



## Report to South Area Planning Committee

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<b>Application Number:</b>	PL/21/3957/FA
<b>Proposal:</b>	Demolition of the existing bridge span and replacement of new bridge span
<b>Site location:</b>	Railway Bridge Between Orchehill Avenue & Layters Way Gerrards Cross Buckinghamshire
<b>Applicant:</b>	Network Rail Infrastructure Ltd
<b>Case Officer:</b>	Richard Regan
<b>Ward affected:</b>	Gerrards Cross
<b>Parish-Town Council:</b>	Gerrards Cross Town Council
<b>Valid date:</b>	3 November 2021
<b>Determination date:</b>	29 September 2022
<b>Recommendation:</b>	Refuse Permission

### 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application proposes the demolition of the existing pedestrian bridge that extends across the railway line, and its replacement with a new bridge.
- 1.2 The proposals are considered unacceptable by virtue of the fact that they involve the total loss of an existing Non-Designated Heritage Asset which contributes positively to the character and appearance of the Conservation Area within which it is located. In addition to this, it is considered that the proposed replacement bridge is not of an appropriately sufficient design and appearance to preserve or enhance the character or appearance of the Conservation Area.
- 1.3 It is therefore considered that the proposal would result in 'substantial' harm to the designated heritage asset (the bridge) and 'less than substantial harm' to the designated heritage asset (the conservation area). It is not considered that the public benefits of the proposal outweigh this identified harm.
- 1.4 The application has not been accompanied by any form of Ecological survey. Given the scale of the proposed development, it is considered necessary that an Ecological Impact Assessment should be submitted in order to identify the schemes likely impacts on biodiversity, including on protected species such as bats, nesting birds, badger,

great crested newt and reptiles. Given the lack of such information, it is not possible to fully assess the impact of the proposal on biodiversity including the impact of the proposed development on any protected species.

1.5 The application has been referred for determination by the South Area Planning Committee following it being called in by Cllrs Wood and Chhokar, and Gerrards Cross Town Council.

1.6 Recommendation – Refusal.

## **2.0 Description of Proposed Development**

2.1 The application proposes the demolition of the existing pedestrian bridge that extends across the railway line, and its replacement with a new bridge across.

2.2 The application is accompanied by:

a. Design and Access/Planning and Heritage statement

2.3 During the course of the application, further information/documents have been submitted in the form providing Network Rails standards for bridge works, and providing further justification for the current proposals.

## **3.0 Relevant Planning History**

3.1 None Relevant

## **4.0 Summary of Representations**

4.1 Objections have been received from 202 separate sources, whilst letters of support have been received from 2 separate sources. Gerrards Cross Town Council raise objections to the proposals including on the grounds of its impact on the Conservation Area and the loss of a Non-Designated Heritage Asset. A summary of consultation responses and representations made on the application can be viewed in Appendix A.

## **5.0 Policy Considerations and Evaluation**

- National Planning Policy Framework (NPPF), 2021.
- Planning Practice Guidance
- National Design Guidance, October 2019
- South Bucks Core Strategy Development Plan Document - Adopted February 2011
- South Bucks District Local Plan - Adopted March 1999 Consolidated September 2007 and February 2011;
- South Bucks District Local Plan Appendix 5 (Conservation Areas)
- South Bucks District Local Plan Appendix 6 (Parking standards)
- South Bucks District Council Residential Design Guide Supplementary Planning Document (SPD) - Adopted October 2008
- Chiltern and South Bucks Townscape Character Study 2017
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule
- Burnham Beeches Special Area of Conservation (SAC) Mitigation Strategy, March 2020

### **Principle and Location of Development**

- Core Strategy Policies:
  - CP7 (Accessibility and transport)
  - CP8 (Built and historic environment)
- Local Plan Saved Policies:
  - EP3 (The use, design and layout of development)

- 5.1 The site is located within the developed area of Gerrards Cross where development of this nature can be acceptable provided that it does not adversely affect any interests of acknowledged importance, which include factors such as the character and appearance of the area, designated heritage assets, and the amenity of neighbouring properties.
- 5.2 Core Policy 7 of the District Core Strategy seeks amongst other things to encourage safe and attractive improvements to pedestrian and cyclist routes and facilities.
- 5.3 As such, a development of this nature could potentially be considered appropriate, but this is very much dependant on other important material planning considerations in this instance, such as the impact on the character area and appearance of the Gerrards Cross Centenary Conservation Area.

