

DELEGATED REPORT

REFERENCE:	SE/15/01863/PART18	DATE:	16.9.15
SUBJECT:		NAME:	Jim Sperryn
ADDRESS:	Railway Crossing, 180m south of Otford Station, Tudor Drive, Otford, Kent.		

Description of site & location:

The application site is located approximately 180m to the south of Otford Station and some 60m to the south of the end of the platform and adjacent station car park. Immediately to the south of the site is an existing open pedestrian railway crossing, accessed via stiles at either end. The crossing forms part of an existing public footpath which runs from Tudor Drive westwards to Evelyn Road and northwards adjacent to the railway car park to the station and then turns and runs westwards.

The site is located some 26m to the north-east of no.15 Hopfield Close and 60m to the rear of Tudor Road houses to the east. It is within the built confines of Otford.

The land immediately to the east of the track comprises a small wooded bank and an area of well foliated/wooded and overgrown no mans land, but with an informal path through to the scout hall to the north, the majority of which lies outside the confines of the application site. Immediately to the west of the proposed bridge is a wooded strip of rail land beyond which is the public footpath and then the flank garden to no.15 Hopfield Close, which also contains established foliage along its eastern boundary with the footpath.

Proposal:

The proposals seek to install a new stepped footbridge between Tudor Drive and Evelyn Road, to replace the existing open pedestrian crossing.

The proposals would involve diverting the footpath from Tudor Drive (east side of crossing) to run northwards and slightly extending the footpath to the west side. The steps on both sides would rise from the south to north. The crossing would be raised approximately 5.6m above the level of the rails below. Due to the slight difference in levels either side of the track the steps would differ slightly in height and extent. The deck span above the track would be 2.2m wide with 1.8m high sides.

In amended form, to the outer face of the eastern steps it is proposed to add privacy panels from the level of the steps to a height of 2m, extending up to the deck, with similar screening either end of the deck itself. To the outer face of the western steps it is proposed to add similar privacy screening up to a height of 2.4m above the level of the steps.

One new lighting column is proposed at each end of the deck adjacent to the top of the steps. A new palisade fence is proposed to prevent access to the rail tracks.

The proposals take the form of a Prior Notification, submitted under Class A, Part 18, Schedule 2 of the Town and Country Planning (General Permitted Development) Order (England) 2015 (GPDO 2015).



Consultations & Representations:

Oxford Parish Council: (In summary):
Object to the application.

They consider there are insufficient grounds to introduce a footbridge in this location at this time. The position and loss of the trees are queried as they are outside the site and they provide screening. Column lights are unacceptable. The proposals would have an unacceptable impact on the environment and result in loss of open space and loss of privacy. A revised position of the bridge is suggested (drawing provided – indicates relocation slightly to the south and the western steps accessed from the north).

Arboricultural Officer:

In order to construct this walkway an amount of mature foliage will need to be removed on both sides of the tracks. Views to the east from the first few houses within Hopfield Close (15 - 18) are fairly well screened by evergreen planting that exists within Hopfield Close and will not be disturbed by this proposal. There are a few glimpses of the proposed western elevation of the walkway but these can be dealt with by privacy screening rather than a railing finish on the structure.

The eastern side of the track requires the removal of a line of trees, most notable are the Conifers. One of the Conifers is dead and another is suffering die back. The remainder are arguably not TPO material, any consent would override a TPO in any case. It has also been noted that additional vegetation is present further into the site to the east, which will provide some screening. There is a further line of mature Conifer trees located further north along the eastern boundary. I have been informed that these are not to be affected as part of this proposal. Given the aforementioned information I offer no objection to this proposal.

Representations:

Letters have been received from 13 local residents and the Chair of the Oxford Village Society raising the following planning concerns, in summary:

- Potential loss of privacy.
- Loss of trees.
- Light pollution.
- Noise pollution because of loss of trees.
- Unsuitable for disabled use.

Letters also raise *non-planning* matters which are not relevant to the consideration of the present submission such as disputing the safety record of the crossing and the need for a bridge, requesting other options be looked at, objecting that it takes more time to use a bridge crossing than the existing crossing.

One letter has been received expressing support for the proposals.

Background:

This application has been submitted in the form of a Prior Approval.

Network Rail has substantial Permitted Development rights under Part 18 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) which has recently replaced Part 11 of the now superseded 1995 Order. This allows development that has been authorised by a local or private Act of Parliament which specifically allows the type of development

proposed and specifies the land upon which it may be carried out. In the case of Network Rail, these are the nineteenth century Acts of Parliament under which the Railway was built.

The Railway Clauses Consolidation Act 1845 confers powers for the Railway Company and its successors in title (now Network Rail) to construct works such as bridges, tunnels and embankments etc. as the Company saw fit and from time to time repair or discontinue the works and substitute others in their stead. The applicant advises that the section of line in question was constructed under the Sevenoaks Railway Act 1859, which incorporates the Railways Clauses Consolidation Act.

It is therefore considered that works connected with the development can be dealt with under Part 18 of the GPDO and do not require express planning permission, subject to the limitations set out in the GPDO.

