Application No: 4/17/9006

District: Copeland

Applicant: Cumbria County Council
Parkhouse Building
Kingmoor Business Park
Carlisle

Parish: St. Bees Parish Council

Received: 29 March 2017

PROPOSAL: A single span footbridge to be installed over Pow Beck that will be 12 metres in length and 1.5 metres in width. Stone surface ramps to be built at each end to provide access. To include diversion of Public Footpath numbered 423012 onto the new footbridge and temporary construction compound to the car park.

LOCATION: Land Beyond the End of Seamill Lane near St Bees, Seamill Lane, St Bees
1.0 RECOMMENDATION

1.1 That planning permission be **Granted** subject to the conditions set out in Appendix 1 to this report.

2.0 THE PROPOSAL

2.1 Planning permission is sought to construct a new footbridge over Pow Beck, Sea Mill Lane, St Bees.

2.2 The footbridge would measure 12m x 1.5m and would be constructed of steel support beams with timber footbridge, handrails and concrete ramps/abutments. Access to the footbridge would consist of concrete ramped access. The footbridge would be of a single span construction. Permission is also sought for a temporary construction compound.

3.0 SITE DESCRIPTION

3.1 Pow Beck is located to the south west of St Bees, running from Stanley Pond to the north of St Bees and connecting into the Irish Sea. The footbridge is proposed to link the car park and coastal walks and public rights of way no 423012. The existing concrete footbridge located further downstream and closer to the sea was damaged during Storm Desmond.

4.0 SITE PLANNING HISTORY

4.1 There is no planning history relative to the proposed application site.

5.0 PLANNING POLICY

5.1 **Section 38(6)** of the Planning & Compulsory Purchase Act 2004 provides that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Government policy is a material consideration that must be given appropriate weight in the decision. **Copeland Local Plan 2013-2029 - Core Strategy and Development Management Policies DPD** (CLP-CS&DMP) - adopted 5 December 2013.

- Policy ENV1 – Flood Risk and Risk Management
- Policy ENV6 – Access to the open countryside

5.2 The National Planning Policy Framework [NPPF], which was published on 27 March 2012, and the national online Planning Practice Guidance (PPG) suite, which was launched in March 2014, are material considerations in the determination of planning applications. The following sections and paragraphs of the NPPF and/or PPG are considered to be relevant to the determination of this application:

- Paragraphs 6-10 - Achieving sustainable development
- Paragraphs 11-14 - The presumption in favour of sustainable development
- Delivering Sustainable Development
  - Section 7 - Requiring good design
  - Section 10 - Meeting the challenge of climate change, flooding and coastal change
- Paragraphs 186-187 - Decision Taking
6.0 CONSULTATIONS AND REPRESENTATIONS

6.1 Copeland Borough Council Planning Department: No objection subject to the bridge being DDA (Disability Discrimination Act 1995) compliant.

6.2 St. Bees Parish Council: Supports the construction of the new bridge in a position where it will be less susceptible to storm damage. The council is concerned that the diversion of the footpath could mean that there will be no right of way access to the beach on the north side of the existing bridge. It is not clear that from the plans that there will be such access in the future. Access from the north, to the beach to the north of the existing bridge and to the new footbridge to proceed south, are both necessary to preserve the current level of public amenity. The Parish hopes that a way can be found to allow walkers to continue to access the beach to the north of the new bridge.

6.3 CCC Highway Authority: No objection; the proposed bridge will not affect the highway.

6.4 CCC Lead Local Flood Authority: No objection; the proposal poses no flood risk.

6.5 Copeland Borough Council Environmental Health Department: No response received.

6.6 Environment Agency: No objection.

6.7 Natural England: No objection. The detail in the construction method statement is satisfactory that there will be no significant effect on any designated sites.

6.8 Marine Management Organisation: The works fall outside the Mean Spring High Tide mark.

6.9 Network Rail: The siting is close to existing operational railway. In order to facilitate its layout and design, works may need to be undertaken within 10m of the railway line and therefore in order to ensure that these works do not impact upon the safety, operation and integrity of Network Rail land, the developer will need to undertake some additional works with regards to risk assessment of all works; agreement of all excavation and earth works within 10m of railway boundary; Vibro-compaction machinery/piling machinery and ground treatment works and Basic Asset Protection Agreement.

6.10 Copeland Ramblers: No response received.

6.11 Cumbria and Lakes Local Access Forum: The newly positioned bridge would be a short distance upstream of the existing bridge and will no doubt provide a more resilient location than that of the existing bridge. The new location will also necessitate a small diversion of the existing PROW to gain access to the bridge. The bridge will provide a safer and more resilient crossing on the rough that is both local coastal path and will form no doubt an important link in the new England Coastal Path.

