

SECTION 2 – ITEM 6

Application Nos: 22/P/1956/LBC & 22/P/1967/MAA

Proposal: 1) Listed building consent for alterations to the existing parapet walls, including drilling holes in existing coping stones to install new railings to raise the height of the parapet

2) Application for Prior Approval under Schedule 2, Part 18, Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended – Alterations to the existing parapet walls, including drilling holes in existing coping stones to install new railings to raise the height of the parapet

Site address: Devil's Bridge, Bleadon Hill, Weston-super-Mare

Applicant: Network Rail

Target date: 06.10.2022

Extended date: 01.03.2023

Case officer: Annika Lepoittevin

Parish/Ward: Weston-Super-Mare/Weston-Super-Mare Uphill

Ward Councillors: Councillor Peter Bryant and Councillor John Ley-Morgan

REFERRED BY COUNCILLOR BRYANT

Procedure

The works for new railings at Devil's Bridge require Listed Building Consent as the bridge is grade II listed and also a separate require Prior Approval under Schedule 2, Part 18, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO), as amended. The works do not a require planning application, but the Local Planning Authority (LPA) must give prior approval under the "permitted development" provisions before the scheme can be undertaken

Summary of recommendations

It is recommended that the applications be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

The Site

Devil's Bridge is located on Bleadon Hill approximately 140 metres to the east of the junction of Bridgwater Road (A370). The main train line leading into Weston runs under the

bridge. Immediately east of the bridge and to the south west are residential areas. In the north west, Bridgwater Road goes into Weston and there are fields before the residential areas of Weston and Uphill.

The Applications

Listed building consent and prior approval is sought for alterations to the parapets to install black metal guard railings on the bridge parapets (brick) that will be 1.2 metres high.

Relevant Planning History

Year: 2022

Reference: 21/P/3546/LBC & 22/P/0729/MAA

Proposals: Listed building consent and prior approval for alterations to the existing parapet walls on Devil's Bridge including drilling holes in existing coping stones to install new railings, raising height of parapet to 2.1m (including existing parapet wall) and proposed mesh screen fitted to railing parapet extension (track side).

Decision: Withdrawn

Year: 2018

Reference: 18/P/3259/LBC

Proposal: Listed building consent for railway bridge repairs and maintenance, including brickwork repairs (rebuild and re-pointing), waterproof and saddle, underpin abutments and wing-walls, provide positive drainage and provide barriers on approaches

Decision: Approved

Legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires the local planning authority to have special regard to the desirability of preserving and enhancing Listed Buildings, their settings and Conservation Areas.

Schedule 2, Part 18, Class A of the General Permitted Development Order 2015 (as amended) applies to the prior approval application.

Policy Framework

The site is affected by the following constraints:

- Grade II listed structure
- Within the settlement boundary for Weston-Super-Mare
- Horseshoe bat zone C

The Development Plan

North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

CS4	Nature Conservation
CS5	Landscape and the historic environment
CS12	Achieving high quality design and place making

Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

DM4	Listed Buildings
DM8	Nature Conservation
DM32	High quality design and place making

National Planning Policy Framework (NPPF) (2021)

The following sections are particularly relevant to this proposal:

- 12 Achieving well designed places
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

National Planning Practice Guidance (from March 2014)

Historic Environment (Decision-making: Historic environment)

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- Biodiversity and Trees SPD (adopted December 2005)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)

Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Third Parties:

One letter of support has been received. The principal planning points made is that the application is supported as it provides extra safety on the bridge.

No letters of objection have been received.

Weston-Super-Mare Town Council: "The Town Council previously objected to this application but having carefully considered the additional evidence submitted, the town council now SUPPORTS this application"

Officer comment: The Town Council objected to applications ref. 21/P/3546/LBC & 22/P/0729/MAA that were withdrawn by the applicant.

Other Comments Received:

Historic Building and Places (previously known as the Ancient Monuments Society):

No objection - HB&P objected to the previously proposed scheme [*i.e.*, *withdrawn application 21/P/3546/LBC*] due to the design of the proposed parapet, which would have greatly harmed the appearance and significance of the bridge. The parapet has now been redesigned and, rather than a stainless-steel mesh, a more traditional style metal railing will be installed featuring vertical uprights that will be painted black. While it is unfortunate a raised parapet is needed at all, this more open design is less visually intrusive than the previous scheme.

Victorian Society: No comments.

Historic England: No comments

Principal Planning Issues

The principal planning issues in this case are (1) Impact of the proposed railings to the grade II listed structure [22/P/1956/LBC], (2) safety considerations, (3) impact on the neighbourhood amenity [22/P/1967/MAA] and (4) biodiversity

Issue 1: Impact on the grade II listed structure

Devil's Bridge is a feature that forms part of the 'Great Western Railway' built in a pioneering phase of railway development. It was built at the initiative of Bristol businessmen and industrialists who recognised that a railway link to London and the rest of the country would benefit Bristol's economy. Isambard Kingdom Brunel was appointed as engineer for this work in 1833. Brunel erected what was at the time the highest and widest single-span bridge in the country. It was built economically as it used less masonry than an ordinary bridge, being supported by the sides of the cutting for the railway. It was known as Devil's Bridge, after 'Devil' Payne, a difficult landowner who possessed the land needed for the railway and who held out for a high price.

