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# Dewsbury Market, Cloth Hall Street, Dewsbury WF13 1QE

Full Planning Application for the Redevelopment of Dewsbury Market

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## Planning Statement

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Issue: For Full Planning Permission  
Rev: P01  
Date: 12 August 2024

**BDP.**

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<b>Checked by</b>	DS			

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## 1.0 Introduction

### 1.1 Context

- 1.1.1 This Planning Statement has been prepared by BDP on behalf of our client, Kirklees Council (KC), in support of a Full Planning Application for the redevelopment of Dewsbury Market on Cloth Hall Street in Dewsbury.

### 1.2 Purpose of this Planning Statement

- 1.2.1 This Statement provides an introduction and context to the planning application and the various documents that form part of this submission. Its purpose is to:
- Provide an introduction and overview to the location, development proposal and planning application; and
  - Assess the development proposal against the relevant local and national planning policy, as well as important planning policy guidance, which will form relevant material considerations in the determination of this application.

### 1.3 Planning Application Documents

- 1.3.1 The planning application is supported by several technical assessments and reports, which have been agreed with Kirklees Council Local Planning Authority (LPA), and include the following (prepared by BDP, unless stated otherwise):
- Planning Application Forms, duly signed and dated;
  - Planning Statement;
  - Design and Access Statement, including Security Strategy and Lighting Strategy;
  - Arboricultural Impact Assessment;
  - Biodiversity Net Gain Calculation;
  - Climate Change Statement;
  - Culvert Constraints Strategy;
  - Ecological Assessment;
  - Environmental Noise Assessment;
  - Flood Risk Assessment and Outline Drainage Strategy Report;
  - Heritage Statement;
  - Part L Statement;
  - Phase 1 Geo-Environmental, prepared by Silkstone Environmental Ltd;
  - TM52 Thermal Comfort Report;
  - Transport Statement, prepared by SK; and
  - Ventilation and Extract Statement.

1.3.2 The planning application is supported by the following drawings:

Title	Drawing Number
<b>Existing</b>	
Site Location Plan	DMTP-BDP-00-SL-PL-A-20001 P03
Existing Site Plan	DMTP-BDP-00-SL-PL-A-20002 P04
Site Demolition Plan	DMTP-BDP-00-SL-PL-A-20003 P03
Existing Elevations - Market Office and Fish Block	DMTP-BDP-OM-SL-EL-A-20003 P03
Existing Elevations - WC Blocks	DMTP-BDP-OM-SL-EL-A-20004 P03
Existing Elevations - Market Stalls	DMTP-BDP-OM-SL-EL-A-20005 P03
Market Hall Existing Plan	DMTP-BDP-MH-GR-PL-A-20001 P03
Semi Covered Market Existing Plan	DMTP-BDP-CM-GR-PL-A-20001 P03
Market Buildings Existing Roof Plan	DMTP-BDP-00-RF-PL-A-20001 P03
<b>Wide Site / Miscellaneous</b>	
Proposed Site Plan	DMTP-BDP-00-SL-PL-A-20004 P03
Waste Compound Area Proposed Plans and Elevations	DMTP-BDP-00-SL-DR-A-20001 P02
Water Feature Plant Proposed Drawings	DMTP-BDP-00-SL-DR-A-20002 P02
Substation Proposed Plan and Elevations	DMTP-BDP-00-SL-DR-A-20003 P02
<b>Market Buildings</b>	
Market Buildings Ground Level GA Plan	DMTP-BDP-00-GR-PL-A-20001 P07
Market Buildings Proposed Ground Floor Plan	DMTP-BDP-00-GR-PL-A-20011 P03
Market Buildings Proposed Roof Plan	DMTP-BDP-00-RF-PL-A-20002 P04
<b>Market Hall</b>	
Market Hall Proposed Ground Floor Plan	DMTP-BDP-MH-GR-PL-A-20002 P03
Market Hall Plant Deck Level GA Plan	DMTP-BDP-00-01-PL-A-20002 P07
Market Hall West Elevation Existing and Proposed	DMTP-BDP-MH-XX-EL-A-20001 P04
Market Hall South Elevations Existing and Proposed	DMTP-BDP-MH-XX-EL-A-20002 P04
Market Hall East Elevation Existing and Proposed	DMTP-BDP-MH-XX-EL-A-20003 P04
Market Hall North Elevation Existing and Proposed	DMTP-BDP-MH-XX-EL-A-20004 P04
Market Hall Section AA Existing and Proposed	DMTP-BDP-MH-XX-SE-A-20001 P03
Market Hall Section BB Existing and Proposed	DMTP-BDP-MH-XX-SE-A-20002 P03
<b>Semi-covered Market</b>	
Semi Covered Market Proposed Plan	DMTP-BDP-CM-GR-PL-A-20002 P03
Semi Covered Market West Elevations Existing and Proposed	DMTP-BDP-CM-XX-EL-A-20001 P04

Semi Covered Market East Elevations Existing and Proposed	DMTP-BDP-CM-XX-EL-A-20002 P04
Semi Covered Market North Elevation Existing and Proposed	DMTP-BDP-CM-XX-EL-A-20003 P04
Semi Covered Market Section AA Existing and Proposed	DMTP-BDP-CM-XX-SE-A-20001 P04
Semi Covered Market Section BB Existing and Proposed	DMTP-BDP-CM-XX-SE-A-20002 P04
Semi Covered Market Section CC Existing and Proposed	DMTP-BDP-CM-XX-SE-A-20003 P04
<b>Landscape</b>	
Landscape Masterplan	DMTP-BDP-TP-SL-PL-L-90100 P03
Landscape GA	DMTP-BDP-TP-SL-PL-L-90101 P06
Landscape Levels Plan	DMTP-BDP-TP-SL-PL-L-90601 P04

## 1.4 Structure

1.4.1 The remainder of this Planning Statement adopts the following structure:

- **Chapter 2: Site Description and Context** – provides the background to the planning application, including the site's location and characteristics and planning history;
- **Chapter 3: The Proposal** – provides a description of the development proposal;
- **Chapter 4: Pre-application** – provides an overview of the correspondence to date (pre-submission);
- **Chapter 5: Planning Policy Context** – provides the planning policy context, at a local and national level;
- **Chapter 6: Assessment** – demonstrates how the proposal accords with relevant local and national planning policy and guidance; and
- **Chapter 7: Conclusion** – provides an overview, setting out the key points of the planning application and the planning policy assessment.

## 2.0 Site Description and Context

### 2.1 The Site

- 2.1.1 Dewsbury Market is located to the north of the town centre, adjacent to the A638 ring road and is on an island surrounded by minor highways: Foundry Street to the west; Whitehall Way to the north and east; with Crackenedge Land and Corporation Street to the south.
- 2.1.2 A Site Location Plan (drawing no. DMTP-BDP-00-SL-PL-A-20001 P03) is contained at **Appendix 1**.
- 2.1.3 The site area covers just over 1ha and currently accommodates circa 400 market stalls, though many are currently unoccupied. The Market Hall and Semi-covered Market at the south-east end of the site are Edwardian structures. Most of the rest of the Market is open and comprises lock-up units and open stalls constructed in the 20th century.
- 2.1.4 There are several smaller, newer buildings within the site, including toilet blocks adjacent to the Semi-covered Market, a two-storey shop / office block and a terrace of five former fish units, both of which are in the northern part of the Market.
- 2.1.5 Dewsbury's Market tradition dates back to the 14th century where it was first established in Thornhill, before moving to Dewsbury Town Centre at Market Place. In 1904 the cast iron Market Hall, which stands today, was built. The historic Cloth Hall Street, which cuts through the open market, reflects the renowned textile industry of the time - the area was known as the 'Heavy Woollen District'. The Market grew outwards from the Hall and further modernisation took place during the 1980s and 90s.
- 2.1.6 The current stalls are primarily timber clad with the lockable stalls having metal shuttering. A small number of stalls use the upper level for storage, or even a refrigerator and staff tea area, accessed by a set of stairs set behind the stall. There is some ad-hoc storage between stall aisles.
- 2.1.7 The original iron structures of the Market Hall and the Semi-covered Market are in decent condition, however, there are features in need of repair, for example cracked glazing and uneven / broken paving.
- 2.1.8 The original Market buildings have changed little in their lifetime, but the perimeter stalls have crept outward over time. They currently sit below the original projecting glazed canopies, which are now mostly hidden from view. The cast iron painted structure contrasts with the stone material palette of much of the Town Centre.
- 2.1.9 Machells Mill - built in 1856 and extended as Cloth Hall Mill in 1874 - dominates the skyline to the north of the site. Now converted to residential apartments, the Mill originally produced 'Shoddy and Mungo' – material made from the recycling of old rags.

#### ***Heritage***

- 2.1.10 The site falls within the Town Centre Conservation Area and is a key component of the Market Character Area. This Conservation Area covers most of the town centre within the Ring Road.

- 2.1.11 The Market is identified as a key regeneration project within the Conservation Area Appraisal, a key document which sets out measures to protect and enhance the heritage of the Town Centre Conservation Area.
- 2.1.12 The Market Buildings are currently under a Certificate of Immunity from Listing, which was issued on 9 October 2020 and runs until 8 October 2025 (Certificate of Immunity Number 1464998).

### ***Current Operation***

- 2.1.13 Dewsbury Market Hall is open on Wednesdays, Fridays and Saturdays with a selection of traders open on Mondays, Tuesdays, Thursdays and Sundays.
- 2.1.14 The general market takes place on Wednesdays and Saturdays. Despite a strong history within the town, footfall to Dewsbury Market has decreased over recent years and the Market has experienced reduced stall occupancy.
- 2.1.15 The Market site's current hours of operation are as follows:
- 06:00 - 08:30 - Servicing and setting up;
  - 08:30 - 16:00/30 - Market trading hours (Monday – Saturday; January to Easter / Easter to December respectively);
  - 06:00 - 12:30 (Sunday);
  - 16:00/30 - 18:00 - Servicing and packing up;
  - 16:00/30 - 19:00 - Cleaning and maintenance.

### ***Batley Beck Culvert***

- 2.1.16 The Batley Beck culvert runs below the Market, at the eastern perimeter within the site boundary. Due to the proximity to the culvert, which is a major watercourse, the site falls within Flood Zones 2 and 3.

## **2.2 Planning Application History**

- 2.2.1 A review of the Council's statutory planning register has been undertaken and it can be seen that a series of planning applications have been made relating to the Market site. Unless explicitly stated, the applications identified below relate to the site in its entirety.

<b>Reference</b>	<b>Proposal</b>	<b>Decision (Date)</b>
2021/48/93368/E	Redevelopment of market with addition of mezzanine floor	Granted (09 Feb 2022)
2010/NMA/91759/E2	Non-material amendment to permission number 2008/48/93733/E2 At Dewsbury Market Hall	Granted (07 Jul 2010)

2009/69/90038/E2	Conservation Area Consent for demolition of toilet block including demolition of attached stalls and complete demolition of flat roofed timber structure housing 3 traders situated next to the proposed demolished building	Conservation Area Consent Granted (19 Feb 2009)
2008/48/93733/E2	Erection of extensions, alterations and refurbishment (within a Conservation Area) At Dewsbury Market Hall	Granted (17 Aug 2009)
2006/48/92271/E2	Erection of pull-out canopies, replace facias, new canopies to customer aisles on open market and alterations to stalls on open market (within a Conservation Area)	Granted (24 Apr 2007)

- 2.2.2 These proposals are useful in understanding the site's context and history.
- 2.2.3 In February 2022, planning permission was granted for the redevelopment of Dewsbury Market, including the outdoor stalls, the Market Hall and the Semi-covered Market buildings (2021/48/93368/E).
- 2.2.4 Unfortunately, the 2021/48/93368/E permission will not come forward. Whilst a value-engineering exercise has been undertaken, it has been determined that the proposal is not financially viable and, as such, a new strategy is proposed, as per this proposal.
- 2.2.5 Whilst 2021/48/93368/E remains extant, the permission sets a precedent for the materials and technical considerations of the latest proposal.

## 3.0 The Proposal

3.1.1 Full Planning Permission is sought for the redevelopment of Dewsbury Market, including the outdoor stalls, the Market Hall and the Semi-covered Market buildings.

### 3.2 Redevelopment

3.2.1 The proposal seeks to enhance the strengths of the historic market and re-establish it as a key destination of trade and social activity in Dewsbury. Longevity and future success will be secured by introducing new leisure uses, creating multi-functional spaces and allowing for a diverse programme of events for the local community and visitors.

3.2.2 The redevelopment of the Market consists of various separate parts coming together holistically, as follows:

#### ***Demolition and site clearance***

3.2.3 The first part of the redevelopment consists of the demolition and clearance of those elements that do not form part of the development proposal:

- existing two-storey shop / office block, including a terrace of five former fish units;
- stone toilet blocks in front of the Semi-covered Market;
- all open market stalls and lock-up units;
- small wooden kiosk;
- all stalls in the Market Hall, including at its perimeter and the building stripped back to its original structure;
- all stalls in the Semi-covered market.
- two decorative gates;
- existing surface treatments in the outdoor market to be removed and replaced with new materials.

3.2.4 To be retained:

- Market Hall's original structure;
- Semi-covered Market's original structure.

#### ***Market Hall and Semi-covered Market Uses***

3.2.5 The Market Hall will function as a daytime / evening venue and can be used to host events. The space will be able to house 7no. food and beverage (F&B) stalls, 6no. food retail stalls, a café / bar, a central seating / dining area and the Market office.

3.2.6 The Food Retail offer – considered the Market's anchor offer - is accommodated in the oldest of the Edwardian structures, with the majority of stalls able to trade onto adjacent streets and inside the buildings. Food stalls will wrap around a central flexible seating area. A stage and mix of loose and fixed furniture will enable the space to be reconfigured to accommodate demonstrations and performances, allowing flexibility in the future events programme.

- 3.2.7 The Semi-covered Market is to remain more traditional, with a mix of 28no. fixed, leased stalls and 9no. flexible day license stalls.
- 3.2.8 Dry goods, clothing, crafts and the like fall under the leased stall offer. The day license space is flexible and could be used as an additional seating area, for small scale exhibitions.
- 3.2.9 A circulation space with two main entrances either side, provides access into the Market Hall, the main trading area of the Semi-covered Market and the public WCs.
- 3.2.10 A full breakdown of all of the uses within the Market Buildings, including floor areas, is provided within Chapter 4 of the Design and Access Statement.
- 3.2.11 The Semi-covered Market can be closed independently from the Market Hall, so as to allow traders within the leased stalls to store stock securely inside.
- 3.2.12 Public toilets will be located inside Semi-covered Market. These facilities include separate male and female WCs, a unisex accessible WC, a baby change room and a Changing Place facility. Traders and Staff will have their own WCs located off the Semi-covered Market next to the Market office.