**Historic environment (or Conservation Area or Listed Building Issues)**

- Core Strategy Policies:  
CP8 (Built and historic environment)
  - Local Plan Saved Policies:  
C1 (Development within a Conservation Order)
- 5.4 The existing bridge is a three-steel truss girder structure, sitting on two tall brick piers, supporting a steel deck, stretching 52m across the cutting. The structure incorporates a 1.7m wide deck with 1.2m high vertical cast iron railing parapets. The applicants acknowledge that the bridge provides some interest in the engineering by incorporating a truss element underneath the bridge span.
  - 5.5 The railway line opened in 1906, and connectivity between the two sides of the railway cutting was a key consideration in the development of Gerrards Cross. This footbridge together with nearby road bridges ensured that the railway did not pose a significant obstacle to communication and connectivity, and these bridges still provide a significant element in allowing for a cohesive community. Together with this footbridge, a network of footpaths and roads ensures a high degree of permeability.
  - 5.6 The existing bridge provides the public with a vantage point of the railway, which is often used by the general public to watch trains passing by, this is helped by the open vertical parapets of the existing structure.
  - 5.7 The bridge is considered to be an important part of the history of Gerrards Cross and the lightweight structure, with vertical emphasis in its design, its small scale and the use of domestic scaled railings for the parapet all contribute to significance of this much-loved structure.
  - 5.8 The footbridge provides some aesthetic value within the Centenary Conservation area - as a consequence of its architectural qualities, and some historical value by virtue of its role as part of the key piece of infrastructure associated with the development of Gerrards Cross.
  - 5.9 It is proposed to demolish the existing bridge and replace it with a new larger bridge. The Gerrards Cross Centenary Conservation Area was designated in 2009 and the bridge was identified in that document as a structure of local interest, and is now considered to be a 'Non-designated Heritage Asset, located within the designated heritage asset, i.e. the conservation area. The Councils Heritage Officer advises that it is therefore regrettable that the bridge does not appear to have been properly maintained in recent years and that it has now been chosen to be replaced rather than

repair the bridge. Paragraph 196 of the NPPF advises that 'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account by any decision'. It appears that repairs to the bridge were considered by Network Rail as an option, but this seems to have been ruled out due to the cost implications and the non-compliance of the existing structure if and when the line is electrified. However, electrification is apparently programmed in at some-time before 2050, and government priorities and technologies may change, so the extra headroom required for electrification may never be required, and the bridge could be needlessly lost for ever.

- 5.10 The Council's Heritage Officer considers that the demolition of the footbridge would be classed as 'substantial' harm to the designated heritage asset (the bridge) and 'less than substantial harm' to the designated heritage asset (the conservation area). As set out in para. 199 of the NPPF, great weight should be given to the conservation of a heritage asset.
- 5.11 In a case where demolition of a NDHA is justified/ approved, especially one which is located within and contributes to the character and appearance of the conservation area; there would be an expectation of high-quality design and construction for any replacement structure. However, in this case, the Councils Heritage Officer does not consider that the proposed bridge would fulfil this expectation. The proposed drawings of the replacement bridge show a heavy steel structure, which would have a strong horizontal emphasis, with diagonal bracing; infilled in the centre section over the track to give a completely solid parapet. Either side of brick piers the diagonals would be infilled with steel railings, though the emphasis in the design would be on the horizontal and diagonal structure rather than the small vertical railings. The Councils Heritage Officer does not consider that the proposed replacement bridge is 'of a high standard of design' which would 'make a positive contribution to the character of the surrounding area', as required by policy CP8 of the Councils Core Strategy, nor would it make a 'positive contribution to local character and distinctiveness', as required by para 197 c) of the NPPF).
- 5.12 In light of the comments from the Councils Heritage Officer, it is considered that the proposed development would fail to preserve or enhance the character of the Conservation Area, and would in fact detract from it due to its design and appearance. As such, it is considered that the proposal would lead to less than substantial harm to the significance of a designated heritage asset (Conservation Area). In accordance with para. 202 of the NPPF, this harm should be weighed against the public benefits of the proposal. In this regard, it is acknowledged that the proposal would enable the ability of the track to be utilised by electrified trains, and as such, would provide improved public transport and infrastructure. However, such a benefit has to be considered in the context of not knowing when electrification is actually going to take place, and that it may not be happen for another 20 years. Furthermore, even if sufficient evidence had been submitted which justified the removal of the existing bridge, it is considered that the applicant has failed to demonstrate why a replacement bridge which is of a more appropriate and high quality design, and which is sensitive to the location within a Conservation Area can't be provided. It is considered therefore that this lessens the weight that can be attributed to the benefit. On balance therefore, it is not considered that these benefits outweigh the harm that would be caused by the proposed development to the character and appearance of the Conservation Area.

- 5.13 In addition to this, the existing bridge is considered a Non-Designated Heritage Asset, and the proposal would therefore result in the total loss of a non-designated heritage asset. In accordance with paragraph 203 of the NPPF, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The public benefits of the scheme have already been highlighted previously within this report, and it is considered that they are modest. On balance, it is not considered that they outweigh the 'substantial' harm that would be caused by the total loss of the existing bridge.
- 5.14 The proposal is therefore contrary to Policies C1 of the South Bucks District Local Plan, and policy CP8 of the South Bucks District Core Strategy, as well as the requirements of section 16 (Conserving and enhancing the historic environment) of the NPPF.

### **Accessibility**

- Core Strategy Policies:  
CP7 (Accessibility and transport)
  - Local Plan Saved Policies:  
TR4 (Provision for those with special needs)  
TR5 (Access, highways work and traffic generation)
- 5.15 It is acknowledged that there have been concerns raised by local residents that the design of the proposed new bridge would increase safety concerns for users of the bridge due to the high enclosed sides. Notwithstanding these concerns, it is noted that the Councils Strategic Access Officer raises no objections to the proposals from the point of view of the usability and safety of the proposed new bridge by members of the public.
- 5.16 Therefore, whilst these concerns are noted, given the comments received from the Councils own Strategic Access Officer, it is not considered that a refusal could reasonably be pursued on the grounds that the proposed new bridge would be unsafe for the public to use due to its design.

