

## DELEGATED DECISION REPORT

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HPK/2023/0473  
Valid 16/11/2023

CHAPEL MILTON VIADUCT  
WEST SPAN HAYFIELD  
ROAD  
CHAPEL MILTON  
CHAPEL-EN-LE-FRITH

APPLICATION FOR LISTED  
BUILDING CONSENT FOR  
TRACKSIDE  
WATERPROOFING,  
INSTALLATION OF KEE  
KLAMP HANDRAIL, NEW  
CAST IRON DRAINPIPE AND  
NEW CABLE TROUGH TO  
ACCOMMODATE EXISTING  
CABLES (TRACKSIDE).

(LISTED BUILDING CONSENT -  
ALTERATION)

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### MAIN ISSUES

- Impact on architectural interest and historic significance of Listed Building

### DESCRIPTION OF SITE

This application refers to a section of the Grade II Listed Railway Viaduct which spans across the Black Brook valley. The viaduct once facilitated the (now partially redundant) main passenger line connecting Manchester with London via Peak Forest and Bakewell. Whilst no longer used by passengers, the line remains in use for freight from the large quarry at Peak Forest.

The viaduct is one of two spanning the Blackbrook valley, which both connect with the Hope Valley (Manchester-Sheffield line to the north). This application relates to the viaduct furthest west. Both are striking attractive structures that benefit from middle-long distance views, constructed from a natural gritstone.

### PROPOSAL

This application seeks Listed Building Consent for development described as *“trackside waterproofing, installation of kee klamp handrail, new cast iron drainpipe and new cable trough to accommodate existing cables.”*

The justification for the works and details associated with the proposal are set out within Section 3 of the accompanying Design, Access and Heritage Statement.

In summary, the viaduct is said to be experiencing widespread deterioration, with a loss of pointing to brick and stonework, which includes a longstanding cracking in various parts of the structure. It is also identified that there are also a number of missing or loose stones.

The following proposed works are thus required to ensure the long-term stability of the viaduct structure:

- Slab and waterproof the structure (trackside) including new cast iron downpipe to assist in track drainage (shown on proposed drawings)
- New kee klamp handrail (trackside)
- New cable trough to accommodate existing cable (trackside)
- New anti-climb measures to be installed at end pilasters (to comprise mesh fitted to the end section of new hand rail).

## **RELEVANT LOCAL AND NATIONAL PLANNING POLICIES**

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

### **Chapel-en-le-Frith Neighbourhood Plan 2015**

No relevant policies

### **High Peak Local Plan 2016**

S1 Sustainable Development Principles  
S1a Presumption in Favour of Sustainable Development  
EQ7 Built and Historic Environment

### **National Planning Policy Framework 2023**

Conserving and Enhancing the Historic Environment

Chapter 16

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

None

## **CONSULTATIONS**

### **Publicity**

Site Notice expiry date: 21<sup>st</sup> December 2023  
Neighbour consultation period ends: 14<sup>th</sup> December 2023  
Press Advert: 28<sup>th</sup> December 2023

### **Public Comments**

None

### **Chapel Town Council Comments**

No Objections

### **HPBC Conservation Officer**

#### Initial Comments:

I don't have an issue with this in principle, but feel a few details are missing.

There is no detail on the new handrail which looks to protrude above the parapet of the bridge. Secondly, pointing is noted to have failed in various areas, but it is not clear whether this is being addressed.

Finally, what anti climb measures are proposed? This can mean a number of things whilst I am not rehearsed in products Network Rail use, I know it can vary dramatically from paint to barbed wire.

#### Further Comments:

In light of points of clarification from agent I have no objections. No conditions are required in this case.

## **OFFICER COMMENTS**

### **Principle of Development**

The application seeks Listed Building Consent for works relating to a Grade II Listed Building and as such the application must adhere to Local Plan Policy EQ7 and relevant restrictive policies contained under Chapter 16 of the NPPF, underpinned by Section 66(1) of the Act 1990.

The principle can thus only be supported where the application can demonstrate compliance with this legislative and policy context.

## **Impact on architectural interest and historic significance of Listed Building**

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall 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.

LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

LP Policy EQ7 has regard to the Built and Historic Environment. It states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.

Paragraphs 205-208 of the NPPF set out how a local planning authority should assess the significance of a heritage asset and how to assess the potential impact of a development proposal upon that asset. Where a proposal will lead to substantial harm or total loss of a designated heritage asset, local planning authorities should refuse consent unless there are substantial public benefits that outweigh that harm. Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits.

The listed viaduct is a striking and attractive structure which as captured within the supporting Heritage Statement, has a considerable degree of Heritage Value, associated with the original mainline connecting London St Pancras with Manchester, and a similarly high aesthetic value, due to its character and appearance. As such, any works to the structure need to be handled in a careful and sensitive manner.

Further to the Council's Conservation Officer's initial queries and request for points of clarification, the agent responded by way of an email dated 19<sup>th</sup> December, which confirm the following:

- *The proposed edge protection handrail is to be a galvanised steel or GRP key-clamp system in either black or charcoal, as shown below. The height the handrail protrudes above the existing parapet varies along the length of the structure from approx. 250mm at the south / LM end to 600mm at the north / HM end.*
- *The NE, NW & SW corners to act as an anti-climb deterrent to the existing parapet walls, as shown below. We include reference to anti-climb measures to be installed at the end pilasters (to comprise mesh fitted to the end section of the new hand rail). The proposed colour is black or charcoal to match the proposed handrail across the structure.*

- *Masonry repair enabling works will be derived from the latest 2023 detailed examination report of the structure. Repair works will be in accordance with Network Rails standard best practice guidance (e.g. matching materials/ colours) and is anticipated to include repairs to specific defects (e.g. bulging spandrel walls and one vertically fracture pier). I note that repairs to listed structures are generally permissible by Historic England and do not ordinarily require LBC, as such I trust this commentary provides sufficient detail for the overall application to progress.*

In response to the above, the Conservation Officer has confirmed that there are no objections and that other than standard compliance conditions, there is no requirement for any further information and thus no requirement for any other planning conditions.

It is clear that the proposed works would be confined predominantly to the inner workings of the viaduct (trackside), and that these works together with all other works to the exterior would preserve and to some degree enhance the significance of this important heritage asset, thereby supporting and demonstrating compliance with LP Policies S1 and EQ7, and relevant paragraphs under Chapter 16 of the NPPF, underpinned by Section 66(1) of the Act 1990.

## **CONCLUSION / PLANNING BALANCE**

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application seeks Listed Building consent for various works to an existing operational railway viaduct that is Grade II Listed. An assessment of the application following points of clarification has concluded that the works would preserve and to some degree enhance the significance of the Listed Building and as such support and demonstrate compliance with Local Plan Policies S1 and EQ7, and restrictive policies relating to heritage conservation contained within Chapter 16 of the NPPF, underpinned by Section 66(1) of the Act 1990.

As such, the application is considered to constitute a sustainable form of development and in line with LP Policy S1a and paragraph 11 of the NPPF is recommended for approval subject to standard conditions.

**OFFICER RECOMMENDATION :     Approve with Conditions**

**Case Officer: James Stannard**

**Recommendation Date: 8<sup>th</sup> January 2024**

X *B.S. Haywood*

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Signed by: Ben Haywood

**On behalf of High Peak Borough Council**