KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning (General Permitted Development) (England) Order 2015 - Schedule 2, Part 18, Class A1

DELEGATED DECISION FOR DISCHARGE OF CONDITION A1 - NOTIFICATION OF A PROPOSED DEVELOPMENT UNDER LOCAL OR PRIVATE ACTS OR ORDER

Reference no.	**2021/CL/93051/W**
Site Address	**Fieldhouse Lane, Huddersfield, HD1 1AG**
Description	**Prior approval for alterations to railway bridge under Part 18(a), Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015**
Recommending Officer	**Louise Bearcroft**

DECISION – Details Approved

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 16-Sep-2021

Application Site

The site is bridge MVL3/8 Fieldhouse, Huddersfield. This existing overbridge carries public footpath (HUD42/10) over the railway between Huddersfield and Westtown (Dewsbury).

Proposal

The proposal relates to the proposed alteration of bridge MVL3/98 Fieldhouse. The bridge comprises a half through wrought iron superstructure on masonry abutments, originally constructed around 1850. The structure carries a public footpath (HUD42/10) over the existing Up and Down Huddersfield MVL3 lines. Either side of the footbridge, the footpath is formed from loose material on a steep slope. The southern approach to the bridge is formed from a steep concrete ramp with a gradient of approximately 1 in 4. The structure is 12.8m wide, however the footpath is constrained within a 3m corridor enclosed with a palisade cage.

The proposal is to replace the existing superstructure with a new footbridge, founded on the existing masonry abutments. The new structure will have a width of 3m. It will be formed from weathering steel with a galvanised steel canopy. Chevaux de frise will be placed at either end of the canopy to deter climbing, and palisade fencing up to a height of 3m will be installed for security.

To provide sufficient vertical clearance for the electrification below the structure, the new footbridge deck level needs to be higher, thereby affecting the tie-ins into the approach paths. On the northern approach the new footbridge ties into the existing footpath within the bridge span. On the southern approach the proposed structure includes a series of landings and steps on the existing footpath alignment to achieve the level difference. It is proposed a dog-leg ramp of steel construction will tie into the stair landings.

Background

Network Rail have submitted an Order Application under the Transport & Works Act for improvements to the railway between Huddersfield and Westtown (Dewsbury). This proposes four tracking and full electrification of the line. In anticipation of the grant of the Order and to meet the deadline of the introduction of services to the Government's timetable, Network Rail propose to carry out a series of advance works on a number of structures, to permit speedy implementation of the wider proposals should the Secretary of State grant consent for the Order.

In the Hillhouses/Red Doles/Deighton area it is necessary to slew the existing two
track formation to the south, to allow blockades of Huddersfield Station to proceed. It is proposed that work at Fieldhouse will aid this through the re-

stabilisation of the bridge abutments. The metallic deck is life expired and requires replacement, and furthermore the bridge needs to be re-built to the correct height for electrification purposes.

Procedural Matters

The applicant has submitted prior notification of the works under Part 18 (A) of Schedule 2 of the Town and Country (General Permitted Development Order) (England) 2015 (GPDO).

Part 18 of the GDPO (Miscellaneous development) states: -

Permitted development

A. Development authorised by—

(a)a local or private Act of Parliament,

(b)an order approved by both Houses of Parliament, or

(c)an order under section 14 or 16 of the Harbours Act 1964 (orders for securing harbour efficiency etc, and orders conferring powers for improvement, construction etc of harbours)(1),

which designates specifically the nature of the development authorised and the land upon which it may be carried out.

Conditions

A.1 *Development is not permitted by Class A if it consists of or includes—*

(a)the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam; or

(b)the formation, laying out or alteration of a means of access to any highway used by vehicular traffic,

unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained.

A.2 *The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that—*

(a)the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or

(b)the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

Such development is permitted subject to it benefiting from a local or private act or order and prior approval being granted by the appropriate authority. In this case the enabling Act in the Huddersfield & Manchester Railway & Canal Act 1845, which incorporates clause 16 of the 1845 Railway Clauses

Consolidation Act. The original Act specifying this stretch of railway sates 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.

In light of this, it is therefore considered that the proposed works would benefit from permitted development rights under the aforementioned part of the GPDO.

Assessment

Part 18 A.2 of the aforementioned Order states:

"The prior approval referred to in paragraph A.1 is not be refused by the appropriate authority nor are condition to be imposed unless they are satisfied that–

(a) the development (other than the provision of works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or
(b) the design or external appearance of any building, bridge, aqueduct pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

In respect of part (a) the railway bridge is already in situ and cannot therefore be reasonably located elsewhere.

In respect of part (b) and the amenity of the neighbourhood, the structure is of a standard design which is not listed, nor located within a conservation area, nor within an area of special landscape interest. It is however, considered to be of Local Interest, and has been considered as part of the 2017 Trans-Pennine line-wide review of significance.