6.12 The application has been advertised in the local press and by site notice on the site. Neighbouring properties and the local county councillor were also notified. No representations have been received.

7.0 PLANNING ASSESSMENT
7.1 The key planning issues relevant to the proposed schemes are considered to be: planning policy, need, siting, design, construction activities, diversion of public right of way.

Planning Policy

7.2 The proposed development has been considered against the policies of the Copeland Local Plan 2013-2018 Core Strategy and Development Management Policies DPD, adopted December 2013; National Planning Policy Framework (2012) and Planning Policy Guidance.

7.3 Policy ENV1 (Flood Risk and Risk Management) of the Copeland Local Plan 2013-2018 Core Strategy and Development Management Policies DPD specifically requires developments in Pow Beck Valley are designed to address the existing levels of flood risk without increasing flooding elsewhere. The siting of the proposed bridge has been determined by recent storm damage and storm surges. A flood risk assessment has been undertaken as part of the proposal and which concludes the new bridge has been designed with the indicative floor constraints in mind and have taken into account flood risk data and it is considered the bridge would not have an impact on flooding in the area The proposal therefore meets the requirements of Policy ENV1.

7.4 Policy ENV6 (Access to the Open Countryside) of the Copeland Local Plan 2013-2018 Core Strategy and Development Management Policies DPD seeks to ensure that access to the countryside is available by identifying opportunities to provide or improve access on routes and gateways from settlements. The proposed new bridge would provide a link between the village of St Bees and the coastal path and therefore complies with Policy ENV6.

7.5 National Planning Policy Framework Section 7 requires a good design to be a key sustainable element of any development. The design of the bridge is consistent with others in Cumbria. Section 10 requires developments to meet the challenges of climate change, flooding and coastal change. The proposed bridge would provide access to the coastal path which is currently inaccessible at times during high tides and storm surges.

7.6 Planning Practice Guidance provides guidance on design, natural environment and waste. The proposed bridge is in accordance with the guidance.

Need for New Footbridge

7.7 There is an existing concrete bridge over Pow Beck. During Storm Desmond the bridge was subject to damage and erosion of the abutment structures and the approaches to the bridge. The bridge is currently not accessible to disabled users as the abutments which form the accesses have become damaged and temporary steep steps are the only means of accessing the bridge on the northern side.

7.8 The new bridge would be located 39m east of the existing bridge and would incorporate access ramps which would be wheelchair accessible and would be compliant to Disability Discrimination Act 1995.

Siting and Design

7.9 The proposed location of the bridge is considered to be the most appropriate
location as it would not be affected by high tides and storm surges which occur preventing access during these occasions. The soffit of the bridge would be 500mm above the ground level so the bridge would not be immersed in average high tides, there may be times during extreme weather conditions where the bridge might not be accessible.

7.10 The design of the bridge would be steel support beams with timber beams and rails. The parapet height of the hand rails would be 1.15m to comply with design guide for footbridges. The design of the bridge is typical of others in the County. The bridge would be accessed by shallow stone ramps with a gradient accessible for wheelchair users. The siting and design of the bridge is therefore considered acceptable.

Construction Activities

7.11 A temporary construction compound would be required on the car park. The compound would be used for the storing of material and construction vehicles during the construction period.

7.12 Materials for the construction of the bridge would be transported to site from the public car park at St Bees, approximately 1.2km north of the application site, transported along the beach at low tide and stored in the proposed temporary construction compound on the existing car park. The reason the material is required to be transported along the beach is because the car park close to the bridge is accessed via a low lying railway bridge approximate height 1.83m and down a narrow lane which in places is only accessible to one vehicle.

7.13 Due to the location of the works materials such as cement would be required to be mixed as close to the site as possible but set back from any potential impact of discharging/leaking into the watercourse.

7.14 During construction there would be some minor disturbance to users of the area with regards to noise and general construction activities. These impacts are considered to be short term impacts and would be acceptable.

7.15 The applicant has a permit from the Environment Agency to undertake work which may affect a watercourse.

Diversion of Public Right of Way

7.16 Reconstruction of the bridge can be carried out under Section 92 of the Highway Act 1980. The Highway Authority is empowered under that section of the Act to construct a new bridge within 200 yards of the old one if it carried a public highway. The diversion of the public right of way would be considered under Section 119 of the Highways Act 1980 which will be pursued at a later stage.

