

Application Number	18/1372/CAP18	Agenda Item	
Date Received	17th August 2018	Officer	Philippa Kelly
Target Date	12th October 2018		
Ward	Romsey		
Site Proposal	Mill Road Bridge Mill Road Cambridge Application for Prior Approval under Part 18 for construction of new gated east side stairway from Mill Road to provide access to train drivers walkway, including alterations to arches 5 and 6 to facilitate new sidings, walkway and passive provision for Chisholm Trail.		
Applicant	Steve Taylor 5th Floor 1 Eversholt Street London NW1 2DN		

SUMMARY	<p>The development requiring Prior Approval is acceptable within the constraints of Part 18 of the GPDO, for the following reasons:</p> <ol style="list-style-type: none"> 1. The application cannot reasonably be carried out elsewhere on the land. 2. The design and external appearance of the proposals would not have an adverse impact on the amenity of the neighbourhood.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 Mill Road is a two lane unclassified road which runs south-east from near to Parker’s Piece (at the junction with Gonville Place, East Road and Parkside), to Perne Road. Mill Road Bridge carries the road, with footpaths on both sides, over the railway line. It is situated between the junctions of Devonshire Road/Kingston Street to the west, and Argyle Street/Great Eastern Street to the east.

- 1.2 The bridge is a thirteen span structure. The centre span of the bridge comprises a metallic deck with steel parapets, which crosses four Overhead Line Equipment (OHLE) railway tracks. The remaining spans are masonry arches which reach from the top of brick abutments and piers of varying heights. These spans are located on either side of the metallic bridge (Spans 1 to 6 on the east approach and Spans 8-13 on the west approach).
- 1.3 The application site falls within the Mill Road Conservation Area.

2.0 THE PROPOSAL

- 2.1 This is a Prior Approval application for the construction of a new gated staircase from the south side of Mill Road Bridge. The staircase will provide access to a train drivers' walkway at track level. The staircase will be approximately 21 metres long, and be constructed of steel.
- 2.2 The works also include alterations to bridge arches 5 and 6, to facilitate the provision of the drivers' walkway, and a new bypass railway line. As part of the alterations, passive provision is also being made for the Chisholm Trail pedestrian/cycleway.
- 2.3 The new bypass line will connect the existing stabling sidings and new carriage washer north of the bridge. It will utilise an existing masonry arch on the eastern approach of Mill Road Bridge. This will be modified by replacing the barrel arch with a reinforced concrete portal structure. Another masonry arch currently used as storage room by Network Rail is to be converted to enable the provision of the drivers' walkway. This will be separated from the pedestrian/cycleway by a palisade fence.
- 2.4 The application is accompanied by the following supporting information:
1. Covering letter
 2. Plans and drawings.

Amendments

- 2.5 During the course of the application, the scheme was amended.

The proposed staircase canopy has been removed from the scheme. The palisade fencing separating the driver's walkway from the pedestrian/cycle way has also been amended to reflect continuous separation.

3.0 SITE HISTORY

None relevant.

4.0 PUBLICITY

4.1	Advertisement:	No
	Adjoining Owners:	Yes
	Site Notice Displayed:	No

Officer note: There is no requirement for the Local Planning Authority to advertise this type of Prior Approval application under the relevant planning legislation. The consultation which has been undertaken goes beyond that which is statutorily required.

5.0 LEGAL AND PLANNING POLICY CONTEXT

5.1 Network Rail has substantial Permitted Development rights under Part 18 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). This allows development that has been authorised by a local or private Act or Parliament. In the case of Network Rail, these are the nineteenth century Acts of Parliament under which the Railway was built.

5.2 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 has confirmed that the section of line in question was authorised by the Eastern Counties Railway (Brandon and Peterborough Extension) Act 1844. The subsequent Great Eastern Railway Act 1862 applied the Railways Clauses Consolidation Act 1845 (RCC Act 1845) general provisions to all of the Great Eastern Railway.

- 5.3 Officers are satisfied that the works to Mill Road bridge can be dealt with as a Prior Approval application under Part 18 of the GPDO, and do not require express planning permission, subject to the limitations set out in the GPDO.
- 5.4 Part 18 of the GPDO requires Prior Approval of the detailed plans and specifications to be obtained from the Local Planning Authority. It details that only the following can be considered:
- Location.
 - Design or external appearance of a development.
- 5.5 The GPDO goes on to state that 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; and
 - ii. The design or external appearance of any building or bridge would injure the amenity of the neighbourhood and is reasonably capable or modification to avoid such injury.
- 5.6 It follows that unless the Local Planning Authority considers that the location of the development is wrong, or the appearance adversely affects the amenity of the neighbourhood, Prior Approval must be granted. With this in mind, the application has been assessed against the following planning policies, as far as they are material to the proposals under Part 18 of the GPDO:

6.0 POLICY

6.1 Central Government Advice

National Planning Policy Framework 2018
Planning Practice Guidance 2014 (as amended)

6.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development.

Policy 24: Mill Road Opportunity Area.

Policy 55: Responding to context.

Policy 56: Creating successful places.

Policy 58: Altering and extending existing buildings.

