

DEVELOPMENT CONTROL AND REGULATION COMMITTEE

13 August 2019

A report by the Acting Executive Director for Economy and Infrastructure

Application Reference No. 5/19/9007

Application Type: Planning Permission for Relevant Demolition in a Conservation Area

Proposal: Demolition of Gooseholme footbridge

Location: Gooseholme Bridge, New Road, Kendal (LA9 4BA)

Applicant: Cumbria County Council Infrastructure Recovery Team

Date Valid: 28 June 2019

Reason for Committee Level Decision: Application made by the Acting Executive Director of Economy and Infrastructure

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 Cumbria County Council's Infrastructure Recovery Team has lodged an application seeking planning permission for relevant demolition in a conservation area in connection with a proposal to demolish Gooseholme footbridge which sustained significant damage as a result of the Storm Desmond flood event in December 2015. Following a structural inspection shortly after this event the bridge was deemed an unsafe structure and was closed-off to the public with herras fencing being put in place to prevent access.

2.2 The proposed demolition works would involve removal of the metal parapet railings, timber deck, the 3x cutwater piers, abutment walls and the approach ramps. It is proposed to retain the 3x concrete apron foundations that underpin the piers in-situ so as to minimise disturbance to river ecology. The ground beneath the bridge footprint on either side of the river would be re-profiled to match the level of the neighbouring land. The land on the western New Road side of the bridge would then be hard-surfaced with tarmac and the limestone faced boundary wall re-built to tie into the height and match the coursing of the existing riverside wall where the bridge once was. This wall rebuild would make use of limestone masonry salvaged from the bridge abutments/access ramps. On the eastern side of the river the land would be sown to grass.

2.3 Removal of the ramps, abutment and deck superstructure would be undertaken using a tracked mechanical excavator and dumper-truck, while removal of the parapets, stone masonry and piers are proposed to be predominantly undertaken by hand (with assistance for the latter elements provided where required by the aforementioned machinery). The main temporary construction compound is proposed to be sited on the area of grassland to the south-east of the bridge opposite 1-6 Little Aynam. A smaller satellite compound would be set-up to the south-west of the bridge on New Road Common for the works to remove the western abutment and approach ramp. For in-river working, access for all plant

and labour would be taken from the eastern river bank. There is a limited period in any year in which in-river working can take place (i.e. 18 June – 30 September). The demolition works are provisionally programmed to commence in late August and are anticipated to take up to three weeks.

- 2.4 This application has come forward at this point in time as the applicant has now secured the funding required to deliver a replacement bridge structure and as there is now greater certainty in respect of the Kendal linear flood defence scheme coming forward now that it has gained planning permission. Cumbria County Council's Infrastructure Recovery Team undertook a public consultation on their proposals to construct a new replacement bridge between 8 July 2019 and 2 August 2019. The provision of a replacement bridge does not require an application for planning permission in this instance as the undertaking of such an engineering operation by a Local Highway Authority constitutes permitted development by virtue of Part 9 of the Town and Country Planning (General Permitted Development) (England) Order 2015 which covers a variety of works for the maintenance and improvement of an existing highway (including the reconstruction of a bridge maintainable at public expense either on the same site or on a new site within 200 yards of the old one). In this instance the replacement bridge is proposed on the same site.
- 2.5 It is noted that the proposed new bridge has been designed to improve water flow beneath it (and thus reduce flood risk by not restricting or modifying the flow of the River Kent during full spate) and to provide for greater accessibility for wheeled users.

3.0 BRIDGE LOCATION, DESCRIPTION & SURROUNDS

- 3.1 Gooseholme footbridge is situated on the eastern edge of Kendal Town centre where it spans the River Kent. The bridge is situated within the town's Conservation Area and connects two parcels of common land - Gooseholme Common to the east of the river with New Road Common to its west. This four span footbridge provided a convenient pedestrian link between the town centre and the pleasant curvilinear green open space of Gooseholme and to the residences and businesses beyond this and up to the historic remains of Kendal Castle. It is noted that the area of New Road Common to the south-west of Gooseholme Bridge has been transformed from a completely hard-surfaced area utilised for car parking by the general public to a green park space in recent years.
- 3.2 The footbridge has short steep ramped abutments (with a 1 in 5.4 gradient to the west and 1 in 7.1 gradient to the east) which lead to a structural wooden deck supported by three cutwater piers which are established on concrete apron foundations.
- 3.3 The access ramps up to the bridge deck follow the linear alignment of the bridge. The western ramp measures approximately 7.8m in length and terminates approximately 4.5m from the edge of the motor vehicular carriageway of New Road. The eastern ramp measures approximately 6.8m in length and ties into the tarmac surfaced riverside path along Gooseholme (which also forms part of National Cycle Network Route #6). The route across the bridge (and on toward Little Aynam) and that which curves along Gooseholme are public footpaths. The former is public right of way no. 536260 (which measures 84.1m in length) and the latter is public right of way no. 536261 (which measures 226.3m in length).

