

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING
CONDITIONS PREVIOUSLY ATTACHED**

Reference No:	2023/70/91135/E
Site Address:	1-22, The Arcade, 14 & 16, Corporation Street, 23 & 25, Market Place, Dewsbury, WF13 1QG
Description:	Variation of condition 2 (plans) of previous Listed Building Consent 2021/93191 for internal and external alterations (within a Conservation Area)
Recommending Officer:	Callum Harrison

DECISION – Variation of Conditions – Approve

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.

Victor Grayson

AUTHORISED OFFICER

Date: 22-Jun-2023

Officer Report

2023/91135 - 1-22, The Arcade, 14 & 16, Corporation Street, 23 & 25, Market Place, Dewsbury, WF13 1QG

Site Description:

This listed building consent application relates to a shopping arcade built around 1899, known locally as 'The Arcade' and which has been closed since July 2016. The Arcade gently slopes downhill from north to south and its footprint measures approximately 800sqm/0.08 ha. The Arcade once provided pedestrian-only access between Corporation Street to the north with Market Place to the south. It is located at the heart of Dewsbury Town Centre (Local Plan ID: TCB2). The immediate area is predominately defined by Victorian and Edwardian buildings, some of which are also Grade II listed and which house a mixture of shops and services or are vacant.

The Arcade is Grade II listed under several separate Grade II list entries, and is located within the Dewsbury Town Centre Conservation Area (Local Plan ID: CA29).

The shops on the northern and southern end of the arcade are both three storeys high with well-detailed stone facades. The central arcade consists of small shop units which are one and two storeys high, on either side of a central arcade covered with a glazed roof on decorative cast iron frames.

Description of Proposal:

The application is seeking variation of condition 2 (plans) of the previous Listed Building Consent 2021/93191 for internal and external alterations.

In terms of the variation to the previously-approved scheme, the proposed variation is to omit the lift which was set in units 24, 26 and 30 and to re-incorporate this space back in to unit floorspace. Given that the applicant has now acquired adjacent units which have lift space, accessibility can be provided through this, without a new lift required in the arcade units themselves. There would be some new internal doors provided to enable access. Furthermore, cellar steps would be replaced with access repositioned in unit 2.

The submitted documents appear to detail works to units to the north east, labelled as numbers 32 and 33 on the submitted plans. These units fall outside of the red line boundary on the original application, as such, works to these cannot be assessed or permitted under this application. These works to units 32 and 33 have already been granted permission under applications 2022/91006 and 2022/91007.

History of Negotiations/Amendments Received:

Officers contacted the agent for clarification regarding the red line boundary (units 32 and 33) and for additional detail regarding the existing cellar steps. Other than this, it was deemed that no amendments or additional information was required.

Relevant Planning History

87/00634 – Listed Building Consent for Refurbishment to include new lighting, shopfronts, signs and paving – Granted Conditionally

87/02848 – Listed Building Consent – Erection of roller grilles to each end of Arcade – Granted Conditionally

89/05673 – Listed Building Consent for non-illuminated fascia sign – Consent Granted

89/03767 – Change of Use – Shop to cafe/tea shop – Granted Conditionally

93/05429 – Listed Building Consent – Erection of roller grilles to each end of Arcade – Consent Granted

94/90445 – Erection of security grilles (Listed Building) – Conditional Full Permission

99/92970 – Listed Building Consent – Erection of sign (Within a Conservation Area) – Consent Refused

2000/93638 – Listed Building Consent for the erection of sign (Within a Conservation Area) – Consent Refused and Appeal Dismissed

2001/92780 – Listed Building Consent – Redecoration of shopfronts and ceiling, installation of anti-roost net and spikes and uplighters (Within a Conservation Area) - Withdrawn

2003/94369 – Listed Building Consent – Repainting, bird wiring system, netting, lighting, sound system and cleaning of stone floors (Within a Conservation Area) – Consent Granted

2003/95370 – Installation of New Shopfront (Listed Building Within a Conservation Area) – Conditional Full Permission 2003/95371 – Listed Building Consent – Installation of new shopfront (Within a Conservation Area) – Consent Granted

2004/90285 – Change of Use from photo shop to a cafe bar (Listed Building) (Within A Conservation Area) – Conditional Full Permission

2021/93190 – Alterations to the building and material change of use of units to flexible uses falling within Use Classes E (a), (b), (c), (d), (g(i)), (g(iii)), public house/wine bar/drinking establishment (Listed Building within a Conservation Area) – Conditional Full Permission

2021/93191 – Listed Building Consent – Internal and external alterations (Within A Conservation Area) – Approved.

Representations

The application was advertised in the press, via a site notice and by neighbour notification letters. Final publicity expired on 8th June. No representations were received.

Consultations

KC Conservation and Design – Support the variation.