#### **Existing Number of Traders, Stalls and Floor Areas (Current Occupancy)**

Location	Type	Weds Traders	Weds Stalls	Sat Traders	Sat Stalls	Area (sqm)
<b>Market Hall</b>	Leased	12	18	12	18	341
	Leased Food Retail	4	5	4	5	108
<b>Semi-covered Market</b>	Daily Licence	4	9	4	7	33 (9 stalls)
	Leased	4	10	4	10	77
<b>Outdoor Market</b>	Daily Licence	21	51	18	48	189 (51 stalls)
	Daily Food Retail	1	5	1	5	19 (5 stalls)
	Daily F&B	2	2	2	2	7 (2 stalls)
	Leased	22	43	22	43	414
	Leased Food Retail	2	3	2	3	30
	Leased F&B	3	5	3	5	44
<b>Total Daily</b>		28	67	25	62	248
<b>Total Leased</b>		47	84	47	84	1,014
<b>Grand Total</b>		75	151	72	146	<b>1,262</b>

#### **Proposed Number of Stalls and Floor Areas**

Location	Type	Number	Area (sqm)	Comment
<b>Market Hall</b>	F & B	7	109	
	Food Retail	6	172	
	Café / Bar	1	37	
	Daily Licence	9	81	

<b>Semi-covered Market</b>	Leased	28	267	
<b>Outdoor Market</b>	Daily Licence	60	540	As per the commentary below, it is our view that the outdoor stalls do not require planning permission but are included within the submission for transparency.
<b>Total</b>		<b>111</b>	<b>1,206</b>	

### ***Market Hall and Semi-covered Market Appearance***

- 3.2.13 The Market Hall was once a fully open structure. Over time, permanent stalls have been added, enclosing the building and hiding the cast iron columns and encroaching below the glazed canopy.
- 3.2.14 The proposals re-expose the original structure, reinstate the glazed canopy and seek to maximise transparency and views into the buildings.
- 3.2.15 The south and east elevations are lined with stalls, which have the ability to serve people from the outside by means of sliding glazed panels at countertop height.
- 3.2.16 At the Semi-covered Market, the west façade, which faces onto Cloth Hall Street, is to be fully glazed, with glazed louvres integrated into the curtain walling.
- 3.2.17 The north and east elevations will be clad with glazed and / or feature bricks in a design which represents the textile history of the site.

### ***Material Concepts - Finishes and Palette***

- 3.2.18 Though not listed, the Market Buildings are of historical significance and situated within a Conservation Area context. The proposals seek to expose and celebrate the existing steel and cast iron structures.
- 3.2.19 Where appropriate, the facades are framed by the existing structure, with new elements being of a material that reflects Dewsbury's 'Heavy Woollen District' history Dewsbury is renowned for the historic textile industry, known as the 'Heavy Woollen District'.
- 3.2.20 New materials introduced into the scheme have been inspired and informed by Dewsbury's history, encouraging the narrative of the town to be exposed and celebrated. Materials that have been sourced have been influenced by a woven, fabric-like language.
- 3.2.21 Materials selected for the proposed facade designs include:
- glazed terracotta cladding isolated to the feature wall;
  - glazed brick / brick slip cladding colour matched to the terracotta;
  - 3D scalloped / concave profile echoes the curves of the Semi-Covered Market ironwork details;
  - glazed curtain wall to maximise daylight and views into the Market Buildings.

### ***Proposed Roof Access***

- 3.2.22 As part of the proposals, all existing rainwater goods are to be replaced and the rainwater drainage strategy rationalised.
- 3.2.23 The complexity of the roof forms creates instances where gutters will be difficult to maintain. The access and maintenance strategy for the proposals will aim to simplify access where possible.
- 3.2.24 A fixed, lightweight walkway / gantry and handrail is to be introduced along the valley gutter. This will be accessed via a roof hatch above the mezzanine. A fixed, stepped gantry will be introduced, to enable access between walkways.

### ***The Park***

- 3.2.25 The Park sits between Whitehall Way and Foundry Street, fronting Machells Mill and creates a setting for a new play area, seating and lawn spaces, alongside a new square fronting the Market Buildings.
- 3.2.26 The Park breaks into a series of sub-spaces, where seating areas, play elements and a water feature are defined.
- 3.2.27 The design includes new openings to the perimeter landscape, widened play space, and improved pedestrian access.
- 3.2.28 A secure line - consisting of raised planters, stone benches, reinforced gates and retractable and static bollards - will limit vehicular access into the site. Vehicular access into the site will be from the existing point on Whitehall Way, which will allow vehicles to access the site for Market 'set-up' and for Market maintenance vehicles (only).
- 3.2.29 As a part of the planning application submission, we seek to 'zone' the play and water feature areas, with specific details to follow via condition. The relevant plans clearly mark these areas. The application submission includes indicative layouts (only) for these areas.

### ***Substation & Water Feature Plant***

- 3.2.30 A new substation is needed to serve the Market proposals. As per Northern Power Grid guidance, this has been located within 15m of the proposed switch room in the Semi-covered Market.
- 3.2.31 A building is also needed to accommodate the plant equipment for the water feature. The proposed location for this is at the north of the site, opposite Machells Mill, where the Fish Block is currently situated.
- 3.2.32 The proposed materials for both buildings have been chosen to integrate with the existing context, to ensure these buildings sit quietly in the background. Both buildings will be clad in stone to match the existing context. Where feasible, reclaimed stone from the on-site demolitions will be used. The substation roof will be slate tiles, which is consistent with the rest of the Conservation Area. The water feature plant room will have a sedum roof, so as to blend in with the landscape scheme.

### ***Security Strategy***

- 3.2.33 A strategy that has been developed, which is designed to be proportionate to the threat level and is to provide mitigation measures to protect the buildings and unauthorised access, burglary and potential attacks - and the associated damage this can cause both to the public and the fabric of the building.
- 3.2.34 The Counter Terrorism Security Advisor (CTSA) has also provided advice for the scheme as part of the planning process. The inclusion of Hostile Vehicle Mitigation (HVM) measures, to prevent unauthorised vehicular access, is being developed for the proposals with an RSES Engineer.
- 3.2.35 The Market Buildings will be secured to prevent unauthorised access through the provision of new glazed and solid facades, access control, CCTV and new internal and external doorsets.
- 3.2.36 Vehicles will only be permitted access on site during specified hours, to allow traders to set up their stalls. Removable bollards will be used to prevent unwanted vehicles accessing the site. This strategy will be managed and implemented by the Market management staff.
- 3.2.37 The CTSA has recommended that, where there are vulnerabilities to the effects of explosive blast on external and internal glazing, measures should be taken to mitigate this. New glazing will be 7.5mm laminated to EN ISO 12543 (or equivalent) standards. Replacement glazing will be 7.5mm laminated, where feasible. Where this is not possible or practical, anti-shatter film will be specified. Security shutters will be installed to glazed entrances and stall serving hatches.

### ***Refuse Strategy***

- 3.2.38 The existing market facilities currently utilise the waste compactor located across Whitehall Way to the north of site. The existing refuse strategy requires traders to unload their own waste at the waste compactor at the end of the day and throughout trading hours as necessary. The market currently only recycles cardboard as part of their refuse strategy.
- 3.2.39 The scheme proposes to continue to utilise the existing waste area. Traders will continue to take their waste to the compactor area when necessary.
- 3.2.40 The refuse area footprint will extend as part of the proposed scheme to accommodate the increase in waste handling facilities and to allow the market to recycle a number of different waste types.
- 3.2.41 To further reduce the waste generated from the food and beverage uses, the proposals include back of house 'pot wash area' to enable food to be served on reusable ceramic crockery, minimising the need for takeaway containers and other single use items.

### ***Development within the Batley Beck Culvert Buffer Zone***

- 3.2.42 The Batley Beck culvert runs below the Market site, along its eastern perimeter.
- 3.2.43 As a part of the previous proposal, some of the proposed Outdoor Market stalls sat within the culvert's buffer zone. A meeting was held with the Environment Agency (EA) on 9 June 2021, during which EA officers indicated the principle of development within the culvert's buffer zone was acceptable, subject to it being demonstrated that these proposed stalls would not increase the load, either vertically or horizontally, upon the culvert.

- 3.2.44 No external stalls are proposed within the culvert's buffer zone as a part of this proposal. Furthermore, the existing vehicular access is to be utilised (whereas the previous proposal included two new points as access).
- 3.2.45 As such, whilst a new Culvert Constraints Strategy – similar to the document produced previously – is included within the submission and illustrates the loads from the Market Building's foundations, it is not envisaged there will be any necessity to re-enforce the culvert in any location. The new Culvert Constraints Strategy demonstrates that the proposals will not increase the load, either vertically or horizontally, upon the culvert.

### **Outdoor Stalls**

- 3.2.46 This planning application submission includes details of a space outside the Market Buildings, directly outside the Market Hall to keep market activity together, which accommodates circa 60no. temporary stalls.
- 3.2.47 The stalls will not be permanent and will be erected and taken down each market day. Mounting points will be recessed into the ground to prevent the need for weighting the stalls.
- 3.2.48 The stalls will be dismantled at the end of each market day and transported by trailer to an offsite storage building.
- 3.2.49 The layout also allows non-permanent stalls, such as pop-ups and food / coffee trucks, to utilise the space.
- 3.2.50 The details of these outdoor stalls are included within the planning application submission for transparency. These stalls are deemed to fall within Permitted Development and, as such, do not require planning permission because:
- 3.2.51 On 25 June 2020, Class BA in Part 12 of Schedule 2 (*Holding of a Market by or on behalf of a Local Authority*) was introduced into the Town and Country Planning (General Permitted Development) (England) Order 2015. This allowed the use of any land (except on / within a Site of Special Scientific Interest, SSSI) for the purposes of holding a market by, or on behalf of, a Local Authority and the provision on the land of any moveable structure for the permitted use at any time, from 25 June 2020 to 23 March 2021.
- 3.2.52 On 3 December 2020, the end date in Class BA was amended and extended to 23 March 2022.
- 3.2.53 On 11 January 2022, Class BA was amended to remove the end time constraint – i.e. the timescales are currently open-ended. As well as SSSIs, land that is or contains a Scheduled Monument was added by way of a further restriction (neither of these designations are applicable to the application site).
- 3.2.54 At present, Class BA reads, '*Permitted development – the use of any land for the purposes of holding a market by or on behalf of a Local Authority and the provision on the land of any moveable structure for the permitted use.*'
- 3.2.55 As such, the temporary external stalls - which are moveable structures that will be erected and dismantled on market days - fall within Permitted Development and do not require planning permission.
- 3.2.56 During pre-application discussions, LPA officers informally confirmed their agreement of the above.

3.2.57 Notwithstanding the above, the landscape plans illustrate the location of the outdoor stalls for complete transparency – so that their proposed location is clear. The fact that these temporary outdoor stalls are proposed also assists the justification for the 'loss' of the permanent outdoor market, commentary for which is provided within the Assessment chapter of this Planning Statement.

### 3.3 Uses

3.3.1 The proposed uses across the Market site include:

- E(a) - Display or retail sale of goods, other than hot food;
- E(b) - Sale of food and drink for consumption (mostly) on the premises;
- E(d) - Indoor sport, recreation or fitness (not involving motorised vehicles or firearms);
- Sui Generis - Public House / Wine Bar / Drinking Establishment;
- Sui Generis - Drinking establishments with expanded food provision;
- Sui Generis – Venue for live music performance; and
- Sui Generis - Hot food takeaways (for the sale of hot food where consumption of that food is mostly undertaken off the premises).

### 3.4 Hours of Operation

3.4.1 A compliance condition was attached to the 2021/48/93368/E permission, which sought to control the hours of operation, as follows:

*17. The use hereby permitted shall not be open to customers outside the hours of 06:00 to 23:00 everyday including Bank Holiday and there shall be no deliveries to, or dispatches from the premises outside these hours.*

3.4.2 These conditioned hours require a slight adjustment as a consequence of the existing proposal.

3.4.3 As above, whilst it is recognised that the temporary, outdoor stalls are Permitted Development, the proposed hours of operation are provided below for transparency:

#### **Indoor Market (Market Hall and Semi-covered Market):**

3.4.4 ***Tuesday to Thursday:***

- 07:30 - 10:00: Servicing and setting up
- **10:00 - 19:00: Trading hours**
- 19:00 - 20:00: Servicing, packing away, cleaning and maintenance

3.4.5 ***Friday and Saturday:***

- 07:30 - 10:00: Servicing and setting up
- **10:00 - 22:00: Trading hours**
- 22:00 - 23:00: Servicing, packing away, cleaning and maintenance

#### 3.4.6 **Sunday:**

- 07:30 - 10:00: Servicing and setting up
- **10:00 - 20:00: Trading hours**
- 20:00 - 21:00: Servicing, packing away, cleaning and maintenance

#### **Outdoor Market (Temporary Stalls):**

#### 3.4.7 **Wednesday and Saturday (with the possibility of an additional day in the future):**

- 06:00 - 08:30: Erection, servicing and setting up
- **08:30 - 16:00: Trading hours**
- 16:00 - 18:00: Servicing, packing away and dismantling
- Cleaning and maintenance – to align with the Indoor Market

#### **Site Wide Events (Occasional):**

3.4.8 On an occasional Event Day, the hours of operation will differ slightly to those on a 'normal' market day, as follows:

#### 3.4.9 **Friday:**

- 07:30 - 10:00: Servicing and setting up
- **10:00 - 23:00: Trading hours**
- 23:00 - 24:00: Servicing, packing away, cleaning and maintenance

#### 3.4.10 **Saturday:**

- 06:00 - 08:30: Erection, servicing and setting up
- **08:30 - 23:00: Trading hours**
- 23:00 - 24:00: Servicing, packing away, cleaning and maintenance

#### 3.4.11 **Sunday:**

- 07:30 - 10:00: Servicing and setting up
- **10:00 - 21:00: Trading hours**
- 21:00 - 22:00: Servicing, packing away, cleaning and maintenance

3.4.12 Similarly to the 2021/48/93368/E permission, our client seeks as much operational flexibility as possible. As such, on a 'normal' market day, our client proposes the hours of operation be from 06:00 to 23:00.

3.4.13 This proposed start time reflects that of the existing market operation, which would allow for servicing and setting up from 06.00. The proposed end time aligns with the hours agreed as a part of the previous permission.

3.4.14 On an Event Day, which are occasional, it is proposed that the trading hours extend by an hour in the evening, which as a consequence, results in the overall operating hours extending by an additional hour to allow for serving / packing away / cleaning / maintenance after an

event. As such on an Event Day, our client proposes the hours of operation be from 06:00 to 24:00.

- 3.4.15 The above hours of operation are sought for seven days a week, year-round, i.e. inclusive of bank holidays.
- 3.4.16 The proposal's evening operation / events is justified within the accompanying Environmental Noise Assessment, which is summarised in the Assessment chapter of this Planning Statement.

