

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2026/62/91544/E
Site Address:	Unit 24, The Arcade, Dewsbury, WF13 1AB
Description:	Alterations to convert to opticians (Listed Building within a Conservation Area)
Recommending Officer:	Elenya Jackson

DECISION – CONDITIONAL FULL PERMISSION

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.

John Holmes

AUTHORISED OFFICER

Date: 7th August 2026

Officer Report –

Site Description

The Arcade, Dewsbury, WF13 1AB is a shopping arcade in the centre of Dewsbury constructed in 1899 to designs by Albert Holmes Kirk. The building is of historic interest as it is considered a good example of a late-C19 shopping arcade that continues a retail tradition first imported from the Continent in the early C19.

The Arcade is approximately 62m long and is aligned north-south, with a north entrance block on Corporation Street and a south entrance block on Market Place; the arcade narrows slightly at its southern end. It has a linear plan with shop units to each east and west side and larger shops at the north and south ends. Attached to each flanking side are earlier C19 buildings at the southern end and late-C19 buildings at the northern end.

The unit reference in this application is on the Northern elevation of the Arcade and faces onto corporation street.

Historic England has the following description for the Northern elevation:

' At the north end of The Arcade is an entrance block with an ashlar front elevation facing onto Corporation Street; this forms the north entrance to The Arcade. The entrance block is of three-storeys plus attic, and of three bays, with gabled outer bays and moulded stringcourses between the floor levels, including one that incorporates the sills of the second-floor windows. To the centre of the ground floor and rising through the first-floor level is a large, one-and-a-half storey, keyed round-arched opening that leads into the main body of the arcade. The arch is corbelled and above the opening is carved relief lettering set between stringcourses incorporating a carved scrolled and floriated shell motif; the lettering reads: 'THE ARCADE'. Flanking the opening are two shopfronts with pedimented and corbelled pilasters, deep signage fascias (partly hidden by modern shop signage), and modern glazing and entrance doorways. At second-floor level above the arcade opening are paired cross windows set within a shared surround with a raised head incorporating relief numerals with the date '1899'. The two outer bays are symmetrical and project forward slightly. Both have an eight-light mullioned and transomed canted oriel window to the first floor and a six-light mullioned and transomed window to the second floor with a carved frieze above. At the top of the elevation is an eaves cornice and topping each outer bay is a Dutch gable with carved scrolled decoration, segmental pediment, ball finials, and a tall two-light mullioned window containing plate-glass sashes. The northern entrance block's roof has Welsh slate coverings and is hipped roof behind the gabled bays, with tall chimneystacks to the east and west hips. The entrance block's rear elevation rises above the roof of the arcade and is in red brick. Paired blocked-up windows exist to each bay on the first and second floors'.

Description of Proposal

The application is for full planning permission for the use of the building as an opticians and the associated internal alterations required to facilitate this.

The supporting information references additional works to the shop front of the building, the application form sets out the external door would be made good and the submitted detail sets out there would be refurbishment of the shop front. The building has recently been updated and upgraded and therefore the consideration of the associated listed building consent application is being undertaken on the basis of the internal works only, the same approach is considered relevant in this case.

History of Negotiations / Amendments Received

No amendments have been requested by Officers.

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

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

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). GRANTED UNDER REG.3 GENERAL REGULATIONS 1992

2023/91135- Variation of condition 2 (plans) of previous Listed Building Consent 2021/93191 for internal and external alterations (within a Conservation Area). REMOVAL OR MODIFICATION OF CONDITION(S)

2023/91134- Variation of condition 2 (plans) of previous permission 2021/93190 for 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. REMOVAL OR MODIFICATION OF CONDITION(S)

2026/91760: Variation of condition 2 (plans) (and 3, 4, 5, 7, 8, 9, 10) on previous permission 2023/91135 for variation of condition 2 (plans) on previous Listed Building Consent 2021/93191 for internal and external alterations (within a Conservation Area). Pending consideration.

2025/65/90996/E: Listed Building Consent for installation of 22 no. solar photovoltaic (PV) panels within the rear roof pitch of the northern entrance buildings to Dewsbury Arcade (within a Conservation Area). Consent Granted.