Historic England – Support the variation.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site lies within the Dewsbury Conservation Area and is Grade II listed and within close proximity to other Grade II listed buildings. The listing was made in July 1985 for the following architectural and historic interests:

- ‘The building’s restrained Renaissance styling and refined detailing creates distinguished and dignified principal elevations onto Market Place and Corporation Street;
- It was designed by the notable local architect Albert Holmes Kirk who has a number of listed buildings to his name;
- The interiors retain numerous original and early features, including an elegant cast-iron glazed roof over the arcade walkway, timber shopfronts with integral display cases and tripartite and canted oriel windows above, tiled shop entrance floors, moulded door and window architraves, panelled doors, most original stairs, some cast-iron fireplaces and built-in cupboards, and a first-floor trapdoor with a hoist winch beam in one of the shops.
- It is a good example of a late-C19 shopping arcade that continues a retail tradition first imported from the Continent in the early C19.’

Kirklees Local Plan (LP):

LP 1 – Presumption in Favour of Sustainable Development

LP 18 – Dewsbury Town Centre

LP 24 – Design

LP 25 – Advertisements and Shop Fronts

LP 35 – Historic Environment

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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. Relevant chapters include:

Chapter 12 – Achieving Well-Designed Places

Chapter 16 – Conserving and Enhancing the Historic Environment

Assessment:

Principle of Development

As the application is for Listed Building Consent, the only issues that fall to be considered are the impact the development would have on the character and significance of the Listed Building. Under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities must, in considering whether to grant listed building consent for any works, 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. In this context preservation means not harming the interests of the building as opposed to keeping it unchanged. Furthermore, chapter 16 of the NPPF states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. If harm would result this should not be allowed without a proportionate justification. This approach is supported by policy LP35 of the Local Plan. Local Plan policies LP24 and LP25, along with Chapter 12 of the NPPF are also relevant in terms of the design being appropriate considering the relevant heritage matters.

Impact on Character and Significance of Listed Building

The Arcade dates to the late 19th century and consists of three grade II listed buildings, 1-22 The Arcade, 14 and 16 Corporation Street and 23 and 25 Market Place (National Heritage List for England numbers 1134756, 1183500 and 1183688). Historic maps show that what is now the Market Place has been a focus for Dewsbury since at least 1600, when it is illustrated on Christopher Saxton's Map of Dewsbury, and likely represents a location settled since the medieval period and possibly since before the Norman Conquest when Dewsbury Minster was founded. By the time the arcade was built the Market Place was a busy commercial hub with a large number of inns, hotels and banks located in nearby buildings along with warehouses, mills and two railway stations. The Arcade employed grand entrances on Market Place and Corporation Street (then New Bridge Street) linked by covering a narrow alley or yard that extended between them. Numbers 23 and 25 Market Place predate the construction of The Arcade in c.1899 and this later 19th century building was given a new facade to provide a suitably grand southern entrance to The Arcade.

In relation to the previous application for full planning permission, KC Conservation and Design and Historic England concluded that the scheme would provide a sustainable use for this heritage asset and potentially create a vibrant space within the heart of the town centre and conservation area. When consulted on the current variation proposal, both consultees agreed that the proposed variation would still ensure these positive outcomes.

In fact, the variation would have an even greater positive effect by using a lift in a larger unit outside of the arcade building and reducing the impact on the smaller bookend unit of the arcade. With regard to the replacement cellar steps, despite being an older addition, the removal of the timber staircase in Unit 2 is also acceptable as this has low significance and is susceptible to decay.

In conclusion, Historic England and KC Conservation and Design both support this minor variation and deem that the proposed development is still considered to accord with Local Plan policies LP24 and LP35 and Chapters 12 and 16 of the NPPF with regard to design and heritage impact.

Conditions

As this is an application under Section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990 of Town and Country Planning Act 1990 it will, in effect, be a new permission.

Planning practice guidance (The Use of Conditions) confirms that the original planning permission will continue to exist whatever the outcome of the application and that the conditions imposed on the original permission still have effect unless they have been discharged. Similarly, the conditions of the previous Listed Building Consent still have affect unless discharged.

The remaining conditions from Listed Building Consent 2021/93191 should therefore be repeated.

Conclusion

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: Grant Variation to Listed Building Consent

Conditions and Reasons

1. The development hereby permitted shall be begun by 3rd March 2025.

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, to protect the historic interest of the listed building and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Policies in the National Planning Policy Framework.

3. Prior to their installation, details (specification and plans) of the proposed decorative gates and fanlights to each end of the arcade, along with details of the central stairway gates (to include the design, colour and fixing methods), shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in full accordance with the details approved and retained thereafter.

Reason: To minimise damage to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Local Plan policies LP24 and LP35 and chapters 12 and 16 of the NPPF.

4. Prior to their installation, details (specification and plans) of the hanging signage within the arcade shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in full accordance with the details approved and retained thereafter.

Reason: To minimise damage to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Local Plan policies LP24 and LP35 and chapters 12 and 16 of the NPPF.

5. Prior to installation, details (specification and plans) of the colour scheme of the central arcade roof including metalwork and joinery shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in full accordance with the details approved and retained thereafter.

Reason: To minimise damage to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Local Plan policies LP24 and LP35 and chapters 12 and 16 of the NPPF.

6. Prior to their installation, details (specification and plans) of the ventilation louvres in the rear upper floor sash windows shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in full accordance with the details approved and retained thereafter.

