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**Report of the Head of Planning and Development**

**STRATEGIC PLANNING COMMITTEE**

**Date: 18-Nov-2021**

**Subject: Planning Application 2021/93368 Redevelopment of market with addition of mezzanine floor Dewsbury Market, Cloth Hall Street, Dewsbury, WF13 1QE**

**APPLICANT**

Kirklees Council, Growth  
& Regeneration

**DATE VALID**

27-Aug-2021

**TARGET DATE**

26-Nov-2021

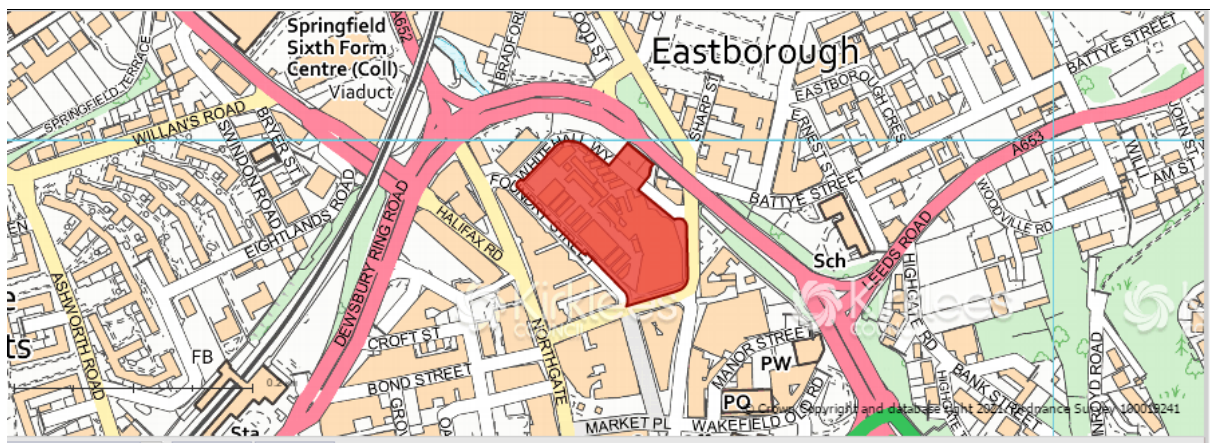
**EXTENSION EXPIRY DATE**

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral wards affected: Dewsbury East**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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## **RECOMMENDATION:**

GRANT APPROVAL SUBJECT TO REGULATION 3 AND DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

### **1.0 INTRODUCTION:**

1.1 The proposal is for the redevelopment of Dewsbury Market. The application is brought to the Strategic Planning Committee because it represents non-residential development on a site over half a hectare in size. This is in line with the Council's delegation agreement.

### **2.0 SITE AND SURROUNDINGS:**

2.1 The application relates to the existing market within Dewsbury town centre. The Market lies at the northern extent of the town centre and is enclosed by Whitehall Way, Foundry Street, Corporation Street and Crackenedge Lane. Cloth Hall Street runs through the site.

2.2 The Market comprises the Market Hall, the semi-covered market and an outdoor market that currently accommodates around 400 market stalls.

2.3 The Market Hall and semi-covered market are Edwardian structures and lie to the south-eastern part of the site. The open market occupies much of the remainder of the site and consists of a series of lock-up units and open stalls.

2.4 There are also several small buildings within the site. These include toilet blocks adjacent to the semi-covered market as well as a two-storey shop/office block and a terrace of five former fish units, both of which are located in the northern part of the site.

2.5 The application site includes the existing waste compound that serves the market and lies on the opposite side of Whitehall Way. An area next to the waste compound and which forms part of Whitehall Way public car park also forms part of the application site.

2.6 Surrounding the site are a range of uses including a public house, public car park, commercial and residential development.

2.7 The site is within the Dewsbury Town Centre Conservation Area.

2.8 None of the buildings on the site are listed. The Market Buildings are currently under a Certificate of Immunity from Listing, which was issued on 9 October 2020 and is valid until 8 October 2025.

2.9 Dewsbury Market Hall is open on Wednesdays, Fridays and Saturdays with a selection of traders open on Mondays, Tuesdays, Thursdays and Sundays. The general market takes place on Wednesdays and Saturdays.

### **3.0 PROPOSAL:**

3.1 The proposal is for a comprehensive redevelopment of the existing market.

3.2 The proposal would retain the original structure of the existing Market Hall and the semi-covered market as well as the two sets of decorative gates to Cloth Hall Street. The existing stalls and lock-up units forming the outdoor market would be replaced with new stalls (lockable and daily license stalls), a café pavilion and open space.