This proposal seeks the installation of black painted metal railings to be secured above the existing parapet walls to bring the full height of the parapets and railings to 2.6 metres high. The railings would be secured by drilling holes at approximately 1.8 metre centres into the existing brick parapets to insert sections of metal bar that will provide stability. Network Rail has supplied an image of railings used at Bristol Temple Meads station (a grade I listed building) and the railings now proposed for Devil's Bridge would be similar in appearance albeit taller.

In considering whether to grant listed building consent, section 66 of the Planning (listed buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard to certain matters, including the desirability of preserving the listed building or its setting, or any special features of architectural or historic interest of which it may possess.

The statutory framework is reinforced by the National Planning Policy Framework (NPPF) that states in paragraph 199 "*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".

Paragraph 200 of the NPPF states *"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."*

Paragraph 202 of the NPPF goes on to state 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'*

There are considered to be two main types of interest when assessing the significance of Devil's Bridge. Firstly, in terms of historic interest, holes will be drilled into the existing parapet walls with sections of metal bar slotted in. This means there will be harm to the existing fabric of the bridge. The parapets are not thought to be original as the Historic England list description describes them as being renewed, however, they form part of the existing structure and may have some historic value as it's unclear when they were renewed. Although, the drilling will cause harm to the masonry these holes could be repaired if the railings were ever to be removed in the future. In terms of NPPF guidance, these works are therefore considered to cause a low level of less than substantial harm to the historic interest or 'significance' of the bridge.

Secondly, the bridge has architectural and aesthetic interest when it is experienced in the landscape as a Victorian era railway bridge. It is most prominently viewed when travelling over the bridge by car or by foot but is also visible in more distant views when passing over the Uphill Railway bridge on Bridgwater Road and from Oldmixon bridge on Broadway. The proposed railings would have a very limited negative impact on long range views as the railings have quite fine proportions with gaps between them and therefore should blend into the landscape. The railings would be much more intrusive when standing on the bridge and due to their overall height have the potential to make the bridge feel quite enclosed. However, the applicants have significantly revised the original design of the railings since the previous application was withdrawn. Although overall they may have a negative impact on how the bridge is experienced, the proposals are now considered to be in a style that is more suited to the form and appearance of the bridge.

Any form of increase in height to the parapets would be intrusive to some extent but this design is considered to be the most sympathetic option to provide the needed safety to the bridge (see below). Alternative schemes have been considered by the applicants in order to provide the required safety measures (including a net arrangement under the bridge) but such schemes have been concluded to be impractical for various reasons. For example, if a safety net was to be used there is nothing to offer protection from a further fall from the net. Nets are also likely to trap debris harming the appearance of the bridge and lead to the need for extra maintenance to keep them clean.

Overall, the proposal has been assessed as resulting in less than substantial harm at a moderate to low level. In this case, although the railings would significantly change the appearance of the existing bridge, they have been considered necessary by the applicants on the health and safety grounds set out below. This public benefit is considered to outweigh the negative connotations discussed above.

Regard has been given to the significance of this heritage asset when determining the weight to be given to its conservation and the proposal is considered to be in accordance with policy CS5 of the North Somerset Core Strategy, policy DM4 of the Sites and Policies Plan (Part 1), section 16 of the NPPF and sections 16(2) and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Issue 2: Safety considerations

Network Rail (the applicant) has identified the need to raise the parapet height of Devil's Bridge following the British Transport Police (BTP) and Avon and Somerset Police having identified the bridge as a high risk area. BTP for example have recorded 9 incidents at the bridge over the last two years.

In its supporting information Network Rail has stated it is controlled by railway safety standard NR/L3/CIV/020 which is based on British standard BS EN 50122:1. This states that -

'Parapet heights have been reviewed following detailed assessment of railway risks that can be partially mitigated by parapets on overline bridges and footbridges. The research indicates that...an increased parapet height will often be appropriate to mitigate the risks so far as reasonably practicable.'

In determining the revised parapet height requirements, consideration has also been given to:

- *Network Rail's initiatives to reduce suicide, trespass, electrocution, vandalism and cable theft on the railway;*
- *The increased use of electrification on the network in the future; and*
- *The potential automation of railway operations in the future'*

Network Rail has responsibility over health and safety at Devil's Bridge. The standard discussed above and details of the incidents recorded by BTP are considered to provide the clear and convincing justification and provide an overriding public benefit as required by the NPPF to outweigh the less than substantial harm that will occur to the grade II listed building. In considering the proposals, regard has been paid to the significance of this heritage asset when determining the weight to be given to its conservation and the proposal is considered to be in accordance with policy CS5 of the North Somerset Core Strategy, policy DM4 of the Sites and Policies Plan (Part 1), section 16 of the NPPF and sections 16(2) and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Issue 3: Prior Approval process: the amenity of the neighbourhood

This section addresses the Local Planning Authority requirements for the "prior approval" application. As discussed previously, the works do not require a planning application, but the Local Planning Authority (LPA) must give prior approval before the scheme can be undertaken.

