

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 30 MARCH 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2016/0457/FULL

FOOTBRIDGE, HYDEWAY, WELWYN GARDEN CITY

IMPROVEMENTS TO FOOTBRIDGE TO INCLUDE A NEW FLOOR FINISH,
LIGHTING AND THE RESTORATION OF THE EXISTING LATTICE STEEL
STRUCTURE

APPLICANT: Spen Hill Developments Ltd

AGENT: David Lane Associates

(Peartree)

1 Background

- 1.1 This application was submitted in April 2016 but the determination has been delayed in order that it can be considered in conjunction with the substantive planning and listed building consent applications on the adjacent site.

2 Site Description

- 2.1 The application site is the existing pedestrian footbridge which runs from the end of Hydeway over the east coast mainline to the Howard Centre shopping centre and provides access to the platforms of Welwyn Garden City railway station.

3 The Proposal

- 3.1 The application proposes improvements to the railway bridge to include the upgrading of the floor surface to a resin bonded finish, the repainting of the lattice steel structure and the provision of pedestrian level lighting on the bridge. Precise details of all of these features would need to be agreed with Network Rail before works could commence.

4 Reason for Committee Consideration

- 4.1 This application is presented to the Development Management Committee because it is linked to the major planning application at the adjacent site for the redevelopment of the former Shredded Wheat factory.

5 Relevant Planning History

- 5.1 There is no planning history directly associated with the footbridge.
- 5.2 Planning application N6/2015/0294/PP and listed building consent application N6/2015/0293/LB are both of relevance and related to the adjacent site of the former Shredded Wheat factory and a planning application to redevelop that site for mixed use to provide up to 850 residential units, office, retail and commercial uses as well as open space and other matters.

6 Planning Policy

- 6.1 National Planning Policy Framework – Chapters 4 and 7
- 6.2 Welwyn Hatfield District Plan 2005
- 6.3 Broadwater Road West Supplementary Planning Document 2008

7 Site Designation

- 7.1 The site lies within Welwyn Garden City as designated in the Welwyn Hatfield District Plan 2005.

8 Representations Received

- 8.1 The application was advertised by means of a site notice. 1 representation has been received from the occupier of 83 Gresley Close as well as Welwyn Hatfield Access Group. Their comments may be summarised as:
- The proposal is a great step forward, the sooner the better.
 - Welwyn Hatfield Access Group has made comments which are related to the linked major planning application rather than specifically to this application for works to the railway bridge.

9 Consultations Received

- 9.1 The following have responded advising that they have no objections to the proposal:
- 9.2 **Hertfordshire County Council Transport Programmes and Strategy** – Support the proposals.
- 9.3 **Network Rail** – Support the proposals in principle, subject to a number of conditions. Note ongoing dialogue with the applicant.

10 Analysis

- 10.1 The main planning issues to be considered in the determination of this application are:
- 1. Features high quality design which incorporates the design principles of the plan and Supplementary Design Guidance**

(GBSP1, GBSP2, D1) and that the proposal respects and relates to the character and context of the area, as a minimum maintaining and where possible enhancing or improving the character of the existing area (D2)

- 10.2 The proposal represents a long sought after improvement to the existing pedestrian footbridge from the east side of the town to the railway station and the town centre beyond. In that sense it seems clear that the proposal should be supported.
- 10.3 The proposed scheme of improvements would represent a 'light touch' intervention to the existing bridge but, when this is combined with the proposed improvements on the nearby Shredded Wheat development site, the overall improvement to the experience of users of the bridge would be significant
- 10.4 The use of a resin bonded floor surface material would deliver a hard wearing but aesthetically pleasing finish, as would the repainting of the steel bridge structure itself. Proposed pedestrian lighting would serve to insure that the bridge could be used safely 24 hours a day.
- 10.5 The existing bridge is of a functional appearance and, to some degree, this would not change. However, it is considered that the improvements proposed would result in a high quality appearance which would respect and relates successfully to the character and context of the area.
- 10.6 No objection has therefore been raised to the proposed works, however it must be noted that, the works are not in the gift of the applicant to deliver due to the bridge being within the ownership of Network Rail. The applicant, who is the same as for the major redevelopment of the former Shredded Wheat factory site, has agreed to a financial contribution to the works of £150,000. It is proposed that this would be secured within the Section 106 Agreement for planning application N6/2015/0294/PP.