Reason: To minimise damage to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Local Plan policies LP24 and LP35 and chapters 12 and 16 of the NPPF.

7. Prior to their installation, details (specification and plans) of the M&E installations and fittings, including service ducts, risers, radiators and lighting, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in full accordance with the details approved and retained thereafter.

Reason: To ensure that no damage occurs to important historic detailing, including decorative floor and wall finishes, to ensure external architectural details and the character and significance of the building are maintained, to ensure a high standard of design that respects the heritage asset and to accord with Local Plan policies LP24 and LP35 and chapters 12 and 16 of the NPPF.

8. Prior to their installation, details (specification and plans) of the proposed roof edge protection and perimeter details, including materials, design, scale and fixing methods, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in full accordance with the details approved and retained thereafter.

Reason: To demonstrate that the visual impact has been kept to a minimum and no damage will be caused to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Local Plan policies LP24 and LP35 and chapters 12 and 16 of the NPPF.

9. Prior to their installation, details (specification and plans) of the trickle vent details for the sash windows shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in full accordance with the details approved and retained thereafter.

Reason: To minimise damage to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Local Plan policies LP24 and LP35 and chapters 12 and 16 of the NPPF.

10. Prior to installation, details (specification and plans) of the decorative historic floor finish on the second floor to be conserved and retained, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall then be implemented in full accordance with the details approved and retained thereafter.

Reason: To minimise damage to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Local Plan policies LP24 and LP35 and chapters 12 and 16 of the NPPF.

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Plan General	1705-BDP-AD-XX-RG-Z-00003_Design and Access Statement 54	P01	28/09/2021
Proposed	1705-BDP-AD-XX-SE-A-	P01	11/08/2021

Elevations	20001 - Section AA proposed		
Proposed Elevations	705-BDP-AD-XX-EL-A-20004 - West Elevation	P01	11/08/2021
Proposed Elevations	1705-BDP-AD-XX-EL-A-20005 - East Elevation	T01	19/04/2023
Proposed Elevations	1705-BDP-AD-XX-EL-A-20002 - South Elevation	P01	11/08/2021
Proposed Elevations	1705-BDP-AD-XX-EL-A-20001 - North Elevation	P01	11/08/2021
Location Plan	1705-BDP-AD-SL-PL-Z-00001 - Site Location Plan	P02	11/08/2021
Grouped Plans and Elevations	1705-BDP-AD-XX-SE-A-20002	P01	11/08/2021
Existing Floor Plans	1705-BDP-AD-00-PL-Z-00001 - Existing Ground Floor Plan	P03	11/08/2021
Existing Floor Plans	1705-BDP-AD-01-PL-Z-00001 - Existing First Floor Plan	P03	11/08/2021
Existing Floor Plans	1705-BDP-AD-02-PL-Z-00001 - Existing Second Floor Plan	P03	11/08/2021
Existing Floor Plans	- 1705-BDP-AD-B1-PL-Z-00001 - Existing Basement Plan	P01	11/08/2021
Existing Floor Plans	1705-BDP-AD-03-PL-Z-00001 - Existing Third Floor Plan	P03	11/08/2021
Existing Floor Plans	1705-BDP-AD-RF-PL-Z-00001 - Existing Roof Plan	P01	11/08/2021
Proposed Floor Plans	1705-BDP-AD-03-PL-A-20001 - Third Floor GA Plan as Proposed	T01	19/04/2023
Proposed Floor Plans	1705-BDP-AD-02-PL-A-20002 - Second Floor Removals Plan	T01	19/04/2023
Proposed Floor Plans	1705-BDP-AD-02-PL-A-20001 - Second Floor GA Plan as Proposed	T01	19/04/2023
Proposed Floor Plans	1705-BDP-AD-01-PL-A-20002 - First Floor Removals Plan	T01	19/04/2023
Proposed Floor Plans	1705-BDP-AD-01-PL-A-20001 - First Floor GA Plan as Proposed	T01	19/04/2023
Proposed Floor Plans	1705-BDP-AD-00-PL-A-20002 - Ground Floor Removals Plan	T01	19/04/2023

Proposed Floor Plans	1705-BDP-AD-00-PL-A-20001 - Ground Floor GA Plan as Proposed	T01	19/04/2023
Proposed Floor Plans	1705-BDP-AD-RF-PL-A-20005 - Roof GA Plan as Proposed	P01	11/08/2021
Proposed Floor Plans	1705-BDP-AD-03-PL-A-20002 - Third Floor Removals Plan	T01	19/04/2023
Existing Site / Block Layout	1705-BDP-AD-SL-PL-Z-00002 - Site Plan as Existing	P02	11/08/2021
Proposed Site / Block Layout	1705-BDP-AD-SL-PL-Z-00003 - Site Plan as Proposed	T01	19/04/2023
Design and Access Statement	1705-BDP-AD-XX-RG-Z-00003_Designing and Access Statement_Clients own	P01	11/08/2021

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 has, 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. Officers contacted the agent for clarification regarding the red line boundary (units 32 and 33) and for additional detail regarding the existing cellar steps. Other than this, it was deemed that no amendments or additional information was required.