- 3.4 The wooden deck measures approximately 40m in length, 1.6m in width and 0.4m in height. The mean soffit level of the bridge is 43.6m AOD (i.e. the bottom of the bridge deck ranges from 3.2m to 3.5m in height above the grouted cobble invert that forms the river bed underneath the bridge).
- 3.5 Tubular metal rail fencing (consisting of 1m high posts at 2m spacings with three evenly spaced horizontal cross bars) forms the parapets to the ramps and decks. There is a 1.45m wide clear space between the parapet handrails. This fencing is painted green.
- 3.6 The piers and the abutment and ramp walls are faced with limestone masonry. The masonry to the ramp walls is random in size and coursing masonry while that to the piers is larger in size and regular in form and coursing. The piers measure approximately 1m in width, 3m in length and 3m in height. Their concrete aprons vary in width from 1.9m to 2.4m and measure 6m in length.
- 3.7 The nearest properties to the bridge on the western side of the river are the semi-detached two storey dwelling houses of 1 and 2 Melrose Place to its north. The front elevations of these properties face toward the ramp, with their bay windows measuring approximately 17.8m in distance from it. A 128.5m² area of New Road common, which is still fully hard-surfaced and utilised as car parking, stands between the curtilage of these residential dwellings and the bridge. On the opposite side of New Road to the bridge is a sub-divided commercial unit part of which is occupied by a take-away pizza business and another which is used as a painter and decorators store. To the south-east of this is the Grade II* listed Friends Meeting House. This building is set back approximately 30m from New Road due to its garden grounds. The Grade II* listed Church of Holy Trinity and St George lies approximately 80m from the bridge at the corner of the junction of Blackhall Road with New Road.
- 3.8 To its eastern side the bridge is immediately bounded by green open space. A small hut associated with the operation of the putting green on the south-eastern side of Gooseholme lies 6.5m from the ramp edge. The nearest properties to the bridge on this side of the river are a group of semi-detached dwelling houses (1-6 Little Aynam). The nearest curtilage of these lies over 30m south-east of the bridge. Nos. 1-4 Little Aynam would directly overlook the main temporary works compound. The Kendal Scout Group Hall and Store lies to the south-west of this proposed compound area.
- 3.9 Two other bridges are in relatively close proximity to Gooseholme bridge – Stramongate bridge which lies approximately 190m to its north and Miller bridge which lies approximately 190m to its south-west. Both of these historic limestone pier bridges are scheduled monuments and both carry only one lane of motor-vehicular traffic.
- 3.10 The entirety of the bridge is located within the extent of Flood Risk Zone 3b (i.e. the functional flood plain). South Lakeland District Council's 2007 Strategic Flood Risk Assessment designates the riverside walls along the western right-side banks of the river Kent between Stramongate and Miller bridges as being raised flood defences.
- 3.11 The river Kent is designated at a European level as a Special Area of Conservation (SAC) and nationally as a Site of Special Scientific Interest (SSSI). The primary reason for the River Kent's designation as a SAC is the presence of White-clawed crayfish. Habitats and species that are qualifying features (but not

a primary reason for site selection) are its watercourse habitat of plain to montane levels, freshwater pearl mussel and bullhead fish. The River Kent and Tributaries is also notified as SSSI for its nationally important populations of white clawed crayfish (and their habitat) and as it supports one of the largest populations of fresh water pearl mussel in England.

4.0 SITE HISTORY

- 4.1 A footbridge crossing has existed at the approximate location of the existing Gooseholme footbridge since at least the 18th Century. The cloth industry used to dominate the town and records indicate that local trades historically utilised the ground at Gooseholme for drying cloth on tenter-frames, so it may be the case that the footbridge was built to provide access in association with this activity.
- 4.2 The bridge has been washed away by floods and rebuilt a number of times. It was washed-away by floods in 1874 and in 1898. Following the October 1874 flood, the remains of two old piers were taken down and three new stone piers built and an iron truss bridge installed. Following the loss of the iron truss bridge to flooding in November 1898 the bridge was rebuilt with two piers and tubular iron railings. In 1913 a concrete reinforced deck was installed. By 1982 the concrete reinforced deck had degraded and was replaced with a timber deck and the span adjacent to Gooseholme park increased. Historic ordnance survey mapping and photographs suggest that the third pier was built at some point between 1938 and 1968. Further notable flood events occurred in the Kent catchment in October 1927, December 1954 and December 1964; so the provision of the third pier may have come about following one of these events.

5.0 PLANNING HISTORY & BACKGROUND

- 5.1 There is no planning history associated with this bridge.
- 5.2 The Environment Agency planning application for a linear flood defence scheme through Kendal (*Ref. [SL/2018/0925](#)*) gained planning permission in June 2019.
- 5.3 In light of the provisions of the Environmental Impact Assessment (EIA) Regulations, the applicant requested a screening opinion in respect of the proposed demolition of the existing footbridge and its replacement with a single-span steel-tied arch bridge with a wider deck set at a higher level and a revised access ramp arrangement with a greater footprint. The County Council adopted a screening opinion in respect of this proposed project on 22 May 2019. The screening opinion concluded that; by virtue of factors such as the location, nature and scale of the proposal and the limited magnitude, spatial extent and complexity of its potential impacts; the proposal does not constitute EIA development.