## 4.0 Pre-Application

### 4.1 Introduction

- 4.1.1 On 19 March 2024, BDP submitted a pre-application enquiry to Kirklees Council LPA to seek to gauge officers' views of the proposed redevelopment of the Market.
- 4.1.2 The pre-application enquiry sought officers' feedback on: the principle of development, namely, the proposal's 'departure' from the Local Plan; confirmation that the temporary outdoor stalls were Permitted Development; specific commentary on the design approach / materials; any foreseen development management issues; and to agree the application's validation requirements.
- 4.1.3 On 17 July 2024, a pre-application meeting was held between representatives from BDP and Kirklees Council officers Victor Grayson (Development Management) and Sue Brooks (Conservation).
- 4.1.4 The Council's formal pre-application written feedback was received on 23 August 2021 and is contained at **Appendix 2**.

### 4.2 Principle of Development

- 4.2.1 As a part of the pre-application enquiry submission, it was acknowledged that the Park (a leisure / recreational use) is a departure from the Development Plan, which supports retail proposals in Primary Shopping Areas / along Primary Shopping Frontages.
- 4.2.2 To support the Park proposal, the pre-application submission provided commentary – which isn't repeated here, but can be found within the Assessment chapter of this Planning Statement – which justified this departure.
- 4.2.3 As a part of the pre-application discussions, we sought officers' confirmation that, with the inclusion of such justification, the principle of the proposed Park could be supported.
- 4.2.4 Officers were broadly supportive of the justification for the Park, specifically commenting the provision of the existing vs proposed stalls would be helpful in enabling them to determine the planning application. These figures are provided within the Assessment chapter of this Planning Statement.

### 4.3 Technical Considerations

#### *Heritage and Design*

- 4.3.1 Whilst being mindful that the Market Buildings are the subject of a Certificate of Immunity from Listing, the Council's Conservation Officer was comfortable that the proposed works sought to preserve as much of the historic fabric / interest as was reasonably and practically possible.
- 4.3.2 The proposed alterations to the Market Buildings provide a sustainable use for the building and address current issues with maintenance and architectural character.
- 4.3.3 The pre-application feedback confirms that the Conservation and Design Team support a proposal which will enhance Dewsbury Market and create a more vibrant market and outdoor space. This proposal is going to enhance an area, which currently makes a negative contribution to the character of the Conservation Area.

***Flood risk and Drainage***

- 4.3.4 The Lead Local Flood Authority (LLFA) commented that, as the site falls within Flood Zones 2 and 3, any future planning application should be supported by a Flood Risk Assessment (FRA), but that, due to the proposal consisting of an existing building refurbishment, the scheme will not increase the flood risk.
- 4.3.5 The LLFA advised that the FRA should highlight the soft landscaping as an improvement to the existing layout with regard to surface water drainage.
- 4.3.6 The LLFA encouraged the consideration of positive drainage incorporation on the site, through tree planting and rain gardens.

***Designing Out Crime***

- 4.3.7 West Yorkshire Police's Designing Out Crime Officer (DOCO) has advised on security measures to be taken prior to commencement of development.
- 4.3.8 Recommended security measures include physical barriers, personnel security, mail screening, CCTV, access control measures, anti-blast construction, HVM measures and measures preventing opportunities for hostile VBIED.
- 4.3.9 The DOCO also requested a revised lighting scheme and a detailed landscaping scheme.

***Ecology***

- 4.3.10 A qualified Ecologist should undertake a Preliminary Ecological Appraisal (PEA). This should be used to inform an ecological report in support of the planning application, the most appropriate being an Ecological Impact Assessment, which should also include a Biodiversity Net Gain calculation.

***Environmental Health***

- 4.3.11 Officers confirmed that the open public space, water features and a formal play area will not introduce any new receptors in an area of poor air quality. The development is not changing its use or size and thus unlikely to have an impact on local air quality.
- 4.3.12 A Phase 1 Contaminated Land Report will be required as part of this application and, if necessary, a Phase 2 Intrusive Survey Report and a Remediation Strategy. Any imported materials used will require a Verification Report. Officers confirmed that, if there are to be outdoor events within the proposed Market Square, a Noise Impact Assessment will be required.
- 4.3.13 As external artificial lighting will be required, detailed lighting specification is needed for any further application.
- 4.3.14 Officers confirmed that the proposed scheme is unlikely to create any significant odours. The proposed scheme will be able to make connections to the main foul sewer system, and mains water supply, so officers confirmed that any further conditions will not required / likely.
- 4.3.15 A satisfactory scheme detailing how fats, oils and grease created during food preparation and dish-washing will be prevented from entering the drainage system will be needed.

- 4.3.16 A Construction Environmental Management Plan is needed detailing actions to be taken to minimise adverse impacts of noise, vibration, dust and artificial lighting.

### ***Highways***

- 4.3.17 The site is within the sustainable town centre of Dewsbury and is close to public transport and car parks. Some trip generation details will be required, although it is assumed that trips to the site post development may be similar to the current trip generation, or lower due to the restriction of movement and parking around the site.
- 4.3.18 A swept path analysis will be required for all parts of the highway layout for cars, delivery vehicles (market traders vans etc), servicing vehicles including an 11.85m Kirklees waste collection vehicle and emergency services vehicles (Fire and Rescue tenders). This should show that all vehicles can safely access and manoeuvre within the site both with and without the closures in place.
- 4.3.19 The proposals for the market would have no highways concerns.

### ***Summary***

- 4.3.20 Officers were generally supportive of the proposal. The principle of development was supported, subject to inclusion of the justification within the submission of the (Park's) departure from the Development Plan and it was advised that acceptance of the proposal would be predicated on the detailed design elements being acceptable.
- 4.3.21 As with the previous application, the security measures proposed by the DOCO were a point of contention. These measures are considered further in the Assessment chapter of this Planning Statement.
- 4.3.22 Further commentary on and justification of all of the above is provided within the Assessment chapter of this Planning Statement.

## **4.4 Public Consultation**

### ***Dewsbury Blueprint Public Consultation***

- 4.4.1 Between 19 February and 14 March 2020, a public engagement event took place on the Dewsbury Blueprint.
- 4.4.2 This event involved sharing the draft Blueprint and asking for the public's views via a questionnaire designed around the Blueprint themes.
- 4.4.3 A town centre 'Blueprint shop' was open to the public on Wednesdays and Saturdays, the two busiest days in the town centre during the engagement period, which included school half-term and was just before the Covid-19 lockdown commenced.
- 4.4.4 People were encouraged to fill in questionnaires, referred to the online questionnaire, or had the option of completing a paper questionnaire at home.
- 4.4.5 74 survey responses were received, of which 31 were submitted online and 33 completed as paper surveys.
- 4.4.6 Of the respondents / responses:

- The majority (92%) were completing the survey as someone who lives in, works in, or visits Dewsbury town centre;
- 3no. were completing it as students and 3no. were received on behalf of businesses;
- 2no. were submitted on behalf of a community or voluntary group, 1no. from a local councillor, and 3no. in another capacity;
- 43% of respondents identified as female and 57% as male. 11% identified as disabled people;
- 11% were from a Black and Minority Ethnic (BME) background, 89% White; and
- A range of age groups took part, with 7% under 25, 13% being 25-44, 49% being 45-64, and 32% aged 65 and over.

4.4.7 The respondents were asked to identify what they thought the main focus/es of the Blueprint should be (selecting up to three options). The options included:

- Improving Dewsbury Market;
- Reopening the Arcade for retail, leisure and creative uses;
- A wider range of shops, offering an improved range and quality of goods;
- Better food and drink offer, e.g. cafes; or
- The availability of car parking.

4.4.8 Of the options presented, 64% of respondents considered improving the Market should be a focus of the Blueprint and 72% considered it should look at a wider range of shops offering an improved range and quality of goods.

4.4.9 This feedback was used to inform the publication version of the Blueprint.

#### ***Dewsbury Town Park: First Stage Public Consultation***

4.4.10 A Dewsbury Town Park consultation ran from 19 May to June 2021 and included 8no. face-to-face consultation events at Dewsbury Market as well as an online survey.

4.4.11 A total of 262 people responded. 96% of respondents viewed material either in person or online.

4.4.12 Of the respondents / responses:

- 63% were completing the survey as someone who lives in, works in, or visits Dewsbury town centre. 7no. responses were from a community or voluntary group;
- 59% of respondents identified as female and 41% as male;
- 23% of respondents were from a Black / Ethnic Minority background, and 77% were from a White British background;
- 16% were disabled;
- A range of ages took part: 7% under 25, 41% ages 25-44, 39% aged 45-64, and 13% ages 65 and over.

4.4.13 62% of respondents agreed with the proposal of a new park.

- 4.4.14 63% of people said they would attend events at the park. The top 3 events people would like to attend is pop-up markets, community activities and music festivals. Key reasons people said they would not attend park events was due anti-social behaviour, safety concerns, littering and parking.
- 4.4.15 Top design features were safety, places to sit and trees / grass.
- 4.4.16 Two least important design features were cycle routes and public art.
- 4.4.17 Top safety features were good lighting at night, security cameras and increased police / security presence.
- 4.4.18 Top three concerns in regard to vehicle access were in relation to accessing the town hall and car park, bus access and servicing of precinct shops.

#### ***Dewsbury Town Park: Second Stage Public Consultation***

- 4.4.19 The second stage consultation ran from 20 August to 20 September 2022, during which there were 4no. consultation events at Dewsbury Market as well as an online survey.
- 4.4.20 176 people submitted a survey response. 96% of respondents viewed the material either in person or online.
- 4.4.21 Of the respondents / responses:
- 89% of respondents said they completed the survey as someone who lives in, works in or visits Dewsbury town centre. 3% were made on behalf of a community or voluntary group;
  - 59% of respondents identified as female and 41% as male;
  - 23% said they were from a Black/Ethnic Minority background, and 77% were from a White British background;
  - 16% were disabled;
  - A range of age groups took part: 7% under 25, 41% aged 25-44, 39% aged 45-64, and 13% aged 65 and over.
- 4.4.22 42% of respondents felt positively about the proposal and 63% supported the development of a town park;
- 4.4.23 Of those that did not support the proposals, the most common reasons included:
- Safety and security, particularly around anti-social behaviour.
  - Concern that the Council will fail to maintain the park. The view that the Council should instead be investing the funding into local businesses and attracting retailers.
- 4.4.24 It was also noted that amongst those in support of the park, there were still significant concerns around community safety, maintenance and retail decline.
- 4.4.25 The most important features were measures to improve security (58%), trees and planting (36%), and space for local businesses to spill-out onto Longcauseway (28%).
- 4.4.26 Half of the respondents felt the park would positively impact access to greenspace, opportunities to sit, relax and enjoy nature and biodiversity.

## 5.0 Planning Policy Context

### 5.1 Introduction

- 5.1.1 This chapter of the Planning Statement sets out the local and national planning policy and guidance that is of relevance to the site and the proposal, which the LPA will have regard to when determining the application.

### 5.2 Policy Framework

- 5.2.1 Section 38(6) of the Planning and Compulsory Act 2004 requires all planning decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2.2 The Development Plan for Kirklees consists of the *Local Plan Strategy and Policies* and the *Local Plan Allocations and Designations* (both adopted on 27 February 2019).
- 5.2.3 Other material planning considerations at a local level include the *Dewsbury Town Centre Strategic Development Framework (SDF) 2018 and Delivery Programme* and the *Dewsbury Blueprint* and at a national level include the *National Planning Policy Framework (NPPF, 19 December 2023)* and *Planning Practice Guidance (PPG, 5 September 2023)*.
- 5.2.4 The relevant policies of the Development Plan are summarised below. The proposal is then assessed against the relevant provisions of these policies in the Assessment chapter of this Statement.

### 5.3 Kirklees Local Plan (27 February 2019)

- 5.3.1 The Market site is identified on Kirklees' Local Plan Proposals Map as a *Primary Shopping Frontage*, within a *Primary Shopping Area* and within the *Dewsbury Town Centre Conservation Area*.
- 5.3.2 The Local Plan Allocations and Designations document identifies Dewsbury Market (PSF24) as a *Primary Shopping Frontage*.
- 5.3.3 The site is also identified as falling within a Flood Plain. A review of the EA Flood Map identifies that most of the site falls within Flood Zones 2 and 3.
- 5.3.4 A summary of the relevant Local Plan policies is provided below:

#### ***Policy LP13 - Town Centre Uses***

- 5.3.5 Main town centre uses shall be located within defined centres (Dewsbury is identified as a principal town centres). Main town centre uses which are appropriate in scale, help to retain an existing centre's market share, and enhance the experience of those visiting the centre and the businesses which operate in that centre will be supported.
- 5.3.6 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.

5.3.7 Centres shall provide a mix of uses to serve the local community, businesses and visitors to the district. The uses shall complement each another whilst retaining a strong retail core. Centres shall aim to provide a range of uses to support the daytime and evening economy.

5.3.8 All proposals shall be inclusive for all users, and be attractive to pedestrians, cyclists, and public transport users. They shall also conserve and enhance the local character, heritage, green spaces and the public realm where appropriate.

#### **Policy LP14 - Shopping Frontages**

5.3.9 Within Principal and Town Centres, Primary Shopping Areas, Primary Shopping Frontages and Secondary Shopping Frontages have been defined to ensure a strong retail core to these centres and focus main town centres uses within defined areas.

5.3.10 The designations will be used for the following purposes:

- **Primary Shopping Area** - the retail core individually defined for each town centre. Uses within Primary Shopping Areas will be expected to maintain or provide active ground floor uses. Retail uses within the above areas will be supported.
- **Primary Shopping Frontages** - frontages within the Primary Shopping Area in Principal Centres that contain predominantly retail uses and where further retail uses will be focused. At street level, proposals should seek to continue retail uses in order to retain vitality and viability within the Centre and the strong retail core. Retail will remain the predominant use on each primary shopping frontage. Other main town centre uses will be acceptable where the frontage remains predominately in retail use taking account of:
  - a. the number, proximity, distribution of uses other than retail and the level of vacancy of ground floor units, and the duration of vacancy;
  - b. the location and prominence of the unit within the primary shopping frontage;
  - c. the nature of the proposed use, including the associated level of activity, hours of operation, whether a shop front would be incorporated and whether it would complement neighbouring uses; and
  - d. in all cases proposals including changes of use shall seek to either retain, enhance or replace to improve shop front design and layout.

5.3.11 Paragraphs 9.15 to 9.21 contain the Policy Justification for Policy LP14. Paragraph 9.18 explains that, *'Primary shopping frontages have been defined on the basis that a minimum 60% to 70% of each frontage will typically be in A1 retail use at ground floor level with rental levels and pedestrian flow also being key considerations. Therefore predominant retail use on a particular frontage is considered to be over 60% of units.'*

#### **Policy LP16 - Food and Drink Uses and the Evening Economy**

5.3.12 Proposals for food and drink, licensed entertainment uses and associated proposals will be supported provided they are located within a defined centre and subject to ensuring the concentration of said uses are not located in a particular centre where they would result in harm to the character, function, vitality and viability of the centre, either individually or cumulatively.