Planning Obligations

- 10.7 Where a planning obligation is proposed for a development, The Community Infrastructure Levy Regulations 2010, which came into effect from 6 April 2010, has introduced regulation 122 which provides limitations on the use of planning obligations.
- 10.8 In summary, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

- 10.9 Regulation 123 introduces further limitations and these relate to the use of planning obligations for the purpose of infrastructure. Where a local authority has a published list for infrastructure projects, the authority may not seek contributions through a legal agreement through section 106 of the Town and Country Planning Act 1990 (S106). In this case, the authority does not have a published list and therefore it is appropriate to seek contributions through an S106 legal agreement. This would be in accordance with policies M4 and IM2 of the Welwyn Hatfield District Plan 2005.
- 10.10 As noted earlier in the report, the applicant has agreed to a contribution of £150,000 towards the refurbishment of the bridge. This money would be triggered by the development of the adjacent site, under planning application N6/2015/0294/PP, and the monies would be held by the Council until called upon by Network Rail.

Conditions

- 10.11 Planning Practice Guidance Policy governs the use of conditions in planning and the power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions are clearly seen to be fair, reasonable and practicable. Conditions should only be imposed where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. In considering whether a particular condition is necessary, both officers and members should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification.
- 10.12 It is considered appropriate that precise details of the materials to be used in the works should be submitted to and agreed by the Council before development commences. Equally, precise details of the proposed lighting should also be agreed. A method statement for how the proposed works would be undertaken will also be required.

11 Conclusion

- 11.1 The proposal would deliver a much sought after scheme of improvements to the heavily used pedestrian bridge to the railway station and the town centre, as well as being a crucial east-west link for the town.
- 11.2 It is considered that the proposed improvements would represent a sympathetic restoration and improvement of the bridge that would result in a positive impact on the appearance of the local area.
- 11.3 It is noted that the works would need to be delivered by Network Rail, given their ownership of the bridge, but, even so, it is considered that the proposal should be supported in principle.

12 Recommendation

12.1 It is recommended that planning permission be approved subject to the following conditions:

1. Prior to the commencement of the development the applicant shall submit to, and have approved in writing by the Local Planning Authority, a construction method statement in order to demonstrate how the proposed works will be undertaken having regard to the operation of the railway and pedestrian flows along the bridge.

REASON: In order to ensure the safe operation of the railway and to ensure the safety of pedestrians and construction workers in accordance with construction good practice.

2. No development shall take place until samples of the materials to be used in the restoration and improvement of the bridge hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed. The details shall include paint colour and floor surface finish.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

3. Prior to the commencement of the development hereby granted, the applicant shall submit to, and have approved in writing by, the Local Planning Authority, a lighting scheme to be used on the development. The approved scheme shall then be implemented in full on site and retained. The scheme shall include the number and location of the proposed lights as well as details of the levels of luminance.

REASON: In order to ensure that the lighting does not affect the safe operation of the railway and in order to protect the appearance of the surrounding area in accordance with the aims of Policy D2 of the Welwyn Hatfield District Plan 2005

DRAWING NUMBERS

4. The development/works shall not be started and completed other than in accordance with the approved plans and details:

Plan Number	Revision Number	Details	Received Date
2455-T-20-0001-ZXX	01	North Elevation and Plan	5 April 2016

2455-T-20-0003-ZXX	01	Existing Site Plan	5 April 2016
2455-T-20-0002-ZXX	01	North Elevation and Plan Proposed	5 April 2016

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

Informatives:

1. Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail’s property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail’s Asset Protection Project Manager.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail’s Asset

Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Cranes

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

ENCROACHMENT

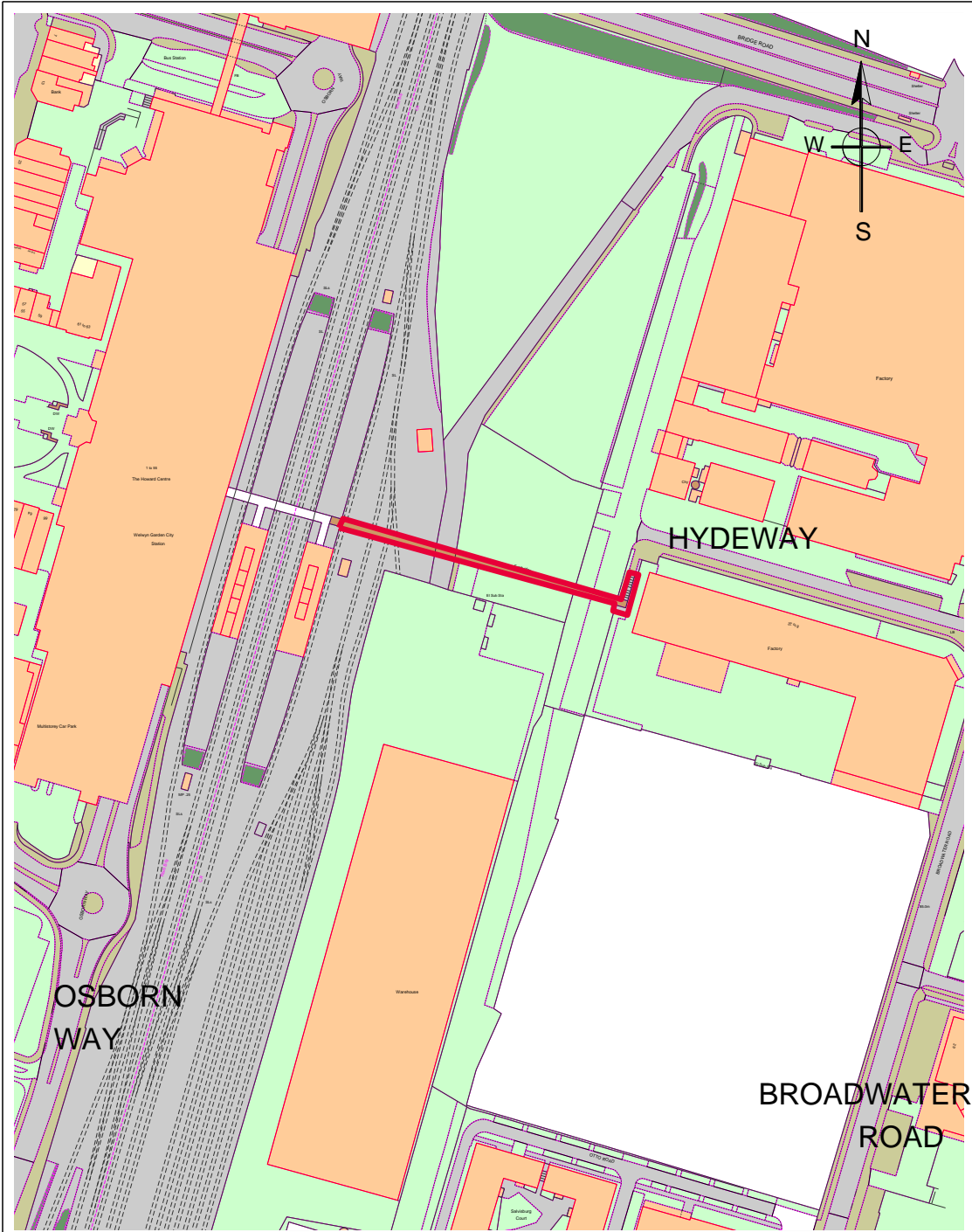
The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.


Positive and Proactive Statement

The decision has also been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

Chris Carter (Planning)

Date 17 March 2017



 Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE	Title: Footbridge, Hyde Way, Welwyn Garden City		Scale: DNS
	Project: DMC Meeting		Date: 2017
	Drawing Number: 6/2016/0457/FULL		Drawn: Andrew Windscheffel
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