2025/62/91566/E: Installation of 22 no. solar photovoltaic (PV) panels (Listed Building within a Conservation Area). Conditional full permission.

2026/70/91758/E: Variation of condition 2 (plans) (and 14, 15, 16, 17, 19, 20, 21, 22, 23) on previous permission 2023/91134 for variation of condition 2 (plans) on previous permission 2021/93190 for 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. Pending consideration

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2024).

The application has been publicised by site notice and by press advertisement. The expiry date of the publicity period was the 30/07/2026.

Consultation Responses

KC Conservation & Design (Informal) – No objections.

Allocation and Policy

The site is located within the Dewsbury Town Centre Conservation Area within the Kirklees Local Plan (adopted 2019). The site is also a Grade II Listed Building.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP13 Town Centre Uses
LP21 Highway and Access
LP22 Parking
LP24 Design
LP30 Biodiversity and Geodiversity
LP35 Historic Environment
LP52 Protection and Improvement of Environmental Quality

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

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

Chapter2	Achieving sustainable development
Chapter12	Achieving well-designed places
Chapter14	Meeting the challenge of climate change, flooding and coastal change
Chapter15	Conserving and enhancing the natural environment
Chapter16	Conserving and enhancing the historic environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)

The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).

The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

The Planning and Compulsory Purchase Act 2004.

The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which 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 interest which it possesses'.

Assessment

1 – Principle of Development

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.1 – Heritage

The site is a Listed Building; as such, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is considered relevant in this instance. This requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area.

Section 66 of the Act sets out a duty for local planning authorities in considering whether to grant planning permission for development which affects a listed building or its setting, to 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.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

LP35 states *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in...harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring...public benefits that clearly outweigh the harm”*. This is mirrored in paragraph 208 in Chapter 16 of the NPPF.

Paragraph 203 goes on and states that Local planning authorities should consider:

“the desirability of sustaining and enhancing the significance of heritage assets... the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and; the desirability of development making a positive contribution to local distinctiveness” when determining these applications.

An analysis of whether harm to the significance of these heritage assets would occur will be assessed and discussed later in the report.

Town Centre Use

The site falls within Dewsbury Town Centre and therefore, Policy LP13 of the Kirklees Local Plan is relevant. The policy encourages development that supports a strong, diverse economy that serves the local community by encouraging the vitality and viability of existing town centres.

LP13 outlines that “proposals that have a significant adverse impact on the vitality and viability of a centre or compromise the role and function of a centre will not be supported.” The loss of a main town centre use could only be permitted where it is evident that there are material considerations which clearly indicate that the element of the scheme which does not accord with the development plan is outweighed by those considerations.

LP13 outlines that “proposals that have a significant adverse impact on the vitality and viability of a centre or compromise the role and function of a centre will not be supported.” The loss of a main town centre use could only be permitted where it is evident that there are material considerations which clearly indicate that the element of the scheme which does not accord with the development plan is outweighed by those considerations.

In-line with the requirements of LP13 of the Kirklees local plan, officers consider that the proposal would be retaining a main town centre use within a secondary shopping frontage in Dewsbury Town Centre. As policy LP18 states that Dewsbury Town Centre will be a place of vibrancy, vitality, and

diversity, with a mix of uses to attract visitors, and part G states proposals should provide space for a range of business', it is considered that the development would contribute to the diversification of provision within the centre of Dewsbury and would accord with policies LP13 and LP18 of the Kirklees Local Plan.

It is therefore considered that the principle of the development would be acceptable as it would change the use of unit 24 into a Class E(e) use within Dewsbury Town centre and would be consistent with the aims of LP13 and LP18 of the Kirklees local plan; however, as indicated above, further assessment is required regarding whether harm to the significance of the heritage assets would occur will be assessed and discussed later in the report as well as the impact upon visual amenity, residential amenity and access / highway safety considerations, as well as all other relevant considerations.

2 – Impact on character and appearance of the area (including impact upon historic environment):

Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*.

