

West Area Planning Committee

10 February 2014

Application Number: 14/01348/FUL

Decision Due by: 8th September 2014

Proposal: Demolition of existing footbridge. Erection of replacement footbridge with ramped approaches and new stepped access. Provision of 12 No car parking spaces and change of use of part of land adjacent to railway lines for educational purposes as part of SS Phillip and James School. (Amended plans)

Site Address: Aristotle Lane Footbridge, Aristotle Lane, **Appendix 1.**

Ward: Jericho And Osney

Agent: N/A

Applicant: Network Rail

Recommendation: Approve subject to conditions.

Reasons for Approval

- 1 The proposed bridge replacement is necessary to deliver strategic railway network improvements. The electrification of the railway between Oxford and Paddington delivers substantial public and economic benefits, and as part of the proposals it will also benefit the adjacent SS Philip and James School Primary School in relation to an extension of its school grounds. Safer access and parking arrangements for the allotment holder users is also provided. To address safety and access requirements necessitates design solutions that will affect the appearance of the area. These can be satisfactorily mitigated to minimise any adverse impacts by conditions to control such matters as the construction and design details, the use of materials and hard and soft landscaping proposals. The proposal is therefore considered to accord with the requirements of the relevant policies in the Oxford Local Plan, Core Strategy and National Planning Policy Framework and Practice Guide.
- 2 The Council has considered responses raised in public consultation and by statutory consultees and the proposals have been amended to address the issues raised and as proposed to be controlled by the conditions imposed. Any residual concerns do not constitute sustainable reasons sufficient to refuse planning permission and any harm that might result to interests of acknowledged importance are outweighed by the public benefits the proposal will deliver.

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Boundary and abutment details, including spur ramp, handrails and boundary walls
- 4 Flood plain storage
- 5 Contamination and remediation
- 6 Demolition and Construction Travel Plan
- 7 Sustainable drainage
- 8 Tree protection
- 9 Landscape plan required
- 10 Landscape carry out after completion
- 11 Landscape management plan
- 12 Hard surface design.
- 13 Underground services
- 14 Tree protection plan
- 15 Arboricultural method statement
- 16 Samples of materials
- 17 Sample panels
18. Biodiversity
- 19 Archaeology

Legal Agreement.

No CIL contributions or s106 agreement required

Principal Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals
CP8 - Design Development to relate to its context
TR4 - Pedestrian & Cycle Facilities
TR8 - Guided Bus/Local Rail Service
HE1 - Nationally Important Monuments
HE10 - View Cones of Oxford
CP11 - Landscape Design
CP13 - Accessibility
NE15 - Loss of Trees and Hedgerows
NE21 - Species Protection

Core Strategy

CS11 - Flooding
CS12 - Biodiversity
CS18 - Urban design, town character, historic environment

Other Documents.

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance.

Statutory Designations

- The application site is partly within the Oxford Meadows Special Area of Conservation (SAC) which is a European site,
- This application is in close proximity to Port Meadow with Wolvercote Common and Green Site of Special Scientific Interest (SSSI),
- The site is in close proximity to Port Meadow Scheduled Ancient Monument,
- Common Land.

Public Consultation

Statutory Consultees.

- Thames Water Utilities Limited. No objections. Reminder that easement for access to sewers is required
- Berks, Bucks and Oxon Wildlife Trust (BBOWT). No objection subject to not raising the western ramp.
- Environment Agency Thames Region. No objection subject to conditions
- County Council and Highways Authority: No objection subject to conditions and clarification of details on parking
- English Heritage Commission. No objection to proposal in relation to the nearby scheduled ancient monument.
- Natural England. Requires clarity on the proposed levels for the western ramp and on the supports for the link bridge to the allotments to allow local planning authority to carry out Habitats Regulations Assessment, and to assess impact on habitats of Oxford Meadows SAC. On the basis of the above concerned that proposal is likely to damage or destroy the features of interest at Port Meadow with Wolvercote Common and Green SSSI.

Third Parties

- Oxford Waterside Residents' Association
- Oxford Waterside Management Company
- Oxford Civic Society
- Port Meadow Protection Group
- Friends of the Trap Grounds
- Oxford Fieldpaths Society
- St Margaret's Area Society
- One Voice Oxford
- Councillor Pressell

13 Individual Comments: 24 Lathbury Road, 7 Rawlinson Road, 71 Hayfield Road, 93 Kingston Road, 30, 47, 49 and 57 Plater Drive, 1 Osborne Close, 17 and 23 Chalfont Road, 8 St Aldate's, 14 Adelaide Street.