- 5.3.13 In order to assess the potential harm of food and drink and licensed entertainment proposals on a centre, the following criteria will be considered with a planning application:
- a. the number, distribution and proximity of other food and drink uses, including those with unimplemented planning permission in a particular centre;
  - b. the impacts of noise, general disturbance, fumes, smells, litter and late night activity, including those impacts arising from the use of external areas;
  - c. the potential for anti-social behaviour to arise from the development, having regard to the effectiveness of available measures to manage potential harm through the use of planning conditions and / or obligations;
  - d. the availability of public transport, parking and servicing;
  - e. highway safety;
  - f. the provision of refuse storage and collection; and
  - g. the appearance of any associated extensions, flues and installations.

***Policy LP18 - Dewsbury Town Centre***

- 5.3.14 Dewsbury Town Centre will be a place of vibrancy, vitality and diversity, with a mix of uses to attract visitors and provide new space for town centre living. The town centre will form the focus for retail provision for the north of the district, supported by other main town centres uses.
- 5.3.15 Proposals within the town centre will be supported where they:
- a. preserve and enhance the strengths and connections to Dewsbury Market;
  - b. preserve and enhance the town's cultural and architectural heritage and open spaces, and connections to them;
  - c. provide a safe welcoming inclusive destination for the district's residents of all ages to visit throughout the day from morning into the evening;
  - d. provide space for town centre residential living;
  - e. provide opportunities for larger scale individual retail floor plates;
  - f. provide, where appropriate, sustainable modes of transport, such as cycle and pedestrian routes, cycle parking and charging points for electric vehicles;
  - g. provide space for a range of businesses from small scale start-ups to larger multinational corporations
  - h. create opportunities for the economic development and expansion of the town and the district;
  - i. retain and regenerate key historic features of the town centre such as pedestrian arcades, yards and historic listed buildings; and
  - j. provide, where appropriate urban green infrastructure such as street trees.

***Policy LP27 - Flood Risk***

- 5.3.16 Proposals must be supported by an appropriate site specific Flood Risk Assessment in line with national planning policy. This must take account of all sources of flooding set out in the Strategic Flood Risk Assessment and demonstrate that the proposal will be safe throughout the lifetime of the development (taking account of climate change). The proposal must also not increase flood risk elsewhere and where possible should reduce flood risk. Mitigation measures, where necessary, should be proposed.
- 5.3.17 Proposals involving building over existing culverts or the culverting or canalisation of water courses will not be permitted unless it can be demonstrated to be in the interests of public safety or to provide essential infrastructure and that there will be no detrimental effect on flood risk and biodiversity.

***Policy LP35 - Historic Environment***

- 5.3.18 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, or all of the following are met:
- a. the nature of the heritage asset prevents all reasonable uses of the site;
  - b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
  - c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
  - d. the harm or loss is outweighed by the benefit of bringing the site back into use.
- 5.3.19 Proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to:
- a. ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets;
  - b. ensure that proposals within Conservation Areas conserve those elements which contribute to their significance;
  - c. secure a sustainable future for heritage assets at risk and those associated with the local textile industry, historic farm buildings, places of worship and civic and institutional buildings constructed on the back of the wealth created by the textile industry as expressions of local civic pride and identity;
  - d. identify opportunities, including use of new technologies, to mitigate, and adapt to, the effects of climate change in ways that do not harm the significance of heritage assets and, where conflict is unavoidable, to balance the public benefit of climate change mitigation measures with the harm caused to the heritage assets' significance;
  - e. accommodate innovative design where this does not prejudice the significance of heritage assets.

## 5.4 Dewsbury Town Centre Strategic Development Framework (SDF) 2018 and Delivery Programme

5.4.1 The Dewsbury Town Centre SDF sets out a 25 year vision for the town centre. The objectives of relevance to the proposal include:

- Getting more people using the town centre – generating a higher footfall;
- More diversity and range of businesses;
- Increasing employment levels;
- Developing the creative and cultural sector and offer - investigating opportunities to reuse vacant space / buildings for creative uses;
- Developing the evening and leisure economy.

## 5.5 Dewsbury Blueprint

5.5.1 The Dewsbury Blueprint is a 10-year plan that seeks to honour the heritage of the town and build on recent investments. It aims to deliver a programme of development that will provide the Dewsbury community with improvements that will drive a greater footfall in the Town Centre. It includes a series of targeted acquisitions for development.

5.5.2 The objectives of relevance include:

- Bringing more activity into the town centre;
- Improving accessibility;
- Developing a town centre that is fully utilised through increased housing and leisure provision, with a consolidated retail and commercial core; and
- Developing the area as a strategic employment location.

## 5.6 Dewsbury Draft Conservation Area Appraisal

5.6.1 The Draft Appraisal explains that the Dewsbury Conservation Area was designated in March 1981 and includes most of the historic core of the town. It covers almost 11ha and contains approximately 280 pre-1939 buildings, of which 57 are Listed as of Architectural or Historic Interest.

5.6.2 It is apparent that the Appraisal remains in draft only.

5.6.3 The Appraisal describes how there are numerous individual incident buildings of note and list the Covered Market as an example on one of particular heritage merit and / or locational impact include.

5.6.4 Dewsbury Market is specifically identified as Character Area 2:

5.6.5 *'Dewsbury Market was originally held in the Market Place, although the covered market was opened in 1904 and the last stalls in the original Market Place were finally moved to the present market location in 1937. It is located on a relatively flat piece of ground with the regular grid of the stall layout providing a tight-knit network of pedestrian routes through the area. Although the market stalls are low-rise structures, the covered market provides a more substantial built form and the area is well enclosed visually by the street frontages to the east*

*and south, the retaining wall of the ring road embankment to the east, and the five storey, former mill building to the north.'*

- 5.6.6 The Appraisal includes two photographs, *'from 1938 and 2008, looking east down Corporation Street, past the covered market. The buildings have changed comparatively little in those 70 years, apart from the shop fronts, with the projecting canopies no longer a feature and security grilles now in evidence. Beyond the conservation area boundary the retaining wall around the eastern side of the market in the 1938 view, supports the Central Station, opened in 1889 and closed in 1964. The spire of St. Philip's Church, now demolished, can also be seen in the earlier view.'*
- 5.6.7 *'Looking west from the elevated ring road embankment, the rooves of the indoor market and market stalls form the foreground to the terraced layers of building profiles which step up the hillside towards the Wellington Road station. The clock tower of the Dewsbury Pioneers Industrial Society Ltd building, completed in 1879, dominates the skyline. The red brick rear elevations of the buildings fronting onto Northgate can be seen, in contrast to their stone facades.'*

## 5.7 National Planning Policy Framework (2023)

### **Introduction**

- 5.7.1 The National Planning Policy Framework (NPPF) was revised on 20 December 2021 and sets out the Government's planning policies for England and how these are expected to be applied.
- 5.7.2 This revised NPPF replaces the previous versions published in March 2012, updated in February 2019 and revised in July 2021.
- 5.7.3 As the time of submission, proposed reforms to the NPPF is being consulted on, which close on 24 September 2024. Whilst the consultation will have closed by the time this proposal is in a position to be determined, it is unlikely a new NPPF will be in place. Even if one were, on the basis of the proposed reforms within the consultation document, it is not envisaged the new NPPF will affect the LPA's ability to determine this proposal.

### **Achieving Sustainable Development**

- 5.7.4 Chapter 2 of the NPPF sets out how the Government aims to achieve sustainable development. Paragraph 7 of the NPPF advises that, *'The purpose of the planning system is to contribute to the achievement of sustainable development.'*
- 5.7.5 Paragraph 8 continues, *'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:*
- a. *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
  - b. *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with*

*accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

- c. an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'*

5.7.6 Paragraph 11 continues, *'Plans and decisions should apply a presumption in favour of sustainable development... For decision-taking this means:*

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

### **Decision-making**

5.7.7 The NPPF provides key guidance for decision making. Paragraph 38 states that, *'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

5.7.8 The NPPF seeks to encourage pre-application engagement. Paragraph 39 advises, *'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.'*

5.7.9 The NPPF provides guidance on planning conditions and obligations. Paragraph 55 states, *'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'*

5.7.10 Paragraph 56 continues, *'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.'*

5.7.11 Paragraph 57 advises, *'Planning obligations must only be sought where they meet all of the following tests:*

- a. *necessary to make the development acceptable in planning terms;*
- b. *directly related to the development; and*
- c. *fairly and reasonably related in scale and kind to the development.'*

### **Ensuring the Vitality of Town Centres**

5.7.12 Chapter 7 provides guidance on ensuring the vitality of town centres. Paragraph 90 advises, *'Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:*

- *define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses... and reflects their distinctive characters'.*

5.7.13 *The NPPF defines main town centre uses as: retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).*

### **Promoting Healthy and Safe Communities**

5.7.14 Paragraph 96 advises that, *'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:*

- a. *promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*
- b. *are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and*
- c. *enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.'*

5.7.15 Paragraph 101 states, *'Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:*

- a. *anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available*

*from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and*

- b. recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.'*

5.7.16 Paragraph 104 suggests, 'Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.'

#### ***Making Effective Use of Land***

5.7.17 Paragraph 123 advises, 'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'

#### ***Achieving Well-Designed Places***

5.7.18 Paragraph 135 states, 'Planning policies and decisions should ensure that developments:

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

#### ***Climate Change, Flooding and Coastal Change***

5.7.19 Paragraph 157 advises, 'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

5.7.20 Paragraph 173 states, *'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- *the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- *any residual risk can be safely managed; and*
- *safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'*

5.7.21 Paragraph 175 advises, *'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.'*

## **5.8 Planning Practice Guidance (2023)**

5.8.1 Planning Practice Guidance informs the interpretation and application of the policies set out in the NPPF.

5.8.2 In relation to the vitality of town centres, the guidance document identifies that local planning authorities should plan positively, to support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work.

5.8.3 Local planning authorities should assess and plan to meet the needs of main town centre uses in full, in broadly the same way as for their housing and economic needs, adopting a 'town centre first' approach and taking account of specific town centre policy.

5.8.4 Importantly, it sets out a specific set of indicators of vitality and viability, which should be used in assessing the health of town centres. These indicators are:

- *diversity of uses;*
- *proportion of vacant street level property;*
- *commercial yields on non-domestic property;*
- *customers' views and behaviour;*
- *retailer representation and intentions to change representation;*
- *commercial rents;*
- *pedestrian flows;*
- *accessibility;*
- *perception of safety and occurrence of crime;*
- *state of town centre environmental quality;*
- *balance between independent and multiple stores;*

- *extent to which there is evidence of barriers to new businesses opening and existing businesses expanding; and*
- *opening hours/availability/extent to which there is an evening and night time economy offer.*

## 6.0 Assessment

### 6.1 Introduction

4.1.1 This chapter assesses the proposed development against the relevant local and national planning framework and is structured around the following themes:

- Proposed Uses;
- Principle for Development;
- Heritage and Design;
- Flood Risk and Drainage;
- Noise;
- Ecology;
- Contamination;
- Waste;
- Design Out Crime / Hostile Vehicle Mitigation; and
- Climate Change.

### 6.2 Proposed Uses

6.2.1 For ease of reference, to inform this Assessment chapter, the following uses are proposed across the Market site:

- E(a) - Display or retail sale of goods, other than hot food;
- E(b) - Sale of food and drink for consumption mostly on the premises;
- E(d) - Indoor recreation;
- Sui Generis - Public House / Wine Bar / Drinking Establishment;
- Sui Generis - Drinking establishments with expanded food provision;
- Sui Generis – Venue for live music performance; and
- Sui Generis - Hot food takeaways - for the sale of hot food where consumption of that food is mostly undertaken off the premises.

### 6.3 Principle for Development

#### *Dewsbury Town Centre*

6.3.1 Local Plan Policy LP18 (Dewsbury Town Centre) sets out the criteria for which proposals within the town centre will be supported.

6.3.2 Proposals will:

- preserve and enhance the strengths and connections to Dewsbury Market by re-establishing it as a key destination of trade and social activity through the introduction of new leisure uses, creating multi-use spaces and allowing for a diverse programme of events for the local community and visitors;
- preserve and enhance the town's cultural and architectural heritage by retaining and sensitively restoring the Market Hall and Semi-covered Market, removing unsightly additions from over the years;

- provide a safe welcoming inclusive destination for all ages to visit throughout the day;
- provide space for a range of businesses and create opportunities for economic development, including small scale start-ups / freelancers / independent traders; and
- retain and regenerate key historic features of the town centre though very carefully considered and sensitive design choices.

### ***Town Centre Uses***

- 6.3.3 Local Plan Policy LP13 (Town Centre Uses) advises that main town centre uses within defined centres (Dewsbury is identified as a principal town centre), which are appropriate in scale, help to retain an existing centre's market share and enhance the experience of those visiting the centre and the businesses within it will be supported.
- 6.3.4 The proposal seeks flexible uses falling within: E a, b and d and Sui Generis uses including: a public house / wine bar / drinking establishment; a drinking establishment with expanded food provision; a venue for live music performance; and for the provision of hot food takeaways (for consumption off the premises).
- 6.3.5 All of the proposed uses within the Market Buildings are identified in the NPPF as main town centre uses. As such, in so far as the uses within the Market Buildings are concerns, there are not perceived to be any conflicts with Local Plan Policy LP13.
- 6.3.6 It is acknowledged that the proposed Park, a leisure / recreational use, is a departure from Local Plan Policy LP13. As such, its inclusion requires additional justification.
- 6.3.7 The Dewsbury Blueprint, which post-dates the Local Plan, aims to deliver development that will bring more activity, increase attractiveness and improve accessibility to the Town Centre and provide the Dewsbury community with improvements that will drive a greater footfall. Objectives include developing a town centre that is fully utilised through increased leisure provision, with a consolidated retail and commercial core. The proposals very clearly align with the vision set out within the Blueprint.
- 6.3.8 The existing retail offer at the Market is of a poor quality and, as a consequence (partly, though general economics is also a significant factor), footfall has been in decline for several years. Trader numbers are dwindling too.
- 6.3.9 The proposal will deliver a significantly enhanced retail offer. Whilst the 'amount' of retail across the site will decrease – as is set out later in the chapter - the 'quality', 'intensity' and 'activity' of the offer will be much higher.
- 6.3.10 Policies LP13 (Town Centre Uses), LP14 (Shopping Frontages) and LP18 (Dewsbury Town Centre) all provide commentary on how 'other' uses (i.e. non-retail uses) within the Town Centre / Primary Shopping Area / Frontages can support the retail function and recognise that non-retail uses have an important function for supporting the Town Centre 'experience'.
- 6.3.11 Currently on non-market days, the site is inactive and 'redundant', which brings with it its own issues. A smaller, but higher quality market can extend the days of operation. It is anticipated that, as a consequence of the proposal, the market will be open on most days.
- 6.3.12 The aim of the proposed Park is to complement the Market by generating its own footfall, which will create vibrancy within the town centre. On any days that the Market doesn't operate, the Park will ensure activity and footfall on the site. The diversification of uses will help make the Town Centre more resilient to future pressures and trends.