### **Amenity of existing and future residents**

- Local Plan Saved Policies:  
EP3 (The use, design and layout of development)  
EP5 (Sunlight and daylight)  
H11 (Alterations and extensions to dwellings)
- 5.17 Due to the distance retained to neighbouring properties, it is considered that the proposed replacement bridge would not adversely impact upon the amenities of any neighbouring property.

### **Environmental issues**

- Core Strategy Policies:  
CP13 (Environmental and resource management)
  - Local Plan Saved Policies:  
EP3 (The use, design and layout of development)  
EP16 (Hazardous substances)  
C15 (Sites of geological importance)
- 5.18 The Councils Environmental Health Team raise no objections to the proposals from the point of view of contamination or noise pollution.

## **Ecology**

- Core Strategy Policies:  
CP9 (Natural environment)  
CP13 (Environmental and resource management).
- 5.19 Planning permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2021), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017.
- 5.20 Paragraph 174d of the NPPF requires that: “Planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure”.
- 5.21 Paragraph 180d of the NPPF states that: “When determining planning applications, local planning authorities should apply the following principles...development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”
- 5.22 The Council’s Ecologist advises that owing to the scale of this development and the likely impacts on biodiversity, including on protected species such as bats, nesting birds, badger, great crested newt and reptiles, they would recommend that an Ecological Impact Assessment (EclA) is submitted prior to determination of the application. No such information has been submitted, therefore it is considered that the application fails to adequately demonstrate that it would not adversely impact upon the biodiversity and ecology of the site and should therefore be refused on such grounds.
- 5.23 The proposal is therefore contrary to Policy CP9 of the South Bucks District Core Strategy and section 15 (Conserving and enhancing the natural environment) of the NPPF.

## **6.0 Weighing and balancing of issues / Overall Assessment**

- 6.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
  - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
  - c. Any other material considerations
- 6.2 As set out above it is considered that the proposed development would not accord with the development plan policies.
- 6.3 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking 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 the NPPF 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 the Framework taken as a whole.

- 6.4 However, Footnote 6 of para.11 of the NPPF does identify policies within the Framework that protect areas or assets of particular important, that if providing a clear reason for refusing a proposed development, prevent the titled balance from being engaged.
- 6.5 Designated Heritage Assets, which include Conservation Areas, are included within the list of policies that protect areas or assets of particular importance, and which can provide a clear reason for refusing the proposed development.
- 6.6 In this instance, the proposal would result in 'substantial' harm to the designated heritage asset (the bridge) and 'less than substantial harm' to the designated heritage asset (the conservation area). Great weight is given to both sets of harm identified. By virtue of the lack of an appropriate ecology assessment, it is considered that there would potential harm to biodiversity, of which is attributed moderate weight. Whilst public benefits of the proposal have been identified, it is considered that they carry moderate weight, and as such do not outweigh the harm identified. As such, the Framework, as a material consideration, does provide a clear reason for refusing the development. Consequently, the presumption in favour of sustainable development, as envisaged by paragraph 11, does not apply in this case.

## **7.0 Working with the applicant / agent**

- 7.1 In accordance with paragraph 38 of the NPPF (2021) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 7.3 In this instance, the applicant was informed that the proposal did not accord with the development plan, and was offered the opportunity to address the concerns of the Council. Additional information was submitted by the application to support/justify the proposals, however it was considered that this additional information did not overcome the Councils concerns and the applicant was informed that the application would be recommended for refusal.

## **8.0 Recommendation: Refuse permission, for the following reasons:-**

1. The existing bridge is a Non-Designated Heritage Asset that positively contributes to the Gerrards Cross Centenary Conservation Area. The proposal would result in the total loss of the existing bridge, and as such would result in substantial harm to this Non-Designated Heritage Asset. Given its positive contribution to the Conservation Area this loss would also adversely impact upon the character and appearance of the Conservation Area within which it lies. Furthermore, the proposed replacement bridge, by virtue of its design and appearance would fail to preserve or enhance the character and appearance of the Conservation Ares

within which it lies, and this would lead to less than substantial harm to character and appearance of the Conservation Area which is a designated heritage asset. The public benefits of the scheme do not outweigh the harm that would be caused to character and appearance of the Conservation Area or by the total loss of the non-designated heritage asset. As such, the proposal is contrary to policy C1 of the South Bucks District Local Plan (adopted March 1999), policy CP8 of the South Bucks Core Strategy (adopted February 2011), and the provisions of the NPPF.

2. Inadequate ecological information has been submitted with the application and it has not been possible to fully assess the impact of the proposal on biodiversity including the impact of the proposed development on any protected species. The application has therefore failed to demonstrate how wildlife will not be harmed, as well as failing to demonstrate how net gain for biodiversity will be obtained and is therefore contrary to Core Policy CP9 of the South Bucks Core Strategy (adopted February 2011) and the guidance set out in the NPPF.



