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6th March 2018

Our ref: TP/LNE/2018-019

Dear Sir/Madam,

Application for Prior Approval for extensions to platforms, Mirfield station

Please find enclosed the requisite plans and details outlining alterations to the platforms at Mirfield station. The current lengths of platforms are as follows:

Platform One, 85.4 metres; Platform Two 95.5 metres; and Platform Three is 102 metres. None are long enough to accommodate four-coach trains along the route. As part of the timetable improvements to be introduced in Winter 2018/9 Northern are seeking to increase the number of coaches on local services to two sets of class 150 diesel multiple units and to cater for this increased length of train it is necessary to lengthen the current platforms by varying degrees.

The existing island platforms is of solid masonry construction whereas platform 3 is of modular timber construction; it is proposed to extend platforms 1 and 3 (platform 2 currently has no scheduled stopping service and thus will remain unaltered). Platform One will be extended at its western end (i.e. towards Huddersfield) by 36.5 metres and platform 3 will be extended at its eastern end by 19 metres. On platform three the timber modular construction will be simply extended to the required length, with a non-slip GRP surface and continuation of the back of platform diagonal MR-style wooden timber fence. 8 metre lighting columns will provide illumination. The extension to Platform 1 is also proposed to be a simple timber trestle style construction.

Please find enclosed the following plans:

Location plan (1:2500)

Drawing ENH_131177-25067-MVN2-00-DDR-C-040511 (Revision 1): General Arrangement
 Drawing ENH_131177-25067-MVN2-00-DDR-C-040512 (Revision 1): Proposed Extension Platform One
 Drawing ENH_131177-25067-MVN2-00-DDR-C-040513 Proposed Extension Platform Three
 Extract from Enabling Act

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

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

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

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

Therefore the two tests to be applied are the siting of the structure and its design in terms of its impact on the amenity of the area. The first is axiomatic in that the station is already in situ and cannot be reasonably located elsewhere. It then turns on whether the design has any adverse impact on the amenity of the neighbourhood.

The station does not lie within any conservation area or designated landscape area. There are no immediate dwellings nearby to cause issues of residential amenity. In visual terms the views of the station will remain the same save for the extended platforms. The reason for using timber trestle construction on the masonry platforms as well as the newer platform 3 is in recognition of the temporary nature of the structures pending the outcome of the options for the Trans-Pennine upgrade, which may import more radical re-construction of the station and thus the timber trestle solution is the simplest and most versatile method of construction for platform extensions which in themselves may have a short lifespan. It is also a prudent use of public funds, as well as providing an easy to understand interpretation of the organic growth of the station with modern extensions clearly annexed to the existing masonry platforms. Continuity is given through the use of fencing and lighting to match the existing features.

It is therefore considered that the material alteration to the station through the extended platforms would not, by reason of design, be detrimental to the surrounding amenity. There are no other matters of acknowledged importance that should preclude the grant of Prior Approval.

For the purposes of Part 18a the enabling Act in this instance is the ***Manchester & Leeds Railway Act 1836***, which incorporates clauses later replicated in the Railway Clauses Consolidation Act 1845 (section 94 – XCIV). The extract is included for reference.

The prior approval process is not unknown to the Authority, being given in respect on alterations to bridge PEH/9, Hanson Lane Lockwood in 2017 (reference 2017/91187).

We therefore request the formal Prior Approval to the plans and specifications enclosed with respect to the extension of platforms at Mirfield station, in accordance with the provisions of Part 18a to Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015.

Please note no fee is prescribed in cases of Prior Approval under Part 18 of the Order.

Please let me know if you require any further information. I look forward in due course to receiving an acknowledgement that the application has been deemed valid.

Yours Sincerely,

Tony Rivero
Town Planning Manager LNE