The main points raised were:

- EIA screening opinion flawed, photomontages inaccurate,
- Questions the legal right to consent to the works and to carry out development or landscaping without Secretary of State consent because its common land,
- Closure of level crossing will allow train speeds to increase with consequent

- increase in noise and vibration,
- Replacement parking will be more visible and not secure,
- Parking spaces are too narrow and short, not compliant with highway standards
- Concerned about the direct and indirect effects on Oxford Meadows SAC,
- The increased height of the bridge and the supporting trusses and lattice work will be visually intrusive,
- Appearance of barrier fencing from Port Meadow will be shocking and path will have engineered appearance. Generally concerned about effect on views from Port Meadow,
- Proposed hard surfaces will lead to conflict between potential users of the route. Concern about the proposed surface materials will look too urban. Ramp gradients may discriminate against less able,
- Concern about privacy and security for properties in Plater Drive that back onto east ramp,
- Proposed handrail should be deleted or free standing, not attached to wall. Wall height should be increased in brickwork to compensate for increased height of ramp,
- Southern footpath entrance to Trap Grounds should be retained, concern about effects of infilling ditch,
- Semi-rural character should be retained, new planting should be native species and not urban/suburban in character,
- Any soil contamination needs to be remediated,
- Western ramp should be raised to improve access, especially during flooding,
- Recommend condition on drainage strategy so that no significant effect on hydrological status,
- Construction work should avoid bird nesting season,
- Siting and access to construction site compound and storage of materials should be restricted to existing tracks and concrete areas to avoid adverse impacts on nature conservation interests,
- Concerned about effect of extension of school grounds on sparrow population,
- Suggestion of steps to allotments rather than spur ramp,
- Concerned about lack of ecological assessment,
- Suggestion that scheduled monument consent is required.

The proposals have been subject to pre-application discussions with the City Council, involving lengthy consultation with stakeholders and public meetings.

Officers' Assessment:

Background to Proposals

1. Network Rail is delivering a number of infrastructure improvements in the Oxford area that will increase the frequency and number of trains using this section of railway line. Some of these separate projects include a gauge clearance project (reconstruction of over bridges) to facilitate the transportation of larger freight containers between Southampton and the Midlands, a re-instated passing loop to the north of Aristotle, electrification of the railway from Oxford Station (and sidings to the north of the station) to Paddington as part of Great Western Electrification Project and Phase 1

of East West Rail (previously known as Evergreen 3). Due to the increase in the number of trains moving along this stretch of the railway, for safety reasons Network Rail, DfT and the Office of Rail Regulation wish to see the closure of the Aristotle Lane pedestrian level crossing.

2. The replacement of the Aristotle Lane footbridge is required to allow sufficient height over the main line tracks to accommodate overhead line equipment associated with the electrification. Part of the application also proposes a change of use of adjacent land to extend the school grounds of SS Philip and James Primary School with new boundary fencing to form a safe enclosure and a new route off the western ramp to give access to the allotments upgrading the southern access to the Trap Grounds
3. It is proposed to replace the existing three span bridge, along its existing alignment with a single span structure, removing the existing two piers and providing headroom of 4.78m (improved from 4.2m). The new bridge will be cambered with a maximum gradient along its length of 1:15 and with a clearwidth of 3.0m between handrails. The bridge is proposed to be painted green. The bridge structure will be taller than the existing with a maximum height from rail track to the top of the bridge (top chord) of just over 8.5 metres.

Site Description

4. The Aristotle Lane Bridge is an over-bridge of the railway to the north of Oxford Station. The existing footbridge forms part of the County Council's bridleway network (reference 320/12). The western part is the existing footpath/ bridleway from Port Meadow. An entrance to Council owned allotments exists just to the north of this western ramp. The ramp consists of a gravel path with timber post and rail fencing on its sides. The central part of the application site is the existing three span bridge with two concrete piers over the operational railway, incorporating brick abutments. The bridge is a metal structure 2.5m in width. The eastern part of the application site consists of an existing gravel pathway extending from Aristotle Lane with a brick wall on the southern boundary with residential properties at Plater Drive beyond and an embankment to the north with mixed planting. To the north of the embankment is an existing gravel access road leading to an informal parking area accommodating approximately eight parking spaces used by allotment holders and to the Aristotle Lane level crossing, which forms a private users crossing and second entrance to the allotment site. To the north east of the access road is SS Philip and James Primary School. There is also a footpath along the school grounds boundary to the Trap Grounds to the north.