## **APPENDIX A: Consultation Responses and Representations**

### Councillor Comments

#### **CLlr Wood received 24<sup>th</sup> November 2021:**

I object strongly to this replacement Bridge, which is not in-keeping with the heritage and the look of the area, and detrimental to the users causing a personal safety issues for users; partially women. It must be rejected in it's current format. I would like for this plan to be Called In to the relevant Committee ASAP.

#### 2<sup>nd</sup> comments received 21<sup>st</sup> July 2022:

I object strongly to this replacement Bridge, which is not in-keeping with the heritage and the look of the area, and detrimental to the users causing a personal safety issue for users; partially women. This new proposal still must be rejected in the current format. I would like for this plan to be "Called In" again to the relevant Council Committee ASAP.

#### **CLlr Chhokar received 6<sup>th</sup> December 2021:**

The Application raises issues and matters which would benefit from consideration at a Meeting of the Planning Committee.

### Town Council Comments

Received 24<sup>th</sup> November 2021:

The Council objects to this application for the following reasons: - It is contrary to policy C1 in the local plan: development within a conservation area because the design fails to preserve or enhance the character. - It is contrary to policy 8 from the South Bucks core strategy as the closed-sided design will not achieve crime prevention and reduce fear of community safety. - It is not environmentally friendly to dispose of the old bridge and replace it with a new one. - Network Rail has neglected the current bridge and should have implemented a maintenance plan to ensure sustainability

The Town Council believes this application raises issues that would benefit from being discussed at the South Bucks Area Planning Committee Meeting.

#### 2<sup>nd</sup> comments received 4<sup>th</sup> August 2022:

Network rail has totally neglected this iconic 1905 bridge for years. It is in a very sorry state of disrepair but nonetheless, NR engineers have pronounced it to be structurally sound. The current proposal contravenes Policy C 1 of the South Bucks local plan. The application fails to protect an asset that is specifically marked in the GX Centenary Conservation Area Character Appraisal and has a historic aesthetic and significant communal value to the GX community. It has been classified as a Non-Designated Heritage Asset. The current proposal also contravenes Policy 8 of the South Bucks Core Strategy which states: that the council will seek to create safe and sustainable environments by designing out opportunities for crime and antisocial behaviour. Solid, high parapet causes cover from view and loss of sightedness, providing an ideal environment for crime such as graffiti or more importantly, physical assault. This proposal will likely create a safety issue, where there currently is not one. It is the view of the Town Council that the bridge should either be repaired and refurbished or sensitively replaced after proper consultation. I note that NR appears to have taken no notice whatsoever of the objections and comments sent in by local residents. If it is found that the bridge

must be demolished, then the current application should still be rejected. As a community we need a solution which is:

- Preserve the communal values and people well being
- Provides a safe walking route
- Is sensitive to the conservation area Based on the above Gerrards Cross Town Council

Objects to the application and requests this application is withdrawn and put back again with a different proposal

### Consultation Responses

#### **Heritage Officer:**

Received 12<sup>th</sup> Jan 2022:

I attended a number of meetings earlier this year, the final one being 15.7.21, to try and discover the justification for replacing this bridge and for the scale and design of its replacement. In the end I was unable to support their proposals, which I considered would cause harm to the designated and non-designated heritage assets and due to their tight construction timescales (they were originally planning to start work last August), I suggested they should submit the planning application without delay. Network Rail are proposing the demolition (and replacement with a large modern structure), of the footbridge in Gerrards X in the centre of the conservation area. The footbridge is identified in the Conservation Area Appraisal as of local interest, so is a non-designated heritage asset. When the application PREAPP was submitted I requested more information on its history and significance. However, I discovered some photo's showing it is far earlier than they state; it was under construction in 1903. I did advise Network Rail should talk to the local residents and Parish Council early on, but I don't think this happened until October. I would suggest that either; · a further meeting with Network Rail is set up, to try and investigate if the structure can be retained or replaced by a more sympathetic construction, or · they are advised that the application is going to be refused and ask if they would like to withdraw it. If the application is not to be withdrawn I will write a detailed consultation response in January, supporting refusal of the application.

2<sup>nd</sup> comments received 8<sup>th</sup> September 2022:

<b>Summary</b>
That the application does comply with the relevant heritage policy and guidance and therefore should be refused.
<b>Heritage Assets</b>
Located in the centre of Gerrards Cross Centenary Conservation area, this building was assessed as a 'Positive Unlisted Building' when the conservation area was designated in 2009; all such buildings are now considered to be Non-designated Heritage Assets (NDHA). The conservation area document was the subject of public consultation in 2009 and the building has been reassessed again against the agreed criteria as part of the current Local Heritage Listing Project and is included in Buckinghamshire Councils list of Non-designated Heritage Assets.
<b>Description of proposal</b>
It is proposed to demolish the existing footbridge and replace it with a heavy steel structure with a strong horizontal emphasis, which would be considerably wider and taller and finished in painted steel.
<b>Discussion</b>
<b>Description of the site and surroundings, and significance;</b>