3.3 To facilitate the redevelopment, some demolition and site clearance is proposed. This includes:

- The stone two-storey shop/office block
- A terrace of five former fish units
- The stone toilet blocks in front of the semi-covered market
- All of the open market stalls and lock-up units
- A small wooden kiosk
- All of the stalls in the Market Hall, including at its perimeter – the building would be stripped back to its original structure
- All of the stalls in the semi-covered market

3.4 The key elements of the proposed development are:

- New stalls for the open market in a series of pods (groups of 4 or 6 stalls)
- A café pavilion at the main entrance of the outdoor market. This would mainly be a takeaway service, with some limited indoor and outdoor seating.
- New stalls within the Market Hall. These would predominantly provide food retail (meat, fish and baked goods).
- A mezzanine floor in the Market Hall to provide a meeting room, office, staff room and CCTV room.
- New stalls in the semi-covered market. These would predominantly comprise food and beverage stalls set around a flexible seating area. This flexible space is intended to act as an entertainment venue, with loose furniture that would enable this space to be reconfigured to accommodate events. The design of the proposal allows for this area to spill out into the outdoor market if necessary. A stand-alone bar is proposed within the semi-covered market along with new toilet facilities.
- Refurbishment of the Market Hall and semi-covered market structures.
- A landscaped area at the north-western end of the site to provide a 'pocket park'. This area would form two separate parcels of landscaping bisected by Cloth Hall Street and would include informal seating and some limited play space.
- The existing waste compound would be expanded into the neighbouring car park.

3.5 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).

- 3.6 The proposed hours of operation are 06:00 to 23:00, seven days a week, all year round. The proposed start time reflects that of the existing market operation, which allows for servicing and setting up from 06:00. The proposed closing time allows for the provision of social events and evening entertainment.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 There are numerous historic applications that relate to the market site, although none are directly relevant to the current proposal.

#### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

- 5.1 The proposed development was the subject of formal pre-application advice. The advice confirmed the principle of development as being acceptable and provided advice on design and heritage matters as well as technical issues including flood risk and drainage.

#### **6.0 PLANNING POLICY:**

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

- 6.2 The site is within Dewsbury Town Centre and falls within the Dewsbury Primary Shopping Area on the Kirklees Local Plan proposals map. The Market is also designated as a Primary Shopping Frontage. It also lies within the Dewsbury Town Centre Conservation Area.

#### **6.3 Kirklees Local Plan (2019):**

LP1 – Presumption in favour of sustainable development  
LP2 – Place shaping  
LP3 – Location of new development  
LP7 – Efficient and effective use of land and buildings  
LP13 – Town centre uses  
LP14 – Shopping Frontages  
LP18 – Dewsbury Town Centre  
LP21 – Highways and access  
LP24 – Design  
LP27 – Flood risk  
LP28 – Drainage  
LP30 – Biodiversity and geodiversity  
LP35 – Historic environment  
LP47 – Healthy, active and safe lifestyles  
LP51 – Protection and improvement of local air quality  
LP53 – Contaminated and unstable land

## 6.4 National Planning Guidance:

Relevant chapters of the National Planning Policy Framework (2021):

Chapter 2 – Achieving Sustainable Development  
Chapter 4 – Decision-making  
Chapter 6 – Building a strong, competitive economy  
Chapter 7 – Ensuring the vitality of town centres  
Chapter 8 – Promoting healthy and safe communities  
Chapter 9 – Promoting sustainable transport  
Chapter 12 – Achieving well-designed places  
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 – Conserving and enhancing the natural environment  
Chapter 16 – Conserving and enhancing the historic environment

## 6.5 Other material considerations:

- Highway Design Guide Supplementary Planning Document (2019)
- Biodiversity Net Gain Technical Advice Note (June 2021)
- National Planning Practice Guidance
- National Design Guide (October 2019)
- Dewsbury Design Guide (2013)
- Dewsbury Strategic Development Framework 2018 and Delivery Programme
- Dewsbury Conservation Area Appraisal (2007)
- The Dewsbury Blueprint (2020)
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Waste management design guide for new developments (October 2020)
- Planning Applications Climate Change Guidance (June 2021)

## 7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 The application has been advertised by site notices, neighbour notification letters and a press advert. No representations have been received to date, although the publicity period for the press advert does not expire until 18<sup>th</sup> November 2021.

7.2 Ward councillors were notified of the application. Councillor Firth commented that news of the submission of the application was “great” and Councillor Scott acknowledged the notification. No specific comments on the proposals have been received.

