KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

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

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

Reference No:	2025/70/92849/E
Site Address:	Railway Viaduct MDL1/19, Halifax Road/Bradford Road, Dewsbury, WF13 2BD
Description:	Variation of condition 2 (plans and specifications) on previous permission 2025/91217 for 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 – Listed Building Consent – Grant

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.

Nick Hirst

AUTHORISED OFFICER

Date: 27-Nov-2025

Officer Report

Application reference: 2025/92849

Site address: Railway Viaduct MDL 1/19, Halifax Road/Bradford Road, Dewsbury, WF13 2BD

Proposal: Variation of condition 2 (plans and specifications) on previous permission 2025/91217 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

Background

Listed Building consent was granted for the installation of five overhead electric line equipment portals on pier 1, 4, 6, 7 and 9 with supporting wall brackets under permission 2025/91217 at Railway Viaduct MDL 1/19, Halifax Road/Bradford Road, Dewbury, WF13 2BD.

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 application seeks permission to vary condition 2 (plans and specifications) of listed building consent 2025/91217.

The original conditions read as follows:

> *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.*

Proposed alterations

The proposed alterations relate to the northern-most proposed OLE structure, located on pier 9, between spans 9 and 10. The proposed alteration requires changing the type of OLE structure in this location from an OLE portal to a Twin Track Cantilever (TTC).

The TTC will comprise of a fixed base bracket that will sit lower on the viaduct pier compared to the original design and other brackets along the viaduct. The TTC brackets will only attach to the western elevation of the viaduct, leaving the eastern elevation free of any fixings.

The material and finishing of the OLE brackets and mast will be galvanised steel to match the other OLE structures across the viaduct.

All other brackets across the viaduct will be unaffected and will adhere to the consented LBC designs.

History of negotiations / amendments received

Amendments were not sought as part of this application as the submitted details were considered by officers to be acceptable.

Relevant Planning 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

2025/91217 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 Transpennine Route Upgrade is programme of works which will improve the rail network across the north of England, including the electrification of the line and increased service capacity. The proposed works at Dewsbury Station will increase capacity at the station and improve the passenger experience. This in turn will provide improved public transport and reduce the need for the private vehicles which create harmful emissions. It is felt, therefore, that the proposal complies with the climate emergency requirements.

Consultation Responses

Conservation and Design – Conservation and Design Officers provided the following comments:

> *Subsequent to the granting of the Listed Building Consent for the proposals at Dewsbury Viaduct (MDL1/19), unforeseen circumstances necessitating additional detailed design has led to the change in the proposals for the northern-most OLE brackets on the structure at Pier*

9, between Spans 9 and 10. These changes arise from physical restrictions at ground level preventing the construction of the consented OLE bracket design on the eastern elevation of the pier at this location. This design development does not change the overall nature of the consented proposal but does alter the detailed design of these elements. Consequently, a variation is sought to the relevant condition in relation to this change.

Meetings on 24 July 2025 and 18 September 2025 were held to discuss the detailed design, emerging challenges and required alterations.

The presented proposal included alterations to the northern-most OLE structure, requiring it to change from a portal design to a Twin Track Cantilever (TTC). The discussion highlighted that although this would constitute a change to the approved design, it would not alter the assessment of level of harm to the structure.

The new bracket design, although larger, would be obscured due its location in proximity to other buildings and therefore would not result in a significant visual change. It was noted that the change to a TTC meant that fixings would only be required at the western elevation, leaving the eastern elevation free from any new additional elements. This element of the updated proposal is a slight design improvement compared to the original portal design, which had brackets attached to both elevations. This means a reduction in the amount of physical intervention into the historic fabric.

The location of the TTC on the viaduct will also be considerably screened from views from Bradford Road, due to intervening buildings, which will limit the visual impact of the alteration in rhythm and consistency compared to the rest of the OLE portals.

The material and finishing of the OLE brackets and mast will be galvanized steel to match the other OLE structures across the viaduct.

In conclusion, there is no extra harm, and therefore no objections to the Variation of Condition 2 in this case.

Representations

The application has been publicised with a site notice and a press notice. No representations were 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

The building is Grade II listed and therefore Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic importance which it possesses'.

