

## DEVELOPMENT MANAGEMENT COMMITTEE - 22 FEBRUARY 2022

<b>Application Number</b>	3/19/1049/LBC
<b>Proposal</b>	Repair works and replacement white post and 3-rail balustrade to bridge.
<b>Location</b>	Land To The South And East Of Gilston Village And North Of River Stort Hertfordshire/Harlow
<b>Parish</b>	Eastwick Parish Council
<b>Ward</b>	Hunsdon

<b>Date of Registration of Application</b>	Wed 12 Jun 2019
<b>Target Determination Date</b>	22 February 2022
<b>Reason for Committee Report</b>	In conjunction with major application
<b>Case Officer</b>	Jenny Pierce

### RECOMMENDATION

That listed building consent be **GRANTED** subject to the draft conditions set out at the end of this report.

That delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the conditions.

#### 1.0 Summary of Proposal and Main Issues

- 1.1 *Background and context* - The application under consideration forms part of the Gilston Area which is allocated in the East Herts District Plan to deliver a mixed-use development of 10,000 homes and supporting infrastructure as detailed in Policy GA1.
- 1.2 The Gilston Area also forms part of the Harlow and Gilston Garden Town (HGGT) which was designated a Garden Town by the government in January 2017. The HGGT has been identified to deliver significant housing growth and supporting

infrastructure across new neighbourhoods to the east, west, and south of Harlow; as well as to the north within new villages in the Gilston Area which is located within the district of East Herts.

- 1.3 The site - The application site comprises a footbridge which crosses the watercourse of Fiddlers' Brook in Gilston. This footbridge is Grade II listed. As part of the works for the proposed Eastern Stort Crossing (planning application reference 3/19/1051/FUL), a new access is required crossing over Fiddlers' Brook between Terlings Park and Pye Corner (planning application reference 3/19/1051/FUL). As part of this, the setting of Fiddlers' Bridge will be altered, but it will still be in use for its intended purpose. Thus, this application seeks to deliver enhancements to the heritage asset of Fiddlers' Bridge by positively incorporating it into the footpath network to maintain its functionality, as well as improving its structural integrity and appearance through brickwork re-pointing and a replacement balustrade.
- 1.4 The application - The application under consideration and which is the subject of this report, seeks listed building consent for suitable repair works and a replacement white-post and 3-rail balustrade to Fiddlers' Bridge.
- 1.5 The documents submitted for approval - The plans to be approved are 18303-FB-6-008-Rev-A which shows the repairs and  
  
1774-01-CIVIC-S-SK01-P04 which show the proposed new balustrade.
- 1.6 Supporting documents - An Environmental Statement has been submitted that includes the following appendices: Fiddlers' Bridge Report (Montagu Evans, May 2019); and Fiddlers' Bridge, Gilston (Woods Hardwick, February 2019).
- 1.7 Main issues - The impact of the proposed development on the significance of a designated heritage asset.

## **2.0 Site Description**

- 2.1 The footbridge known as Fiddlers' Bridge is located on land to the south and east of Gilston Village and north of River Stort on the Hertfordshire/Harlow border which forms the Gilston Area and Harlow and Gilston Garden Town (HGGT)
- 2.2 The footbridge is Grade II listed, and was designated on the 19/09/1984. The list description states: "*Footbridge. C18/C19. 2 arched small red brick, footbridge over Fiddlers' Brook. About 5 feet wide. Unequal round arches of 2 rings of headers. Smaller and older arch on N side with higher springing. Main span has 3 centred arch in darker*

*brick. Angled abutment walls. White post and 3-rail balustrade. An interesting brick footbridge. Picturesque element in views when approaching Pye Corner from S, especially as foreground to Fiddlers Cottage."*

### **3.0 Planning History**

- 3.1 No planning history specifically relates to Fiddlers' Brook Bridge.
- 3.2 This application for listed building consent is submitted in conjunction with the following submissions for planning consent;
- 3.3 3/19/1051/FUL - Erection of a new road, pedestrian and cycle bridge; replacement of an existing rail bridge at River Way; alterations to the existing local highway network; lighting and landscaping works; listed building works to Fiddlers' Brook Bridge; and other associated works. Pending consideration.
- 3.4 3/19/1045/OUT - Outline planning with all matters reserved apart from external vehicular access for the redevelopment of the site through the demolition of existing buildings and erection of a residential led mixed use development comprising up to 8,500 residential homes including market and affordable homes; retirement homes and extra care facilities; provision for Gypsies and Travellers pitches/ Travelling Showpeople plots; a range of community uses including primary and secondary schools, health centres and nursery facilities; retail and related uses; leisure facilities; business and commercial uses; open space and public realm; sustainable urban drainage systems; utility and energy facilities and infrastructure; waste management facilities; vehicular bridge links; car parking; creation of new vehicular and pedestrian accesses into the site, and creation of a new vehicular, pedestrian and cycle network within the site. Pending consideration.

