

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) – SECTION 16

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR LISTED BUILDING CONSENT

Reference No:	2025/65/91217/E
Site Address:	Railway Viaduct MDL1/19, Halifax Road/Bradford Road, Dewsbury, WF13 2BD
Description:	Listed Building Consent for installation of five overhead electric line equipment portals on piers 1, 4, 6, 7 & 9 with supporting wall brackets
Recommending Officer:	Liz Chippendale

DECISION – GRANT CONSENT

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Helen Bower

AUTHORISED OFFICER

Date: 02-Jul-2025

Officer Report

Site Description

The grade-II listed Dewsbury Viaduct, officially numbered MDL1/19 (National Heritage List for England reference: 1313659), is located to the immediate north of Dewsbury Town Centre. The viaduct is a local landmark and feeds direct out of the Dewsbury Station complex, with its architectural and historic interest clearly appreciated from the Station platforms. The viaduct spans some 204 metres over several key roads feeding into and out of the centre of Dewsbury of the inner ring road and forms a hugely important part of the Townscape as a widely recognisable structure and can be appreciated across the town centre. The viaduct is not within the Dewsbury Conservation Area but is within the immediate setting of the designated area.

Dewsbury Viaduct was constructed in circa 1848, built in rock-faced, deeply coursed stone. It has 12 segmental arches and is of a slightly curved plan form.

Description of Proposal

The proposed works are for the installation of 5 overhead electricity line equipment portals at piers 1,4, 6, 7 and 9 which include the fitting of supporting wall brackets to the outside of the parapet.

Application context

This is a resubmission of application 2022/90281 which was approved 11th April 2022. The applicant has explained that due to unavoidable circumstances, the works for the overhead electricity line at the site have not yet been commenced resulting in the expiration of the permission on 11th April 2025.

Permission 2022/90281 was approved subject to 6 conditions, 4 of which were pre-commencement conditions which were as follows:

- 1. The development hereby permitted shall commence within 3 years of the date of permission.*
- 2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications scheduled listed in this decision notice except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.*
- 3. Detailed design and drawings at a scale of 1:10-1:20 and report, including method and detail of OLE brackets shall be submitted for approval by the Local Planning Authority.*
- 4. Detail of all mortar specifications for repointing and repair work shall be submitted to the Local Planning Authority for approval.*
- 5. Detail of masonry repairs shall be submitted for approval by the Local Planning Authority. This shall include details of any replacement materials.*

6. A Historic Building recording shall be completed to a Level 1 standard in accordance with Historic England Guidance.

Details were submitted as part of two discharge of conditions applications which formally discharged the pre-commencement conditions as follows:

- 2024/92753 – Discharge of conditions 3, 4 and 5 of permission 2022/90281 – approved 19.11.2024
- 2025/90625 – Discharge of condition 6 of permission 2022/90281 – approved 01.05.2025

The details as approved under the above referenced discharge of condition applications have been submitted as part of this application to redact the need for pre-commencement conditions.

History of negotiations / amendments received

There has been no negotiations/amendments received throughout the course of the application.

Relevant History

2022/90281	Listed Building Consent for installation of five overhead electric line equipment portals on piers 1,4,6,7 & 9 with supporting wall brackets - Granted subject to condition
2024/92753	Discharge of details 3 (OLE brackets), 4 (mortar specification), 5 (masonry repairs) on previous permission 2022/90281 for Listed Building Consent for installation of five overhead electric line equipment portals on piers 1, 4, 6, 7 and 9 with supporting wall brackets – Details approved
2025/90625	Discharge of details 6 (Historic recording) on previous permission 2022/90281 for Listed Building Consent for installation of five overhead electric line equipment portals on piers 1, 4, 6, 7 and 9 with supporting wall brackets – Details approved

Access Considerations

None.

Climate Change Emergency

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies.

The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The proposals are part of a large scheme for the electrification of the Trans Pennine route from Manchester to Leeds. The works will see significant improvements to the network which will allow for a more efficient and accessible system. This should see more commuters making use of the rail network and reducing the number of vehicles on the road, which contribute to the region's carbon reduction.