6.3 Supplementary Planning Documents

Cambridge City Council (May 2007) – Sustainable Design and Construction:

6.4 City Wide Guidance

Area Guidelines

Mill Road Area Conservation Area Appraisal (2011)

7.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Control)

Amended Scheme

7.1 The additional information provided by the Applicant does not alter the Highway Authority's previous comments.

Application as Submitted

7.2 Comments. The proposed works will involve the temporary closure of Mill Road. Mill Road represents a significant traffic route within the City of Cambridge and its closure will undoubtedly have a potentially significant impact on the wider travelling public.

7.3 While the Highway Authority has no objection to the works in principle the developer should engage as early as practical with the Highway Authority via its Street Works Section to arrange suitable temporary traffic regulation orders and to negotiate the most appropriate time frame for undertaking the works when the impact on the travelling public is kept to the minimum.

Urban Design and Conservation team

Application as Amended

- 7.4 The revised proposal has removed the stairway canopy in line with our previous suggestion. The application is now considered acceptable in Urban Design terms.

Application as Submitted

- 7.5 The proposals for the new stairway are generally considered to be acceptable in design terms. Suggests that the proposed canopy is removed to reduce the visual intrusion of the stairway above the existing parapet on Mill Road Bridge.

Conservation Officer

Application as Amended

- 7.6 Comments. The development proposed is acceptable. The Applicant has responded to the previous comments made by the Conservation Team and have removed the canopy over the stairway. This application is now considered to be acceptable in terms of its impact on the character and appearance of the Conservation Area in this location.

Application as Submitted

- 7.7 Comments. The alterations to the arches for the new sidings, walkway and the Chisholm Trail are supported as being appropriate to this location. The new stairway is acceptable in terms of location, treatment of the bridge and materials. The canopy over the stairway is not justified through the application documents and it is considered that it will have a detrimental effect on the character and appearance of the conservation area. By having a canopy, it makes the stairway very noticeable, drawing the eye. If it did not have the canopy, as the one on the west side does not, it melts into the background further, becomes part of the railway's infrastructure. Recommends refusal.
- 7.8 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

8.0 REPRESENTATIONS

8.1 The application (as submitted) has been called in by Cllr Baigent for determination by Planning Committee, due to concerns over the design and external appearance of the staircase and bridge, and public concern.

8.2 Representations have been received from the owners/occupiers of the following addresses have made representations:

- 73 Brampton Road
- 3 Emery Street
- 74 Catharine Street
- 102 Hemingford Road
- 6 Hertford Street
- 57 Mill Road
- 33 Perowne Street
- 8 Wetenhall Road
- 2 Willis Road
- The Cambridge Blue, 85-87 Gwydir Street
- 7 Heffer Close, Stapleford

8.3 The representations can be summarised as follows:

Design Issues

- Bridge footway should be widened as part of the works.
- Proposals for the Chisholm Trail should be reviewed in terms of segregation, width and positioning.
- Location of the drivers' walking route should be reviewed.

Highways Issues

- Impact of closure of Mill Road Bridge.
- Full justification of closure on the grounds of engineering and public safety should be required.
- Diversionary route for foot and pedal cycle traffic unacceptable.
- Failure to provide a temporary foot/cycle bridge.
- Failure to make provision for bus services along Mill Road and Petersfield.

- Need to ensure direct pedestrian and cycle access at all times from Romsey ward to the east to Petersfield to the west.
- Financial penalties should be imposed if the work overruns.
- Alternative solutions should be considered which reduce the length of time of bridge closure.

Economic Issues

- Impact of closure of Mill Road Bridge on viability of independent traders of Mill Road

Other Issues

- Stakeholders being involved in the proposals too late in the day – additional consultation should be carried out by Applicant.
- Online documents not accessible at all times.
- Social impacts arising from closure of bridge.
- No quantification of impacts of the bridge closure.
- Application has not been subject to proper assessment under the Environmental Impact Regulations 2017.
- Public consultation has not followed the accepted protocol for major applications.

8.4 A representation has also been received on behalf of Camcycle, objecting to the application on the following grounds:

- Proposals would compromise safety for users of the future Chisholm Trail, and as such be contrary to Policy 80 of the Local Plan (Supporting sustainable access to development).
- Width of Chisholm Trail through railway arch is too small.
- Applicant should re-configure the space underneath the bridge so that the entire arch is used for the Chisholm Trail.
- Footways on the Mill Road Bridge should be widened.

8.5 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

9.0 ASSESSMENT

9.1 In accordance with Part 18 of the GPDO, the following matters are material to this assessment:

- Siting.
- Design and external appearance.

Siting

9.2 The proposed works are taking place within the context of other works at Cambridge Rail Station. The expansion of the existing reception sidings to the south of the Mill Road Bridge are being proposed by Network Rail and Govia Thameslink Railway (GTR), as part of a wider Cambridge Traction and Rolling Stock Maintenance Depot project. This is considered to be material to the siting of the proposals.