In 1899 the Great Western and the Great Central railways formed a joint committee to build a new main line into London. The arrival of the railway was considered to be a catalyst for the creation of the town of Gerrards Cross; it rapidly grew into a 'Metroland' commuter town, a purpose built 'garden suburb'. Gerrards Cross railway station was constructed on land belonging to the Orchehill House Estate, a residential property with extensive grounds, formally known as Deedsworth Farm which dated from the 14th century, though the house was rebuilt by the 19th Century when a park, formal gardens and ponds were laid out. The arrival of the railway cut the Orchehill Estate into two and also severed one of the carriage ways to the property, which roughly followed the line of Bulstrode Way, Layters Way and the alignment of the railway footbridge (the subject of this application) also followed this former carriage way. The applicant's heritage statement gives a date of 1905 for the bridge, but the bridge is clearly visible nearing completion in a photograph showing the construction of the line in 1903.

The existing bridge is a three-steel truss girder structure, sitting on two tall brick piers, supporting a steel deck, stretching 52m across the cutting. The structure incorporates a 1.7m wide deck with 1.2m high vertical cast iron railing parapets. The applicants acknowledge that the bridge provides some interest in the engineering by incorporating a truss element underneath the bridge span.

The line opened in 1906, by which time much of the Orchehill Estate had been sold to developers for residential development most of which was completed by 1914. Connectivity between the two sides of the railway cutting was a key consideration in the development of Gerrards Cross. This footbridge together with nearby road bridges ensured that the railway did not pose a significant obstacle to communication and connectivity, these bridges still provide a significant element in allowing for a cohesive community. Together with this footbridge, a network of footpaths and roads ensures a high degree of permeability.

The bridge provides the public with a vantage point of the railway, which is often used by the general public to watch trains passing by, this is helped by the open vertical parapets of the existing structure. There are several views identified in the conservation area appraisal.

Apart from the approaching footpaths, the surrounding area on either side of the bridge is private gardens. There are some public views of the footbridge; it is visible from the station and from the station car parks; of which there are two separate station car parks, one at station level and one at the top of the cutting. The western ends of both car parks are approximately 50m from the footbridge. The next public vantage point is from overbridge 34 is approximately 300m to the west of the footbridge and carries Bull Lane over the lines.

The bridge is considered to be an important part of the history of Gerrards Cross and the lightweight structure, with vertical emphasis in its design, its small scale and the use of domestic scaled railings for the parapet all contribute to significance of this much-loved structure.

I concur with the applicant's heritage statement which concludes that; having regard to the above, the footbridge can be said to provide some aesthetic value within the Centenary Conservation area - as a consequence of its architectural qualities, and some historical value by virtue of its role as part of the key piece of infrastructure associated with the development of Gerrards Cross.

### **The proposed demolition of the bridge**

It is proposed to demolish the existing bridge and replace it with a new larger bridge. The Gerrards Cross Centenary Conservation Area was designated in 2009 and the bridge was identified in that document as a structure of local interest, and is now considered to be a 'Non-designated Heritage Asset, located within the designated heritage asset, ie the conservation area. It is therefore regrettable that the bridge does not appear to have been properly

maintained in recent years and they have now chosen to replace rather than repair the bridge. Paragraph 196 of the NPPF advises that 'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account by any decision'. Repairs to the bridge were considered by Network Rail as an option, but this seems to have been ruled out due to the cost implications and the non-compliance of the existing structure if and when the line is electrified. But electrification is apparently programmed in at some-time before 2050, and government priorities and technologies may change, so the extra headroom required for electrification may never be required, and the bridge could be needlessly lost for ever.

It is considered that the demolition of the footbridge would be classed as 'substantial' harm to the designated heritage asset (the bridge) and 'less than substantial harm' to the designated heritage asset (the conservation area).

NDHA status gives the building protection from demolition under the NPPF when a planning application is required for the proposed works, so Chapter 16; 'Conserving and enhancing the historic environment' applies, and in particular paragraphs 194-197, 199, 202 and 203.

A recent appeal locally was dismissed by the Planning Inspectorate for a similar proposal; for the demolition of Top Cottage Hollybush Hill, Stoke Poges SL2 4PX, planning ref; PL/20/1659/FA, this is an inter-war Arts and Crafts cottage, also identified as a NDHA. The inspector concluded that; 'Whilst I acknowledge that the development would replace a property in need of some degree of restoration or renovation, as well as improve its sustainability credentials, such benefits are only minor in this instance, and would not outweigh the harm to Top Cottage and Little Chesters identified above. And that; 'The proposed demolition would result in the complete loss of a non-designated heritage asset, so this proposal is considered to result in 'Substantial Harm' to the 'Significance' of the Non-Designated Heritage Asset'

The Heritage Team assess all potential NDHA's using the Historic England criteria set out within 'Historic England 2021 Local Heritage Listing: Identifying and Conserving Local Heritage. Historic England Advice Note 7 (2nd ed)' (see link: <https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/> ). This ensures consistency of approach and adherence with national best practice. This Council has a Local Heritage Listing Project Officer who is coordinating the Buckinghamshire survey and adding many more buildings to the Councils list of NDHA.