Consultation Responses

KC Conservation and Design – *This application has been assessed against relevant policies in the development plan and other material considerations. It is clear that the proposals will have a directly harmful impact on the Listed Union Mill Viaduct with the fixing of the 4 overhead portals to the exterior of the Parapet. The addition of the portals will also have some impact on the setting of the Conservation Area, views onto the Viaduct from within the area altered.*

This being said the proposals will also see repairs carried out to the Viaduct, which are in part a positive element of the proposals.

In regard to the harm. As stated previously works to the Viaduct forms part of a large improvement scheme to the line of which will deliver positive improvements to the service of the line. The harm to the Viaduct is considered to be less than substantial and therefore balanced against the Public Benefit. Given that the works form a part of line wide improvements of which are aimed at delivering rail improvement to the area the public benefits are clearly evidenced. The benefits of the scheme are therefore considered to outweigh the harm to the Listed Viaduct.

West Yorkshire Archaeology Service - *I have read the report on archaeological and architectural recording at Dewsbury Viaduct, and this is satisfactory (comments received as part of discharge of conditions application 2025/90625)*

Public/Members Response

The application has been publicised with a site notice and a press notice expiring on 19/06/2025. No representations have been received.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

LP 35 Historic environment.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published July 2021, together with Circulars, Parliamentary Statements and associated technical guidance.

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

Chapter 16 (Conserving and Enhancing the Historic Environment).

Assessment

Significance of the viaduct.

The grade-II listed Dewsbury Viaduct is a fine example of an unaltered railway structure, dating from the 1840s and associated with the Leeds, Dewsbury and Manchester Railway. Hence its grade-II listed status. The viaduct was constructed to connect the emerging C19th railway network and ensure the successful movement of passengers and commercial goods, which was vital contributor to the development of the town and wider area.

Dewsbury Viaduct is noted as an excellent example of the engineering achievements of the period. The continuing development of the railways during the 1840s and 1850s required engineering designs which would allow for the functional expansion of the railway while creating an appropriate landmark contribution to the emerging town. The viaduct was one of a number of impressive structures designed by noted engineer Thomas Grainger for the Leeds, Dewsbury & Manchester Railway (later incorporated into L&NWR). T Grainger's designs for the line share a common design language, with the viaducts having stepped, rusticated v-jointed voussoirs (with tooled and picked decoration) over a semi-circular span, with projecting piers and quarry-faced walling. Grainger's intent was to enhance the function of the bridges by giving attention to the quality of design in order to enhance their aesthetic qualities. Consequently, Grainger managed to span between the two sections of higher ground, and yet create a structure which is a striking landmark. The resultant viaduct thus forms a key recognisable element Dewsbury Townscape and is positively experienced by all that travel along it on the railway, travel beneath or alongside it.

Impact of the proposal on significance.

The proposals will result in the fixing of 5 overhead electrical line equipment portals (referred to as OLE) to the exterior of the Listed Viaduct. As set out in the applicant's combined report there have been extensive discussions prior to the submission of the application to discuss and understand the implications of the works and to consider all possible variables.

It is evident that the proposed erection of the 5 OLE units, affixed to the outside the viaduct structure, would create some harm to the listed structure, in terms of the impact on its fabric and architectural character. The options explored are set out in the applicant's submitted report and records that the potential to place the portals to the inside of the viaduct's parapet was discounted due to spacing requirements and the additional adverse impact of works to the historic fabric which would have a greater impact on the structure. The number of OLE portal units has been kept to the minimum required in order to reduce the visual impact. However, given the span of the viaduct and the prominence of the structure in views across the town, the addition of the OLE portals will result in a visually adverse impact on the fabric and character (i.e. harm) to the heritage values of the currently unaltered landmark structure.

As noted, the viaduct also forms part of the setting of the Dewsbury Conservation area, with views of the landmark structure from the approach to the town centre and several key vantage points. The addition of the OLE portals will, therefore, also have a degree of adverse visual impact on the setting of the designated Conservation Area.

