

## **11. LISTED BUILDING CONSENT – PROPOSED REPAIR WORKS TO MILLERS DALE SOUTH VIADUCT (NP/HPK/0720/0635 DH)**

**APPLICANT:** Peak District National Park Authority

### **Summary**

1. The application seeks Listed Building Consent for repair works to the viaduct which are considered to be necessary in order to conserve the heritage asset.
2. The works will not harm the significance of the listed structure or its setting and the methodology which has been provided is sensitive to the nature of the project.
3. The application is recommended for approval.

### **Site and Surroundings**

4. The application site is the southernmost of the two Victorian viaducts at Millers Dale which used to carry the Midland Railway London to Manchester. The viaducts are parallel with each other, the southern one being slightly lower, crossing over the River Wye and B6049 in a west to east direction. The south viaduct now carries part of the Monsal Trail.
5. The south viaduct dates from the 1860s. It is constructed as a wrought iron structure, upon abutments and piers that are faced with limestone, with gritstone dressings. The parapets are masonry with decorative metal rails. The structure was listed Grade II\* on 22 March 1985. The later north viaduct was constructed in 1905, also faced with gritstone, and is listed Grade II.
6. The site lies within the Millers Dale Conservation Area. Part of the site is within Flood Zones 2 and 3, Natural Zone, the Wye Valley Site of Special Scientific Interest, and the Peak District Dales Special Area of Conservation.
7. The nearest neighbouring properties to the application site are Dale View to the north on the Wormhill road, and Rose Cottage to the south on the B6049.

### **Proposal**

8. The application seeks Listed Building Consent for repair works to the three main spans of the viaduct, including:
  - debris and vegetation clearance;
  - reinstatement of mortar loss;
  - replacement and reinstatement of missing stonework;
  - grit blasting where areas of corrosion are most severe;
  - repairing support brackets;
  - repointing cracked mortar joints

### **RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions:**

1. **Time limit for commencement.**

2. **Development to be carried out in accordance with the submitted plans and specifications**
3. **Storage areas for the duration of the works shall be agreed in writing prior to works commencing**
4. **Environment Agency Pollution Prevention Guidelines shall be adhered to throughout the works.**
5. **Details of any access equipment that requires temporarily fixing to the viaduct to be submitted and approved.**
6. **Where necessary defective mortar shall be raked out by hand as specified in the amended Method Statement**
7. **Mortar repairs and repointing to match existing lime mortar, a sample of which is to be provided for written agreement with the National Park Authority prior to the works commencing**
8. **Removal of any defective stonework or brickwork shall be done using hand tools only as specified in the amended Method Statement**
9. **Any repair to or replacement of stonework or brickwork shall match the existing**
10. **The method of grit blasting the three spans shall be agreed in writing by the Authority.**
11. **Paintwork shall match the existing**
12. **Details of any pips or other monitoring devices shall be provided with locations for agreement in writing with the Authority prior to installation**
13. **When works commence, if any additional, unforeseen, works are required they shall be agreed in writing with the Authority prior to continuing with the works**

**Footnote regarding the Greenway.**

### **Key Issues**

9. With regard to Section 16 & 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 61 of the Environment Act 1995, the key issues for Listed Building Consent are the impact of the proposed works on the special historic and architectural interest of the Grade II\* listed building and its setting within the Conservation Area.

### **History**

10. None directly relevant to this application

### **Consultations**

11. Derbyshire County Council (Highway Authority): No highway objections, but note it is a Greenway.
12. High Peak Borough Council: No response to date.

13. Wormhill and Green Fairfield Parish Council: No objections to the proposed repair work providing of course that all safety issues are taken into consideration.
14. PDNPA Conservation Officer: No objections subject to recommended conditions.
15. PDNPA Archaeologist: No response to date.
16. PDNPA Ecologist: No objections subject to recommended conditions
17. Historic England: Do not wish to offer any comments
18. Amenity Societies: No response to date
19. Natural England: No response to date

### **Representations**

20. The Authority has not received any representations regarding the application.

### **Main Policies**

21. Relevant Core Strategy policies: GSP1-4, DS1, L3
22. Relevant Local Plan policies: DMC3, DMC5, DMC7 & DMC8

### **National Planning Policy Framework**

23. The National Planning Policy Framework (NPPF), which was revised February 2019, is considered to be a material consideration which carries particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
24. Paragraph 172 of the NPPF states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in all these areas, and should be given great weight in National Parks and the Broads.'*
25. Part 16 of the NPPF relates to conserving and enhancing the historic environment, so is of particular relevance to applications for Listed Building Consent.
26. Paragraph 189 advises that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning

authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

27. Paragraph 193 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.

### **Core Strategy Policies**

28. Core Strategy policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
29. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
30. Core Strategy policy CC1 states that all development must make the most efficient and sustainable use of land, buildings and natural resources to achieve the highest possible standards of carbon reductions.
31. Policy DS1 sets out what types of development are acceptable within the National Park.
32. Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
33. Policy L3 relates to cultural assets of archaeological, architectural, artistic or historic significance. It states that development must conserve and where appropriate enhance or reveal the significance of historic assets and their settings; other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset. It goes on to say that proposals will be expected to meet the objectives of any strategy covering the National Park that has, as an objective, the conservation and where possible the enhancement of cultural heritage assets.

