

**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: 2018/65/90377/E

Site Address: Black Bull Hotel, 11, Market Place, Dewsbury, WF13 1AE

Description: Listed Building Consent for internal and external alterations, including installation of internal and external staircases, part demolition to form new conservatory, first floor function room and toilets, installation of new roof lantern lights, windows and door openings (within a Conservation Area)

Recommending Officer: Nigel Hunston

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.

Julia Steadman

AUTHORISED OFFICER

Date: 29-Mar-2018

Officer Report

Site Description

The Black Bull is a Grade 2 listed building that has remained vacant for at least eighteen months. The building is constructed in stone with a slate roof and dates from the early 20th century as a rebuild of the former public house that burnt down. The building occupies a prominent location in the market square and is within the Dewsbury Town Centre Conservation Area. The building is within the boundary of the Townscape Heritage Initiative and is the subject of a grant request to carry out the alterations.

Description of Proposal

The application is for listed building consent to carry out internal and external alterations to facilitate the bringing back of the building to a public house and restaurant. The works involve the following:-

- Installation of an external spiral staircase
- Installation of tri-fold doors into an existing opening
- Re-opening of a doorway to the front of the building
- Two doors to be made into windows
- Installation of internal stairs
- Removal of internal partition walls
- Formation of public toilets on the first floor
- Removal of unsafe modern stairs
- Changes to the existing rooflights.

Relevant History

2002/92380 Planning Permission to create two doorways-APPROVED

2002/92381 Listed Building Consent to create two doorways-GRANTED

2012/92922 Listed Building Consent to install stairway-REFUSED

2018/90378 Planning Permission for internal and external alterations-Yet to be determined (although recommend approval)

Access Considerations

None

Consultation Responses

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 and one representation has been received. The representation is in support of the application due to the building being currently vacant.

Date site notice expired: 29/03/2018

Publicity expiry date: 15/03/2018

Policy

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 Examination in Public began in October 2017. 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 of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Emerging Local Plan

PLP 35 Historic environment

Kirklees Unitary Development Plan:

BE1 – Design principles

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter 12 - Conserving and Enhancing the Historic Environment

Assessment

The Black Bull is a Grade 2 listed building that has remained vacant for at least eighteen months. The building is constructed in stone with a slate roof and dates from the early 20th century as a rebuild of the former public house that burnt down. The building occupies a prominent location in the market square and is within the Dewsbury Town Centre Conservation Area. The building is within the boundary of the Townscape Heritage Initiative and is the subject of a grant request to carry out the alterations.

The application is for listed building consent to carry out internal and external alterations to facilitate the bringing back of the building to a public house and restaurant. The works involve the following:-

Installation of an external spiral staircase

Currently access to the management suit is via a sub-standard modern staircase to the rear. There is currently no dedicated fire escape from the first floor. It is proposed to install an external spiral staircase from the courtyard area to the first floor with entry gained into the building by inserting a door into an existing window opening. The stair is open in nature and will not obscure any historic features on the elevation. The windows to be changed are a run of three sliding sash windows with mullions between. Two of the windows will be removed, the sills lowered and the surrounds extended to form a door opening. The third window will be retained as existing. These works will cause harm to the significance of the building due to the loss of historic fabric but due to the need for a dedicated fire escape so that the upper floor can be used it is felt that the harm is balanced by the public benefit.

Installation of tri-fold doors into an existing opening

The current fire escape from the ground floor is through a set of double doors into the courtyard, which when the building was last used as a public house allowed access after closing time and to the smoking area. It is proposed to remove the set of double doors and replace with a set of tri-fold doors that will allow access to the outside for smoking area in the courtyard. The current doors are of solid appearance and do not have any significance to the building. The proposed doors will be more open in style and enhance this part of the building.

Re-opening of a doorway to the front of the building

Currently the former doorway forms a single window which is not in-keeping with the remaining windows. There is evidence that the window was an alteration from a doorway due to the difference in sill detail and the changes in bonding pattern below the sill. Therefore it is felt that this door, which will

serve the outside tables, brings back the historic character of the building and reinstates a historic feature.

Two doors to be made into windows

There are two doors within the courtyard elevation that are surplus to requirements and could create security issues due to the enclosed nature of the area. Due to the internal layout there is a need for light into the building so it is proposed to insert two sliding sash windows to match those adjacent. The below sill level will be blocked using stone to match the existing and laid in identical coursing. The change will cause some limited harm to the building but this is not considered enough to change the overall significance of the building.

