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Service Director – Legal, Governance and Commissioning
Julie Muscroft

The Democracy Service
Civic Centre 3
High Street
Huddersfield
HD1 2TG

Tel: 01484 221000
Please ask for: Richard Dunne
Email: richard.dunne@kirklees.gov.uk
Tuesday 4 May 2021

Notice of Meeting

Dear Member

Informal meeting of the Strategic Planning Committee

The **Strategic Planning Committee** will hold an informal virtual meeting online at **1.00 pm** on **Wednesday 12 May 2021.**

The Strategic Planning Committee will be meeting informally to discuss a number of listed building consents that are included in a Transport and Works Act Order that has been submitted by Network Rail to the Secretary of State for Transport. The Committee will not be making any formal decisions but will be providing views and comments on the schemes which will be included in the wider response that will be submitted by the Local Planning Authority as the statutory consultee to the Secretary of State

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

Julie Muscroft
Service Director – Legal, Governance and Commissioning

The Strategic Planning Committee members are:-

Member

Councillor Steve Hall (Chair)
Councillor Donna Bellamy
Councillor Nigel Patrick
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Mohan Sokhal

When a Strategic Planning Committee member cannot be at the meeting another member can attend in their place from the list below:-

Substitutes Panel

Conservative	**Green**	**Independent**	**Labour**	**Liberal Democrat**
B Armer	K Allison	C Greaves	M Akhtar	J Lawson
V Lees-Hamilton	S Lee-Richards	T Lyons	M Kaushik	A Marchington
R Smith			W Simpson	A Munro
J Taylor			H Uppal	
M Thompson				

Informal Agenda
Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

To receive any apologies for absence, or details of substitutions to Committee membership.

2: Declaration of Interests and Lobbying

1 - 2

Committee Members will advise (i) if there are any items on the Agenda upon which they have been lobbied and/or (ii) if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

3: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether the Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

4: Planning Application - Application No: 2021/91328

3 - 24

Listed Building Consent for demolition of roofs B and C; demolition of two bays of roof A at the Manchester end; new section of canopy on the Penistone platform; installation of two new bays on roof A at the Leeds end: re-instatement of lantern to whole of roof A; platform alterations and extensions; new island platform; extension of existing passenger subway; in-filling of disused parcel subway; demolition of signal box, relay room and cable gantry between platforms 1 and 4; re-location of tea rooms: provision of new eastern footbridge and lifts/stairs and canopies; provision of overhead electric line equipment (within a Conservation Area) Huddersfield Railway Station, St George's Square, Huddersfield.

Contact Officer: Louise Bearcroft, Planning Services

Ward(s) affected: Newsome

5: Planning Application - Application No: 2021/91329

25 - 40

Listed Building Consent for re-construction of span 1 (MVL3/92(1) John William Street; strengthening works to abutment of span 4 (Fitzwilliam Street); re-construction of part of span 29 (Bradford Road); provision of parapet handrails, pattress plates and installation of overhead electric line equipment and a signal gantry (part within a Conservation Area) viaduct between, John William Street and Alder Street, Huddersfield.

Contact Officer: Louise Bearcroft, Planning Services.

Ward(s) affected: Newsome and Dalton.

6: Planning Application - Application No: 2021/91337

41 - 54

Listed Building Consent for demolition and replacement of Wheatley's Colliery bridge (MVL3/103) Wheatley's Colliery Bridge MVL3/103, adj, Ashley Industrial Estate, Leeds Road, Bradley, Huddersfield.

Contact Officer: Louise Bearcroft, Planning Services

Ward(s) affected: Ashbrow

7: Planning Application - Application No: 2021/91330

55 - 70

Listed Building Consent for demolition and replacement of Colne Bridge Road Bridge (MVL3/107) Railway Bridge MVL3/107, Colne Bridge Road, Bradley, Huddersfield.

Contact Officer: Louise Bearcroft

Ward(s) affected: Ashbrow

8: Planning Application - Application No: 2021/91333

71 - 82

Listed Building Consent for erection of overhead line structures on MVN2/192 viaduct viaduct at, Newgate, Mirfield.

Contact officer: Louise Bearcroft, Planning Services

Ward(s) affected: Mirfield

9: Planning Application - Application No: 2021/91344

83 - 96

Listed Building Consent for erection of overhead line structures and handrail on MVN2/196 Wheatley's Viaduct, Mirfield viaduct at, Steneard Lane, Mirfield.

Contact officer: Louise Bearcroft, Planning Services

Ward(s) affected: Mirfield

10: Planning Application - Application No: 2021/91334

97 - 112

Listed Building Consent for infill and embankment widening of bridge MDL1/10 Occupation (Thornhill Road) Occupation Bridge, adj, Thornhill Road, Westtown, Dewsbury.

Contact officer: Louise Bearcroft, Planning Services

Ward(s) affected: Dewsbury West

11: Planning Application - Application No: 2021/91335

113 - 124

Listed Building Consent for total infill and deck re-construction of bridge MDL1/12 Toad Holes, Westtown Railway Bridge, Off Watergate Road, Westtown, Dewsbury.

Contact officer: Louise Bearcroft, Planning Services

Ward(s) affected: Dewsbury West

12: Planning Application - Application No: 2021/91336

125 - 136

Listed Building Consent for total infill and deck re-construction of bridge MDL1/14 Ming Hill, Westtown railway bridge, off Huddersfield Road, Westtown, Dewsbury.

Contact officer: Louise Bearcroft, Planning Services

Ward(s) affected: Dewsbury West

Planning Update

If required, an update report on applications under consideration will be added to the web agenda prior to the meeting.

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KIRKLEES COUNCIL

DECLARATION OF INTERESTS AND LOBBYING

Strategic Planning Committee

Name of Councillor

Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: …… **Dated: ……**

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declared that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

Kirklees COUNCIL

Originator: Louise Bearcroft

Tel: 01484 221000

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 12-May-2021

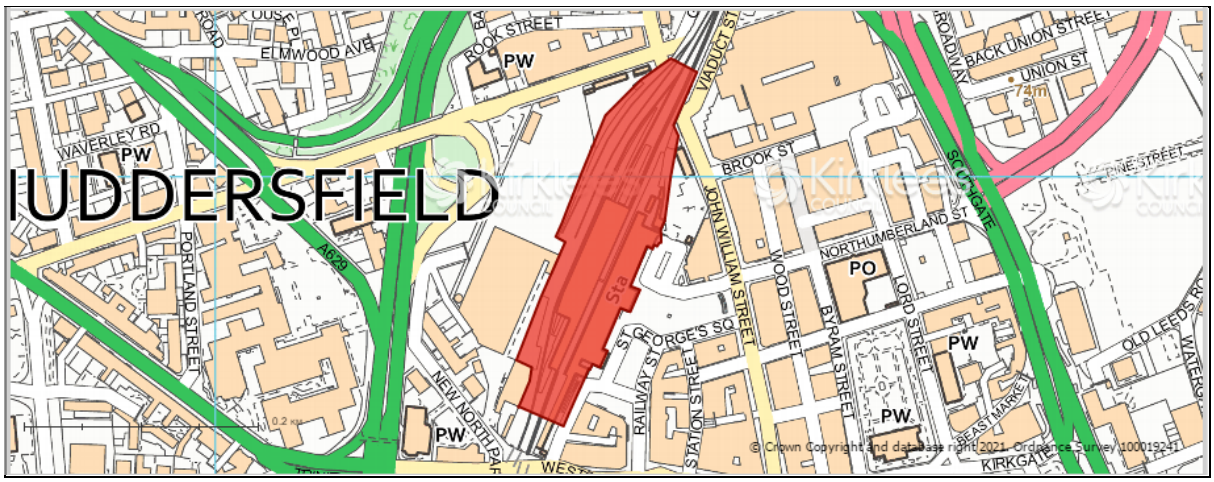
Subject: Planning Application 2021/91328 Listed Building Consent for demolition of roofs B and C; demolition of two bays of roof A at the Manchester end; new section of canopy on the Penistone platform; installation of two new bays on roof A at the Leeds end: re-instatement of lantern to whole of roof A; platform alterations and extensions; new island platform; extension of existing passenger subway; in-filling of disused parcel subway; demolition of signal box, relay room and cable gantry between platforms 1 and 4; re-location of tea rooms: provision of new eastern footbridge and lifts/stairs and canopies; provision of overhead electric line equipment (within a Conservation Area) Huddersfield Railway Station, St George's Square, Huddersfield, HD1 1JB

APPLICANT
Rob McIntosh, Network Rail (Infrastructure) Ltd.

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
31-Mar-2021	26-May-2021	

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.
http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Newsome

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

Members to note the contents of this report for information.

1.0 INTRODUCTION:

1.1 This is an application for Listed building Consent for works to the grade I listed Huddersfield Station, submitted by Network Rail in conjunction with their submission to the Secretary of State for Transport for a Transport and Works Act Order for the Trans-Pennine Upgrade (Huddersfield to Westtown) Scheme. The Council is not determining this Listed Building Consent application but may consider it and send any comments to the National Planning Casework Unit within a 42-day period prescribed in the Transport and Works Act 1992 Regulations. Members of the Committee are therefore invited to comment on the proposed Listed Building Consent application.

1.2 Network Rail Infrastructure Limited ("Network Rail") is applying to the Secretary of State for Transport for a Transport and Works Act Order to authorise the construction and operation of the Trans-Pennine Upgrade (Huddersfield to Westtown) Scheme. The Scheme is part of a wider programme of works known as the Transpennine Route Upgrade (TRU) which will improve the Transpennine railway between Manchester, Huddersfield, Leeds and York and improve connections between key towns and cities across the north of England.

1.3 The Scheme will contribute to the overall TRU Programme aims of increasing service capacity and offering journey time benefits through:

- Four tracking and upgrading of the existing railway line including track realignment (currently the majority of the railway in the Scheme area has two tracks);
- Electrification of the line;
- Increase in line speeds;
- Provision of sections of new railway;
- Provision of new grade-separated junction within the Ravensthorpe area;
- Remodelling of stations including platform extension works at Deighton, Mirfield and Huddersfield;
- Provision of replacement station at Ravensthorpe.
- Engineering works including strengthening and replacement of bridge decks (rail and highway); electrification of the line and provision of associated infrastructure will require raising the height, demolition of or replacement of bridge structures.

1.4 The proposed works to the grade I listed Huddersfield Station for which Listed Building Consent is sought are required in consequence of the proposals included in Network Rail's application, as submitted by Network Rail on 31 March 2021 to the Secretary of State for Transport under section 1 of the Transport and Works Act 1992.

1.5 The Council is required by section 12(3a) of the 1990 Act to refer this Listed Building Consent application to the Secretary of State. Because of this automatic call-in the Council is not processing or determining this Listed Building Consent application. The Council may however, as noted above, consider this Listed Building Consent application for works to Huddersfield Station and send any comments or recommendations to the National Planning Casework Unit within the 42-day period prescribed in the 1992 Regulations.

2.0 SITE AND SURROUNDINGS:

2.1 Huddersfield Railway Station was constructed between 1846 and 1850 in a neo-classical style, designed by James Pritchett. It is widely claimed to be the finest classical station in Britain. The station is a Grade I Listed Building and lies within the Huddersfield Town Centre Conservation Area. The main station building comprises a large, central two storey block with a five-bay free standing pedimented portico, with a further three bays to either side. To the rear of the station building, also included in the listing, are the station platforms covered by trussed canopies with blue slate and corrugated sheet coverings.

3.0 PROPOSAL:

3.1 The application seeks Listed Building consent for works to re-model Huddersfield Station. The proposal is to provide a new track layout together with new signalling arrangements to allow for deconfliction of passing and stopping services, and to allow the commencement of four-way tracking proposed within the upgrade Scheme.

3.2 The proposed works include:

- *Platforms* – the rearrangement of the platforms to extend their length, widen the current platform 1 and provide a new island platform to the west;
- *Trainshed Roofs* – the replacement of the existing Roofs B and C with a new roof canopy covering the island platforms, as well as the removal of two bays from the southern end of Roof A and addition of three new bays at the northern end. The retained extent of Roof A will be strengthened, and a lantern reinstated atop the roof. New canopies will also be constructed at the northern end of the platforms, while the Penistone Line platform canopy will be extended northwards;
- *Footbridge* – the construction of a new footbridge towards the northern end of the platforms;
- *Subways* – the extension of the existing passenger subway, including realignment of the stairs on the island platform and infilling of part of the redundant parcel subway;
- *Tea Rooms* – the dismantling, storage and reconstruction of the Tea Rooms, with their position altered slightly for the new narrowed island platform; and
- *Overhead Line Equipment (OLE)* – the introduction of OLE throughout the station (aside from on the Penistone Line platform).

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 There have been various applications for Listed Building Consent at Huddersfield Station.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Not applicable as the application for Listed Building Consent is not determined by the Local Planning Authority.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

6.2 LP 1 – Achieving Sustainable Development
LP 2 – Place Shaping
LP 24 – Design
LP 35 – Historic Environment

National Planning Guidance:

6.3 Chapter 2 – Achieving Sustainable Development
Chapter 12 – Achieving Well-Designed Places
Chapter 16 – Conserving the Enhancing the Historic Environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Under the 1992 Regulations it is the responsibility of the Council to post site notices in suitable locations giving details of the Listed Building Consent application and specifying that all representations must be made to the National Planning Casework Unit. The site notices must be in place for no less than 7 days during the 42-day period for representations and were posted on 1st April 2021. In this instance, because of the inclusion of Bank Holidays within the prescribed period, the 42-day limit is extended to 45 days.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

The Local Planning Authority is not processing or determining this Listed Building Consent for reason that the application has an automatic call-in to the Secretary of State. Consequently, the Local Planning Authority is not required to carry out statutory consultations.

8.2 **Non-statutory:**

K.C Conservation and Design - No objections

9.0 MAIN ISSUES

- Heritage Context
- Managing the impact on the significance of the station complex
- Principal Station Building
- Trainshed Roofs
- Tearooms
- Platforms and Subways
- New footbridge
- Impact on the setting of Huddersfield Station
- Impact on adjacent listed buildings
- Impact on Huddersfield Town Centre Conservation Area
- Balance of Heritage Impacts against the Public Benefits

10.0 APPRAISAL

Heritage context

10.1 The proposed works subject of the Listed Building Consent application impact on the grade-I listed Huddersfield Station buildings and the associated structures within its curtilage, as well as the setting of adjacent listed buildings which form part of the group within the conservation area. The proposals form a key part of the Transpennine Route Upgrade, Section W3 (TRU W3) and have been developed in consultation with Historic England and Design and Kirklees Council's Conservation Officers over some years and are intended to facilitate the electrification and upgrade of the line as well as enhancing access and station facilities. The design development process for the proposals included appraisal of alternative options to identify an approach which delivers the operational requirements, while meeting the national and local policy requirements to minimise the direct (physical) and indirect (visual) impact on the station complex as a designated heritage asset of the highest significance.

10.2 Huddersfield station is the western end of the section of the Transpennine Route between Huddersfield and Westtown (Dewsbury) constructed and opened between 1836 and 1849. The route today comprises sections of rail line developed by different railway companies (a characteristic of the wider Transpennine route), built during the height of the C19th expansion of railway development.

10.3 The route between Huddersfield and Westtown (Dewsbury) had a particular impact on the towns on its route, stimulating the expansion of Huddersfield as a commercial and industrial centre. The nationally recognised heritage importance of the Huddersfield station complex is indicative of this influence, resulting in a magnificent architectural expression of the growth and confidence of the C19th town centre and the architectural inspiration for much of the town's architecture. Huddersfield Station has been subject to a series of changes throughout its history and into the early-C21st. These have resulted in the alteration of fabric components of the station, although most significant elements of the station are largely unchanged from its final expansion in the 1880s. The station remains an impressive and iconic landmark, retaining its primary operational purpose as a major cross Pennine transport hub.

10.4 The Huddersfield station complex is consequently both historically and operationally fundamental to the Transpennine railway route as a whole and has been subject to adaption and physical evolution since it was first developed in the early-C19th. The listed building group are also prominent and positive contributors to the Huddersfield Town Centre Conservation Area. The current proposals to enhance the operation of the line are thus required to be considered in the context of the legislative and policy requirements impacting on such nationally important designated heritage assets.

10.5 The legislative requirements are set by Section.66 (1) of the 1990 Act which requires the local planning authority and the Secretary of State (in this case) to have, *"special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*. The impact on the conservation area must also be considered in the context of Section 72 of the 1990 Act which also confers a duty to afford, *"special attention. to the desirability or preserving or enhancing the character or appearance of that area"*.

10.6 As designated heritage assets, when considering the impact of the proposed development on the significance of the station complex and the conservation area the NPPF (paragraph 193) requires that "great weight" is given to the principle of conservation. The presumption is that the proposed works would avoid or minimise any diminution of the special interest of the area as a whole. The conservation requirements of the NPPF are embedded in the Kirklees Local Plan Policy LP35, Historic Environment. The impact on the station complex is consequently considered with particular reference to these legislative and policy requirements.

10.7 The particular heritage value and sensitivity of the Huddersfield Station complex is defined in the TRU-W3 ES statement which notes that the collection of heritage assets are all of 'High Value" thereby defining it to be of, *"High Importance and rarity, national scale and limited potential for substitution" (see Volume 2i, Ch.6, para. 6.3.11, Table 6-2 'Value of Heritage Assets').*

10.8 Consequently, it is important to understand the impact of the proposed TRU W3 works on the special architectural or historic interest of the Huddersfield Station complex as a whole, as well as consideration of the impact of the development on individual structures. The ES evaluates the level of 'Permanent heritage impact in terms of Table 6-3 Magnitude of Impact (ES Volume 2i, Ch.6 para 6.3.17), with a 9-point range from: *'major, moderate, minor, and negligible adverse*' to *'major, moderate, minor and negligible beneficial'*, with 'No change' at the centre point. The following evaluation is set out in these terms.

Managing the impact on the significance of the station complex.

10.9 The proposed interventions in the station complex would result in considerable change to the historic fabric of parts of the grade-I listed station complex, including the loss of some historic elements and alteration to the setting of adjacent listed buildings (such as the grade-II listed railway warehouses). However, the proposals respond to the station's significance in a manner which attempts to minimise the loss or compromise of historic fabric while facilitating the new enhanced operational requirements without the detracting from appreciation of the station's overall heritage significance.

10.10 The successful mitigation of the adverse physical and visual impacts will consequently be dependent on the detail to be provided in the further details, secured by conditions on the LBC and TWAO in the form of a Conservation Implementation Management Plan (CIMP) for the station complex (see Condition 6 below) The CIMP is proposed by Network Rail as being the means to specify the various materials, techniques and task implementation methodologies necessary to detail the intervention works and demonstrate that the completed tasks will retain the authenticity, special interest and character of this nationally important heritage asset. Network Rail's proposed use of the CIMPs is considered to be an essential and welcome design-quality moderation tool.

10.11 The TRU-W3 scheme as a whole will require a series of CIMPs, to both demonstrate a conservation-focused framework for the initiative as a whole and provide the detailed specifications to implement works on the various designated heritage assets along the route. Given the grade-I listed status of Huddersfield station and the extent of interventions, the resultant CIMP covering these particular works will need to be both comprehensive and highly detailed. It is understood that the approval of the collection of Conservation Implementation Management Plans (CIMPs) by Kirklees Council, as Local Planning Authority, would be a Conditional requirement of the grant of Listed Building Consent by the Secretary of State.

10.12 The individual impacts of the key interventions at Huddersfield Station are considered individually below.

Principal station building

10.13 There would be no changes to the interior of the principal station building or its eastern façade and main entrance (facing into St. George's Square) as a result of the proposed works. Consequently, the appreciation of the main station building would be largely unaltered from the key approaches and views from within the town centre.

10.14 The strengthening of the retained trainshed roof adjoining the principal station building (Roof A) would require some minor beneficial works against the platform elevation of the station building. However, any physical impact on historic fabric around the connections between the roof and the building would be localised and also involve the removal of a considerable amount of cabling which currently detracts from the platform, thereby enhancing and reinstating its historic appearance.

10.15 There would be no loss or alteration of important features of the most significant architectural elements of the station complex, and a minor beneficial enhancement resulting from the rationalisation of services and the removal of cabling. The magnitude of impact on this site component will consequently result in a minor beneficial impact on the station complex as a whole.

Trainshed roofs

10.16 The roof structure crossing the platforms comprise two spans designed as part of the 1886 station expansion. The largest trainshed roof is known as ‘Roof A’ (24m wide) and spans between the Principal station building on platform 1 and a lattice girder above platform 4. Roof A was originally covered by a roof lantern but is now exposed in the centre. The enclosed section of the roof is covered by slates, and a mix of non-original profiled steel and translucent fibre sheets. The original lightweight roof trusses are comprised of wrought iron angles, tees, flats and round bars, connected with rivets and bolts.

10.17 The smaller trainshed roof which will be demolished and remodelled is known as ‘Roof B’ (12m wide). Roof B spans between lattice girders above platforms 4 and 8 and also supports a cantilever canopy (‘Roof C’) that extends over platform 8, connected by riveted lattice wrought iron brackets. Roof B is covered by a raised roof lantern that runs along its length.

10.18 The proposals would result in the complete loss of Roof B and Roof C which were designed as integral parts of the 1886 station expansion. Their removal would compromise the late-C19th design and the appreciation and understanding of the significance of the station complex. The loss of Roof B and Roof C would have a moderate adverse impact on the station complex as it would remove late-C19th components which are of considerable interest but would not substantially alter the overall character or significance of the station complex.

10.19 In addition, to allow for new track alignments and switches and crossings at the southern end of the Station, it would be necessary to remove two bays (13m) from Roof A at its southern end. This would adversely impact on the significance of the Station as it would mean the removal of historic fabric from Roof A.

10.20 The proposals also include the construction of a new 3 bay section (27m) added to the northern end of Roof A which would also serve to rebalance its symmetry. Operationally this would partly mitigate the loss of the two southern bays and retain the length of the structure, which is a key characteristic of Roof A. This extension of the roof would be tapered in line with the last retained bay and would follow the path of two former roof bays that were removed in the 1980s. The detailed architectural form of the Roof Additions would be subtly different to the surviving historic roof, to ensure that the legibility of the different phases of construction is preserved.

10.21 The proposed additions to Roof A would, therefore, re-introduce roof coverage at the northern (Leeds) end, which had been previously removed in the 1970s, with a complementary design form intended to provide additional protection to the vulnerable historic elements at the northern gable end of the station building. Consequently, the loss of a section of Roof A at its southern end would result in a moderate adverse impact, but the loss of fabric would be mitigated by the minor beneficial impacts.

10.22 The proposed fixing of the Overhead Line Equipment (OLE) to the top boom of Roof A would be an additional element that compromises the engineering and visual appreciation of the original roof trusses, as well as having some impact on historic fabric. The proposed design minimises the number of OLE frames and places them on the western side of the roof away from the principal station building to reduce their visual impact. However, the intervention would not significantly diminish the positive contribution Roof A roof makes to the overall significance of the station complex and its historic connections to the principal building would remain unaltered.

10.23 The adverse impacts on the trainshed roofs are balanced to some degree by the reinstatement of the lantern over Roof A, which would restore an element of high significance and consequently result in a major beneficial impact. It is uncertain when the original lantern was dismantled from the structure but its reinstatement, to the same form and shape of the 1886 design, would bring back the design intention and integrity of the original roof structure which would enhance its aesthetic value.

10.24 A less prominent, although important, minor beneficial impact would be realised by the targeted strengthening works and improvements to Roof A which would ensure its ongoing structural integrity. This would be achieved by means of a bespoke and discreet engineering solution developed to sustain the roof's long-term survival. Additional minor beneficial changes would be delivered through the colour scheme design and lighting proposals which aim to enhance and highlight the historic features and character of the retained trainshed roof. The decorative and lighting scheme is intended to facilitate appreciation of the structural form of the retained Roof A, adding to the contribution it makes to the station's overall significance.

10.25 Roof B and C will be replaced by a new roof structure, to a modern design. The new roof would provide coverage for the new train stopping locations and is described by Network Rail as two large 'blades'. The proposed 'blades' are linked with a continuous glazed clerestory, which allows the structure to span over the tracks whilst providing clear views and natural light onto the platforms. A clear hierarchy is set out from the scale of Roof A which would reduce as you move further away towards Platforms 5 & 6 with the new roof stepping down away from the main station building. This would ensure that the new roof would remain distinct and visually subservient to Roof A.

10.26 The design form of the roof has evolved through liaison with Kirklees Council officers and Historic England and seeks to maintain the architectural hierarchy and expression of the series of roofs within the station complex. The resultant design would ensure that the retained Roof A remains the dominant and character-defining roof structure with the contrasting form of the new blade-like canopies intended to complement the roof form while avoiding diminishing the appreciation of the most significant parts of the station complex.

10.27 The overall impact on the Trainshed roofs be some significant change. However, the loss of important features will be balanced by the reinstatement of a significant architectural feature (the lantern) to Roof A, going some way to recapturing its original design integrity, while also retaining the most significant architectural elements of the trainshed roofs. The design form of the proposed new blade-like roof is considered to complement to the station complex and would be necessary to facilitate the enhanced operational use of the station complex.

10.28 The moderate adverse heritage impacts on the Trainshed roofs would consequently be partly mitigated by the major beneficial restoration works and the design quality of the replacement 'blade' roofs, in addition to the wider public benefits of the enhance operational used of the complex.

Tea Rooms

10.29 The timber boarded Tea Rooms building is located on the island platform, between platforms 4 and 8, immediately south of platforms 5 and 6. It is a distinctive feature of the Huddersfield station complex and of considerable architectural and historic significance. The Tea Room building dates from the construction of the island platforms in 1886 and consists of a timber-boarded, single-storey structure, divided onto 12 bays, articulated by Tuscan pilasters topped with paired finial brackets and a plain cornice. Each bay contains either a door or window, with entrances to the waiting rooms, toilets and the station buffet.

10.30 The proposal is to dismantle and relocate the tea rooms within the station complex. The Tea Rooms building is important example of an increasingly rare structure of its type in modern railway stations. Consequently, it is deemed essential to retain this fine example of its type. However, the new platform arrangements, canopies and adjustment of subway access would compromise the structure and therefore the proposal is to relocate it within the station complex, as means to preserve its heritage value. The proposal is consequently to dismantle, temporarily store and then reassemble the tea rooms on new location, re-orientated on the island platform.

10.31 It is, therefore, proposed to move the Tea Rooms from their current position on the island platform to a new position which provides the required 3.3m clearances from the platform edge, and approximately 400mm clearance from the columns. This would be achieved by dismantling the Tea Rooms, temporarily storing the parts of the structure, and then reconstructing it in a new location, over new foundations. The changes to the Tea Rooms building following its reconstruction would include its reconfiguration, rotating the whole building by 180 degrees, in order to place the servery at the closest point to the subway entrance and exit, thereby improving access and its prominence and the appreciation of the building and its significance.

10.32 However, the relocation would mean that the currently redundant beer cellar (at its northern end) would be infilled along with the parcel subway connection which runs under the tracks. The beer cellar dates from the construction of the Tea Rooms but is no longer accessible. The existing parcel subway is proposed to be partly infilled with lightweight concrete to provide structural integrity to support the tracks and integrate with the Tea Rooms foundations. The retained section of the subway would continue to be used as a service utility route with additional ducts provided within the remaining subway and through the infill to service the island platforms and other rail interfaces. The infilling of the subterranean parcel subway is designed to be 'reversible' with its floor and walls internally lined with a membrane prior to infilling, in order to ensure that any future works including removal of the infill can be achieved with minimal damage to the historic fabric.

10.33 In addition, three columns supporting the proposed new roof structure would directly penetrate into the Tea Rooms, to accommodate the new foundations for the roof and the relocated structure. To minimise the visual and physical impact of this adverse intervention, the rotation of the Tea Rooms would line up with the new columns, with the three columns internally boxed out in a timber frame and plasterboard and aligned with the reassembled timber panelled walls. The cumulative physical and visual impact on the significance of the Tea Rooms and the associated services spaces would amount to a moderate adverse impact, although the proposed works aim to minimise the loss of historic fabric and maintain the historic interest of the reconstructed structure.

10.34 The current proposals do not detail how the Tea Rooms would be dismantled, stored or reconstructed, although it is understood that initial survey results indicate that the structure is robust, capable of careful dismantling and that remedial works would be limited and targeted. It will be necessary to mitigate the impact by the careful attention to the detail of the reconstruction. The success of the Tea Rooms removal and re-instatement would, therefore, be highly dependent on the detail to be provided in the Conservation Implementation Management Plan (CIMP).

10.35 The Huddersfield Station CIMP will provide the detailed specification and task implementation methodologies to inform the intervention works and demonstrate that the relocation and reconstruction of the Tea Rooms will retain its authenticity and special interest. As noted above, the overall TRU-W3 scheme requires a series of CIMPs, tailored to the various sections of the route, to provide the detailed specifications necessary to implement works on the designated heritage assets. Given the grade-I listed status of Huddersfield Station and the extent of interventions required to relocate the Tea Rooms, the resultant CIMP would need to be comprehensive and highly detailed to ensure that the adverse and harmful impacts on the Tea Rooms would be minimised and carefully mitigated.

10.36 A minor beneficial impact would be that the reassembled Tea Rooms building would be subject to a new colour scheme, intended to both draw out its distinctive architectural features and reflect its historic character. The relocation would also enable the removal of the accumulated non-original visual clutter which detract from the appreciation of the structure, enabling the historic aesthetic of the timber-boarded structure to be better appreciated. These details would need to be specified in the CIMP. The relocated structure would also be subject to upgraded fire proofing to ensure its long-term protection, with its internal reconfiguration also designed to support its ongoing viability and use as a refreshment facility.

Platform and subways

10.37 The proposals would result in physical alterations to the platform layout of the station, which has been largely unaltered since the expansion of the 1880s. The island platform would be narrowed with the bays at the northern end infilled, thereby altering its historic layout. Its identity as an island platform will be retained.

10.38 The Penistone line platform (platform 2) would be extended northwards into the footprint of the existing platform 1, which would be extended outwards. Platform 1 has already previously been widened and no historic fabric would be affected by this change. Platform surfaces would be renewed, however the historic stone flags around the Tea Rooms would be reinstated once the Tea Rooms building is reconstructed.

10.39 The platform arrangement contributes to the significance of the station by evidencing its historic development. The current proposals would retain the legibility of the station's historic expansion, with the island platform being appreciated as part of the 1880s expansion, particularly with the retention of the tea rooms. There expansion of the platforms would have negligible beneficial impact on the overall significance of the station as a result.

10.41 The proposals would involve physical alterations to the historic passenger subway, which also dates from the expansion of the station in the 1880s. The subway would be extended, and the stairs rising to the island would re-aligned. This would result in the minor alteration or loss of some historic fabric of lesser significance, although the subway's stone flag surfaces would be retained as would the character and fabric of the realigned stairs up to the 1880s island platform. The proposed lighting design within the subway would enhance both operational use and the appreciation of its form and historic fabric. Though the proposals will involve alteration to historic fabric and change in the overall form of the subway, the proposals would not erode its significance as part of the 1880s expansion.

10.42 The proposed partial infilling of the parcel subway (see also Tea rooms above) would not result in any appreciable change to the station's significance and would be 'reversible' as discussed above. The historic form of the parcel subway would still be able to be appreciated from the basement of the principal station building but makes a very minimal contribution to the station's overall significance. The overall impact on the platform and subways would consequently be minor adverse.

New footbridge

10.43 It is proposed to construct a new footbridge towards the northern end of the platforms; this would provide access for passengers across all platforms. The proposed form was developed in consultation with Historic England and Officers from Kirklees Council and features full-height glass panels on both sides, intended to minimise its visual impact (while avoiding conflict with the Overhead Line Equipment). The bridge would be a distinctive and contemporary addition to the station complex, adopting a sawtooth form intended to reference and complement the facetted forms of the new roof structures.

10.44 The new footbridge would provide an unrestricted walkway for passengers to access the platforms and would allow unobstructed views through the windows. The steel column supports would be aligned with the staircase and lift shafts to maintain the clear platforms. The footbridge would be accessed via staircases, supported by lifts to provide step-free access.

10.45 The design objective has been to limit the impact of the new bridge on the historic fabric. The glazed sawtooth bridge span would be as transparent as possible, with the design intended to resolve potential glare issues onto the tracks. It is considered that the new footbridge would be a striking and complementary addition to the station complex, as well as significant operational enhancement. The impact of the new bridge would therefore be minor beneficial.

Impact on the setting of Huddersfield Station.

10.46 The 1990 Act and national and local policy require that the impact on the setting of Huddersfield Station should be considered when determining development proposals. The significance of the setting of the grade-I listed complex is primarily understood and appreciated in terms of the relationship with St George's Square, as well as its relationship with the surrounding townscape and the experience and movement of those using the station. The proposals would impact on a number of these elements, both by introducing new elements into the setting of the station and also by enhancing appreciation of the station's significance. However, the impact on the townscape composition focused on St. George's Square would be largely unaltered.

10.47 The proposed works to the station complex would alter a number of lesser significant views which contribute to its appreciation, notably the addition of the new footbridge at the northern end of the station and the new trainshed roofs. However, these structures would be primarily viewed from within the station complex and be read as contemporary complementary additions to the complex.

10.48 The Overhead Line Equipment (OLE) through the station would introduce further modern infrastructure into views within the station and along the line, although the design and spatial arrangements of the OLE attempt to temper the visual impact, particularly within the space of the retained Roof A truss.

10.49 However, the proposals aim to integrate the OLE into the fabric of the new structures where possible in order directly respond to the significance the station's character and setting. The proposed canopy roof over the island platforms has been designed to integrate the OLE, as well as enhance the visual connectivity of the station towards the former goods yard. These works would emphasise the relationship with the grade-II listed goods warehouses and accumulator tower (further to the west) to the main station complex, while minimising adverse visual impacts on the setting of these designated heritage assets.

10.50 Consequently, although the extensive works will impact on the appreciation of the station's historic fabric the main elements of its setting (from which it derives particular significance) will not be appreciably altered by the proposals. The increased activity will also enhance its character as a transport hub. The proposals do not involve changes to the principal station building, other than the management of the movement of passengers within the station.

10.51 The design of the interventions' respond to the station's setting, enhancing elements such as visual connectivity to associated buildings and introducing new opportunities to appreciate the station's significance. Overall, the changes will have a negligible beneficial impact on the extent to which the station derives significance from its setting.

Impact on adjacent listed buildings.

10.52 The proposals for the Huddersfield Station complex would also impact upon the setting of three ancillary grade II Listed Buildings located to the west of the station, located in the goods yard to the station. These are:

- The Stone Warehouse (Grade II Listed, NHLE 1287149), known as "Brian Jackson House";
- The Large Brick Goods Warehouse (Grade II Listed, NHLE 1228533);
- The Accumulator Tower (grade II Listed, NHLE 1289593).

