

# **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/90304/W

|                     |                                               |
|---------------------|-----------------------------------------------|
| <b>Site Address</b> | Bankhouse Road, Milnsbridge,<br>Huddersfield. |
|---------------------|-----------------------------------------------|

|                    |                                                                                                                                     |
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| <b>Description</b> | Prior approval for alterations to<br>bridge Bridge MVL3/77, Bankhouse<br>Road, north of Milnsbridge (within a<br>Conservation Area) |
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| <b>Recommending Officer</b> | Liz Chippendale |
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#### **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: 03-Jul-2026**

**Application:** 2026/90304

**Site:** Bankhouse Road, Milnsbridge, Huddersfield.

**Proposal:** Prior approval for alterations to bridge Bridge MVL3/77, Bankhouse Road, north of Milnsbridge (within a Conservation Area)

### **Application Site**

Bridge MVL3/77 comprises of two decks. The southern deck carries both rail tracks and is constructed from prestressed concrete flanked by brick wingwalls. The northern deck carries a redundant wrought iron tough girder/deck plates and is flanked by stone wing walls.

The northern boundary of the bridge lies within on the Milnsbridge Conservation Area.

### **Proposal**

The proposed works comprise the replacement of the northern deck and the partial replacement of the southern deck (but not impact the southern facing façade).

The proposed works are required to accommodate the introduction of a third track across the bridge. The works comprise the replacement of the northern deck with deep prestressed concrete deck beams, and the replacement of the wrought iron parapet, stone copers and pilasters with pre-cast concrete units and GRP handrails.

There are no proposed alterations to the highway.

### **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 a 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 requested the use of 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
- The GRP handrail shall be finished in a black or green colour.

## **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.*

### **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 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.

## **Assessment**

Part 18 A.2 of the aforementioned Order states:

*“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 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, 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 (b) and the amenity of the neighbourhood, the bridge is located within a relatively isolated position although the whole bridge lies within the Milnsbridge Conservation Area. The bridge is one of the northern entrance points into the Milnsbridge Conservation Area from Lowergate through the retaining walls of the railway embankment that form part of the northern boundary of the conservation area.

In the late 20<sup>th</sup> century, the bridge underwent major alterations resulting in a more modern architectural appearance to the southern façade with much of the upper structure replaced with concrete beams.

The proposed works to the bridge would maintain or re/use original features such as the stone wingwalls. The existing wrought iron parapet to the north will be replaced by pre-cast concrete L units which is on the boundary of the Conservation Area. The proposed works would have a small impact on the character and appearance of the Milnsbridge conservation area through the replacement of the ironwork deck and parapet structure, and a negligible impact to the visual amenity of the surrounding area.

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

The nearest neighbouring residential properties are located on Meg Lane to the north at a distance of approximately a minimum of 26 metres it is not considered that the proposal would impact on residential amenity due to the significant separation distance.

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 (altering a low level bridge), 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:** 26.06.2026

### **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.

**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 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.

| Plan Type                                    | Reference                          | Version | Date received |
|----------------------------------------------|------------------------------------|---------|---------------|
| Existing and proposed elevations and section | 167037-TGP-56-MVL3-DRG-T-LP-167701 | P02     | 03/02/2026    |
| Existing and proposed general arrangement    | 167037-TGP-56-MVL3-DRG-T-LP-167700 | P02     | 03/02/2026    |
| Network Rail cover letter dated 02/02/2026   | TP/LNE/2026-018 167037             | -       | 03/02/2026    |