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Planning and Development Service
Kirklees Council
PO Box 1720
Huddersfield

Our Ref: TP/LNE/2024-009

19th February 2024

Dear Sir/Madam,

Application for Prior Approval for a new footbridge and lift shafts, and alterations to the station building at Batley Station.

Please find enclosed details to support a Prior Approval application under the provisions of Part 18 Class A (A.2) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO). This Prior Approval application is for a new footbridge and lift shafts at Batley Station (the Site) to replace the station subway (which is to be infilled) and minor alterations to the eastern elevation of station building (the proposed works). The proposed works are being undertaken as part of the Trans-Pennine Route Upgrade (TRU) Programme.

The following plans and supporting material have been submitted with this application:

Location Plan (scale 1:1250)

Drawing no. 151667-TSA-41-MDLI-DRG-T-LP-180004 Rev. P01: Existing and Proposed Elevations

Drawing no. 151667-TSA-41-MDLI-DRG-T-LP-180002 Rev. P01: Block Plan

Drawing no. 151667-TSA-41-MDLI-DRG-T-LP-180003 Rev. P01: Existing and Proposed General Arrangement Plans

Drawing no. Drawing no. 151667-TSA-41-MDLI-DRG-T-LP-180003 Rev. P01: Proposed Sections

Extract from 1845 Act

Short Format Heritage Statement

Summary of Pre-Application advice

The Council has provided pre-application advice on the proposed works (ref. 2022/20928). This included a meeting on 10/08/2022, written advice which was sent on 20/12/2022, and further advice provided via email on 28/02/2023 (the latter in response to design optioneering to respond to the Council's comments on the design of the proposed lift

shafts, see below). Since then, a design review has been undertaken but this did not result in any changes to the proposed works which were previously discussed.

A short format Heritage Statement has been submitted with this application to assess the impact of the proposed works upon the historic character of the area. This statement also addressed the request from the Council, as part of the pre-application advice, to provide an assessment of the need for archaeological recording of the station subway which is to be infilled.

Background

The TRU Programme is a rail enhancement programme established to increase capacity and improve reliability/journey times between Manchester Victoria and York, via Huddersfield and Leeds. The West of Leeds element of the TRU programme is split into various geographical zones with Project W4 (of which this Prior Approval application will be part) running from Dewsbury Station up to, but not including, Leeds Station.

An Environmental Impact Assessment (EIA) Screening Opinion was provided by Kirklees Council on 20th January 2021 (ref. 2020/20536), which concluded that an EIA is not required for the W4 works within the Kirklees Council Local Planning Authority area. This confirms that Network Rail is able to utilise its permitted development rights (PDRs) under Part 8 of the GPDO for the works across W4, as well as Part 18 PDRs which do not require EIA Screening to confirm whether they can be used.

The Application Site

Batley Station is located on the south-eastern side of Batley, which lies approximately 8 miles to the south-west of Leeds. The entirety of the Site is owned by Network Rail and lies within the Limits of Deviation pertinent to this request for Prior Approval.

Batley Station includes two platforms with a connecting stepped access subway, a station building on Platform 1 and standard station facilities. The station building is single storey and constructed in natural stone with detailing including stone cornices, and stone surrounds to all openings. There is currently no lift or level access to Platform 2, which is accessible only via the stepped access subway. The subway is accessed from inside the station building. There is also a community garden and a memorial to Jo Cox MP on Platform 1. Vehicular access to the station is taken from the west side of the station from Station Road/Back Station Road where the station car park is located.

The station building and Platform 1 lie within the Batley Station Road Conservation Area, while Platform 2 abuts the Conservation Area boundary. There is a cluster of Grade II Listed buildings along Station Road to the west of Batley Station, including three within 100 metres of the station. The Grade II Listed Batley Viaduct lies approximately 150 metres to the south of the station. A short format Heritage Statement has been submitted with this application, which provides further analysis of the historic character of the area and the impact of the proposed works.

The surrounding area is generally characterised by industrial and commercial uses. No tree or vegetation removal or works to Public Rights of Way are required for the proposed works.