10.53 The proposed development has no direct, physical impact on these structures although the scale and design of the new station canopies on the island platforms, would visually encroach upon their setting. The design of the proposals serve to improve the legibility of the historic relationship between the main station complex and these assets. The setting of all three listed buildings is defined by their historic relationship with the station, evidencing their shared historical value and group value. Though the proposals would introduce new elements into this setting, which would reinforce appreciation of their historic functional relationships and thereby the understanding of this element of the assets' significance.

10.54 The physical and visual impact on the grade II listed Huddersfield Viaduct (MVL3/92) (NHLE 1223531) is considered in a separate Listed Building Consent application. However, it will be clear that, despite being connected and functionally related, the proposed works at Huddersfield station would have no direct and little indirect impact on the significance of the viaduct. The station proposals would result in some minor changes to the setting of the viaduct, with the new structures being viewed along some sections from the platforms. However, their location and the robust architectural character and form of viaduct will ensure that the station works will not appreciably detract from the setting of the viaduct, nor will they reduce the extent to which the viaduct derives significance from its association with the station.

10.55 It is, therefore, considered that the Huddersfield Station proposals would not detract from the setting of the above identified adjacent listed buildings, nor would they diminish their overall heritage significance. The resultant heritage impact would be negligible beneficial.

Impact on Huddersfield Town Centre Conservation Area.

10.56 The proposals would involve significant changes to buildings and structures which are positive contributors to Huddersfield Town Centre Conservation Area, but the works are largely contained within the station complex and would not have any demonstrably adverse impact on its surrounding historic environment. On the contrary the works would enhance the functional character of the station as a significant component of the Conservation Area. The impact on the character and appearance of the designated conservation area would consequently be minor beneficial.

Balance of heritage impact against the public benefits.

10.57 The cumulative direct and indirect heritage impact of the proposed TRU-W3 works at Huddersfield Station will present some significant adverse effects resulting from loss of historic components, permanent change to the fabric of key station features and the integration of new engineering structures, trainshed roofs and a footbridge. The proposals represent significant change to the surviving historic fabric of the nationally important designated heritage asset.

10.58 However, the most significant components of the station complex will not be adversely impacted upon and the proposals are intended to enhance its design purpose as a transport hub. The proposals will help secure the optimum viable use of the grade-I listed railway station complex and the cumulative impact of the interventions would be amount to less than substantial harm to the significance of the designated heritage asset. Therefore, in accordance with the requirements of the NPPF, paragraphs 196 and Local Plan Policy LP35 it is important to evaluate whether the current proposal is able to demonstrate substantial public benefits which would outweigh the perceived adverse impacts on the heritage asset.

10.59 The design process was undertaken in a collaborative manner from the outset with Historic England and Kirklees Council officers contributing to the evolution of the proposals, informed by detailed analysis of the significance of the individual heritage assets along the TRU-W3 route. The design objective has been to minimise the adverse heritage impacts and introduce some beneficial changes to balance the degree of change, such as the strengthening of Roof A and the reinstatement of its former lantern which would be an important contributor to the roofscape.

10.60 However, the adverse heritage impacts remain significant and consequently must be demonstrably outweighed by substantial public benefits to justify the interventions. These would largely result from the completion of the wider Transpennine Route Upgrade and are outlined below.

10.61 The proposed works to the Huddersfield station complex form part of the wider Huddersfield to Westtown (Dewsbury) section of the Transpennine Route Upgrade and would support the economic, environmental and social benefits associated with the wider delivery of the TRU programme. Huddersfield station's pivotal position in the operational network, means that the proposed works are integral to achieving the overall benefits of the wider Transpennine Route Upgrade scheme.

10.62 The TRU-W3 is vital in supporting the North of England's long-term, low-carbon economic growth, better-connecting people to jobs, services, education and leisure. The adopted Kirklees Local Plan (paragraph 10.2) recognises the critical connection between effective transport systems and local business productivity and district prosperity.

10.63 The economic and social benefits to be achieved from the improved Transpennine Route proposals include a reduction in journey times along this part of the Scheme with the aim of achieving 43-44 minutes between Manchester Victoria and Leeds Central. This will be partially facilitated by enabling line speeds of between 70 – 100 mph along the line and outside of the Huddersfield Station as well as through other projects on the Route. The increase in capacity through more train services and longer trains will reduce congestion, increase passenger comfort and improve journey quality.

10.64 Future passenger modelling has indicated that the numbers of people using the Transpennine Route will increase from 5.33 million to 8.22 million in 2042/43. This would be partially achieved through the creation or enhancement of four tracking across Huddersfield Viaduct (MVL3/92), allowing for express trains to by-pass slower trains and freight services. The increased movement of people and goods along this key part of the railway network supports a more economic and socially viable transport solution and forms part of the West Yorkshire Transport Strategy for harnessing economic prosperity through a better-connected transport network.

10.65 There are evident environmental and sustainability benefits that arise from the improvements to public transport services and the introduction of more environmentally viable energy solutions. The electrification of the line through this part of the Transpennine Upgrade scheme is an investment in 'greener' energy technology meeting Network Rail's Decarbonisation Strategy and bolstering national targets for reducing harmful emissions that cause climate change, in line with Council policy and Government targets.

10.66 The proposals for Huddersfield Station, while resulting in permanent change to the grade-I listed station, also deliver a number of heritage benefits. The reinstatement of a lantern along Roof A reinstates the historic form of this feature along the roof, enhancing appreciation of its original form, as well as providing practical benefit of improving the environment within the Station for passengers by reinstating platform coverage along the length of the train shed.

10.67 Similarly, the extension of Roof A with additional bays (at the northern end) in a style complementary to the historic roof reinstates bays which have been removed from the original length of the roof, as well as retaining the appreciation of the historic structure. Strengthening of the retained historic fabric of Roof A also provides heritage benefit, by ensuring the longevity of the roof. Similarly, the retention, reorientation and fire-proofing of the Tea Rooms building would enhance the longevity of this structure and the appreciation of its historic function and significance. The scheme would also enable the rationalisation and removal of modern accretions (such as the signal box, cable gantry and relay rooms) which detract from the design quality of the station complex. The removal of these late-C20th structures would also partially open up views across the station platforms, better revealing the historic connections with the grade-II listed warehouses and former goods yard.

10.68 Notable benefits regarding the operation of the station would also be achieved, including enhanced health and safety and increased passenger comfort. The delivery of the proposed track alignment and signalling would ensure flexibility of train movement and an improved service. The proposed track alignment and arrangement of the platforms would realise operational requirements for train driver signal sighting and passenger safety, including appropriate platform curvature which improves on the existing and standard platform widths.

10.69 The proposals would deliver an improved station environment for users of the railway, with increased passenger comfort as a result. This would include the proposed platform coverage, enhanced lighting and step-free access across all platforms to achieve the highest standards of safety and accessibility.

10.70 Therefore, the proposals constitute a sustainable approach to the future of Huddersfield station as a major rail hub along the wider Transpennine Route. The delivery of electrification which realises passive and active measures to deliver reduced energy demands and carbon reduction would be a major public benefit. The substantial public benefits would provide the necessary justification to enable recommendation of support for the proposed works subject to Listed Building Consent at Huddersfield Station.

Climate Change

10.71 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.72 The works are required in consequence of the proposals included in Network Rail's application, as submitted by Network Rail on 31 March 2021 to the Secretary of State for Transport under section 1 of the Transport and Works Act 1992. The delivery of electrification, which realises passive and active measures to deliver reduced energy demands and carbon reduction, will assist in helping the climate change emergency.

11.0 CONCLUSION

11.1 The proposed Huddersfield station proposals would deliver substantial public benefits which would outweigh the adverse heritage impacts. The proposed safeguard resulting from careful monitoring and control of the heritage interventions through the use of a comprehensive and detailed Conservation Implementation Management Plan (CIMP), as proposed by Network Rail, would also temper any adverse heritage impacts.

11.2 The evident public benefits that would arise from the Transpennine Route Upgrade provide the necessary justification in terms of NPPF paragraph 196 and Local plan policy LP35 to support for the proposed Listed Building Consent for works at Huddersfield Station.

11.3 The proposed works are consequently considered to meet the requirements of NPPF paragraphs 189, 193 and 196, as well as Local Plan policy LP35 Historic Environment.

12.0 CONDITIONS

The Local Planning Authority endorse the conditions proposed by Network Rail as set out below:

1. **(Time Limit)** The development must be begun not later than the expiration of five years beginning with the date of this permission.
Reason: To set a reasonable time limit for the commencement of the development

2. **(Approved Drawings)** The development hereby permitted shall be carried out in accordance with the following drawings:

Huddersfield Station – General
151667-TSA-30-MVL3-DRG-T-LP-166000 Key Plan
151667-TSA-30-MVL3-DRG-T-LP-166001 Roof Plan
151667-TSA-30-MVL3-DRG-T-LP-166002 Existing Platforms GA
151667-TSA-30-MVL3-DRG-T-LP-166003 Existing Elevations
151667-TSA-30-MVL3-DRG-T-LP-166004 Existing Sections
151667-TSA-30-MVL3-DRG-T-LP-166007 Proposed Elevations
151667-TSA-30-MVL3-DRG-T-LP-166008 Proposed Sections
Huddersfield Station - Retained Roof
151667-TSA-30-MVL3-DRG-T-LP-166045 Existing Roof A Structural Plan (Roof Level)
151667-TSA-30-MVL3-DRG-T-LP-166046 Existing Roof A Structural Plan (Platform Level)
151667-TSA-30-MVL3-DRG-T-LP-166047 Existing Roof A Structural Sections Sheet (1)
151667-TSA-30-MVL3-DRG-T-LP-166048 Existing Roof A Structural Sections Sheet (2)
151667-TSA-30-MVL3-DRG-T-LP-166049 Existing Roof A Proposed Strengthening Details
151667-TSA-30-MVL3-DRG-T-LP-166050 Existing Roof A Proposed Roof Coverings Plans (1)
151667-TSA-30-MVL3-DRG-T-LP-166051 Existing Roof A Proposed Roof Coverings Plans (2)
151667-TSA-30-MVL3-DRG-T-LP-166052 Existing Roof A Proposed Roof Coverings Plans (3)
151667-TSA-30-MVL3-DRG-T-LP-166053 Existing Roof A Proposed Roof Coverings Details (1)
151667-TSA-30-MVL3-DRG-T-LP-166056 Existing Roof A OLE Support Details
151667-TSA-30-MVL3-DRG-T-LP-166057 Existing Roof A Bracing Details
Huddersfield Station - New Roof
151667-TSA-30-MVL3-DRG-T-LP-166072 Existing Roof B and C Structural Plan (Roof Level)
151667-TSA-30-MVL3-DRG-T-LP-166073 Existing Roof B and C Structural Plan (Platform Level)
151667-TSA-30-MVL3-DRG-T-LP-166074 Existing Roof B and C Structural Sections
151667-TSA-30-MVL3-DRG-T-LP-166075 Existing Roof B and C Structural Sections (2)
151667-TSA-30-MVL3-DRG-T-LP-166076 Proposed Roof B (Shed Roof) GA
151667-TSA-30-MVL3-DRG-T-LP-166077 Proposed Roof B (Shed Roof) Structural Plan (Roof Level)

151667-TSA-30-MVL3-DRG-T-LP-166078 Proposed Roof B (Shed Roof) Structural Plan (Platform Level)
151667-TSA-30-MVL3-DRG-T-LP-166079 Proposed Roof B (Shed Roof) Structural Sections
151667-TSA-30-MVL3-DRG-T-LP-166080 Proposed Roof B (Shed Roof) Structural Sections (2)
151667-TSA-30-MVL3-DRG-T-LP-166081 Proposed Roof B (Shed Roof) Structural Sections (3)
151667-TSA-30-MVL3-DRG-T-LP-166082 Proposed Roof B (Shed Roof) Proposed Roof Covering Plans (1)
151667-TSA-30-MVL3-DRG-T-LP-166083 Proposed Roof B (Shed Roof) Proposed Roof Covering Plans (2)
151667-TSA-30-MVL3-DRG-T-LP-166084 Proposed Roof B (Shed Roof) Proposed Roof Covering Details (1)
151667-TSA-30-MVL3-DRG-T-LP-166085 Proposed Roof B (Shed Roof) Proposed Roof Covering Details (2)
Huddersfield Station – Platforms
151667-TSA-30-MVL3-DRG-T-LP-166184 Existing Plan
151667-TSA-30-MVL3-DRG-T-LP-166185 Proposed Plan and Section
151667-TSA-30-MVL3-DRG-T-LP-166186 Proposed Plan and Section
151667-TSA-30-MVL3-DRG-T-LP-166187 Proposed Plan and Section
Huddersfield Station - Passenger Subway (MVL3/91)
151667-TSA-30-MVL3-DRG-T-LP-166145 Existing Plan and Sections
151667-TSA-30-MVL3-DRG-T-LP-166146 Proposed Plan and Section
151667-TSA-30-MVL3-DRG-T-LP-166151 Finishes Plan
151667-TSA-30-MVL3-DRG-T-LP-166152 Finishes Elevations
Huddersfield Station - Parcel Subway (MVL3/91A)
151667-TSA-30-MVL3-DRG-T-LP-166166 Existing Plan and Sections
151667-TSA-30-MVL3-DRG-T-LP-166167 Proposed Plan and Section
Huddersfield Station - Tea Rooms
151667-TSA-30-MVL3-DRG-T-LP-166021 Existing and Proposed Locations
151667-TSA-30-MVL3-DRG-T-LP-166022 Existing floor plan and elevations
151667-TSA-30-MVL3-DRG-T-LP-166023 Existing and proposed roof plan
151667-TSA-30-MVL3-DRG-T-LP-166024 Existing section and details
151667-TSA-30-MVL3-DRG-T-LP-166025 Proposed floor plan and elevations
151667-TSA-30-MVL3-DRG-T-LP-166026 Proposed section and details
151667-TSA-30-MVL3-DRG-T-LP-166027 Proposed fire interventions
151667-TSA-30-MVL3-DRG-T-LP-166028 Proposed colour scheme
151667-TSA-30-MVL3-DRG-T-LP-166029 Existing and Proposed Foundations
Huddersfield Station - Platform Canopies
151667-TSA-30-MVL3-DRG-T-LP-166099 Proposed Platform GA
151667-TSA-30-MVL3-DRG-T-LP-166100 Proposed Platform Canopies Structural Plan (Roof Level)
151667-TSA-30-MVL3-DRG-T-LP-166101 Proposed Platform Canopies Structural Plan (Platform Level)
151667-TSA-30-MVL3-DRG-T-LP-166102 Proposed Platform Canopies Structural Sections
151667-TSA-30-MVL3-DRG-T-LP-166103 Proposed Platform Canopies Structural Sections
151667-TSA-30-MVL3-DRG-T-LP-166104 Proposed Platform Canopies Proposed Roof Covering Plans
151667-TSA-30-MVL3-DRG-T-LP-166105 Proposed Platform Canopies Proposed Roof Covering Details

151667-TSA-30-MVL3-DRG-T-LP-166106 Proposed Platform Canopies Elevation (1)
151667-TSA-30-MVL3-DRG-T-LP-166107 Proposed Platform Canopies Elevation (2)
151667-TSA-30-MVL3-DRG-T-LP-166108 Proposed Platform GA
151667-TSA-30-MVL3-DRG-T-LP-166109 Proposed Platform Penistone Canopies Structural Plan (Roof Level)
151667-TSA-30-MVL3-DRG-T-LP-166110 Proposed Platform Penistone Canopies Structural Plan (Platform Level)
151667-TSA-30-MVL3-DRG-T-LP-166111 Proposed Platform Penistone Canopies Structural Sections
151667-TSA-30-MVL3-DRG-T-LP-166113 Proposed Platform Penistone Canopies Proposed Roof Covering Plans
151667-TSA-30-MVL3-DRG-T-LP-166114 Proposed Platform Penistone Canopies Proposed Roof Covering Details
151667-TSA-30-MVL3-DRG-T-LP-166115 Proposed Platform Penistone Canopies Elevation (1)
Huddersfield Station – Footbridge (MVL3/91AA)
151667-TSA-30-MVL3-DRG-T-LP-166123 Footbridge - Proposed GA Platform Level
151667-TSA-30-MVL3-DRG-T-LP-166124 Footbridge - Proposed Plan Deck Level, Elevations
151667-TSA-30-MVL3-DRG-T-LP-166125 Footbridge - Proposed Roof Level GA
151667-TSA-30-MVL3-DRG-T-LP-166126 Footbridge - Proposed Elevations
151667-TSA-30-MVL3-DRG-T-LP-166127 Footbridge - Proposed Sections
151667-TSA-30-MVL3-DRG-T-LP-166128 Footbridge - Proposed Details (1)
151667-TSA-30-MVL3-DRG-T-LP-166129 Footbridge - Proposed Details (2)
151667-TSA-W3-000-DRG-T-LP-162970 OLE Structures Typical Details
Reason: To ensure compliance with the approved plans and for the avoidance of doubt

3. **(Huddersfield Station Materials)** Before the development hereby approved commences, or within a timescale to be otherwise agreed in writing by the local planning authority, samples and specifications of all materials to be used on all external elevations, roofs and subways of the development shall be submitted to and approved in writing by the local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the local authority.
Reason: To ensure the conservation of the historic environment and be consistent with Policy LP35 of the Kirklees Local Plan

4. **(Huddersfield Recording)** No works of demolition shall take place until an approved methodology for full structure recording has been approved in writing. Subsequent recording to the appropriate level (as recommended by Historic England) will take place prior to demolition and be deposited with the West Yorkshire Archive Service and West Yorkshire Historic Environment Record. The following structures are the subject of this condition:
Huddersfield Station Roof (level 3)
Huddersfield Station Tea Rooms (level 2)
Reason: In recognition of the architectural and historic significance of the Listed Building and in accordance with Chapter 16 of the NPPF.

5. **(Platform Furniture Huddersfield)** Details of new platform fixtures and fittings, including close circuit television, public address system, customer information screens, waiting shelters, lighting, weather screens, and platform surfacing, shall be submitted to and agreed in writing with the local planning authority. The proposed works shall be carried out in accordance with these approved details unless otherwise agreed in writing by the local planning authority.
Reason: To control the introduction of modern features onto the historic environment in an appropriate and sympathetic manner.

6. **(Conservation Implementation Management Plan – Huddersfield Station Environs)** No works including any works of demolition shall commence until a Conservation Implementation Plan (CIMP) for Huddersfield Station and Huddersfield Viaduct (MVL 3/92) has been submitted to and approved in writing by the local planning authority. The approved CIMP shall include methodologies for:

a. fabric removal, masonry repairs, vegetation removal, repointing, metalwork repairs and application of protective paint systems as appropriate;
b. repairs and strengthening to the existing fabric of the trainshed roof at Huddersfield Station;
c. the deconstruction, storage and reconstruction of the Tea Rooms at Huddersfield Station;
d. the identification of historically or architecturally significant elements of the fabric which once removed may be reused or preserved, and a strategy for their storage or reuse;
e. any improvements to the setting to sustain, enhance and better reveal the heritage asset affected;
f. details of the maintenance access regime with particular reference to the roofs
g. dissemination of “toolbox talks” to personnel involved in demolition and construction works
h. provision of heritage interpretation boards during construction works
Reason: To ensure the conservation of the historic environment and be consistent with Policy LP35 of the Kirklees Local Plan

Background Papers:

Application and history files.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91328

Certificate of Ownership – Notice served on Kirklees Council

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Kirklees COUNCIL

Originator: Louise Bearcroft

Tel: 01484 221000

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 12-May-2021

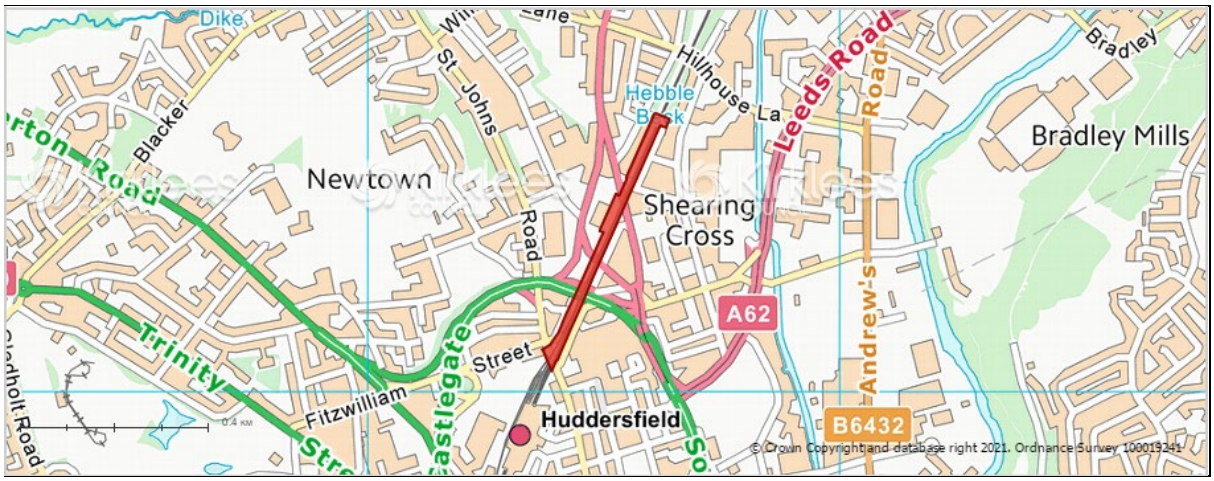
Subject: Planning Application 2021/91329 Listed Building Consent for re-construction of span 1 (MVL3/92(1) John William Street; strengthening works to abutment of span 4 (Fitzwilliam Street); re-construction of part of span 29 (Bradford Road); provision of parapet handrails, pattress plates and installation of overhead electric line equipment and a signal gantry (part within a Conservation Area) viaduct between, John William Street and Alder Street, Huddersfield, HD1 6AJ

APPLICANT
Rob McIntosh, Network Rail (Infrastructure) Ltd

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
31-Mar-2021	26-May-2021	

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.
http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Newsome and Dalton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

Members to note the contents of this report for information

1.0 INTRODUCTION:

1.1 This is an application for Listed building Consent for works to the grade II listed Huddersfield Viaduct, submitted by Network Rail in conjunction with their submission to the Secretary of State for Transport for a Transport and Works Act Order for the Trans-Pennine Upgrade (Huddersfield to Westtown) Scheme. The Council is not determining this Listed Building Consent application but may consider it and send any comments to the National Planning Casework Unit within a 42-day period prescribed in the Transport and Works Act 1992 Regulations. Members of the Committee are therefore invited to comment on the proposed Listed Building Consent application.

1.2 Network Rail Infrastructure Limited ("Network Rail") is applying to the Secretary of State for Transport for a Transport and Works Act Order to authorise the construction and operation of the Trans-Pennine Upgrade (Huddersfield to Westtown) Scheme. The Scheme is part of a wider programme of works known as the Transpennine Route Upgrade (TRU) which will improve the Transpennine railway between Manchester, Huddersfield, Leeds and York and improve connections between key towns and cities across the north of England.

1.3 The Scheme will contribute to the overall TRU Programme aims of increasing service capacity and offering journey time benefits through:

- Four tracking and upgrading of the existing railway line including track realignment (currently the majority of the railway in the Scheme area has two tracks);
- Electrification of the line;
- Increase in line speeds;
- Provision of sections of new railway;
- Provision of new grade-separated junction within the Ravensthorpe area;
- Remodelling of stations including platform extension works at Deighton, Mirfield and Huddersfield;
- Provision of replacement station at Ravensthorpe.
- Engineering works including strengthening and replacement of bridge decks (rail and highway); electrification of the line and provision of associated infrastructure will require raising the height, demolition of or replacement of bridge structures.

1.4 The proposed works to the grade II listed Huddersfield Viaduct for which Listed Building Consent is sought are required in consequence of the proposals included in Network Rail's application, as submitted by Network Rail on 31 March 2021 to the Secretary of State for Transport under section 1 of the Transport and Works Act 1992.

1.5 The Council is required by section 12(3a) of the 1990 Act to refer this Listed Building Consent application to the Secretary of State. Because of this automatic call-in the Council is not processing or determining this Listed Building Consent application. The Council may however, as noted above, consider this Listed Building Consent application for works to the grade II listed Huddersfield Viaduct and send any comments or recommendations to the National Planning Casework Unit within the 42-day period prescribed in the 1992 Regulations.

2.0 SITE AND SURROUNDINGS:

2.1 Huddersfield Viaduct (MVL3/92) was constructed between 1845 and 1847 and is a 47-span viaduct, largely of masonry construction which carries the Transpennine Route across the valley to the north of Huddersfield town centre and Huddersfield Station. The viaduct currently carries two tracks for the majority of its length, increasing in number to five on the approach to Huddersfield Station to service train movement for the platform arrangement of the station. The spans of the viaduct primarily comprise arches accommodating various through roads beneath the structure, as well as some businesses.

3.0 PROPOSAL:

3.1 The application seeks Listed Building consent to undertake a number of works to the Grade II Listed viaduct as follows:

- Increasing the number of tracks along the deck of the viaduct from two to five tracks from the southern end to Span 17 and four tracks from Span 17 to the northern end of the structure;
- The replacement of the deck of John William Street bridge (Huddersfield Viaduct (Span 1) Underbridge (MVL3/92(1))) with a new steel span, widened on the south-eastern side, with parapets either incorporating reused elements of the existing cast iron edge girders, or designed in a style to match the existing structure;
- The replacement of the metallic decks over Northgate / Bradford Road (Huddersfield Viaduct (Span 29) Underbridge (MVL3/92(9))) with new concrete beams, supported on new widened abutments, with both the new parapets and abutments designed in a style to respond to the existing structure;
- The reconstruction of the north-western corner of the abutment at Fitzwilliam Street (Huddersfield Viaduct (Span 4) Underbridge (MVL3/92(3))),to be clad in masonry to match its existing appearance;
- The installation of OLE along the length of the viaduct, with portals attached to the exterior of the structure on the east side and the southern half of the west side, and supported on the track bed of the viaduct on the northern half of the west side;
- The installation of a signal gantry approximately over Spans 2 and 3 (Huddersfield Viaduct (Span 2-3) Underbridge (MVL3/92(2))) to provide signals for train movement into and out from Huddersfield Station; and

- The strengthening of the spandrel walls at localised points along the viaduct where required, achieved through either tie bars and pattress plates or a slab below the track bed.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Historic planning applications include:

2007/90895 – Listed Building Consent for Alterations to arches 18, 22, 23 & 24 – Consent Granted

2010/90453 – Listed Building consent for core drilling as part of structural survey – Consent Granted

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Not applicable as the application for Listed Building Consent is not determined by the Local Planning Authority.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

6.2 LP 1 – Achieving Sustainable Development
LP 2 – Place Shaping
LP 24 – Design
LP 35 – Historic Environment

National Planning Guidance:

6.3 Chapter 2 – Achieving Sustainable Development
Chapter 12 – Achieving Well-Designed Places
Chapter 16 – Conserving the Enhancing the Historic Environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Under the Regulations it is the responsibility of the Council to post site notices in suitable locations giving details of the Listed Building Consent application and specifying that all representations must be made to the National Planning Casework Unit. The site notices must be in place for no less than 7 days during the 42-day period for representations and were posted on 1st April 2021. In this instance, because of the inclusion of Bank Holidays within the prescribed period, the 42-day limit is extended to 45 days.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

The Local Planning Authority is not processing or determining this Listed Building Consent for reason that the application has an automatic call-in to the Secretary of State. Consequently the Local Planning Authority is not required to carry out statutory consultations.

8.2 **Non-statutory:**

K.C Conservation and Design - No objections

9.0 MAIN ISSUES

- Heritage Context
- Managing the impact on the significance of Huddersfield Viaduct
- Proposed Key Works
- Impact on the grade-II listed Huddersfield Viaduct
- Impact on the setting of Huddersfield Station
- Impact on adjacent listed buildings
- Impact on the character and appearance of the Town Centre Conservation Area
- Balance of Heritage Impacts against the Public Benefits

10.0 APPRAISAL

Heritage context

10.1 The proposed works subject of the Listed Building Consent application impact on the grade-II listed Huddersfield Viaduct (Network Rail bridge reference MVL3/92). This is a 47-span viaduct which carries the Transpennine Route north from Huddersfield station. The viaduct currently carries two tracks for the majority of its length, increasing in number to five on the approach to Huddersfield Station. The spans of the viaduct primarily comprise arches accommodating various through roads beneath the structure, as well as some businesses.

10.2 The viaduct was constructed between 1845 and 1847 as part of the Huddersfield & Manchester Railway, and is largely of masonry construction. The viaduct was widened in the 1880s, to provide additional tracks along much of its length. The majority of the widening was undertaken in masonry closely matching the original structure, however a number of spans were widened with metallic decks of wrought iron, in particular over John William Street (Span 1), Fitzwilliam Street (Span 4) and Northgate/Bradford Road (Span 29). The viaduct survives largely unchanged in fabric and appearance since it was widened during the 1880s.

10.3 The grade-II listed Huddersfield Viaduct is both historically and operationally fundamental to the Transpennine railway route. The viaduct remains an impressive and iconic town centre landmark, retaining its primary operational purpose as a major component of the cross Pennine transport line and is a prominent and positive contributor to the Huddersfield Town Centre Conservation Area.

10.4 The proposals subject of the Listed Building Consent application are a key part of the Transpennine Route Upgrade, Section W3 (TRU W3) and have been developed in consultation with Historic England and Design and Kirklees Council's Conservation Officers over some years. The design development process for the proposals included appraisal of alternative options to identify an approach which delivers the operational requirements, while meeting the national and local policy requirements to minimise the direct (physical) and indirect (visual) impact on the designated heritage asset.

10.5 The current proposals to enhance the operation of the line are thus required to be considered in the context of the legislative and policy requirements impacting on such nationally important designated heritage assets. The legislative requirements are set by Section.66 (1) of the 1990 Act which requires the local planning authority and the Secretary of State (in this case) to have, *"special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".* The impact on the conservation area must also be considered in the context of Section 72 of the 1990 Act which also confers a duty to afford, *"special attention. to the desirability or preserving or enhancing the character or appearance of that area".*

10.6 As a designated heritage asset, the NPPF paragraph 193 requires that the impact of the proposed development on the significance of Huddersfield viaduct and the conservation area should be given *"great weight"* when considering development proposals. The policy presumption is that the proposed works should preserve or enhance the heritage asset or at least avoid or minimise any diminution of the special interest of the structure. The conservation requirements of the NPPF are embedded in the Kirklees Local Plan Policy LP35, Historic Environment. The impact on Huddersfield Viaduct is consequently considered with particular reference to these legislative and policy requirements.

10.7 The particular heritage value and sensitivity of the Huddersfield Viaduct is defined in the TRU-W3 ES statement which notes that the designated heritage asset is of 'High Value", thereby defining it to be of, "*High Importance and rarity, national scale and limited potential for substitution"* (see Volume 2i, Ch.6, para. 6.3.11, Table 6-2 'Value of Heritage Assets').

10.8 Consequently, it is important to understand the impact of the proposed TRU W3 works on the special architectural or historic interest of the Huddersfield Viaduct and its context.

10.9 The ES evaluates the level of 'Permanent heritage impact in terms of Table 6-3 Magnitude of Impact (ES Volume 2i, Ch.6 para 6.3.17), with a 9-point range from: '*major, moderate, minor, and negligible adverse*' to '*major, moderate, minor and negligible beneficial*', with 'No change' at the centre point. The following evaluation is set out in these terms.

<u>Managing the impact on the significance of Huddersfield Viaduct</u>

10.10 The proposed interventions would result in a degree of change to the historic fabric of the monumental grade-II listed building, including the loss of some original features, alterations and restoration works. The proposals (discussed below) attempt to minimise the compromise of its historic fabric while

facilitating the proposed enhanced operational requirements. The cumulative impact of the proposed works has been evaluated within Network Rail's Heritage Assessment as resulting in 'less than substantial harm' to the fabric and character of the designated heritage asset (Heritage Assessment. March 2021 para. 4.1.9).

10.11 The successful mitigation of the identified adverse physical and visual impacts will consequently be dependent on the detail to be secured by conditions on the LBC (and the wider TWAO) in the form of a Conservation Implementation Management Plan (CIMP) for the grade-II listed viaduct. The CIMP is proposed by Network Rail as being the means to specify the materials, techniques, and task implementation methodologies necessary to inform the intervention works and demonstrate that the completed tasks will retain the authenticity, special interest and character of this nationally important heritage asset. Network Rail's proposed use of the CIMPs is considered to be an essential and welcome design-quality moderation tool.

10.12 The TRU-W3 scheme will require a series of CIMPs, to demonstrate a conservation-focused framework for the initiative as a whole and provide the detailed specifications to implement works on the various designated heritage assets along the route. Given the grade-II listed status and prominence of Huddersfield Viaduct and the impact of the extent of interventions, the resultant CIMP covering these particular works will need to be comprehensive and highly detailed. It is understood that the approval of the collection of Conservation Implementation Management Plans (CIMPs) by Kirklees Council, as Local Planning Authority, would be a Conditional requirement should Listed Building Consent be granted by the Secretary of State.

10.13 The individual impacts of the key interventions at Huddersfield Station are considered individually below.

Proposed key works

10.14 The proposed works form part of the TRU Programme objectives of increasing capacity and reducing journey times, this requires alterations to be made to the railway line along the length of Huddersfield Viaduct (MVL3/92). It is necessary to provide additional tracks for the length of the viaduct and to install Overhead Line Equipment (OLE) attached to the structure.

10.15 The proposed intervention works to the grade-II listed viaduct vary in the extent of their individual impact and are considered collectively in order to evaluate the overall impact on the special interest of Huddersfield Viaduct. In summary the key intervention works comprise the following:

1. **Increasing the number of tracks** along the deck of the viaduct from two to five tracks, from the southern end to Span 17 and four tracks from Span 17 to the northern end of the structure;

2. The **replacement of the deck** of John William Street bridge (Huddersfield Viaduct (Span Underbridge (MVL3/92(1)) with a new steel span, widened on the south-eastern side, with parapets either incorporating reused elements of the existing cast iron edge girders, or designed in a style to match the existing structure;

3. The **replacement of the metallic decks** over Northgate / Bradford Road (Huddersfield Viaduct (Span 29) Underbridge (MVL3/92(9)) with new concrete beams, supported on new widened abutments, with both the new parapets and abutments designed in a style to respond to the existing structure; The reconstruction of the north-western corner of the abutment at Fitzwilliam Street (Huddersfield Viaduct (Span 4) Underbridge (MVL3/92(3)),to be clad in masonry to match its existing appearance;

4. The **installation of Overhead Line Equipment (OLE)** along the length of the viaduct, with portals attached to the exterior of the structure on the east side and the southern half of the west side, and supported on the track bed of the viaduct on the northern half of the west side;

5. **The installation of a signal gantry** approximately over Spans 2 and 3 (Huddersfield Viaduct (Span 2-3) Underbridge (MVL3/92(2)) to provide signals for train movement into and out from Huddersfield Station; and

6. The **strengthening of the spandrel walls** at localised points along the viaduct where required, achieved through either tie bars and pattress plates or a slab below the track bed.