National planning policy and guidance are set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

- Chapter 2 Achieving sustainable development
- Chapter 12 Achieving well-designed places
- Chapter 16 Conserving and Enhancing the historic environment

Assessment

Principle of development

Section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990allows for the variation or removal of a condition of a previous permission.

The principle of development for the installation of five overhead electric line equipment portals on piers 1, 4, 6, 7 and 9 with supporting wall brackets was established under permission 2025/91217.

As such, the principle of the listed building consent remains established by way of the previous permission. This assessment will deal with the merits of the proposed variations only.

The application seeks to vary condition 2 relating to the previous listed building consent. Guidance within LP35 is relevant for consideration of the proposed amendments.

Significance of the viaduct

The following is the assessment of the heritage asset's significance, as outlined in the original permission, ref. 2025/91217:

> *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 proposed variations

This element of the updated proposal is a slight design improvement compared to the original portal design, which had brackets attached to both elevations. This means a reduction in the amount of physical intervention into the historic fabric.

Although the proposed alteration will constitute a change to the consented design, it would not incur additional impacts on the structure which would degrade its significance, nor change the assessment of level of harm to the significance of the listed structure.

The location of the TTC on the viaduct will be considerably screened from views from Bradford Road, due to intervening buildings, which will limit the visual impact of the alteration in rhythm and consistency compared to the rest of the OLE portals. The design of the TTC will also reduce the level of intervention and physical impact into the historic fabric of the viaduct, compared to the original portal design, as there will be no brackets attached to the structure's eastern elevation and consequently no alteration to the historic fabric of the viaduct on that side of the pier.

Considering the above, the proposal would result in a neutral impact upon the identified heritage value and significance of the bridge as a heritage asset.

The variation to condition 2, specifically an update to the plans table to reflect the varied plans, is deemed acceptable.

Conditions review

As this is an application under s19 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it would in effect be a new permission. Planning Practice Guidance (The Use of conditions) confirms that the original permission would continue to exist whatever the outcome of the application under section 19, and that the conditions imposed on the original permission still have effect unless they have been discharged.

The PPG also confirms that for the purpose of clarity, decisions which vary conditions should set out all the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect (Paragraph: 040 Reference ID: 21a-040-20190723).

The 2 conditions from the 2025/91217 permission should therefore be repeated with no amendments required. For reference the conditions are as follows:

1. Works to be completed within 3 years of the date of the original permission. As the works have commenced this condition will be removed.

1. Works to be done in accordance with approved plans (to be varied; the wording of the condition would remain the same, but the plans table would be updated)

A Section 106 legal agreement was not secured as part of the original permission and therefore no further legal agreement (Deed of Variation) is required.

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(2) of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

The proposed works are necessary to upgrade the rail network and increase capacity at the station, with improvements to the station facilities and the necessary safety measures put in place. Alterations to the structure has been well considered and are kept to a minimum to ensure that features of architectural and historic interest are preserved, with the intervention sensitively designed.

> *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.*

The new bracket design, although larger, would be obscured due its location in proximity to other buildings and therefore would not result in a significant visual change. The public benefits of upgrading the train line and increasing service capacity across the Trans Pennine route outweighs this harm.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the significant public benefits of the proposal outweigh the slight harm and is therefore recommended for approval.

Recommendation: Approve variation of condition

Report Dated: 27/11/2025.

Decision Authorisation: Delegated Powers
Application Number: 2025/92849
Officer Recommendation: Approve variation of condition

Conditions and Reasons

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
Variations of Listed Building Consent Conditions: Dewsbury Viaduct (MDL 1/19) 2025/65/91217/E Variation of condition 2 Dated October 2025	TP/LNE/2025-116	-	16.10.2025
Listed Building Consent MDL 1/19 Dewsbury Viaduct Existing General Arrangement	151667-TSA-40-MDL1-DRG-T-LP-160051	P02.1	16.10.2025
Documents pursuant to permission 2025/91217			
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	151667-TSA-40-MDL1-DRG-T-LP-160052	P02.1	16.05.2025

Proposed General Arrangement			
Listed Building Consent MDL1/19 Dewsbury Viaduct Proposed Sections and Details Sheet 1of 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.

Officers did not enter into negotiations with the applicant as detailed were considered to be acceptable on submission following pre-application discussions.