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**Planning and Development Service
Kirklees Council
PO Box 1720
Huddersfield**

Our Ref: TP/LNE/2023-108

08 June 2023

Dear Sir/Madam,

Prior Approval Application – Alterations to Dewsbury Station

Please find enclosed details to support a Prior Approval application under the provisions of Part 18 Class A (A.2) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO). This Prior Approval application is for alterations (the proposed works) to the Grade II Listed Dewsbury Station. The proposed works are being undertaken as part of the Trans-Pennine Route Upgrade (TRU) Programme.

An application for Listed Building Consent (LBC) for the proposed works was approved on 30th June 2022 (ref. 2022/65/91212/E). This did seek Prior Approval at the same time, but the Council did not choose to grant such approval and have requested that it be sought as a separate application in its own right.

Given that the criteria for consideration under Part 18 Prior Approval applications (see below) are location and external appearance and given that the proposed works are to an existing railway structure, this Prior Approval is submitted as a formality. This is because the LBC application has already considered impacts upon external appearance, and the requirement for the works to be undertaken to the station.

The following plans and supporting material have been submitted with this application (the plans are the largely the same as the equivalent plans which were approved for the LBC, though certain detailed drawings have been omitted as they are not strictly necessary for the requirements of a Prior Approval and would normally qualify as development under part 8):

Location Plan (I:1250)

Drawing 151667-TSA-40-MDLI-DRG-T-LP-160001– Key Plan

Drawing 151667-TSA-40-MDLI-DRG-T-LP-160002– Existing Roof Plan

Drawing 151667-TSA-40-MDLI-DRG-T-LP-160003– Existing General Arrangement

Drawing 151667-TSA-40-MDLI-DRG-T-LP-160004– Existing Elevations

Drawing 151667-TSA-40-MDLI-DRG-T-LP-160005– Existing Sections

Drawing 151667-TSA-40-MDLI-DRG-T-LP-160006– Proposed Elevations
 Drawing 151667-TSA-40-MDLI-DRG-T-LP-160007– Proposed Sections
 Drawing 151667-TSA-40-MDLI-DRG-T-LP-160009– Block Plan
 Drawing 151667-TSA-40-MDLI-DRG-T-LP-160010– Existing & Proposed Platform Arrangement
 Drawing 151667-TSA-40-MDLI-DRG-T-LP-160011– Proposed Platform Sections
 Drawing 151667-TSA-40-MDLI-DRG-T-LP-160012– Proposed General Arrangement
 Drawing 151667-TSA-40-MDLI-DRG-T-LP-160015– Canopy Sections
 Drawing 151667-TSA-40-MDLI-DRG-T-LP-160017– Proposed Canopy Details
 Drawing 151667-TSA-40-MDLI-DRG-T-LP-160018– Proposed Canopy details sections and connection details
 Drawing 151667-TSA-40-MDLI-DRG-T-LP-160019– Detail of treatment of Platform 2 rear wall
 Drawing 151667-TSA-40-MDLI-DRG-T-LP-160021– Footbridge Existing General Arrangement
 Drawing 151667-TSA-40-MDLI-DRG-T-LP-160022– Footbridge Existing Elevations
 Drawing 151667-TSA-40-MDLI-DRG-T-LP-160023– Footbridge Existing Sections
 Drawing 151667-TSA-40-MDLI-DRG-T-LP-160024– Proposed Roof Plan
 Drawing 151667-TSA-40-MDLI-DRG-T-LP-160025– Footbridge Proposed General Arrangement
 Drawing 151667-TSA-40-MDLI-DRG-T-LP-160026– Footbridge Proposed Sections & Details (1)
 Drawing 151667-TSA-40-MDLI-DRG-T-LP-160027– Footbridge Proposed Sections & Details (2)
 Drawing 151667-TSA-40-MDLI-DRG-T-LP-160028– Footbridge proposed enclosure details
 Drawing 151667-TSA-40-MDLI-DRG-T-LP-160058 – Proposed General Arrangement Extract from 1845 Act

Background

The TRU Programme is a rail enhancement programme established to increase capacity and improve reliability/journey times between Manchester Victoria and York, via Huddersfield and Leeds. The West of Leeds element of the TRU programme is split into various geographical zones with Project W4 (of which this Prior Approval application will be part) running from Dewsbury Station up to, but not including, Leeds Station.

The entirety of Dewsbury Station lies within Network Rail's Limits of Deviation and is owned by Network Rail.

An Environmental Impact Assessment (EIA) Screening Opinion was provided by Kirklees Council on 20th January 2021 (ref. 2020/20536), which concluded that an EIA is not required for the W4 works within the Kirklees Council Local Planning Authority area. This means that Network Rail is able to utilise its permitted development rights under Part 18 of the GPDO for the proposed works.