## 8.0 **CONSULTATION RESPONSES:**

### 8.1 **Statutory:**

**KC Highways Development Management** – The main issue is the loss of parking spaces, taxi bay, disabled parking space and loading bay as a result of the pocket park and the expansion of the waste compound. Discussions are ongoing in relation to this.

**Kirklees Lead Local Flood Authority** – No objection subject to a condition to secure detailed drainage design.

**The Coal Authority** – No objection.

**The Environment Agency** – Response awaited.

## 8.2 **Non-statutory:**

**KC Conservation and Design** – No objection subject to conditions requiring further details of: the landscaping (including bollards, street furniture, boundary walls, waste enclosure gates, and samples of surface materials including decorative inlays); details of the terracotta rainscreen cladding and; details of the colours of external finishes to market hall and stalls.

**KC Environmental Services** – No objection subject to conditions.

**KC Ecology Unit** – No objection.

**KC Trees Officer** – No objection.

**KC Landscape** – No objection.

**WY Police Designing Out Crime Officer** – Concerns raised with the level of security measures proposed for the site (as detailed within the appraisal).

**Yorkshire Water** – No objection.

## 9.0 **MAIN ISSUES**

- Principle of development
- Urban design and heritage issues
- Residential amenity
- Highway issues
- Flood risk and drainage issues
- Crime and security
- Other matters
- Climate change

## 10.0 **APPRAISAL**

### Principle of development

10.1 Local Plan Policy LP13 sets out a hierarchy of centres with Dewsbury being defined as a Principal Town Centre. It's role and function are to:

- Provide for the shopping needs (particularly for non-food goods) of residents across Kirklees.
- Be the main focus in Kirklees for the provision of financial and professional services, offices, entertainment, sport, leisure, arts, cultural and tourism facilities, further and higher education; and health services.

- 10.2 As the market is within the Dewsbury Primary Shopping Area and forms part of the primary shopping frontage, Policy LP14 of the Local Plan (Shopping Frontages) is also relevant.
- 10.3 Primary shopping areas are where retail and other main town centre uses are focused. The policy states that ‘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’.
- 10.4 Primary shopping frontages are where retail should remain the predominant use, which is over 60% of the units. While the proposed redevelopment of the market reduces the number of stalls, these have been underused over the past few years and the market environment would be improved with the new stalls providing for food retail, food and beverage and daily license stalls with transient goods. The Foundry Street stalls would provide an active frontage, enhancing the attractiveness of the market from Kingsway and Queensway.
- 10.5 Policy LP18 of the Local Plan (Dewsbury Town Centre) states that Dewsbury Town Centre will be a place of vibrancy, vitality and diversity and the town centre will form the focus for retail provision for the north of the district, supported by other main town centre uses. Paragraph 9.48 goes on to say that Dewsbury Market plays a key role in the operation and attraction of the town centre by providing both indoor and outdoor markets, drawing a significant number of people into the town centre on market days. Strengthening the market and its connections is important in broadening the offer of uses provided in the centre.
- 10.6 The retailing and town centres Local Plan policies highlighted above support the proposal to redevelop Dewsbury Market, which retains both the indoor and outdoor market with a mix of food retail, food and beverage and transient stalls. The proposal also provides an opportunity to diversify the use of the market by including a space where entertainment events can be held. The redevelopment will support the vitality and viability of the town centre as a whole, through increasing the attractiveness of the market and the potential of increasing linked shopping trips.
- 10.7 The proposal is also consistent with the Dewsbury Town Centre SDF and Dewsbury Blueprint, which both recognise the importance of the market to the town centre and the need to drive greater footfall. The proposal would expand and diversify the market offer which would help to support the overarching ambitions for the town centre.
- 10.8 The principle of development is further supported by chapter 7 of the NPPF, which states that planning 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’. It also states that ‘planning policies should retain and enhance existing markets’, which demonstrates a commitment to existing markets at national level.

#### Urban design and heritage issues

- 10.9 Dewsbury Market is located within the Dewsbury Town Centre Conservation Area. The site includes an unlisted Market Hall and an adjoining semi-covered market, which are considered to be a non-designated heritage asset. The Market Hall dates to 1904, with an extension built in the first half of the twentieth

century when the rest of the site was cleared. The Market Hall is a double height vaulted space with a hipped roof, which is glazed to the north and slate clad to the south.