The structure is understood to have replaced an earlier, narrower bridge built in the mid-C19th as the line was widened. It comprises a half-through wrought iron superstructure dating from 1881, supported on remnant masonry abutments constructed as part of the mid-C19th bridge. The structure carries public footpath (HUD42/10) over the line, connecting Sheepridge/Riddings across the canal, via a grade-II listed lock complex towards Kirklees College. The bridge lies within a wooded greenway corridor, remote from residential development and is only experienced by users of the cycleway and footpath. The width of the bridge (12.8m) appears to have anticipated potential upgrading of the Public Right of Way to a vehicular route which was not implemented. The line was widened and the steel bridge erected by the London & North Western Railway between 1881-84 which also resulted in substantial rebuilding of the abutments and wing walls.

The Network Rail significance assessment concludes the bridge is of *"late date and standard design and therefore possesses only minimal interest"*.

Therefore, in the context of the significance of the structures along the line, it is considered to be of low heritage value. It is further compromised by the crude palisade-cage structure.

The proposal is to replace the superstructure with a new footbridge of 3m width, founded on retained masonry abutments. To provide vertical clearance for Overhead Line Equipment the footbridge deck level will be raised, impacting on the tie-ins to the approach paths. This necessitates adjustments to create a series of landings and steps on the existing footpath alignment to facilitate access. A dog-leg ramp of steel construction will tie into the stair landings to facilitate access over the structure. The footbridge would be formed from weathering steel with a galvanised steel canopy to create an enclosed steel corridor.

The development also aims to improve accessibility. The bridge is accessed by a footpath formed from loose material on a steep slope along Old Fieldhouse Lane. The southern approach is formed from a steep concrete ramp with a gradient of approximately 1 in 4 with the footpath enclosed within a palisade cage. The entrances to the new bridge canopy/corridor will be defined at both ends by a barrier of spikes/blades (chevaux-de-frise) to deter climbing onto the roof. Palisade fencing up to a height of 3m will be installed for safety and security on the flanks.

Conservation and Design consider the bridge structure will have a more coherent visual appearance, but it is disappointingly designed for functionality and is dominated by features to deter inappropriate access. The design would be a marginal improvement to the existing structure and whilst the use of weathered steel is consistent with other planned structures on the line the bridge will not be read as an architectural enhancement.

The works would result in the loss of a late-C19th compromised bridge with a transformative impact on the remnant fabric. However, this is a component of the historic line which retains minimal heritage value, as an expression of the character, architectural and historic interest of the line. There will be no indirect impact on the experience or appreciation of the nearby grade-II listed canal bridge located along Fieldhouse Lane, or nearby heritage assets. The works are considered to be disappointingly functional and offer no aesthetic enhancement of the public footpaths, but they present no significant harm to the cumulative heritage significance of the Trans-Pennine railway line, or heritage assets. Consequently, the proposal meets the legislative requirements and nation and local heritage Planning policy. There is no objection, subject to the application of suitably worded condition to undertake a Level-2 Record.

In respect of other matters, Kirklees Highway Structures note that there are no highway structures issues. They have previously made comments on the fabric of the ramp in workshop meetings, suggesting that a concrete ramp would better withstand any surface water drainage. At the time of their response Network Rail are considering this. It is therefore considered appropriate to include a condition to secure details of the proposed materials,

to tie in with the suggested planning condition on materials in the corresponding TWA.

The existing overbridge carries a public footpath (HUD42/10) over the railway. The Public Rights of Way Team raise no objection to the design of the proposed bridge, discussions haven already taken place on this. They have however raised concerns regarding whether a temporary PROW closure is required and what vehicles /machinery are to be brought along the footpath that may result in damage. They have also raised concern that the cycle route (Bradley Greenway) will remain open whilst the work is taking place. In response to this, the granting of prior approval under Part 18 of the GPDO would not grant consent to undertake these works without other necessary consents being sought and in place (eg, temporary closure of public right of way).

The nearest neighbouring residential properties are located off Scott Vale to the north, at a distance of approximately 250 metres and it is not considered the proposal would not injure residential amenity.

The red line boundary is located within the bat alert layer and the northern and southern part of the site is partly within the Wildlife Habitat Network Combined. Ecological impacts however, are not a matter for consideration as part of this notification and the wider ecological impacts for the Transpennine Route Upgrade would be considered as part of the proposed Transport and Works Act Order.

4. Recommendation

Grant prior approval for the works

Report Dated: 15 September 2021

Decision Notice Text

The Council considers that the works detailed in the above application are permitted development under Part 18(A) of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and that Prior approval for the development is hereby granted subject to the following conditions:

1. No works including any works of demolition shall commence until the existing structure has been subject to historic recording in accordance with Level 2 of Historic England's A Guide to Good Recording Practice. The details required shall include:

- A drawn record including sketch and measured drawings
- A photographic record of the elevations and all details.
- A written record.

Thereafter the record shall be submitted to and approved in writing by the Local Planning Authority before works commence.
Reason: To produce an analysis of the development and use of the structure and to accord with Policy LP35 of the Kirklees Local Plan, chapter 16 of the National Planning Policy Framework and Historic England's A Guide to Good Recording Practice.

2. No works including any works of demolition shall commence until specifications of all construction and surfacing materials and a methodology for construction has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained thereafter.
Reason: In the interests of visual amenity and the interests of users of the public right of way and the conservation of the Historic Environment and to accord with Policies LP20, LP24 and LP35 of the Kirklees Local Plan.