Impact on the grade-II listed Huddersfield

10.16 The proposed intervention works will involve permanent alterations to the historic fabric and appearance of the grade-II listed viaduct. The impact of the alterations varies along its length and will be most evident where the bridge spans the roads.

10.17 It will be noted that Huddersfield Viaduct was originally designed to accommodate a greater number of lines, with 5 tracks recorded on the OS maps up until the 1960s. Increasing the number of tracks across the deck of the listed viaduct (identified as key intervention 1 above) would consequently go some way to restore the historic character the bridge. This intervention would, therefore, reinstate a functional characteristic of the structure and have a minor beneficial impact.

10.18 The proposed physical alterations (identified as key interventions 2 and 3 above) resulting in the loss of historic fabric are proposed at John William Street bridge (Span 1), where the existing deck would be removed and replaced, as would the metallic decks over Northgate / Bradford Road (Span 29). In both cases, this would result in the loss of elements of the structure's fabric dating to the widening of the structure in the 1880s. The proposed design and materiality of the replacement decks at both locations respond to this loss, reflecting the historic character of the structure while making a clear contrast to express the change.

10.19 At John William Street bridge (Span 1), the replacement deck would closely reflect the design detail of that existing, maintaining the appearance of the structure from the surrounding streets and retaining legibility and consistency with the western side of the bridge (which will remain largely unaltered). At Northgate / Bradford Road (Span 29), the proposed replacement deck would include the use of a different material comprising concrete parapets, designed with relief patterning to attempt to reference the lost metallic spans. The widened abutments at this location would be clad in stone to match the existing masonry of the viaduct. The legibility and appreciation of the widened

structure at Span 29 would be retained, with the abutments and deck offset to the original 1840s arch, thereby continuing to express the structure's historic development.

10.20 In both cases, although key intervention works 2 and 3 would involve the loss of some historic fabric. However, the change to the historic fabric would have a minor adverse impact, as the physical alterations would not noticeably alter the overall character or special interest of the listed Viaduct. The physical impact would be mitigated by careful specification and sensitive design which would be monitored by means of the detailed Conservation Implementation Management Plan (CIMP) which would be required by a Listed Building Consent condition and submitted to the Council for approval prior to works commencing.

10.21 The proposals would also involve localised permanent changes to the fabric of Huddersfield Viaduct, to facilitate the installation of the Overhead Line Equipment (OLE) and signal gantry (identified as key interventions 4 and 5 above). The OLE is fundamental to the electrification of the line. The OLE which crosses the Viaduct would be attached to the exterior of the structure on both sides, which would involve fixing the 'portals' into the masonry fabric of the Viaduct's spandrel walls, with four locations including anchor portals to tie them to the structure.

10.22 The erection of the OLE structures would consequently have a minor adverse physical impact as it would require drilling to support the stanchions. This would not materially affect the understanding or appreciation of the monumental engineering structure. The change to the character of the viaduct would be more evident and would also have a minor adverse visual impact, as the experience and appreciation of the Viaduct would be altered by the addition of the vertical OLE portals. However, the overall change to the Viaduct would not significantly erode its robust architectural character, the appreciation of its function or result in significant harm to its heritage value.

10.23 The signal gantry would be located entirely on the deck of the structure. This would minimise its visual impact and result in the localised loss or alteration of historic fabric.

10.24 The physical impact resulting from interventions 4 and 5 would, therefore, be mitigated by careful specification and sensitive design which would be monitored and subject to scrutiny by means of the detailed Conservation Implementation Management Plan (CIMP). The CIMP would be required by a Listed Building Consent condition and submitted to the Council for approval, prior to works commencing.

10.25 The proposed strengthening works (key intervention work 6 above) would be undertaken to the spandrel walls of the masonry spans would have a beneficial impact on the viaduct. The strengthening works would be relatively discreet works and would not alter the character or appearance of the structure. The strengthening works are necessary to enhance the longevity of the structure and ensure that it could support the OLE and accommodate the increased use resulting from the reinstatement of the tracks over the viaduct. The application states that these works would be undertaken, *"in a manner sensitive to the structure's existing appearance"*, reflecting the historic strengthening work previously undertaken, using ties and pattress plates of a similar style. The detailed physical impact resulting from the strengthening

works has yet to be specified and, would therefore, be careful scrutinised and monitored by means of the detailed Conservation Implementation Management Plan (CIMP), to be submitted to the Council for approval prior to works commencing.

10.26 The special interest of Huddersfield Viaduct is derived from the survival of its historic fabric and appearance and the legibility of its widening in the 1880s. The historical and evidential heritage values which are derived from this survival of historic fabric would be altered by the permanent physical changes detailed above. However, its townscape presence and overall significance would be largely unaltered, subject to the detailed implementation to be monitored by means of the Conservation Implementation Management Plan (CIMP).

10.27 The cumulative impact of the proposed changes to Huddersfield Viaduct (identified as key interventions 1- 6 above), resulting from the various adverse physical and visual impacts, will alter the appearance of the structure but it is considered that this would not significantly erode the appreciation of its architectural character or historic interest. The robust architectural detail of the Viaduct's engineering would still be fully appreciated, despite the addition of the OLE which would both facilitate and express the adaption of the railway lines character.

10.28 The proposals would have some impact on the experience of the Viaduct within local views. However, the appreciation and legibility of its historic form would be maintained while the experience of the Viaduct and its surrounding townscape would also not be altered.

10.29 Therefore, the overall impact of the alterations on the fabric and character of Huddersfield Viaduct would result in 'less than substantial harm' at the lower end of the range. Consequently, in accordance with the requirements of the NPPF (paragraph 196) and Kirklees Local Plan Policy LP35 it is necessary to evaluate the public benefits which would outweigh the identified adverse impacts and thereby justify the extent of the interventions. The public benefits are outlined below.

<u>Impact on the setting of Huddersfield Station.</u>

10.30 Given the functional and physical relationship of Huddersfield Viaduct to the adjacent station the 1990 Act and national and local policy require that its impact on the setting of adjacent grade-I listed Huddersfield station complex is considered when determining development proposals. The significance of the setting of the grade-I listed station complex is primarily understood and appreciated in terms of the relationship with St. George's Square, as well as its relationship with the immediate townscape and the experience and movement of those using the station. The proposed works to Huddersfield Viaduct would have no demonstrable impact on these elements or the experience or appreciation of the significance of the station.

10.31 The Overhead Line Equipment (OLE) located on Huddersfield Viaduct would continue through the station and introduce this modern infrastructure component into wider townscape views. However, the proposed interventions (items 4 and 5 above) will not appreciably detract from the setting of the station complex, nor will they reduce the extent to which it derives significance from its association with the Viaduct.

Impact on adjacent listed buildings.

10.32 The proposals for Huddersfield Viaduct (MVL3/92) will not result in any physical impacts on any other Listed Buildings.

10.33 The proposed works to the viaduct will result in a change to the setting of nearby grade-II listed public house, The Sportsman and Marhaba Takeaway (NHLE 1464388). The principal elevations of the building face the Viaduct, with its corner entrance orientated towards the junction of Fitzwilliam Street and John William Street. The OLE and signal gantry (as well as the replacement of Span 1) would be clearly visible from the listed building, with the former elements adding to the visual prominence of the Viaduct in the setting of the public house/restaurant. This will only slightly alter the relationship between the public house and the surrounding historic streetscape and Viaduct. The visual impact would result in a negligible adverse impact as the change to the setting of the public house would not materially affect the experience or appreciation of its significance. Therefore, the overall significance of the adjacent listed building will be unaltered.

10.34 The proposed key interventions impacting on Huddersfield Viaduct will result in very minor changes to the streetscape setting of other nearby listed buildings. However, the works will have a negligible or no impact on the appreciation or experience of these designated heritage assets.

10.35 The OLE and signal gantry, as well as the proposed replacement deck of John William Street bridge (Span 1) would be visible in views towards, from and across four grade-II listed buildings located between 72 and 84 Fitzwilliam Street (NHLEs 1134224, 1134225, 1134226 and 1134227), as well as the Empire Cinema (Grade II Listed, NHLE 1288963) and 70-78 John William Street (Grade II Listed, NHLE 1313875). However, despite the proposed changes introducing new elements into the townscape, the Viaduct would continue to dominate the streetscape and would not appreciably degrade the extent to which the identified adjacent listed buildings are experienced or appreciated. Therefore, the overall significance of these listed buildings would be unaffected.

Impact on the character and appearance of the Town Centre Conservation Area.

10.36 The proposals for Huddersfield Viaduct (MVL3/92) would result in changes to the appearance of the very northern part of the Huddersfield Town Centre Conservation Area. However, these changes will not compromise the character or appearance of the Conservation Area, or the manner in which the Viaduct makes a positive contribution to its significance.

10.37 The changes to John William Street bridge (Span 1) and the installation of the OLE and signal gantry at the southern end of the structure will alter the appearance of the viaduct in this area and introduce new prominent elements into views into and out of the Conservation Area. The Viaduct would remain the most prominent element of the historic townscape in this part of the Conservation Area, while the legibility of its relationship with Huddersfield Station and associated historic railway infrastructure will also remain unchanged. The proposals will not alter the extent to which the viaduct contributes to the historic character of the area, and its contribution to the

overall significance of the Conservation Area will not be diminished. Therefore, the proposals will result in no appreciable change to the overall significance of the Conservation Area. The proposed works would enhance the functional character of the Viaduct as a significant component of the Conservation Area.

10.38 The impact on the character and appearance of the designated conservation area would consequently be minor beneficial.

Balance of heritage impact against the public benefits.

10.39 The cumulative direct and indirect heritage impact of the proposed TRU-W3 works on Huddersfield Viaduct will present some adverse effects resulting from loss of historic components, permanent change to the fabric of the structure and the integration of new engineering structures. The proposals represent significant change to the surviving historic fabric of the grade-II listed heritage asset. However, the overall significance of Huddersfield Viaduct would not be adversely impacted to any significant extent and the proposals would enhance its design purpose. The proposals will help secure the optimum viable use of the prominent, grade-II listed railway Viaduct station complex.

10.40 The cumulative impact of the fabric interventions (identified as 1-6 above) would amount to allow level of 'less than substantial harm' to the significance of the designated heritage asset. Therefore, in accordance with the requirements of the NPPF, paragraphs 196 and Local Plan Policy LP35 it is necessary to evaluate whether the current proposal can demonstrate substantial public benefits which would outweigh the perceived adverse impacts on the heritage asset.

10.41 Network Rail's design development process was informed by detailed analysis of the significance of the individual heritage assets along the TRU-W3 route. The design objective has been to minimise the adverse heritage impacts while facilitating the return to the multi-line use of the Viaduct and the electrification of the line. The identified adverse heritage impacts on the Viaduct are relatively modest (and would be partially mitigated by the use of the Conservation Implementation Management Plan) but must be demonstrably outweighed by substantial public benefits to justify the interventions. These would largely result from the completion of the wider Transpennine Route Upgrade and are outlined below.

10.42 The proposed works to Huddersfield Viaduct form part of the wider Huddersfield to Westtown (Dewsbury) section of the Transpennine Route Upgrade and would support the economic, environmental and social benefits associated with the wider delivery of the TRU programme. The proposed works to the Viaduct are integral to achieving the overall benefits of the wider Transpennine Route Upgrade scheme.

10.43 The TRU-W3 is considered to be vital in supporting the North of England's long-term, low-carbon economic growth, better-connecting people to jobs, services, education and leisure. The adopted Kirklees Local Plan (paragraph 10.2) recognises the critical connection between effective transport systems and local business productivity and district prosperity.

10.44 The economic and social benefits to be achieved from the improved Transpennine Route proposals include a reduction in journey times along this part of the route. This will be partially facilitated by enhanced train speeds and capacity, with longer, more frequent trains reducing congestion, increasing passenger comfort and improved journey quality.

10.45 Future passenger modelling has indicated that the numbers of people using the Transpennine Route will increase from 5.33 million to 8.22 million in 2042/43. This would be partially achieved through the creation or enhancement of four tracking across Huddersfield Viaduct (MVL3/92), allowing for express trains to by-pass slower trains and freight services. The increased movement of people and goods along this key part of the railway network supports a more economic and socially viable transport solution and forms part of the West Yorkshire Transport Strategy, harnessing economic prosperity through a better-connected transport network.

10.46 The environmental and sustainability benefits of the line's upgrade will arise from the electrification of the line with the Transpennine Upgrade scheme identified as an investment in 'greener' energy technology meeting Network Rail's Decarbonisation Strategy and reducing harmful emissions that cause climate change, in line with Council policy and Government targets.

10.47 The proposals for Huddersfield Viaduct will result in permanent change to the grade-II listed building but will sustain its viable use, securing the future of the heritage asset and the appreciation of its historic structure. The sustainable use of the Viaduct and its retained historic fabric provides a significant heritage benefit, by ensuring the longevity of the structure for its design purpose.

10.48 Therefore, the proposals constitute a sustainable approach to the future of Huddersfield Viaduct as a nationally significant and historic component of the wider Transpennine Route. The delivery of electrification which realises passive and active measures to deliver reduced energy demands and carbon reduction would, therefore, be a substantial public benefit. This would provide the necessary justification to enable recommendation of support for the proposed works subject to Listed Building Consent.

Climate Change

10.49 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.50 The works are required in consequence of the proposals included in Network Rail's application, as submitted by Network Rail on 31 March 2021 to the Secretary of State for Transport under section 1 of the Transport and Works Act 1992. The delivery of electrification which realises passive and active measures to deliver reduced energy demands and carbon reduction will assist in helping the climate change emergency.

11.0 CONCLUSION

11.1 The proposed Huddersfield Viaduct intervention works would deliver substantial public benefits which would outweigh the identified, relatively minor adverse heritage impacts. The safeguard proposed by Network Rail to facilitate the careful monitoring and control of the works through the use of a comprehensive and detailed Conservation Implementation Management Plan (CIMP), would also serve to manage the intervention works and temper any adverse heritage impacts.

11.2 The evident public benefits that would arise from the Transpennine Route Upgrade provide the necessary justification in terms of NPPF paragraph 196 and Local plan policy LP35 to support for the proposed Listed Building Consent for works at Huddersfield Viaduct.

11.3 The proposed works are consequently considered to meet the requirements of NPPF paragraphs 189, 193 and 196, as well as Local Plan policy LP35 Historic Environment.

12.0 CONDITIONS

The Local Planning Authority endorse the conditions proposed by Network Rail as set out below:

1. **(Time Limit**) The development must be begun not later than the expiration of five years beginning with the date of this permission.
Reason: To set a reasonable time limit for the commencement of the development.

2. (**Approved Drawings**) The development hereby permitted shall be carried out in accordance with the following drawings:
151667-TSA-30-MVL3-DRG-T-LP-163100 Existing Plan and Proposed Plan (Sheet 1)
151667-TSA-30-MVL3-DRG-T-LP-163101 Existing Plan and Proposed Plan (Sheet 2)
151667-TSA-30-MVL3-DRG-T-LP-163102 Existing Plan and Proposed Plan (Sheet 3)
151667-TSA-30-MVL3-DRG-T-LP-163103 Existing Plan and Proposed Plan (Sheet 4)
151667-TSA-30-MVL3-DRG-T-LP-163104 Existing Plan and Proposed Plan (Sheet 5)
151667-TSA-30-MVL3-DRG-T-LP-163105 Existing & Proposed East Elevation (Sheet 1)
151667-TSA-30-MVL3-DRG-T-LP-163106 Existing & Proposed East Elevation (Sheet 2)
151667-TSA-30-MVL3-DRG-T-LP-163107 Existing & Proposed East Elevation (Sheet 3)
151667-TSA-30-MVL3-DRG-T-LP-163108 Existing & Proposed East Elevation (Sheet 4)
151667-TSA-30-MVL3-DRG-T-LP-163109 Existing & Proposed East Elevation (Sheet 5)
151667-TSA-30-MVL3-DRG-T-LP-163110 Existing & Proposed West Elevation (Sheet 1)

151667-TSA-30-MVL3-DRG-T-LP-163111 Existing & Proposed West Elevation (Sheet 2)
151667-TSA-30-MVL3-DRG-T-LP-163112 Existing & Proposed West Elevation (Sheet 3)
151667-TSA-30-MVL3-DRG-T-LP-163113 Existing & Proposed West Elevation (Sheet 4)
151667-TSA-30-MVL3-DRG-T-LP-163114 Existing & Proposed West Elevation (Sheet 5)
151667-TSA-30-MVL3-DRG-T-LP-163115 Cross Sections with proposed OLE
151667-TSA-30-MVL3-DRG-T-LP-163118 Typical Arch Repair Details
151667-TSA-30-MVL3-DRG-T-LP-163119 Signal Gantry Cross Sections and Fixing Details
Reason: To ensure compliance with the approved plans and for the avoidance of doubt.

3. (**Materials**) Before the development hereby approved commences, or within a timescale to be otherwise agreed in writing by the local planning authority, samples and specifications of all materials to be used on all external elevations of the development shall be submitted to and approved in writing by the local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the local authority.
Reason: To ensure the conservation of the historic environment and be consistent with Policy LP35 of the Kirklees Local Plan.

4. (**Huddersfield Viaduct Recording**) No works of demolition shall take place until a methodology for full structure recording has been approved in writing. The subsequent recording will take place prior to demolition and be deposited with the West Yorkshire Archive Service and West Yorkshire Historic Environment Record in accordance with the timescales agreed in the approved methodology. The following structures are the subject of this condition :
   - Huddersfield Viaduct Spans 1, and 29 (level 2); span 4 (level 1);
   - A recording undertaken to Level 1 of the sections of the parapet of the viaduct which are proposed to be altered to accommodate the attachment of OLE and its setting, including a photographic record.

Reason: In recognition of the architectural and historic significance of the Listed Building and in accordance with Chapter 16 of the NPPF.

5. (**Conservation Implementation Management Plan)** No works including any works of demolition shall commence until a Conservation Implementation Plan (CIMP) has been submitted to and approved in writing by the local planning authority. The approved CIMP shall include methodologies for:
a. fabric removal, masonry repairs, vegetation removal, repointing, metalwork repairs and application of protective paint systems as appropriate;
b. the identification of historically or architecturally significant elements of the fabric which once removed may be reused or preserved, and a strategy for their storage or reuse where appropriate;
c. any improvements to the setting to sustain, enhance and better reveal the heritage asset affected;
d. exact affixing details of overhead line electrification;

e. details of any maintenance access regime if required;
f. provision of heritage interpretation boards during construction works;
h. provision of heritage interpretation boards during construction works;
i. dissemination of “toolbox talks” to personnel involved in demolition and construction works.
Reason: To ensure the conservation of the historic environment and be consistent with Policy LP35 of the Kirklees Local Plan.

Background Papers:
Application and history files.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91329

Certificate of Ownership –Certificate A signed:

Kirklees COUNCIL

Originator: Louise Bearcroft

Tel: 01484 221000

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 12-May-2021

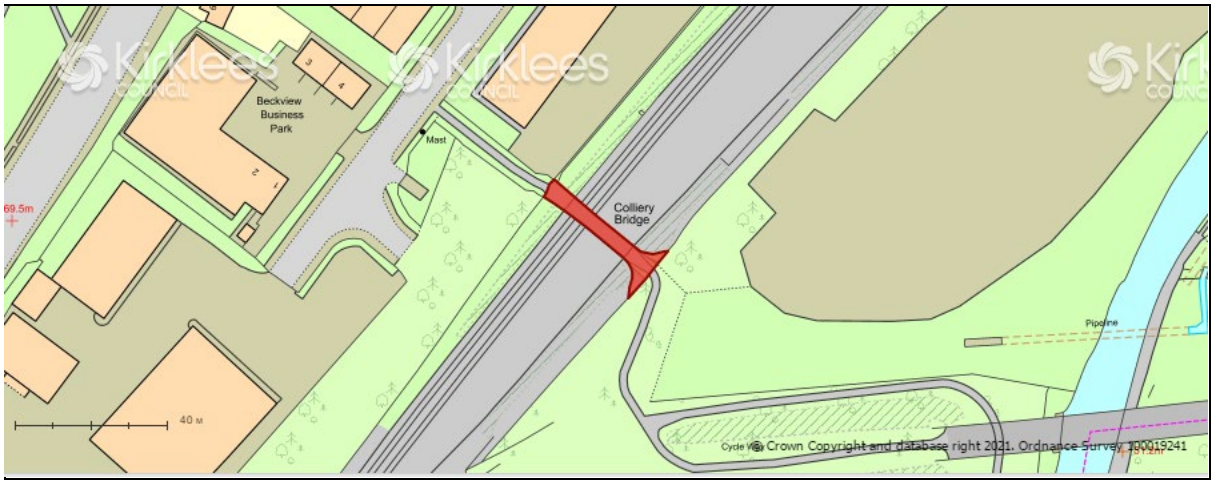
Subject: Planning Application 2021/91337 Listed Building Consent for demolition and replacement of Wheatley's Colliery bridge (MVL3/103) Wheatley's Colliery Bridge MVL3/103, adj, Ashley Industrial Estate, Leeds Road, Bradley, Huddersfield, HD2 1UR

APPLICANT
Rob McIntosh, Network Rail (Infrastructure) Ltd.

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
31-Mar-2021	26-May-2021	

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.
http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Ashbrow

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

Members to note the contents of this report for information.

1.0 INTRODUCTION:

1.1 This is an application for Listed building Consent for works to the grade II listed railway bridge MVL3/103; Wheatley's Colliery Bridge submitted by Network Rail in conjunction with their submission to the Secretary of State for Transport for a Transport and Works Act Order for the Trans-Pennine Upgrade (Huddersfield to Westtown) Scheme. The Council is not determining this Listed Building Consent application but may consider it and send any comments to the National Planning Casework Unit within a 42-day period prescribed in the Transport and Works Act 1992 Regulations. Members of the Committee are therefore invited to comment on the proposed Listed Building Consent application.

1.2 Network Rail Infrastructure Limited ("Network Rail") is applying to the Secretary of State for Transport for a Transport and Works Act Order to authorise the construction and operation of the Trans-Pennine Upgrade (Huddersfield to Westtown) Scheme. The Scheme is part of a wider programme of works known as the Transpennine Route Upgrade (TRU) which will improve the Transpennine railway between Manchester, Huddersfield, Leeds and York and improve connections between key towns and cities across the north of England.

1.3 The Scheme will contribute to the overall TRU Programme aims of increasing service capacity and offering journey time benefits through:

- Four tracking and upgrading of the existing railway line including track realignment (currently the majority of the railway in the Scheme area has two tracks);
- Electrification of the line;
- Increase in line speeds;
- Provision of sections of new railway;
- Provision of new grade-separated junction within the Ravensthorpe area;
- Remodelling of stations including platform extension works at Deighton, Mirfield and Huddersfield;
- Provision of replacement station at Ravensthorpe.
- Engineering works including strengthening and replacement of bridge decks (rail and highway); electrification of the line and provision of associated infrastructure will require raising the height, demolition of or replacement of bridge structures.

1.4 The proposed works to the grade II listed railway bridge MVL3/103; Wheatley's Colliery Bridge for which Listed Building Consent is sought are required in consequence of the proposals included in Network Rail's application, as submitted by Network Rail on 31 March 2021 to the Secretary of State for Transport under section 1 of the Transport and Works Act 1992.

1.5 The Council is required by section 12(3a) of the 1990 Act to refer this Listed Building Consent application to the Secretary of State. Because of this automatic call-in the Council is not processing or determining this Listed Building Consent application. The Council may however, as noted above, consider this Listed Building Consent application for works to Huddersfield Station and send any comments or recommendations to the National Planning Casework Unit within the 42-day period prescribed in the 1992 Regulations.

2.0 SITE AND SURROUNDINGS:

2.1 The site comprises the grade II listed railway bridge MVL3/103; Wheatley's Colliery Bridge which is accessed from Ashley Industrial Estate off the A62 Leeds Road.

2.2 The bridge structure was designated a grade II listed building in March 2018. It is a two span, masonry arch pedestrian and cycle bridge which carries the National Cycle Route 66 over the railway. The overbridge was constructed in two phases; originally built in 1849 as a single span masonry arch bridge, in the 1880's a second span was added to the south consisting of a brick arch ring with stone voussoirs, as part of the London & North Western Railway (LNWR) widening of the railway. The substructure is made of stone and consists of two abutments, with wingwalls of different geometries to suit the surrounding embankment, and a central pier.

3.0 PROPOSAL:

3.1 The application seeks listed building consent to demolish and replace Wheatley's Colliery Bridge (MVL3/103).

3.2 At this location the railway lines will be increased from two to four, and Overhead Line Electrification (OLE) will be required. The proposed new track alignments clash with the north-east abutment and intermediate pier of MVL3/103 Wheatley's Overbridge. Additionally, the bridge's existing arches have inadequate headroom for the proposed OLE. It is proposed to demolish the bridge to provide the required horizontal and vertical clearance and construct a replacement structure.

3.3 The proposed works relating to the construction of the new replacement overbridge and demolition of the Grade II Listed bridge, will comprise:

- Construction of a single span replacement overbridge of approximately 23m length, with 1.8m high parapets, directly to the south-west of the existing Listed bridge. The bridge deck would be of Glass Re-inforced Plastic (GRP) or steel plates and the main girders of weathering steel beams, with outward leaning webs to improve the aesthetics of the parapets;
- Cladding the reinforced concrete approach walls and abutments of the new bridge in stone where appropriate and practicable, as a reflection of the lost historic structure;
- Supporting existing utilities below the deck of the new bridge in conduits;

- Diversion of the utilities into those constructed within the new bridge structure;
- Realignment of the approach of the cycle path on either side of the structures;
- Incorporation of heritage interpretation into the design of the new replacement bridge; and
- Demolition of the existing Wheatley's Overbridge (MVL3/103) structure. This will involve approximately 1300m3 of material that will be crushed for reuse and would take place after the completion of the new replacement bridge.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2003/95052 – Construction of shared use footpath (walking/cycling and walking/cycling/horse riding) using a combination of existing paths, dismantled railway line and canal towpath with associated access points – Granted under Reg.3 General Regulations

2005/94811 – Formation of shared use path for walking, cycling and horse riding on disused rail corridor and adjacent land with associated access points – Conditional Full Permission

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Not applicable as the application for Listed Building Consent is not determined by the Local Planning Authority.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

6.2 LP 1 – Achieving Sustainable Development
LP 2 – Place Shaping
LP 24 – Design
LP 35 – Historic Environment

National Planning Guidance:

6.3 Chapter 2 – Achieving Sustainable Development
Chapter 12 – Achieving Well-Designed Places
Chapter 16 – Conserving the Enhancing the Historic Environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Under the 1992 Regulations it is the responsibility of the Council to post site notices in suitable locations giving details of the Listed Building Consent application and specifying that all representations must be made to the National Planning Casework Unit. The site notices must be in place for no less than 7 days during the 42-day period for representations and were posted on 1st April 2021. In this instance, because of the inclusion of Bank Holidays within the prescribed period, the 42-day limit is extended to 45 days.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

The Local Planning Authority is not processing or determining this Listed Building Consent for reason that the application has an automatic call-in to the Secretary of State. Consequently, the Local Planning Authority is not required to carry out statutory consultations.

8.2 **Non-statutory:**

K.C Conservation and Design - No objections

9.0 MAIN ISSUES

- Heritage Context
- Demolition of the grade-II listed Wheatley's Overbridge (MVL3/103)
- Architectural Value of the replacement building
- Impact on adjacent listed buildings
- Mitigation through interpretation and record
- Managing the major adverse impact
- Balance of heritage impacts against the public benefits

10.0 APPRAISAL

Heritage context

10.1 The works subject of the Listed Building Consent application, relate to the complete demolition and replacement of the grade-II listed Wheatley's Overbridge (MVL3/103). This a two span, masonry arch bridge for pedestrian and cyclists. located close to the settlements of Deighton and Bradley, built in 1849 for the Huddersfield & Manchester Railway. The bridge was originally built as a single-span overbridge to carry an access road from Bradley to the Colne Bridge Colliery, which was situated between the Huddersfield and Manchester Railway and Sir John Ramsden's Canal.

10.2 The bridge was grade-II listed as a building of special architectural and historic interest in March 2018, as an example of an original 1840s overbridge and a good example of the work of noted railway engineer Alfred Stanistreet Jee. Wheatley's Overbridge (MVL3/103) is one 22, mainly masonry, bridge structures designed by Jee for the Huddersfield & Manchester Railway between 1845 and 1849, of which 20 are grade-II listed. This group of bridges are nationally recognised in their listings for the quality of their design. The group value of Wheatley's Overbridge (MVL3/103) is also noted as a reason for its significance and listing, as it shares stylistic similarities with the surviving group of structures associated with Alfred Stanistreet Jee on the Transpennine Route.

10.3 The original form of Wheatley's Overbridge was changed in the 1880s when it was sympathetically altered with a second span, which replicated the original design and detailing. The substructure is made of stone and consists of two abutments, with wingwalls tailored to suit the surrounding embankment, and a central pier.

10.4 The bridge is currently a pedestrian and cycle-way which carries Sustrans National Cycle Route 66 over the railway. The stone parapets support an open metal balustrade comprising a tubular steel fence supported by cast-iron posts and bolted struts that are recessed into the sides of the coping stones. The bridge deck was adapted in 2000 to accommodate the cycleway, with the deck raised, and given a tarmacadam surface, and the open balustrade enclosed and protected by modern steel mesh fencing, supported by steel posts.

10.5 Two railway tracks currently pass under the north-western span 1 (the 1849 span); the Up line to Huddersfield and the Down line to Bradley. A Network Rail vehicle access track currently passes under the south-eastern span 2 (the 1880s span). The original form of the bridge, as well as views along the line, are consequently experienced through the 3-metre high mesh fencing.

10.6 The structure was subject to a detailed examination as part of Network Rail's maintenance regime in 2012, which identified that it was in a *"fair condition"*.

10.7 The proposals subject of the Listed Building Consent application are a key part of the Transpennine Route Upgrade, Section W3 (TRU W3) and have been developed in consultation with Historic England and Design and Kirklees Council's Planning and Conservation Officers over some years. It is understood that the final 13 August 2020 meeting with stakeholders, presented concept designs for interpretation which are recorded by Network Rail as being positively received. However, the stakeholders expressed their desire to continue to engage with the interpretive element during the final design phase. Final visualisations were also shown (see Heritage Assessment Insert 3-3) with the indicative form of the new structure accepted as a potentially suitable replacement for the historic bridge, although it was noted that, *"full justification and design choices were to be documented in a Heritage Assessment".*

10.8 The removal of Wheatley's Overbridge (MVL3/103) and loss of its contribution to the significance of the Transpennine railway, would amount to **substantial harm** in terms of national and local planning. The NPPF (paragraph 194a) states that the total loss of grade-II listed building *"should be exceptional"* and must be measured against the delivery of *"substantial public benefits."*

10.9 The current proposals are consequently required to be considered in the context of the legislative and policy requirements impacting on such nationally important designated heritage assets. The legislative requirements are set by Section 66(1) of the 1990 Act which requires that the local planning authority and the Secretary of State (in this case) have, *"special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses".*

10.10 As the proposal would involve the total loss of significance of the designated heritage asset the NPPF (paragraph 195) states that local planning authorities (or the Secretary of State in this case) should refuse consent, *"unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm."* This requirement is reflected in Kirklees Local Plan Policy LP35.

Demolition of the grade-II listed Wheatley's Overbridge (MVL3/103).

10.11 The heritage value and sensitivity of the Huddersfield Viaduct is defined in the TRU-W3 ES statement which notes that the designated heritage asset is of *"High Value"*, thereby defining it to be of, *"High Importance and rarity, national scale and limited potential for substitution"* (see Volume 2i, Ch.6, para. 6.3.11, Table 6-2 'Value of Heritage Assets').

10.12 The ES evaluates the level of 'Permanent heritage impact in terms of Table 6-3 Magnitude of Impact (ES Volume 2i, Ch.6 para 6.3.17), with a 9-point range from: 'major, moderate, minor, and negligible adverse' to 'major, moderate, minor and negligible beneficial', with 'No change' at the centre point. The proposed demolition is evaluated as a "Major adverse" impact. The following evaluation is set out in these terms.

10.13 The proposed works will require the demolition and replacement of the grade-II listed Wheatley's Overbridge (VL3/103) (NHLE 1450537). This will result in total loss of the grade-II listed structure, which, in accordance with the 1990 and national and local planning policy should only be considered in *"exceptional"* circumstances.

10.14 The TRU Programme objectives for electrification and increased speed and capacity require the railway lines to be realigned and increased from two to four lines at the location of Wheatley's Overbridge (MVL3/103). This proposed new track alignment would clash with the north-east abutment and intermediate pier of MVL3/103 Wheatley's Overbridge, while the bridge's existing arches have inadequate headroom to accommodate the proposed Overhead Line Equipment (OLE).

10.15 A number of options were evaluated during the design development stage, investigating their ability to achieve the required horizontal and vertical clearances for the additional tracks and OLE. These options included:

- Adjusting the horizontal rail alignment to attempt to fit the existing tracks and new fast lines through the arches of the existing bridge;
- Adjusting the vertical rail alignment through track lowering to provide adequate clearance for the required OLE through the arch of the structure;
- Bridge jacking to increase the height of the arches over the lines to provide sufficient clearances;

10.16 However, these options were deemed by National Rail to be unable to meet the necessary safety, operational and buildability requirements, with the design compromises necessary to retain the bridge also resulting in insurmountable engineering challenges elsewhere along on the TRU route.

10.17 Therefore, in order to accommodate the additional tracks and OLE, the preferred design option is to demolish the recently listed Wheatley's Overbridge (MVL3/103) and replace it with a new bridge structure designed to meet the required horizontal and vertical clearances.

10.18 The total loss of this designated heritage asset will mean the removal of a historic bridge that is part of the physical infrastructure associated with the so-called "Heroic Age" (1841-50) of railway construction. It would also diminish the character of the group of structures that contribute to this part of the

Transpennine railway line. The proposed demolition of the structure, would have significant impact on the group value of the bridges designed by Alfred Stanistreet Jee, removing one of the group of 20 listed bridges he designed and one of the six bridges which share a common design language. Nevertheless, significant examples of the engineer's work would survive the TRU-W3 proposals, with Huddersfield Viaduct being a notable example.

Architectural value of the replacement building.