- 10.10 The nearest listed buildings to the site are the Station Hotel, which lies on the opposite side of Whitehall Way, 16-20 Corporation Street and the former Salam Methodist Church (now Rashid Rabbani Madni Jamia Masjid) on Northgate.
- 10.11 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 establishes that “in considering whether to grant planning permission which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
- 10.12 Section 72(1) of the Act states “with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”
- 10.13 Policy LP35 of the Local Plan requires development proposals to preserve or enhance the significance of heritage assets and elements which contribute to the distinct identity of Kirklees. Chapter 16 of the NPPF seeks to conserve and enhance the historic environment.
- 10.14 Policy LP24 of the Local Plan states that good design should be at the core of all proposals and this should be promoted by ensuring that the form, scale, layout and details of all development respects and enhances the character of the area. This also includes re-using existing buildings where possible, offering flexibility to meet changing requirements, minimising the risk of crime, providing landscaping and tree planting and providing public art where possible. Guidance within the NPPF also seeks to achieve well-designed places (chapter 12).
- 10.15 The proposal aims to enhance the market area, including the restoration of historic elements and the removal of aspects that do not make a positive contribution to the townscape.
- 10.16 The overarching strategy for the Market Hall and semi-covered market is to re-expose as much of the original structure as possible. In their current state, the facades are cluttered and dominated by ad-hoc stall fronts, which have crept beyond the line of existing columns over time.
- 10.17 In the semi-covered market the stalls protrude intermittently, while the stalls along the perimeter of the Market Hall have encroached underneath the original glazed canopy which would have originally provided weather protection to the stalls and customers. Fabric canopies have been added to compensate for the now redundant glazed canopy.
- 10.18 The strategy for the Market Hall is to pull the facade back behind the existing columns and to reinstate the glazed canopy to its original use.



- 10.19 The proposed works to the Market Hall and semi-covered market would reveal the historic fabric and create a more welcoming environment both internally and externally. The proposals include:
- The removal of the ground floor stalls and associated clutter (security shutters and awnings) and replacement with glazed curtain walling and glazed sliding/folding doors.
  - Like-for-like replacement of the existing high level glazing.
  - Restoration of the original cast iron frame, roofs and projecting glazed canopies.
  - Reconfiguration of the internal stalls.
- 10.20 The Whitehall Way and Crackenedge Lane elevations of the semi-covered market are the least prominent elevations and security is an important consideration here. The cast iron frame detailing on the gables is to be retained, with the infilling of the ground floor walls in a terracotta rainscreen cladding. Although secondary elevations, they are directly opposite the stone-built Grade II listed Station Hotel and the quality of the proposed treatment of these elevations successfully responds to this setting.
- 10.21 The clearance of the outdoor stalls is supported as these make a negative contribution to the character of the Conservation Area, with low quality covered units and a layout which encourages anti-social behaviour. The demolition of several permanent structures is also proposed, including the toilet blocks sited alongside the semi-covered market which will enhance the view of the building and allow this elevation to open onto the market area. To the northern end of the site, the market office and fish block would be demolished, with this area landscaped to create a 'pocket park'. None of the structures that are proposed to be demolished contribute to the character of the Conservation Area and as such there is no objection their removal.
- 10.22 The reconfiguration of the open market is proposed to create a safe, attractive, and welcoming space with active frontages including on Foundry Street, which will provide a link between other areas of the town including the nearby arcades and the shops opposite the site.
- 10.23 The proposed outdoor market stalls are simple in design with canopies and shallow hipped roofs which reflect the style of the market hall buildings. The stalls would be secured with external roller shutters which would incorporate a perforated pattern. The perforated shutters would either be back lit or have a coloured backing piece. The canopies will fold down and lock to the facade, partially obscuring the roller shutters from view. The security shutters in between the stalls would be open grille which would further help to mitigate the visual impact of the required security measures when the market is not in use.
- 10.24 The proposed Cafe Pavilion is located at the main public entrance into the outdoor market and forms part of the 'arrival space'. It is a key junction in terms of sightlines of the Market Hall and outdoor market. The proposal for a structure that stands as a feature building in this prominent location is welcomed.

The use of terracotta rainscreen cladding follows on from the main market buildings to create a consistent approach across the market. The specification of the terracotta cladding would need to be agreed (by condition) but it is shown in a blue colour within the application, which is reflective of the lighting columns found within the town centre and on the decorative gates to the market at each end of Cloth Hall Street. These decorative gates are to be retained.