### **4.0 Main Policy Issues**

- 4.1 In October 2018, East Herts adopted its District Plan (EHDP) which sets out the Council's planning framework for the district, identifying how it will grow and develop over the plan period up to 2033. Part 1 of the Plan establishes the Council's vision and strategic objectives for the district, including a development strategy with settlement/site specific policies. Part 2 comprises the development management

policies that are used to assess planning applications and Part 3 contains policies on infrastructure and service delivery.

4.2 The table below summarises the main policy issues relevant to the Gilston Area and Harlow and Gilston Garden Town (HGGT) which forms part of the Gilston Area Neighbourhood Plan (GANP) produced by the Hunsdon, Eastwick and Gilston Neighbour Plan group and formally part of the statutory Development Plan in 2021. These should be read alongside the relevant sections in the National Planning Policy Framework (NPPF) which are also summarised.

<b>Main Issue</b>	<b>EHDP Policy</b>	<b>GANP policy</b>	<b>NPPF</b>
Delivery of the District Plan housing strategy	INT1, DPS1 DPS2, DPS3 GA1	AG1 BU1	Section 5
Housing mix and affordable housing provision	HOU1, HOU3 HOU6, HOU7 HOU8, HOU9	BU1	Section 5
Healthy Communities and Community Infrastructure	GA1, DES5 CFLR1, CFLR3 CFLR7, CFLR9 CFLR10	BU2 C1	Section 8
Sports and Recreation, Parks and Open Spaces	ED1, RTC5 DES5, CFLR1 CFLR3, CFLR7 CFLR9, CFLR10	AG3 AG7 LA1 BU1	Section 6 Section 7
Employment, Jobs and Commercial Facilities	GA1	BU2 BU3	Section 6 Section 7
Other proposed uses	GA1	AG1	Section 38
Natural environment	DES2, NE1, NE2 NE3, NE4	AG1, AG2, AG3 AG4, LA1, TRA2	Section 15

Historic environment	HA1, HA2	AG1, AG7, BU1 H1	Section 16
Flood risk management, including climate change, water efficiency and quality	WAT1, WAT2 WAT3, WAT4 WAT5, WAT6 CC1, CC2	AG1, AG2, AG7 LA1	Section 14
Contamination and pollution	EQ1, EQ2 ED3, EQ4	AG3, AG8	Section 15
Highway impact, mitigation and parking	TRA1, TRA2, TRA3	AG3, AG7, AG8 BU2, BU4, TRA1 TRA2	Section 9
Compatibility with the Garden Town Vision and Gilston Area Concept Framework	GA1	D1, D2	
Infrastructure delivery and planning obligations	DEL1, DEL2	AG9	Section 2 Section 4
Overall sustainability	Chapter 1 INT1		Section 2

4.3 The table below lists the main East Herts District Plan policies relevant to this application for listed building consent. These should be read alongside the relevant sections in Gilston Area Neighbourhood Plan (GANP) and the National Planning Policy Framework (NPPF) which are also listed.

HA1 - Designated Heritage Assets - East Herts District Plan 2018
HA7 - Listed Buildings - East Herts District Plan 2018
AG1 – Historic environment GANP 2021
Section 16 - National Planning Policy Framework 2021

## **5.0 Summary of Consultee Responses**

- 5.1 This section summarises the responses of statutory bodies; full responses are available on the application portal. For ease of reference the summary draws out initial concerns raised to the original application followed by comments made to the amended scheme where relevant.
- 5.2 *EHDC Conservation and Urban Design Advisor* - No objection. The proposals are acceptable and Listed Building Consent can be granted, subject to a making good condition.
- 5.3 *Canal And River Trust (British Waterways)* – No comment.
- 5.4 *Natural England* - No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 5.5 *Stansted Airport* - The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal however we request the inclusion of a condition regarding the submission and approval of a Bird Hazard Management Plan (BHMP) prior to development or pre-development works.
- 5.6 *Cadent Gas* - No objection. Recommend that an Informative is attached to the grant of any listed building consent to inform the applicants that Cadent Gas own and operate the gas infrastructure within the area.

## **6.0 Town/Parish Council Representations**

- 6.1 No comment received.

## **7.0 Summary of Other Representations**

- 7.1 71 responses were received in response to the consultation, of these 69 object. Resident comments can be summarised as being a standard objection letter relating to the principle of the outline application and the Eastern Stort Crossing application rather than having any relation to the Listed Building Consent and the proposed replacement of the balustrade. As such, these comments which have also been submitted to both applications they will be considered in those reports.

