materials and design. The ashlar will be repaired, the windows will be repaired or replaced by those of a more appropriate design and the whole building re-roofed; the later 20th century extension is of a flat roof construction but this will be replaced by a pitched roof of slate to match the existing.

Erection of retail units

- 10.6 It is proposed to create three retail buildings, Unit A is a 3,000 sq.ft retail unit, and 1,300 sq.ft of associated warehouse space, accessed via a new foyer attached to the former inn, Unit B is formed within the inn and amounts to 2,100 sq.ft of retail floor space on the ground floor and Unit C provides 1,175 sq.ft of retail floor space on the ground floor. Unit A and Unit C are new buildings, Unit A is attached to the listed building and Unit C is attached to Unit A albeit not linked. The upper floors of Unit B and Unit C provide 1,825 sq.ft and 740 sq.ft of office space respectively. The merits of the retail and office uses along with the impact upon the listed building's setting are discussed in the report relating to the associated Planning Application.
- 10.7 Access to Units A and B are formed by a new extension to the listed building, on the northern end of the former inn building. Externally the entrance will take the form of three shop fronts on the ground floor, with ashlar clad pillars between, one facing onto Northgate and two facing the new access road. The domestic appearance of the existing building on the upper floors will be maintained by the use of traditional designed windows. The demolition of the walls to enable the retail units has been discussed previously. The design of the new buildings is assessed under the application for planning permission.

11 REPRESENTATIONS RECEIVED

- 11.1 Due to the amount of demolition proposed it is a requirement that certain amenity societies are consulted upon the application. These include Historic England, Victorian Society, Ancient Monuments Society and the Council for British Archaeology.
- 11.2 In regards to the Ancient Monuments Society and the Council for British Archaeology they have been consulted on the proposal and originally objected due to the loss of the listed building. Subsequent amendments have been the subject of further consultations but no response has been received.
- 11.3 The Victorian Society remains, despite amendments to the scheme, deeply concerned over the loss of the listed building and the design of the proposal and has such objected. If an amenity society objects to a proposal they can request that the application is called in by the Secretary of State but must formally advise the Local Planning Authority of their intention to do so if the LPA are minded to grant Listed Building Consent. The society has been notified of this report and the officer recommendation but no response has been received. Their main concern is the total demolition of 43 Northgate, described in this report as the 'Original Building' and the substantial loss of a statutorily listed building which is described in this report as the 'Principal Listed Building'. It is considered by officers that the plans have been misinterpreted by the society has, as outlined in this report, 43 Northgate is not going to be totally demolished and the principal listed building is to be retained and repaired. The works are fully described in this report.

- 11.4 Historic England have been consulted throughout the application and have taken meaningful discussions throughout the process to gain a positive outcome for the site and building. They now welcome the proposals that seek to retain as much of the historic fabric as possible subject to further details being provided which are to be secured by the use of conditions. These details include a demolition method statement to ensure that as much historic fabric is retained, a roof plan so that the repair of the roof is carried out satisfactorily and a schedule of repair works.
- 11.5 The application has been the subject of six separate periods of public consultation by way of site notice, press advertisements and individual letters. The latest round of consultation ended on the 16th of May 2017 where four letters of representation were received, one seeking clarification and two of support and one objecting.

Objections received

The objection relates to the loss of the building and the need to ensure its retention in the scheme for re-development although recognising that the area is an “eyesore”. The building is going to be retained in the scheme, albeit with some loss of historic fabric. It is felt that whilst there is some demolition the principle of the objection has been met.

Letters of Support

Two letters of support have been received, which relate to the removal of an eyesore and bringing about a new use in the site. One of the letters seeks to ensure that the trees on the site are retained and that the A3 use of the building is removed from the scheme. These parts do not form part of this application and are discussed under the allied application for planning permission.