6.0 NOTE IN RESPECT OF STORM DESMOND

- 6.1 The levels of rainfall and flooding resulting from Storm Desmond in December 2015 were unprecedented in the County. Rain fell for 54.75 hours onto already heavily saturated ground after a particularly wet November, resulting in an extremely large flood peak. Within the Kent catchment, Kentmere Hallow Bank rain gauge recorded a total of 225.8mm of rain between 19:00 on 04/12/2015 and 07:45 on 06/12/2015 and at Fisher Tarn, which is located to the east of Kendal; 139.6mm fell in 48 hours. In the River Mint catchment, the rain gauge at Watchgate recorded 181.8mm of rain in 48 hours. The gauged flows in the

Rivers Kent, Sprint, and Mint were the highest on record with a peak flow of 403m³/s (and level of 44.7m AOD) being recorded at Victoria Bridge (though in reality, the peak flow in the River Kent was likely higher due to the bypassing of the gauging station by floodwater that passed through Mintsfeet and Longpool to the east of the river). Approximately 2,150 properties across the Kent catchment experiencing flooding. Storm Desmond is the highest ranking gauged flood event in the Kent catchment but is believed to rank second to the flood of November 1898.

- 6.2 During this flood event the existing Gooseholme Bridge soffit level (which stands at 43.71m AOD at the centre of the deck) was vastly exceeded, with peak water levels over this estimated to have reached around 45m AOD. The flood thus surcharged the structure, with the bridge deck heavily blocking flow and influencing upstream flood levels.

7.0 CONSULTATIONS AND REPRESENTATIONS

- 7.1 South Lakeland District Council Planning Department: No objection.
- 7.2 South Lakeland District Council Environmental Health Department: No objection. Advised that a condition be imposed to secure details of the layout of the demolition compounds and further aspects of the working methodology in order to safeguard the amenity of the area during the undertaking of demolition operations.
- 7.3 South Lakeland District Council - Conservation Officer: No response received. South Lakeland District Council - Arboricultural Officer: No objection. Consider that the demolition, if carried out with due care, should not have a detrimental impact upon adjacent trees. Sets out that protective herras fencing for trees should be deployed in line with the specification shown in figures 2 and 3 of BS5837 2012.
- 7.4 Kendal Town Council: No response received.
- 7.5 Kendal Civic Society: No response received.
- 7.6 Historic England: Do not wish to offer any comments.
- 7.7 Environment Agency (EA): No objection. Set out that along with the planning requirements the EA will be regulating the works for demolition in and around the River Kent through an Environmental Permit for Flood Risk Activities and are currently working through the details of the application and hope to be in a position to issue a permit in due course. Originally requested further clarification and information in respect of some risk areas identified within the shadow Habitats Regulations Assessment (HRA) submitted in support of these applications. These risks areas related to control of debris from demolition; specifics of measures to prevent pollution, sedimentation and/or turbidity; final bio-security measures adopted; and controlled-use of in-situ concrete. Also requested that the HRA document the alternative methodologies considered to ensure there are no alternative solutions that could have a lesser impact on the river habitat. The EA were satisfied that the revised Shadow HRA adequately addressed these matters.
- 7.8 The EA note that there could be an opportunity as part of these works to remove the cutwaters and reduce the extent of modification in the river in this area;

however they relate that it is their understanding that this was considered during the appraisal stage of the project and it was concluded that the benefits of removal would be outweighed by the risks of doing so.

- 7.9 Natural England: No objection. Originally requested further information in respect of mitigation measures, lower impact construction options considered and the rationale for retention of the cutwaters so as to inform and enable the Habitats Regulation Assessment (HRA). Satisfied that the revisions to the shadow HRA adequately addressed these matters and that its conclusions are sound. Request that the mitigation measures set-out in the HRA are secured via planning condition.
- 7.10 Note that the proposal is sited on an area that is registered as common land. Directs the applicant to their guidance in respect of works that do and do not require consent on common land.
- 7.11 Open Spaces Society: No response received.
- 7.12 CCC Common Land: No response received.
- 7.13 CCC Countryside Management (Public Rights of Way): No response received.
- 7.14 CCC Ecological Consultant: No objection. Consider the revised HRA to be acceptable, being satisfied that with the mitigation proposed there would be no adverse effect upon the integrity of the SAC. Reports that they have read through the bat survey report and are satisfied that it is comprehensive, its judgement exercise is appropriate, and that no further actions are required in respect of bats.
- 7.15 CCC Highway Authority: No objection. Recommend a condition be imposed to ensure adequate inter-visibility between pedestrians and users of the access to the temporary compounds. Observes that the traffic impact of works appears to be the erection and subsequent removal of a working platform and 6-8 journeys per day for demolition works for up to 17 working days. Considers that this scale of impact can easily be accommodated by the local highway network within central Kendal. Considers both compounds are capable of being accessed safely and advises that they should reserve adequate space for vehicle parking, manoeuvring, loading and unloading clear of the highway.
- 7.16 CCC Historic Environment Officer: No objection.
- 7.17 CCC Lead Local Flood Authority (Local Flood Risk Management): No objection. Observe that the flood impact of the proposal relates to Main River flooding for which the Environment Agency are responsible. Note that during the in-river working phase of the footbridge demolition there may be a lowering of the river embankment and it may be necessary for incident warning procedures and flood warnings to be updated as is noted in the FRA.
- 7.18 Crime Prevention Design Advisor: No objection. Does not perceive the proposal to present a particular crime risk. Comments that the contractors will need to take the usual precautions as work takes place to protect plant machinery, power tools and fuel stocks from theft.
- 7.19 Sustrans: No response received.

- 7.20 Electricity NorthWest: No response received.
- 7.21 United Utilities: No response received.
- 7.22 The application site straddles the county council electoral divisions of Kendal Nether and Kendal Strickland & Fell. Councillors Shirley Evans and Peter Thornton who, respectively, represent these divisions, have been notified of this application.
- 7.23 No representations have been received.