Historic Environment

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, 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.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *"development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm."*

Paragraph 207 of the NPPF states 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. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.”*

Paragraph 208 of the NPPF goes on to state that:
“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

Paragraph 212 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.”*

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.

It is considered that the proposal would not require significant external alterations to the arcade to facilitate the development and there are limited details provided / alterations to the internal layout of the unit to provide two consultation rooms. It is therefore considered that the development would have limited impact on the public realm and the development would result in less than substantial harm to the significance of the listed building.

The less than substantial harm which would result from the development, would need to be suitably outweighed by the public benefits of the scheme. It is considered in this instance, extensive works are currently being undertaken to the whole arcade in-order to secure its long term use/up-keep and keep the arcade in use. The use of one of the units to provide an opticians would further diversify the use of the arcade and provision within Dewsbury Town Centre. It is considered that this is securing the optimum viable use of the building to ensure the renovated units are utilised and securing the long term use of the listed building would be considered sufficient to outweigh any harm to the listed building.

Officers consider it reasonable to require additional details of how the partitions are to be erected and details of the internal doors to ensure the appropriate for the historic building. In addition finalised details of windows, alterations to the building / shopfront and other material changes to the building can be secured by the inclusion of appropriately worded conditions. Given these would be a requirement of any listed building consent and such works could not be undertaken without the discharging of the conditions of the listed building consent it is considered that the development is acceptable having regard to the aforementioned policies subject to condition it is undertaken in accordance with the submitted plans.

The proposed development is therefore considered to comply with Policies LP1, LP2, LP24, and LP35 of the Kirklees Local Plan, and Policies within Chapter 12 of the National Planning Policy Framework.

3. Impact on Residential Amenity

Sections B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The works associated with this application are considered minimal and would be changing the use of the building from a flexible class E use into an E (e) use. Due to the location of the development, officers consider that no local residents would be impacted by the development.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policies LP24 and LP52 of the Kirklees Local Plan, and advice within Chapter 12, and Paragraph 135, of the National Planning Policy Framework.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council’s adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposal is for the change of use of an existing class E unit into an optician.

It is considered that the site is located within Dewsbury Town Centre and many of the trips to the proposed unit would be linked trips with traffic already visiting the Town Centre.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principle 15 of the Council's Street Design Guide and Chapter 9 of the National Planning Policy Framework.

5. Climate Change

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 policies and guidance documents to embed the climate change agenda.

Considering the scale and nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

6. Other Matters

Impact upon Ecology

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

It is considered that the application relates to alterations to the ground floor of an existing unit and therefore officers have no further comments.

7. Representations

No representations have been received.

8. 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, the proposed development would constitute sustainable development and is therefore recommended for approval.

**Recommendation
PERMISSION**

CONDITIONAL FULL

Decision Authorisation: Delegated Powers

Application Number: 2026/91544

Officer Recommendation: Conditional Full Permission

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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 to accord with Policies LP01, LP02, LP21, LP22, LP24 and LP35 of the Kirklees Local Plan, Chapters 2, 9, 12, 14 and 15 of the National Planning Policy Framework.

3. Notwithstanding the approved plans, no alterations to the shop front of the Listed Building are approved by this consent.

Reason: For the avoidance of doubt as to what is being approved and in the interests of safeguarding the significance of the heritage asset pursuant to the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 16 of the National Planning Policy Framework

NOTE: The applicant is advised that under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2018, the developer is required to take account of the timing of works in relation to the bird breeding season. An inspection to check for the presence of nesting birds is advised if demolition and/or site/vegetation clearance works are likely to take place during the bird breeding season (1st March to 31st August)

inclusive). If twites are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: All Bats and their roosts are fully protected under the EC Habitats Directive, transposed into UK legislation by the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats Regulations 2017. It is an offence to A) Kill, injure or take a bat. B) Destroy a place where they live or breed. C) Damage one of the above places. D) Disturb a bat. It is recommended that works proceed with caution and that works are stopped and Natural England contacted immediately should any bats or evidence of bats be found at site. All contractors on site should be made aware of this requirement.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Existing and proposed plans	GA02		12/06/2026

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. No amendments were sought