The only works at Batley Station which require Prior Approval are those to construct the new footbridge and lift shafts and potentially the alterations proposed to the station building, as the rest class as PD under Part 18 Class A of the GPDO. The proposed works to the station building do not materially alter its external appearance and thus benefit from PDRs under Part 8 Class A of the GPDO; however, they are included in this Prior Approval application for the avoidance of doubt.

The Proposed Works

The proposed works consist of a footbridge with lift shafts on either side to provide inclusive step-free access between platforms 1 and 2 in line with Network Rail's Access for All policy, as well as minor alterations to the station building. The new footbridge and lift shafts will replace an existing stepped access station subway which is to be infilled.

The proposed footbridge and its supporting columns will be made from steel and coloured black. The lift shafts will be steel structures to be clad in natural stone (see Proposed Elevations plans ref. 151667-TSA-41-MDLI-DRG-T-LP-180004) to reflect the external materials of the existing station building, the Listed buildings on Station Road and the character and close proximity of the wider Conservation Area. The footbridge will be at a height of 7 metres and the lift shafts will be 13 metres high.

The former BR "double arrow" logos will be included at the tops of the lift shafts (see Proposed Elevations plans ref. 151667-TSA-41-MDLI-DRG-T-LP-180004). The logos, which face away from the track, will be back lit using LED strip lighting mounted on the shaft walls behind them, following their profiles. The back lighting will be directed to the back of the signage and reflected back to create a silhouette lighting effect and limit the amount of light that projects from the logos. It should be noted that Advertisement Consent is not required for this signage, further to the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Schedule 1, Class A.

Minor external alterations are proposed to the eastern elevation of the station building. An existing window is proposed to be opened up to form a new doorway and an existing doorway is to be widened onto Platform 1 (see Proposed Elevations plans ref. 151667-TSA-41-MDLI-DRG-T-LP-180004). Some internal works are also required within the station building to cover over the existing entrance to the subway; however these works are "permitted" under Part 8 Class A of the GPDO and thus do not form part of this Prior Approval application. The proposed works will result in the loss of the existing community garden on platform 1, but this garden is not a designated public space, and locating the lift shaft here avoids impacts elsewhere in the station (see below).

The Need for the Proposed Works

As part of the wider TRU programme, the proposed works are required to upgrade Batley Station so that it complies with Network Rail's Access for All policy. This requires step-free access to all platforms. In the case of Batley Station, access ramps to serve the proposed footbridge would not be possible given the existing width of the station platforms. An extension to the width of the platforms (east and west) is not a feasible option due to third party land implications. The preferred option to deliver Access for All requirements, whilst minimising visual and social impacts, is therefore to construct lift shafts on either side of the proposed footbridge.

The height requirements for the footbridge and lift shafts are interrelated in order to provide step-free access and meet OLE clearance requirements. The height of the footbridge is dictated by the minimum OLE clearance height requirement to the footbridge span from track level, to enable the electrification of the railway line at this location. The lift shaft height is also dictated by the lifting mechanism that needs to be accommodated above the lift itself, in line with modern lift requirements.

The proposed location for the footbridge and lift shafts is limited by the constraints of the Site. As can be seen on the General Arrangement plans (ref. I51667-TSA-41-MDLI-DRG-T-LP-I80003), there is insufficient space on Platform 1 to accommodate the lift shaft and staircase to serve the footbridge alongside the station building's eastern elevation. Locating the footbridge to the north of the station building would require third-party land take, would likely impact the industrial building on the north-western side of the station, and would not allow for sufficient circulation space for pedestrians and maintenance. To site the footbridge and lift shafts to the north of the station building would also require the removal of the Jo Cox MP memorial on Platform 1. The proposed siting of the footbridge and lift shafts does entail the loss of the existing community garden on Platform 1, but this is considered to be the most feasible option for meeting Access for All requirements whilst generating the least adverse social and visual impacts. As acknowledged by the Council's pre-application advice, the significant public benefits that the proposed development would deliver would outweigh this loss.

Permitted Development Rights

Planning consent for the proposed works has already been given by virtue of Part 18A to Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended), 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". The Prior Approval is however "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.

Assessment Against Prior Approval Parameters

Further to the permitted development rights described above, the two tests to be applied are the siting of the works and their design in terms of their impact on the amenity of the area. The proposed works relate to an existing railway station, and the need for the proposed works and their siting is described above.