8.0 PLANNING LEGISLATION – CONSERVATION AREAS & LISTED BUILDINGS

- 8.1 [Section 72](#) of The Planning (Listed Buildings and Conservation Areas) Act 1990 [PLB&CA] bestows Local Planning Authorities (LPAs) with a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The PLB&CA also introduced the need for developers to gain Conservation Area Consent for proposed works of demolition above a certain scale within a conservation area. The Enterprise and Regulatory Reform Act 2013 replaced the conservation area consent regime with a requirement for planning permission to be sought for demolition of a building in a conservation area.
- 8.2 [Section 66](#) of the PLB&CA Act imposes a legal obligation on LPAs to have “special regard” to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when considering applications. All Listed Buildings are nationally designated. Grade II* listed buildings are particularly important buildings of more than special interest. Only 5.8% of listed buildings are Grade II*.

9.0 PLANNING POLICY

- 9.1 [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 making process.
- 9.2 The following documents constitute the local development plan for Kendal:
- [South Lakeland Core Strategy](#) - adopted 20 October 2010.
 - [South Lakeland Local Plan Land Allocation Development Plan Document Policies](#) - Adopted 17 December 2013.
 - [South Lakeland Development Management Policies Development Plan Document](#) – adopted 28 March 2019.
- 9.3 The following local development plan policies are considered relevant to the consideration of these applications:
- CS1.1 - Sustainable Development Principles
 - CS2 - Kendal Strategy
 - CS8.4 - Biodiversity and Geodiversity
 - CS8.6 - Historic Environment

- CS8.8 - Development and Flood Risk
- CS10.2 - Transport Impact of new development
- DM1 - General Requirements for all development
- DM3 - Historic Environment
- DM4 - Green and Blue Infrastructure, Open Space, Trees and Landscaping
- DM5 - Right of Way and other routes providing pedestrian, cycle and equestrian access
- DM6 - Flood Risk Management and Sustainable Drainage Systems
- DM7 - Addressing Pollution, Contamination Impact, and Water Quality
- DM24 - Kendal Town Centre and Kendal Canal Head Area

9.4 [The National Planning Policy Framework](#) (NPPF) was published in a revised form in February 2019. The national online [Planning Practice Guidance](#) (PPG) suite was launched in March 2014 and is continually updated. Both are material considerations in the determination of planning applications. The following sections and paragraphs of the NPPF are considered to be relevant to the determination of this application:

- Section 2 - Achieving sustainable development: Paragraphs 8 & 11;
- Section 8 - Promoting healthy & safe communities: Paragraphs 91 & 95;
- Section 9 - Promoting sustainable transport: Paragraphs 102, 108, 109, 110 & 111;
- Section 14 - Meeting the challenge of climate change, flooding and coastal change: Paragraphs 148, 150, 155, 163, 164 & 165;
- Section 15 - Conserving and enhancing the natural environment: Paragraphs 170, 178, 180 & 181;
- Section 16 - Conserving and enhancing the historic environment: Paragraphs 189, 190, 192 & 193.

10.0 PLANNING ASSESSMENT

10.1 The key planning issues relevant to this application proposal are considered to be whether there is a justifiable need to demolish this bridge and if so whether the loss of this undesignated heritage asset would have an unacceptable impact on the character or appearance of Kendal's Conservation Area; the setting of other designated heritage assets; or wider connectivity. Flood risk is a central factor driving the proposal so will be fully considered within the consideration of the case for need. Other planning considerations that need to be taken into account include the potential for demolition works to adversely impact on nature conservation interests, trees, and the potential to encounter contaminated land on New Road Common.

10.2 The design of the proposed replacement bridge is not relevant to the consideration of this application. The fact that funding has been secured to provide a replacement bridge establishes a relatively high degree of certainty that the bridge will be replaced in the near future. This fact is considered to be a material consideration that can be given a degree of weight in the consideration of this application.

Are there sound reasons for removal of the bridge?

10.3 The case for the need to remove the existing bridge is predicated on three factors – its current unsafe storm damaged condition; flood risk considerations and the restricted accessibility of its current form (due to its ramp gradient and its narrow width). Indeed, in respect of this latter aspect, it is observed that the

current bridge is not Disability Discrimination Act compliant in terms of accessibility; and it is considered that it would be preferable for a river crossing here that is fully accessible to all users. The fact that the bridge is currently deemed unsafe to use is, of itself, not sufficient to justify demolition. Sustainability principles require repair to be considered as the first option. So if repair can be practically (and safely) achieved, is economically viable and provides the most suitable option to ensure greatest longevity for the bridge; then repair would be the preferable option.

