

8. S.73 APPLICATION FOR THE REMOVAL OF CONDITION 3 ON NP/DDD/0723/0788 (WHICH IS ITSELF A S73 PERMISSION FOR THE VARIATION OF CONDITION 6 ON APPROVAL NO NP/DDD/0123/0100 FOR MINOR REVISION DESIGN OF BRIDGE MODIFICATION WORKS PREVIOUSLY CONSENTED THROUGH THE NETWORK RAIL (HOPE VALLEY CAPACITY) ORDER, SPITTLEHOUSE BRIDGE (BRIDGE MAS/25) NORTH OF A6187 HATHERSAGE ROAD, HATHERSAGE (NP/DDD/0326/0323) JK

APPLICANT: Network Rail

Summary

1. The application site relates to a bridge which carries the Sheffield to Manchester railway line over a private driveway serving a farm and agricultural land beyond.
2. A new bridge deck has been constructed next to the existing bridge deck to carry a third line as part of a passing loop for trains.
3. Following completion of the works a final survey has shown the minimum clearance underneath the new deck, although more than under the existing bridge, is nevertheless not in accordance with the planning condition which specified a greater minimum figure.
4. The proposal is therefore to remove condition 3 specifying this minimum clearance given it is incorrect and the fact that the minimum clearance under the new railway bridge deck is marginally higher than that under the existing railway bridge and thus does not restrict access.
5. A section plan demonstrates no reduction in access even for larger and long vehicles. As the condition no longer serves a useful planning purpose the application is recommended for approval.
6. The application is brought to Committee due to the objection from the Parish Council which support and echoes one from the adjacent landowner

Site and Surroundings

7. The application site is the north side of an existing railway bridge known as Spittlehouse Bridge which is located on the Hope Valley Line mid-way between Hathersage and Bamford stations.
8. The bridge is set back about 85m from the main A6187 Hathersage to Sickleholme road. It carries the Hope Valley Railway Line over a private access track which leads from the A6187 up to a property known as Cunliffe House located around 180m further to the north.
9. The application concerns the available headroom underneath the new metal bridge deck which has been constructed next to the long-standing existing railway bridge carrying the main twin track line. This new bridge deck carries a third line which forms part of the passing loop recently constructed as part of the capacity improvement project for the Hope Valley railway line. This allows slower trains to move over and allow faster trains through thereby boosting capacity.
10. There is an underground oil pipeline which runs south-north underneath the line in the vicinity of the bridge and underneath the private road. The surrounding land comprises small grazing fields surrounded by hedged boundaries and mature trees.

Proposal

11. The deletion of Condition 3 on Planning Permission No NP/DDD/0723/0788 which itself was a planning permission under S73 to vary the previous permission for design changes for the bridge deck.
12. Condition 3 currently reads; *The clearance under the new bridge deck over the access road shall be a minimum of 4.0124m.*
13. The reason for the condition is; *For the avoidance of any doubt and ensure that the clearance under the new bridge deck is equal to, or greater than the clearance under the existing bridge so that vehicle access to the land and property beyond is not prejudiced.*

RECOMMENDATION:

That the application be APPROVED subject to the following conditions and provided no new representations contrary to the recommendation are received before the end of the re-consultation period; And that any which are received are delegated to the Head of Conservation and Planning to consider in consultation with Chair/Vice Chair of Planning Committee before issue of the decision.

- 1 The development hereby approved shall not be carried out otherwise than in complete accordance with the following approved plans; the 'Visualisation of Proposed Structure' drawing No 136126-2885-BAM-0000-DRG-T-LP-040004-P01, the 'General Arrangement Drawing' No 136126-2885-BAM-0000-DRG-T-LP-040002 Rev P01, as amended by the drawing titled MAS 25 - TOPOGRAPHICAL AS BUILT SURVEY & BRIDGE SOFFIT CLEARANCES TO A 25M CHORD (received on the 6/7/26) and the 'Outline drawing – wing wall sheet 2 drawing no 136 126-2885-BAM-0000-DRG-C-ST-043024 Rev P04.1 subject to the following modifications and/or conditions;**
- 2 The development shall be carried out in full accordance with the existing construction management plans and ecological management plans approved under discharge applications ref NP/DIS/0721/0831, NP/DIS/0821/0918 and NP/DIS/0921/1041.**

Key Issue

14. The principle and design of the bridge deck along with its siting was consented under the 2018 Transport and Works Act Order. Minor design modifications were approved under application no NP/DDD/0123/0100 and the subsequent amendment application NP/DDD/0723/0788. The railway bridge has been constructed and is now in use, however the clearance underneath the bridge deck does not meet the dimension conditioned in the 2023 planning permission.
15. The key issue is therefore whether the revised clearance measurement is acceptable in terms of maintaining the access height underneath the new deck that residents previously enjoyed.

Relevant Planning History

16. 2018 - Approval for the Hope Valley Capacity Improvement Project by a Transport and Works Act Order.
17. 2023 – Approval for amended bridge design and clearance height of 3.776m or that of the existing bridge whichever is the higher. NP/DDD/0123/0100

18. 2023 – Approval for amended bridge deck clearance to be minimum 4.0124m NP/DDD/0723/0788

Consultations

19. Highway Authority - No comments to make.
20. District Council - No response.
21. Hathersage Parish Council – Object for the following reason;
22. The Council considers that the reduced height (as a result of removal of Condition 3) is unacceptable noting the property owners may, as a result, have reduced access to their property and reduced access for the larger farm vehicles which are necessary to the running of the farm.