10.19 The loss of the grade-II listed Wheatley's Overbridge can only be justified by an evaluation of the substantial public benefits that would result. However, this which should include the architectural merit of its replacement, both in functional and aesthetic terms.

10.20 The new bridge would be built adjacent to the listed structure to retain the crossing during the works. The design solution aims to reflect the historic bridge's original design and character in its choice of materials and finishes. The replacement bridge, therefore, is proposed as comprising a weathered steel finish to the bridge's design (intended by National Rail to reflect the area's historic industrial character) with the cladding of the new bridge's approach walls and abutments in stonework similar to the existing historic arches. The proposed design aesthetic of the bridge is proposed in a simplistic, functional form to meet current National Rail standards (with a 1850mm solid parapet) to, *"clearly delineate that this is a new structure"* (NR Heritage Assessment para. 3.3.2) and restrict views along the line. The new bridge would have a clear deck to the same dimensions (3500mm), suitable for cycling and pedestrian use but would not provide views along the line.

10.21 The detailed design of the bridge and the abutments have yet to be defined or specified. Consequently, it is not possible to fully evaluate the aesthetic value of the proposed replacement bridge, as the submission is focused on its functionality. The material form and design detail of the bridge is, therefore, proposed by National Rail as being included in a **Conservation Implementation Management Plan** (CIMP) which will be required to be submitted for consideration and approval by the local planning authority by a condition, should the Secretary of State approve Listed Building Consent.

Impact on adjacent listed buildings.

10.22 The proposed demolition of Wheatley's Overbridge (MVL3/103) would have no direct impact on any other nearby designated or non-designated heritage assets. The indirect impact remains the erosion of the group value of the structures design by noted railway engineer Alfred Stanistreet Jee.

Mitigation through interpretation and record.

10.23 National Rail propose that some heritage interpretation would be incorporated into the design of the new bridge crossing, although this has currently not been defined. It is proposed to illustrate the historic connections with the associations of the original bridge. Such measures would provide a modest degree of mitigation for the loss of the bridge, with an opportunity to record on site the history of the grade-II Listed bridge, after the structure is lost.

10.24 The current proposal does not provide any details of the proposed heritage interpretation, which are again proposed as being included in the proposed Conservation Management Implementation Plan (CIMP). The CIMP will be secured via a condition imposed on the Listed Building Consent. National Rail propose that the scope and contents of the Conservation Management Implementation Plan (CIMP) are to be agreed with Kirklees Council (in consultation with Historic England and appropriate stakeholders) prior to commencement of any construction works.

10.25 In addition, it will be necessary to complete a detailed 'Historic Building Record' of the extant Wheatley's Overbridge (MVL3/103), prior to any works commencing to provide a publicly accessible record of the demolished listed bridge. The CIMP would define the broad scope and delivery of the record, which would follow the format defined by Historic England as a 'Level 3 Historic Building Record' and comprise: a collation of detailed archives, current measured drawings, detailed photographs, and a written account of the origin and lifespan of the bridge.

10.26 The production of a detailed Historic Building Record in advance of the demolition of the listed building is a minimum national and local policy requirement and should not be taken to compensate for the substantial harm caused by the demolition of the bridge. The NPPF (paragraph 199) states that, *"the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted"*. The major adverse impact of the loss of the bridge should, therefore, only be measured against the demonstrable delivery of *"substantial public benefits*," as discussed below.

Managing the major adverse impact.

10.27 The exploration of alternatives by National Rail concluded that the demolition and replacement of the Wheatley's Overbridge (MVL3/103) is the only practical way to deliver the operational requirements and objectives of the TRU-W3. The impact will result in substantial harm, as defined by the NPPF paragraph 194 (a).

10.28 A degree of mitigation of the identified major adverse impact on Wheatley's Overbridge (MVL3/103) will be dependent on the detail to be secured by conditions on the Listed Building Consent (and the wider TWAO) in the form of a Conservation Implementation Management Plan (CIMP). The TRU-W3 scheme as a whole will require a series of CIMPs, to demonstrate a conservation-focused framework for the initiative and provide the detailed specifications to implement works on the individual designated heritage assets along the route.

10.29 The CIMP proposed for Wheatley's Overbridge (MVL3/103) would need to specify the scope and delivery of recording of the extant bridge, as well as the detailed design and materials of its replacement, and the form of on-site interpretation. Given the current lack of design detail and the proposed total loss of a nationally significant designated heritage asset (and the diminution of the special interest and character of the group of bridges with which it is associated) a comprehensive and highly detailed Conservation Implementation Management Plan (CIMP) for Wheatley's Overbridge (MVL3/103), is considered to be a fundamental design-quality moderation tool.

Balance of heritage impact against the public benefits.

10.30 The proposed TRU-W3 works on Wheatley's Overbridge (MVL3/103), would result in a major adverse heritage impact, resulting from the complete loss of its significance as a designated heritage asset. The loss of the bridge would also contribute to the erosion of the collective value of the bridges designed by a celebrated C19th engineer and noted for their design quality. Therefore, in accordance with the requirements of the NPPF, paragraphs 195 and Local Plan Policy LP35 it is necessary to evaluate whether the current proposals demonstrate the *necessary "substantial public benefits that outweigh that harm"*.

10.31 Network Rail's design development process has been informed by detailed analysis of the significance of the individual heritage assets along the TRU-W3 route. The design objective has been to minimise the overall adverse heritage impacts while facilitating the electrification of the line. However, the impact on Wheatley's Overbridge (MVL3/103) will be permanent and profound.

10.32 It will be understood that, in accordance with the NPPF, the ability to record the structure in advance of its demolition should not be taken as part of the planning balance, as this is a minimum requirement not a means of mitigation. It will also be understood that the achievement of a high level of design quality for the replacement, both in functional and aesthetic terms, is also not a justification for the loss of the listed building, as this is also a fundamental requirement and has yet to be demonstrated (with details reserved for the proposed CIMP).

10.33 Therefore, the major adverse heritage impact on Wheatley's Overbridge (MVL3/103), must be measured against perceived value of the public benefits which would result from the completion of the wider Transpennine Route Upgrade.

10.34 The proposed demolition works to Wheatley's Overbridge (MVL3/103), form part of the wider Huddersfield to Westtown (Dewsbury) section of the Transpennine Route Upgrade and would support the economic, environmental and social benefits associated with the wider delivery of the TRU programme. The exploration of alternatives by National Rail concluded that the demolition and replacement of Wheatley's Overbridge (MVL3/103) is necessary to deliver the operational requirements and objectives of the TRU-W3 and thereby achieve the overall benefits of the wider Transpennine Route Upgrade scheme. The TRU-W3 is considered to be vital in supporting the North of England's long-term, low-carbon economic growth, better-connecting people to jobs, services, education and leisure. The adopted Kirklees Local Plan (paragraph 10.2) recognises the critical connection between effective transport systems and local business productivity and district prosperity.

10.35 The economic and social benefits to be achieved from the improved Transpennine Route proposals also include a reduction in journey times along this part of the route. This will be partially facilitated by enhanced train speeds and capacity, with longer, more frequent trains reducing congestion, increasing passenger comfort and improved journey quality. Future passenger modelling has indicated that the numbers of people using the Transpennine Route will increase from 5.33 million to 8.22 million in 2042/43.

10.36 The increased speed and capacity would partially be achieved through the newly aligned tracks along the section of line currently spanned by Wheatley's Overbridge (MVL3/103), with the reinstated four-line track allowing for express trains to by-pass slower trains and freight services. Although the existing bridge was designed to span four tracks the arches could not accommodate the proposed Overhead Line Equipment (OLE) or the new line alignment.

10.37 The increased movement of people and goods along this key part of the railway network would support a more economic and socially viable transport solution. This aligns with part of the West Yorkshire Transport Strategy, which aims to harness economic prosperity through a better-connected transport network.

10.38 The environmental and sustainability benefits of the line's upgrade will arise primarily from the electrification of the line. The Transpennine Route Upgrade (TRU) scheme is identified by National Rail as an investment in 'greener' energy technology intended to meet its Decarbonisation Strategy, reducing harmful emissions that cause climate change (in line with Council policy and Government targets).

10.39 The loss of Wheatley's Overbridge (MVL3/103),would mean the loss of an irreplaceable piece of historic railway infrastructure, and a loss to the collection of bridges designed by Alfred Stanistreet Jee located along this section of the Transpennine route. While the demolition of Wheatley's Overbridge (MVL3/103) is regrettable, its loss may be considered to be outweighed by the substantial public benefits that would be facilitated by its removal. The major adverse impact may be partially tempered by managing the delivery of a high level of design quality for its replacement through the Conservation Implementation Management Plan (CIMP).

Climate Change

10.40 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.41 The works are required in consequence of the proposals included in Network Rail's application, as submitted by Network Rail on 31 March 2021 to the Secretary of State for Transport under section 1 of the Transport and Works Act 1992. The delivery of electrification which realises passive and active measures to deliver reduced energy demands and carbon reduction will assist in helping the climate change emergency.

11.0 CONCLUSION

11.1 The proposed demolition of Wheatley's Overbridge (MVL3/103) would result in substantial harm and the total loss of significance of the early-C19th bridge and therefore can only be justified by delivery of substantial public benefits in accordance with NPPF paragraph 195 and Kirklees Local plan Policy LP35.

11.2 The significance of Wheatley's Overbridge (MVL3/103) lies primarily in its design integrity and association with the Huddersfield & Manchester Railway and noted engineer Alfred Stanistreet Jee. The bridge also derives some significance from its evidential value in terms of its demonstration of 19th century construction techniques and associations with the area's industrial history. Its aesthetic value derives from it surviving arched form and the sympathetic design alterations during the 1881-83 widening phase which shows a great degree of care and effort in duplicating the original structure.

11.3 The design development process was undertaken by National Rail in a collaborative manner with Historic England and officers from Kirklees Council and informed by detailed heritage analysis of the line. However, in this instance, the fundamental objective to minimise adverse harm to the designated heritage asset was deemed to be unachievable within the operational parameters set by the TRU-W3. In these terms it is understood that Historic England have accepted that the demolition of Wheatley's Overbridge (MVL3/103) is necessary to deliver the wider benefits of TRU scheme, and that alternative approaches are not viable.

11.4 The major adverse impact is proposed as being partially compensated, mitigated and managed by detailed measures to be defined in the proposed Conservation Implementation Management Plan (CIMP). This will be an essential Planning tool, necessary to ensure a degree of design quality and would be secured as a condition imposed on the Listed Building Consent, should it be granted by the Secretary of State.

11.5 The demolition of Wheatley's Overbridge (MVL3/103) is regrettable, however its loss may be considered to be outweighed by the considerable public benefits that accrue from the delivery of the Transpennine Route Upgrade. In these terms, the proposed demolition and replacement bridge works would meet the requirements of NPPF paragraphs 189, 193, 194(a) and 195, as well as Local Plan policy LP35 Historic Environment.

12.0 CONDITIONS

The Local Planning Authority endorse the conditions proposed by Network Rail as set out below:

1. **(Time Limit**) The development must be begun not later than the expiration of five years beginning with the date of this permission.
Reason: To set a reasonable time limit for the commencement of the development.

2. (**Approved Drawings**) The development hereby permitted shall be carried out in accordance with the following drawings:
151667-TSA-32-MVL3-DRG-T-LP-163300 Existing and Proposed Plan
151667-TSA-32-MVL3-DRG-T-LP-163301 (1) Existing and Proposed Elevation (2) Existing and Proposed Sections
Reason: To ensure compliance with the approved plans and for the avoidance of doubt.

3. **(Historic Structures Recording**) No works of demolition shall take place until an approved methodology for full structure recording including the appropriate level of recording has been approved in writing. Subsequent recording will take place prior to demolition and be deposited with the West Yorkshire Archive Service and West Yorkshire Historic Environment Record.
Reason: In recognition of the architectural and historic significance of the Listed Building and in accordance with Chapter 16 of the NPPF.

4. (**Conservation Implementation Management Plan)** No works including any works of demolition shall commence until a Conservation Implementation Plan (CIMP) has been submitted to and approved in writing by the local planning authority. The approved CIMP shall include methodologies for:

a. fabric removal, masonry repairs, vegetation removal, repointing, metalwork repairs and application of protective paint systems as appropriate;
b. the identification of historically or architecturally significant elements of the fabric which once removed may be reused or preserved, and a strategy for their storage or reuse where appropriate;
c. details of any maintenance access regime required (if any)
d. provision of heritage interpretation boards during construction works
e. dissemination of “toolbox talks” to personnel involved in demolition and construction works
Reason: To ensure the conservation of the historic environment and be consistent with Policy LP35 of the Kirklees Local Plan.

Background Papers:
Application and history files.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91337

Certificate of Ownership – Certificate A signed

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Kirklees COUNCIL

Originator: Louise Bearcroft

Tel: 01484 221000

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 12-May-2021

Subject: Planning Application 2021/91330 Listed Building Consent for demolition and replacement of Colne Bridge Road Bridge (MVL3/107) Railway Bridge MVL3/107, Colne Bridge Road, Bradley, Huddersfield

APPLICANT
Rob McIntosh, Network Rail (Infrastructure) Ltd.

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
31-Mar-2021	26-May-2021	

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.
http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral wards affected: Ashbrow

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

Members to note the content of this report for information

1.0 INTRODUCTION:

1.1 This is an application for Listed building Consent for works to the grade II listed railway bridge MVL3/107; Colne Bridge Road submitted by Network Rail in conjunction with their submission to the Secretary of State for Transport for a Transport and Works Act Order for the Trans-Pennine Upgrade (Huddersfield to Westtown) Scheme. The Council is not determining this Listed Building Consent application but may consider it and send any comments to the National Planning Casework Unit within a 42-day period prescribed in the Transport and Works Act 1992 Regulations. Members of the Committee are therefore invited to comment on the proposed Listed Building Consent application.

1.2 Network Rail Infrastructure Limited ("Network Rail") is applying to the Secretary of State for Transport for a Transport and Works Act Order to authorise the construction and operation of the Trans-Pennine Upgrade (Huddersfield to Westtown) Scheme. The Scheme is part of a wider programme of works known as the Transpennine Route Upgrade (TRU) which will improve the Transpennine railway between Manchester, Huddersfield, Leeds and York and improve connections between key towns and cities across the north of England.

1.3 The Scheme will contribute to the overall TRU Programme aims of increasing service capacity and offering journey time benefits through:

- Four tracking and upgrading of the existing railway line including track realignment (currently the majority of the railway in the Scheme area has two tracks);
- Electrification of the line;
- Increase in line speeds;
- Provision of sections of new railway;
- Provision of new grade-separated junction within the Ravensthorpe area;
- Remodelling of stations including platform extension works at Deighton, Mirfield and Huddersfield;
- Provision of replacement station at Ravensthorpe.
- Engineering works including strengthening and replacement of bridge decks (rail and highway); electrification of the line and provision of associated infrastructure will require raising the height, demolition of or replacement of bridge structures.

1.4 The proposed works to the to the grade II listed railway bridge MVL3/107; Colne Bridge Road for which Listed Building Consent is sought are required in consequence of the proposals included in Network Rail's application, as submitted by Network Rail on 31 March 2021 to the Secretary of State for Transport under section 1 of the Transport and Works Act 1992.

1.5 The Council is required by section 12(3a) of the 1990 Act to refer this Listed Building Consent application to the Secretary of State. Because of this automatic call-in the Council is not processing or determining this Listed Building Consent application. The Council may however, as noted above, consider this Listed Building Consent application for works to Huddersfield Station and send any comments or recommendations to the National Planning Casework Unit within the 42-day period prescribed in the 1992 Regulations.

2.0 SITE AND SURROUNDINGS:

2.1 The site comprises the B6118 Bridge Road Overbridge (MVL3/107) which was designated a grade II Listed building in 2018. It is a 4-span masonry arched bridge carrying the B6118 across the railway close to the settlements of Colne Bridge and Bradley. The highway route carried by the bridge is an important local distributor road linking the east of Huddersfield with Kirkheaton.

2.2 The bridge was originally constructed around 1850 and works to widen the structure were undertaken in the 1880s. The three arch spans to the north comprise stone segmental arch barrels. The fourth, smaller, arch to the south comprises a brick-faced segmental arch. The spandrel and parapet walls are stone masonry construction. The second span from the northern end of the bridge currently crosses the existing railway lines running between Huddersfield and Dewsbury. The third span provides an access track for Network Rail.

3.0 PROPOSAL:

3.1 The proposed railway upgrade works include the provision of two additional tracks and all four railway lines would be electrified with overhead electrification. There is insufficient clearance for the overhead line equipment (OLE) under the two central arch spans (spans 2 and 3). Additionally, the new fast lines would clash horizontally with the pier between spans 2 and 3. It is proposed to demolish the bridge and construct an offline bridge adjacent to the existing structure to the east.

3.2 The proposed works relating to the construction of the new overbridge and partial demolition of the Grade II Listed bridge would comprise:

- Construction of a new bridge fully offline, with approach roads retained with reinforced earth walls and the retention of historic structure abutting the new structure beneath the new deck;
- The existing structure would remain in place with the exception of the two spans over the railway;
- New parapets that would be painted steel and would be infilled across the structure in line with Network Rail standards to protect the public from electrified wires below the bridge;
- A fully integral deck formed from steel beams and a concrete slab;
- The widening of the carriageway from 5.6m to a highways safety compliant 7.3m with improved wider highway alignment; and

- The infilling of the redundant arches using a slightly recessed stone masonry façade that is sympathetic to the existing structure's aesthetics, thereby retaining the historic character of the surviving elements of the bridge.

3.3 The new structure would have reinforced concrete abutment walls and an integral deck formed from steel beams and a concrete slab. The new parapets would be of painted steel and would be solid across the structure where it crosses the railway lines to protect from electrified wires.

3.4 The two central spans of the existing bridge would need to be demolished. The rest of the structure to the north and south of the track would be mostly retained, with the exception of the south-east wing wall which would be buried below the new highway alignment, and the eastern parapet walls which would be lowered in places to accommodate the new highway alignment. The two remaining arches (one to the north-west and one to the south-east) would require infilling to support the new highway alignment. The infill would have a masonry façade.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 None

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Not applicable as the application for Listed Building Consent is not determined by the Local Planning Authority.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

6.2 LP 1 – Achieving Sustainable Development
LP 2 – Place Shaping
LP 24 – Design
LP 35 – Historic Environment

National Planning Guidance:

6.3 Chapter 2 – Achieving Sustainable Development
Chapter 12 – Achieving Well-Designed Places
Chapter 16 – Conserving the Enhancing the Historic Environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Under the 1992 Regulations it is the responsibility of the Council to post site notices in suitable locations giving details of the Listed Building Consent application and specifying that all representations must be made to the National Planning Casework Unit. The site notices must be in place for no less than 7 days during the 42-day period for representations and were posted on 1st April 2021. In this instance, because of the inclusion of Bank Holidays within the prescribed period, the 42-day limit is extended to 45 days.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

The Local Planning Authority is not processing or determining this Listed Building Consent for reason that the application has an automatic call-in to the Secretary of State. Consequently the Local Planning Authority is not required to carry out statutory consultations.

8.2 **Non-statutory:**

K.C Conservation and Design - No objections

9.0 MAIN ISSUES

- Heritage Context
- The Proposal
- Demolition of the grade-II listed Railway Bridge Road (MVL3/107)
- Architectural value of the replacement building
- Impact on adjacent listed buildings
- Historic Building Record
- Managing the major adverse impact
- Balance of heritage impact against the public benefits

10.0 APPRAISAL

Heritage context

10.1 The works subject of the Listed Building Consent application relate to the demolition and replacement of the grade-II listed Railway Bridge, Colne Bridge Road (MVL3/107).

10.2 This is a three-span segmental arch overbridge with an associated footpath arch. The bridge carries the B6118 Bridge Road over the railway and is located close to the settlements of Colne Bridge and Bradley. Railway Bridge, Colne Bridge Road (MVL3/107) was designed by Alfred Stanistreet Jee for the Huddersfield and Manchester Railway and widened in 1884 by the London and North Western Railway.

10.3 The arches on each span are of v-jointed sandstone with blunted vermiculated voussoirs springing from a squared, ashlar impost band. Elsewhere on the structure, the walling is of squared and coursed quarry-faced sandstone. Railway Bridge, Colne Bridge Road (MVL3/107) incorporates a semi-circular span in the south approach which carries the roadway over what was once a footpath. Both faces are topped by an ashlar moulded string course, but the coping to the wing walls is of plain squared ashlar. The 1884 widening of the bridge was undertaken in a sympathetic manner, exactly matching the material and style of the original 1840s bridge, to the extent that it is now indistinguishable as an addition.

10.4 There are three designated heritage assets located within the immediate vicinity of the C19th Railway Bridge, Colne Bridge Road (MVL3/107). Colne Bridge Road is also carried to the south-east of the railway by the grade-II listed Canal Bridge (NHLE 1221180) which dates from 1775 and crosses the Huddersfield Broad Canal. Further to the south-east is the grade-II listed Colne Bridge which spans the river (NHLE 1134290) and dates from the early C18th. To the north-east of Railway Bridge, Colne Bridge Road (MVL3/107) lies the grade-II listed Lock Number 2 of the Calder and Hebble Navigation (NHLE 1313801).

10.5 There is an evident historic inter-relationship between Railway Bridge, Colne Bridge Road (MVL3/107), and the Canal and River bridges as they all carry Colne Bridge Road, connecting Bradley to the village of Colne Bridge. The topography and enclosed setting of Colne Bridge Road mean that the listed railway bridge subject of the proposed works is only appreciated and experienced within the narrow road corridor and its immediate setting.

10.6 Railway Bridge, Colne Bridge Road (MVL3/107) was grade-II listed as a building of special architectural and historic interest in March 2018, as an original 1840s overbridge and a good example of the work of noted railway engineer Alfred Stanistreet Jee. The bridge is one 22, mainly masonry, bridge structures designed by Jee for the Huddersfield & Manchester Railway between 1845 and 1849, of which 20 are grade-II listed. This group of bridges are nationally recognised in their listings for the quality of their design. The group value of Railway Bridge, Colne Bridge Road (MVL3/107) is also noted as a reason for its significance and listing, as it shares stylistic similarities with the surviving group of structures associated with Alfred Stanistreet Jee on the Transpennine Route and the forms part of the cluster of historic bridges on Colne Bridge Road which span the railway, canal and river.

The Proposal

10.7 The proposal subject of the Listed Building Consent application is a key part of the Transpennine Route Upgrade, Section W3 (TRU W3) and has been developed in consultation with Historic England and Design and Kirklees Council's Planning and Conservation Officers over some years.

10.8 In order to deliver the objectives of the TRU-W3 initiative, two additional tracks would be introduced along its length and all four railway lines would have overhead electrification installed. This would require the demolition of the grade-II listed Railway Bridge, Colne Bridge Road (MVL3/107) as there is insufficient clearance for the Overhead Line Equipment (OLE) to be accommodated under its two central arch spans (spans 2 and 3). Additionally, the realignment of the line, to facilitate the new fast lines, would clash horizontally with the pier between spans 2 and 3.

10.9 Railway Bridge, Colne Bridge Road (MVL3/107) is currently part of a busy road network and has limited pedestrian accessibility with a single, narrow footway on its north-east side. Therefore, the replacement bridge would be constructed off-site, in order to minimise the disruption to the road network during works and minimise the duration of road closures. Off site construction would also be safer during construction, reducing work required within the active road network and above a live railway.

10.10 Network Rail's proposed solution is essentially to by-pass the grade-II listed structure, realigning the road and construct a new railway-bridge abutting the designated heritage asset. Locating the new road and bridge to the east of Railway Bridge, Colne Bridge Road (MVL3/107) is also intended to minimise impact on local businesses, including disruption from road closure during construction.

10.11 The new bridge structure would comprise reinforced concrete abutment walls and a fully integral deck formed off-site from steel beams and a concrete slab. The new parapets would be of painted steel and would be raised in height to become a 1.8m to become a solid metal enclosure across the structure, creating a visually enclosed corridor where it crosses the railway lines to meet Network Rail's safety requirements and restricting the public from the electrified wires below the bridge.

10.12 On completion of the new concrete and metal bridge, the central section of the grade-II listed structure would be demolished to accommodate the Overhead Line Equipment (OLE) which would otherwise clash with the existing masonry structure. The two flanking abutment arches would remain, although these would be infilled and modified. Parts of the original structural elements to the north and south of the track would be retained in a modified form, with the exception of the south-east wing wall which would be buried below the new highway alignment The eastern parapet walls would be partially lowered to accommodate the new highway alignment.

10.13 The remaining arches (north-west and south-east) would require infilling in order to add structural support for the new highway alignment. The infilled arches would have a masonry façade, intended to reference the lost historic fabric and to tie into the remaining original masonry.

10.14 The design development process for Railway Bridge, Colne Bridge Road (MVL3/107) included the appraisal of options to deliver the TRU-W3 operational requirements, framed by the objective to minimise impacts on the heritage significance of the structure. The evaluated options focused on the achievement of the required horizontal and vertical clearances for the additional tracks and OLE. The evaluated options included:

- Option 1 – Track lower to fit the railway alignment under the existing arched bridge spans;
- Option 2 – Jack the existing bridge, increasing the height of the arches over the lines to provide sufficient clearances.
- Option 3 – Replace with a single span bridge deck, on the same alignment as the existing;
- Option 4 – Replace spans 2 and 3 and the central pier with a new, wider bridge deck. The abutments would be extended to support the widened bridge deck; and
- Option 5 – Replace with a new bridge constructed offline to the existing alignment.

10.15 However, all these options were deemed by National Rail to be unable to meet the necessary safety, operational and buildability requirements. Therefore, the current proposal was deemed to be the preferred best option.

10.16 The preferred design option was developed in consultation with Historic England and officers from Kirklees Council. The final presentation on 13 August 2020 included indicative visualisations and a concept design for the off-site constructed bridge, including an outline of the widened and enhanced highway. It was established that this proposal would require the removal of the two central arch spans and the infilling of redundant arches at the north and south ends (potentially using salvaged historic materials) and illustrated the form of the retained historic wing walls. Historic England stated that they were comfortable with the rationale and the proposed solution, subject to the need for a robust justification and explanation of the public benefits associated with this option.

10.17 The stakeholders also noted that they were content to remain working with the preferred design option and developing it further in consultation with the design team. Consequently, Network Rail propose that it will continue to engage with both Historic England and Kirklees Council to refine the details of the submission during the determination of the TWAO and subsequently during the discharge of conditions to be attached to the Listed Building Consents.

10.18 The demolition of Railway Bridge, Colne Bridge Road (MVL3/107) and loss of its contribution to the significance of the Transpennine railway, would amount to substantial harm in terms of national and local planning. The NPPF (paragraph 194a) states that the total loss of grade-II listed building *"should be exceptional"* and must be measured against the delivery of *"substantial public benefits."*

10.19 Therefore, the current proposals are required to be considered in the context of the legislative and policy requirements impacting on such nationally important designated heritage assets. The legislative requirements are set by Section 66(1) of the 1990 Act which requires that the local planning authority and the Secretary of State (in this case) have, *"special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses"*.

10.20 As the proposal would involve the total loss of significance of the designated heritage asset the NPPF (paragraph 195) states that local planning authorities (or the Secretary of State in this case) should refuse consent, *"unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm."* This requirement is reflected in Kirklees Local Plan Policy LP35.

<u>Demolition of the grade-II listed Railway Bridge, Colne Bridge Road (MVL3/107)</u>

10.21 The heritage value and sensitivity of the Railway Bridge, Colne Bridge Road (MVL3/107) is defined in the TRU-W3 ES statement which notes that the designated heritage asset is of *"High Value"*, thereby defining it to be of, *"High Importance and rarity, national scale and limited potential for substitution"* (see Volume 2i, Ch.6, para. 6.3.11, Table 6-2 'Value of Heritage Assets').

10.22 The ES evaluates the level of 'Permanent heritage impact in terms of Table 6-3 Magnitude of Impact (ES Volume 2i, Ch.6 para 6.3.17), with a 9-point range from: 'major, moderate, minor, and negligible adverse' to 'major, moderate, minor and negligible beneficial', with 'No change' at the centre point. The proposed demolition is evaluated as a "Major adverse" impact. The following evaluation is set out in these terms.

10.23 The proposed works will require the demolition and replacement of the grade-II listed Railway Bridge, Colne Bridge Road (MVL3/107). This will result in total loss of the grade-II listed structure, which, in accordance with the 1990 and national and local planning policy should only be considered in *"exceptional"* circumstances.

10.24 The TRU Programme objectives for electrification and increased speed and capacity require the railway lines to be realigned and increased from two to four lines at the location of Railway Bridge, Colne Bridge Road (MVL3/107). This proposed new track alignment would clash with the central arch as the bridge's existing arches have inadequate headroom to accommodate the proposed Overhead Line Equipment (OLE). The works would result in the retention only parts of the abutment arches, so would amount to the total loss of the special interest and significance of the listed bridge.

10.25 The loss of the two central spans would remove much of the bridge's historic and aesthetic value as an example of a surviving element of historic railway infrastructure that was originally part of the Huddersfield and Manchester Railway (1846-49) and the Heroic Age (1841-50) of railway development. This which would mean substantial harm to the significance of the structure, as defined in NPPF paragraph 194(a).

10.26 The proposed demolition of Railway Bridge, Colne Bridge Road (MVL3/107), would also have a significant impact on the group value of the bridges designed by Alfred Stanistreet Jee, removing one of the group of 20 listed bridges he designed and one of the six bridges which share a common design language. Nevertheless, significant examples of the engineer's work would survive the TRU-W3 proposals, with Huddersfield Viaduct being a notable example.

<u>Architectural value of the replacement building.</u>

10.27 In accordance with NPPF paragraph 195 and Local plan Policy LP35, the loss of the grade-II listed Railway Bridge, Colne Bridge Road (MVL3/107) can only be justified by the substantial public benefits that would result. This should include the architectural merit of its replacement, both in functional and aesthetic terms.

10.28 The new bridge would be built adjacent to the listed structure to retain the crossing during the works. The new bridge's design adopts retains some elements of the bridge's historic fabric, infilling the redundant arches in a manner intended to retain their legibility. The choice of materials and finishes such as light-weight, weathering steel for the replacement bridge's structure is intended by National Rail to express the area's historic industrial character. The proposed design aesthetic of the bridge is proposed in a simplistic, functional form to meet current National Rail standards, with a 1850mm solid metal parapet to restrict views along the line and enhance pedestrian safety. The new bridge would have a widened highway deck (7300mm) and a 2000mm wide footway to improve both vehicular and pedestrian access.

10.29 The preferred design option also balances the costs and impacts from the temporary and permanent diversions of the regional road network. This allows for a shorter period of highway closure, which would minimise disruption to road and path users

10.30 The detailed design of the bridge and the abutments have yet to be defined or specified. Consequently, it is not possible to fully evaluate the aesthetic value of the proposed replacement bridge, as the submission is focused on its functionality. The material form and design detail of the bridge is, therefore, proposed by National Rail as being included in a Conservation Implementation Management Plan (CIMP) which will be required to be submitted for consideration and approval by the local planning authority by a condition, should the Secretary of State approve Listed Building Consent.

Impact on adjacent listed buildings.

10.31 The proposed demolition of the grade-II listed Railway Bridge, Colne Bridge Road (MVL3/107) would have no direct impact on any other nearby designated heritage assets, although the demolition would diminish the interest of the collection of historic bridges which carry Colne Bridge Road across the railway, canal and river. The indirect impact would also erode of the group value of the structures design by noted railway engineer Alfred Stanistreet Jee.

Historic Building Record.

10.32 National Rail propose that a detailed 'Historic Building Record' of the extant Railway Bridge, Colne Bridge Road (MVL3/107) is completed, prior to any works commencing, to provide a publicly accessible record of the demolished listed bridge. The scope and delivery of the record will be defined in the Conservation Implementation Management Plan (CIMP), which will be required as a Listed Building Consent condition, and would follow the format defined by Historic England as a 'Level 3 Historic Building Record'. It would comprise: a collation of detailed archives, current measured drawings, detailed photographs, and a written account of the origin and lifespan of the bridge.

10.33 The production of a detailed Historic Building Record in advance of the demolition of the listed building is a minimum national and local policy requirement and should not be taken to compensate for the substantial harm caused by the demolition of the bridge. The NPPF (paragraph 199) states that, *"the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted"*. The major adverse impact of the loss of the bridge should, therefore, only be measured against the demonstrable delivery of *"substantial public benefits,"* as discussed below.

Managing the major adverse impact.

10.34 The exploration of alternatives by National Rail concluded that the demolition and replacement of the Railway Bridge, Colne Bridge Road (MVL3/107) is the only practical way to deliver the operational requirements and objectives of the TRU-W3. The impact will result in substantial harm, as defined by the NPPF paragraph 194(a). A degree of mitigation of the identified major adverse impact on the grade-II listed bridge (MVL3/107) would be dependent

on the detail to be secured by conditions on the Listed Building Consent (and the wider TWAO) in the form of a Conservation Implementation Management Plan (CIMP).

10.35 The TRU-W3 scheme as a whole will require a series of Conservation Implementation Management Plans (CIMPs) to demonstrate a conservation-focused framework for the initiative and provide the detailed specifications to implement works on the individual designated heritage assets along the route.

10.36 The CIMP proposed for Railway Bridge, Colne Bridge Road (MVL3/107) would need to specify the scope of the recording of the extant bridge, as well as the detailed design and materials of its replacement. Given the current lack of design detail and the proposed total loss of significance (and the diminution of the special interest and character of the group of bridges with which it is associated) a comprehensive and highly detailed Conservation Implementation Management Plan (CIMP) for Railway Bridge, Colne Bridge Road (MVL3/107), is considered to be a fundamental design-quality moderation tool.

Balance of heritage impact against the public benefits.

10.37 The proposed TRU-W3 works on for Railway Bridge, Colne Bridge Road (MVL3/107) would result in a major adverse heritage impact, resulting from the complete loss of its significance as a designated heritage asset. The loss of the bridge would also contribute to the erosion of the collective value of the bridges located along Colne Bridge Road and those designed by a celebrated C19th engineer which are all noted for their design quality. Therefore, in accordance with the requirements of the NPPF, paragraphs 195 and Local Plan Policy LP35 it is necessary to evaluate whether the current proposals demonstrate the necessary *"substantial public benefits that outweigh that harm"*.

10.38 Network Rail's design development process has been informed by detailed analysis of the significance of the individual heritage assets along the TRU-W3 route. The design objective has been to minimise the overall adverse heritage impacts while facilitating the electrification of the line. However, the impact on Railway Bridge, Colne Bridge Road (MVL3/107) will be permanent and profound.

