

# **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.** 2026/CL/90302/W

|                     |                                                       |
|---------------------|-------------------------------------------------------|
| <b>Site Address</b> | adj, Bank Lees, Slaithwaite,<br>Huddersfield, HD7 4HB |
|---------------------|-------------------------------------------------------|

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| <b>Description</b> | Prior approval for alterations to<br>bridge MVL3/65, Lees Mill Lane,<br>west of Slaithwaite |
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| <b>Recommending Officer</b> | Liz Chippendale |
|-----------------------------|-----------------|

#### **DECISION – Prior Notification – Approve**

**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: 07-Aug-2026**

**Application:** 2026/90302

**Site:** Adj, Bank Lees, Slaithwaite, Huddersfield, HD7 4HB

**Proposal:** Prior approval for alterations to bridge Bridge MVL3/65, Lees Mill Lane, west of Slaithwaite

### **Application Site**

Bridge MVL3/65 is an underbridge at the north of Lees Mill Lane to the east of Slaithwaite. The bridge comprises of two side-by-side decks supported by masonry abutments and carried the railway over. A PROW (COL/85/30) runs under the bridge.

The bridge is not located within a Conservation Area.

### **Proposal**

The proposed works are the replacement of the wrought iron deck to the north with a prestressed concrete beam deck, and the replacement of the existing stone copers and pilasters with pre-cast concrete units and GRP handrails.

The proposed works are required for the installation of a third track across the bridge.

### **Consultee response**

KC Conservation and Design provided the following response on 20/03/2026:

*No objection to the proposed works subject to conditions:*

- *The pre-cast concrete L-units shall be finished with natural stone cladding design pattern to match the natural coursed stones below. The concrete shall match the existing natural stones by colour, texture and coursing.*
- *The GRP handrail shall be finished in a black or green colour*

The applicant was unable to agree to the use of natural stone at this stage and requested a meeting to discuss. The meeting was held between the applicant, Conservation and Design Officer and Planning case officer. At the meeting it was advised that the use of an alternative material to natural stone could be acceptable, however, details of the material, colour and patterning would need to be agreed. The applicant agreed to provide options.

Following the meeting the applicant provided the following:

*In relation to the question of cladding for some of the bridges, we have considered different design options but, given that we are not at the detailed design stage and the different context of each bridge, we are currently unable to provide the clarity being sought for the external finish for each concrete parapet. Therefore, our preference is that a condition be attached to each prior approval application (that involves a concrete parapet) requiring a sample of*

*the finish be provided for LPA approval. This would allow a more thorough investigation of different finishes at the detailed design stage.*

Conservation and Design officers agreed that the use of condition to secure details is acceptable. Therefore, the conditions would be as follows:

- The submission of material finish/detail to be agreed by the LPA.

## **Background**

Network Rail are due to submit an Order Application under the Transport & Works Act for improvements to the railway between Standedge Tunnel (Mardsen) to Gledholt Tunnel (Paddock). This proposes three 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.

## **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 GPDO (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.*

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 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.

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. However, this is subject to the following conditions:

### **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.*

In light of the above, a prior approval assessment is required.

### **Assessment**

In respect of part A.1(a) the railway bridge is already in situ, with the addition of a third track proposed in this location is necessary to complete works on the TransPennine Route Upgrade and cannot therefore be reasonably be located elsewhere.

In respect of part A.1(b), due to the isolated location of the bridge and the previous restoration works, removing the original stone, resulting in a more modern architectural appearance, the proposed works would no impact on the amenity of the surrounding area. The proposed works would retain, where possible, the original features of the bridge.

As such, there is no objection to the proposed works, subject to the application of suitably worded conditions for the submission of material and finish details.

The nearest neighbouring residential properties are located on Bank Bottom to the south, at a minimum distance of approximately a minimum of 30 metres. By virtue of this separation distance and the nature of the works, it is not considered that the proposal would impact on residential amenity.

In respect of other matters, it is proposed the soffit height and minimum clearance of the existing bridge would be reduced on the new structure over the public highway

(from 4.215m Min 5.15m Max to a minimum height of 4.025m). As Highway Safety is not a material planning consideration under this application, a note is added to alert the applicant to contact The Local Highways Authority to ensure that all Highways legislation and guidance relating to the reduction in height of the structure is met prior to the commencement of the works.

The red line boundary is located within the bat alert layer. Ecological impacts are not a specific matter for consideration as part of this notification, although the council / LPA does hold a general Biodiversity Duty (per the Environment Act 2021). In this case, given the nature of the works (extending the parapet height), there is considered limited feasible harm to local biodiversity. Furthermore, the wider ecological impacts for the Transpennine Route Upgrade would be considered as part of the proposed Transport and Works Act Order.

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 (e.g., temporary closure of public right of way).

**Recommendation:** Grant Approval

**Report Dated:** 06.08.2026

### **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. Notwithstanding the submitted plans, a sample of the parapet finish[es] shall be submitted to and approved by the Local Planning Authority, prior to their installation. The external treatment of the parapet finish[es] shall reflect the retained stonework of the bridge in terms of colour, texture, finish and coursing. Thereafter the development shall be implemented in accordance with the approved details.

**Reason:** In the interests of visual amenity and the conservation of the Historic Environment and to accord with Policies LP24 and LP35 of the Kirklees Local Plan.

2. The GRP handrail, as shown on plans ref. 167037-TGP-54-MVL3-DRG-T-LP-165600 rev. P02 and 167037-TGP-54-MVL3-DRG-T-LP-167601 rev. P02, shall be finished in a black or green powder coating

**Reason:** In the interests of visual amenity and the conservation of the Historic Environment and to accord with Policies LP24 and LP35 of the Kirklees Local Plan.

### **NOTE: Works adjacent to the highway**

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required.

You are advised to liaise with the Local Highway Authority at the earliest opportunity in the development process to agree replacement highway warning signs to reflect the revised height restriction and to agree the methodology for delivery of updated signs. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay implementation of the development.

Interference with the highway without the required permission(s) is an offence that could lead to prosecution.

| <b>Plan Type</b>                             | <b>Reference</b>                   | <b>Version</b> | <b>Date received</b> |
|----------------------------------------------|------------------------------------|----------------|----------------------|
| Existing and proposed elevations and section | 167037-TGP-56-MVL3-DRG-T-LP-166501 | P02            | 03/02/2026           |
| Existing and proposed general arrangement    | 167037-TGP-56-MVL3-DRG-T-LP-166500 | P02            | 03/02/2026           |
| Network Rail cover letter dated 02/02/2026   | TP/LNE/2026-018<br>167037          | -              | 03/02/2026           |