- 10.4 The Storm Desmond flood event substantially damaged this footbridge resulting in significant section loss to the timber deck, failed welds to parapet posts, undercutting to the pier aprons, cracking to piers and scour to the invert. Due to its poor structural integrity the footbridge was closed to the public for safety reasons. Given the level of damage, and the fact that the bridge crossing to Gooseholme has been impacted by flooding on a notable number of past occasions, reinstating this bridge in its current form was not considered prudent by the applicant in terms of its vulnerability to future flooding and its impact upon wider flood levels and the inability of the current pier arrangement to support a wider multi-use deck. It is also noted that its current unfit state presents a liability risk with potential for accidents to occur as a result of unauthorised access to the structure.
- 10.5 A Flood Risk Assessment (FRA) has been submitted in support of the application. The existing four-span structure (by virtue of its three piers, deck/soffit height and parapet configuration) impacts on river hydraulics – resulting in backwater effects and creates potential for obstructions/diversions to flow (with bridge openings averaging 9m in width). Under theoretical design conditions the existing bridge deck is exceeded by a 1in100 year flood event (not taking into account any climate change multipliers) which results in a predicted peak water level of 44.62mAOD at the bridge – i.e. exceeding its soffit level by almost 0.9m. Flood modelling for a 1in100-year flood incorporating a 30% climate change allowance uplift (in the absence of any Environment Agency flood scheme) suggests that removal of the footbridge would reduce local flood levels upstream (for up to 1km) by up to 180mm and reduce peak water levels by approximately 20mm around 250m downstream of the bridge. Flood depth on the right and left floodplain at Gooseholme is consistently reduced by approximately 90mm with the removal of the existing footbridge. The model demonstrates that backwater effects of the structure extend approximately 1.5km upstream. That is to say the existing footbridge structure results in a flood flow head loss that maintains a greater upstream peak flood level. Whilst the overall structure clearly has an adverse impact on flood levels in the locality it is noted that the FRA modelling finds that the peak flood level is not very sensitive to pier loss within the river channel.
- 10.6 The existing bridge has a conveyance capacity of 3,984m³/s. Removal of the bridge would pass forward an additional 40m³/s downstream. The above modelling indicates that this increased pass forward flow has no apparent negative impact on flood risk downstream for the modelled event as the flood extent downstream “remains almost identical”. As such it would not increase flood risk downstream and would comply with policies CS8.8 and DM6.
- 10.7 The existing bridge would be unsafe to use during a 1in100year flood event as floodwater would surcharge the deck and there are sound recent and historic grounds for concern as to the resilience of the existing form of the bridge to

future flood events. The removal of the bridge would reduce flood depth and extent in its vicinity and reduce the displacement of floodwater further into the flood plain and modification of floodwater movement by its structural elements. There would thus seem to be clear flood risk related benefits resulting from this application, as the proposal would remove elements that constrict the natural flow of water within the river channel and thus reduce the level of flood hazard in the surrounding area to residents, visitors and business.

- 10.8 In light of the above I am satisfied that there are sound reasons for the proposed demolition of this bridge and that its removal would have positive benefits in terms of flood risk.

Would the loss of the existing footbridge have an unacceptable impact on the character or appearance of Kendals' Conservation Area?

- 10.9 Further to the statutory duty to have special regard to preserving or enhancing the special character and appearance of a conservation area, Policy DM3 requires proposals to take fully into account any identified significance that is contained in any Conservation Area Appraisal or Management Plan for the relevant designated area and to seek to retain features which contribute positively to the spatial character and appearance of the area and its setting. Paragraph 201 of the NPPF clarifies that not all elements of a Conservation Area will necessarily contribute to its significance. It continues that loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under [paragraph 195](#) or less than substantial harm under [paragraph 196](#), as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole. The NPPF and Policy DM3 require applicants to describe the significance of any heritage assets affected and the impact of the proposal on that asset. A heritage statement has been submitted in support of the application to address this.
- 10.10 The principle special interests that led to the designation of this conservation area, and aspects from which its significance is principally derived, are considered to be the unique spatial pattern of Kendal's historic development as a working market-town and its assemblage of buildings of architectural merit that provide a common language in terms of their overall aesthetic and material selection.
- 10.11 South Lakeland District Council's 2007 [Character Appraisal of Kendal Conservation Area](#) sets out that the area around Gooseholme Bridge is one of historical and cultural significance and high environmental sensitivity. It observes that the broad arc of the river Kent dominates this part of the Conservation Area providing strong physical definition. The appraisal denotes the footbridge as an "important pedestrian crossing point from the Riverside Car Park onto the southern edge of Goose Holme". Furthermore, it identifies Gooseholme as the most significant green riverside space in the northern part of the conservation area, describing it as an attractive and slender curvilinear shaped strip of land that is part informal park and part low key recreation area. It observes that "this attractive green space is visible from various points on the west side of the river [and that] here it acts as a valuable foreground element in views towards Thorny Hills and the Castle hill behind".
- 10.12 The paths that run along both sides of the river in the vicinity of the footbridge provide important views toward individual and collective heritage assets. The

bridge deck also provided an elevated viewpoint towards the various designated heritage assets found on New Road, downstream toward Miller Bridge and across Gooseholme green toward the Georgian Villas of Thorny Hill. However, the character of this viewpoint generally lacked tranquillity on account of traffic noise from New Road and the limited space available for fellow river crossers to pass.