10.39 It will be understood that, in accordance with the NPPF, the ability to record the structure in advance of its demolition should not be taken as part of the planning balance, as this is a minimum requirement not a means of mitigation. It will also be understood that the achievement of a high level of design quality for the replacement, both in functional and aesthetic terms, is not a justification for the loss of the listed building, as this is also a fundamental requirement and has yet to be demonstrated (with details reserved for the proposed Conservation Implementation Management Plan).

10.40 Therefore, the major adverse heritage impact must be measured against the perceived value of the public benefits which would result from completion of the wider Transpennine Route Upgrade.

10.41 The proposed demolition works to Railway Bridge, Colne Bridge Road (MVL3/107), form part of the wider Huddersfield to Westtown (Dewsbury) section of the Transpennine Route Upgrade and would support the economic, environmental and social benefits associated with the wider delivery of the TRU programme. The exploration of alternatives by National Rail concluded that the demolition and replacement of this road bridge is necessary to deliver the operational requirements and objectives of the TRU-W3 and thereby achieve the overall benefits of the wider Transpennine Route Upgrade scheme. The TRU-W3 is considered to be vital in supporting the North of England's long-term, low-carbon economic growth, better-connecting people to jobs, services, education and leisure. The adopted Kirklees Local Plan (paragraph 10.2) recognises the critical connection between effective transport systems and local business productivity and district prosperity.

10.42 The economic and social benefits to be achieved from the improved Transpennine Route proposals also include a reduction in journey times along this part of the route. This will be partially facilitated by enhanced train speeds and capacity, with longer, more frequent trains reducing congestion, increasing passenger comfort and improved journey quality. Future passenger modelling has indicated that the numbers of people using the Transpennine Route will increase from 5.33 million to 8.22 million in 2042/43.

10.43 The increased speed and capacity would partially be achieved through the newly aligned tracks along the section of line currently spanned by Railway Bridge, Colne Bridge Road (MVL3/107), with the reinstated four-line track allowing for express trains to by-pass slower passenger and freight services. Although the existing bridge was designed to span four tracks the arches could not accommodate the proposed Overhead Line Equipment (OLE) or the new line alignment.

10.45 The increased movement of people and goods along this key part of the railway network would support a more economic and socially viable transport solution. This aligns with part of the West Yorkshire Transport Strategy, which aims to harness economic prosperity through a better-connected transport network.

10.46 The environmental and sustainability benefits of the line's upgrade will arise primarily from the electrification of the line. The Transpennine Route Upgrade (TRU) scheme is identified by National Rail as an investment in 'greener' energy technology intended to meet its Decarbonisation Strategy, reducing harmful emissions that cause climate change (in line with Council policy and Government targets).

10.47 The new design proposals for Railway Bridge, Colne Bridge Road (MVL3/107) would also provide public benefits with respect to the improvement of the highway for both vehicles and pedestrians. The new alignment of the bridge would enable the road to be widened to the required standard width for a highway subject to the current use (7.3m), with improvements to visibility for drivers, as well as a widened and improved footway. The replacement structure would therefore offer an improved highway layout for users that is compliant with current standards. The B6118 is an important local route and upgrading the highway through this section of the road would constitute a significant public benefit.

10.48 The demolition of Railway Bridge, Colne Bridge Road (MVL3/107) would mean the loss of an irreplaceable piece of historic railway infrastructure, and diminution of the collection of bridges designed by Alfred Stanistreet Jee located along this section of the Transpennine route. While the demolition of Railway Bridge, Colne Bridge Road (MVL3/107) is regrettable, its loss may be considered to be outweighed by the substantial public benefits that would be facilitated by its removal. The major adverse impact may be partially tempered by managing the delivery of a high level of design quality for its replacement through the Conservation Implementation Management Plan (CIMP).

Climate Change

10.49 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.50 The works are required in consequence of the proposals included in Network Rail's application, as submitted by Network Rail on 31 March 2021 to the Secretary of State for Transport under section 1 of the Transport and Works Act 1992. The delivery of electrification which realises passive and active measures to deliver reduced energy demands and carbon reduction will assist in helping the climate change emergency.

11.0 CONCLUSION

11.1 The significance of Railway Bridge, Colne Bridge Road (MVL3/107) lies in its design integrity and association with the Huddersfield & Manchester Railway and noted engineer Alfred Stanistreet Jee. The bridge also derives some significance from its evidential value in terms of its demonstration of 19th century construction techniques and associations with the area's industrial history. Its aesthetic value derives from its surviving triple-arched form and the sympathetic design alterations during the 1884 widening phase which demonstrated a great degree of care and effort in duplicating the original structure.

11.2 The design development process was undertaken by National Rail in a collaborative manner with Historic England and officers from Kirklees Council and was informed by detailed heritage analysis of the line. However, in this instance, the fundamental objective to minimise adverse harm to the designated heritage asset was deemed to be unachievable within the operational parameters set by the TRU-W3. In these terms it is understood that Historic England have accepted that the demolition of Railway Bridge, Colne Bridge Road (MVL3/107) is necessary to deliver the wider benefits of the TRU-W3 initiative, and that alternative approaches are not viable.

11.3 The major adverse impact is proposed as being partially compensated, mitigated and managed by detailed measures to be defined in the proposed Conservation Implementation Management Plan (CIMP). This will be an essential Planning tool, necessary to ensure a degree of design quality and would be secured as a condition imposed on the Listed Building Consent, should it be granted by the Secretary of State.

11.4 The demolition of Railway Bridge, Colne Bridge Road (MVL3/107) is regrettable, however its loss may be considered to be outweighed by the considerable public benefits that would be delivered by the Transpennine Route Upgrade and the more local highway improvements. In these terms, the proposed demolition and replacement bridge works would meet the requirements of NPPF paragraphs 189, 193, 194(a) and 195, as well as Local Plan policy LP35 Historic Environment.

12.0 CONDITIONS

The Local Planning Authority endorse the conditions proposed by Network Rail as set out below:

1. **(Time Limit)** The development must be begun not later than the expiration of five years beginning with the date of this permission.
Reason: To set a reasonable time limit for the commencement of the development.

2. **(Approved Drawings)** The development hereby permitted shall be carried out in accordance with the following drawings:

151667-TSA-33-MVL3-DRG-T-LP-163400 Structures Existing Plan (LBC)
151667-TSA-32-MVL3-DRG-T-LP-163401 Structures Proposed Plan (LBC)
151667-TSA-32-MVL3-DRG-T-LP-163402 Structures West Elevation (LBC)
151667-TSA-32-MVL3-DRG-T-LP-163403 Structures East Elevation and Sections (LBC)
Reason: To ensure compliance with the approved plans and for the avoidance of doubt.

3. **(Historic Structures Recording)** No works of demolition shall take place until an approved methodology for full structure recording including the appropriate level of recording has been approved in writing. Subsequent recording will take place prior to demolition and be deposited with the West Yorkshire Archive Service and West Yorkshire Historic Environment Record.
Reason: In recognition of the architectural and historic significance of the Listed Building and in accordance with Chapter 16 of the NPPF.

4. **(Conservation Implementation Management Plan)** No works including any works of demolition shall commence until a Conservation Implementation Plan (CIMP) has been submitted to and approved in writing by the local planning authority. The approved CIMP shall include methodologies for:

a. fabric removal, masonry repairs, vegetation removal, repointing, metalwork repairs and application of protective paint systems as appropriate;
b. the identification of historically or architecturally significant elements of the fabric which once removed may be reused or preserved, and a strategy for their storage or reuse where appropriate;
c. details of any maintenance access regime required (if any)

d. provision of heritage interpretation boards during construction works
e. dissemination of “toolbox talks” to personnel involved in demolition and construction works
Reason: To ensure the conservation of the historic environment and be consistent with Policy LP35 of the Kirklees Local Plan.

Background Papers:

Application and history files.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91330

Certificate of Ownership – Certificate A signed

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Kirklees COUNCIL

Originator: Louise Bearcroft

Tel: 01484 221000

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 12-May-2021

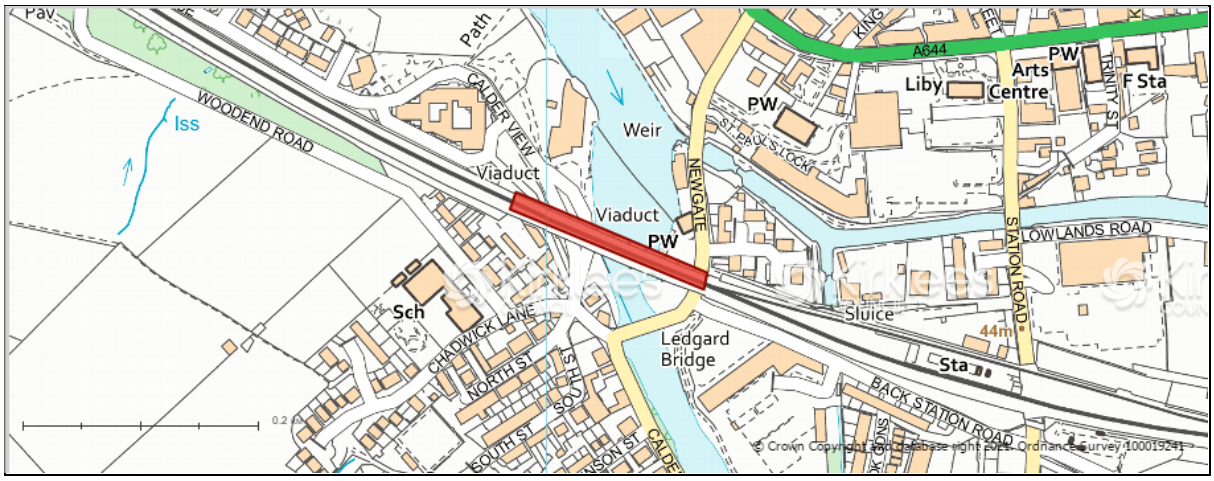
Subject: Planning Application 2021/91333 Listed Building Consent for erection of overhead line structures on MVN2/192 viaduct viaduct at, Newgate, Mirfield

APPLICANT
Rob McIntosh, Network Rail (Infrastructure) Ltd

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
31-Mar-2021	26-May-2021	

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.
http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Mirfield

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

Members to note the contents of this report for information

1.0 INTRODUCTION:

1.1 This is an application for Listed building Consent for works to grade II listed Mirfield Viaduct Underbridge (MVN2/192) submitted by Network Rail in conjunction with their submission to the Secretary of State for Transport for a Transport and Works Act Order for the Trans-Pennine Upgrade (Huddersfield to Westtown) Scheme. The Council is not determining this Listed Building Consent application but may consider it and send any comments to the National Planning Casework Unit within a 42-day period prescribed in the Transport and Works Act 1992 Regulations. Members of the Committee are therefore invited to comment on the proposed Listed Building Consent application.

1.2 Network Rail Infrastructure Limited ("Network Rail") is applying to the Secretary of State for Transport for a Transport and Works Act Order to authorise the construction and operation of the Trans-Pennine Upgrade (Huddersfield to Westtown) Scheme. The Scheme is part of a wider programme of works known as the Transpennine Route Upgrade (TRU) which will improve the Transpennine railway between Manchester, Huddersfield, Leeds and York and improve connections between key towns and cities across the north of England.

1.3 The Scheme will contribute to the overall TRU Programme aims of increasing service capacity and offering journey time benefits through:

- Four tracking and upgrading of the existing railway line including track realignment (currently the majority of the railway in the Scheme area has two tracks);
- Electrification of the line;
- Increase in line speeds;
- Provision of sections of new railway;
- Provision of new grade-separated junction within the Ravensthorpe area;
- Remodelling of stations including platform extension works at Deighton, Mirfield and Huddersfield;
- Provision of replacement station at Ravensthorpe.
- Engineering works including strengthening and replacement of bridge decks (rail and highway); electrification of the line and provision of associated infrastructure will require raising the height, demolition of or replacement of bridge structures.

1.4 The proposed works to the grade II listed Mirfield Viaduct Underbridge (MVN2/192) for which Listed Building Consent is sought are required in consequence of the proposals included in Network Rail's application, as submitted by Network Rail on 31 March 2021 to the Secretary of State for Transport under section 1 of the Transport and Works Act 1992.

1.5 The Council is required by section 12(3a) of the 1990 Act to refer this Listed Building Consent application to the Secretary of State. Because of this automatic call-in the Council is not processing or determining this Listed Building Consent application. The Council may however, as noted above, consider this Listed Building Consent application for works to Huddersfield Station and send any comments or recommendations to the National Planning Casework Unit within the 42-day period prescribed in the 1992 Regulations.

2.0 SITE AND SURROUNDINGS:

2.1 The site comprises Mirfield Viaduct Underbridge (MVN2/192) which was designated a Grade II listed building in 1985. It is a railway viaduct spanning the River Calder, at the point where the Transpennine Route intersects the river, approximately 300m to the west of the existing Mirfield station. The structure comprises a masonry viaduct structure, partly dating to the Pioneering Age (1825-40) of railway building. The viaduct was built between 1836-39 by the engineer George Stephenson, comprising 12 spans in total; 11 of regularly coursed quarry faced sandstone, with a twelfth span at the eastern end of the structure over Newgate which has a metallic deck. A brick and steel extension to the south was added in the early-mid 20th century and is not included in the listing.

2.3 The structure carries three tracks; two on the Listed 1830s northern side of the viaduct and one on the southern side of the non-Listed 1930s Mirfield Viaduct (Steel Spans) Underbridge (MVN2/192A) steel spans side; the alignment of the historic fourth track on the southern side of the structure is currently redundant.

3.0 PROPOSAL:

3.1 The proposed works are to allow provision of four tracking and installation of overhead line equipment to enable the viaduct to support the electrified rail service.

3.2 To provide overhead electrification to the section of track over Mirfield Viaduct Underbridge, Overhead Line Electrification (OLE) portal structures are required on the viaduct. The distances required between the portals necessitate placing OLE portals on the structure itself, as the length of the viaduct is too great for OLE wires to span across the structure with portals placed at either end. Three OLE portals would be installed on the viaduct. The concrete foundation pads would be supported directly on the deck which would require the local removal of ballast. The OLE portals would be sited in board of the parapet of the Listed viaduct, with no alterations to the masonry parapet required. On the southern extension side of the structure, the OLE would be fixed to the exterior of the parapet.

3.3 The proposal is also to increase the number of tracks over the viaduct from three to four, with the new track located on the 1930s Mirfield Viaduct (Steel Spans) Underbridge (MVN2/192A) side of the structure, it is noted this does not itself require Listed Building Consent. Similarly, it is proposed that a 1m high noise barrier is installed at the western end of the later Mirfield Viaduct (Steel Spans) Underbridge (MVN2/192A) steel spans side of the viaduct; this will be approximately the same height as the existing parapet on this part of the structure. Again, Listed Building Consent is not required for this noise barrier as this would sit on the non-listed part of the structure.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 None

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Not applicable as the application for Listed Building Consent is not determined by the Local Planning Authority.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

6.2 LP 1 – Achieving Sustainable Development
LP 2 – Place Shaping
LP 24 – Design
LP 35 – Historic Environment

National Planning Guidance:

6.3 Chapter 2 – Achieving Sustainable Development
Chapter 12 – Achieving Well-Designed Places
Chapter 16 – Conserving the Enhancing the Historic Environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Under the 1992 Regulations it is the responsibility of the Council to post site notices in suitable locations giving details of the Listed Building Consent application and specifying that all representations must be made to the National Planning Casework Unit. The site notices must be in place for no less than 7 days during the 42-day period for representations and were posted on 1st April 2021. In this instance, because of the inclusion of Bank Holidays within the prescribed period, the 42-day limit is extended to 45 days.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

The Local Planning Authority is not processing or determining this Listed Building Consent for reason that the application has an automatic call-in to the Secretary of State. Consequently the Local Planning Authority is not required to carry out statutory consultations.

8.2 **Non-statutory:**

K.C Conservation and Design - No objections

9.0 MAIN ISSUES

- Heritage Context
- Impact on Mirfield Viaduct Underbridge (MVN2/192)
- Managing the impact on the significance of Mirfield Viaduct Underbridge (MVN2/192)
- Balance of heritage impact against the public benefits

10.0 APPRAISAL

Heritage Context

10.1 Mirfield Viaduct Underbridge (MVN2/192) was constructed by the Manchester and Leeds Railway between 1836 and 1839 during the Pioneering Age (1825-41) of railway construction.

10.2 In common with most of the structures along the Manchester and Leeds Railway, it was jointly engineered by George Stephenson and Thomas Gooch. The viaduct was constructed to carry the railway via 12 spans over the River Calder. The structure forms one of a pair of grade-II listed Stephenson and Gooch-engineered viaducts on the Manchester and Leeds Railway in Mirfield, with the other being Wheatley's Underbridge (MVN2/196) which is located approximately 1.2km to the east.

10.3 Mirfield Viaduct Underbridge (MVN2/192) was expanded and altered to the south in 1932 to accommodate two extra tracks, with the easternmost span of the early-C19th structure altered at this date. The expansion was constructed in a very different style to the 1836-39 viaduct, and as a result the structure presents a wholly different character depending on which side it is viewed.

10.4 Mirfield Viaduct Underbridge (MVN2/192) survives as an extended and altered operational element of the Transpennine railway and is a prominent local landmark. The viaduct is located approximately 300m to the west of the Mirfield station and carries the railway across the River Calder. The north-facing elevation of the viaduct has changed little since the original construction and is constructed from regularly coursed quarry faced sandstone. The viaduct comprises twelve spans in total, with four of these are used to cross the river. The easternmost span, crossing Newgate, comprises a metallic deck and is contemporary with the 1932 southern extension of the viaduct.

10.5 The rock-faced stone structure which comprises the northern part of Mirfield Viaduct Underbridge (MVN2/192) was listed grade-II in July 1985, with the inter-war section (which abuts the original bridge to the south-side) excluded from the listing.

10.6 The proposed works subject of the Listed Building Consent application comprise the erection Overhead Line Equipment (OLE) along Mirfield Viaduct Underbridge (MVN2/192) to facilitate the electrification of the line. The works required three OLE portals to be installed on the Viaduct supported on concrete foundation pads fixed directly onto the deck of the listed structure. This would simply require the local removal of ballast materials of no significance, with the OLE portals be sited in board of the parapet of the Viaduct. There will be no alterations to the masonry parapet. On the un-listed side of the Viaduct (the interwar southern extension) the OLE would be fixed to the exterior of the parapet.

10.7 The grade-II listed Mirfield Viaduct Underbridge (MVN2/192) is both historically and operationally fundamental to the Transpennine railway route. The viaduct remains an impressive landmark, retaining its primary operational purpose as a major component of the cross Pennine transport line. The proposal subject of the Listed Building Consent application is a key part of the Transpennine Route Upgrade, Section W3 (TRU W3) and has been developed in consultation with Historic England and Kirklees Council's Planning and Conservation Officers over some years. The design development process was premised on the need to minimise the direct (physical) and indirect (visual) impact on the designated heritage asset.

10.8 The current TRU-W3 proposals to enhance the operation of the line are thus required to be considered in the context of the legislative and policy requirements impacting on such nationally important designated heritage assets. The legislative requirements are set by Section.66 (1) of the 1990 Act which requires the local planning authority and the Secretary of State (in this case) to have, *"special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*.

10.9 As a designated heritage asset, the NPPF paragraph 193 requires that the impact of the proposed development on the significance of Mirfield Viaduct Underbridge (MVN2/192) should be given *"great weight"* when considering development proposals. The policy presumption is that the proposed works should preserve or enhance the heritage asset, or at least avoid or minimise any diminution of the special interest of the structure. The conservation requirements of the NPPF are embedded in the Kirklees Local Plan Policy LP35, Historic Environment. The impact on Mirfield Viaduct Underbridge (MVN2/192) is consequently considered with particular reference to these legislative and policy requirements.

10.10 The particular heritage value and sensitivity of the Mirfield Viaduct Underbridge (MVN2/192) is defined in the TRU-W3 ES statement which notes that the designated heritage asset is of 'High Value", thereby defining it to be of, "*High Importance and rarity, national scale and limited potential for substitution"* (see Volume 2i, Ch.6, para. 6.3.11, Table 6-2 'Value of Heritage Assets').

10.11 Consequently, it is important to understand the impact of the proposed TRU W3 works on the special architectural or historic interest of Mirfield Viaduct Underbridge (MVN2/192) and its context.

10.12 The ES evaluates the level of 'Permanent heritage impact' in terms of Table 6-3 Magnitude of Impact (ES Volume 2i, Ch.6 para 6.3.17), with a 9-point range from: '*major, moderate, minor, and negligible adverse*' to '*major, moderate, minor and negligible beneficial*', with 'No change' at the centre point. The following evaluation is set out in these terms.

Impact on Mirfield Viaduct Underbridge (MVN2/192).

10.13 The proposed works would involve the permanent installation of three Overhead Line Equipment (OLE) portals onto the grade-II listed Mirfield Viaduct Underbridge (MVN2/192). This would slightly alter the experience and character of the structure, although its robust appearance and legibility which contributes considerably to its significance would be retained.

10.14 The viaduct derives significance from its aesthetic value, due to the high quality of its design, focused on the original 1830s masonry side of the structure. The installation of OLE portals on the structure would have a limited impact on the aesthetic significance of Mirfield Viaduct Underbridge (MVN2/192) and would be tempered by the spacing of the OLE portals and their location behind the parapet, which would lessen their visibility from the north. The siting of the OLE portals directly above the existing piers would serve to retain the symmetry and rhythm of its architectural form and would have a lesser impact on the architectural fluency of the design.

10.15 The architectural interest of the structure which contributes to its aesthetic value would, therefore, only be slightly compromised. The necessary alterations would be limited and would not alter the legibility of the historic viaduct's high-quality design. The physical impact of the installation of the OLE portals, would have also have a very limited physical impact on the structure as the foundations would be tied into the deck of the structure, rather than the parapet.

10.16 Mirfield Viaduct Underbridge (MVN2/192) also derives its significance from its association with the historic railway and noted engineer George Stephenson. Given the scale and robust architectural form of the structure, the erection of the Overhead Line Equipment (OLE) would have a relatively negligible impact on its heritage values.

10.17 The listed viaduct does derive some significance from the views towards the viaduct, particularly from the north bank of the River Calder and from Butt End Mill. The proposals would result in the introduction of OLE in a limited manner into this view from which the viaduct derives significance. However, the OLE portals would be positioned on the river bank ends and within the parapet of the viaduct, resulting in a minimal impact on the extent to which the structure derives significance from its setting. The OLE would also infiltrate on views towards the structure from the south and from Ledgard Bridge. However, these views have only a modest contribution to the grade-II listed viaduct's significance, given the prominence of the later (unlisted) southern extension to the grade-II listed structure in the form of Mirfield Viaduct (Steel Spans) Underbridge (MVN2/192A) which encloses the designated heritage asset. Consequently, the impact on of the proposed works are considered to have a negligible adverse impact on the grade-II listed Viaduct's significance.

10.18 In national and local planning policy terms the proposals would only result in a very low level of harm and the adverse visual impact would be considerably outweighed by the delivery of substantial public benefits by the electrification, speed and capacity improvements resulting from the TRU-W3 initiative. Consequently, the proposals are considered to meet the requirements of NPPF paragraph 196 and Kirklees Council Local Plan Policy LP35.

10.19 The proposals would have no impact on any other designated heritage assets.

Managing the impact on the significance Mirfield Viaduct Underbridge (MVN2/192)

10.20 The proposed interventions would result in a modest degree of change to the character of the monumental grade-II listed building. The cumulative impact of the proposed works has been evaluated within Network Rail's Heritage Assessment as resulting in 'less than substantial harm' to the fabric and character of the designated heritage asset (Heritage Assessment. March 2021 para. 4.1.6).

10.21 The mitigation of the identified minor adverse physical and visual impacts will consequently be dependent on the detail to be secured by conditions on the Listed Building Consent (and the wider TWAO) in the form of a Conservation Implementation Management Plan (CIMP). The CIMP is proposed by Network Rail as the means to specify the materials, techniques, and task implementation methodologies necessary which would inform the intervention works and demonstrate that the completed tasks will retain the authenticity, special interest and character of this nationally important heritage asset. Network Rail's proposed use of the CIMPs is considered to be an essential and welcome design-quality moderation tool.

10.22 The TRU-W3 scheme will require a series of CIMPs, to demonstrate a conservation-focused framework for the initiative as a whole and provide the detailed specifications to implement works on the various designated heritage assets along the route. Given the grade-II listed status and prominence of Mirfield Viaduct Underbridge (MVN2/192) and the modest impact of the proposed interventions, the resultant CIMP covering these particular works will need to be comprehensive and highly detailed.

10.23 It is understood that the approval of the collection of Conservation Implementation Management Plans (CIMPs) by Kirklees Council, as Local Planning Authority, would be a Conditional requirement should Listed Building Consent be granted by the Secretary of State.

<u>Balance of heritage impact against the public benefits</u>

10.24 The cumulative direct and indirect heritage impact of the proposed TRU-W3 works on Mirfield Viaduct Underbridge (MVN2/192) will present some adverse effects resulting from the erection of the Overhead Line Equipment. The proposals would represent a modest change to the surviving historic fabric of the grade-II listed heritage asset. However, the overall significance of the viaduct would not be adversely impacted to any significant extent and the proposals would enhance its design purpose and optimum viable use as a railway bridge.

10.25 The cumulative impact of the fabric interventions (identified as 1-6 above) would amount to a low level of 'less than substantial harm' to the significance of the designated heritage asset. Therefore, in accordance with the requirements of the NPPF, paragraphs 196 and Local Plan Policy LP35 it is necessary to evaluate whether the current proposal can demonstrate public benefits which would outweigh the perceived adverse impacts on the heritage asset.

10.26 Network Rail's design development process was informed by detailed analysis of the significance of the individual heritage assets along the TRU-W3 route. The design objective has been to minimise the adverse heritage impacts while facilitating the return to the multi-line use of the Mirfield Viaduct and the electrification of the line. The identified adverse heritage impacts on the Viaduct are relatively modest and would be managed by the use of the Conservation Implementation Management Plan. The public benefits which justify the compromising interventions would result from the completion of the wider Transpennine Route Upgrade and are outlined below.

10.27 The proposed works to on Mirfield Viaduct Underbridge (MVN2/192) form part of the wider Huddersfield to Westtown (Dewsbury) section of the Transpennine Route Upgrade and would support the economic, environmental and social benefits associated with the wider delivery of the TRU programme. The proposed works to the viaduct are integral to achieving the overall benefits of the wider Transpennine Route Upgrade scheme.

10.28 The TRU-W3 is considered to be vital in supporting the North of England's long-term, low-carbon economic growth, better-connecting people to jobs, services, education and leisure. The adopted Kirklees Local Plan (paragraph 10.2) recognises the critical connection between effective transport systems and local business productivity and district prosperity.

10.29 The economic and social benefits to be achieved from the improved Transpennine Route proposals include a reduction in journey times along this part of the route. This will be partially facilitated by enhanced train speeds and capacity, partially facilitated by the works across on Mirfield Viaduct Underbridge (MVN2/192). The use of longer, more frequent trains, will reduce congestion, increase passenger comfort, and improve overall journey quality.

10.30 Future passenger modelling has indicated that the numbers of people using the Transpennine Route will increase from 5.33 million to 8.22 million in 2042/43. This would be partially achieved through the creation or enhancement of four tracking across on Mirfield Viaduct Underbridge (MVN2/192) allowing express trains to by-pass passenger trains and freight services. The increased movement of people and goods along this key part of the railway network supports a more economic and socially viable transport solution and forms part of the West Yorkshire Transport Strategy, harnessing economic prosperity through a better-connected transport network.

10.31 The environmental and sustainability benefits of the line's upgrade will arise from the electrification of the line with the Transpennine Upgrade scheme identified as an investment in 'greener' energy technology meeting Network Rail's Decarbonisation Strategy and reducing harmful emissions that cause climate change, in line with Council policy and Government targets.

10.32 The proposals for on Mirfield Viaduct Underbridge (MVN2/192) will result in a modest but permanent change to the appearance of the grade-II listed building. This will sustain its viable use, securing the future of the heritage asset and the appreciation of its historic structure. The sustainable use of the Viaduct and its retained historic fabric provides a significant heritage benefit, by ensuring the longevity of the structure for its design purpose.

10.33 Therefore, the proposals constitute a sustainable approach to the future of on Mirfield Viaduct Underbridge (MVN2/192) as a nationally significant and historic component of the wider Transpennine Route. The delivery of electrification which realises passive and active measures to deliver reduced energy demands and carbon reduction would, therefore, be a substantial public benefit. This would provide the necessary justification to enable recommendation of support for the proposed works subject to Listed Building Consent.

Climate Change

10.34 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.35 The works are required in consequence of the proposals included in Network Rail's application, as submitted by Network Rail on 31 March 2021 to the Secretary of State for Transport under section 1 of the Transport and Works Act 1992. The delivery of electrification which realises passive and active measures to deliver reduced energy demands and carbon reduction will assist in helping the climate change emergency.

11.0 CONCLUSION

11.1 The proposed on Mirfield Viaduct Underbridge (MVN2/192) intervention works would deliver substantial public benefits which would outweigh the identified, relatively minor adverse heritage impacts. The safeguard proposed by Network Rail to facilitate the careful monitoring and control of the works, through the use of a comprehensive and detailed Conservation Implementation Management Plan (CIMP), would also serve to manage the intervention works and temper the adverse heritage impacts.

11.2 The evident public benefits that would arise from the Transpennine Route Upgrade provide the necessary justification in terms of NPPF paragraph 196 and Local plan policy LP35 to support for the proposed Listed Building Consent for works at on Mirfield Viaduct Underbridge (MVN2/192).

11.3 The proposed works are consequently considered to meet the requirements of NPPF paragraphs 189, 193 and 196, as well as Local Plan policy LP35 Historic Environment.

12.0 CONDITONS

The Local Planning Authority endorse the conditions proposed by Network Rail as set out below:

1. **(Time Limit)** The development must be begun not later than the expiration of five years beginning with the date of this permission.
Reason: To set a reasonable time limit for the commencement of the development.

2. **(Approved Drawings)** The development hereby permitted shall be carried out in accordance with the following drawings:
151667-TSA-34-MVN2-DRG-T-LP-163500 Existing and Proposed plan layout
151667-TSA-34-MVN2-DRG-T-LP-163501 Existing and Proposed Elevation 1 (North)
151667-TSA-34-MVN2-DRG-T-LP-163502 Existing and Proposed Elevation 2 (North)
151667-TSA-34-MVN2-DRG-T-LP-163503 Existing and Proposed Elevation 3 (North)
151667-TSA-34-MVN2-DRG-T-LP-163504 Existing and Proposed Elevation 1 (South)
151667-TSA-34-MVN2-DRG-T-LP-163505 Existing and Proposed Elevation 2 (South)
151667-TSA-34-MVN2-DRG-T-LP-163506 Existing and Proposed Elevation 3 (South)
151667-TSA-34-MVN2-DRG-T-LP-163507 Existing and Proposed Typical Section
Reason: To ensure compliance with the approved plans and for the avoidance of doubt.

3. **(Materials)** Before the development hereby approved commences, or within a timescale to be otherwise agreed in writing by the local planning authority, samples and specifications of all materials to be used on all external elevations of the development shall be submitted to and approved in writing by the local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the local authority.
Reason: To ensure the conservation of the historic environment and be consistent with Policy LP35 of the Kirklees Local Plan.

4. **(Historic Structures Recording)** No works of demolition shall take place until an approved methodology for full structure recording including the appropriate level of recording has been approved in writing. Subsequent recording will take place prior to demolition and be deposited with the West Yorkshire Archive Service and West Yorkshire Historic Environment Record.
Reason: In recognition of the architectural and historic significance of the Listed Building and in accordance with Chapter 16 of the NPPF.

5. **(Conservation Implementation Management Plan)** No works including any works of demolition shall commence until a Conservation Implementation Plan (CIMP) has been submitted to and approved in writing by the local planning authority. The approved CIMP shall include methodologies for:

a. fabric removal, masonry repairs, vegetation removal, repointing, metalwork repairs and application of protective paint systems as appropriate;
b. the identification of historically or architecturally significant elements of the fabric which once removed may be reused or preserved, and a strategy for their storage or reuse where appropriate;
c. any improvements to the setting to sustain, enhance and better reveal the heritage asset affected;
d. exact affixing details of overhead line electrification
e. details of any maintenance access regime required (if any)
f. provision of heritage interpretation boards during construction works
g. dissemination of "toolbox talks" to personnel involved in demolition and construction works
Reason: To ensure the conservation of the historic environment and be consistent with Policy LP35 of the Kirklees Local Plan.

Background Papers:
Application and history files.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91333

Certificate of Ownership – Certificate A signed

Kirklees COUNCIL

Originator: Louise Bearcroft

Tel: 01484 221000

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 12-May-2021

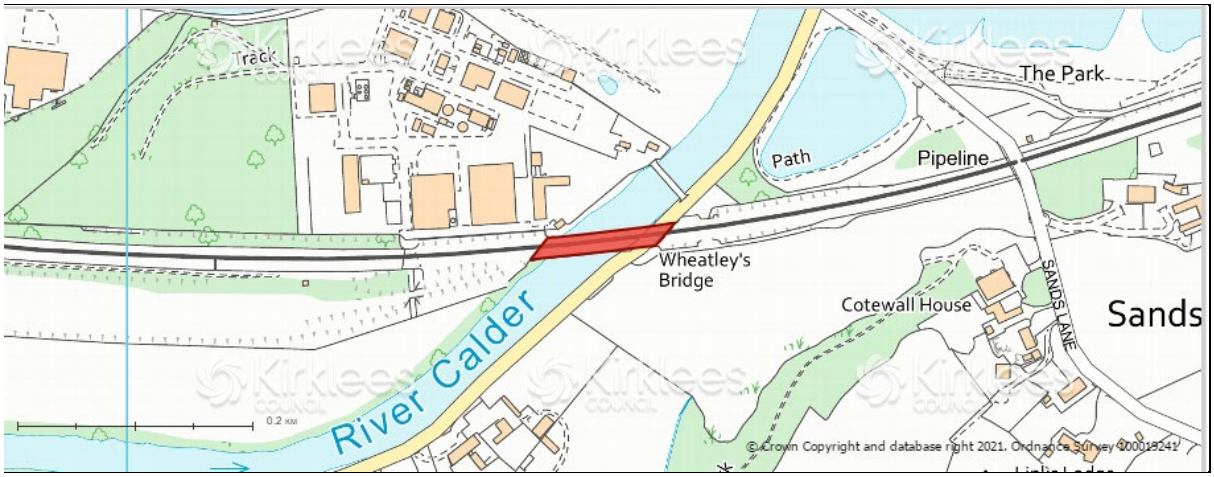
Subject: Planning Application 2021/91344 Listed Building Consent for erection of overhead line structures and handrail on MVN2/196 Wheatley's Viaduct, Mirfield viaduct at, Steneard Lane, Mirfield, WF14 8HZ

APPLICANT
Rob McIntosh, Network Rail (Infrastructure) Ltd.