[Click here to find out more about the Local Heritage List Project](#)

### **The proposed replacement bridge.**

In a case where demolition of a NDHA is justified/ approved, especially one which is located within and contributes to the character and appearance of the conservation area; there would be an expectation of high-quality design and construction for any replacement structure.

However, in this case it is not considered that the proposed bridge would fulfil this expectation. The proposed drawings are not easy to understand, but appear to be proposing a heavy steel structure, which would have a strong horizontal emphasis, with diagonal bracing; infilled in the centre section over the track to give a completely solid parapet. Either side of brick piers the diagonals would be infilled with steel railings, though the emphasis in the design would be on the horizontal and diagonal structure rather than the small vertical railings. It is not considered that the proposed replacement dwelling is 'of a high standard of design' which would 'make a positive contribution to the character of the surrounding area' (Core Strategy) or would make a 'positive contribution to local character and distinctiveness' (para 197 c) of the NPPF).

## Heritage Policy Assessment

### **The Planning (Listed Building and Conservation Areas) Act 1990**

The proposals are not considered to preserve the architectural and historic interest of this NDHA.

### **NPPF**

Paragraphs 194 – 197, 199, 200, 202 and 203 apply.

**South Bucks District Local Plan** - Adopted March 1999 Consolidated September 2007 and February 2011: Saved Policies C1, C6

The development would cause harm to a locally important heritage feature and therefore fails to comply with the local policy objectives and 'Locally important heritage features and their settings also make an important contribution to the creation of distinctive and sustainable places and will also be protected, conserved and enhanced where appropriate' and 'All new development must be of a high standard of design and make a positive contribution to the character of the surrounding area'.

### **Historic England Guidance**

Managing Significance in Decision-Taking in the Historic Environment- 2015

Making Changes to Heritage Assets- 2016

Statement of Heritage Significance: Analysing Significance in Heritage Assets' HEAN 12

## Conclusion

The proposed development raises a number of heritage and design concerns; first and foremost, the total loss of an NDHA and the impact of that demolition on the character and appearance of and significance of the designated heritage asset; the conservation area. The harm to the NDHA is also compounded by the proposed design of the replacement bridge which offers little tangible design response to lost bridge, or the prevailing characteristics of the area. The applicant argues that the footbridge is in a poor state of repair, so must be replaced, but this is because it has not been maintained in recent years; paragraph 196 of the NPPF argues that therefore the deteriorated state of the heritage asset should not be considered. They also argue it is not worth repairing the bridge because it would need to be replaced when the line is electrified, but there is no indication of when this will happen and changes in technology and policies may result in the demolition being unnecessary. National and local policy clearly states the importance of such assets and that locally important heritage features should be protected and conserved. As outlined in the NPPF, in the case of harm or loss, a balanced planning judgement concerning significance and level of harm should take place. Given the proposal would result in total loss of this footbridge, it is considered that the scale of harm would be 'substantial' and given the notable local significance identified above, it is hard to see that the planning balance could be applied in favour of demolition.

It is considered that insufficient justification or public benefit to balance the harm have been identified as required in the NPPF and the proposed demolition would be contrary to the 1990 Act.

I would support refusal of this application. For the reasons given above it is felt that in heritage terms:

That the application does not comply with the relevant heritage policy and guidance and therefore should be refused.

## Ecology Officer:

Summary

Objection

No ecological survey report has been submitted in support of this application. Owing to the scale of this development and the likely impacts on biodiversity, including on protected species such as bats, nesting birds, badger, great crested newt and reptiles, I would recommend that an Ecological Impact Assessment (EclA) is submitted prior to determination of the application. A Biodiversity Net Gain (BNG) metric to ensure that this development will result in a net biodiversity gain in line with NPPF should be also provided (in excel format) prior to determination of the application.

Discussion

From viewing related applications at this site it does not appear that an ecological survey report has been submitted as part of a previous application. The current proposal involves the demolition of the existing footbridge and the construction of a new footbridge. 2 of 4

Ecological Impact Assessment (EclA)

I would recommend that an Ecological Impact Assessment is submitted prior to determination of the application in order to identify, quantify and evaluate potential effects of development-related or other proposed actions on habitats, species and ecosystems. The EclA must be completed by a suitably qualified ecologist and reported in accordance with CIEEM Guidelines for Ecological Report Writing (CIEEM, 2017), the British Standard BS42020:2013 Biodiversity — Code of practice for planning and development, and the Guidelines for Ecological Impact Assessment in the UK and Ireland (CIEEM, 2018). All ecological information should be prepared and presented so that it is fit to inform the decision-making process. The EclA report should clearly set out all the ecological information necessary for a robust decision to be made. Key aspects include a description of the following:

- ecological baseline and trends if the project were not to go ahead, including the survey data used to inform the baseline
- criteria used to evaluate ecological features
- criteria used to assess the significance of effects arising from the impacts of the project
- justification of methods used
- the identification of likely impacts (positive and negative) on ecological features together with an explanation of the significance of the overall effects for each important ecological feature
- mitigation, compensation and enhancement measures
- legal and policy consequences
- identification of any limitations to the assessment, or the surveys which underpin it, and an explanation of the implications
- a presentation of any analytical techniques used and the analysis itself.