- 10.13 The section of the river Kent between the two scheduled bridges is characterised by open views. The bridge, due to its light form, small scale and use of traditional materials does little to detract from open views across to key parts of the townscape and is not visible from Kendal Castle due to the intervening presence of vegetation. The limestone faced piers, abutments and ramps reinforce the distinctive historic materials palette that is synonymous with the Conservation Area, but is judged to be of negligible architectural and aesthetic merit. The built form of the bridge is low key and in-keeping with the appearance of the area rather than an element that is core to the definition of the appearance of the area as the larger pre-17th Century bridges (Stramongate, Miller and Nether) are. Furthermore, it is noted that various alterations to the form and fabric of the structure over time have diminished the authenticity of its historic fabric and thus diminished some of its evidential historic interest. The positive contribution the footbridge makes to the conservation area is more deeply rooted in its character as it has a historical illustrative value –related to its likely association with the wool/cloth industry which was integral to the development and evolution of the town; and a communal social value – being a source of identity, social interaction and consciously evoking memories as it provided a cultural link (in the past and recent present) to an important open amenity space, not to mention a physical connection between two highly valued areas of common land. As such it is considered to have a relative degree of significance in relation to the character of the area i.e. it makes a positive contribution to the character of the conservation area. The fact that the bridge crossing is currently unusable due to its unsafe condition is immaterial to this heritage assessment process and its conclusion, as the presence of the bridge is sufficient to evidence its historical and social value as a non-designated heritage asset.
- 10.14 In light of the positive contribution this bridge crossing is found to make to the character of the conservation area, the logic set out in paragraph 201 of the NPPF is engaged, and it therefore follows that a degree of harm will result from the loss of this crossing.
- 10.15 This subtractive intervention would serve to further open-up views across the river to key heritage assets and views upstream from Miller Bridge. It would also enhance the perceived natural character of the river corridor and its associated sense of calm. The removal of the bridge deck would result in the loss of a valued elevated viewpoint towards designated heritage assets, albeit a viewpoint with negligible sense of tranquillity. It is considered that the proposal would thus marginally enhance the open appearance of the river corridor area and make a positive contribution to perceptual character and that these benefits balance-out the loss of the bridge deck as a viewpoint. The relative short distance of alternative routes between New Road and Gooseholme (approximately 550m by both Stramongate Bridge or Miller Bridge from one footbridge ramp to the other) should not alter or reduce the character of usage of areas either side of the bridge. The retention of the concrete pier footings will communicate the previous existence of a bridge connection here. It is also noted that there is a high likelihood that this crossing point would only be absent for a short period of time

in light of the advanced stage of development of the proposal for a replacement bridge and the funding committed to providing this. It is also important to reiterate that the existing footbridge is of negligible architectural and aesthetic merit. Bearing in mind the principle special interests that led to the designation of this conservation area (as set out in paragraph 10.10 above), I consider that the footbridge is of limited significance and makes limited contribution to the significance of the conservation area as a whole. In light of the above factors I consider that the proposed demolition would result in a less than substantial level of harm.

- 10.16 I am satisfied that the removal of the current footbridge would result in a substantial public benefit in the form of reduced flood risk to people and other nearby heritage assets and that the combination of the level of flood risk to the current structure and the current storm damaged nature of the asset prevents its reasonable repair and re-use. I therefore consider the public benefit of the proposed demolition to outweigh the less than substantial harm found and thus consider the proposal to pass the test set out at paragraph 195 of the NPPF (which is carried forward into Policy DM3).
- 10.17 In relation to sub-points 16 and 17 of Policy DM3 (which seek to retain features that contribute positively and require proposals to demonstrate how they avoid and mitigate harm); the application seeks to re-use limestone that currently faces the ramps for the reconstruction of the river-side wall on New Road; to retain the footprint foundations as a physical indication of the crossing; retain all existing trees in place; and to maintain the open character of the area in the intervening period between the demolition and construction of a replacement bridge.

Would the removal of the bridge adversely affect the setting of any designated heritage assets?

- 10.18 The bridge is not listed and is not considered to fall within the curtilage of any of the nearby listed buildings. There are however a number of listed buildings in proximity to the bridge and it is acknowledged that bridges can form an important part of the setting of some listed buildings. In essence, the setting of a designated heritage asset is the surroundings in which a heritage asset is experienced. Elements of a setting can profoundly contribute to the ability to appreciate the significance of a heritage asset. The contribution of setting is often expressed by reference to views (although perceptual characteristics such as quietness and tranquillity can also be an important component of a heritage assets setting).
- 10.19 It is noted that the submitted Heritage Statement provides a detailed assessment of the significance of each designated heritage asset and the impact of the proposal upon their settings. This assessment is considered essentially sound and I do not disagree with any of its conclusions.
- 10.20 Gooseholme Footbridge can be seen from the external eastern grounds of the nearby Grade II* listed Friends Meeting House and the Church of Holy Trinity and St George. It can also be seen from the upper floors of the Grade II listed Georgian properties at Thorny Hills which sit above Gooseholme green. It can also be seen clearly from Miller Bridge Scheduled Monument. Views from the Stramongate Bridge Scheduled Monument are limited by the presence of mature trees and the Sand Aire House Apartment Block complex. The bridge is not visible from the historic listed elements of the original Grade II Listed Sand Aire House. Where the bridge can be seen in views from these assets it forms a small

component of the wider townscape. The footbridge is not considered to have any functional relationship or direct historical association with any of these heritage assets. Consequently, the proposed removal of the footbridge is not considered to harm views from these heritage assets.

- 10.21 The openness of the areas around the nearby designated heritage assets add to their significance allowing appreciation of their prominence. The presence of the footbridge in views towards these designated heritage assets draws the eye and marginally reduces the prominence of the designated heritage assets. It therefore follows that its removal will marginally improve their setting as viewed across the river. The footbridge also affords fortuitous views of these heritage assets. Overall, it is considered that its loss would have a neutral impact on the appreciation and experience of these heritage assets – removing views from its deck but opening-up views towards these assets either side of the bridge. Consequently, it is considered the proposal would not adversely affect the setting of any designated heritage assets and therefore complies with Policy DM3.