- 10.25 An expanded waste enclosure is proposed on Whitehall Way, constructed from reclaimed stone with decorative perforated metal gates.
- 10.26 The use of natural stone paving is proposed around the market hall to enhance the most prominent elevations and the seating areas, with setts marking out the former line of Cloth Hall Street. This reflects the historic surfacing in the town and, along with some planting and high-quality street furniture, would enhance this space.
- 10.27 The proposed 'pocket park' to the north of the site would provide an attractive contrast to the hard surfaces of the market and would provide seating and opportunities for informal play. The existing trees to the northern boundary along Whitehall Way would be retained. A condition requiring a detailed scheme for the laying out of the pocket park is recommended. The pocket park has good natural surveillance, particularly from the flats in the building opposite.
- 10.28 As part of the proposals, a landscaping scheme is proposed to Foundry Street to 'green' this area and create a pleasant backdrop to the market. This includes raised planting beds, street trees, benches and cycle parking. New tree planting is also proposed to Whitehall Way.
- 10.29 It is proposed to incorporate a piece of public art within the market. This is intended to be located in the ground surface at the main entrance to the market. An artist is to be commissioned to design the artwork.
- 10.30 A lighting scheme has been submitted with the application. This is intended to enhance the evening and night time appearance of the facades by highlighting significant elements of the buildings, whilst promoting security of the site.
- 10.31 In summary, officers support the design approach for the restoration and upgrading of Dewsbury Market, with enhancements to the historic buildings and improvements to an area which currently makes a negative contribution to the character of the Conservation Area. The proposal would deliver a high quality of design and the application is considered to accord with Policies LP24 and LP35 of the Local Plan and guidance in the NPPF.

#### Residential Amenity

- 10.32 There is residential use within the immediate vicinity of the site. The application is supported by noise and odour assessment reports.

#### *Noise*

- 10.33 The submitted noise report considers plant noise emissions from the development and entertainment event noise break-out from the semi-covered market to the external environment. The report assumes the following operational times for the scheme:

- Mechanical plant may operate 24 hours a day.
  - Entertainment events in the semi-covered market may take place between 1000hrs to 2300 hrs.
- 10.34 It is proposed that the market will host a range of entertainment events and for the purposes of the noise assessment assumptions have been made based on an example event schedule.
- 10.35 The assessment has considered the nearest existing noise sensitive receptors (NSR's) to the site to be the existing residential properties that surround the site. They are –
- 1) Machells Mill, Whitehall Way
  - 2) Residential Accommodation above the Station Hotel, Crackenedge Lane
  - 3) Flats above 19 Foundry St
- 10.36 The noise report has been assessed by Kirklees Environmental Services who accept the findings of the report. Conditions are recommended to control noise associated with entertainment events (such as music) at nearby residential premises and to control the combined noise level from any fixed mechanical services and external plant measured against the background sound level at any time.

#### *Odours/ Ventilation*

- 10.37 A Ventilation and Extract Statement has been submitted in support of the application. The statement has considered extract and ventilation for the market hall, semi-covered market, toilets and changing rooms, offices/staff room and kitchens.
- 10.38 Overall, Kirklees Environmental Services accept the general principle and content of the Odour/Ventilation Statement. While the information that has been provided is quite general, it is recognised that it is not known at this time what type of food would be prepared and cooked. Further detailed information regarding the kitchen extract ventilation system for each of the units and how they would control odours is required and can be secured by condition.

#### *External Artificial Lighting*

- 10.39 A Lighting Report has been submitted which provides details of the proposed lighting for the development. New external lighting is proposed for the external market area to provide improved visibility in the area during hours of darkness. This has been designed to minimise the impact to neighbouring properties. Existing pavement lighting around the site perimeter is to be maintained. The proposal includes low level LED lighting and would be controlled via a photo-cell and time clock to minimise the operational hours. This would be linked to the hours of darkness and time of day. All exterior lighting would be switched off during the hours of daylight and switched on at dusk.

- 10.40 Environmental Services are generally satisfied with the proposed lighting scheme for the market. However, the report makes no reference to the vertical illuminance at the facades of the nearby residential properties. In addition, there are also concerns that the proposed illuminance within the waste enclosure, which is 50 lux, has the potential to impact the amenity of nearby residential properties. Therefore, these two points require further clarification or a condition relating to a revised external lighting scheme will be necessary.

#### *Hours of Use*

- 10.41 The proposed hours of use are 06:00 – 23:00 hours every day. A condition restricting the hours of use to those proposed within the application is recommended. This is to protect nearby residents from noise at unsociable hours.

#### *Construction*

- 10.42 To mitigate the impact of construction on neighbouring residential properties, a condition for a Construction Environmental Management Plan is recommended. This would help to control noise, vibration, dust and artificial light during the construction phase of the development.
- 10.43 In summary, it is considered that the development would not materially harm the living conditions of nearby residents, subject to the imposition of the conditions outlined above.