As such it then turns to whether the works would injure the amenity of the neighbourhood whilst being reasonably capable of modification to avoid such injury. The design requirements for the proposed works are described above under the ‘Need for the Proposed Works’.

Batley Station sits within a varied townscape context as indicated at Appendix A. To the east of the Site are modern commercial units, older industrial buildings are situated to the west (within the Conservation Area), and a mixture of old and new commercial units are located to the south along with the Grade II Listed Batley Viaduct. Consideration of the visual impacts from the proposed works should therefore acknowledge the varied townscape context in which they will sit, as well as the fact that they will be located alongside existing railway infrastructure in the railway corridor.

The west side of Batley Station is located within the Batley Station Road Conservation Area. The proposed footbridge and lift shafts will therefore be partially located within the Conservation Area and will be viewed, as a whole, as part of that context.

The Batley Station Road Conservation Area Appraisal attaches importance to the relatively uniform height of the Grade II Listed former warehouse buildings on Station Road, and the proposed lift shafts will broadly follow this height, as viewed from outside of the town centre (as illustrated at Appendix A). In response to the pre-application advice from the Council, the lift shafts will be clad in natural stone to reflect the stone from which the station building, and nearby listed structures, have been constructed. The proposed lift shafts are relatively narrow, with a width and depth of approx. 3.3 metres, which will limit their visual impact and the obstruction of views to heritage assets.

Flat roofs and cornices have also been added to the design of the lift shafts, to correspond to design features from the station building (see Appendix B). This was confirmed as the Council’s preferred design solution following the submission of various options for the alteration of the design of the lift shafts as part of the Council’s pre-application advice.

The proposed alterations to the station building also formed part of the pre-application advice. It was considered by the Council that the new and widened doorways on the east elevation were acceptable and that the existing architectural features of the building should be retained as far as possible. The removal of the existing canopy on the principal elevation

was also supported with the reveal of these retained features in mind. As shown on the Proposed Elevations plans (ref. 151667-TSA-41-MDLI-DRG-T-LP-180004) the architectural features around the window to be changed to a doorway will be retained.

The footbridge, staircase and supporting pillars are to be coloured black in order to minimise their visual impact, and this approach was considered to be acceptable during pre-application discussions, as reflected by the Council's written pre-application advice. The parapets of the proposed footbridge will be circa 1.9 metres in height in order to reduce risk of direct contact with exposed live parts of the OLE to be installed as part of the electrification of the railway line, which is a key feature of the wider TRU Programme. This parapet height is in accordance with British Standard BS EN 50122 Railway applications – fixed installations, Part 1: Protective provision relating to electrical safety and earthing.

As described above, backlighting is proposed for the NR logos at the top of the lift shafts. This backlighting will be designed to highlight the NR logos themselves but limit their outward light projection. The purpose of the logos is to create a sense of identity along the Trans-Pennine Rail route and enhance wayfinding to stations along the route.

We are therefore satisfied that the siting and design of the proposed works is necessary to meet Access for All requirements at Batley Station, whilst minimising social and visual impacts. For the reasons stated above and in the Heritage Statement submitted with this application, it is considered that the proposed works would not injure the amenity of the neighbourhood with specific reference to the special architectural and historical interest of the nearby listed structures or the Station Road Conservation Area. We are also satisfied that the siting and design of the proposed footbridge and lift shafts is not reasonably capable of modification to reduce their visual impact, in accordance with the permitted development right parameters described above.

Further to the above, it is considered that the proposed works provide a proportionate solution to deliver an inclusive station that is accessible to all, while avoiding harm to the character of the area, including that of the relevant heritage assets, and minimising social impacts.

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 **Leeds Dewsby and Manchester Railway Act 1845**, incorporating the Railway Clauses Consolidation Act 1845. The extant powers apply within the limits of deviation of the Act.

We therefore request the formal Prior Approval to the plans and specifications enclosed with respect to the proposed works to Batley Station, in accordance with the provisions of Part 18a to Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended).