Would the loss of the existing footbridge have an unacceptable effect on patterns of movement around the town?

- 10.22 It is my view that the crossing at Gooseholme is not a key functional route, but is an attractive leisure route whose principle value lies in providing a convenient motor vehicle free desire-line route (with scenic views) between the town-centre and the more tranquil open riverside greenspace at Gooseholme (and toward Kendal Castle). Alternative bridge crossings of the river Kent are available 190m to either side of it. These crossings are considered to be equally as convenient for most practical journeys undertaken by foot. It is acknowledged that these alternative crossing points are not exclusively for pedestrians (being shared with one-way motor vehicular traffic). It is further noted that Stramongate Bridge to the north-west provides wider shared-use pedestrian space on one side while Miller Bridge to the south has narrow less than 1m footway on its southern side and a footway that varies from 1m to 2m in width on its northern side. So whilst Miller Bridge is a slightly less attractive route to pedestrians because of the combination of motor-vehicular traffic and narrow footways, it does technically provide greater overall space for pedestrians than the 1.4m wide footbridge. So whilst the routes are not qualitatively comparable in terms of openness/experience they are functionally adequate. Gooseholme footbridge has been closed to the public for over three years. Taking into account the presence of these nearby alternative bridge crossings, and the town's one-way traffic system, I do not believe that the loss of the Gooseholme crossing has, or will, lead to an increase in journeys by private motor vehicles. By the same token, I do not believe its loss would discourage journeys by foot (or make them any less safe). As such I consider that the (likely short-term temporary) loss of this route provides for a minor inconvenience at most and would not promote unsustainable modes of travel, decrease pedestrian safety or have an unacceptable effect on patterns of movement around the town.

Other Material Considerations

- 10.23 **Nature Conservation:** The applicant has submitted a Shadow Habitats Regulations Assessment (HRA) in relation to the impact of the proposed demolition works upon the River Kent SAC. It is noted that it is proposed to retain the pier foundations in place so as to minimise disturbance to the river bed habitat. The County Council's Ecological Consultant, Natural England and the Environment Agency have worked with the applicant to develop the HRA over

the course of the application. Resultantly myself, the County Council's Ecological Consultant, Natural England and the Environment Agency consider the extent of demolition and working methodology to be reasonable and are satisfied that the latter puts in place a comprehensive set of suitably tailored mitigation measures to control the risks of demolition works, adherence to which will ensure that there are no pathways that could result in any likely significant effects, either alone or in combination with other plans/projects, to the interest features of the River Kent SAC. Consequently, the County Council adopted the Habitats Regulation Assessment undertaken on 5 August 2019. The mitigation measures set-out in the adopted HRA were brought forward into a revised version of the Method of Work statement (Rev.3). It is therefore proposed to make this statement an approved document (referenced in condition 2) so as to ensure compliance with the HRA.

- 10.24 A phase 1 Habitat Survey of the River Kent was undertaken in November 2017. This flagged the presence of bats, breeding birds and otters within the river Kent corridor in Kendal. An otter survey carried out in June/July 2018 found no holts or resting sites in proximity to the footbridge. The tall ruderal grassland on the left-hand bank of the river Kent has some limited potential to harbour nesting birds (a potential diminished by the level of dog-walking activity that occurs on the riverside path). A condition is therefore proposed requiring this to be checked by a qualified ecologist prior to clearance to provide access for vehicular machinery into the river. There is no evidence of any bird nests on the bridge. A preliminary bat roost assessment and emergence survey was undertaken in connection with the bridge this summer. This assessed the structure as having low potential for use by bats and found no indication of use of the site by bats for roosting during the survey. CCC's ecological consultant is satisfied with the survey work undertaken and agrees that demolition of the bridge is unlikely to result in a significant disturbance and/or loss of a bat roost site. Consequently, subject to the conditions proposed, I am satisfied that the proposed demolition works would not result in the loss of any habitat or harm to protected species.
- 10.25 **Trees:** The programmes of demolition works have been designed so that no trees require removal or trimming and it is proposed that tree protection fencing shall be put in place prior to set-up of the temporary construction compound. A condition is imposed to ensure this occurs.
- 10.26 **Amenity:** There is the potential for demolition operations to adversely impact upon residential amenity due to their noise and potential for emitting dust. The applicant provided further information in respect of working methods and the temporary compounds in light of South Lakeland District Council's Environment Health Departments' response. The demolition methodology minimises the amount of activity undertaken by heavy plant and machinery which has greater propensity to generate higher levels of noise and dust. Given the limited scale, intensity and likely short duration of demolition operations and the working methods to control and limit dust and noise levels I do not consider that the proposed demolition works would adversely impact upon residential amenity. To ensure this is the case a condition is proposed to restrict the hours of demolition operations. To ensure pedestrian amenity and safety is maintained it is proposed to impose the condition in respect of visibility from temporary compound accesses suggested by CCC Highways.
- 10.27 **Restoration:** The proposals to restore the ramp / abutment footprints is considered to be in-keeping with its surrounds and to therefore be acceptable. A

condition is proposed to ensure the re-use of the limestone masonry facing the ramps and abutments for the re-construction and reinstatement of the riverside wall.