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
31-Mar-2021	26-May-2021	

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.
http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Mirfield

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

Members to note the contents of this report for information

1.0 INTRODUCTION:

1.1 This is an application for Listed building Consent for works to grade II listed Wheatley's Underbridge (MVN2/196) submitted by Network Rail in conjunction with their submission to the Secretary of State for Transport for a Transport and Works Act Order for the Trans-Pennine Upgrade (Huddersfield to Westtown) Scheme. The Council is not determining this Listed Building Consent application but may consider it and send any comments to the National Planning Casework Unit within a 42-day period prescribed in the Transport and Works Act 1992 Regulations. Members of the Committee are therefore invited to comment on the proposed Listed Building Consent application.

1.2 Network Rail Infrastructure Limited ("Network Rail") is applying to the Secretary of State for Transport for a Transport and Works Act Order to authorise the construction and operation of the Trans-Pennine Upgrade (Huddersfield to Westtown) Scheme. The Scheme is part of a wider programme of works known as the Transpennine Route Upgrade (TRU) which will improve the Transpennine railway between Manchester, Huddersfield, Leeds and York and improve connections between key towns and cities across the north of England.

1.3 The Scheme will contribute to the overall TRU Programme aims of increasing service capacity and offering journey time benefits through:

- Four tracking and upgrading of the existing railway line including track realignment (currently the majority of the railway in the Scheme area has two tracks);
- Electrification of the line;
- Increase in line speeds;
- Provision of sections of new railway;
- Provision of new grade-separated junction within the Ravensthorpe area;
- Remodelling of stations including platform extension works at Deighton, Mirfield and Huddersfield;
- Provision of replacement station at Ravensthorpe.
- Engineering works including strengthening and replacement of bridge decks (rail and highway); electrification of the line and provision of associated infrastructure will require raising the height, demolition of or replacement of bridge structures.

1.4 The proposed works to the grade II listed Wheatley's Underbridge (MVN2/196) for which Listed Building Consent is sought are required in consequence of the proposals included in Network Rail's application, as submitted by Network Rail on 31 March 2021 to the Secretary of State for Transport under section 1 of the Transport and Works Act 1992.

1.5 The Council is required by section 12(3a) of the 1990 Act to refer this Listed Building Consent application to the Secretary of State. Because of this automatic call-in the Council is not processing or determining this Listed Building Consent application. The Council may however, as noted above, consider this Listed Building Consent application for works to Huddersfield Station and send any comments or recommendations to the National Planning Casework Unit within the 42-day period prescribed in the 1992 Regulations.

2.0 SITE AND SURROUNDINGS:

2.1 The site comprises the grade II listed Wheatley's Underbridge (MVN2/196) which is a railway viaduct spanning the River Calder, at the point where the Scheme insects the river, approximately 1km to the east of Mirfield Station. The viaduct was built between 1836-39 by the engineer George Stephenson, comprising five segmental arch spans. A brick and masonry extension to the south was added in the early-mid 20th century. The structure is a surviving masonry viaduct structure, carrying two tracks of the Transpennine Route.

3.0 PROPOSAL:

3.1 It is proposed that 2no Overhead Line Electrification (OLE) portals would be added to the structure, enabling the viaduct to support an electrified rail service. The construction will require local removal of sections of the parapet, to be reinstated on completion of works with a reduced thickness around the foundations of the OLE portals.

3.2 The main elements of the proposals are as follows:
- Two OLE portals would be installed on the viaduct;
- The portals would be installed on the deck, as opposed to being attached to the outside of the viaduct;
- Construction of the foundations for the OLE would require removal of the parapet at the point of OLE location, during construction;
- Once the OLE portal foundations are installed, the parapet would be reinstated with a reduced thickness around the foundations
- The foundation of the OLE portals would be fixed to the deck of the viaduct, which would require the removal of a small amount of ballast and very limited tie in with the historic deck structure.

3.3 The portals would be located as close to the pier centrelines as possible. However, due to the need to orientate the portals perpendicular to the north parapet, and due to the high skew of the structure, the portals would be slightly offset from the pier centrelines.

3.4 In addition, a handrail would be constructed on the north parapet to provide enhanced protection to rail workers undertaking maintenance works and rail passengers in case of an emergency. This would be in a similar style to the appearance of the one already in existence atop the southern parapet.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 None

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Not applicable as the application for Listed Building Consent is not determined by the Local Planning Authority.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

6.2 LP 1 – Achieving Sustainable Development
LP 2 – Place Shaping
LP 24 – Design
LP 35 – Historic Environment

National Planning Guidance:

6.3 Chapter 2 – Achieving Sustainable Development
Chapter 12 – Achieving Well-Designed Places
Chapter 16 – Conserving the Enhancing the Historic Environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Under the 1992 Regulations it is the responsibility of the Council to post site notices in suitable locations giving details of the Listed Building Consent application and specifying that all representations must be made to the National Planning Casework Unit. The site notices must be in place for no less than 7 days during the 42-day period for representations and were posted on 1st April 2021. In this instance, because of the inclusion of Bank Holidays within the prescribed period, the 42-day limit is extended to 45 days.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

The Local Planning Authority is not processing or determining this Listed Building Consent for reason that the application has an automatic call-in to the Secretary of State. Consequently, the Local Planning Authority is not required to carry out statutory consultations.

8.2 **Non-statutory:**

K.C Conservation and Design - No objections

9.0 MAIN ISSUES

- Heritage Context
- The proposed works
- Impact on Wheatley's Underbridge (MVN2/196)
- Managing the impact on the significance Wheatley's Underbridge (MVN2/196)
- Balance of heritage impact against the public benefits

10.0 APPRAISAL

Heritage Context

10.1 Wheatley's Underbridge (MVN2/196) (NHLE 1450703) was constructed by the Manchester and Leeds Railway between 1836 and 1839 during the Pioneering Age (1825-41) of railway construction. The 5-span Viaduct was built to carry the railway over the River Calder. The structure forms one of a pair of Stephenson and Gooch engineered viaducts on the Manchester and Leeds Railway in Mirfield, the other being the main section of Mirfield Viaduct Underbridge (MVN2/192) which is located approximately 1.35km to the west.

10.2 The grade-II listed viaduct was expanded and altered to the south in 1884 by the London and Northwest Railway to accommodate two extra tracks. The expansion was constructed in a similar and sympathetic style to the 1836-39 viaduct, which gives the structure. An architecturally unified character on both sides. Unlike the other Mirfield viaduct all sections of the bridge are included in the listing.

10.3 Wheatley's Underbridge (MVN 2/196) is located on the section of the Transpennine Route through Mirfield which was constructed and opened between 1839-41 as part of George Stephenson's Manchester and Leeds Railway. Development of the railway was superintended by George Stephenson and principally engineered by Thomas Longbridge Gooch. It was the first railway to link Lancashire and Yorkshire as it connected Manchester to Leeds via Rochdale and Todmorden. The line was 52 miles long and took a meandering northerly route to minimise gradients and the need for tunnelling. However, despite the avoidance of obstacles the northerly route necessitated the engineering of many impressive structures to navigate the tough upland country, such as Wheatley's Underbridge (MVN2/196).

10.4 This section of line was incorporated into new Transpennine Route between 1846 and 1849 when connection was made between Leeds, Dewsbury & Manchester Railway to the east and the Manchester & Huddersfield Railway to the west. The new route, engineered by Thomas Grainger (in the case of the Leeds, Dewsbury & Manchester Railway) and Alfred Stanistreet Jee and Joseph Locke (in the case of the Manchester & Huddersfield Railway), formed a more direct route to the West Riding from Manchester. This was enabled partly through the advances in large-scale engineering technology, such as demonstrated at Wheatley's Underbridge (MVN 2/196) and improved travel times between Lancashire and Yorkshire. These lines were two of a number constructed through this period which together form a significant proportion of the Transpennine route today.

10.5 Wheatley's Underbridge (MVN2/196) survives as an operational element of the Transpennine Route. The viaduct is located approximately 1km to the east of Mirfield Station and is a prominent landmark which carries the railway across the River Calder. It comprises five spans in total all of which are located within the river, with the westernmost span forming part of the western riverbank. The spans are set at a slight skew to accommodate the flow of the river, with the arches and piers in the river oriented approximately north-east-to-southwest.

10.6 The north-facing elevation of the viaduct is relatively unaltered and is constructed from regularly coursed quarry-faced sandstone. The spans over the river consist of segmental arches sitting on bull nosed piers. The piers are also finished with quarry faced stone and feature pronounced rustication bands. They protrude slightly from the deck and the piers are tied-in with stepped pyramidal caps. The segmental arches have voussoirs keyed into the coursing, although the top few either side of the key stone are cut off by a string course. Above the string course is a simple parapet with a simple stone capping.

10.7 The viaduct was extended to the south in 1884 to accommodate an extra two tracks. The extension was constructed with masonry piers and contrasting blue brick arches. The stone piers on this side appear to be extensions of the 1830s piers as they sit on the same alignment, protrude slightly and also feature pronounced rustication bands as well as stepped pyramidal caps. In common with the north side, the arches on this extended south-side are segmental, although constructed with seven courses of blue engineering brick with a stone roll moulding above the exposed headers. The brick arches spring from saw-tooth impost blocks. The brick construction of the arches on the south side do not feature voussoirs. Above is a string course and very similarly to the other side a simple stone parapet with plain stone capping.

10.8 Wheatley's Underbridge (MVN2/196) is prominent in the view from the east bank of the River Calder to the north of the structure, and the viaduct is also experienced from Steanard Lane along the riverbank and from the access bridge into the adjacent chemical works. The viaduct is also prominent in views from the east bank of the River Calder to its south.

<u>The proposed works</u>

10.9 The proposed works subject of the Listed Building Consent application comprises of the erection of two portals of Overhead Line Equipment (OLE) along Wheatley's Underbridge (MVN2/196). Their construction would require local, temporary removal of sections of the parapet, to be reinstated on completion of works with a reduced thickness around the foundations of the OLE portals.

10.10 The two portals would be located as close to the pier centrelines as possible. However, due to the need to orientate the portals perpendicular to the north parapet, and due to the high skew of the structure, the portals would be slightly offset from the pier centrelines.

10.11 In addition, a handrail would be constructed on the north parapet to provide enhanced protection to rail workers undertaking maintenance works and rail passengers in case of an emergency. This would be in a similar style to the existing handrail atop the southern parapet.

10.12 The grade-II listed Wheatley's Underbridge (MVN2/196) is both historically and operationally fundamental to the Transpennine railway route and remains an impressive landmark, as well as retaining its primary operational purpose as a major component of the cross Pennine transport line.

10.13 The proposal subject of the Listed Building Consent application is a key part of the Transpennine Route Upgrade, Section W3 (TRU W3) and has been developed in consultation with Historic England and Kirklees Council's Planning and Conservation Officers over some years. The design development process was premised on the need to minimise the direct (physical) and indirect (visual) impact on the designated heritage asset.

10.14 The current TRU-W3 proposals which impact on Wheatley's Underbridge (MVN2/196) are thus required to be considered in the context of the legislative and policy requirements impacting on such nationally important designated heritage assets. The legislative requirements are set by Section.66 (1) of the 1990 Act which requires the local planning authority and the Secretary of State (in this case) to have, *"special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".*

10.15 As a designated heritage asset, the NPPF paragraph 193 requires that the impact of the proposed development on the significance of Wheatley's Underbridge (MVN2/196) should be given *"great weight"* when considering development proposals. The policy presumption is that the proposed works should preserve or enhance the heritage asset, or at least avoid or minimise any diminution of the special interest of the structure. The conservation requirements of the NPPF are embedded in the Kirklees Local Plan Policy LP35, Historic Environment. The impact on Wheatley's Underbridge (MVN2/196). is consequently considered with particular reference to these legislative and policy requirements.

10.16 The particular heritage value and sensitivity of the Wheatley's Underbridge (MVN2/196) is defined in the TRU-W3 ES statement which notes that the designated heritage asset is of 'High Value", thereby defining it to be of, *"High Importance and rarity, national scale and limited potential for substitution"* (see Volume 2i, Ch.6, para. 6.3.11, Table 6-2 'Value of Heritage Assets').

10.17 Consequently, it is important to understand the impact of the proposed TRU W3 works on the special architectural or historic interest of Wheatley's Underbridge (MVN2/196) and its context. The ES evaluates the level of 'Permanent heritage impact' in terms of Table 6-3 Magnitude of Impact (ES Volume 2i, Ch.6 para 6.3.17), with a 9-point range from: 'major, moderate, minor, and negligible adverse' to 'major, moderate, minor and negligible beneficial', with 'No change' at the centre point. The following evaluation is set out in these terms.

Impact on Wheatley's Underbridge (MVN2/196)

10.18 The proposed works would involve the permanent installation of two Overhead Line Equipment (OLE) portals onto the grade-II listed Mirfield Viaduct Underbridge (MVN2/192). This would slightly alter the experience and character of the structure, although its robust appearance and legibility, which contributes considerably to its significance, would be retained.

10.19 The viaduct derives significance from its aesthetic value, due to the prominence of its location and the high quality of its design. The installation of the two OLE portals on the structure would have a limited impact on the aesthetic significance of Wheatley's Underbridge (MVN2/196) and would be tempered by the spacing and alignment of the OLE portals. The spacing would serve to retain the symmetry and rhythm of its architectural form, while the limited number of portals would moderate the visual impact on its architectural character.

10.20 Therefore. the aesthetic value of Wheatley's Underbridge (MVN2/196) would only be slightly compromised. The necessary alterations would be limited and would not alter the legibility of the viaduct’s high-quality design, or its contribution to the wider riverside landscape. The physical impact of the installation of the OLE portals, would have also have a very limited physical impact on the structure.

10.21 Wheatley's Underbridge (MVN2/196) also partially derives its significance from its association with the historic railway and noted engineer, George Stephenson. Given the scale and robust architectural form of the structure, the erection of the Overhead Line Equipment (OLE) would have a relatively negligible impact on its heritage values. Consequently, the impact on of the proposed works are considered to have a negligible adverse impact on the grade-II listed Viaduct’s significance.

10.22 In national and local planning policy terms the proposals would only result in a very low level of harm and the adverse visual impact would be considerably outweighed by the delivery of substantial public benefits by the electrification, speed and capacity improvements resulting from the TRU-W3 initiative. Consequently, the proposals are considered to meet the requirements of NPPF paragraph 196 and Kirklees Council Local Plan Policy LP35. The proposals would have no impact on any other designated heritage assets.

Managing the impact on the significance Wheatley's Underbridge (MVN2/196).

10.23 The proposed interventions would result in a minor degree of change to the character of the monumental grade-II listed building. The cumulative impact of the proposed works has been evaluated within Network Rail’s Heritage Assessment as resulting in ‘less than substantial harm’ to the fabric and character of the designated heritage asset (Heritage Assessment. March 2021 para. 4.1.6).

10.24 The mitigation of the identified minor adverse physical and visual impacts will consequently be dependent on the detail to be secured by conditions on the Listed Building Consent (and the wider TWAO) in the form of a Conservation Implementation Management Plan (CIMP). The CIMP is proposed by Network Rail as the means to specify the materials, techniques, and task implementation methodologies necessary to inform the intervention works and demonstrate that the completed tasks will retain the authenticity, special interest and character of this nationally important heritage asset. It would also specify the scope of the necessary building recording.

10.25 A historic building record of Wheatley's Underbridge (MVN2/196) would be required, prior to the construction phase of the Scheme (as agreed with the appropriate historic environment stakeholders) via the CIMP. This would help to compensate the modest harm to the viaduct's significance resulting from the installation of OLE portals and would provide an opportunity for recording of the structure and furthering understanding of its development and value. The modest interventions only require a relatively low level of Historic Building Record (HBR), to be undertaken to Level-1, in accordance with Historic England's 2016 guidance. The level-1 HBR would include: an annotated/dated photographic record, focusing on the sections of parapet of the structure which are to be alteration, and a descriptive narrative.

10.26 Network Rail's proposed use of the Conservation Implementation Management Plans (CIMPs) is considered to be an essential and welcome design-quality moderation tool. The TRU-W3 scheme overall will require a series of CIMPs, to demonstrate a conservation-focused framework for the initiative as a whole and provide the detailed specifications to implement works on the various designated heritage assets along the route.

10.27 Despite the relatively modest scope of the proposed works at Wheatley's Underbridge (MVN2/196), given the grade-II listed status and prominence of viaduct, the required CIMP covering these particular works will need to be comprehensive and highly detailed.

10.28 It is understood that the approval of the collection of Conservation Implementation Management Plans (CIMPs) by Kirklees Council, as Local Planning Authority, would be a Conditional requirement should Listed Building Consent be granted by the Secretary of State.

Balance of heritage impact against the public benefits

10.29 The cumulative direct and indirect heritage impact of the proposed TRU-W3 works on Wheatley's Underbridge (MVN2/196) will present some minor adverse effects resulting from the erection of the Overhead Line Equipment (OLE). The proposals would represent a modest change to the character and appearance of the grade-II listed heritage asset. However, the overall significance of the viaduct would not be adversely impacted to any significant extent and the proposals would enhance its design purpose and optimum viable use as a railway bridge.

10.30 The cumulative impact of the fabric interventions would amount to a low level of 'less than substantial harm' to the significance of the designated heritage asset. Therefore, in accordance with the requirements of the NPPF, paragraphs 196 and Local Plan Policy LP35 it is necessary to evaluate whether the current proposal can demonstrate public benefits which would outweigh the perceived adverse impacts on the heritage asset.

10.31 Network Rail's design development process was informed by detailed analysis of the significance of the individual heritage assets along the TRU-W3 route. The design objective has been to minimise the adverse heritage impacts while facilitating the return to the multi-line use of Wheatley's Underbridge (MVN2/196) and the electrification of the line. The identified adverse heritage impacts on Wheatley's Underbridge (MVN2/196) are relatively modest and would be managed by the use of the Conservation Implementation Management Plan (CIMP). The public benefits which justify the minor but still compromising interventions, which would result from the completion of the wider Transpennine Route Upgrade, are outlined below.

10.32 The proposed works to Wheatley's Underbridge (MVN2/196) form part of the wider Huddersfield to Westtown (Dewsbury) section of the Transpennine Route Upgrade and would support the economic, environmental and social benefits associated with the wider delivery of the TRU programme. The proposed works to this viaduct are integral to achieving the overall benefits of the wider Transpennine Route Upgrade scheme.

10.33 The TRU-W3 is considered to be vital in supporting the North of England's long-term, low-carbon economic growth, better-connecting people to jobs, services, education and leisure. The adopted Kirklees Local Plan (paragraph 10.2) recognises the critical connection between effective transport systems and local business productivity and district prosperity.

10.34 The economic and social benefits to be achieved from the improved Transpennine Route proposals include a reduction in journey times along this part of the route. This will be partially facilitated by enhanced train speeds and capacity, partially facilitated by the works on Wheatley's Underbridge (MVN2/196). The use of longer, more frequent trains, will also reduce congestion, increase passenger comfort, and improve overall journey quality.

10.35 Future passenger modelling has indicated that the numbers of people using the Transpennine Route will increase from 5.33 million to 8.22 million in 2042/43. This would be partially achieved through the creation of four tracking across on Wheatley's Underbridge (MVN2/196), allowing express trains to by-pass passenger trains and freight services. The increased movement of people and goods along this key part of the railway network supports a more economic and socially viable transport solution and forms part of the West Yorkshire Transport Strategy, harnessing economic prosperity through a better-connected transport network.

10.36 The environmental and sustainability benefits of the line's upgrade will arise from the electrification of the line with the Transpennine Upgrade scheme identified as an investment in 'greener' energy technology meeting Network Rail's Decarbonisation Strategy and reducing harmful emissions that cause climate change, in line with Council policy and Government targets.

10.37 The proposals for Wheatley's Underbridge (MVN2/196), will result in a modest but permanent change to the appearance of the grade-II listed building. However, the works will sustain its viable use, securing the future of the heritage asset and the long-term experience and appreciation of its historic structure. The sustainable use of the listed viaduct and its retained historic fabric provides a significant heritage benefit, by ensuring the longevity of the structure for its design purpose.

10.38 Therefore, the proposals constitute a sustainable approach to the future of Wheatley's Underbridge (MVN2/196), as a nationally significant and historic component of the wider Transpennine Route. The delivery of electrification which realises passive and active measures to deliver reduced energy demands and carbon reduction would, therefore, be a substantial public benefit. This would provide the necessary justification to enable recommendation of support for the proposed works subject to Listed Building Consent.

Climate Change

10.39 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.40 The works are required in consequence of the proposals included in Network Rail's application, as submitted by Network Rail on 31 March 2021 to the Secretary of State for Transport under section 1 of the Transport and Works Act 1992. The delivery of electrification which realises passive and active measures to deliver reduced energy demands and carbon reduction will assist in helping the climate change emergency.

11.0 CONCLUSION

11.1 The proposed intervention works which impact on Wheatley's Underbridge (MVN2/196) would deliver substantial public benefits which would outweigh the identified, relatively minor, adverse heritage impacts. The safeguard proposed by Network Rail to facilitate the careful monitoring and control of the works, through the use of a comprehensive and detailed Conservation Implementation Management Plan (CIMP), would also serve to manage the intervention works and temper any adverse heritage impacts.

11.2 The evident public benefits that would arise from the Transpennine Route Upgrade provide the necessary justification in terms of NPPF paragraph 196 and Local plan policy LP35 to support for the proposed Listed Building Consent for works at Wheatley's Underbridge (MVN2/196).

11.3 The proposed works subject of the Listed Building Consent application are consequently considered to meet the requirements of NPPF paragraphs 189, 193 and 196, as well as Local Plan policy LP35 Historic Environment.

12.0 CONDITIONS

The Local Planning Authority endorse the conditions proposed by Network Rail as set out below:

1. **(Time Limit)** The development must be begun not later than the expiration of five years beginning with the date of this permission.
Reason: To set a reasonable time limit for the commencement of the development.

2. **(Approved Drawings)** The development hereby permitted shall be carried out in accordance with the following drawings:
151667-TSA-34-MVN2-DRG-T-LP-163600 Existing and Proposed plan layout
151667-TSA-34-MVN2-DRG-T-LP-163601 Existing and Proposed Elevation 1 (North)
151667-TSA-34-MVN2-DRG-T-LP-163602 Existing and Proposed Elevation 2 (North)
151667-TSA-34-MVN2-DRG-T-LP-163603 Existing and Proposed Elevation 1 (South)
151667-TSA-34-MVN2-DRG-T-LP-163604 Existing and Proposed Elevation 2 (South)
151667-TSA-34-MVN2-DRG-T-LP-163605 Existing and Proposed Typical Section
Reason: To ensure compliance with the approved plans and for the avoidance of doubt.

3. **(Materials)** Before the development hereby approved commences, or within a timescale to be otherwise agreed in writing by the local planning authority, samples and specifications of all materials to be used on all external elevations of the development shall be submitted to and approved in writing by the local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the local authority.
Reason: To ensure the conservation of the historic environment and be consistent with Policy LP35 of the Kirklees Local Plan.

4. **(Historic Structures Recording)** No works of demolition shall take place until an approved methodology for structure recording including the appropriate level of recording has been approved in writing. Subsequent recording will take place prior to demolition and be deposited with the West Yorkshire Archive Service and West Yorkshire Historic Environment Record.) (6 is for only one small element of parapet being amended)
Reason: In recognition of the architectural and historic significance of the Listed Building and in accordance with Chapter 16 of the NPPF.

5. **(Conservation Implementation Management Plan)** No works including any works of demolition shall commence until a Conservation Implementation Plan (CIMP) has been submitted to and approved in writing by the local planning authority. The approved CIMP shall include methodologies for:

a. fabric removal, masonry repairs, vegetation removal, repointing, metalwork repairs and application of protective paint systems as appropriate;
b. the identification of historically or architecturally significant elements of the fabric which once removed may be reused or preserved, and a strategy for their storage or reuse where appropriate;

c. any improvements to the setting to sustain, enhance and better reveal the heritage asset affected;
d. exact affixing details of overhead line electrification
e. details of any maintenance access regime required (if any)
f. provision of heritage interpretation boards during construction works
g. dissemination of “toolbox talks” to personnel involved in demolition and construction works
Reason: To ensure the conservation of the historic environment and be consistent with Policy LP35 of the Kirklees Local Plan.

Background Papers:
Application and history files.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91344

Certificate of Ownership – Certificate A signed

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Kirklees COUNCIL

Originator: Louise Bearcroft

Tel: 01484 221000

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 12-May-2021

Subject: Planning Application 2021/91334 Listed Building Consent for infill and embankment widening of bridge MDL1/10 Occupation (Thornhill Road) Occupation Bridge, adj, Thornhill Road, Westtown, Dewsbury

APPLICANT
Rob McIntosh, Network Rail (Infrastructure) Ltd.

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
31-Mar-2021	26-May-2021	

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.
http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral wards affected: Dewsbury West

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

Members to note the contents of this report for information.

1.0 INTRODUCTION:

1.1 This is an application for Listed building Consent for works to the grade II listed Occupation Underbridge (MDL1/10) submitted by Network Rail in conjunction with their submission to the Secretary of State for Transport for a Transport and Works Act Order for the Trans-Pennine Upgrade (Huddersfield to Westtown) Scheme. The Council is not determining this Listed Building Consent application but may consider it and send any comments to the National Planning Casework Unit within a 42-day period prescribed in the Transport and Works Act 1992 Regulations. Members of the Committee are therefore invited to comment on the proposed Listed Building Consent application.

1.2 Network Rail Infrastructure Limited ("Network Rail") is applying to the Secretary of State for Transport for a Transport and Works Act Order to authorise the construction and operation of the Trans-Pennine Upgrade (Huddersfield to Westtown) Scheme. The Scheme is part of a wider programme of works known as the Transpennine Route Upgrade (TRU) which will improve the Transpennine railway between Manchester, Huddersfield, Leeds and York and improve connections between key towns and cities across the north of England.

1.3 The Scheme will contribute to the overall TRU Programme aims of increasing service capacity and offering journey time benefits through:

- Four tracking and upgrading of the existing railway line including track realignment (currently the majority of the railway in the Scheme area has two tracks);
- Electrification of the line;
- Increase in line speeds;
- Provision of sections of new railway;
- Provision of new grade-separated junction within the Ravensthorpe area;
- Remodelling of stations including platform extension works at Deighton, Mirfield and Huddersfield;
- Provision of replacement station at Ravensthorpe.
- Engineering works including strengthening and replacement of bridge decks (rail and highway); electrification of the line and provision of associated infrastructure will require raising the height, demolition of or replacement of bridge structures.

1.4 The proposed works to the grade II listed Occupation Underbridge (MDL1/10) for which Listed Building Consent is sought are required in consequence of the proposals included in Network Rail's application, as submitted by Network Rail on 31 March 2021 to the Secretary of State for Transport under section 1 of the Transport and Works Act 1992.

1.5 The Council is required by section 12(3a) of the 1990 Act to refer this Listed Building Consent application to the Secretary of State. Because of this automatic call-in the Council is not processing or determining this Listed Building Consent application. The Council may however, as noted above, consider this Listed Building Consent application for works to Huddersfield Station and send any comments or recommendations to the National Planning Casework Unit within the 42-day period prescribed in the 1992 Regulations.

2.0 SITE AND SURROUNDINGS:

2.1 The application site comprises Occupation Underbridge (MDL1/10) which was designated as a grade II listed building in 2018. It is a single-span accommodation underbridge, located a short distance off Thornhill Road, approximately 1km to the south-west of Dewsbury. The bridge accommodates a driveway providing access to a private property located to the south-east of the railway.

2.2 The underbridge, was constructed between 1845 and 1847, as part of the Leeds, Dewsbury & Manchester Railway. Constructed of quarry-faced sandstone, the bridge survives in largely its original form, with only minor additions. The underbridge comprises a semi-circular arch flanked by curved wing walls and is notable for the detail of its construction, including rusticated voussoirs and impost bands.

3.0 PROPOSAL:

3.1 At the location of Occupation Underbridge (MDL1/10) it is necessary for the track to be realigned to the northwest of the existing bridge deck to deliver the required line speed increase on this section of the railway. It is proposed to infill the underbridge with a mixture of granular fill and foam concrete under the existing arch. A masonry-clad retaining wall will be constructed on the south-eastern side of the arch slightly recessed from the face of the arch to retain the structure's legibility on that side of the railway. On the north-western side of the structure, a battered embankment of granular fill reinforced by geotextile will be constructed against the structure, obscuring the arch face and wing walls.

3.2 The proposed works relating to the Grade II Listed underbridge comprise:
- Masonry repairs (if required) necessary to facilitate the infilling of the structure;
- Excavation and casting of a strip footing under the south-eastern arch face of the underbridge as base for blockwork retaining wall;
- Construction of blockwork retaining wall on south-eastern face of the structure to contain foam concrete and granular infill – this wall will be clad in stone masonry sympathetic to the existing style of the structure and recessed slightly to reveal the form of the arch;

- Infilling the structure – the majority of this will be done from the ground up with granular fill from the open sides of the bridge, with the remaining fill at the top under the arch comprising foam concrete;
- Drilling of holes in the top of the arch barrel to facilitate the injection of grout to complete the infilling;
- Construction of battered back embankment on north-western side of the structure with granular fill reinforced by geotextile; and
- Construction of realigned track bed and railway tracks over the infilled structure, with additional ballast to increase the vertical alignment of the line.

3.3 The existing historic masonry architectural features and wing walls on the south-eastern side of the structure will be retained, with no alterations to these as a result of the works. The existing parapet fence located atop the structure on the south-eastern side will also be retained.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 None

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Not applicable as the application for Listed Building Consent is not determined by the Local Planning Authority.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

6.2 LP 1 – Achieving Sustainable Development
LP 2 – Place Shaping
LP 24 – Design
LP 35 – Historic Environment

National Planning Guidance:

6.3 Chapter 2 – Achieving Sustainable Development
Chapter 12 – Achieving Well-Designed Places
Chapter 16 – Conserving the Enhancing the Historic Environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Under the 1992 Regulations it is the responsibility of the Council to post site notices in suitable locations giving details of the Listed Building Consent application and specifying that all representations must be made to the National Planning Casework Unit. The site notices must be in place for no less than 7 days during the 42-day period for representations and were posted on 1st April 2021. In this instance, because of the inclusion of Bank Holidays within the prescribed period, the 42-day limit is extended to 45 days.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

The Local Planning Authority is not processing or determining this Listed Building Consent for reason that the application has an automatic call-in to the Secretary of State. Consequently the Local Planning Authority is not required to carry out statutory consultations.

8.2 **Non-statutory:**

K.C Conservation and Design - No objections

9.0 MAIN ISSUES

- Heritage Context
- The proposals
- Design development and measuring the impact of change
- Impact on the significance of the grade-II listed Occupation Underbridge (MDL/10).
- Historic Building Record
- Managing the major adverse impact
- Balance of heritage impact against the public benefits

10.0 APPRAISAL

Heritage Context

10.1 The proposed works will have a significant impact on the railway bridge known as Occupation Underbridge (MDL1/10) (NHLE 1450702). The bridge was listed grade-II in March 2018 due to its historic interest as a surviving, little altered example of an early-C19th railway structure, as well as its associations with a notable Scottish railway engineer, Thomas Grainger. Its relatively modest design function as a small accommodation bridge makes the attention to its architectural form all remarkable, adding to its special interest.

10.2 Occupation Underbridge (MDL1/10) is located on the section of the Transpennine Route constructed by the Leeds, Dewsbury & Manchester Railway between 1845 and 1847. This section of the line was constructed during the a period of commercial confidence and expansion in the railways under the oversight of the principal engineer Thomas Grainger, one of the leading railway engineers of the day, mainly known for his earlier-C19th work in Scotland. He is best known in England for his work on lines including the Leeds, Dewsbury & Manchester Railway (1845-1848), the East and West Yorkshire Junction Railway (1846); and the Leeds & Thirsk Railway (1845-1852). Grainger's work is notable for the imaginative way in which he tailored these lines to the difficult surrounding terrain and his bold masonry and iron bridge designs.

10.3 Occupation Underbridge (MDL1/10) is one the underbridges constructed by Grainger for the Leeds, Dewsbury & Manchester Railway which share a common design language, although more commonly using cast iron, rather than the masonry construction of Occupation Underbridge (MDL1/10). Examples of his work which are also impacted by the TRU-W3 works include the similarly-styled construction of the grade-II listed Toad Holes Underbridge (MDL 1/12 - NHLE 1450704) and Ming Hill (MDL 1/14 - NHLE 1451887). The most notable comparator examples on the route are the grade-II listed Howley Mill Lane Underbridge (MDL 1/35 - NHLE 1452199) and Churwell Underbridge (MDL1/39 - NHLE 1451051). These latter examples of Grainger's design, are of similar masonry underbridges which incorporate the same elements of architectural expression, such as the rusticated voussoirs and striking curved wingwalls used at Occupation Underbridge (MDL1/10).

10.4 Occupation Underbridge (MDL1/10) forms one of a number of Grainger-engineered accommodation underbridges on the railway between the River Calder and Dewsbury Station. It was constructed to provide access under the railway between Fall Lane and the properties and fields to the south-east, including the surviving domestic building to the south-east of the line which originally comprised a pair of semi-detached cottages. Occupation Underbridge (MDL1/10) is remained relatively unaltered since its construction, as this section of the Transpennine Route (between Ravensthorpe and Leeds) was not widened with additional tracks, and consequently the structure has never been reconstructed. The setting of the bridge has changed considerably and there have been a small number of minor additions around the structure in recent years relating to its use as the access to the dwelling adjacent to the line. These additions mainly comprise electronic controls and access gates on the south-eastern side of the underbridge (as well as security lights and associated cabling) which have had no impact on the fabric or appreciation of the listed bridge.

10.5 Therefore, Occupation Underbridge (MDL1/10) is of high heritage value as a largely unaltered example of an 1840s accommodation underbridge, dating from the so called "Heroic Age of railway building". The bridge derives its significance from its association with the historic railway, and associations with noted C19th engineer, Thomas Grainger, as well as the quality of architectural expression in its design. It is located approximately 1km to the south-west of Dewsbury town centre and penetrates and partially supports the embankment along which the line runs. The underbridge is constructed in coursed quarry-faced Pennine Lower Coal Measures sandstone, and comprises a semi-circular arch flanked by curved finely detailed wing walls, with the arch formed of rusticated V-jointed voussoirs (the uppermost of which are blunted) springing from a squared ashlar impost band. The structure features deeply-curved wing walls on either side, which are raked and constructed of the same squared quarry-faced sandstone. The faces of the structure on either side above the arch are topped by an ashlar moulded string course, but the coping to the wing walls on either side is plainer, comprising simpler squared ashlar.