#### Highway issues

- 10.44 The site is within a highly sustainable location within the heart of the town centre and is well served by public transport links.
- 10.45 Vehicle access would be retained as existing from the northern section of Whitehall Way, with a central spine access route (Cloth Hall Street) leading to two new separate exit routes to the eastern section of Whitehall Way and then through to Foundry Street. This is similar in form to the existing vehicle access arrangements.
- 10.46 Changes are proposed to the footways on Foundry Street. This includes removal of two existing lengths of parking bay on the market frontage to create landscaped areas as part of the public realm strategy. This results in the removal of the disabled (four spaces) and taxi bays on the eastern carriageway edge of Foundry Street.
- 10.47 Minor modifications are also proposed to the arrangement of the loading bays and disabled parking on Whitehall Way to the east of the site, as a result of the new access and modified access arrangements.
- 10.48 The proposal also necessitates an increase in size of the waste enclosure area opposite the market, to the north of Whitehall Way. This requires the vehicle access to be repositioned. The increase in size of the waste enclosure would also remove six spaces from the Whitehall Way car park and two on-street spaces.

- 10.49 The proposals are for the refurbishment of the existing market within the existing footprint, and access, servicing arrangements and means of dealing with waste would be unchanged.
- 10.50 The proposed works to Foundry Street would involve the loss of a number of disabled and taxi parking areas. It is intended that these would be relocated to the Whitehall Way public car park and onto Whitehall Way, with increased provision for both. Further details of this have been requested.
- 10.51 Given the town centre location and given that access and servicing are largely unchanged, Highways Development Management (HDM) have no objections to these proposals.
- 10.52 Conditions are recommended requiring a Construction Management Plan to mitigate the impact of the construction phase on highway safety; details of the closure and amendments to existing parking bays on Foundry Street and Whitehall Way, including TROs; and details of a scheme detailing highway structures within the proposed site given the presence of Batley Beck (Dewsbury Beck) culvert directly within the footprint of the proposed redevelopment site.
- 10.53 Overall, it is considered that the proposed development would not result in any significant harm to highway safety and the application accords with Policy LP21 of the Local Plan.

#### Flood risk and drainage issues

- 10.54 Batley Beck, a culverted main river, runs east through the north of the site and south along the eastern boundary. The Environment Agency's Flood Map for Planning identified 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.
- 10.55 The required buffer zone for the Beck is 8m, and the Environment Agency have previously indicated to the applicant that there should be no new structures built on top of the culvert. However, the Environment Agency have agreed that the proposals can encroach on the buffer zone if it can be demonstrated that there will be no additional vertical or horizontal loads imposed on the culvert as a result of the proposals. Details of the structural mitigation strategies for the proposals are illustrated in the application submission ('Culvert Constraints Strategy') and the application is supported by a Flood Risk Assessment (FRA). The FRA concludes that the development can be considered appropriate for Flood Zone 2, in accordance with the NPPF and Local Planning Policy LP27, and subject to the mitigation measures proposed.
- 10.56 The Environment Agency has been consulted on the application and their comments are awaited. An update will be provided within the published agenda update.

- 10.57 In terms of drainage, Dewsbury Market is currently 100% impermeable and surveys have confirmed the 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. Since the proposals are for the refurbishment of the existing Market Hall and indoor market there would be no change in the drained areas and subsequently no change in surface water discharge rates for this area.
- 10.58 It is therefore proposed that the existing surface water network is retained, utilising the existing connections into the surrounding combined public network.
- 10.59 The northern part of the outdoor market is shown to discharge into the culverted watercourse. Due to the potential impact upon the structural integrity of the culvert, the Environment Agency have advised that no further connections should be provided 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. A 30% reduction on existing rates would be implemented and an application of 40% to peak rainfall would be applied to account for climate change over the lifetime of the development. Excess surface water runoff would be attenuated on site in the form of permeable paving, tree pits and oversized pipes up to the 1 in 100 year plus 40% climate change event.
- 10.60 Foul water drainage requirements are to be confirmed at detailed design stage. There is a right of connection for foul drainage to the public sewer system.
- 10.61 Kirklees Lead Local Flood Authority support the application, subject to a condition requiring final detailed design of the drainage scheme. The LLFA have advised that the tree planting to Foundry Street is incorporated into the drainage design i.e. the use of tree pits as a sustainable urban drainage system feature.
- 10.62 Yorkshire Water initially raised an objection to the proposed site layout because of the proximity of development to public sewerage infrastructure crossing the site. The applicant has discussed this directly with Yorkshire Water, who have subsequently indicated in an email that they have no objection to the layout because the layout affords sufficient room for them to maintain their infrastructure. A formal response from Yorkshire Water confirming this is awaited.
- 10.63 Kirklees Environmental Services recommend a condition regarding food premises drainage. The proposed development includes the provision of cafes, a bar and other food premises which are likely to result in fats, oils, and grease entering the drainage network serving these commercial food preparation and dish-washing areas. Therefore, it will be necessary for a condition to prevent pollution entering the drainage network.