### Existing vs Proposed Market

6.3.13 During pre-application discussions, officers advised that it would be helpful to understand the difference between the existing and proposed number of stalls.

6.3.14 As per the (maximum) figures within the Proposal chapter of this Planning Statement:

#### **Existing Market (Occupancy):**

##### 6.3.15 **Market Hall:**

- Leased: 12 traders / 18 stalls;
- Leased – Food Retail: 4 traders / 5 stalls;
- **Total E(a): 16 traders / 23 stalls.**

##### 6.3.16 **Semi-covered Market:**

- Daily Licence: 4 traders / 9 stalls;
- Leased: 4 traders / 10 stall;
- **Total E(a): 8 traders / 19 stalls.**

##### 6.3.17 **Outdoor Market:**

- Daily Licence: 21 traders / 51 stalls,
- Daily Food Retail: 1 trader / 5 stalls,
- Daily F&B: 2 traders / 2 stalls;
- Leased: 22 traders / 43 stalls;
- Leased Food Retail: 2 traders / 3 stalls;
- Leased F&B: 3 traders / 5 stalls;
- **Total E(a): 46 traders / 102 stalls;**
- **Total E(b) / Sui Generis: 5 traders / 7 stalls.**

##### 6.3.18 **Existing Market Grand Total:**

- **E(a): 70 traders / 144 stalls;**
- **E(b) / Sui Generis: 5 traders / 7 stalls.**

#### **Proposed Market (Predicted Occupancy):**

##### 6.3.19 **Market Hall:**

- Food Retail: 6 traders / stalls;
- F&B: 7 traders / stalls;
- Café / bar: 1 trader / stall;

- **Total E(a): 7 traders / stalls;**
- **Total: E(b) / Sui Generis: 8 traders / stalls.**

#### 6.3.20 ***Semi-covered Market:***

- Daily Licence: 9 traders / stalls;
- Leased: 28 traders / stalls;
- **Total E(a): 37 traders / stalls.**

#### 6.3.21 ***Outdoor, Temporary Market:***

- Daily Licence: 60 traders / stalls;
- **Total E(a): 60 traders / stalls.**

#### 6.3.22 ***Proposed Market Grand Total:***

- **E(a): 104 traders / stalls;**
- **E(b) / Sui Generis: 8 traders / stalls.**

6.3.23 It can be seen from the above that the existing Market occupancy totals **70** E(a) traders / 144 stalls and **5** E(b) / Sui Generis traders / 7 stalls and the proposed Market's predicated occupancy totals **104** E(a) traders / stalls and **8** E(b) / Sui Generis traders / stalls.

6.3.24 The Outdoor Market (temporary) stalls are included within the above figures because, although these fall within Permitted Development, their use obviously contributes to the overall Market operation. An E(a) use is assumed, though some stalls may be F&B / takeaway (sale of food and drink for consumption).

6.3.25 The existing figures relate to the Market's current occupancy. This provides a realistic picture of the current situation. Given the site accommodates circa 400 market stalls, but only 151 stalls are occupied, demonstrates the site vacancy rate and underutilisation.

6.3.26 For the existing occupancy, both trader and stall figures have been provided to demonstrate that some traders occupy more than one stall. Traders will not be afforded this luxury in the proposed Market, though they will have the option of occupying one of the larger stalls.

6.3.27 Based on existing trader occupancy ( $70 + 5 = 75$ ) versus the predicated trader occupancy ( $104 + 8 = 112$ ), the proposal demonstrates a significant betterment in terms of trader numbers. Whilst there are more stalls across the existing Market site - and, thus, a larger total floor area - than the proposed Market, the current occupancy levels demonstrate that many of the existing stalls are vacant and the site is underutilised.

6.3.28 Given all of the above, the proposal fully complies with the (relevant) criteria within Local Plan Policy LP18 and, whilst there is some conflict between the Park and Local Plan Policy LP13, the benefits described above, very clearly outweigh any perceived harm.

### **Shopping Frontages**

- 6.3.29 The Market site – in its entirety - is identified as a *Primary Shopping Frontage* (PSF24) in the Local Plan Allocations and Designations.
- 6.3.30 Local Plan Policy LP14 (Shopping Frontages) advises that retail will remain the predominant use on Primary Shopping Frontages, but that other main town centre uses will be acceptable where the frontage remains predominately in retail use. Paragraph 9.18 of the Policy Justification clarifies that a predominant retail use on a Primary Shopping Frontage is considered to be a retail use in 60% of the units.
- 6.3.31 Given Class E allows the change of use of a unit from a retail to a non-retail use without the necessity for planning permission, Local Plan Policy LP14 is superseded by the Use Class Order introduced on 1 September 2020, so the Policy is considered to carry little weight.
- 6.3.32 Within the Market Hall, a mix of uses falling within various Use Classes are proposed, for which a flexible operation is sought. Uses sought within the Market Hall include E(a), E(b) and E(d) (Indoor recreation) and Sui Generis uses. Stalls will comprise butchers, fishmongers and bakers, for example. Some F&B uses and hot food takeaways, for consumption both on and off the premises, are also proposed within Market Hall.
- 6.3.33 Given the large seating area in the centre of the Market Hall, the aspiration is that food and beverages will be consumed within the building and, as such, the predominant use would fall within E(b). The client does not wish to rule out, however, a hot food takeaway use (Sui Generis), allowing customers to buy products and consume them off the premises.
- 6.3.34 The submission plans illustrate the proposed location of the bar / drinking establishment (Sui Generis) but, as above, does not wish to rule out the opportunity for the smaller stalls to serve alcohol, hence a drinking establishment including with expanded food provision use (Sui Generis) is also proposed.
- 6.3.35 In the Semi-covered Market, the uses will predominantly fall within Use Class E(a) (display or retail sale of goods).
- 6.3.36 Market Hall will comprise 14 units; 6 will operate within a retail use and 8 units operating under a non-retail use. The Semi-covered Market will include 9 flexible day-license stalls and 28 fixed leased stalls. The Outdoor Market will comprise 60 (temporary) stalls, predominantly operating within a retail use.
- 6.3.37 In total (inclusive of the Outdoor, temporary Market), 104 units will operate within a retail use and only 8 units will operate under a non-retail use. Quite clearly, the retail use across the Market will be significantly higher than 60% threshold set out within Local Plan Policy LP14.
- 6.3.38 The above demonstrates full compliance with Local Plan Policy LP14.

### **Pre-application response**

- 6.3.39 Within the 6 August pre-application response, officers commented that, *'the introduction of appropriate leisure and recreational uses to the site has already been accepted in principle by the council through its previous approval of application ref: 2021/93368, and Local Plan policies LP16 and LP18 allow for such uses to be approved where relevant criteria are met. Although the current proposals now involve the introduction of a larger quantum of non-retail use, given the relevant considerations, officers remain comfortable with the nature and scale of change proposed in relation to land use.'*

### ***Principle for Development Summary***

- 6.3.40 The Council's pre-application feedback advised that officers are supportive of the principle of the development / the proposed uses, provided compliance with Local Plan Policies LP13, LP14 and LP18 can be demonstrated.
- 6.3.41 In line with Local Plan Policy LP13, all of the proposed uses within the Market Buildings are described in the NPPF as being suitable in main town centres. Whilst the Park would be seen as a departure from LP13, given its recreational use, the commentary provided within this chapter demonstrates that the proposal is fully justified.
- 6.3.42 In accordance with LP14, it has been demonstrated that the percentage of proposed retail units is above the necessary policy criteria / thresholds. As such, the proposal fully complies with Local Plan Policies LP13, LP14 and LP18 and, as such, it is deemed the principle of development / the proposed uses is acceptable.

## **6.4 Food and Drink and Evening Economy Uses**

- 6.4.1 Local Plan Policy LP16 (Food and Drink Uses and the Evening Economy) advises that proposals for food and drink, licensed entertainment uses and associated proposals will be supported provided they are located within a defined centre and subject to ensuring they would not result in harm to the character, function, vitality and viability of the centre.
- 6.4.2 Proposals will be considered against the following criteria:
- a. the number, distribution and proximity of other food and drink uses;
  - b. the impacts of noise, general disturbance, fumes, smells, litter and late night activity, including those impacts arising from the use of external areas;
  - c. the potential for anti-social behaviour to arise from the development, having regard to the effectiveness of available measures to manage potential harm through the use of planning conditions and / or obligations;
  - d. the availability of public transport, parking and servicing;
  - e. highway safety;
  - f. the provision of refuse storage and collection; and
  - g. the appearance of any associated extensions, flues and installations.
- 6.4.3 Each of these criteria is considered in turn below:

### ***Number, distribution and proximity of other food and drink uses***

- 6.4.4 A drinking establishment use (Sui Generis) is proposed within the Market Hall.
- 6.4.5 The Station Hotel on Crackenedge Lane and The Time Piece at 11-15 Northgate are the only other drinking establishment within close proximity to the site.
- 6.4.6 The proposal seeks flexible uses, including F&B uses. Whilst there are other food and beverage outlets in fairly close proximity to the site, the above 'Principle of Development' section has demonstrated that the policy criteria of Local Plan Policy LP14 regarding non-retail uses (i.e. including F&B units) is met.

- 6.4.7 As such, it is deemed that the introduction of the food and drink and / or licensed entertainment uses at the Market will not harm the character, function, vitality or viability of the centre.

***Impacts of noise, general disturbance, fumes, smells, litter and late night activity / Appearance of any associated extensions, flues and installations***

- 6.4.8 This planning application is accompanied by an Environmental Noise Assessment, which is summarised later in this chapter and, in short, demonstrates that the proposal is acceptable from a noise impact perspective, subject to the proposed uses (namely the entertainment in the Market Hall) meeting / being within the recommended noise levels. The Council can control associated noise levels by way of a condition on the Decision Notice.
- 6.4.9 The application submission is also supported by a Ventilation and Extract Statement. This explains how the commercial kitchen/s is / are to be full electric (i.e. no gas appliances). The current option is to use a single combined kitchen ventilation system, which would serve all of the F&B units. The combined kitchen ventilation system requires a suitable level of control to manage fan outputs as well as a cleaning regime (in line with manufacturer recommendations) from outset to minimise grease buildup.
- 6.4.10 The Market Buildings will be provided with natural ventilation openings within the external façade. The number of openings will be informed by an overheating assessment.
- 6.4.11 The F&B units will not be considered as individual fire compartments as they are contained within one space with open servery counters. Grease and odour filters will be necessary to reduce the amount of grease, oil and smoke getting into the ductwork.
- 6.4.12 There is no requirement for separate flues rising to roof level and all kitchen appliances shall be electric. The exhaust will be combined and terminated with a high velocity vertical cowl pointing upwards.
- 6.4.13 Due to the varied nature of the potential tenancies and the wide range of offerings that they are liable to make, the contaminants and odours could range from systems needing very low, to systems needing extensive treatment.
- 6.4.14 The level of kitchen extract treatment and the maintenance requirements for each food unit shall be agreed with the individual tenant based on the food being prepared to ensure compliance with KC's requirements.
- 6.4.15 If deemed necessary, details of the extensions, flues and installations can be controlled by KC via the inclusion of a pre-occupation condition on the Decision Notice, thus ensuring the impacts (or lack thereof) can be managed.

***Potential for anti-social behaviour to arise***

- 6.4.16 Protocols will be put in place by the occupiers of the proposed stalls with a view to controlling anti-social behaviour associated with drunkenness.

***Availability of public transport, parking and servicing***

- 6.4.17 Given the town centre location and availability of public transportation links, the sustainability of the site is high.

- 6.4.18 The nearest car park is located just north of the site, along Whitehall Way. Cliffe Street car park is located just a short walking distance from the site.
- 6.4.19 Details of existing and proposed servicing are provided within the Proposal chapter of this Planning Statement. Proposed servicing and setting up will align with the existing operation. Whilst the it is proposed the new operation will extend beyond the existing hours of operation – given the introduction of new uses – this approach is justified within the accompanying technical assessments.
- 6.4.20 Events are envisaged to occasionally occur on site and operating hours have been proposed to cover this eventuality.

#### ***Highway safety***

- 6.4.21 Outside of trading hours, vehicular access will be provided as appropriate and strictly controlled. During trading hours, the site will be entirely pedestrianised. Vehicles will not be permitted on site.
- 6.4.22 It is not foreseen that the proposal will give raise to any highway safety concerns.

#### ***Provision of refuse storage and collection***

- 6.4.23 The existing Market utilises the waste compactor located across Whitehall Way to the north of site, which requires traders to unload their own waste throughout trading hours. The scheme proposes to utilise this existing waste compactor and refuse strategy.
- 6.4.24 It is proposed that the waste handling facilities will allow the Market to recycle a number of different waste types.
- 6.4.25 In order to accommodate the required waste storage, it is proposed that the footprint of the existing waste compactor be expanded.

#### ***Summary***

- 6.4.26 The proposal has been assessed against the policy criteria of LP16 to demonstrate compliance. In summary, this criteria will be met in full and, as a result, the proposed food, drink and evening economy uses will not cause any undue harm to the character, function, vitality or viability of the town centre.

## **6.5 Heritage**

- 6.5.1 Local Plan Policy LP35 (Historic Environment) advises that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.
- 6.5.2 The Market site falls within the Dewsbury Town Centre Conservation Area. As such, and in line with Policy LP35, it is necessary to demonstrate how the proposal will preserve and enhance the significance of the asset (the Conservation Area) and how it will retain those elements of the historic environment that contribute to its distinct identity (the Market Buildings, which are of local interest).
- 6.5.3 A Heritage Statement has been produced by BDP, the assessment and conclusion of which is that the combined effect of the physical and visual impact of the development on the

significance of the heritage assets and their setting, as defined by Historic England, is considered to be **moderate-major beneficial**, utilising mitigation and enhancement measures to enhance significance and minimise harm.