The use of Part 18 is known to the Authority, for example being granted for application reference 2021/2493 at Bridge MVL3/96, Red Doles Lane, Huddersfield, which was approved on 21st July 2021.

Please note that 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.

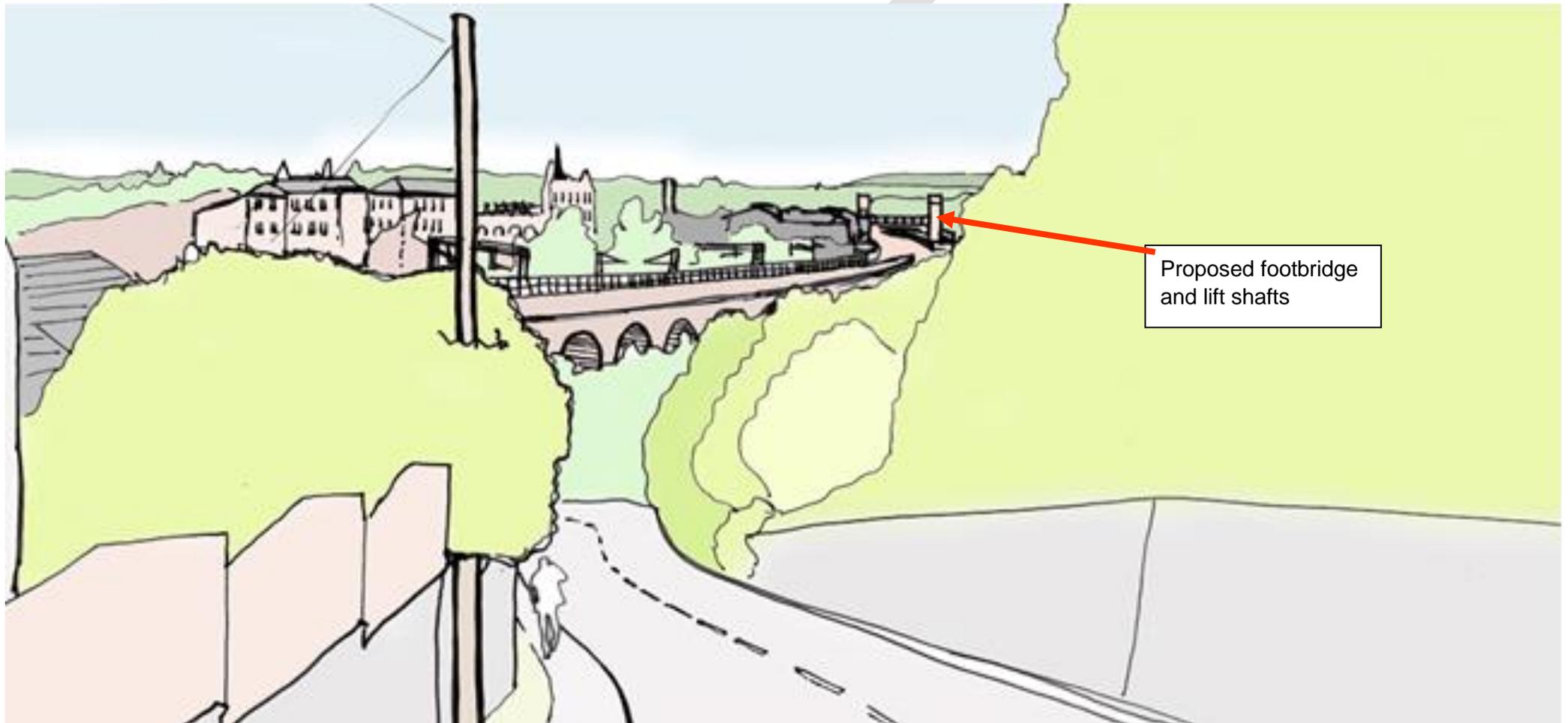
A copy of the requisite site notice for prior notification will be posted once the application has been validated with an appropriate application number.

Yours Faithfully

Tony Rivero
Town Planning Manager Eastern (LNE & EM)

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Appendix A: Batley Station Lift Shafts & Footbridge Townscape Visual (view from Mill Lane, Batley)



Appendix B: Visual from the station car park, showing the relationship with the station building.