There have been reasonable steps to help to reduce and mitigate the adverse physical and visual impacts on the grade-II listed viaduct. The proposed works include a series of repair works which will restore parts of the viaduct's fabric and ensure the future maintenance and longevity of the structure. These works may partially balance the physical impact of the erection of the OLE units. However, the overall impact of the proposed works will result in a degree of adverse change to the architectural character of the landmark structure, defined as resulting in less than substantial harm to its significance as a designated heritage asset. Consequently, the impact of the proposed works should be considered in the context of NPPF paragraph 202 and Local Plan policy LP35 to evaluate whether the public benefits delivered by the works demonstrably outweigh the identified harm.

Conclusion

Paragraph 199 of the NPPF states that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should

be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 202 goes on to state that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that any application for development must preserve the character and appearance of the listed building.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

This application has been assessed against relevant policies in the development plan and other material considerations, in particular Kirklees Local Plan policy LP35 and NPPF paragraph 202.

It is clear that the proposals will have a direct harmful impact on the Dewsbury Viaduct with the fixing of the 5 overhead portals to the exterior of its parapet. The addition of the OLE portals will also have some adverse impact on the setting of the Dewsbury Conservation Area, while views of the landmark viaduct from within the designated area will also be altered.

The proposals will also result in some fabric repairs on the Viaduct, which will have a minor but positive impact on the listed structure, although this benefit is insufficient to balance the identified harm.

The proposed the erection of the OLE and the associated works to Dewsbury Viaduct form part of the Transpennine Route Upgrade (TRU) improvement scheme which will deliver positive improvements to the service of the line across the region. As the identified adverse impacts resulting from the proposed works to Dewsbury Viaduct would result in ‘less than substantial harm’ to its significance they must be evaluated and balanced against the deliverable public benefits. The proposed works are required to enable the electrification of the Transpennine Route and the line-wide improvements which will deliver substantial rail service and environmental improvements area to the region. The substantial public benefits have been clearly evidenced, sufficient to justify and balance the adverse impacts of the proposed erection of the 5 OLE units. The identified, substantial public benefits which would result from implementation of the proposed initiative are, therefore, considered to outweigh the identified less than substantial harm to the Listed Viaduct.

Recommendation: Grant Listed Building Consent.

Decision Authorisation - Delegated Powers**Application Number:** - 2025/91217**Officer Recommendation:** Grant Consent**Conditions:**

1. The development shall be begun not later than the expiration of three years beginning with the date on which consent is granted.

Reason: Pursuant to Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, in the interests of the significance of the heritage asset and to accord within the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Map	Dewsbury Viaduct MDL1/19	V1	16.05.2025
Listed Building Consent MDL1/19 Dewsbury Viaduct Existing General Arrangement	151667-TSA-40-MDL-1-DRG-T-LP-160051	P02.1	16.05.2025
Listed Building Consent MDL1/19 Dewsbury Viaduct Proposed General Arrangement	151667-TSA-40-MDL1-DRG-T-LP-160052	P02.1	16.05.2025
Listed Building Consent MDL1/19 Dewsbury Viaduct Proposed Sections and Details Sheet 1 of 3	151667-TSA-40-MDL1-DRG-T-LP-160053	P03.1	16.05.2025
Listed Building Consent MDL1/19 Dewsbury Viaduct Proposed Sections and Details Sheet 2 of 3	151667-TSA-40-MDL1-DRG-T-LP-160054	P02.1	16.05.2025
Listed Building Consent MDL1/19 Dewsbury Viaduct Proposed Sections and Details Sheet 3 of 3	151667-TSA-40-MDL1-DRG-T-LP-160055	P02.1	16.05.2025

Dewsbury Viaduct (MDL1/19) -Heritage Statement	TP/LNE/2022-09	V1	16.05.2025
Discharge of Listed Building Consent Conditions: Dewsbury Viaduct (MDL1/19). 2022/65/90281/E Conditions 3, 4 and 5. Document Network Rail. September 2024	TP/LNE/2024/100	V11	16.05.2025
Historic Building Investigation and Recording. Transpennine route upgrade west, Dewsbury Viaduct (MDL1/19), Dewsbury, West Yorkshire by Oxford Archaeology, dated March 2025.	L11502	V2	16.05.2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The submitted plans and information is felt to be acceptable.

Report Dated:

27.06.2025