## **8.0 Consideration of Issues**

### **8.1 Principle of development**

- 8.1.1 The National Planning Policy Framework (NPPF) highlights the Government's desire to promote and support the delivery of sustainable growth. District Plan Policy INT1 reiterates this guidance and policies DPS1, DPS2, DPS3 and DPS4 set out the Council's strategy for delivering growth in East Herts over the Plan period up to 2033. It looks at the amount of new development that will be delivered and where it should be located across the District. It also identifies the need for new site allocations to deliver this strategy, and what new infrastructure and services may be required. As part of the works for the proposed Eastern Stort Crossing (planning application reference 3/19/1051/FUL), a new access is required crossing over Fiddlers' Brook between Terlings Park and Pye Corner).
- 8.1.2 The proposed crossing over Fiddlers' Brook will impact upon the Grade II listed footbridge. The NPPF seeks to conserve and enhance the historic environment acknowledging that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The historic environment policies within the NPPF are contained within paragraphs 189-208.
- 8.1.3 Paragraph 199 of the NPPF outlines that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.' Furthermore, Paragraph 200 states that: 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'
- 8.1.4 Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, Paragraph 201 states that local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 202 follows this and states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated

heritage asset, this harm should be weighed against the public benefits of the proposal'.

- 8.1.5 These NPPF policies align with the East Herts District Plan policies HA1 and HA7 and GANP policy AG1 which aim to preserve and, where appropriate, enhance the historic environment and Section 16 of the Listed Buildings and Conservation Areas Act which states that the local planning authority shall have "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 8.1.6 This application for listed building consent seeks to deliver suitable repairs and a replacement balustrade to the heritage asset of Fiddlers' Bridge. These enhancements would positively incorporate it into the footpath network to maintain its functionality, as well as improving its structural integrity and appearance through brickwork re-pointing and a replacement balustrade.
- 8.1.7 Two plans have been submitted under this listed building consent application. Drawing no. 18303-FB-6-008-Rev-A which reflects the proposed repair works to the bridge and drawing no. 1774-01-CIVIC-S-SK01-P04 which shows the replacement of the existing balustrade with a "white post and 3-rail balustrade" as per the list description.
- 8.1.8 Consultation with the Council's Conservation Team has taken place which has informed the proposed works. It is considered that the setting of the bridge has been diminished over time due to the creation and multiple realignments of Eastwick Road. Despite this, the erection of the bridge over Fiddlers' Brook will negatively impact on the setting of the Grade II listed footbridge, and this impact will result in harm to the significance of this designated heritage asset. However, this harm to significance is considered to be less than substantial, and whilst the setting of the footbridge will change, the bridge will be retained in use and will still be able to be appreciated in its original location. There are clearly significant public benefits associated with the ESC application, but it is important that the significance of the listed footbridge is respected through the planning balance. Less than suitable repairs over the years have also negatively impacted the structure, so the proposal to refurbish and repair the footbridge is welcomed.
- 8.1.9 Great weight and importance is attached to the harm to the significance of heritage assets and to their conservation. A clear and convincing justification is required for any harm to the significance of a heritage asset. In the context of this application and the purpose of the planning balance, it is considered that the harm to the



significance of the listed buildings is outweighed by the public benefits of the ESC, as described within the committee report for the Eastern Stort Crossing application. Moreover, and separately, the repairs and the replacement balustrade to Fiddlers' Brook Footbridge are considered to be positive in heritage terms.

8.1.10 Whilst the setting of the bridge will change, the bridge will be retained in use for its intended purpose and will still be able to be appreciated in its original location. There are clearly significant public benefits associated with these applications combined, and the significance of the listed footbridge. As such, this proposal is welcomed and is considered to enhance the character and special interest of this listed bridge.

## **9.0 Planning Balance and Conclusion**

9.1 In the planning balance, the wider public benefits of the Eastern Stort Crossing are considered to outweigh the less than substantial harm to the significance of Fiddlers' Bridge, and the harm is further mitigated by the repairs proposed to the footbridge as detailed in this application for Listed Building Consent. These works cannot be a condition on the Eastern Crossing Application as they require Listed Building Consent to be granted.

9.2 Therefore the proposed development is considered to enhance the character, appearance and special interest of the heritage asset compliant with Policies HA1 and HA7 of the East Herts District Plan, AG1 of the GANP and paragraphs 199, 200 and 202 of the NPPF and Section 16 of the Listed Buildings and Conservation Areas Act. As such, this listed building application is recommended for approval, subject to conditions.

## **RECOMMENDATION**

That listed building consent be **GRANTED**, subject to the draft conditions set out at the end of this report.

That delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the conditions.

## **Condition(s):**

- 1 The works to which this consent relates shall be begun no later than the expiration of three years beginning with the date on which this consent is granted.

Reason

To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As Amended).

- 2 The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.

Reason

To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

- 3 Following completion of the building operations for which consent is hereby granted, all 'making good' of the existing building shall be carried out in materials which closely match those used in the existing building to the satisfaction of the Local Planning Authority.

Reason

To ensure the historic and architectural character of the building is properly maintained, in accordance with Policy HA7 of the East Herts District Plan 2018.

## **Informatives:**

1. East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that consent should be granted.

2. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.
  
3. Please note that Cadent Gas own and operate the gas infrastructure within the area of your development.