

## **Proposal:**

The proposal is for listed building consent for the demolition of the existing footbridge at Brady Farm, Garforth

The works form part of the wider Transpennine Route Upgrade which will electrify the route to improve journey times and reduce carbon emissions. The replacement of this bridge is required due to the additional height needed for the trains and cabling.

## **Site and Surroundings:**

The application site is a Grade II Listed bridge which crosses the Transpennine railway line. It is a footbridge which connects 2 areas of open fields located approximately 500m to the east of the nearest residential developments. A PROW (Sturton Grange 4) runs east-west to the north of the railway line however, the bridge and land to the south do not form part of the PROW and are privately owned areas of land.

The surrounding area is mainly open fields with a large commercial use directly to the north. East Garforth train Station is located to the west which has a footbridge over allowing access to both sides of the line.

## **Background:**

The listing description for the bridge states.

*Brady Farm Bridge, HUL 4-15, of c1832-3 by James Walker of Walker & Burges for Leeds & Selby Railway, is listed at Grade II for the following principal reasons: \**  
*Historic interest: as an original overbridge built between 1830 and 1834 on the pioneering, first phase Leeds & Selby Railway; \* Engineer: designed by James Walker, a renowned C19 engineer, who constructed the line with a four-track bed and distinctive, single-span overbridges with unprecedented spans of 60ft(18.2m); \**  
*Architectural interest: as a single-span, basket-arch bridge demonstrating a high level of craftsmanship in its construction, detailing, and dressing; \* Intactness: the bridge is largely unaltered and retains its original parapets.*

## **Relevant Planning History:**

None relevant

## **Consultations:**

Historic England	Do not object to the proposals
Conservation	Proposal results in the total loss of the historic significant and would have substantial harm. However, the public benefits of the proposal are considered to outweigh this harm

Georgian Society      Applicant has provided a clear case as to why they believe the proposal is necessary. No further comments to make

Historic B & P      Due to potential uncertainty regarding funding, recommend a condition to ensure demolition does not take place until funding is secured

### **Public/Local Response:**

The application was publicised by a site notice which was posted adjacent to the site on 27<sup>th</sup> July 2023. To date, 20 letters of objection have been submitted. The material points raised are:

- Footbridge is the same height as the road bridge so there shouldn't be an issue to retain it
- Object to the loss of the bridge as it is used for walking
- Bridge has been used regularly by locals for a long time – though recognise there is no legal right to do this as its not a PROW
- Removing the footbridge could increase pedestrian safety due to the need to use road bridges elsewhere
- May not always be the case that the bridge would be disused
- Impact on wildlife

### **Legislation and Planning Policies:**

Conservation area: Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise, with respect to any buildings or other land in a conservation area of any functions under the Planning Acts, that special attention shall be had to the desirability of preserving or enhancing the character or appearance of that area.

Listed Building: Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that In considering whether to grant listed building consent for any works the local planning 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.

### Development Plan:

Section 38(6) of the Planning and Compulsory Purchase Act states that for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise. The Development Plan comprises of the Core Strategy, adopted in November 2014, saved policies of the UDP (2006).

### Leeds Core Strategy:

The Local Development Framework Core Strategy was adopted by the Council on 12th November 2014. The following policies contained within the Core Strategy are of relevance to this development proposal:

P10 - Design  
P11 - Conservation

#### Unitary Development Plan Review (saved policies):

The most relevant saved policies from the Leeds Unitary Development Plan are outlined below.

- BC7 - Refers to the use of materials in conservation areas.
- N14 - Presumption in favour of listed buildings
- N17-22 - Refer to the preservation of listed buildings.

#### National Planning Policy Framework:

The National Planning Policy Framework (2023) sets out the Government's planning policies for England and how these are expected to be applied.

Paragraph 197 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

#### **Appraisal:**

##### Impact on the Historic Character of the Listed Building, and Conservation Area

Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving the setting of listed buildings.