- 6.5.4 The Conservation Area appraisal describes how a large contributing factor to the significance of the site is that, while it is carefully integrated with the built environment of the Conservation Area, it retains its own individual characteristics and identity. As a part of the proposals, its legibility is preserved and opportunities have been sought to enhance its positive features.
- 6.5.5 A heritage-led approach has been taken which seeks to maximise the retention of early fabric and features to the market and Conservation Area. This will ensure the legibility of the artistic and architectural endeavour of the historic elements of the positive street scene are maintained.
- 6.5.6 The early fabric of the original Market Hall and Semi-covered Market extension will be carefully conserved and repaired to conservation best practice.
- 6.5.7 The Market Hall currently has a cluttered appearance and its high aesthetic qualities have been partially concealed from view. The proposals will reveal the original structure where it has been practicable to do so by removing later outward facing stall infills.
- 6.5.8 The proposals reconfigure the internal space within the Market Hall. It is acknowledged that the internal stalls are not original and that the space must address the needs of the 21st Century. The new layout responds to the geometry of the historic structure, opening up views and appreciation of the fine detailing of the original fabric.
- 6.5.9 New materials will be sympathetic to the original design intent for the Market Buildings. They will be informed by the palette of the Character Area and adjacent assets, including the Station Hotel and Central Station arches, but also address the qualities of Dewsbury's 'mosaic'. The original design intent of the open sided historic structure provides a key driver for the proposed architectural expression as well as the simplicity of the outdoor stall typology.
- 6.5.10 Existing outdoor market stalls are to be replaced. The new stalls have been carefully designed with respect to materials, detailing, scale and overall form and roof scape such that they reflect the distinct character of the Dewsbury Market Character Area and do not unduly interrupt views and vistas.
- 6.5.11 New landscaping replaces the later modern masonry structures at the north of the site, which dominated views of the market. The proposal will provide high quality amenity space where the scale and interrelationship of the buildings can be appreciated and understood and in which the public can dwell and appreciate the special interest of the market. It will enhance the street scene, views and vistas and the setting of the Conservation Area's heritage assets.
- 6.5.12 To sustain the overall character of the site, an assessment of all aspects was undertaken, to determine the viability of developed options to deliver a sustainable development.
- 6.5.13 Demolitions and removals have been limited to later ad-hoc additions to the site and features that are detrimental to its significance and lower significance later structures that currently have a neutral effect.
- 6.5.14 New structures, required in order to deliver a sustainable development, have been designed to the highest quality and to be sympathetic to the local vernacular, character and identity of the Conservation Area and the special history of the site. This will safeguard the future of the overall site and prevent further erosion through poor quality ad-hoc development by firmly reestablishing a market on the site, fit for the 21st Century.

- 6.5.15 There will be external alterations to the market buildings in order to provide active frontages and a high quality commercial offer. This will largely be limited to removal of later additions which do not enhance the street scene.
- 6.5.16 New materials utilised for the Market Buildings will be fit-for-purpose to ensure the buildings are wind and weather-tight.
- 6.5.17 To address carbon reduction targets, the Market Hall has been carefully assessed regarding the introduction of practicable improvements that will not have an adverse effect on character.
- 6.5.18 The internal alterations, necessary in order to install building services to increase the flexible use of the space and upgrade the existing infrastructure, have been developed to minimise the level of intervention and not be visually intrusive within the space.
- 6.5.19 In addition to the benefits of developing the site to promote its viability and sustainable use, as well as conserving the early structures and enhancing the Conservation Area, the sympathetic development of the important market site within the town centre Conservation Area, fundamentally, ensures it will be retained with a sustainable use is a high heritage benefit. This will involve implementing design approaches which are appropriate within the historic environment, so that its history and the heritage values of the assets within its setting can be appreciated and understood.
- 6.5.20 In response to the principles of Building in Context, the proposals seek to evoke a character and identity appropriate to Dewsbury. The market highlights the town's history as a prosperous leader in the 'recycled' textile industry and centre for trade. As such the proposals respect the important views and vistas across the industrial and commercial composition around the site with their modest scale. All materials and technologies seek to celebrate Victorian and Edwardian innovation and technological endeavour, with a design commensurate with their achievements.
- 6.5.21 The proposals will improve the public accessibility of the site, promoting inclusivity and increasing footfall. The high quality landscaping and green spaces will celebrate the historic built environment by providing dwelling spaces where it can be engaged with, appreciated and enjoyed.
- 6.5.22 As well as the heritage benefits of the proposals, the scheme also provides economic, social, and environmental public benefits. It is concluded that these are considered, on balance, to outweigh any level of harm caused by the proposed development on heritage assets. As such, the proposal fully accords with Local Plan Policy LP35.

## **6.6 Noise**

- 6.6.1 An Environmental Noise Assessment Report has been prepared by BDP, which assesses plant noise emissions from the development, entertainment event noise break-out from the Market Hall to the external environment and entertainment event noise emissions from events held in the external market area.
- 6.6.2 The assessment has considered the nearest existing noise sensitive premises to the site to be the existing residential properties that surround the site at Machells Mill, Whitehall Way, accommodation above Station Hotel, Crackenedge Lane and accommodation above 19 Foundry Street.
- 6.6.3 Daytime and night-time noise level surveys have been undertaken to determine the existing ambient and background noise levels representative of the immediate surrounding area.

- 6.6.4 During the day, the ambient noise levels were generally controlled by road traffic noise and the background noise levels were controlled by general road traffic noise. At night at 19 Foundry Street, background noise levels were generally controlled by mechanical plant noise. Other general noise contributions noted on-site at all positions included noise from daytime market activity, shoppers and passers-by, bird noise, and noise from the Town Hall bells.

#### Indicative entertainment noise break-out limits

- 6.6.5 Indicative absolute noise limits at the facades of the identified noise sensitive receptors are provided within the Report, based on an example event schedule. The indicative limits assume events finishing at 23:00. These are the levels to which the proposals must adhere.

#### Indoor event noise limits

- 6.6.6 The 3D noise modelling predictions of the entertainment noise break-out from the Market Hall have been used to calculate indicative internal entertainment noise limits.
- 6.6.7 In a closed-door scenario, it is expected that the proposed entertainment noise criteria for up to up to 12 event days per year could be achieved with an internal amplified entertainment event noise level of around 89 dBA.
- 6.6.8 In an open-door scenario, it is expected that the proposed entertainment noise criteria for up to up to 12 event days per year could be achieved with a reduced internal amplified entertainment event noise level of around 85 dBA.
- 6.6.9 The indicative limits would allow for high levels of entertainment noise within the Market Hall.
- 6.6.10 The Report summarises indicative internal entertainment noise limits within the Market Hall required to achieve the proposed noise criteria at the most affected noise sensitive receptor at 19 Foundry Street for frequent entertainment events (i.e. more than one entertainment event taking place per week ending before 23:00). The indicative noise limits for more than one event per week are significantly lower than those that could be expected at professional concerts. These levels will need to be adhered to. Increased indoor entertainment noise levels within the Market Hall would be permissible when background noise levels around the site are higher,

#### Outdoor event noise limits

- 6.6.11 The Report presents a summary of the proposed noise limits for occasional outdoor events incorporating entertainment noise.
- 6.6.12 3D noise modelling predictions of the entertainment noise propagation resulting from an indicative outdoor stage area and basic PA sound system arrangement incorporating loudspeakers either side of the stage are presented alongside the proposed entertainment noise limits to estimate the entertainment noise levels that could be expected in the audience area.
- 6.6.13 The proposed entertainment noise limits presented in the Report would allow for high levels of entertainment noise within the centre of the assumed maximum audience area for an outdoor event frequency of up to 3 events per year

### Proposed external plant noise emission limits

- 6.6.14 The Report recommends that the cumulative noise resulting from all external plant associated with the development under normal operating conditions is designed to achieve the indicative external noise emission limits presented. Appropriate building services equipment can be specified and sized at the appropriate design stage in order to ensure that these criteria is met.
- 6.6.15 In conclusion, the Environmental Noise Assessment Report sets upper noise limits which the proposal must adhere to. As long as these limits are not exceeded, the Report demonstrates that all of the proposed uses are acceptable from a noise impact perspective. As such, our client would be happy to agree for said noise limits to be conditioned.

## **6.7 Flood Risk and Drainage**

- 6.7.1 A Flood Risk Assessment and Outline Drainage Strategy Report (FRA) has been prepared by BDP.
- 6.7.2 The FRA identifies that Batley Beck, a culverted main river, runs from west to east along the northern boundary of the market. The Environment Agency's (EA) Flood Map for Planning identifies the north and east of the site to be predominantly located in Flood Zone 2 (medium risk) with a small area of Flood Zone 3 (high risk) encroaching along the boundaries. The remainder of the site is in Flood Zone 1, defined as having a 'low' probability of flooding from Batley Beck.
- 6.7.3 The head of the Batley Beck culvert is located approximately 70m upstream of the site and returns to an open channel at its confluence with the River Calder. As such, any flooding associated with the watercourse is expected to be a result of overtopping of the Beck's embankments.
- 6.7.4 Based on flood level data obtained from the EA during the 1 in 100 year plus 20% event, Batley Beck is likely to overtop its bank by up to 350mm, from the north and east of the site. The River Calder catchment suggests planning for a climate event that occurs once every 100 years, plus an additional 23% to account for climate change. The EA data allows for a 20% increase in climate change, this aligns closely with the recommended adjustment for climate change.
- 6.7.5 In order to reduce the impact of any potential fluvial or pluvial flooding at the site, ground levels should be profiled to direct any overland flows away from the built development and level accesses, towards the nearest drainage point. It is also recommended that any electrical sockets and valuable items are stored a minimum of 350mm above proposed ground level within the market building. Future occupants are also encouraged to sign up to the EA's free flood warning service to receive alerts of any potential flood events in the area.
- 6.7.6 Due to the renovations to the development, a substation and plant room are also proposed which are at risk of flooding. Modelling the flood levels for a 1 in 100-year event plus 20% for climate change indicate the depth of flooding for the substation is 370mm and 260mm for the water feature plant room, requiring all electrical and valuable items to be above this depth from finished floor level.
- 6.7.7 A review of available data also identifies the site to be at potential risk of groundwater flooding at the surface, although the Kirklees Council's Strategic Flood Risk Assessment (SFRA) did

not specify any significant issues in the area. The proposals also do not include any basement areas, therefore the risk of groundwater affecting the site is regarded as low.

- 6.7.8 All other sources of flooding were assessed and regarded as having a low residual risk.
- 6.7.9 Dewsbury Market is currently 100% impermeable and a CCTV survey and GPR survey confirmed the existing Market Hall and hardstanding areas to be positively drained to the public combined sewers on Foundry Street, Cloth Hall Street and Crackenedge Lane and to the culverted watercourse, Batley Beck.
- 6.7.10 The location of the existing rainwater pipes will be amended to suit the new proposals, however, there are no proposed changes to the building footprint, therefore the catchment areas and connection points into the nearby sewers will remain as existing, subject to agreement with Yorkshire Water and the Lead Local Flood Authority (LLFA). As such there will be no change in the rate or volume of runoff from the market hall.
- 6.7.11 The northern part of the outdoor Market is shown to discharge into the culverted watercourse. Due to the potential impact to the structural integrity of the culvert, the EA have advised that no further connections are proposed to the culvert. Therefore, for the outdoor market area, the surface water drainage strategy proposes to retain the existing outfall connections into the combined sewer on Cloth Hall Street and the culverted watercourse.
- 6.7.12 In accordance with local policy and EA guidance, a 30% reduction on existing rates is to be implemented and an application of 30% to peak rainfall is to be applied to account for climate change over the lifetime of the development. In discussions with the LLFA, it has been agreed that the introduction of 40% more soft landscaped areas provides the required 30% reduction in discharge rates. Therefore, no restricted rates have been applied. Any surface water run-off from the remaining impermeable paving will flow onto soft landscaped permeable areas or into a series of slot drains which will use the existing connections to the combined sewer and culverted watercourse.
- 6.7.13 For the Market Hall, the location of the wastewater appliances is proposed to be located to the northern part of the indoor market. The outfall location into the existing combined sewer on Crackenedge Lane is to be retained.
- 6.7.14 A water feature is to be proposed in the external market area, therefore, a foul pipe with a non-return valve will be required from the plant room to the combined sewer.
- 6.7.15 A copy of the Outline Proposed Below Ground Drainage Strategy Plan is included within Appendix D of the FRA.
- 6.7.16 The FRA demonstrates that the development can be considered appropriate for Flood Zone 2, in accordance with the NPPF and Local Planning Policy, and subject to the mitigation measures proposed.

## **6.8 Culvert Constraints Strategy**

- 6.8.1 During a meeting with the EA on 9 June 2021, officers made clear that the principle of development within the culvert's buffer zone would be acceptable where it was demonstrated that the development, including its foundations, would place no additional loading, either vertically or horizontally, on the fabric or structural integrity of the culvert.
- 6.8.2 This planning application is accompanied by a Culvert Constraints Strategy, prepared by BDP's structural engineers, which demonstrates how the proposed substation and new

Market Building foundations, which lie adjacent / within the culvert's buffer zone, will be constructed, to ensure they avoid placing any additional loading on the culvert.

## 6.9 Highways

- 6.9.1 A Transport Statement (TS) has been prepared by SK to examine the transport implications of the proposal.
- 6.9.2 The TS explains that it is prepared in line with standard appraisal methods and using the same method as the TS submitted with the Market redevelopment proposal granted planning consent in 2022.
- 6.9.3 The assessment shows that the Market occupies a sustainable location to the north of the town centre with opportunities for access by non-car modes. The development offers the opportunity to enhance the footways bounding the site and also to deliver complementary town centre amenity space in the form of a Town Park and Play Space. Cycle parking is provided by the development.
- 6.9.4 Vehicle access to the site remains broadly as existing and will be achieved from existing locations on Whitehall Way and Foundry Street.
- 6.9.5 Swept path analysis has been undertaken showing that larger vehicles can enter and leave the site in a forward gear.
- 6.9.6 The development will not require any modifications to bounding parking / loading bays.
- 6.9.7 Modifications to the waste enclosure will reduce the parking in the Whitehall Way car park and on-street parking spaces, but this is a betterment to the previous proposal, which was deemed acceptable.
- 6.9.8 The development will revitalise the Market and by providing new amenity uses and offering new opportunities for access to leisure events, it can be expected that these improvements will make the site more attractive to visitors. However, while an increase in footfall can be expected, the increase in trips will be spread across the day rather than being concentrated in the network AM and PM peak periods. Furthermore, it can be expected that a proportion of these movements will be comprised of non-primary trips that are linked with other existing activity in the town centre.
- 6.9.9 Given the town centre location and as access and servicing arrangements are largely unchanged, the development will not have an impact on highway operation. This is in line with the conclusions drawn in relation to the 2022 planning consent.
- 6.9.10 In summary, the Transport Statement demonstrates that the proposal is acceptable from a highways perspective.

## 6.10 Ecology

- 6.10.1 An Ecological Assessment has been prepared by BDP, which describes the habitats present on site, assesses any potential impact on protected sites, habitats and / or species, identifies where further surveys may be required and provides recommendations to protect and enhance site ecology.
- 6.10.2 A desktop study was carried out to obtain and review ecological information held by the Local Records Centre and other publicly accessible online sources. Ecological information for

protected and notable sites and species within the site and a 2km radius thereof was provided by West Yorkshire Ecology Service, the biological records centre for the area.