#### Crime and security

- 10.64 The strategy for securing the site is to prevent access to the outdoor stalls when the market is not in use, which the Design and Access Statement identifies as the main issue enabling anti-social behaviour. The market buildings would be secured generally to prevent unauthorised access through the construction of the new elements (glazed facades, overhead sectional doors and new internal and external doorsets). Access control, CCTV and external lighting would provide additional security measures.

- 10.65 The submission identifies the out of hours secure boundary, where outdoor stalls are secured in four separate blocks. By securing the site in blocks, access to the stalls and aisles would be prevented when the market is closed. The stalls which form the boundary would be secured with solid roller shutters (with a perforated design) and aisles between stalls would have roller shutters that allow vision through. Access through the site out of hours would be achievable along Cloth Hall Street and there are two short link connections proposed between Cloth Hall Street and Whitehall Way, in between some of the secured blocks of outdoor stalls.
- 10.66 The West Yorkshire Police Designing Out Crime Officer (DOCO) has raised strong concerns with the proposed level of security for the site, specifically how the perimeter of the market would be secured out of hours. The context to this is the continuing levels of crimes and anti-social behaviour in and around the market. Issues which have been identified by the Police are anti-social behaviour, public order offences, drink and substance abuse, criminal damage including deliberate fire setting on the stalls, violence at the market site and sexual offences.
- 10.67 The DOCO considers that access through the site out of hours should be prevented to mitigate opportunities for crime and anti-social behaviour. It has been recommended that gates be added at each end of Cloth Hall Street (potentially using the existing decorative gates that are to be retained) and that gates/barriers be added to the two link connections between Whitehall Way and Cloth Hall Street on the north-eastern boundary. The DOCO has sought a condition to secure a scheme that would stop unauthorised access outside of trading hours.
- 10.68 The applicant has advised that they are willing to accept a condition requiring the provision of a scheme of measures to prevent unauthorised access to the site when the Market is closed. On this basis, officers recommend the imposition of such a condition. Careful consideration will need to be given to the design of the gates, but it is considered that a high quality design can be achieved which would be sympathetic to the redeveloped Market and the character of the Conservation Area.
- 10.69 The applicant has submitted details of a CCTV scheme. The DOCO has advised that the CCTV coverage provided by the proposed scheme could be improved and should be supplemented with additional cameras. A condition requiring a revised CCTV scheme is considered reasonable and necessary.
- 10.70 The DOCO has advised that the lighting scheme for the development must conform to specific recommended standards. This can be conditioned.
- 10.71 Details of the landscaping of the site, including street furniture and seating within the pocket park, are to be secured by recommended condition. The DOCO would have an opportunity to comment on the detailed scheme when the applicant seeks to discharge the condition.
- 10.72 The DOCO has recommended a condition for the provision of secure cycle/motorcycle parking. It is considered that this can be conditioned.

- 10.73 Vehicles are only permitted access on site during specified hours to allow traders to set up their stalls. This strategy would be managed and implemented by the market management staff and removable bollards would be used to prevent unwanted vehicles accessing the site.
- 10.74 Paragraph 97 of the NPPF states that planning decision should take into account wider security requirements by anticipating and addressing possible malicious threats, especially in locations where large numbers of people are expected to congregate. It goes on to say that 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.
- 10.75 In this case, it is necessary for the development to provide suitable measures to address possible malicious threats. This has been taken into account with the proposed glazing to the market buildings. However, it is also necessary to consider hostile vehicle mitigation (HVM) measures. While the submission indicates that there is a plan to look at HVM measures on a town centre wide basis, this development needs to demonstrate that it has addressed potential malicious threats in order to comply with the NPPF. A condition requiring details of a scheme for suitable HVM measures is therefore considered to be necessary. The agreed scheme would need to be provided before the development is first brought into use.
- 10.76 In summary, subject to the aforementioned conditions, it is considered that the application satisfies the requirements of Policy LP24 of the Local Plan and guidance in the NPPF.