Installation of internal stairs

It is proposed to install a new set of stairs from the downstairs bar area to the first floor function room to provide dedicated access and a fire escape from the function room. The original plans from 1910 rebuild show a staircase in this area and this is further evidenced by the changes to the coving, floorboards and the position of the stairs below the rooflight. It is unclear when the original stairs were removed but due to the proposed changes to the use of this floor from recent use, the insertion of the stairs will bring forward a representation of a historic feature. It is considered there is little harm to the significance of the building.

Removal of internal partition walls

The upper floor is subdivided by the use of internal stud work to form corridors and sub-division of rooms; these areas are non-original and do not follow the previous floor plans. By removing the stud partitions this enables a more flexible use of the first floor and allows better facilities to be made available. New stud partitions will be inserted to form the manager's suite and bar area. Whilst this causes some harm to the significance of the building by removing the existing floor plan, it is felt that the areas to be removed are non-original and add little to the significance of the building.

Formation of public toilets on the first floor

Currently there are no public toilet facilities to meet modern day standards. There is a single WC that once formed part of the former steward's accommodation and due to the proposal to offer function rooms upstairs greater provision is required. It is proposed to remove the stud partitioning to the former lounge area and put the existing corridor onto the opposite side to make benefit from the windows on that elevation. Whilst the plan form will be altered which in turn will cause harm to the significance of the building this will allow for the whole of the building to be used and provide better facilities.

Removal of unsafe modern stairs

To the rear of the building, where the managers flat links into the main corridor of the first floor is a set of modern timber stairs which provided a secondary means of fire escape. These stairs are of very poor condition and felt to be dangerous due to the pitch, construction and lack of risers. The stairs do not meet Building Regulations for either a private stair or means of escape. Due to this an outside metal spiral stair case is to be provided which is discussed earlier in this report. It is considered that the loss of these stairs are not causing harm to the significance of the building.

Conclusion

Paragraph 132 discusses the nature of harm to the significance of a heritage asset and whether such harm is substantial or less than substantial. It is felt that the works are of less than substantial harm and as such paragraph 134 of the NPPF applies. This paragraph requires the planning authority to weigh the harm caused against the public benefits of the proposal which includes securing its optimum use. Whilst the alterations will cause very minor harm, they will provide for the building being brought back into a long term viable use.

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the Local Planning Authority that all decisions should preserve or enhance the character of a listed building. The proposed work highlighted within this report will not cause substantial harm to significance of the listed building and as such preserve the character of the listed building.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that any application for development must preserve the character and appearance of the listed building. Due to the limited nature of the works and the improvements it will bring, it is felt that the character and appearance of the listed building overall is maintained.

Therefore it is felt that Section 16 of the act has been met along with paragraph 134 of the NPPF

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

**RECOMMENDATION
CONSENT**

GRANT LISTED BUILDING

Recommendation Grant Consent
Decision Authorisation - Delegated Powers
Application Number: - 2018/90377
Officer Recommendation: Grant Consent

Recommendation: Grant Consent

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 so as to ensure the satisfactory appearance of the development on completion, in the interests of the significance of the heritage asset and to accord within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	4221-PL-00		5/02/2018
Design and Access Statement			5/02/2018
Heritage Statement			5/02/2018
Condition Survey			5/02/2018
Existing Basement plan	4221-PL-01		5/02/2018
Existing Ground floor Plan	4221-PL-02		5/02/2018
Existing First Floor Plan	4221-PL-03		5/02/2018
Existing Roof Plan	4221-PL-04		5/02/2018
Existing elevations	4221-PL-05		5/02/2018
Proposed basement plan	4221-PL-06		5/02/2018
Proposed ground floor plan	4221-PL-07		5/02/2018
Proposed first floor plan	4221-PL-08		5/02/2018

Proposed Roof plan	4221-PL-09		5/02/2018
Proposed elevations	4221-PL-10		5/02/2018
Proposed bay window and door works	4221-PL-11		5/02/2018
Proposed South east and south door works	4221-PL-12		5/02/2018
Proposed new folding doors and door works	4221-PL-13		5/02/2018
Proposed fire exit door	4221-PL-14		5/02/2018
Proposed windows in rear yard	4221-PL-15		5/02/2018
Alterations to King Post Truss	4221-PL-16		5/02/2018

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. Negotiations have taken place over the impact on the character of the listed building and the significance of the proposed alterations. These discussions led to the submitted plans which accurately mirror those negotiations and are considered to be acceptable.

Report Dated:

29 March 2018