Clarification request

The letter of clarification is provided by Huddersfield Civic Society. They feel that the scheme is a “marked improvement” on the previous approvals and the retention of the building is “welcomed”. They feel it is vital that the spalled ashlar to the principal listed building is sympathetically repaired and this is felt to be acceptable. A condition will be attached requiring a schedule of repair to be agreed that will ensure that the repair works are appropriately carried out. The point of clarification is the use of the principal listed building as they felt it to be unclear. Whilst this is not a matter for this application, the use of the building is retail with office use above.

12.0 CONCLUSION

- 12.1 In determining applications it is a legal requirement to have special regard to the desirability of preserving the listed building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In accordance with Paragraph 129 of the National Planning Policy Framework, the Local Planning Authority should identify and assess the particular significance of the heritage asset and consider this significance against the development

proposal. As heritage assets are irreplaceable, any harm or loss requires clear justification and if the development cannot be amended to avoid all harm then the proposals should be weighed against the public benefits of the scheme (paragraph 133 and 134 of the NPPF).

- 12.2 Due to the previous alterations the significance of the former Rose and Crown now lies mainly in its external elevations; the rear elevation is of no merit due to its style and age. There is some harm due to the loss of some of the internal walls that show the evolution of the building but on balance these are not as significant as the external elevations. Therefore it is the impact upon the external elevations, except for the rear, that will need to be assessed against the requirements of the Act and the NPPF.
- 12.3 Section 16 of the Act requires special regard to be taken on the desirability of preserving a listed building. The majority of the listed building is to be retained with the northern end of the former inn removed. The character and significance of the whole building is felt to be retained despite the harm caused. It is desirable to preserve the building but this can only be achieved by finding a new viable use for it; the building has been extensively marketed and failed to find a new use. It is felt therefore that on balance the desirability of preserving the building has been achieved albeit with some harm caused.
- 12.4 Paragraph 132 of the NPPF requires that clear convincing should be provided for any harm or loss. Where there is harm then this should be assessed against paragraph 133 or 134. Paragraph 133 looks at whether there is substantial harm or loss and paragraph 134 looks at less than substantial harm. Advice on what is substantial or less than substantial is found in Planning Practice Guidance Suite (March 2014). In general terms, substantial harm is a high test and does not occur in many cases but an important consideration is whether the adverse impact seriously affects a key element of the buildings special interest. It is felt that the amount of demolition does not affect a key element, this element being the principal listed building which in the main is retained. Therefore it is considered that the proposed partial demolition is not substantial harm as defined by the Planning Practice Guidance Suite (March 2014) and the NPPF.
- 12.5 However, there is harm due to the amount of demolition and the loss of internal walls that indicate the evolution of the building. Due to the level of harm it is felt that this is less than substantial and as such paragraph 134 of the NPPF. Here the harm should be balanced against the public benefits of the proposal which include securing the optimum viable use. The building has been actively marketed and no alternative use has been found which has led to the building being unoccupied for a number of years. The harm is the loss of some of the elevation to create a shop unit and allow servicing as well as the removal of internal walls. The current owner is in negotiation with a new retail operator that will see a long term viable use brought for the building. The marketing has not shown any alternative viable use for the building due to its size and the amount of investment needed. On balance it is felt that due to the poor condition of the building and the retention of much of its special significance the harm is outweighed by the optimum viable use found for the building.

12.6 It is therefore considered that Listed Building Consent is granted subject to conditions that will secure the necessary details over the method of demolition, the repair of the retained parts of the building and the materials used for the new buildings and roof.

13.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

- 1. 3 year Time limits**
- 2. Accordance to submitted plans**
- 3. Method of demolition**
- 4. Schedule of works for the repair of the building**
- 5. Materials to be agreed**
- 6. Roof plan to be provided**

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f90001>

Certificate of Ownership, Certificate B dated 31st December 2013
Notice served on:

The Occupier 21 Northgate Almondbury
The Occupier 25 Northgate Almondbury
Kirklees Council, ROSS Street Care, Flint Street Huddersfield.