10.6 The wing walls of Occupation Underbridge (MDL1/10) form part of the longer retaining walls of the railway and are constructed in the same squared quarry-faced stone. The wing walls extend some 35m along the south-eastern side of the railway embankment. On the north-western side of the structure, the embankment north of the access track encroaches on the wing wall, while a secondary retaining wall has been constructed between the railway and the original retaining wall, extending southwest. The existing pair of railway tracks pass over the structure on a ballasted track bed. The modern concrete parapet fence which sits on the track bed on either side of the railway, aligned with the bridge parapet and wing walls, detracts from the significance of the listed structure.

10.7 Occupation Underbridge (MDL1/10) derives minimal significance from its setting as the structure is located in a relatively secluded position, with very limited visibility from public roads or footpaths and is only experienced by those passing underneath it along the entrance driveway to the private property. As it carries the railway across the embankment the underbridge is also not appreciated from within the surrounding landscape, nor by those traveling by train.

The proposals

10.8 To achieve the TRU-W3 programme objectives, the railway is required to be realigned at the location of Occupation Underbridge (MDL1/10) to facilitate the increase in track speed. The realignment at this location is part of the wider remodelling of the railway alignment in the area between Westtown and Ravensthorpe. The alteration to the track alignment is necessary to remove the ‘reverse-S’ curvature of the line between Westtown and the crossing of the River Calder and Calder & Hebble Navigation. The proposed alignment of the railway to meet this requirement results in one track being aligned beyond the footprint of Occupation Underbridge (MDL1/10) which necessitates the widening of the grade-II listed bridge to the north-west to support the new tracks.

10.9 The proposed works impacting on the grade-II listed underbridge are as yet not fully detailed but would essentially include the infilling of the structure (removing the access) and the construction of a block-work retaining wall on the south-eastern face of the structure to contain foam concrete and granular infill. This new wall would be then be faced in stone masonry sympathetic to the existing style of the structure and recessed slightly to reveal the form of the arch. The infilled arch would contain granular fill from the open sides of the bridge, with the remaining fill at the top under the arch comprising foam concrete facilitated by holes drilled in the top of the arch barrel to enable the injection of grout to complete the infilling.

10.10 On completion of the infill of the archway, a battered back embankment would be constructed on the north-western side of the structure, which would encase this side of the bridge. The embankment would also comprise granular fill, reinforced by a geotextile, and would enable the construction of the realigned track bed and railway tracks over the infilled structure, with additional ballast to increase the vertical alignment of the line.

10.11 The existing historic masonry architectural features and wing walls on the south-eastern side of the structure will be remain partially expressed, as the infill wall would be slightly recessed. The existing parapet fence located atop the structure on the south-eastern side will also be retained. As the works will remove the access afforded by the underbridge it is understood that Network Rail aim to acquire the adjacent property, the access track to which is accommodated by the bridge or negotiate provision of a new access for the property. Engagement and discussions between Network Rail, the property landowner and surrounding businesses are apparently on-going.

Design development and measuring the impact of change

10.12 The preferred design option was developed in consultation with Historic England and officers from Kirklees Council over some years. The current design approach and preferred design was presented to Historic England and Kirklees Council officers at the final presentation meeting on 24 June 2020. Network Rail records that the representatives from both Historic England and Kirklees Council were content with the proposals and also that due consideration had been given to alternative approaches. The stakeholders advised that the infilling of Occupation Underbridge (MDL1/10) would be regrettable but appreciated that it was necessary to deliver the objectives of the TRU-W3 initiative and that the preferred design would partially retain the structure's legibility, as well as some elements of its heritage significance.

10.13 The stakeholders also noted that they were expected to remain working to refine the preferred design option in consultation with the design team. Consequently, Network Rail propose that it will continue to engage with both Historic England and Kirklees Council to finalise the details of the proposed works (subject of the LBC application) during the determination of the TWAO and the discharge of the conditions to be attached to the Listed Building Consents. This collaborative approach is an expectation of national and local heritage planning policy.

10.14 As a designated heritage asset, the NPPF paragraph 193 requires that the impact of the proposed development on the significance of Occupation Underbridge (MDL1/10), should be given *"great weight"* when considering development proposals. The policy presumption is that the proposed works should preserve or enhance the heritage asset, or at least avoid or minimise any diminution of the special interest of the structure. The conservation requirements of the NPPF are embedded in the Kirklees Local Plan Policy LP35, Historic Environment. The proposed impact on Occupation Underbridge (MDL1/10), is consequently considered with particular reference to these legislative and policy requirements.

10.15 The particular heritage value and sensitivity of the of Occupation Underbridge (MDL1/10) is defined in the TRU-W3 ES statement which notes that the designated heritage asset is of *"High Value"*, thereby defining it to be of, *"High Importance and rarity, national scale and limited potential for substitution,"* (see Volume 2i, Ch.6, para. 6.3.11,Table 6-2 'Value of Heritage Assets'). Consequently, it is important to understand the impact of the proposed TRU W3 works on the special architectural or historic interest of Occupation Underbridge (MDL1/10), and its context.

10.16 The ES evaluates the level of 'Permanent heritage impact' in terms of Table 6-3 Magnitude of Impact (ES Volume 2i, Ch.6 para 6.3.17), with a 9-point range from: 'major, moderate, minor, and negligible adverse' to 'major, moderate, minor and negligible beneficial', with 'No change' at the centre point. The following evaluation is set out in these terms.

10.17 Therefore, the current proposals are required to be considered in the context of the legislative and policy requirements impacting on such nationally important designated heritage assets. The legislative requirements are set by Section 66(1) of the 1990 Act which requires that the local planning authority and the Secretary of State (in this case) have, "*special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses".*

10.18 As the proposal would involve the profound compromise of its significance as a designated heritage asset, the works would amount to substantial harm in terms of national and local planning. The NPPF (paragraph 194a) states that the total loss of significance of a grade-II listed building *"should be exceptional"* and must be measured against the delivery of *"substantial public benefits."*

10.19 As the proposal would involve the total loss of significance of the designated heritage asset the NPPF (paragraph 195) states that local planning authorities (or the Secretary of State in this case) should refuse consent, *"unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm."* This requirement is reflected in the Kirklees Local Plan, Policy LP35.

<u>Impact on the significance of the grade-II listed Occupation Underbridge (MDL1/10)</u>

10.20 The proposed works will involve the permanent infilling of the Grade II Listed underbridge which would profoundly alter the form and function of the structure, with the bridge effectively buried within the widened north-west embankment and only retaining elements of its appearance and legibility on the inaccessible south-east side. The infilling of the bridge would permanently alter the character, appearance and function of Occupation Underbridge (MDL1/10) as an operational accommodation underbridge.

10.21 The physical impact on the structure would comprise the infilling of the underbridge beneath the barrel of the arch, along with the construction of a battered embankment on the north-western side in front of the existing face, and a stone retaining wall installed slightly recessed within the south-eastern face. The existing historic fabric of the bridge would be entirely encased in the new fabric but otherwise would not itself undergo any notable alterations, other than the drilling of holes from the track level through the barrel of the arch to facilitate the infilling. The rest of the fabric would be encased within the infilling.

10.22 The overall impact on Occupation Underbridge (MDL1/10) resulting from the infilling would be a fundamental and permanent change in the character, appreciation and experience of the grade-II listed structure. The works would remove its design function as a through access and the battered embankment on the north-west would mean that none of the surviving elements of the historic bridge would be visible. The infilling of the south-eastern face, with a

stone retaining wall, would retain a modest degree of legibility of the structure, although any understanding of its form and function as an underbridge, would be lost, along with any appreciation of the architectural style of the structure. However, the wing walls and details of the arch, such as the voussoirs and moulded string course, would all be retained on the south-eastern side.

10.23 The association of Occupation Underbridge (MDL1/10) with the historic railway and engineer Thomas Grainger, as well as the quality of architectural expression in its design, would be lost. The permanent physical impact on the structure will profoundly degrade its significance through the change in form and character of the structure.

10.24 The battered embankment on the north-western side would result in the north-western elevation of the structure being completely obscured. However, the design of the infill on the south-eastern side would retain some architectural elements, such as the rusticated voussoirs, impost bands and moulded string course, which are identified in the listing as important to its significance, lifting the design above the purely functional. The experience and appreciation of the structure would nevertheless be profoundly compromised.

10.25 The proposed works would also impact on the group value which Occupation Underbridge (MDL1/10) derives from its relationship with other structures on the Transpennine Route. The group value which particularly contributes to its significance is drawn from its identity as a Thomas Grainger structure, sharing common design language with others along the route.

10.26 The partial retention of the legibility of its design on the south-eastern side through recessed infilling of the arch would contribute in a modest manner to its expression as part of noted group of bridges. The similarities in design between Occupation Underbridge (MDL1/10) and other masonry grade-II listed Grainger-designed underbridges would still be able to be appreciated, although probably only in an academic sense. These structures form a non-adjacent group of bridges from this period, recognisable for their common architectural form. Each bridge will be subject to a degree of compromising change within the TRU-W3 programme, but none of these early-C19th, Grainger-designed structures, will not be entirely lost, despite their collective heritage values being diminished.

10.27 The current Network Rail proposals would retain Occupation Underbridge (MDL1/10), but it will be essentially entombed by the new embankment, with a significant erosion of its character and architectural interest, along with a total loss of design function. The infilling of Occupation Underbridge (MDL1/10), would, therefore, result in the substantial loss of its significance due to the nature and extent of the physical changes to its form and a fundamental transformation of its character, negating its appreciation as an accommodation bridge. The structure would be largely encased by the new embankment and the major adverse impact would fundamentally erode its significance and thereby amount to ‘substantial harm’ in terms of national and local planning policy.

Historic Building Record

10.28 Network Rail propose that a 'Historic Building Record' of the extant Occupation Underbridge (MDL1/10) is completed, prior to any works commencing. This would provide a publicly accessible record of the encased and lost underbridge. However, the cumulative impact of the interventions work is rather under-estimated in the submitted Heritage Assessment (March 2021) by Network Rail, as is the recommended scope of the record.

10.29 Therefore, the scope and delivery of the Historic Building Record' should be defined in the Conservation Implementation Management Plan (CIMP), which will be required as a Listed Building Consent condition, and should be required to follow the format defined by Historic England as a 'Level 3 Historic Building Record'. It would comprise: a collation of detailed archives, current measured drawings, detailed photographs, and a written account of the origin and lifespan of the bridge.

10.30 The production of a detailed Historic Building Record in advance of the implementation of works to Occupation Underbridge (MDL1/10) is a minimum national and local policy requirement and should not be taken to compensate for the substantial harm caused by the loss of bridge's significance. The NPPF (paragraph 199) states that, "*the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted"*. The major adverse impact of the loss of significance of the bridge should, therefore, only be measured against the demonstrable delivery of *"substantial public benefits,"* as discussed below.

Managing the major adverse impact.

10.31 The exploration of alternatives by National Rail concluded that encasing of Occupation Underbridge (MDL1/10) is the only practical way to deliver the operational requirements and objectives of the TRU-W3. The impact will result in substantial harm, as defined by NPPF paragraph 194(a). A degree of mitigation of the identified major adverse impact on the grade-II listed bridge would be dependent on the detail to be secured by conditions on the Listed Building Consent (and the wider TWAO), in the form of a Conservation Implementation Management Plan (CIMP).

10.32 The TRU-W3 scheme will require a series of Conservation Implementation Management Plans (CIMPs) to demonstrate a conservation-focused framework for the initiative and provide the detailed specifications to implement works on the individual designated heritage assets along the route.

10.33 The CIMP proposed for Occupation Underbridge (MDL1/10) would need to specify the scope of the recording of the extant bridge, as well as the detailed design, methodology and materials to infill while ensuring that the essential architectural structure of the entombed bridge is retained. Given the current lack of design detail and the proposed total loss of significance (including the diminution of the special interest and character of the group of listed bridges with which it is associated) a comprehensive and highly detailed Conservation Implementation Management Plan (CIMP) for Occupation Underbridge (MDL1/10), is considered to be a fundamental design-quality moderation tool.

Balance of heritage impact against the public benefits.

10.34 The proposed TRU-W3 works on Occupation Underbridge (MDL1/10) would result in a major adverse heritage impact, resulting from the complete loss of its significance as a designated heritage asset. The loss of the bridge would also contribute to the erosion of the collective value of the bridges designed by a celebrated C19th engineer, which are all noted for their design quality. Therefore, in accordance with the requirements of the NPPF, paragraphs 195 and Local Plan Policy LP35 it is necessary to evaluate whether the current proposals demonstrate the necessary *"substantial public benefits that outweigh that harm".*

10.35 Network Rail's design development process has been informed by detailed analysis of the significance of the individual heritage assets along the TRU-W3 route. The design objective has been to minimise the overall adverse heritage impacts while facilitating the electrification of the line. Nevertheless, the impact on Occupation Underbridge (MDL1/10) will be permanent and profound.

10.36 It will be understood that, in accordance with the NPPF, the ability to record the structure in advance of its demolition should not be taken as part of the planning balance, as this is a minimum requirement not a means of mitigation. Therefore, the major adverse heritage impact on Occupation Underbridge (MDL1/10) must be measured against the perceived value of the public benefits which would result from completion of the wider Transpennine Route Upgrade.

10.37 The proposed works to Occupation Underbridge (MDL1/10) form part of the wider Huddersfield to Westtown (Dewsbury) section of the Transpennine Route Upgrade and would support the economic, environmental and social benefits associated with the wider delivery of the TRU programme.

10.38 The exploration of alternatives by National Rail concluded that the infilling and encasement of this accommodation bridge is necessary to deliver the operational requirements and objectives of the TRU-W3 and thereby achieve the overall benefits of the wider Transpennine Route Upgrade scheme. The TRU-W3 is considered to be vital in supporting the North of England's long-term, low-carbon economic growth, better-connecting people to jobs, services, education and leisure. The adopted Kirklees Local Plan (paragraph 10.2) recognises the critical connection between effective transport systems and local business productivity and district prosperity.

10.39 The economic and social benefits to be achieved from the improved Transpennine Route proposals also include a reduction in journey times along this part of the route. This will be partially facilitated by enhanced train speeds and capacity, with longer, more frequent trains reducing congestion, increasing passenger comfort and improved journey quality. Future passenger modelling has indicated that the numbers of people using the Transpennine Route will increase from 5.33 million to 8.22 million in 2042/43.

10.40 The increased speed and capacity would partially be achieved through the newly aligned tracks along the section of line currently supported by Occupation Underbridge (MDL1/10), with the reinstated four-line track allowing for express trains to by-pass slower passenger and freight services. The increased movement of people and goods along this key part of the railway network would support a more economic and socially viable transport solution. This aligns with the West Yorkshire Transport Strategy, which aims to harness economic prosperity through a better-connected transport network.

10.41 The environmental and sustainability benefits of the line's upgrade will arise primarily from the electrification of the line which would not in directly require the infill of Occupation Underbridge (MDL1/10). However, the Transpennine Route Upgrade (TRU) scheme is identified by National Rail as an investment in 'greener' energy technology intended to meet its Decarbonisation Strategy, reducing harmful emissions that cause climate change (in line with Council policy and Government targets).

10.42 The works to Occupation Underbridge (MDL1/10) would mean the loss of an irreplaceable piece of historic railway infrastructure, and diminution of the collection of bridges designed by Thomas Grainger located along this section of the Transpennine route. While the loss of significance of Occupation Underbridge (MDL1/10) is regrettable, its loss may be considered to be outweighed by the substantial public benefits resulting from the increased speed and capacity of the Transpennine route that would be facilitated by its infilling and encasement. The major adverse impact may also be partially tempered by managing the methodology and design quality of its infill and encasement, to ensure that the hidden fabric is retained in the best state possible, through the Conservation Implementation Management Plan (CIMP).

Climate Change

10.43 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.44 The works are required in consequence of the proposals included in Network Rail's application, as submitted by Network Rail on 31 March 2021 to the Secretary of State for Transport under section 1 of the Transport and Works Act 1992. The delivery of electrification which realises passive and active measures to deliver reduced energy demands and carbon reduction will assist in helping the climate change emergency.

11.0 CONCLUSION

11.1 The significance of Occupation Underbridge (MDL1/10) lies in its design integrity and association with the Huddersfield & Manchester Railway and noted engineer Thomas Grainger. The accommodation bridge also derives some significance from its evidential value in terms of its demonstration of C19th construction techniques and its associations with the area's industrial history. Its aesthetic value derives from its unusually detailed masonry form, demonstrating a high-level of architectural design in the original structure, particularly given its modest role.

11.2 The design development process was undertaken by National Rail in a collaborative manner with Historic England and officers from Kirklees Council and was informed by detailed heritage analysis of the line. However, in this instance, the fundamental objective to minimise adverse harm to the designated heritage asset was deemed to be unachievable within the operational parameters set by the TRU-W3. In these terms it is understood that Historic England have accepted that the proposed design approach to encase and infill Occupation Underbridge (MDL1/10) is necessary to deliver the wider benefits of the TRU-W3 initiative, and that the investigated alternatives are not viable.

11.3 The major adverse impact is proposed as being partially mitigated and managed by detailed measures to be defined in the proposed Conservation Implementation Management Plan (CIMP). This will be an essential Planning tool, necessary to ensure a degree of design quality and would be secured as a condition imposed on the Listed Building Consent, should it be granted by the Secretary of State.

11.4 The effective loss of Occupation Underbridge (MDL1/10) is regrettable. However it may be considered to be outweighed by the considerable public benefits that would be delivered by the Transpennine Route Upgrade. In these terms, the proposed infill and encasement of the bridge would meet the requirements of NPPF paragraphs 189, 193, 194(a) and 195, as well as Local Plan policy LP35 Historic Environment.

12.0 CONDITIONS

The Local Planning Authority endorse the conditions proposed by Network Rail as set out below:

1. **(Time Limit)** The development must be begun not later than the expiration of five years beginning with the date of this permission.
Reason: To set a reasonable time limit for the commencement of the development.

2. **(Approved Drawings)** The development hereby permitted shall be carried out in accordance with the following drawings:
151667-TSA-35-MVN2-DRG-T-LP-163800 Existing and Proposed Plan
151667-TSA-35-MVN2-DRG-T-LP-163801 Existing and Proposed Elevation (North side)
151667-TSA-35-MVN2-DRG-T-LP-163802 Existing and Proposed Elevation (South Side)
151667-TSA-35-MVN2-DRG-T-LP-163803 Existing and Proposed Sections
Reason: To ensure compliance with the approved plans and for the avoidance of doubt.

3. **(Materials)** Before the development hereby approved commences, or within a timescale to be otherwise agreed in writing by the local planning authority, samples and specifications of all materials to be used on all external elevations of the development shall be submitted to and approved in writing by the local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the local authority.
Reason: To ensure the conservation of the historic environment and be consistent with Policy LP35 of the Kirklees Local Plan.

4. **(Historic Structures Recording)** No works of demolition shall take place until an approved methodology for full structure recording including the appropriate level of recording has been approved in writing. Subsequent recording will take place prior to demolition and be deposited with the West Yorkshire Archive Service and West Yorkshire Historic Environment Record.
Reason: In recognition of the architectural and historic significance of the Listed Building and in accordance with Chapter 16 of the NPPF.

5. **(Conservation Implementation Management Plan)** No works including any works of demolition shall commence until a Conservation Implementation Plan (CIMP) has been submitted to and approved in writing by the local planning authority. The approved CIMP shall include methodologies for:

a. fabric removal, masonry repairs, vegetation removal, repointing, metalwork repairs and application of protective paint systems as appropriate;
b. the identification of historically or architecturally significant elements of the fabric which once removed may be reused or preserved, and a strategy for their storage or reuse where appropriate;
c. any improvements to the setting to sustain, enhance and better reveal the heritage asset affected;
d. details of any maintenance access regime required (if any)
e. provision of heritage interpretation boards during construction works
f. dissemination of “toolbox talks” to personnel involved in demolition and construction works
Reason: To ensure the conservation of the historic environment and be consistent with Policy LP35 of the Kirklees Local Plan.

Background Papers:

Application and history files.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91334

Certificate of Ownership – Certificate A signed:

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Kirklees COUNCIL

Originator: Louise Bearcroft

Tel: 01484 221000

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 12-May-2021

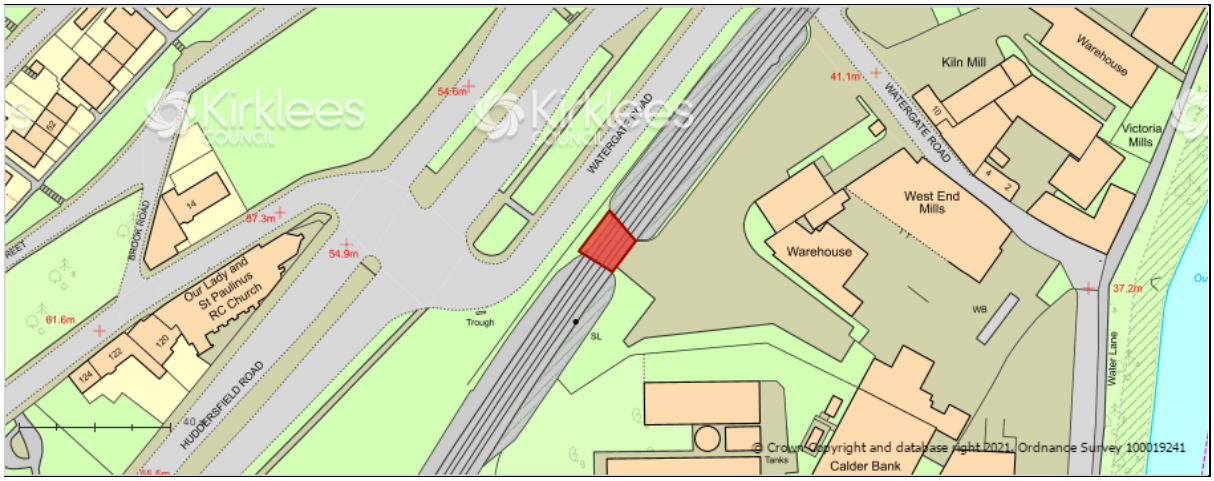
Subject: Planning Application 2021/91335 Listed Building Consent for total infill and deck re-construction of bridge MDL1/12 Toad Holes, Westtown Railway Bridge, Off Watergate Road, Westtown, Dewsbury

APPLICANT
Rob McIntosh, Network Rail (Infrastructure) Ltd.

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
31-Mar-2021	26-May-2021	

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.
http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Dewsbury West

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

Members to note the contents of this report for information.

1.0 INTRODUCTION:

1.1 This is an application for Listed building Consent for works to the grade II listed Toad Holes, Dewsbury Underbridge (MDL1/12) submitted by Network Rail in conjunction with their submission to the Secretary of State for Transport for a Transport and Works Act Order for the Trans-Pennine Upgrade (Huddersfield to Westtown) Scheme. The Council is not determining this Listed Building Consent application but may consider it and send any comments to the National Planning Casework Unit within a 42-day period prescribed in the Transport and Works Act 1992 Regulations. Members of the Committee are therefore invited to comment on the proposed Listed Building Consent application.

1.2 Network Rail Infrastructure Limited ("Network Rail") is applying to the Secretary of State for Transport for a Transport and Works Act Order to authorise the construction and operation of the Trans-Pennine Upgrade (Huddersfield to Westtown) Scheme. The Scheme is part of a wider programme of works known as the Transpennine Route Upgrade (TRU) which will improve the Transpennine railway between Manchester, Huddersfield, Leeds and York and improve connections between key towns and cities across the north of England.

1.3 The Scheme will contribute to the overall TRU Programme aims of increasing service capacity and offering journey time benefits through:

- Four tracking and upgrading of the existing railway line including track realignment (currently the majority of the railway in the Scheme area has two tracks);
- Electrification of the line;
- Increase in line speeds;
- Provision of sections of new railway;
- Provision of new grade-separated junction within the Ravensthorpe area;
- Remodelling of stations including platform extension works at Deighton, Mirfield and Huddersfield;
- Provision of replacement station at Ravensthorpe.
- Engineering works including strengthening and replacement of bridge decks (rail and highway); electrification of the line and provision of associated infrastructure will require raising the height, demolition of or replacement of bridge structures.

1.4 The proposed works to the grade II listed Toad Holes, Dewsbury Underbridge (MDL1/12) for which Listed Building Consent is sought are required in consequence of the proposals included in Network Rail's application, as submitted by Network Rail on 31 March 2021 to the Secretary of State for Transport under section 1 of the Transport and Works Act 1992.

1.5 The Council is required by section 12(3a) of the 1990 Act to refer this Listed Building Consent application to the Secretary of State. Because of this automatic call-in the Council is not processing or determining this Listed Building Consent application. The Council may however, as noted above, consider this Listed Building Consent application for works to Huddersfield Station and send any comments or recommendations to the National Planning Casework Unit within the 42-day period prescribed in the 1992 Regulations.

2.0 SITE AND SURROUNDINGS:

2.1 The application site comprises Toad Holes, Dewsbury Underbridge (MDL1/12) Located approximately 670m to the south west of Dewsbury Station. It was constructed in the mid-1840s, between 1845-1847, and designated a grade II listed building in 2018. The bridge carries two lines, one towards Dewsbury and the other towards Huddersfield.it no longer accommodates access under the railway as the north western approach to the bridge was infilled, leaving only the parapets exposed in around 1970 to facilitate the widened A644 and the realignment of Watergate Road, located approximately 10m to the north west of the bridge. The south east elevation remains open, although the space underneath the structure is already partially infilled.

2.2 The original structure is a cast iron beam bridge. In the early 1900s, the central portion of the deck was replaced with steel cross-girders and concrete decks. The edge girders are surviving features of the bridge's original design and construction. The substructure consists of stone abutments and curving, raked wing walls.

3.0 PROPOSAL:

3.1 The application seeks listed building consent to infill the structure to accommodate an increased line speed and allow for new loadings. This is also due to the structure being in a poor condition.

3.2 The proposed works relating to the Grade II Listed underbridge comprise:
- Removal of existing partial infill;
- Removal of the central portion of the existing deck, comprising the early 20th century replacement structure; this will be done in a manner which preserves the original edge girders and parapets;
- New infill to be completed from bottom up using granular fill and foam concrete;
- Holes to be cored in the bridge deck, through which the final grouting is to be completed;
- A new masonry blockwork wall to be constructed along the south-facing elevation – this would be slightly recessed within the south-eastern arch to ensure the bridge's form is still legible; and
- Sheet piling to support earthworks.

3.3 The infilling would retain elements of historic fabric including the structure's parapets, cast iron edge girders and projecting pilasters. Similarly, the masonry retaining wall would be slightly recessed from the face of the existing structure.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 None

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Not applicable as the application for Listed Building Consent is not determined by the Local Planning Authority.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

6.2 LP 1 – Achieving Sustainable Development
LP 2 – Place Shaping
LP 24 – Design
LP 35 – Historic Environment

National Planning Guidance:

6.3 Chapter 2 – Achieving Sustainable Development
Chapter 12 – Achieving Well-Designed Places
Chapter 16 – Conserving the Enhancing the Historic Environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Under the 1992 Regulations it is the responsibility of the Council to post site notices in suitable locations giving details of the Listed Building Consent application and specifying that all representations must be made to the National Planning Casework Unit. The site notices must be in place for no less than 7 days during the 42-day period for representations and were posted on 1st April 2021. In this instance, because of the inclusion of Bank Holidays within the prescribed period, the 42-day limit is extended to 45 days.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

The Local Planning Authority is not processing or determining this Listed Building Consent for reason that the application has an automatic call-in to the Secretary of State. Consequently the Local Planning Authority is not required to carry out statutory consultations.

8.2 **Non-statutory:**

K.C Conservation and Design - No objections

9.0 MAIN ISSUES

- Heritage Context
- The proposals
- Impact on the grade-II listed Toad Holes, Dewsbury Underbridge (MDL1/12)
- Managing the impact on the significance of Toad Holes, Dewsbury Underbridge (MDL1/12)
- Balance of heritage impact against the public benefit

10.0 APPRAISAL

Heritage Context

10.1 The proposed works impact on the grade-II listed Toad Holes, Dewsbury Underbridge (MDL1/12) (NHLE 1450704). This bridge is located on the section of the Transpennine Route constructed by the Leeds, Dewsbury & Manchester Railway, constructed during the so called “Heroic Age of railway building” (1841 to 1850) which was a period of commercial confidence and expansion in the railways.

10.2 The line opened in stages between 1846 and 1849, built under the oversight of the principal engineer Thomas Grainger. Grainger was one of the leading early-C19th railway engineers in Scotland. He is best known in England for his work on Yorkshire lines, including the Leeds, Dewsbury & Manchester Railway (1845-1848), the East and West Yorkshire Junction Railway (1846); and the Leeds & Thirsk Railway (1845-1852). Grainger’s work is notable for the imaginative way in which he tailored these lines to the difficult surrounding terrain and his bold masonry and iron bridge designs which include The Toad Holes, Dewsbury Underbridge (MDL1/12).

10.3 Toad Holes, Dewsbury Underbridge (MDL1/12) was built between 1845-1847 by Grainger and was originally a through bridge linking groups of buildings either side of the line that were part of a woollen mill known as Watergate Mill. Historic mapping reveals that the bridge provided access between these two groups of buildings that were separated by the construction of the railway line.

10.4 However, although Toad Holes, Dewsbury Underbridge (MDL1/12) is a surviving example of Grainger’s cast-iron level beam bridge design, it has undergone substantial alteration since its construction. In the early 1900s, the central portion of the deck was replaced with steel cross-girders and concrete decks. Subsequently, during the 1970s, the bridge’s townscape setting was cleared to facilitate road realignment for the widened A644 and Watergate Road. This work resulted in the infilling of the north-western approach to the bridge. It currently only remains open to the south-east and is only accessible via a commercial business yard. The bridge is not viewed from Watergate Road as it now lies within the embankment.

10.5 The cast iron beam construction of the Toad Holes, Dewsbury Underbridge (MDL1/12) originally spanned a single carriageway. The bridge is supported by masonry abutments formed of coursed, squared, rock-faced masonry, finished with a robust moulded ashlar cornice which supports the bridge deck. The exposed underbridge on the south-east side is flanked by projecting panelled ashlar pilasters that rise from rock-faced masonry plinths and are finished with moulded cornices, with parapet end-pillars rising above. These parapet end-pillars have corniced capstones and plain plinths. Iron balustrading spans the parapet between the pillars. The balustrades consist of a plain handrail supported by closely spaced simple round balusters with mirrored tulip-formed midsections.

10.6 The cast iron fascia edge beams of the bridge deck are thought to be the only surviving cast-iron beams of the original bridge. They metal beams are embellished with decorative panels that spring from a moulded ashlar impost band. The bridge deck is a more modern replacement consisting of steel beams and concrete panels, dating from the early-C20th.

10.7 Toad Holes, Dewsbury Underbridge (MDL1/12) was listed grade-II in March 2018, as a rare example of a cast iron level beam bridge as well as being the work of notable Scottish railway engineer Thomas Grainger. The listing also notes that despite being a minor accommodation bridge, the inclusion of features such as embellished ashlar pilasters, cornices and ironwork *"lifts the design above the purely functional"*. Toad Holes, Dewsbury Underbridge (MDL1/12) is also nationally noted as one of a group of three bridges, comprising Ming Hill (MDL1/14) and George Street (MDL1/16), which all share a common design language within a relatively short length of railway line.

The proposals

10.8 Network Rail propose that Toad Holes, Dewsbury Underbridge (MDL1/12) is infilled, *"in a sensitive manner that retains the structure's historic significance"* (Heritage Assessment. March 2012, paragraph 3.1.1). The reason is to support the increased capacity and speed along the line.

10.9 The proposed works would comprise removing the existing partial infill and a central portion of the existing early 20th century replacement deck structure, while preserving the original edge girders and parapets. The cleared, former accommodation bridge would then be infilled using granular fill and foam concrete, with holes to be cored in the bridge deck to enable the final grouting to be completed. A new masonry blockwork wall would then constructed along the south-facing elevation, recessed within the south-eastern arch to ensure the bridge's architectural remains legible. Sheet piling would also be used to support the earthworks installed during the 1970s roadworks to the north-west. The piles would be buried in the embankment and not be viewed.

10.10 The infilling is intended to be undertaken in manner which would retain those architectural elements of the historic fabric which contribute to its significance. This includes the structure's parapets, cast iron edge girders and projecting pilasters. The new masonry retaining wall would be slightly recessed from the face of the existing structure to ensure that the bridge's architectural language would still be understood in the proposed elevation (read as a blocked bridge).

10.11 Historic England and Kirklees Council have been involved in ongoing stakeholder consultation with Network Rail throughout the development of the Transpennine Route Upgrade between Huddersfield and Westtown (Dewsbury). At the final, pre-application design consultation meeting on 17 September 2020 the stakeholders expressed their approval of the currently proposed works, subject to the full justification and documenting of design choices in a Heritage Assessment. Engagement with Historic England and Kirklees Council with regards to Toad Holes, Dewsbury Underbridge (MDL1/12) will continue throughout the period of submission and determination of the TWAO and subsequently into the discharge of conditions to be attached to the Listed Building Consents.

Impact on the grade-II listed Toad Holes, Dewsbury Underbridge (MDL1/12)

10.12 The proposed works would result in the permanent infill of the altered, grade-II listed Toad Holes, Dewsbury Underbridge (MDL1/12), resulting in further compromising change to the form of the partially-infilled structure. However, the bridge is largely both physically and visually inaccessible. The proposed works would retain the appearance and legibility of the south-east facing frontage, which makes an essential contribution to its significance, by means of careful attention to the infill of this arch.

10.13 The proposed infilling of the bridge would permanently alter the form of the structure, adding to the major changes impacting on Toad Holes, Dewsbury Underbridge (MDL1/12) implemented during the late-C20th. The earlier alterations included the replacement of its original deck and the loss of its historic function as an operational accommodation underbridge. The required proposals would cause further change to the structure, but they would not substantially impact on its overall significance.

10.14 The existing deck of Toad Holes, Dewsbury Underbridge (MDL1/12) is a 1970s replacement with no historic significance. The proposed works to the deck would impact on the modern steel and concrete replacements and any original fabric such as the cast iron edge girders would be left intact. The south-eastern elevation of the structure would be faced with a masonry blockwork wall, using matching, sympathetic materials and finish, complementing the surrounding historic fabric. The new wall would be slightly recessed within the bridge arch. This would maintain an appreciation of its historic form and function. There would be no change to the cast iron fascia beams, balustrades or pilasters which are key aspects of the structure's significance.

10.15 The historical value of the structure is derived from its associations with the development of the railway and the engineering design of Thomas Grainger. This would still be understood in spite of the slightly altered form, and would continue to contribute to the structure's overall significance. The bridge's evidential value would be slightly compromised by the infilling and would remove the ability to easily access and investigate this structure. This could potentially affect the ability to understand its historic engineering design and construction techniques employed in the mid-1840s.