Representations

23. One objection has been received from the property owner beyond the bridge raising the following (summarised) concerns;
- The bridge height of 4.0124m would ensure there would be no reduction in access.
 - the purpose of a condition is to ensure that otherwise unacceptable development, is made acceptable. A condition has no value if developers simply build to a different specification and then unilaterally apply to remove conditions.
 - there needs to be a case for a material change of circumstances to make the breach of conditions acceptable. It does not appear that the statement that there has been a measurement "error" sufficiently evidences a material change of circumstances.
 - there is no technical information detailing the methodology used to obtain the latest measurements or detailed report of findings.
 - There is no supporting technical information to substantiate the view that "the approved clearance figure did not reflect the reality of what could be designed, given the constraints" nor that the bridge is constructed to the maximum achievable height".
 - The letter states that the as-built clearance of 3.870m represents an improvement "at this location", which accounts for an unspecified measured point, rather than the more significant issue of how this impacts the vehicles that are able to access Cunliffe.
 - There are no updated drawings showing the as-built ground measurements and bridge structure, in the context of the vehicles, such as farm contractors or septic tank emptying. This issue has always been about the height and length of those vehicles, as much about specific clearance at one location.
 - The reduced bridge height if accepted would prejudice the amenity for Cunliffe, the main point that the condition set out to protect.

Main Policies

24. Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, T3,
25. Local Plan policies: DM1, DMC3, DMC11, DMC13, DMT3.

26. National Planning Policy Framework

27. The National Planning Policy Framework (NPPF) is a material consideration. Development plan policies relevant to this application are up-to-date and in accordance with the NPPF and therefore should be given full weight in the determination of this application.
28. Paragraph 189 of the NPPF states: Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks 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 these areas, and should be given great weight in National Parks. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Assessment

Principle of the Development

29. The principle, siting and design of the new bridge was established by the 2018 Transport and Works Act Order with an amended design agreed under the 2023 Planning Approval. The new bridge has been constructed in accordance with the approved amended design and the driveway underneath has now been repaired and sealed with tarmac to finalise the restoration following construction works.

The height of the new bridge deck.

30. The 2023 Planning Permission for the amended bridge conditioned the clearance under the new bridge decking over the access road to be a minimum of 4.0124m using the applicants own measurement.
31. Following completion of the new bridge and the reinstatement of the driveway surfacing below, the applicants as-built survey has identified that the minimum underside clearance of the new bridge is actually 3870 mm, 142.4mm lower than the 4012.4mm the condition required meaning they are currently in breach of the Planning condition.
32. The applicant's supporting statement explains that the 4012.4mm unfortunately came from an incorrect survey undertaken when the previous S73 planning application was submitted.
33. It explains that the bridge has been constructed to the maximum achievable height within the physical constraints of the site and the surrounding infrastructure (track level and buried oil pipeline).
34. The statement highlights the key fact is that, leaving all measurements aside, the new steel bridge deck remains physically higher (39mm) than the adjacent existing bridge deck, so does not restrict clearance under the existing bridge.
35. The applicant has therefore submitted this application to regularise the planning position and ensure the planning documentation accurately reflects the constructed infrastructure.
36. Officers recognise that the various measurements taken of the bridge have resulted in some confusion and led to neighbouring concerns about whether or not the clearance affects the longstanding access they have enjoyed under the old bridge.

37. Provision of same or better clearance under the new bridge deck as the existing bridge is of course critical for the neighbours to ensure that the access they previously enjoyed for farm machinery and the septic tank tanker has not been prejudiced by the new deck height.
38. The new bridge deck has been in place for several months with no impacts upon access being reported to the Authority from neighbours. Whilst this suggests that access has been maintained this is insufficient confirmation as it is recognised that not all vehicles that visited the neighbours previously may have revisited and passed under the new bridge.
39. Whilst the fact that the clearance under the new bridge is 39mm higher than the adjacent long standing existing bridge deck suggests that access has not been affected, this is only one aspect of maintaining the same access. Before deletion of the condition could be considered, account needs to be taken of the relationship of this clearance to the gradient of the access road underneath the deck in terms of whether this results in any restriction over and above what existed before. For example, if there was a significant rise in gradient just beyond the deck then this could result in a scenario where the front of a tall vehicle could just pass under the new bridge deck but due to the rising gradient lifting the front of the vehicle, its rear could rise enough to then not pass underneath.
40. The Planning Officer therefore requested and has now received an amended sectional plan which clearly demonstrates that there would be adequate clearance under the new deck for the largest and longest vehicles that could get under the existing bridge taking account of the gently rising gradient of the access lane.

Conclusion

41. The application has demonstrated through new survey measurements and the section plan that the available clearance under the existing bridge for vehicles is maintained under the new bridge taking full account of the driveway gradient.
42. Subject to the carrying over of all the other extant conditions as amended above (the former conditions relating to the stonework and colouring have been complied with and do not need to be repeated), the application is considered compliant with adopted policies and in the absence of any material considerations to warrant otherwise, the application is recommended for approval with the final issue of decision being delegated to the Head of Planning and Conservation once the consultation period expires. This is due to the section plan arriving too close to the meeting to enable the full 21-day consultation period to expire.

Human Rights

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

List of Background Papers (not previously published)

Nil

Report Author – John Keeley