The EclA should set out the ecological monitoring required to audit predicted impacts and effects against the actual situation. This will enable any necessary remedial action to be taken, including adjustment to the activity generating the impacts and adjustment to the mitigation or compensation measures. The EclA should identify where monitoring is required for mitigation, compensation and enhancement measures. It should set out the methods to be used, the criteria for determining success/failure, appropriate timing, mechanisms for implementation, frequency and duration of monitoring, and frequency of reporting. The assessment needs to include the most up-to-date biodiversity data, sought from the Buckinghamshire and Milton Keynes Environmental Records Centre (BMERC), in accordance with the Guidelines for Accessing, Using and Sharing Biodiversity Data (CIEEM, 2020). The EclA should provide enough detail and clarity to enable both the applicant

and the decision-maker to establish whether the report's proposals and/or recommendations provide a practicable, deliverable and acceptable means of incorporating biodiversity into the proposed development; and are proportionate and justified. The Ecological Impact Assessment Checklist (CIEEM, 2019) provides an overview of the EclA criteria to ensure decisions are based on adequate information. Where full design details are not yet available and/or where uncertainty remains (e.g. outline application), the report should identify and justify when further survey/investigation is required. In such circumstances, the report should identify for the decision-maker where further detailed information on proposed avoidance, mitigation, compensation or enhancement measures are to be 3 of 4 secured through planning conditions or obligations and provided once planning permission has been granted. The EclA must provide a clear summary of losses and gains for biodiversity, and a justified conclusion of an overall net gain for biodiversity. These measures will need to be set out in detail in the report and be stated definitively so they can be conditioned if the application is approved.

### Biodiversity Net Gain

Biodiversity Net Gain (BNG) is an approach to development that leaves biodiversity in a better state than before. BNG protects existing habitats and ensures lost or degraded habitats are compensated for by restoring or creating habitats that are of greater value. I would recommend that a BNG metric is submitted prior to determination of the application.

The development needs to demonstrate measurable net gains for biodiversity and the following evidence submitted:

- a) Biodiversity Impact Plan. Produced using the information from the Preliminary Ecological Appraisal or Ecological Impact Assessment. The plan should clearly show the areas covered by each of the existing habitat types and the area in hectares of each habitat type (or for each habitat parcel, as some habitats may be scattered throughout the site).
- b) Proposed Habitats Plan. This can be taken from the site layout plan, illustrative masterplan, green infrastructure plan or landscape plans (if they are available). The plan should clearly show what existing habitat types are being retained and enhanced, and what new habitat types will be created; it should be colour coded so that each habitat type is easily identifiable and the area of each habitat type should be quantified in hectares. Other proposed biodiversity enhancements should also be shown on this plan.
- c) A copy of the completed Biodiversity Metric. The information in the metric should be directly related to the Biodiversity Impact Plan and the Proposed Habitats Plan. A copy of the metric (i.e. the completed spreadsheet) or the full calculations included in the metric should be submitted and not just a summary. Detailed justifications for the choice of habitat types, distinctiveness and condition should be added to the comments column or provided separately in a report.
- d) Biodiversity Net Gain Good Practice Principles for Development (CIEEM, CIRIA, IEMA, 2016). Full justification of how the principles have been applied as part of the net gain assessment.

### Legislation, Policy and Guidance

#### Biodiversity Net Gain

Paragraph 118a of the National Planning Policy Framework (NPPF) states: "Planning policies and decisions should: a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside"

Paragraph 170d of the NPPF requires that: “Planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for 4 of 4 biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure”. Paragraph 175d of the NPPF states that: “When determining planning applications, local planning authorities should apply the following principles...development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”

#### Reasonable Likelihood of Protected Species

Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2018), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017. The Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications. CLG 2007 ‘The validation of planning applications’ states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests. Section 99 of ODPM Circular 06/2005 states: “It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations, before permission is granted.”

#### **Strategic Access Officer (received 23<sup>rd</sup> November 2021):**

Thank you for your letter of 10th November 2021.

The context of Footpath GEC/7/1 within the surrounding community is shown in Plan 1.

Landscape, visual impact and historic environment will be for others to comment upon. I will concentrate on the accessibility of the proposals.

My measurement of the existing, usable bridge width from the 1:50 cross section (inset of Drawing No. F2636-SCL-DRG-ECV-000001) is 1,869mm, though the planning statement (p.11) mentions 1.7m. Presumably the former is correct.

Either way, the design widens the overall usable width to 2,000mm, which is a benefit of the application as it allows walkers to pass more easily, particularly, for example, those with double push chairs or mobility scooters.

The tie-in between bridge and ground levels are flush and don't introduce new steps that might preclude disabled access or introduce trip hazards.



The permanent footpath alignment remains the same as the existing, therefore no s257 TCPA 1990 diversion is required. However, a temporary closure would clearly be needed during construction and an informative is recommended.

There is concern expressed on the portal regarding children being unable to view trains. This is an amenity matter which I can't comment upon, except to note the design includes open parapets to each side making this possible.