10.16 The proposed works would have a slight impact on the structure's group value with the infilling of Toad Holes, Dewsbury Underbridge (MDL1/12), and similar proposals elsewhere along the route resulting in permanent alterations to the structures within this group. However, the methodology proposed is potentially reversible and the legibility of the listed bridge's historic form would remain evident. The design approach for the infilling of these structures has been developed with an appreciation for their group value, both ensuring its appearance is consistent and tailored to the individual character and significance of each bridge structure.

10.17 The proposed works at Toad Holes, Dewsbury Underbridge (MDL1/12) would result in moderate adverse impact on the grade-II listed bridge, resulting from physical alterations that would diminish elements of its significance, as a result of the enclosure of the bridge void. However, despite being extensively altered the surviving structure of the bridge would remain intact and visible and the works would, therefore not fundamentally alter the significance of the designated heritage asset.

10.18 The impact would consequently result in 'less than substantial harm' to the heritage value and significance of the Toad Holes, Dewsbury Underbridge (MDL1/12). Therefore, in accordance with the NPPF and Local Plan Policy LP 35 it is necessary to meet the test of delivering substantial public benefits which would outweigh the identified adverse impacts.

Managing the impact on the significance of Toad Holes, Dewsbury Underbridge (MDL1/12)

10.19 The proposed interventions would result in a moderate adverse impact on the character and fabric of the grade-II listed building. The cumulative impact of the proposed works has been evaluated within Network Rail's Heritage Assessment as resulting in 'less than substantial harm' to the fabric and character of the designated heritage asset (Heritage Assessment. March 2021 para. 4.1.8).

10.20 The mitigation of the identified moderate adverse physical and visual impacts will consequently be dependent on the detail to be secured by conditions on the Listed Building Consent (and the wider TWAO) in the form of a Conservation Implementation Management Plan (CIMP). The CIMP is proposed by Network Rail as the means to specify the materials, techniques, and task implementation methodologies necessary to inform the intervention works. It is intended to demonstrate that the completed tasks will retain the authenticity, special interest and character of this nationally important heritage asset. In the instance of Toad Holes, Dewsbury Underbridge (MDL1/12) it would need to include an appropriate method to protect the encased internal bridge fabric, to potentially facilitate its reversibility should this become an option.

10.21 A historic building record of Toad Holes, Dewsbury Underbridge (MDL1/12) would also be required, prior to the construction phase, with the scope and level of survey defined by the CIMP. This would partially compensate the moderate adverse harm to the viaduct's significance resulting from the enclosure of the structure and would provide an opportunity to further understanding of its fabric, development and heritage value. The extensive interventions would require a relatively comprehensive Historic Building

Record (HBR), to be undertaken to Level-2, in accordance with Historic England's 2016 guidance. The level-2 HBR would include: an annotated/dated photographic record, collation of archives and current drawings and a descriptive narrative of the bridge's design and development.

10.22 Network Rail's proposed use of the Conservation Implementation Management Plans (CIMPs) is considered to be an essential and welcome design-quality moderation tool. The TRU-W3 scheme overall will require a series of CIMPs, to demonstrate a conservation-focused framework for the initiative as a whole and provide the detailed specifications to implement works on the various designated heritage assets along the route. Despite its discreet location, the extensive proposed works impacting in the grade-II listed Toad Holes, Dewsbury Underbridge (MDL1/12) require that, that the required CIMP will need to be comprehensive and highly detailed.

10.23 It is understood that the approval of the collection of Conservation Implementation Management Plans (CIMPs) by Kirklees Council, as Local Planning Authority, would be a Conditional requirement, should Listed Building Consent be granted by the Secretary of State.

Balance of heritage impact against the public benefits.

10.24 The cumulative direct and indirect heritage impact of the proposed TRU-W3 works on Toad Holes, Dewsbury Underbridge (MDL1/12) will present some moderate adverse effects resulting from its infilling and alteration to support the intensified use of the railway line. The proposals would represent a significant change to the character and appearance of the grade-II listed heritage asset. However, the overall significance of the structure would not be fundamentally compromised and the proposals would retain its basic design purpose (and optimum viable use) as a railway bridge.

10.25 The cumulative impact of the fabric interventions would amount to 'less than substantial harm' to the significance of the designated heritage asset. Therefore, in accordance with the requirements of the NPPF, paragraphs 196 and Local Plan Policy LP35 it is necessary to evaluate whether the current proposal can demonstrate public benefits which would outweigh the perceived moderate adverse impacts on the heritage asset.

10.26 Network Rail's design development process was informed by detailed analysis of the significance of the individual heritage assets along the TRU-W3 route. The design objective has been to minimise the adverse heritage impacts while facilitating the electrification of the line. The identified moderate adverse heritage impact on Toad Holes, Dewsbury Underbridge (MDL1/12) are significant but may be mitigated and managed by the use of the Conservation Implementation Management Plan (CIMP). The public benefits which justify the moderate adverse impacts would result from the completion of the wider Transpennine Route Upgrade are outlined below.

10.27 The proposed works to Toad Holes, Dewsbury Underbridge (MDL1/12) form part of the wider Huddersfield to Westtown (Dewsbury) section of the Transpennine Route Upgrade and would support the economic, environmental and social benefits associated with the wider delivery of the TRU programme. The proposed works to this bridge are integral to achieving the overall benefits of the wider Transpennine Route Upgrade scheme.

10.28 The TRU-W3 is considered to be vital in supporting the North of England's long-term, low-carbon economic growth, better-connecting people to jobs, services, education and leisure. The adopted Kirklees Local Plan (paragraph 10.2) recognises the critical connection between effective transport systems and local business productivity and district prosperity.

10.29 The economic and social benefits to be achieved from the improved Transpennine Route proposals include a reduction in journey times along this part of the route. This will be partially facilitated by enhanced train speeds and capacity, partially facilitated by the works on Toad Holes, Dewsbury Underbridge (MDL1/12). The use of longer, more frequent trains, will also reduce congestion, increase passenger comfort, and improve overall journey quality.

10.30 Future passenger modelling has indicated that the numbers of people using the Transpennine Route will increase from 5.33 million to 8.22 million in 2042/43. This would be partially achieved through the creation of four tracking across Toad Holes, Dewsbury Underbridge (MDL1/12), allowing express trains to by-pass passenger trains and freight services. The increased movement of people and goods along this key part of the railway network supports a more economic and socially viable transport solution and forms part of the West Yorkshire Transport Strategy, harnessing economic prosperity through a better-connected transport network.

10.31 The environmental and sustainability benefits of the line's upgrade will arise from the electrification of the line with the Transpennine Upgrade scheme identified as an investment in 'greener' energy technology meeting Network Rail's Decarbonisation Strategy and reducing harmful emissions that cause climate change, in line with Council policy and Government targets.

10.32 The proposals for Toad Holes, Dewsbury Underbridge (MDL1/12), will result in a moderate adverse and probably permanent change to the appearance of the grade-II listed building. However, the proposed works could be reversible and would sustain its viable use as a bridge, thereby securing the future of the heritage asset in a compromised form. The sustainable use of the listed bridge and its retained historic fabric provides a significant heritage benefit, by ensuring the longevity of the structure for its design purpose.

10.33 Therefore, the proposals constitute a sustainable approach to the future of Toad Holes, Dewsbury Underbridge (MDL1/12) as a nationally significant and historic component of the wider Transpennine Route. The delivery of electrification, which realises passive and active measures to deliver reduced energy demands and carbon reduction, would be a substantial public benefit. This would provide the necessary justification to enable recommendation of support for the proposed works despite their moderate adverse impacts.

Climate Change

10.34 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon

target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.35 The works are required in consequence of the proposals included in Network Rail's application, as submitted by Network Rail on 31 March 2021 to the Secretary of State for Transport under section 1 of the Transport and Works Act 1992. The delivery of electrification which realises passive and active measures to deliver reduced energy demands and carbon reduction will assist in helping the climate change emergency.

11.0 CONCLUSION

11.1 The proposed intervention works which impact on Toad Holes, Dewsbury Underbridge (MDL1/12) would deliver substantial public benefits which would outweigh the identified, moderate adverse heritage impacts. The safeguard proposed by Network Rail to facilitate the careful monitoring and control of the works, using a comprehensive and detailed Conservation Implementation Management Plan (CIMP), would serve to manage the intervention works and temper the identified adverse heritage impacts.

11.2 The evident public benefits that would arise from the Transpennine Route Upgrade provide the necessary justification, in terms of NPPF paragraph 196 and Local plan policy LP35, to support for the proposed Listed Building Consent for works at Toad Holes, Dewsbury Underbridge (MDL1/12).

11.3 Consequently, the proposed works, subject of the Listed Building Consent application, are considered to meet the requirements of NPPF paragraphs 189, 193 and 196, as well as Local Plan policy LP35 Historic Environment.

12.0 CONDITIONS

The Local Planning Authority endorse the conditions proposed by Network Rail as set out below:

1. **(Time Limit)** The development must be begun not later than the expiration of five years beginning with the date of this permission.
Reason: To set a reasonable time limit for the commencement of the development

2. **(Approved Drawings)** The development hereby permitted shall be carried out in accordance with the following drawings:

151667-TSA-35-MVN2-DRG-T-LP-163900 Existing and Proposed Plan
151667-TSA-35-MVN2-DRG-T-LP-163901 Existing and Proposed Elevation (South side)
151667-TSA-35-MVN2-DRG-T-LP-163902 Existing and Proposed Sections
Reason: To ensure compliance with the approved plans and for the avoidance of doubt.

3. **(Materials)** Before the development hereby approved commences, or within a timescale to be otherwise agreed in writing by the local planning authority, samples and specifications of all materials to be used on all external elevations of the development shall be submitted to and approved in writing by the local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the local authority.
Reason: To ensure the conservation of the historic environment and be consistent with Policy LP35 of the Kirklees Local Plan.

4. **(Historic Structures Recording)** No works of demolition shall take place until an approved methodology for full structure recording including the appropriate level of recording has been approved in writing. Subsequent recording will take place prior to demolition and be deposited with the West Yorkshire Archive Service and West Yorkshire Historic Environment Record.
Reason: In recognition of the architectural and historic significance of the Listed Building and in accordance with Chapter 16 of the NPPF.

5. **(Conservation Implementation Management Plan)** No works including any works of demolition shall commence until a Conservation Implementation Plan (CIMP) has been submitted to and approved in writing by the local planning authority. The approved CIMP shall include methodologies for:

a. fabric removal, masonry repairs, vegetation removal, repointing, metalwork repairs and application of protective paint systems as appropriate;
b. the identification of historically or architecturally significant elements of the fabric which once removed may be reused or preserved, and a strategy for their storage or reuse where appropriate;
c. any improvements to the setting to sustain, enhance and better reveal the heritage asset affected;
d. details of any maintenance access regime required (if any)
e. provision of heritage interpretation boards during construction works
f. dissemination of “toolbox talks” to personnel involved in demolition and construction works
Reason: To ensure the conservation of the historic environment and be consistent with Policy LP35 of the Kirklees Local Plan.

Background Papers:

Application and history files.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91335

Certificate of Ownership – Certificate A signed:

Kirklees COUNCIL

Originator: Louise Bearcroft

Tel: 01484 221000

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 12-May-2021

Subject: Planning Application 2021/91336 Listed Building Consent for total infill and deck re-construction of bridge MDL1/14 Ming Hill, Westtown railway bridge, off Huddersfield Road, Westtown, Dewsbury

APPLICANT
Rob McIntosh, Network Rail (Infrastructure) Ltd.

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
31-Mar-2021	26-May-2021	

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.
http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral wards affected: Dewsbury West

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

Members to note the contents of this report for information

1.0 INTRODUCTION:

1.1 This is an application for Listed building Consent for works to the grade II listed Ming Hill Underbridge (MDL1/14) submitted by Network Rail in conjunction with their submission to the Secretary of State for Transport for a Transport and Works Act Order for the Trans-Pennine Upgrade (Huddersfield to Westtown) Scheme. The Council is not determining this Listed Building Consent application but may consider it and send any comments to the National Planning Casework Unit within a 42-day period prescribed in the Transport and Works Act 1992 Regulations. Members of the Committee are therefore invited to comment on the proposed Listed Building Consent application.

1.2 Network Rail Infrastructure Limited ("Network Rail") is applying to the Secretary of State for Transport for a Transport and Works Act Order to authorise the construction and operation of the Trans-Pennine Upgrade (Huddersfield to Westtown) Scheme. The Scheme is part of a wider programme of works known as the Transpennine Route Upgrade (TRU) which will improve the Transpennine railway between Manchester, Huddersfield, Leeds and York and improve connections between key towns and cities across the north of England.

1.3 The Scheme will contribute to the overall TRU Programme aims of increasing service capacity and offering journey time benefits through:

- Four tracking and upgrading of the existing railway line including track realignment (currently the majority of the railway in the Scheme area has two tracks);
- Electrification of the line;
- Increase in line speeds;
- Provision of sections of new railway;
- Provision of new grade-separated junction within the Ravensthorpe area;
- Remodelling of stations including platform extension works at Deighton, Mirfield and Huddersfield;
- Provision of replacement station at Ravensthorpe.
- Engineering works including strengthening and replacement of bridge decks (rail and highway); electrification of the line and provision of associated infrastructure will require raising the height, demolition of or replacement of bridge structures.

1.4 The proposed works to the grade II listed Ming Hill Underbridge (MDL1/14) for which Listed Building Consent is sought are required in consequence of the proposals included in Network Rail's application, as submitted by Network Rail on 31 March 2021 to the Secretary of State for Transport under section 1 of the Transport and Works Act 1992.

1.5 The Council is required by section 12(3a) of the 1990 Act to refer this Listed Building Consent application to the Secretary of State. Because of this automatic call-in the Council is not processing or determining this Listed Building Consent application. The Council may however, as noted above, consider this Listed Building Consent application for works to Huddersfield Station and send any comments or recommendations to the National Planning Casework Unit within the 42-day period prescribed in the 1992 Regulations.

2.0 SITE AND SURROUNDINGS:

2.1 The application site comprises Ming Hill Underbridge (MDL1/14) constructed in the mid-1840s, between 1845-1847, and which was designated a grade II listed building in 2018. It is located approximately 465m to the south-west of Dewsbury station. The bridge carries two lines, one towards Dewsbury and the other towards Huddersfield. It no longer accommodates any access under the railway as the north western approach to the bridge was infilled, leaving only the parapets exposed, in around 1970 to facilitate the widened A644, located approximately 20m to the north west of the bridge. The south east elevation remains open, although the space underneath the structure is already partially infilled.

2.2 The original structure is a cast iron beam bridge. In the early 1900s, the central portion of the deck was replaced with brick jack arches supported on riveted plate steel girders. The edge girders are surviving features of the bridge's original design and construction. The substructure consists of stone abutments and curving, raked wing walls.

3.0 PROPOSAL:

3.1 The application seeks listed building consent to infill the bridge. The works are required to re-alignment the railway tracks in the horizontal and vertical direction to increase the line speed on the two tracks above the bridge.

3.2 The proposed works relating to the Grade II Listed underbridge comprise:
- Removal of existing partial infill;
- Removal of the central portion of the existing deck, comprising the early 20th century replacement structure; this will be done in a manner which preserves the original edge girders and parapets;
- New infill to be completed from bottom up using granular fill and foam concrete;
- Holes to be cored in the bridge deck, through which the final grouting is to be completed;
- A new masonry blockwork wall to be constructed along the south-facing elevation – this would be slightly recessed to ensure the bridge's form is still legible; and
Sheet piling to support earthworks.

The infilling would retain elements of historic fabric including the structure's parapets, cast iron edge girders and projecting pilasters. Similarly, the masonry retaining wall would be slightly recessed from the face of the existing structure.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 None

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Not applicable as the application for Listed Building Consent is not determined by the Local Planning Authority.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

6.2 LP 1 – Achieving Sustainable Development
LP 2 – Place Shaping
LP 24 – Design
LP 35 – Historic Environment

National Planning Guidance:

6.3 Chapter 2 – Achieving Sustainable Development
Chapter 12 – Achieving Well-Designed Places
Chapter 16 – Conserving the Enhancing the Historic Environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Under the 1992 Regulations it is the responsibility of the Council to post site notices in suitable locations giving details of the Listed Building Consent application and specifying that all representations must be made to the National Planning Casework Unit. The site notices must be in place for no less than 7 days during the 42-day period for representations and were posted on 1st April 2021. In this instance, because of the inclusion of Bank Holidays within the prescribed period, the 42-day limit is extended to 45 days.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

The Local Planning Authority is not processing or determining this Listed Building Consent for reason that the application has an automatic call-in to the Secretary of State. Consequently the Local Planning Authority is not required to carry out statutory consultations.

8.2 **Non-statutory:**

K.C Conservation and Design - No objections

9.0 MAIN ISSUES

- Heritage Context
- The Proposals
- Impact on the grade-II listed Ming Hill Underbridge (MDL1/14)
- Managing the impact on the significance of Ming Hill Underbridge (MDL1/14)
- Balance of heritage impact against the public benefits

10.0 APPRAISAL

Heritage Context

10.1 The proposed works impact on the grade-II listed Ming Hill Underbridge (MDL1/14) which is located on the section of the Transpennine Route constructed by the Leeds, Dewsbury & Manchester Railway. The line opened in stages between 1846 and 1849, built under the oversight of the principal engineer Thomas Grainger. Grainger was one of the leading early-C19th railway engineers in Scotland. His work on Yorkshire-based lines is notable for the imaginative way in which he tailored the lines to the difficult surrounding terrain and his bold masonry and iron bridge designs which include Ming Hill Underbridge (MDL1/14.

10.2 Ming Hill Underbridge (MDL1/14) was built between 1845-1847 by Grainger and was originally a through bridge provided for Dam Lane leading to Ing Mill. The cast iron beam construction of Ming Hill Underbridge (MDL1/14) originally spanned a single carriageway leading to the cleared former textile mill, on the south-eastern side of the railway line. It is a surviving example of Grainger's cast-iron level beam bridge design. However, Ming Hill Underbridge (MDL1/14) has undergone substantial alteration since its construction. In the early 1900s, the central portion of the deck was replaced with brick jack arches supported on riveted plate steel girders. Later in the 1970s, the clearance of the buildings surrounding the bridge and road realignment to the north-west of the bridge, resulted in the infilling of the north-side of the bridge, removing its through-bridge function and character.

10.3 The currently inaccessible bridge is supported by masonry abutments formed of coursed, squared, rock-faced masonry, finished with a robust moulded ashlar cornice which supports the bridge deck. The exposed underbridge on the south-east side is flanked by projecting panelled ashlar pilasters that rise from rock-faced masonry plinths and are finished with moulded cornices, with parapet end-pillars rising above. These parapet end-pillars have corniced capstones and plain plinths. Iron balustrading spans the parapet between the pillars. The balustrades consist of a plain handrail supported by closely-spaced, simple round balusters, with mirrored tulip-formed midsections.

10.4 The cast iron fascia edge beams of the bridge deck are recorded as the only surviving cast-iron beams of the original bridge. They metal beams are embellished with decorative panels that spring from a moulded ashlar impost band. The bridge deck is a more modern replacement consisting of steel beams and concrete panels, dating from the early-C20th.

10.5 Ming Hill Underbridge (MDL1/14) was listed grade-II in March 2018, as a rare example of a cast iron level beam bridge as well as being the work of notable Scottish railway engineer Thomas Grainger. The listing also notes that despite being a minor accommodation bridge, the inclusion of features such as embellished ashlar pilasters, cornices and ironwork *"lifts the design above the purely functional"*. Ming Hill Underbridge (MDL1/14) is also nationally noted as one of a group of three bridges, comprising Toad Hole Underbridge (MDL1/12) and George Street (MDL1/16), which all share a common design language within a relatively short length of railway line.

10.6 The setting of Ming Hill Underbridge (MDL1/14) is difficult to access due to the topography and landscape surrounding the structure. The infilling of the structure on its north-west elevation has severely degraded the structure's visibility with only screened views of the remaining parapet seen from the A644 Road. On the south-eastern side, the structure's setting has also been degraded following the clearance of the original textile mill buildings and their replacement with a waste management business. The bridge void is also partially infilled with rubble and vegetation on the south-east approach and only visible from within the waste management property and adjacent land parcels (today housing a car wash), with only heavily-filtered, more distant views towards the structure from public rights of way by the River Calder. The relationship with the railway clearly contributes to the asset's setting, although the limited visibility of the structure limits the degree to which this can be appreciated.

<u>The proposals</u>

10.7 Network Rail propose that Ming Hill Underbridge (MDL1/14) is infilled, *"in a sensitive manner that retains the structure's historic significance"* (Heritage Assessment. March 2012, paragraph 3.1.1). The reason is to support the increased capacity and speed along the line.

10.8 The proposed works comprise removing the existing partial infill and a central portion of the existing early-C20th century replacement deck structure, while preserving the original edge girders and parapets. The cleared, former accommodation bridge would then be infilled using granular fill and foam concrete, with holes cored in the bridge deck to complete the final grouting. The access would be closed by a new masonry blockwork wall constructed along the south-facing elevation, recessed within the south-eastern arch to ensure the bridge's architectural remains legible. Sheet piling would also be used to support the earthworks installed on the north-west side during the 1970s roadworks. The piles would be buried in the embankment and not be viewed.

10.9 The infilling methodology is not fully defined but is intended to be undertaken in manner which would retain those architectural elements of the historic fabric which contribute to its significance. This includes the structure's parapets, cast iron edge girders and projecting pilasters. The new masonry retaining wall would be slightly recessed from the face of the existing structure to ensure that the identity of the structure would still be understood in the proposed elevation (read as a blocked bridge).

10.10 Historic England and Kirklees Council have been involved in ongoing stakeholder consultation with Network Rail throughout the development of the Transpennine Route Upgrade between Huddersfield and Westtown (Dewsbury). At the final, pre-application design consultation meeting on 17 September 2020 the stakeholders expressed their acceptance of the principle of the currently proposed works, subject to the full justification and documenting of design choices in a Heritage Assessment. Engagement with Historic England and Kirklees Council with regards to Ming Hill Underbridge (MDL1/14) will continue throughout the period of determination of the TWAO and subsequently the discharge of conditions to be attached to the Listed Building Consents.

Impact on the grade-II listed Ming Hill Underbridge (MDL1/14)

10.11 The proposed works would result in the permanent infill of the altered, grade-II listed Ming Hill Underbridge (MDL1/14), resulting in further compromising change to the form of the partially-infilled structure. However, the bridge is largely both physically and visually inaccessible. The proposed works would retain the appearance and legibility of the south-east facing frontage, which makes an essential contribution to its significance, by means of careful attention to the design of this blocked-up arch.

10.12 The proposed infilling of the bridge would permanently alter the form of the structure, adding to the major changes impacting on Ming Hill Underbridge (MDL1/14) implemented during the late-C20th. The earlier alterations included the replacement of its original deck and the loss of its historic function as an operational accommodation underbridge. The required proposals would cause further change to the structure, but they would not fundamentally remove its significance.

10.13 The existing deck of Ming Hill Underbridge (MDL1/14) is a 1970s replacement with no historic significance. The proposed works to the deck would impact on the modern steel and concrete replacements and any original fabric such as the cast iron edge girders would be left intact. The south-eastern elevation of the structure would be faced with a new masonry wall, using matching, sympathetic materials and finish, complementing the surrounding historic fabric. The new wall would be slightly recessed within the bridge arch. This would maintain an expression of its historic form and function. There would be no change to the cast iron fascia beams, balustrades or pilasters which are key aspects of the structure's significance.

10.14 The historical value of the structure is derived from its associations with the development of the railway and the engineering design of Thomas Grainger. This would still be understood in spite of the altered form and would continue to contribute to the structure's overall significance. The bridge's evidential value would be compromised by the infilling which would remove the ability to easily access and investigate this structure. This is intended to minimise the maintenance requirements for the bridge but could potentially affect the ability to understand its historic engineering design and construction techniques employed in the mid-1840s.

10.15 The proposed works would impact on the structure's group value with the infilling of Toad Holes, Dewsbury Underbridge (MDL1/12), and similar proposals elsewhere along the route resulting in permanent alterations to the appreciation of this group. However, the methodology proposed is potentially reversible and the legibility of the listed bridge's historic form would remain evident. The design approach for the infilling of these structures has been developed with an appreciation for their group value, ensuring the impact is tailored to the individual character and significance of each bridge structure.

10.16 Therefore, the proposed works at Ming Hill Underbridge (MDL1/14) would result in moderate adverse impact on the grade-II listed bridge, resulting from physical alterations that would seriously diminish elements of its significance, as a result of the enclosure of the bridge void. However, despite being extensively altered the surviving structure of the bridge would remain intact and potentially visible and reversible and would not fundamentally alter the significance of the designated heritage asset.

10.17 The impact would consequently result in 'less than substantial harm' to the heritage value and significance of Ming Hill Underbridge (MDL1/14). Therefore, in accordance with the NPPF and Local Plan Policy LP 35 it is necessary to meet the test of delivering substantial public benefits which would outweigh the identified adverse impacts.

<u>Managing the impact on the significance of Ming Hill Underbridge (MDL1/14).</u>

10.18 The proposed interventions would result in a moderate adverse impact on the character and fabric of the grade-II listed building. The cumulative impact of the proposed works has been evaluated within Network Rail's Heritage Assessment as resulting in 'less than substantial harm' to the fabric and character of the designated heritage asset (Heritage Assessment. March 2021 para. 4.1.9).

10.19 The mitigation of the identified moderate adverse physical and visual impacts will consequently be dependent on the detail to be secured by conditions on the Listed Building Consent (and the wider TWAO) in the form of a Conservation Implementation Management Plan (CIMP). The CIMP is proposed by Network Rail as the means to specify the materials, techniques, and task implementation methodologies necessary to inform the intervention works. It is required to demonstrate that the completed tasks will retain the authenticity, special interest and character of this nationally important heritage asset. In the instance of Ming Hill Underbridge (MDL1/14) it would need to include an appropriate method to protect the encased internal bridge fabric, to potentially facilitate its reversibility should this ever become an option.

10.20 A historic building record of Ming Hill Underbridge (MDL1/14) would also be required, prior to the construction phase, with the scope and level of survey defined by the CIMP. This would partially compensate the moderate adverse harm to the viaduct's significance resulting from the enclosure of the structure and would provide an opportunity to further understand its fabric, development and heritage value. The extensive interventions would require a relatively comprehensive Historic Building Record (HBR), to be undertaken to Level-2, in accordance with Historic England's 2016 guidance. The level-2 HBR would include: an annotated/dated photographic record, collation of archives and current drawings and a descriptive narrative of the bridge's design and development.

10.21 Network Rail's proposed use of the Conservation Implementation Management Plans (CIMPs) is considered to be an essential and welcome design-quality, moderation tool. The TRU-W3 scheme overall will require a series of CIMPs, to demonstrate a conservation-focused framework for the initiative as a whole and provide the detailed specifications to implement works on the various designated heritage assets along the route. Despite its discreet location, the extensive proposed works impacting on the grade-II listed Ming Hill Underbridge (MDL1/14) require that the required CIMP will need to be comprehensive and highly detailed.

10.22 It is understood that the approval of the collection of Conservation Implementation Management Plans (CIMPs) by Kirklees Council, as Local Planning Authority, would be a Conditional requirement, should Listed Building Consent be granted by the Secretary of State.

Balance of heritage impact against the public benefits.

10.23 The cumulative direct and indirect heritage impact of the proposed TRU-W3 works on Ming Hill Underbridge (MDL1/14) will present some moderate adverse effects resulting from its infilling and alteration to support the intensified use of the railway line. The proposals would represent a significant change to the character and appearance of the grade-II listed heritage asset. However, the overall significance of the structure would not be fundamentally compromised and the proposals would retain its basic design purpose (and optimum viable use) as a railway bridge.

10.24 The cumulative impact of the fabric interventions would amount to 'less than substantial harm' to the significance of the designated heritage asset. Therefore, in accordance with the requirements of the NPPF, paragraphs 196 and Local Plan Policy LP35 it is necessary to evaluate whether the current proposal can demonstrate public benefits which would outweigh the perceived moderate adverse impacts on the heritage asset.

10.25 Network Rail's design development process was informed by detailed analysis of the significance of the individual heritage assets along the TRU-W3 route. The design objective has been to minimise the adverse heritage impacts while facilitating the electrification of the line. The identified moderate adverse heritage impact on Ming Hill Underbridge (MDL1/14) are significant but could be mitigated and managed by the use of the Conservation Implementation Management Plan (CIMP).

10.26 The public benefits which justify the moderate adverse impacts resulting from the completion of the wider Transpennine Route Upgrade are outlined below.

10.27 The proposed works to Ming Hill Underbridge (MDL1/14) forms part of the wider Huddersfield to Westtown (Dewsbury) section of the Transpennine Route Upgrade (TRU) and would support the economic, environmental and social benefits associated with the wider delivery of the TRU programme. The proposed works to this bridge are integral to achieving the overall benefits of the wider Transpennine Route Upgrade scheme.

10.28 The TRU-W3 is considered to be vital in supporting the North of England's long-term, low-carbon economic growth, better-connecting people to jobs, services, education and leisure. The adopted Kirklees Local Plan (paragraph 10.2) recognises the critical connection between effective transport systems and local business productivity and district prosperity.

10.29 The economic and social benefits to be achieved from the improved Transpennine Route proposals include a reduction in journey times along this part of the route. This will be partially facilitated by enhanced train speeds and capacity, partially facilitated by the works on Ming Hill Underbridge (MDL1/14). The use of longer, more frequent trains, will also reduce congestion, increase passenger comfort, and improve overall journey quality.

10.30 Future passenger modelling has indicated that the numbers of people using the Transpennine Route will increase from 5.33 million to 8.22 million in 2042/43. This would be partially achieved through the creation of four tracking across Ming Hill Underbridge (MDL1/14) allowing express trains to by-pass passenger trains and freight services. The increased movement of people and goods along this key part of the railway network supports a more economic and socially viable transport solution and forms part of the West Yorkshire Transport Strategy, harnessing economic prosperity through a better-connected transport network.

10.31 The environmental and sustainability benefits of the line's upgrade will arise from the electrification of the line, with the Transpennine Upgrade scheme identified as an investment in 'greener' energy technology meeting Network Rail's Decarbonisation Strategy, thereby reducing harmful emissions that cause climate change, in line with Council policy and Government targets.

10.32 The proposals for Ming Hill Underbridge (MDL1/14) will result in a moderate adverse and probably permanent change to the appearance of the grade-II listed building. However, the proposed works could be reversible and would sustain its viable use as a bridge, thereby securing the future of the heritage asset in a compromised form. The sustainable use of the listed bridge and its retained historic fabric provides a significant heritage benefit, by ensuring the longevity of the structure for its design purpose.

10.33 Therefore, the proposals constitute a sustainable approach to the future of Ming Hill Underbridge (MDL1/14) as a nationally significant and historic component of the wider Transpennine Route. The delivery of electrification, which realises passive and active measures to deliver reduced energy demands and carbon reduction, would be a substantial public benefit. This would provide the necessary justification to enable recommendation of support for the proposed works despite their moderate adverse impacts.

Climate Change

10.34 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.35 The works are required in consequence of the proposals included in Network Rail's application, as submitted by Network Rail on 31 March 2021 to the Secretary of State for Transport under section 1 of the Transport and Works Act 1992. The delivery of electrification which realises passive and active measures to deliver reduced energy demands and carbon reduction will assist in helping the climate change emergency.

11.0 CONCLUSION

11.1 The proposed intervention works which impact on Ming Hill Underbridge (MDL1/14) would deliver substantial public benefits which would outweigh the identified, moderate adverse heritage impacts. The safeguard proposed by Network Rail to facilitate the careful monitoring and control of the works, using a comprehensive and detailed Conservation Implementation Management Plan (CIMP), would serve to manage the intervention works and temper the identified adverse heritage impacts.

11.2 The evident public benefits that would arise from the Transpennine Route Upgrade provide the necessary justification, in terms of NPPF paragraph 196 and Local plan policy LP35, to support for the proposed Listed Building Consent for works at Ming Hill Underbridge (MDL1/14).

11.3 Consequently, the proposed works, subject of the Listed Building Consent application, are considered to meet the requirements of NPPF paragraphs 189, 193 and 196, as well as Local Plan policy LP35 Historic Environment.

12.0 CONDITIONS

The Local Planning Authority endorse the conditions proposed by Network Rail as set out below:

1. **(Time Limit)** The development must be begun not later than the expiration of five years beginning with the date of this permission.
Reason: To set a reasonable time limit for the commencement of the development.

2. **(Approved Drawings)** The development hereby permitted shall be carried out in accordance with the following drawings:

151667-TSA-35-MVN2-DRG-T-LP-163920 Existing and Proposed Plan
151667-TSA-35-MVN2-DRG-T-LP-163921 Existing and Proposed Elevation (South side)
151667-TSA-35-MVN2-DRG-T-LP-163922 Existing and Proposed Sections
Reason: To ensure compliance with the approved plans and for the avoidance of doubt.

3. **(Materials)** Before the development hereby approved commences, or within a timescale to be otherwise agreed in writing by the local planning authority, samples and specifications of all materials to be used on all external elevations of the development shall be submitted to and approved in writing by the local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the local authority.
Reason: To ensure the conservation of the historic environment and be consistent with Policy LP35 of the Kirklees Local Plan.

4. **(Historic Structures Recording)** No works of demolition shall take place until an approved methodology for full structure recording including the appropriate level of recording has been approved in writing. Subsequent recording will take place prior to demolition and be deposited with the West Yorkshire Archive Service and West Yorkshire Historic Environment Record.
Reason: In recognition of the architectural and historic significance of the Listed Building and in accordance with Chapter 16 of the NPPF.

5. **(Conservation Implementation Management Plan)** No works including any works of demolition shall commence until a Conservation Implementation Plan (CIMP) has been submitted to and approved in writing by the local planning authority. The approved CIMP shall include methodologies for:

a. fabric removal, masonry repairs, vegetation removal, repointing, metalwork repairs and application of protective paint systems as appropriate;
b. the identification of historically or architecturally significant elements of the fabric which once removed may be reused or preserved, and a strategy for their storage or reuse where appropriate;
c. any improvements to the setting to sustain, enhance and better reveal the heritage asset affected;
d. details of any maintenance access regime required (if any)
e. provision of heritage interpretation boards during construction works
f. dissemination of “toolbox talks” to personnel involved in demolition and construction works
Reason: To ensure the conservation of the historic environment and be consistent with Policy LP35 of the Kirklees Local Plan.

Background Papers:
Application and history files.

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Certificate of Ownership – Certificate A signed: