

Planning Review Committee

29 April 2015

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 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

Called in by Cllr Price, Supported by: Cllrs Fry, Lygo, Tanner, Hollingsworth, Simm, Munkonge, Pressel, Clarkson, Malik, Van Nooijen, Lloyd-Shogbeson.

On the following grounds: Safeguards in relation to the landscape: impact of this structure and the security of the homes in the adjacent road are entirely inadequate at present and need to be secured by firm conditions.

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, boundary walls and bridge parapet details
- 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.

Following the 10th March WAPC meeting one further comment (24 Lathbury Road)

has been received.

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. . No provision for low mobility parking and parking bays are substandard and as a result the safety of access compromised. No compensation for lost parking.
- 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. The design is very poor and should be better.
- 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.
- Question accuracy and conclusions of arboricultural impact assessment. Revised drawings will result in the proposed bridge being more visible

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. This application was reported to the West Area Planning Committee (WAPC) on 10th February and 10th March 2015 with a recommendation to approve the application. The WAPC at its 10th March meeting resolved to approve the application subject to conditions and it is this decision that has led to the application being called in to Planning Review Committee. The WAPC officer reports, which provide background information and assessment of the proposals, are attached as **Appendix 2** and **Appendix 3**. Minutes of 10th March WAPC meeting and the proposed conditions are attached as **Appendix 4**.
2. Since the call in to Planning Review Committee officers have sought to secure further details on the matters that formed the focus of the West Area Planning Committee's discussion.
3. The applicant is preparing further details on the ramped accesses, the boundary wall to Plater Drive, the bridge design and landscaping proposals. This report has been prepared to provide some clarity on these aspects of the proposals, but should be read together with the earlier reports, which provide a policy context and consideration of the issues (**Appendix 2 and 3**). The slide presentation to this committee will include the latest visual material and updated drawings.
4. 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 electrification and 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 number of train movements 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.

Details of the proposal

East Ramp

5. The works seek to improve accessibility, with the provision of platforms along the length of the ramp and a path width of 3.0m. The effect of this is to raise the height of the footpath, at its maximum by 750mm (approximately). The wall alongside forms the rear garden boundary to properties in Plater Drive. It is a stepped wall, which as a result of these works would be 0.85m high at its lowest point towards the top part of the ramp, increasing to 1.5m high (more or less as existing) towards the bottom of the ramp. For those properties towards the top of the ramp the resulting effective height of the wall would be insufficient to maintain privacy and security and additional screening would be required.

Officers consider that the proposed wall height increase should protect privacy and any perceptions of overlooking, but also should have an appearance that would not detract from the appearance of the area. Increasing the height with trellising (an option suggested by Network Rail) is not considered to be a sufficiently robust and long term solution, leaving responsibility for renewing the trellis in due course with the property owners. What is needed is a suitably durable and visually appropriate material and Network Rail are currently seeking agreement with residents on the height, design and materials and investigating any structural engineering solutions that may be required to deliver the agreed scheme. It is anticipated that these details will be resolved by the time of the Planning Review Committee meeting, but in the event that there may still be some outstanding matters a condition is proposed to secure agreement and delivery of the boundary wall improvements, to be implemented before the engineering works to raise the level of the footpath commence.

Bridge

6. The bridge will be single span supported by new brick buttresses on either side of the track. The height from track to the soffit of the bridge would be 4.78m (increased from 4.2m). 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 and 3.5 metres wide. The application proposed solid panels 1.8 metres high on either side of the bridge. Previously officers had sought to negotiate a reduced height to the balustrade and had asked the applicant to explore the use of a mesh (or other more transparent material) for the upper part. The advice at the time was that because the bridge served as a bridleway as well as a footpath the safety standards of both the County Highways Authority and Network Rail necessitated the use of solid panels. Following the 10th March West Area Committee meeting and the subsequent call in to Planning Review Committee officers have again explored alternative design details for securing the requisite safety measures. Highways design advice "Requirement for Road Restraint Systems" sets out the provision for 1.8m height for Bridleways (para 4.23, TD 19-06, August 2006). In addition The British Standard BS 6779-1:1998 in the section "Highway Parapets for Bridges and other Structures" shows the 1.5m minimum solid infill height where pedestrians may be present and where electrification is likely to occur.
7. The County Council has now confirmed that it is able to agree to the 1.5m solid infill height with a 0.3m zone above this in either wire mesh or perforated expanded metal. In agreeing this variation to their normal practice the County Council's Highway Engineer points out

I fully appreciate the nature of the aesthetic concerns that have been put forward, I should add that if, as seems likely, this section of line also gets electrified, we need to take on board the safety issue in that we shouldn't be encouraging people to have views "along the railway" since it could result in youngsters acting foolishly on the bridge and putting their lives at risk.

8. Network Rail has now also agreed to the changes suggested by the County Highways Authority and proposes to use mesh for the upper 0.3 metres of the balustrade. This allows the overall appearance of the bridge to be improved;

reducing the tunnel effect on the bridge caused by high solid balustrades and reduces its presence when seen from its surroundings. It is clear that safety issues have a high priority for the Highways Authority and Network Rail and the opportunities for views from the bridge will be limited in order to safeguard against *youngsters acting foolishly on the bridge and putting their lives at risk*. Amended details and visuals are being prepared at the time of writing this report, and will be circulated to members when available, but in the event that these matters are not finalised, a condition is recommended on any permission to provide appropriate levels of control over detail and implementation.

Trees and Landscaping

9. Following amended designs to the West Ramp, as reported to the WAPC meeting on the 10th March, Network Rail has confirmed that as a consequence of these revisions there will be a reduced impact to trees. The sycamore T3, which currently makes an important contribution, can be retained. The works will result in the loss of an Apple tree, T2, but other interventions can be limited to coppicing and pollarding to encourage regeneration and crown reduction. The allotment spur bridge will require removal of one or two willows along the boundary to the allotments.
10. On the East Ramp all the existing vegetation will need to be removed and a new planting scheme is proposed to mitigate this. The nature of engineering works to the east ramp, including the parking and access provisions for allotment holders mean that the area available for landscaping is substantially less than currently exists. The proposals show that best advantage would be taken to use all the area available for planting trees and shrubs. Conditions are proposed to secure delivery of the landscaping scheme and to make provision for ongoing management.
11. At the time of writing this report amended plans to show these revisions and to clearly mark tree removals and proposed landscaping details were being prepared and will be circulated before the Planning Review Committee meeting and will be included in the presentation at the meeting.

Conclusion.

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 has continued to do so after each WAPC meeting, prompted by officers. The precise detail of certain elements of the proposals and the extent of amendments has now been clarified and whilst there are still some details yet to be agreed, officers are satisfied that the application can be recommended for approval, with a recommended suite of conditions to control all matters of concern – detail, materiality and colour, deliverability, mitigation.

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

Contact Officer: Nick Worlledge

Extension: 2147

Date: 17th April 2015