- 6.10.3 An initial site survey was undertaken on the 24 June 2021 repeated on the 29 July 2024, both in optimal conditions for ecological survey and an accurate assessment of the site could be made.
- 6.10.4 A UKHab survey was undertaken, all primary habitat types were recorded to at least Level 3 or above wherever possible in accordance with UKHab version 2.0. In addition, relevant secondary codes to accompany discrete primary habitat types were also identified. Applicable habitats have been assessed against the statutory biodiversity metric condition assessments.
- 6.10.5 A review of publicly accessible online mapping systems was undertaken to assess the habitats present on site and in the surrounding area. The review assessed the suitability of the habitats to support and provide connectivity for commuting and foraging bats.
- 6.10.6 In addition, a preliminary roost assessment of the existing buildings and ground level tree assessment trees was undertaken. An external inspection and internal inspection (where accessible) of the buildings and trees was undertaken to search for, and to assess the potential for, a bat roost to be present.
- 6.10.7 A single bat emergence / re-entry survey consisting of a dusk emergence survey or dawn re-entry survey was undertaken on the main market hall, toilet blocks, market office and market stores in 2021 and 2024 as these building were classified as having low suitability for roosting bats. The surveys were undertaken to determine presence/absence of a bat roost within the buildings in accordance with the bat surveys for professional ecologist good practice guidelines.

## **Results**

### Desktop Study

- 6.10.8 The desktop study confirmed that there are no sites with European or National statutory designations within a 2km radius of the site.
- 6.10.9 The desktop study confirmed Caulms Wood Quarry (Local Geological Site) is located approximately 330m north-east from the site, Sparrow Wood (statutory protected Local Nature Reserve) approximately 1550m south from the site and Sparrow Wood (Local Wildlife Site) approximately 1550m south from the site.
- 6.10.10 The local record centre provided two GCN records within the 2km search area. The nearest record is approximately 1284m north-west of the site dated from 2016. A MAGiC data search showed there are no ponds within 500m of this urban site.
- 6.10.11 The local record centre confirmed the absence of badger within a 2km radius of the site.
- 6.10.12 The local record centre identified ninety bat records within a 2km radius of the site.
- 6.10.13 The local record centre provided ten bird records within 2km of the search area, including species which are known to nest in the type of habitats present within the site, such as house sparrow, starling, swallow and swift.

## **Site Surveys**

### Preliminary Roost Assessment

- 6.10.14 The existing market building, toilet blocks, market office blocks and adjacent unit, as well as the scattered trees within the site may provide roosting potential for bats, in particular, pipistrelle species which favour crevice roosting locations within buildings and trees such as behind barge boards/soffits and fascia's/hanging tiles and within vertical or horizontal cracks and splits.
- 6.10.15 The existing Market Hall, the Semi-covered Market, the two toilet blocks in the centre of the site, the market office in the north-western corner of the site and the market store / sandwich shop and a fish monger are all viewed as having low potential for bats given the context of the structure in the surrounding area.
- 6.10.16 The Timber Kiosk under the broadleaved tree canopy on the boundary of Whitehall Way, the Market stalls and the small single storey flat roof sub-station to the north-east of the site are all viewed as having negligible potential for bats.

### Bat Emergence / Re-entry Surveys

- 6.10.17 Following the external inspections of the buildings, two 2 no. Bat Emergence / Re-entry Surveys were carried out on each building classified as having low suitability to support a bat roost. A single Bat Emergence / Re-entry Surveys in 2021 was repeated in 2024. No bats were observed emerging / re-entering the buildings on site during the survey.
- 6.10.18 Low levels of foraging and commuting activity were recorded around the site, from common pipistrelle bats and commuting noctule bats.

### Birds

- 6.10.19 Incidental birds recorded in the vicinity of the site include dunnoek, goldfinch, blackbird, wren, swift, lesser black backed gull, black headed gull, magpie, feral pigeon and carrion crow. The Market Hall shows signs of occasional roosting by feral pigeon, but no signs of nesting. The buildings and scattered trees on site provide suitable habitat for nesting birds during the nesting season (March to September).

## **Recommendations**

- 6.10.20 Optimising planting schemes within the proposal will provide habitat for pollinators and other wildlife which is currently not available onsite.
- 6.10.21 As none of the buildings or trees within the site currently support a bat roost there should be no significant concerns or constraints in relation to roosting bats in the proposals.
- 6.10.22 It is recommended that site works that will impact any of these suitable habitats takes place outside the peak bird breeding season (March to September). If site works to these habitats are to be undertaken within the nesting season, then an appropriately qualified ecologist will be required to undertake a site walkover to visually assess suitable habitat for active nests. If active nests are discovered, then site works around the active nest must cease until the nest is deemed inactive.

6.10.23 The impact of light to biodiversity within the site, and in particular bats and flying invertebrates is present within the site prior to the areas redevelopment. The nocturnal value of the site could be enhanced through the implementation of a sensitive lighting strategy.

6.10.24 Based on the findings of the Ecological Assessment, it can be concluded that the proposal will not have a detrimental impact upon biodiversity.

## 6.11 Biodiversity Net Gain

6.11.1 Under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), biodiversity net gain is mandatory for all developments in England. All developments must deliver a calculable biodiversity net gain of 10%.

6.11.2 A Biodiversity Net Gain Assessment has been undertaken by BDP.

6.11.3 Natural England's Statutory Biodiversity Metric (BM) is the current best practice tool for measuring biodiversity net gain. The Biodiversity Metric compares the habitats within the existing site (on-site habitat baseline) against the habitats supported by the proposed development (on-site habitat creation). Habitats can be delivered on-site, off-site or via purchasing biodiversity credits, but all proposed habitats must be secured for at least 30 years.

6.11.4 The on-site habitat baseline was completed using the digital 'A-1 On-Site Habitat Baseline' plan which was produced following a site survey on the 19 June 2024 in optimal conditions for botanical survey.

6.11.5 The existing site comprises developed land; sealed surface, bare ground, introduced shrub and urban trees.

6.11.6 The development proposal will include planting of pollen and nectar rich species and provision of ground level planters. The urban trees and an area of sparsely vegetated urban land (corresponding biodiversity metric category: bare ground) are proposed to be retained.

The on-site and off-site habitat creation provides an overall biodiversity net gain of **16.05%**, with a net unit change of 0.05 habitat units.

Given the above, it has been demonstrated that the proposal will deliver more than the mandatory 10% biodiversity net gain.

## 6.12 Contamination

6.12.1 A Phase 1 Preliminary Geo-Environmental Risk Assessment has been undertaken by Silkstone Environmental Ltd.

6.12.2 In the context of the proposed development, the Assessment has derived the overall level of environmental risk to human health and the wider environment from on and off-site sources to be **Low to High**.

6.12.3 The main risks relate to the following:

- To construction workers from potential contaminants within the underlying Made Ground, ground gas when entering deep excavations (principally methane and carbon dioxide) and disturbance of potential unexploded ordnance (UXO).

- To site end users (site workers and visiting public) from potential contaminants within the Made Ground (soft landscaped areas only) and ground gas (within permanent buildings only) from Made Ground on site and surrounding areas of infilled ground, worked ground, an historic landfill within 250m and unrecorded shallow coal mine workings.
- To the proposed development (buildings) from ground instability / differential settlement from unrecorded shallow coal mine workings, unrecorded mine entries and compressible deposits.

6.12.4 Give the above, a Phase 2 (intrusive) geo-environmental site investigation is recommended involving:

- Dynamic (window) sampling boreholes with establishment of gas monitoring wells;
- Machine excavated trial pits with infiltration/water ingress tests in line with BRE Digest 365;
- Cable percussive (shell and auger) boreholes within the market hall;
- Hand dug trial pits around the perimeter of the existing covered market to expose and record details of the existing foundations;
- On site CBR testing in areas of proposed hard landscaping and highways;
- Recovery of representative soil samples from the exploration holes to be submitted for appropriate geotechnical laboratory testing and contamination analysis and groundwater if encountered;
- WAC testing to determine the category of landfill for the disposal of site excavated material surplus to requirements;
- A programme of gas (and groundwater level) monitoring.

6.12.5 A Phase 2 (intrusive) coal mining legacy investigation involving four rotary open-hole boreholes under a Coal Authority license is also recommended, to determine the presence / absence of old workings within the north / north-eastern area of the site. Gas monitoring apparatus is to be installed into the old workings (if encountered) for inclusion in the gas monitoring programme.

6.12.6 Risk mitigation measures are recommended to reduce the risk from UXO during intrusive works to levels to as low as reasonably practicable.

6.12.7 A refurbishment / demolition survey for asbestos containing materials of the existing buildings that will be affected by the proposed development is recommended.

6.12.8 As a part of the 2021/48/93368/E consent, conditions 12 to 16 covered contamination. Condition 12, which required a Phase I Desk Study Report, is not required this time, given one has been provided as a part of the submission.

6.12.9 Conditions 13 (further investigation), 14 (remediation), 15 (not previously considered contamination) and 16 (validation) all remain applicable.

## 6.13 Waste Storage and Collection

6.13.1 The scheme proposes to utilise this existing waste compactor and refuse strategy located across Whitehall Way to the north of site.

6.13.2 In order to comfortably accommodate the required waste storage, it is proposed that the footprint of the existing waste compactor be expanded. This is illustrated on the submitted Waste Enclosure Area plan (drawing reference DMTP-BDP-00-SL-DR-A-20001 P01).

6.13.3 There are two existing waste compactors in the Market waste compound, which will be retained. The general waste compactor will need to be collected every three weeks and the cardboard compactor can continue to be collected monthly.

## 6.14 Designing Out Crime

6.14.1 Following the submission of the pre-application enquiry on 19 March 2024, West Yorkshire Police's Designing Out Crime Officer (DOCO) and the Counter Terrorism Security Advisor (CTSA) provided their pre-application comments on 9 April 2024.

6.14.2 Below, we have lifted the DOCO's and the CTSA's pre-application comments (in *italics*) and sought to respond to each in turn.

### ***DOCO's pre-application comments***

6.14.3 The DOCO highlighted the conditions that were included in the 2021/93368 approval, namely 3 (specification of hard and soft landscaping), 22 (external lighting), 23 (CCTV), 24 (cycle and motorcycle storage provision) and 25 (HVM measures). The response then listed security measures which must be included, namely boundary treatments, lighting, windows and glazing, doors and locks, CCTV, and cycle and motorcycle storage.

6.14.4 For the avoidance of any doubt, whilst the planning application includes strategies for some of the above information (lighting / CCTV / cycle provision), it is proposed that the majority will be controlled via condition, as per the 2021/93368 approval, which has set the precedent for this approach being acceptable.

6.14.5 *Site lighting to be to BS5489-1:2020 standard with the Colour Rendering qualities of lamps used should achieve a minimum of at least 60Ra (60%) on the Colour Rendering Index.*

6.14.6 An external lighting strategy is provided as a part of the planning application and contained within the Appendices of the DAS. The final, detailed design can be controlled via condition, as per condition 22 of the original consent. This will ensure that the relevant standard is met.

6.14.7 *Detail is required for the security of the stalls and the main Market building.*

6.14.8 A security strategy is provided within the DAS. See below comments re the (temporary) external stalls.

6.14.9 *Improvements and additions are required to CCTV cameras, especially along Foundry Street and within the market main thoroughfare.*

6.14.10 A CCTV strategy is provided as a part of the planning application. The 'fixed' details and specification can be controlled via condition, as per the original consent.

- 6.14.11 *As the site is classed as a “Crowded Place”, the main vehicular thoroughfares through the site must have chicanes incorporated into the design. This would prevent a vehicle being able to gain speed within the market area and be used as a hostile attack weapon. Further advice on Hostile Vehicle Mitigation measures is supplied by the Counter Terrorism Security Advisor and the RSES Engineer.*
- 6.14.12 Two points of vehicular access are proposed into the site – one from the existing vehicular access point across the culvert off Whitehall Way and another adjacent to the Market Hall, off Foundry Street, where the existing gates are located. Both accesses are proposed to be controlled by bollards. There will be no vehicular access to the site during operating hours. Vehicular access onto the site will be very strictly monitored and controlled.
- 6.14.13 *There are concerns that any vehicle parking and drop-off zones close to the main market building on the south of the premises on Crackenedge Lane and Corporation Street, may be highlighted by the CTSA. It is usual to have a vehicle stand-off distance between parked vehicles and buildings in public use.*
- 6.14.14 These delivery / loading bays are all existing. They will continue to operate as they do presently. Any suggestion that the stand-off between these existing delivery / loading bays and the existing building needs to be increased is unreasonable and unviable.
- 6.14.15 *Stalls must not allow climbing access to the main building roof. Several of the current stalls are very close to the building structure and are known to have had offenders use them to assist them to gain roof access causing damage and egress into the building. Either defensible or hostile toppings will be required to the stall roof or better still, move them far enough away from the building so that the gap between the stall and building is made much greater to prevent it being jumped.*
- 6.14.16 The only external stalls as a part of the latest proposal are temporary – they will be erected and dismantled on Market days – and, as such, they will be manned all day. Notwithstanding this, they are of a gazebo (or similar) style structure, so their roofs will be of a fabric (or similar) material and, as such, will be incredibly difficult – if not impossible - to climb.
- 6.14.17 *Consideration must be given to any street furniture or seating that may allow the gathering of people to commit anti-social behaviour. The grassed area to the north of the site would attract groups and lead to offences should inappropriate seating be installed.*
- 6.14.18 Whilst we obviously fully appreciate the anti-social gathering concern, the external area (the Park) is intended to attract visitors and increase footfall – that’s its purpose: it is a social space, where increased footfall and gathering is encouraged.
- 6.14.19 All of the seating / gathering areas across the site will be open, with clear lines of site for natural (and designed) surveillance.
- 6.14.20 *Existing and proposed trees and vegetation must have a maintenance plan to ensure that the foliage does not create obstructions to natural surveillance, lighting and CCTV coverage.*

- 6.14.21 A Landscape Strategy and a CCTV strategy – outlining coverage in relation to tree planting and features within the public realm – forms a part of this planning application submission. In addition, a strategy highlighting external lighting locations is provided.
- 6.14.22 The public realm design, whilst conditioned, will be fully coordinated with the lighting and CCTV proposals. We envisage all areas will meet the targeted lux levels, light uniformity requirements, and all areas of the scheme be within CCTV surveillance.
- 6.14.23 The specification for the hard and soft landscape details, together with the proposed tree species can be conditioned, as per the original consent. All specified elements of street furniture will be robust and conform to product safety and anti-vandalism standards, including arson. Whilst it wasn't a require of the original consent, a landscape maintenance plan can also be conditioned.
- 6.14.24 The DOCO made recommendations regarding wall construction; roller shutters and grilles; external doors; and windows. Where new elements are to be introduced, we have sought to ensure that these recommendations are taken into consideration and applied, where practical and reasonable. It must be remembered, though, that this is an existing building, so some of these recommendations are not practical nor viable.