Other Considerations

7.17 Network Rail has raised concern with regards to the works being in close proximity to the operational railway line. Measures must be undertaken to ensure the works do not impact upon the safety, operation and integrity of the Network Rails land. The applicant is advised to provide a Risk Assessment and Method Statement for all works to be undertaken within 10m of the operational railway; details of all excavation and earthworks are required within 10m of the railway boundary; vibro-compaction/piling machinery details are required and the
applicant would need to agree Basic Asset Protection Agreement with Network Rail. It is proposed to include informatives to the developer with regards to these impacts.

7.18 St Bees Parish Council has requested public access onto the north side of the beach is maintained. The proposed diversion and realignment of the path would not connect onto the beach as it runs in a north easterly direction and crosses the railway line and connects onto Sea Mill Lane. However, the proposed realignment of the public right of way would not restrict public access from the north side of the bridge and access onto the beach, which forms part of the England Coast Path and which is being considered separately by Natural England.

7.19 The footbridge has been designed to be DDA compliant and provide access to disabled users.

Human Rights

7.20 Given the nature, scale, location and purpose of the proposed bridge no Human Rights would be affected.

8.0 CONCLUSION

8.1 The proposed footbridge would provide a suitable crossing point of Pow Beck. It would comply with the Disabled Discrimination Act and provide a safe passing point of the beck. The design of the bridge is in keeping with others in the County and is acceptable.

8.2 The proposed footbridge raises no issues with regards to landscape and visual impact, impact on the amenities of local residents or impact on the public right of way. Conditions are proposed to mitigate against any impact which may arise during the construction of the bridge. The proposed footbridge complies with local and national planning policy.

8.3 The proposed compound would be temporary for the construction period and would be acceptable.

8.4 It is considered that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions proposed, any potential harm would reasonably by mitigated. It is therefore recommended that this application be granted subject to conditions.

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Corporate Director Economy and Highways

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Background Papers: Planning Application File Reference No. 4/17/9006

Electoral Division Identification: Egremont North & St Bees - Mr Wormstrup
PROPOSED PLANNING CONDITIONS

Time Limit for Implementation of Permission

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Scheme

2. The development hereby permitted shall be carried out, except where modified by the conditions to this permission, in accordance with the following:

   a. The submitted Application Form – dated 8 March 2017
   c. Flood Risk Assessment – dated May 2016
   e. Plans numbered and named:
      i) Location plan – dated 26 May 2016
      ii) Site Plan – 423012/01 – dated May 2016
      iii) Steelwork Plan – BW240008/01 – dated Sept 2011
      iv) Proposed bridlebridge elevation – FP/423012/01 – dated March 2017
      v) Steelwork - BW240008/01 Rev 1 – dated Sept 2011
      vi) 3-9m Span Standard Bridge - AMS/DS – Nov 07
   f. The details or schemes approved in accordance with the conditions attached to this permission.

   Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.

3. Notification of the date of commencement of the development shall be made in writing to the County Planning Authority within 7 days of such commencement.

   Reason: To enable the County Planning Authority to monitor the development to ensure compliance with this permission.

4. All excavations deeper than 0.5m that will be left unattended overnight will be kept to a minimum. Where excavations must unavoidably be left open overnight they will be securely fenced with Herras fencing with an additional lower guard to prevent wildlife from entering the working area.

   Reason: In order to prevent otters or wildlife becoming trapped in deep excavations.

5. Any fuel, lubricant or and chemical storage vessel shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessels capacity. All fill, draw and overflow pipes shall be
properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the duration of the development.

Reason: To minimise the risk of pollution to water courses or groundwater resource.

6. Operators shall check their vehicles on a daily basis before stating work to confirm the absence of leakages. A reporting system shall be devised and implemented to ensure that repairs are undertaken as soon as discovered and before starting work and accessing the route and construction site of the footbridge.

Reason: To minimise the risk of pollution to water courses or groundwater resource.

7. On completion of the development compound areas and access routes and any other disturbance caused as a result of the development shall be returned to their original condition within one month from the completion of the development.

Reason: To ensure the restoration of the construction compound and access routes associated with this development as restored appropriately.

Informative

The applicant be advised to liaise with Network Rail AssetProtectionLNWNorth @networkrail.co.uk on the following:

A Basic Asset Protection Agreement (BAPA) will be required between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs/presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

The developer should have regards to impact of the operational railway line:

1. A Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operation railway under Construction (Design and Management) Regulations.

2. Agreement of all excavation and earthworks within 10m of the railway boundary to determine if work would impact upon the support zone of the railway land and infrastructure. Including alterations to ground levels, de-watering works and ground stability.

3. Vibro-compaction machinery/piling machinery or piling and ground treatment works details are required including a method statement.