Consent Regime

5. Network Rail benefits from the use of permitted development rights by virtue of the Town and Country Planning (General Permitted Development) Order 1995 (GDPO) which grants consent for "*development by railway undertakers on their operational land required in connection with the*

movement of traffic on rail". The works to replace the bridge span and works to access ramps could ordinarily rely upon the use of these GDPO powers via the '*prior approval*' procedure but since the proposal includes works beyond the needs of the railway, (eg spur ramp to allotments, allotment holders car park and extension of school grounds), then Network Rail has submitted a single planning application for the whole project rather than discrete applications under separate consent regimes. Related proposals to facilitate the railway infrastructure works described above were submitted under the "*prior approval*" procedure at Hinksey Lake and White House Road and were granted planning permission on appeal.

6. Concern has been expressed through consultation responses about the legal issues associated with the Port Meadow Common, in determining this application and implementing any permission granted. Officers have taken legal advice on this matter and have been advised that in relation to the Common there is no impediment to the City Council determining this application.
7. The principle determining issues in this case are considered under the following headings:
 - planning policy;
 - design and built forms;
 - heritage;
 - highways and parking;
 - landscaping;
 - flood risk and drainage; and
 - biodiversity.

Planning Policy

8. Development plan policies recognise the importance of the rail transport infrastructure, with policies in the Core Strategy and Local Plan that safeguard the transport corridor to facilitate future investment and improvement. Policies CS17 and TR8 refer respectively.
9. The site is in a sensitive location, alongside and leading into Port Meadow, host to statutory designations that recognise its nature conservation and heritage interest. Core Strategy and Local Plan policies seek to ensure that the special interest the site holds is not harmed, policies CS21 and NER22. Considerable weight and importance needs to be paid to the objective of preservation and enhancement in considering any harm against other planning priorities.
10. The site is not in a conservation area but the policies in the Core Strategy and Local Plan seek to ensure that the positive characteristics and appearance of the local context are respected and that new development should be designed to take account of local character.
11. The site is within an area of flood risk and development will not be permitted if it will result in an increased risk of flooding

Design and Built Forms

12. The nature of the proposals will involve some change to the existing appearance of the area. The engineering requirements to provide the eastern ramp, car park and access stairs to it from the bridge will serve to 'formalise' what are currently slightly haphazard and informal areas. It is proposed that the effect of this is mitigated by soft landscaping and careful selection of hard surfacing and other external materials. Officers consider the overall benefits associated with the proposal justify the changes. The existing characteristics of the bridge and ramps have an association with the nature of the railway corridor and these proposals will retain that character. The bridge, as a larger structure than that existing, will have more prominence, but only in the immediate locality. From longer distances views its presence will be filtered by the retained and proposed landscaping; the colour (and tone) of the bridge structure; and the skeletal form of the upper parts which assist it to assimilate into its surroundings. The introduction of electrification of the railways and overhead gantries that will form part of that investment are likely to be more visible elements characterising the railway corridor as it passes alongside Port Meadow.
13. There are a variety of detailed design matters that are not finalised at this stage including railing details and the detailed design for the allotment bridge connection. It is considered that these matters can be satisfactorily controlled by condition.

Heritage

14. Port Meadow is a scheduled ancient monument (SAM) and provides a publicly accessible area that also allows views over Oxford's historic city centre skyline. The National Planning Policy Framework 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. The more important the asset, the greater the weight should be. In this case it is only the SAM which is a designated heritage asset however, due to its important below ground archaeology. The remainder of Port Meadow is a non designated asset. Nevertheless the effect of an application on the significance of a non-designated heritage asset should still be taken into account in determining planning applications. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement is be required having regard to the scale of any harm or loss and the significance of the heritage asset.
15. Port Meadow is of interest as a SAM because of its location on the Northmoor Thames gravel terrace adjacent to an extensive prehistoric landscape of late Neolithic / Early Bronze Age barrows and Iron Age settlement remains. However none of the bridge works now proposed fall within the confines of the of the SAM, with the nearest archaeological feature being a possible stock enclosure located 150m

from the western end of the existing bridge. Previously stray finds of worked flint and a Roman coin have been recovered from the area of allotments to the north of the footbridge. An archaeological condition requiring a programme of work to be undertaken is suggested.