#### Secure Boundary

- 6.14.25 The DOCO's comments on their recommendation for a 'secure perimeter' are provided in full below:

- 6.14.26 *Whilst it is stated that a secure site perimeter with a solid boundary is not desirable by the Local Authority, further discussions about the need for a boundary are required between Partners and Stakeholders to prevent crime and disorder at the site.*

*The perimeter to have lockable gates at pedestrian access points, which can be opened during market trading hours and secured when not in use. The existing vehicle gates at either end of the market to be retained and enhanced, combining them with any new perimeter installation. The Architects are requested to supply full detailed drawings of the proposed boundary treatments for this site, so that these can be assessed for security measures.*

*Perimeter fencing should comprise of a proven security fence. It is recommended that fencing is installed which has been tested and approved to LPS 1175 SR 1-3 standard. Site entrance security gates are to be of similar construction, height and security rating to the fencing.*

*Materials may include welded mesh and expanded metal available in numerous coloured coatings, which are sometimes used in conjunction with timber. Railings of various designs can be used to good effect and all fencing types 2.4m above ground level, can be fitted with hostile toppings to deter climbing.*

*It is the recommendation of West Yorkshire Police that the boundary treatments for the site be robust to a height of 2.4m with external and internal signage on the boundary perimeter stating the use of hostile or defensive toppings. It is essential that warning signage be placed around the exterior and interior of the perimeter fencing at regular intervals.*

*When the building is closed and unoccupied, it must be possible to lock all entrance gates onto the site. During partial occupation, whether by employee, cleaners or security staff, perimeter gates should be operable by appropriate means of secure access control.*

*Access must be restricted to the perimeter defensible space from public land by installing a lockable gate of the same material and same height as the fencing. It is advised that the gate construction is such that no footholds or cross members are accessible from the outside of the gate, especially around the locking mechanism to prevent climbing.*

*The design, height and construction of any gates within a perimeter fencing system should match that of the adjoining fence and not compromise the overall security of the boundary.*

- 6.14.27 The recommendation / stance of the DOCO that a 2.4m high metal fence with hostile toppings, around the perimeter of the site is required is a non-starter for design, aesthetics and conservation reasons.
- 6.14.28 BDP's brief is to design a space which is safe for all, particularly women and girls. This approach encourages more open spaces, whereas placing a secure perimeter around the site would make the space feel (or actually be) less safe, as it will limit means of escape.
- 6.14.29 As a 'park', the open space must ensure that everyone, regardless of age or background, can access it. As this scheme is intended to be an area of open public space, and therefore serve to encourage activity at all times, day or night, a secure perimeter barrier would not be appropriate. All points of access and egress will be open and clearly luminated at night.
- 6.14.30 A secure perimeter was sought by the DOCO as a part of the original Market proposal, which was never supported by the design or client team. By way of a compromise, the external stalls themselves were secured, with the specific design details controlled via condition. It is noteworthy that the pocket park that formed a part of the previous proposal, was excluded from the secure stalls.
- 6.14.31 The latest proposal doesn't include any external stalls – of a permanent nature – so the previous approach isn't applicable here.
- 6.14.32 We cannot see that there is a compromise here. A smaller boundary fence wouldn't achieve the DOCO's objective of preventing any access and is not desirable from the design perspective anyway and was dismissed as a solution by the Conservation and Planning Officers. Indeed, in their pre-application feedback, officers have commented,
- 'it is considered that the proposals presented... strike the right balance between addressing the concerns of the DOCO and the CTSA, and ensuring the proposed new areas of public realm are welcoming, convivial, attractive, well-functioning and accessible.*
- Consultee comments regarding the vulnerabilities of the development (which would be classed as a "crowded place" in counter-terrorism terms), and the risks of hostile vehicle attacks are noted, however it is considered that the perimeter measures currently proposed by your team are proportionate and acceptable. A 2.4m high boundary treatment around the site's entire perimeter would not be supported by officers.'*

#### **CTSA's pre-application comments**

- 6.14.33 *Hostile Vehicle Mitigation (HVM) measures should be incorporated to prevent a vehicle borne attack. I recommend that HVM measures are rated to IWA 14-1, PAS 68, or ISO 22343-1 and installed in accordance with IWA 14-2, PAS69 or ISO 22343-2 to provide permanent protection on the site for present and future generations of customers and staff.*
- 6.14.34 Our client (the applicant) has appointed an RSES Engineer, who are looking at HVM measures for both the Market and the Market Decant proposals.

- 6.14.35 At the time of submission, these measures have not been fully worked up, so we acknowledge that there will be a requirement for a planning condition controlling HVM measures, the precedent for which has been set by the original proposal: *'Prior to the occupation of the development, a scheme detailing hostile vehicle mitigation measures shall be submitted to and approved in writing by the Local Planning Authority and be fully installed and retained thereafter.'*
- 6.14.36 *Vehicle Borne Improvised Explosive Device (VBIED) - CTSA's recommend a minimum of at least 30 metres stand-off for all vehicles from the site perimeter or external skin of buildings which are crowded places.*
- 6.14.37 *Materials used in the fabrication and facia of the building should be carefully considered and the fixing of all materials should be sufficiently robust to mitigate the risk of flying or falling debris in the event of blast.*
- 6.14.38 The CTSA must be mindful that we're working with an existing street scene and building here. A 30m standoff distance is not feasible nor a reasonable request.
- 6.14.39 *For a new build the use of laminated glass with a minimum thickness of 7.5mm is recommended where the laminated glass should always be on the inside face of the window.*
- 6.14.40 *For existing 6mm glass it may be acceptable to consider use of 200-350 Micron Anti Shatter Film which has been tested to BS EN 12600 Class 2(B) 2 standard.*
- 6.14.41 There aren't any new build elements within the proposal. As a part of the proposal, though, the glazing within the Market Buildings is proposed for upgrade. Where feasible – given it is proposed that the existing frames be used – upgrades to achieve the recommended standards will be implemented. Where 7.5mm isn't possible, a 6mm glass with shatter proof film will be considered.
- 6.14.42 As above, at the time of submission, the detailed design has not been fully worked through, so we acknowledge the likely requirement for a HVM condition.
- 6.14.43 *For several areas above, engaging with a suitable qualified Register of Security Engineers and Specialists (RSES) consultant is recommended.*
- 6.14.44 As confirmed above, our client (the applicant) has appointed an RSES Engineer, who is looking at these measures for both the Market and the Market Decant proposals. As with the previous application, it is proposed that details of HVM measures be controlled via condition.

## **6.15 Climate Change**

- 6.15.1 In 2019, Kirklees Council declared a climate change emergency and, as such, as a part of this submission it is necessary to demonstrate that due consideration has been given as to how this proposal will help improve and protect the environment, where possible.
- 6.15.2 A Climate Change Statement has been prepared by BDP, which demonstrates how climate change (including in relation to renewable and low carbon energy, energy efficiency, water use, flood risk and drainage, biodiversity net gains, and use of materials) has been properly considered, in line with Chapter 12 of the Local Plan and Chapter 14 of the NPPF.

6.15.3 Climate Change mitigation measures will be taken, such as, localised heating, natural ventilation, operational guidebooks (on heating, lighting and other electrical installations) for traders, sustainably sourced timber materials, fully electric kitchens, increasing soft landscaping and a lack of car parking in the scheme to encourage public transport.

## **6.16 Summary and Conclusion**

6.16.1 This chapter of the Planning Statement has provided an assessment of the proposal against Kirklees Local Plan and the NPPF and has demonstrated that the scheme fully complies with the relevant local and national planning policy and guidance.

6.16.2 It has been demonstrated that the principle of development is acceptable, namely that the proposed uses will compliment this town centre location, without any detrimental adverse effects, and that there are no technical matters, particularly those concerning conservation and heritage, which should preclude the proposal from being granted.

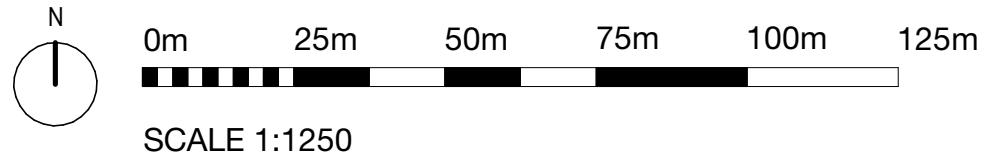
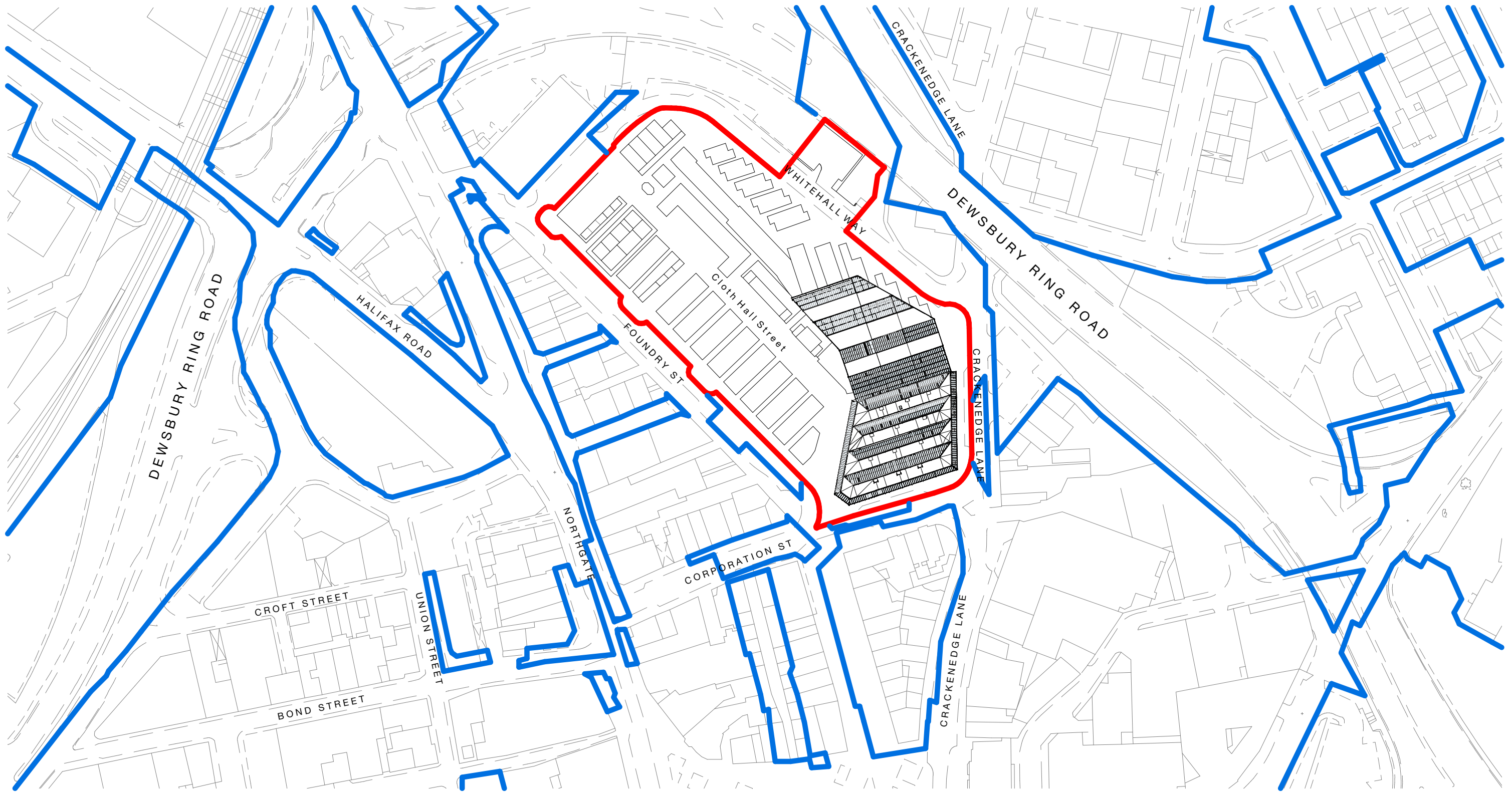
6.16.3 The redevelopment of the Market including the proposed Park, has been very carefully considered to ensure that it is as sympathetic to the Market Hall and Semi-covered Market - of local interest - as is practically and reasonably possible.

6.16.4 Ultimately, approval of the proposal and the introducing new uses, increasing the flexibility of spaces and allowing for a diverse programme of events, will ensure the longevity and future success of the Market is secured.

## 7.0 Conclusion

- 7.1.1 This planning application seeks Full Planning Permission for the redevelopment of Dewsbury Market on Cloth Hall Street in Dewsbury.
- 7.1.2 The proposal has been appraised against national and local planning policy and guidance and it has demonstrated how the development meets the relevant policy criteria in full. The proposal fully accords with the NPPF and the Kirklees Development Plan, including the Local Plan.
- 7.1.3 This Planning Statement and the accompanying supporting technical documents - covering security / crime, ecology, climate change, noise, flood risk and drainage, heritage and highways - demonstrate that there are no insurmountable technical issues that should prevent the development from coming forward.
- 7.1.4 The Market has seen a decrease in footfall and has experienced reduced stall occupancy in recent years. There are significant material considerations to indicate that permission should be granted, including securing the longevity and future success of the Market through the introduction of new uses, increasing the flexibility of spaces, and allowing for a diverse programme of events.
- 7.1.5 Given the above, it is respectfully requested that the proposed development be supported and that Full Planning Permission be granted.

## Appendix 1 – Site Location Plan



**Key**  
 — Application Site  
 — Other land owned by the applicant

BUILDING DESIGN PARTNERSHIP SHALL HAVE NO RESPONSIBILITY FOR ANY USE MADE OF THIS DOCUMENT OTHER THAN FOR THAT WHICH IT WAS PREPARED AND ISSUED.

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- THE CDM DESIGN ISSUES REGISTER
- THE BDP RISK SERIES OF DRAWINGS
- THE PROJECT CDM RISK REGISTER

**NOTES**

P03	Planning Submission	TB	RG	12/08/24
REVISION	DESCRIPTION	DRAWN	CHECKED	DATE

**Kirklees COUNCIL**

3 St Paul's Place  
 129 Norfolk Street  
 Sheffield  
 S1 2JE  
 United Kingdom

T +44 [0]114 273 1641  
 www.bdp.com

**BDP.**

PROJECT TITLE Dewsbury Market	
BDP JOB NUMBER P3001350	SUITABILITY S4 - Stage Approval
DRAWING TITLE Site Location Plan	SCALE As indicated @ A3
DATE FIRST ISSUED 23/01/24	REVISION P03
DRAWING NO. DMTP-BDP-00-SL-PL-A-20001	