### **Development Management Policies**

34. Development Management Policy DMC3 requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
35. Policy DMC5 relates to assessing the impact of development on designated and non-designated heritage assets and their settings.

36. DMC7 deals specifically with development affecting a listed building and/or its setting. It states that applications should be determined in accordance with policy DMC5 and clearly demonstrate how their significance will be preserved and why the proposed development is desirable or necessary. It goes on to say that that materials, techniques and detailing should be appropriate to a listed building.
37. DMC8 relates to development in conservation areas and development which affects its setting and important views into and out of conservation areas. It says that the following should be taken into account: (i) form and layout of the area including views and vistas into and out of it and the shape and character of spaces contributing to the character of the historic environment; (ii) street patterns, historical or traditional street furniture, traditional surfaces, uses, natural or man-made features, trees and landscapes; (iii) scale, height, form and massing of the development and existing buildings to which it relates; (iv) locally distinctive design details including traditional frontage patterns and vertical or horizontal emphasis; and (v) the nature and quality of materials.

### **Legislation**

38. The National Park Authority has a statutory purpose under the Environment Act 1995 to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park.
39. The Planning Act 1990: 66(1) 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.”
40. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the setting of listed buildings.

### **Assessment**

#### **Principle**

41. If it can be demonstrated that proposed works to listed buildings are desirable or necessary, and would not harm the significance of the listed building and its setting or detract from the valued characteristics and the scenic beauty of the wider landscape, in principle they would be acceptable.

#### **Heritage Impacts**

42. The viaduct is listed Grade II\* and a key feature contributing to the significance of the Millers Dale Conservation Area. A Heritage Statement and Method Statement for the works have been provided. The proposals for the repair and refurbishment to the structure are made in the interests of the structures long term conservation. The works are considered necessary to ensure the safety of the structure and desirable as they will conserve the heritage asset and ensure its longevity.
43. An inspection in 2016 identified cracks and separation, loss of some stonework and brickwork, vegetation growth and corrosion of the three main spans. Since this inspection was some time ago it is likely that there could be further works required which will only be identified when works commence. It is therefore necessary to include conditions regarding any works which may be unforeseen.

44. The works comprise the clearance of vegetation on the structure and the removal of two trees close to the west abutment. Debris and loose mortar and defective stonemasonry is to be removed by hand to prevent any further damage to historic fabric, as specified in the amended Method Statement. Missing masonry will be replaced and reinstated like-for-like, and areas re-pointed as required with lime mortar. Repairs to the metalwork are also required. The areas will be grit-blasted and cleaned, and where necessary replaced like-for-like. The cleaned and new metalwork will then be re-painted as existing.
45. The works and methodology for implementing them are supported by the Authority's Conservation Officer. The works will conserve and enhance the significance of the listed structure and thereby the significance of the conservation area. Consequently, subject to appropriate conditions the proposal is considered to be compliant with the legislation and our own policies in the Development Plan including GSP1, GSP2, GSP3 and L1 of the Core Strategy and DMC5, DMC7 and DMC8 of the Local Plan.

### Amenity Impacts

46. The scope of a Listed Building Consent is restricted to those issues regarding effect on the significance of a designated heritage asset. However, in this instance the viaduct forms part of the Monsal Trail therefore the impact on the use of the recreational asset needs consideration, although this cannot be given any weight in the determination of the Listed Building Consent application.
47. The works are anticipated to take sixteen days to complete although no start date has been provided. During that time, due to the works being undertaken from above using rope access, it will not be necessary to close the road below but the greenway use will be impacted as an exclusion zone will need to be set up prior to the works commencing. An advisory note will need to be added to any Decision Notice in relation to this.

### Conclusion

48. The proposed works comprise essential repair and maintenance works to conserve and enhance the designated heritage asset with no alteration proposed. The work will also conserve the significance of the Millers Dale conservation area. The works are compliant with both local and national policies and guidance and the application is therefore recommended for conditional approval.

### Human Rights

49. Any human rights issues have been considered and addressed in the preparation of this report.

### List of Background Papers (not previously published)

50. Nil
51. Report author: Denise Hunt. Planning Assistant