There is also concern expressed about maintaining visibility of walkers. This is important to meet safe by design principles where the public realm is overlooked and is a function of parapet height and parapet design.

The parapet height is proposed to be raised from the existing 1,308mm to 1,500mm, an increase of 192mm. This would seem to be a relatively modest but may, in any case, be needed to meet Network Rail safety standards, it's not clear.

Turning to the potential increases in screening, I've enclosed part of the cross-section in Extract 1. There is a retention (blue arrow) of the open parapets to each side and partial screening (green arrow) or solid parapets to the middle, directly above the railway tracks. The Planning Statement (p.11 & 12) mentions the solid parapets are to meet Network Rail safety standards but doesn't explain why.

#### Extract 1

Although many walkers will be over 1.5m in height, so would be partly visible, the solid central parapet design does nevertheless reduce the visibility of walkers being overlooked in the central section compared to the existing situation. The Planning statement (p.11) suggests the increase in height provides a 'safer environment when using the footbridge' but doesn't explain why.

Clearly, there may be overriding railway safety regulations which require a design which screens the middle of the bridge and increases the parapet height, but these need to be explained and balanced against the reduction in walkers being overlooked.

Further information is requested.

Informative: This permission shall not be deemed to confer any right to obstruct the public footpath crossing the site which shall remain open and available unless temporarily closed by Traffic Regulation Order under Section 14 Road Traffic Regulation Act 1984

#### **Second comments received 15<sup>th</sup> July 2022:**

My original comments raised no objection, but in light the reduced visibility within the public realm due to the increased height and solid parapets compared to the existing situation, further information was sought asking why the solid parapets were needed. The reason given was to conform to Network Rail safety standards. The additional summary quotes the relevant safety standards for parapet design and heights.

#### **Environmental Health (contamination):**

The footbridge spans a cutting; it therefore unlikely that significant made ground will be present. There may be some made ground beneath the bridge supports, the made ground soils could present a risk to construction workers.

Any unexpected contamination encountered during the excavation of the foundations shall be reported to the LPA. Based on this, the following condition is recommended on this and any subsequent applications for the site. The application requires the following condition(s):

1. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

The applicant should be aware that where a site is affected by contamination issues, responsibility for securing a safe development rests with the developer and/or landowner.

2<sup>nd</sup> comments received 31<sup>st</sup> August 2022:

I have no further comments to make with regards to land contamination. Please refer to my previous comments dated 15th November 2021 (Our ref. 21/02569/SECONT).

**Environmental Health (Noise/odour):**

The application and associated documents in respect of this case have been reviewed and a site visit was carried out. As a result, Environmental Health do not raise any objections.

Representations

**Amenity Societies/Residents Associations**

The Victorian Society:

This bridge is of historical significance and makes a positive contribution to the Conservation Area. Indeed, the strength of this contribution and the value placed on the bridge by local residents is evident from the number of objections which have been lodged against the application.

The bridge is not statutorily listed but it should be regarded as a non-designated heritage asset.

This proposal would cause the complete loss of significance of the asset, a balanced judgement should favour the retention and repair of the existing building and its significance.

Railway Heritage Trust:

The Railway Heritage Trust's view is that to repair the bridge under traffic may well cost more than reconstruction, and that the money spent would be effectively wasted if and when the line is electrified. Network Rail can only get only from two sources, those who pay to use the railway and the government. Accordingly, it is hard to see how the extra costs of repairing, then reconstructing, the bridge would be anything but a draw on the taxpayer.

The Railway Heritage Trust notes that many of the objections are about the creation of a 'canyon' by the new bridge, and that people would no longer be able to see the trains from it. We have come

across a similar problem before, and have worked with Network Rail to use glazed parapets inside the main structure, thus allowing visibility whilst conforming with modern standards.

We would suggest that, rather than focussing on trying to recreate the feel of the existing bridge, as Network Rail has been doing in its discussions with your Council, it would be better to accept that reconstruction is inevitable, and postponing it by repairing the bridge now purely creates cost for the taxpayer. We see a better solution is to create a new light, glazed, parapet within the new structure, at a minimum over the operational track span.

### **Other Representations**

3 comments have been received supporting and simply commenting on the proposal:

- New bridge should recognise the history of the existing bridge;
- Alternative design could be used;
- Design is as good as we can expect;
- Could introduce certain features to allow some form of viewing; allow artwork to be displayed;
- Understand need for solid construction;
- Seems reasonable

202 comments have been received objecting to the proposal:

- Out of keeping;
- Safety issues for pedestrians due to design of replacement bridge;
- Unable to watch trains;
- Further investigation into repairing the existing bridge should be undertaken;
- Adverse impact on Conservation Area;
- Will attract graffiti;
- Existing bridge attractive;
- Existing bridge a historical feature/historical significance;
- Poor design;
- Existing bridge should be restored and maintained;
- No temporary bridge plan for when bridge replaced;
- Network Rail have not maintained the bridge;
- Twice the width – cyclists will no longer dismount when using bridge;
- Attract rough sleepers;
- Significant environmental impact when compare to repairing existing bridge