9.3 The proposed works is dictated by the existing bridge and railway line. It is considered that the proposed location of the staircase, immediately adjacent to the existing bridge, is reasonable, and that there is no particular reason why this should be positioned elsewhere. With regard to the other works which form part of the proposals, there is no evidence that the development ought to be and could reasonably be carried out elsewhere on the land. On this basis, the application is considered acceptable in terms of siting.

Design and Appearance

9.4 The proposed staircase is a modern structure which would be seen in the context of the railway bridge. During the course of the application, the Applicant made amendments to the scheme in response to detailed design issues raised during the consultation process. A canopy was removed from the staircase, following concerns that it would be overly prominent and particularly visible from the bridge

9.5 The Council's Urban Design and Conservation Officers have reviewed the revised proposals, and have confirmed the acceptability of the amendments in design terms.

- 9.6 During the course of the application, a number of additional design issues were raised by third parties. These are considered in further detail below.

Widening of Mill Road Bridge

- 9.7 It is acknowledged that the existing footway on the Mill Road bridge is narrow (approximately 1.5m), and that extending the width of the footways would improve the existing situation, given the number of users.
- 9.8 Whilst accessibility is outside the scope of the considerations identified under Part 18 of the GPDO, the Applicant has been asked to consider extending the width of the footways. Officers are advised that this would not be feasible, given that the works do not extend over the full length of the bridge. The Local Planning Authority is unable to exercise any further control over this matter given the application context.

Summary

- 9.9 On this basis, of the above evaluation, it is considered that the proposals are acceptable with regard to design, and would not injure the amenity of the neighbourhood.

Other Issues

- 9.10 A number of wider issues have been raised by third parties during the course of the application. These are considered in further detail below.

Closure of the Mill Road Bridge

- 9.11 The proposed works will require the closure of the Mill Road Bridge, for a period of approximately eight weeks. The closure will require the submission of a Traffic Regulation Order to Cambridgeshire County Council. Cambridge City Council as Local Planning Authority has no direct control over the closure.
- 9.12 Both Network Rail and Govia Thameslink have been working closely with the local community, elected Members and officers from the City and County Councils, to ensure that the impacts of the bridge closure are mitigated as much as possible.

- 9.13 At the time of writing this report, the date of the closure had not been confirmed. It is anticipated that the closure will take place during July/August 2019. The Applicant has confirmed that regular pedestrian and cycle access will be provided during the closure, by way of a temporary foot bridge.

Chisholm Trail

- 9.14 The Chisholm Trail is a new walking and cycling route funded by the Greater Cambridge Partnership, which will create a mostly off road and traffic free route. It will provide a 26 kilometer route from Trumpington and Addenbrookes to St Ives. The central section from Cambridge central train station to Cambridge North train station is a 3.5 kilometer route.
- 9.15 Passive protection for the Chisholm Trail under Mill Road Bridge is made as part of the works proposed by this application. Third party representations have requested that the width of the trail under the bridge is widened, and suggested that the drivers' walking route could share the Chisholm Trail with the public.
- 9.16 The Applicant is under no obligation to deliver any provision for the Chisholm Trail as part of this application, and other improvements to the Chisholm Trail referred to by third parties is not within the scope of this project. The passive provision proposed by this application is the result of negotiations which have been taking place for some time between the County Council, Govia Thameslink Rail and Network Rail. Officers understand that for safety reasons, the segregation of the operational boundary of the railway must be maintained, and the drivers' walkway protected.

Public Consultation/Stakeholder Engagement

- 9.17 As confirmed in Paragraph 4.1 above, officers are satisfied that the public consultation carried out for the purposes of this Prior Approval application was appropriate for this type of application.
- 9.18 Officers note the third party criticisms regarding the lack of involvement of stakeholders in the Applicant's proposals, particularly given that the works will require the temporary closure of Mill Road Bridge. The Applicant has confirmed a commitment to keeping stakeholders updated on the project as

it progresses. A number of public meetings have been held by the Applicant, since the Prior Approval application was submitted to the Local Planning Authority, with a view to addressing the main concerns raised. Newsletters have also been produced and distributed locally.

Environmental Impact Assessment (EIA) Regulations 2017

9.19 The EIA Regulations 2017 do not apply to Prior Approval applications. As such, there is no requirement to assess the application proposals in accordance with the Regulations.

Conclusion

9.20 Given the Applicant's Permitted Development rights in relation to the railway, the Local Planning Authority has little control over the proposed works. Prior Approval cannot be refused for any other reason than those set out in Paragraph 5.5 above.

9.21 In considering this Prior Approval application, there is a clear justification for the works in this location, which are intended by Network Rail and Govia Thameslink to facilitate a multi-million pound extension of the Cambridge railway depot.

9.22 The works are not considered to injure the amenity of the neighbourhood in a manner that would warrant refusal of prior approval, or provide the necessary justification for any conditions. In these regards, the proposal would be acceptable having regard to adopted Local Plan policies relating to design and character.

9.23 The proposed development requiring Prior Approval is considered to be acceptable within the constraints of Part 18 of the GPDO and is recommended for approval on this basis.

10.0 RECOMMENDATION

10.1 **GRANT** Prior Approval under Part 18 of the Town and Country Planning (General Permitted Development) (England) Order 2015.