#### Ecology and trees

- 10.77 The application is supported by an Ecological Assessment. This concludes that there are no habitats within the site that are of ecological importance.
- 10.78 The buildings on site recorded low suitability to support roosting bats and no signs to indicate the use by bats were recorded internally within any structures. No bat roosts were identified during the subsequent presence/absence surveys and low levels of foraging and commuting activity around the site were recorded. Negligible suitability to support a bat roost was identified within the trees on site and the survey information suggests that none of the trees currently support roosting bats.
- 10.79 The proposals involve the retention of the existing trees to the north of the site within the proposed pocket park. New tree planting is also proposed to Foundry Street and Whitehall Way along with raised plant beds on Foundry Street and there are opportunities for native planting within the pocket park. There are currently only three trees on the site and the proposal would provide a total of 17 trees of varying sizes, which represents a substantial gain in tree coverage.



10.80 The following ecological measures form the basis of the overarching ecological strategy for the site:

- Appropriate native tree species and other vegetation planting around the site to provide recognisable fruit and nectar sources for local birds, small mammals and invertebrates; trees would enhance the long-term biodiversity of the development.
- Areas of biodiverse planting provided within any designated soft landscaping to provide a source of food for local fauna
- Nesting and roosting opportunities for birds and bats.
- Implementation of a sensitive lighting strategy to mitigate the impact on bats and flying invertebrates.

10.81 A condition requiring a detailed scheme for the above ecological measures is recommended.

10.82 The three existing trees on the site are to be retained within an area of landscaping and the submitted Arboricultural Impact Assessment (AIA) demonstrates that the trees would be suitably protected during the proposed works. A condition is recommended requiring the development to be carried out in accordance with the AIA.

#### Other matters

10.83 The proposed development site is shown as being potentially contaminated from its former use and according to the Council's records it is within 250m of a former Kirklees Council landfill site, where there is the potential for ground gas migration. As the development includes demolition and ground works it is necessary for conditions to be imposed relating to contaminated land.

10.84 The Coal Authority has advised that they do not object to this application.

#### Climate change

10.85 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.86 The site is within a highly accessible location and involves the renewal of existing buildings. Re-use rather than demolition and redevelopment of buildings helps limit losses of embodied energy and carbon. The site's accessibility means a significant proportion of staff and visitors will be able to travel to and from the development using sustainable modes of transport. The proposal would provide new tree planting and other soft landscaping and cycle storage facilities, and these measures would help to mitigate the impact on climate change. As such, it is considered to be a sustainable form of development.

## **11.0 CONCLUSION**

- 11.1 The proposed redevelopment of Dewsbury Market would strengthen this key asset for the town and help to support the vitality of the wider town centre. The market offer would be enhanced and diversified which would encourage footfall, linked trips and dwell-time within the centre which would benefit the economy and vibrancy of Dewsbury.
- 11.2 The physical changes would create a more attractive and welcoming environment and the proposal would also benefit the character of the Conservation Area by removing features that do not make a positive contribution and by restoring the historic buildings. New tree planting and plant beds to the periphery of the market would improve the public realm and the provision of a 'pocket park' would introduce an appealing area of open space into the town centre. This 'greening' of the market would also provide ecological benefits.
- 11.3 The proposal would not result in any significant harm to highway safety and the development can be controlled so as to ensure that the amenity of nearby residential occupiers is not unduly prejudiced.
- 11.4 The proposal would vastly improve the security of the Market, which should help to address ongoing anti-social and criminal behavior issues at the Market site.
- 11.5 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.6 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)**

1. Time limit (3 years)
2. Development in accordance with the approved plans
3. Detailed landscaping scheme - including for the pocket park, proposed tree planting and plant beds, bollards, street furniture, boundary walls, waste enclosure gates and samples of surface materials including decorative inlays
4. Details of the terracotta rainscreen cladding
5. Details of the colours of external finishes to market hall and stalls
6. Detailed drainage design
7. Development in accordance with the Arboricultural Impact Assessment
8. Detailed scheme for ecological enhancement measures (Biodiversity Enhancement Management Plan)
9. Construction Management Plan/s for residential amenity and highway safety
10. Details of the closure and amendments to existing parking bays on Foundry Street and Whitehall Way including TROs
11. Highway structures condition relating to Dewsbury Beck culvert

12. Full suite of contaminated land conditions (including Phase 1 contaminated land report and further intrusive investigations, remediation and validation as may be necessary)
13. Restriction on hours of use to those proposed within the application
14. Restriction on entertainment noise
15. Restriction on noise from fixed plant and equipment
16. Kitchen extraction/ventilation scheme
17. Pollution prevention for drainage from food premises
18. Artificial lighting scheme to address comments from KC Environmental Services and WY Police DOCO
19. Revised CCTV scheme
20. Secure cycle and motorcycle parking
21. Scheme for hostile vehicle mitigation measures
22. Scheme of measures to prevent unauthorised access to the site when the Market is closed

**Background Papers:**

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f93368>

Certificate of Ownership – Certificate A signed.