

5o E/12/0046/A – Proposed development of a pedestrian footbridge and ramps over the railway track, with temporary compound and access, at Johnson’s Crossing at Land off Grange Paddock, Rye Street, Bishop’s Stortford, CM23 2HD

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD MEADS

RECOMMENDATION:

That no formal enforcement action is taken in this matter, provided that an application seeking planning permission for the proposal is submitted in a reasonable period of time, the outcome of which is the grant of planning permission. In the absence of that, the matter be reported back to the Committee for further consideration.

_____ (004612A.GD)

1.0 Background:

- 1.1 Members will be aware of the fatal accident at Johnson’s Footpath Crossing, when a 15-year-old girl was hit by a train as she crossed the tracks at this unmanned crossing point on Saturday 28th January 2012.
- 1.2 At the time that this report was written, it appears that Network Rail, which is responsible for the railway infrastructure, had started to draw up a new scheme for a bridge at this crossing prior to this accident. In view of the tragedy, they now wish to bring forward the start date of the proposed development. They have arranged a meeting on site with their representatives, and officers of this Council, to include representatives of the Property Department, Development Control and Environmental Services. Following that meeting, they propose to submit an application by Friday 10th February 2012 for a pedestrian footbridge with disabled access. Members of the Committee will be updated at the meeting.
- 1.3 Should Network rail commence the proposed work, prior to the grant of planning permission, they will be advised that all work will be continued at their own risk until all required planning and other issues have been regularised.

2.0 Planning History:

- 2.1 There is no planning history for this site.

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3.0 Policy:

3.1 Subject to the submission of an application seeking the grant of planning permission, the following policies will fall to be considered:

GBC1	Appropriate Development in the Metropolitan Green Belt
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV4	Access for Disabled People
ENV23	Light Pollution and Floodlighting
BH1	Archaeology and New Developments
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
LRC1	Sport and Recreation Facilities

4.0 Considerations:

4.1 The initial proposed general arrangements for the bridge crossing, seen by officers, show a 15metre bridge over the tracks accessed on the west side by a two phase ramp running parallel to the line and access stairs. To the eastern side the single ramp gently falls from the bridge to ground level, following the current path. This proposed development may necessitate a temporary secure compound and access to the development site.

4.2 Your officers have considered the possibility of the commencement of this new development by Network Rail in advance of the necessary permissions.

4.3 The location is in the Green Belt. The land on the west side of the rail line is designated as open space. The development proposed is not one that is considered as appropriate in terms of PPG2 and local plan policy GBC1. In terms of other harm, whilst the design is utilitarian, it is considered to be a conventional and acceptable approach to delivering a bridge crossing here. The location is some distance from residential properties, the closest ones being 50 metres or so distant from the east side of the bridge. It is likely that any bridge would appear in the views from these properties but not so prominently that it would have any significant harm. The potential for overlooking from the bridge or the impact of any illumination are also likely to be similarly minimal.

4.4 With regard to the impact on the open space designation, it is considered that the impact will be limited. The bridge would require the use of the some of the designated land, but would not compromise that overall use. The site is designated as an area of archaeological interest. Because groundworks will be necessary there is the potential for remains of

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archaeological interest to be disturbed. It is considered most likely that a condition requiring the normal investigation of those remains would be adequate were a permission to be forthcoming.

- 4.5 The structure is open in nature and its impact on openness is therefore limited. Other harm is considered to be limited. As a result, it is considered that weight could be given to other issues, not least public safety, such that very special circumstances exist. As a result, it is not expedient to take immediate enforcement action, should the development commence before the grant of planning permission. If an application is not submitted as previously agreed, or within a reasonable timescale, it is open for the matter to be brought back to the Development Control Committee for further consideration.

5.0 Recommendation:

- 5.1 It is recommended that your officers take no formal enforcement action subject to the grant of planning permission in a reasonable timescale.