The Application Site

Dewsbury Station is located circa 150m to the west of Dewsbury Town Centre, within the Dewsbury Town Centre Conservation Area. The station includes two platforms, a

connecting footbridge with lift shafts on either side, station buildings, platform canopies, a disused subway, and other station facilities.

Analysis of the heritage significance of the station, and the character of the surrounding area and conservation area is included in the Statement of Significance and Heritage Statement which was submitted with the approved LBC application.

No trees, vegetation or Public Rights of Way will be impacted by the proposed works.

The Proposed Works

The proposed works are summarised below:

- Platforms - the extension of the current platforms as well as resurfacing works to both the existing and extended platforms.
- Canopies - the extension of the existing canopies.
- Footbridge - the strengthening of the footbridge and enclosure of the northern (Leeds) elevation.

The works to the station subway and to install Overhead Line Equipment, which were approved as part of the LBC, do not form part of the consideration of this Prior Approval application, given that the subway alterations will not materially impact the external appearance of the station, and the OLE is railway apparatus and thus does not require Prior Approval.

Permitted Development Rights

Planning consent for the proposed works has already been given by virtue of Part 18A to Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended), subject to certain conditions.

I would draw your attention to the provisions of Part 18A which states that permitted development applies when it is “authorised by (a) a local or private Act of Parliament (i.e. the original Act of Parliament that allowed the construction of the railway).....which designates specifically the nature of the development and the land upon which it may be carried out.” Development is not permitted (for specific items identified, such as buildings or bridges) ...”unless the Prior Approval of the appropriate authority to the detailed plans and specifications is first obtained”. The Prior Approval is however “not to be refused...nor are conditions to be imposed unless they are reasonably satisfied that - (a) the development....ought to be and could reasonably be carried out elsewhere on the land; or (b) the design or external appearance of any.....bridge or building...would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.”

The original Act specifying this stretch of railway states that the railway undertaker can, from time to time, alter, repair, or discontinue the before mentioned works or any of them and substitute others in their stead, and do all other acts necessary for making, maintaining altering, repairing or using the railway. This “general power” is provided for in Section 16 of the 1845 Railway Clauses Consolidation Act, and it is this Act which is incorporated in all

railway Acts since 1845. Acts before 1845 have the equivalent wording embodied within the sections of the Act as appropriate.

The decision of the Court Of Appeal in *Emsley v North Eastern Railway Company (1896)* 1 Ch. 418 confirmed that these powers are not restricted to the period of construction but can be invoked from “time to time”. The use of the original Act of Parliament as a means of using permitted development rights has also been upheld in a 2000 English Ministerial appeal decision, the reference number being APP/X/98/X5210/003059.

Assessment Against Prior Approval Parameters

Further to the permitted development rights described above, the two tests to be applied are the siting of the works and their design in terms of their impact on the amenity of the area. The proposed works relate to an existing railway station, and the need for the proposed works is described in the Heritage Statement which formed part of the LBC and has also been submitted with this Prior Approval application.

As such it then turns to whether the works would injure the amenity of the neighbourhood whilst being reasonably capable of modification to avoid such injury. The design requirements for the proposed works are described in the Heritage Statement, as is their impact upon the character and appearance of the area. In the Delegated Report for the LBC application, the case officer referenced slight harm to the character of the station and the conservation area, but acknowledged that these impacts are outweighed by the public benefits of the proposed works. It was also acknowledged that the “*alterations to buildings and structures have been well considered and kept to a minimum*”, and that “*the character and significance of the conservation area is preserved as far as possible*”.

Further to the above, it has already been established through the LBC approval that the proposed works will have a slight adverse impact upon the character of the area, but that they are not reasonably capable of modification to avoid this minor harm.

There are no other matters of acknowledged importance that should preclude the grant of Prior Approval.

For the purposes of Part 18a the enabling Act in this instance is the **Leeds Dewsbury And Manchester Railway Act 1845**, incorporating the Railway Clauses Consolidation Act 1845. The extant powers apply within the limits of deviation of the Act.

We therefore request the formal Prior Approval to the plans and specifications enclosed with respect to the proposed works to Dewsbury Station, in accordance with the provisions of Part 18A to Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended).

The use of Part 18 is known to the Authority, for example being granted for application reference 2017/91187 at Bridge PEH/9, Hanson Lane, Lockwood, Huddersfield, which was approved on 25th May 2017.

Please note that no fee is prescribed in cases of prior approval under Part 18 of the Order.

Please let me know if you require any further information.

A copy of the requisite site notice for prior notification will be posted once the application has been validated with an appropriate application number.

Yours Faithfully

Tony Rivero
Town Planning Manager Eastern (LNE & EM)