

SCHEDULE A: Applications with Recommendation

15/0470

Item No: 05

Date of Committee: 10/07/2015

Appn Ref No:
15/0470

Applicant:
Highways Agency
Historical Railways Estate

Parish:
Carlisle

Agent:
Jacobs UK Ltd.

Ward:
Multiple Wards

Location: Waverley Viaduct, River Eden, Willowholme, CA2 7NY

Proposal: Temporary Consent For Retention Of Existing Steel Palisade Security Fences Located At Each End Of Viaduct For A Further 3 Years (LBC)

Date of Receipt:
28/05/2015

Statutory Expiry Date
23/07/2015

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Impact On The Listed Waverley Viaduct

3. Application Details

The Site

- 3.1 Such a proposal has been the subject of previous applications respectively considered by the Development Control Committee in March 2010, December 2011 and January 2013; and a site visit was undertaken prior to the determination of the December 2011 application.
- 3.2 Waverley Viaduct is now owned by the Secretary of State and managed by Highways England, having been transferred from BRB (Residuary) Ltd. It is a six span viaduct constructed entirely of masonry, which was built to carry The Waverley Railway Line across the River Eden and as a consequence

only has low parapet walls along its edges. The structure was listed (Grade 2) in 1994.

- 3.3 Fencing was put in place at either end of the Viaduct in 1983/4 in order to prevent public access. This was as a result of vandalism to the parapet, when approximately 70m in length was pushed into the river. When the viaduct was listed, two rows of back to back palisade fencing, which varied in height from 1.8m to 2.1m, was in place at either end of the viaduct. BRB tried to open up the viaduct to the public in 2008 and erected timber fencing along the edge of the viaduct but this was vandalised straight away. Following this, BRB reverted back to maintaining barriers at either end of the viaduct in order to prevent public access.
- 3.4 Highways England has recently undertaken some repairs to the structure. These include re-pointing, reinstating the parapet wall that was pushed into the river and installing new tie bars to stabilise the structure.
- 3.5 The barriers that are currently in place consist of dark green steel sheeting, fixed to palisade fencing. The maximum height of the fencing is 2.1m. The steel sheeting has been successful in reducing public access to the viaduct.
- 3.6 The County Council's Definitive Map of Public Rights of Way identifies Rights of Way adjacent to Waverley Viaduct on the north and south sides of the River Eden, but does not identify a Right of Way across the viaduct.

Background

- 3.7 In March 2010, December 2011 and January 2013, temporary planning permission and Listed Building Consent were granted by the Development Control Committee for the retention of existing steel palisade security fences located at each end of the viaduct. The latest permission expired on 31st January 2015.
- 3.8 Highways England is keen to transfer ownership of the viaduct to another body and would be prepared to pay a lump sum for future maintenance. Alternatively, Highways England would be happy to retain the structure and enter into a lease with an organisation. Any organisation that entered into a lease with Highways England would be able to apply for funding from various bodies to maintain and repair the viaduct.

The Proposal

- 3.9 The proposal is seeking temporary retrospective planning permission for the retention of the existing steel palisade security fences located at each end of the viaduct for a further 3 years.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as

well as notification letters sent to one hundred and five properties. In response four letters of objection have been received, which make the following points:

- the steel barriers are totally unnecessary and should never have been erected;
- the barriers should be removed a.s.a.p. so that pedestrians are not prevented from easily accessing the public footpaths on both sides of the river;
- the barriers are preventing outdoor healthily pursuits which should be encouraged;
- the viaduct should be put to creative use by the council and other sports organisations for circular runs/ walks;
- when the Waverley Line was closed in 1968, measures should have been taken then to develop the existing viaduct for walking and cycling;
- the erection of barriers has rendered useless for years what is potentially a very useful, beneficial asset;
- there is no need for the barriers - the bridge itself is safe and if the parapets are unsafe this could be dealt with by providing a fencing lengthways along the viaduct;
- the barriers give a totally negative impression of Carlisle and have a negative impact on tourism;
- the barriers have been partly instrumental in hindering the development of a foot/ cycleway network in Carlisle in recent years;
- proposals are underway to do essential repairs to the viaduct and to develop a footway across the viaduct to connect two public footpaths and these proposals are very popular locally;
- steam trains would have caused more problems to the people to the north of the river who want the barriers retaining than walkers;

5. Summary of Consultation Responses

Kingmoor Parish Council: - no comments received;
English Heritage - North West Region: - no objections.

6. Officer's Report

Assessment

- 6.1 This application for Listed Building Consent, relates to the same development at Waverley Viaduct as proposed under application 15/0469, which precedes this report in the schedule and the principal issues raised by this application are set out in that report.

7. Planning History

- 4.1 In September 2000, planning permission and Listed Building Consent were granted for maintenance work to the bridge, including masonry repairs, re-pointing, tie bars and patress plate installation, painting and fencing works (00/0459 & 00/0466).
- 4.2 In March 2010, temporary planning permission and Listed Building Consent were granted for the retention of existing steel palisade security fences located at each end of the viaduct (09/1094 & 09/1135).
- 4.3 In July 2010, temporary Listed Building Consent was granted for additional palisade outstands to existing palisade fencing located at each end of viaduct (10/0471).
- 4.4 In December 2011, temporary planning permission and Listed Building Consent were granted for the retention of existing steel palisade security fences located at each end of the viaduct (11/0595 & 11/0701).
- 4.5 In January 2013, temporary planning permission and Listed Building Consent were granted for the retention of existing steel palisade security fences located at each end of the viaduct for a further two years (12/0942 & 12/0943).

8. Recommendation: Grant Permission

1. The approved documents for this Listed Building Consent comprise:
 1. the submitted planning application form received 19th May 2015;
 2. the Site Plan (drawing number B12360-AR-002) received 19th May 2015;
 3. the Bridge Location Details received 19th May 2015;
 4. the Block Plan (drawing number B12360-AR-002) received 19th May 2015;
 5. the Palisade Fencing Elevation (drawing number B12360-AR-003) received 28th May 2015;
 6. the Design and Access Statement/Heritage Statement received 28th May 2015;
 7. the Notice of Decision; and
 8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

2. The fences hereby approved shall be removed and there shall be carried out such works as may be required for the reinstatement of the land to the satisfaction of the Local Planning Authority by not later than the 31st July 2017 or when an alternative solution to the fences has been approved and implemented whichever is the sooner.

Reason: The Local Planning Authority wish to review the matter at the end of the limited period specified.

3. The security fences hereby approved shall be retained a dark green colour and shall be maintained in a tidy and graffiti free manner thereafter.

Reason: To reduce the visual impact of the fence, in accordance with Policy LE12 of the Carlisle District Local Plan 2001-2016.