The Leeds Core Strategy includes a number of policies relevant to conservation and design which are relevant. Policy P10 outlines a number of key principles which fall under the wider objective of ensuring new development delivers high quality inclusive design, policy P11 looks to conserve and enhance the historic environment and policy P12 looks to protect the character and quality of Leeds townscapes.

A number of saved UDP policies are also relevant including policies GP5 and BD6 which encourage good design and policies N14 and N17 which amongst other things set out a presumption in favour of the preservation of listed buildings.

The NPPF sets out national planning policy in relation to heritage matters.

The demolition of the Brady Farm overbridge will result in total loss of significance and, therefore, substantial harm in terms of the NPPF. The scheme will also impact on the group value of the other listed buildings and non-designated heritage assets along the historic Leeds to Selby Railway line.

The NPPF says that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance" (paragraph 199). The NPPF goes on to say that "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification". It highlights that substantial harm to or loss of grade II listed buildings should be exceptional.

The Heritage Statement submitted with the application outlines the process of optioneering with the LPA and Historic England that has been undertaken to avoid impact on the assets, including deviations from current Network Rail standards. The process concluded that total removal was necessary for three of the listed structures along the Transpennine Route Upgrade (TRU) route including the the Brady Farm overbridge .

The proposal includes various mitigation and compensation measures such as archaeological recording of the heritage asset which does not remove the substantial harm to the heritage asset. The NPPF says that "Where a proposed development will lead to substantial harm to (or total loss of significance of a designated heritage asset, local planning authorities 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 or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

The public benefits of TRU are set out Statement of Aims in the TWAO application which can be summarised as a faster and more energy efficient trains contributing to the UK Governments climate change targets. It has been established through the optioneering referred to above that without works to the listed structure then the TRU Programme cannot be delivered and the benefits of the TRU Programme will not be realised. The Heritage Statement concludes that the substantial harm caused to the listed bridges will, therefore, be outweighed against the substantial public benefits delivered by TRU which have been recognised at public inquiry by the Huddersfield to Westtown Inspector and confirmed by the Secretary of State for Transport.

Whilst it is noted that no replacement bridge is proposed, this has been explored by the applicant however, due to the required clearance for overhead line equipment this is not possible owing to the position of the track. Officers raise no objection to this as the harm created by the total loss of the heritage asset has been outweighed by the wider public benefits that the TRU programme will bring.

The proposed demolition of the Brady Farm Bridge is extremely regrettable. However, without this loss the upgrading of the Transpennine Route and all of the public benefits that go with it, would not be possible. The applicant has made efforts to understand

the historic significance of the bridge itself and its group value as part of the wider historic railway route. Therefore, overall, when considering this application holistically with the TRU scheme, no objections are raised.

As such the proposal is considered to be in-keeping with the wider aims of Core Strategy policies P10, and P11 and saved UDP policies GP5, BD6, N14, N17 and the guidance contained within the National Planning Policy Framework in these respects. The proposal also satisfies the relevant legal tests in the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Objections received

Twenty letters of objection have been received to the proposal. The majority of the comments relate to the fact that the footbridge is well used by locals and that it should be replaced. These comments are noted however, the bridge nor the land to the south are defined PROWS meaning there is no legal right to use them (a point acknowledged in some of the comments). The weight that can therefore be given to these points is limited.

It must also be noted that there is another footbridge located at East Garforth Station which is only a short distance away. This is a defined PROW (Garforth 45) and allows the public access to either side of the railway. Therefore, alternative provision already exists for the public.

Comments relating to the future use of the bridge are noted however, the application must be assessed based on its planning merits at the time of assessment. Furthermore, the bridge would need to be removed due to the heights required for the electrification of the line. It is not known which road bridge the comment refers to about being the same height as the road bridge at Ridge Road also needs replacing.

The impact on wildlife would be minimal from the proposal and therefore, this is not considered to be a significant issue.

#### **Conclusion**

Approval is recommended