Part 18 of the GPDO requires Prior Approval of the detailed plans and specifications to be obtained from the local planning authority.

For such Prior Approval, Part 18 details that only the location and design or external appearance of a development can be considered. Development is not to be refused, nor are conditions to be imposed, unless:

- (i) The development ought to be and could reasonably be carried out elsewhere on the land; or
- (ii) The design or external appearance of any building or bridge would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

Part 18 of the GPDO 2015 clearly sets out the limits of control which the LPA can exercise. These are restricted to the location of the development on the site and its appearance. If these two factors do not apply the LPA cannot refuse prior approval for any other reason. It therefore follows that unless the LPA consider that the location of the bridge is wrong, or its appearance adversely affect the amenity of the neighbourhood, prior approval must be granted. The LPA may choose to include informatives on the approval notice.

In light of the above, I have assessed the proposals in light of the relevant planning policies as far as material to proposals under Part 18 of the GPDO.

Constraints:

- Within built confines of Otford.
- Adjacent to Public Right of Way.

Planning History

None relevant.

Policies

National Planning Policy Framework

Core Strategy

SP1 Design of New Development

SP11 Biodiversity

Allocations and Development Management Plan (ADMP)

SC1 Presumption in Favour of Sustainable Development

EN1 Design Principles

EN2 Amenity Protection

APPRAISAL

Principle issues

Relevant Policies:

Policy **SP1** of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Policy **SP11** seeks to ensure no net loss of biodiversity. Policy **EN1** of the ADMP states that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. Policy **EN2** of the ADMP requires that any development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants. Policy **EN6** relates to Outdoor Lighting and allows for proposals which mitigate their impact and preserve the character of the area and amenity of residents.

Proposed Siting:

With regard to Part 18 of the GPDO, it is apparent that the siting of the new bridge is dictated by the proximity to the existing station and the pedestrian crossing which it is intended to replace. The applicant has explained that the proposed works cannot be carried out elsewhere on the land. The footbridge has been sited to avoid a high voltage cable that crosses the line beneath the existing crossing and provide optimum visibility of the signals by train drivers on approach to the station. It is positioned as close as possible to the existing crossing.

Notwithstanding third party comments which I have noted, Network Rail have clarified that there is no better position in terms of the siting of the bridge. In the circumstances, a decision must be taken on the basis of the proposals in their current (amended) form. In light of the above, I consider the proposed location of the bridge to be an acceptable and appropriate one and have no evidence to suggest that the development ought to be and could reasonably be carried out elsewhere on the land.

Design and Appearance:

The bridge would be a modern, functional structure in appearance and I consider this appropriate in the context of the railway lines and adjacent station, platform, associated car park and railway paraphernalia.

The bridge itself would be largely screened from the east by existing foliage (unaffected by the proposals), much of which is set on a raised bank, set above the level of the rail line itself. The closest houses in Tudor Drive would be set some 60m away and whilst there may be glimpses of the upper level of the deck, the visual impact would be modest and would not warrant refusal on such grounds.

The western portion of the bridge is likely to be visible from the public footpath from Evelyn Road and from adjacent properties in Hopfield Close, most particularly the flanks of no.15 and the rear gardens of nos.15 -20. However, from these vantage points views of the bridge would be largely screened by intervening foliage and the enclosure of the fences and foliage along the footpath.

In the circumstances, I consider the visual impact on the amenities of the area would be acceptable.



In terms of impact on neighbouring residents, the proposals have been amended to include more extensive screening to the flanks of the steps and ends of the upper deck. I am satisfied that this would mitigate any loss of amenity in terms of loss of privacy.

In terms of the impact on trees, whilst the proposals would result in the loss of some trees, it is clear from the Council's Arboricultural Officer that this would not warrant refusal of the application, particularly as some of these trees are in poor condition. Whilst this would expose the eastern side of the bridge to an extent, there is further planting on the bank beyond and I do not consider the loss of the trees would result in the bridge becoming unduly prominent within the locality. Whilst the Council could not require the replanting of trees on land outside the application site, I am aware that discussions have taken place with the landowner to replant adjacent to the bridge. Planting will be a fast growing species, but clearly they would take time to take effect. However, I am satisfied that this would soften the appearance of the proposals in the medium-longer term and preserve the ecology of the adjacent site. Regardless of this, I do not consider the loss of the trees would warrant an objection to the proposals.

With regard to the proposed lighting, I would note the existence of other similar lap columns on the adjacent footpath. The proposed lights would be modern LED fittings and the Network Rail have stated that they would be shrouded to direct the light. In the circumstances, I would not raise objection to the lighting proposed.

Other matters:

With regard to equality and access, this does not fall to be considered under this Prior Approval procedure.

Conclusion

In light of the above, I consider the proposed development of the footbridge requiring Prior Approval is considered to be acceptable within the constraints of Part 18 of the GPDO.

RECOMMENDATION: Grant Prior Approval under Part 18 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Case Officer: Jim Sperryn

Date: 16.9.15

Manager / Principal: A Salter

Date: 17.9.15