10.28 **Contaminated Land:** The Geotechnical Design Report submitted in support of the application includes an assessment of potential contamination. This assessed historic soil sample data alongside four additional soil samples all of which had been subject to chemical analysis. This found no signs of any contamination on the eastern (Gooseholme) side of the river. The results indicated some minor exceedances in the man-made ground on the western (New Road) side of the river. Given the nature of use of the new road land and proposed hard surface finish to be applied to the bridge footprint here it concludes that these do not pose an unacceptable risk to human health and/or the environment. Consequently it is considered to comply with Policy DM7.

11.0 CONCLUSION

11.1 This bridge has been substantially flood damaged and is currently unsafe to use. Its current design/form is not considered to be sufficiently resilient to future flooding and is considered to heighten flood risk hazard in its wider vicinity. These are considered to present sound reasons for removal of a bridge whose central value lies primarily in provision of a convenient scenic leisure route rather than an essential functional route. This subtractive intervention is judged to result in less than substantial harm to Kendal's Conservation Area, and it is considered that the flood risk and public safety benefits of demolition constitute public benefits that outweigh this level of harm. Nor is the proposal considered to adversely affect the setting of any designated heritage assets. Nor would its removal increase flood risk downstream.

11.2 The proposed demolition works programme has been carefully and sympathetically designed to minimise impacts upon the River Kent and nearby properties and to avoid the loss of trees.

11.3 In summary, 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 be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development. It is therefore recommended that this application be granted subject to conditions.

Human Rights

11.4 The proposal will have a limited impact on the visual, residential and environmental amenity of the area. Any impacts on the rights of local property owners to a private and family life and peaceful enjoyment of their possessions (Article 8 and Article 1 of Protocol 1 of the Human Rights Act 1998) are minimal and proportionate to the wider social and economic interests of the community.

Angela Jones

Acting Executive Director for Economy and Infrastructure

Contact: Mr Edward Page

Electoral Division Identification: Kendal Nether
Kendal Strickland and Fell

Development Control and Regulation Committee – 13 August 2019

Appendix 1 - 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 for relevant demolition in a Conservation Area – dated 27 June 2019;
 - b. Location Plan;
 - c. Demolition Plan – Drawing No. 399629-MMD-00-XX-DR-T-1010-Rev.P01.1 – submitted 1 August 2019;
 - d. Method of Work – Report Ref. SG25050-PLN-001-Rev.3;
 - e. Tree Statement – dated July 2019 (Report Reference 18.050);
 - f. Tree Protection Plan – Submitted 19 July 2019;
 - g. Site Layout Plan (Compounds) – submitted 31 July 2019;
 - h. Email dated 31 July 2019 from Story Contracting re: working compounds;

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

Tree Protection Measures

3. No demolition operations, or construction compound set-up on the eastern side of the river, shall take place until the tree protection measures as described in the Tree Statement dated July 2019 (Report Reference 18.050) and shown on the Tree Protection Plan submitted 19 July 2019 have been implemented in full. For the avoidance of doubt, all protective herras fencing for trees should be deployed in line with the specification shown in figures 2 and 3 of BS5837 2012.

The tree protection measures shall be retained in place throughout the undertaking of demolition works and the presence of the temporary compound within their vicinity. Once the temporary compound has been removed and its footprint re-soiled the tree protection fencing shall be removed.

Reason: In order to protect trees within the Conservation Area from damage during demolition operations in recognition of the contribution which trees make to the character and appearance of the conservation area and the wider townscape in accordance with policies DM3 and DM4 of the [South Lakeland Development Management Policies Development Plan Document](#).

Breeding Birds

4. No tall ruderal grassland shall be disturbed, removed or otherwise cleared between the 1st March and 31st August inclusive in any year unless it has first been checked for breeding birds by a qualified ecologist in accordance with Natural England's Guidance. In the event that breeding birds are found to be present an appropriate exclusion zone shall be set up around the habitat in question. No work shall be undertaken within the exclusion zone until nesting birds have been confirmed absent by a qualified ecologist.

Reason: To ensure appropriate protection for breeding / nesting birds under Section 1 of the Wildlife and Countryside Act 1981 and the Local Planning Authority's biodiversity duty under The Natural Environment and Rural Communities Act (NERC) 2006.

Pedestrian Visibility Sight Splays from the Temporary Compounds

5. A 2.4 metre x 2.4 metre pedestrian visibility sight splay as measured from the highway boundary (or footpath boundary), shall be provided on both sides of the vehicular access to each temporary working compound. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

Reason: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.

Hours of Operations

6. No demolition operations or start-up of generators or other plant and/or machinery shall take place outside the hours specified below without the prior written consent of the local planning authority:

08.00 am to 18.00 pm Monday to Friday

08.00 am to 13.00 pm on Saturdays.

No work shall be carried out on Sundays or public and/or bank holidays.

This condition shall not operate so as to prevent the operation of any traffic control systems and the carrying out, outside these hours, of essential maintenance to plant and machinery used in the demolition works.

Reason: In the interests of local and residential amenity.

Retention of Limestone Masonry for Re-use on Wall Reconstruction

7. The limestone masonry facing to the footbridge ramps and abutments shall be removed by hand (or by hand held tools) only and in a manner so as to prevent damage from occurring to the limestone masonry and its dressed face. All undamaged masonry shall be retained on site and re-used in the construction of the river-side wall on the western side of the river where the bridge once was.

Reason: To preserve and ensure the productive re-use of historic fabric and ensure that the masonry matches that of the existing riverside wall.

Appendix 2 - PLAN OF SITE LOCATION/EXTENT