16. For its part English Heritage has confirmed that it does not consider the proposal will have any harmful impacts on the SAM or its setting. Officers concur with that view and concluded that there would be no adverse impact.

Highways and Parking

17. The proposals include the provision for a car park for allotment holders, to rationalise the existing informal parking area, organised to relate to the new access arrangements for allotment holders. It is designed to be SUDS compliant and a condition is proposed to secure this.
18. The demolition and construction methodology is complicated, designed to minimise interruption to rail traffic, to maintain public access across the bridge for as long as practicably possible and also to protect nature conservation interests. The site is also constrained in terms of access for plant and equipment and a demolition and construction travel plan has been recommended by the Highways Authority to ensure managed impacts on the road network and to safeguard residential amenity. A condition is proposed to secure this and should include details of compound and working areas.

Landscaping

19. As now proposed tree works on the western side of the railway line which include the removal of a mature sycamore and pollarding of a large willow would have a detrimental impact on the appearance of the landscape and reduce the softening and screening effect of existing trees of the footbridge and embankment. These impacts are required to be weighed in the balance against the important benefits to the strategic rail network, services to and from Oxford, and economic performance if the proposals were to be approved. Officers have concluded that in view of the importance of improvements to rail infrastructure that the balance of advantage in these terms lies with supporting the proposals.
20. Elsewhere within the application site, additional information has been submitted on existing trees and soft landscaping since submission of the original application. This confirms the extent of tree removal and replacement planting. The landscaping scheme submitted has therefore been amended to reflect the desirability of maintaining the informal character of the area, proposing native tree species such as hazel, hawthorn, field maple etc. A raft of conditions are proposed to secure protection of existing trees, delivery of the landscaping proposals to the north side of the eastern embankment and

ongoingmanagement.

Flood Risk and Drainage

21. The Environment Agency (and others) expressed concerns that the submitted proposals would have unacceptable impacts on flooding and flood storage capacity. The applicant subsequently submitted a Flood Risk Assessment and has been in ongoing negotiation with the Agency and officers to address the concerns raised. This has involved some minor changes to the proposals, but in particular in order to satisfy the Environment Agency's requirements the ramp from Port Meadow (western ramp) will no longer be raised, but will maintain its existing levels. Having considered the additional information supplied and the proposed amendments the Environment Agency has now withdrawn its objection, subject to the imposition of conditions (which have been included in the recommendation).

Biodiversity

22. Natural England objected to the planning application on the grounds that the application, as submitted, did not demonstrate that it would not damage interest features for which Port Meadow with Wolvercote Common and Green SSSI has been notified. It expressed concerns about the level of evidence and assessment that had been submitted with the original application. Officers have been in ongoing consultation with Natural England Network Rail and undertaken their own assessment.
23. As a competent authority the City Council must assess the impacts on the SAC in accordance with Regulations 61 and 62 of the Conservation of Habitats and Species regulations 2010. The applicant has supplied supplementary information which addresses concerns raised by consultees, including BWONT, the Environment Agency and Natural England. The latter would however wish to see further constructional details. After consideration of this information Officers have concluded that there would be no negative impact on the SAC. To ensure this is the case protective measures should be conditioned regarding details of the western ramp and construction details for the allotments spur ramp.

Other Matters

24. Through consultation responses a number of concerns have been raised about the nature and appearance of hard surfaces. The desirability is to ensure that they do not appear over engineered, reflect the informal character of the area and do not encourage misuse or anti-social behaviour. Officers have recommended a condition to review and control the execution of this element of the proposals. Concern has also been expressed about privacy and security for residents in

Plater Drive, whose properties back onto the eastern ramp. The introduction of a handrail along the wall and the increase in height of the ramp are the concerns. Proposals have been suggested that could mitigate these concerns – namely excluding the handrail or installing separate posts and rail and increasing the height of the boundary wall. These matters are included in the proposed conditions.

Conclusion

25. The replacement of the bridge is necessary to enable the electrification of the railway, which is of strategic importance. The application also proposes additional works which will benefit the local community and address issues associated with the safety of the existing level crossing. During the application process the applicant has introduced a variety of amendments and supplied additional supporting information to address the concerns raised and officers are satisfied that the application can be recommended for approval.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 14/01348/FUL

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Date: 29th January 2015