This site falls within operational railway land owned by Network Rail and was authorised by the Bristol and Exeter Railway Act 1836. The act bestows the railway company and its successors the power to make developments necessary to the running and management of the railway; including the alterations to bridges/structures crossing the railway.

The proposed alterations to Devil's Bridge are permitted development by virtue of Schedule 2, Part 18, Class A of the General Permitted Development Order 2015, as amended. Paragraph A.2 outlines the process by which the LPA can give prior approval and comment on the proposals. It states that the prior approval is not to be refused nor are conditions to be imposed unless the LPA is satisfied that –

- “(a) The development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or*
- (b) The design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury”.*

The LPA may therefore consider only the design, materials, or siting of the works to ensure that the development proposed “would not injure the amenity of the neighbourhood” and be satisfied that it could not be “reasonably carried out elsewhere”.

Point (a) above relates to the positioning of the proposal. As the works are new railings for an existing bridge, it is considered the works cannot be carried out in any other location.

Point (b) relates to the design and external appearance of the railings. This has been assessed in detail under the impacts on the grade II listed building (issue 1 above). The applicants have revised the designs to be more sympathetic to the appearance and age of the bridge. In this case, although the railings will significantly change the appearance of the existing bridge, they have been considered necessary on health and safety grounds. This requirement is considered to outweigh the heritage impacts discussed under issue 1. It is, therefore, considered the prior approval application should be granted.

Issue 4: Biodiversity

The results of a protected species survey have been submitted with the application which conclude that there is negligible potential for bats to be affected by the development. A condition has been recommended by the Council's Ecologist for the mitigation in the submitted report to be followed. This involves all site staff being briefed about the potential for bats to be present within gaps and crevices in the existing bridge and ensure checks are carried out before starting works. In this respect, regard has been paid to the requirements of the Conservation of Habitats and Species Regulations 2017 and the Natural Environment and Rural Communities Act 2006, and to policy CS4 of the North Somerset Core Strategy, policy DM8 of the Sites and Policies Plan (Part 1) and the council's Biodiversity and Trees SPD.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The proposed development has been screened separately under the above Regulations and has been found not to constitute 'EIA development'. An Environmental Statement is not, therefore, required.

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

Conclusion

Whilst the proposal would fail to preserve the special interest of the Grade II listed bridge entirely therefore resulting in less than substantial harm, in this case, the applicants have provided clear and convincing justification that demonstrates the significant public benefits which outweigh the harm in accordance with paragraphs 200 - 202 of the NPPF. The applicants have made efforts to revise the designs to be more sympathetic to the appearance and age of the bridge. In this case, although the railings will significantly change the existing bridge, they have been considered necessary by the applicants on the health and safety grounds. This requirement is considered to outweigh the negative impacts to the character and appearance of the bridge. It is, therefore, considered the prior approval application and listed building consent should be granted.

22/P/1956/LBC RECOMMENDATION: APPROVE (for the reasons stated in the report above) subject to the following conditions:-

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

Reason: In accordance with the provisions of Section 18 of the Town and Country (Listed Building and Conservation Areas) Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. The development shall not take place except in strict accordance with the measures outlined in Section 4.2 Recommendations of the Bat survey report (Development Ecology Consultants Ltd., 2021). If amendments to the methodology are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended including by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019), the Wildlife and Countryside Act 1981 (as amended), The Natural Environment and Rural Communities (NERC) Act 2006, policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

4. No metal railings shall be installed until detailed working drawings showing any changes in the height of the railings at the ends of the bridge have been submitted to

and approved, in writing, by the Local Planning Authority. Thereafter, the development shall not be carried out except in accordance with the approved details.

Reason: To clarify how variations in height of the existing parapet walls will be dealt with and if the proposed metal railings will need to change in height at certain locations, in order to maintain the architectural integrity of the building and the appearance of its surroundings and in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), policies CS5 and CS12 of the North Somerset Core Strategy and policies DM4 and DM32 of the North Somerset Sites and Policies Plan (Part 1). The details must be agreed prior to commencement in order to safeguard the architectural and historic interest of the Listed Building.

5. All new external and internal works and finishes, and works of making good, shall match the existing original work in respect of materials used, detailed execution and finished appearance except where indicated otherwise on the drawings hereby approved or where otherwise first agreed in writing by the local planning authority.

Reason: To protect the character and appearance of the Listed Building and in accordance with policies CS5 and CS12 of the North Somerset Core Strategy and policies DM4 and DM32 of the North Somerset Sites and Policies Plan (Part 1).

6. The materials to be used in the development hereby permitted shall be in complete accordance with the approved plans and specifications.

Reason: To ensure that materials to be used are acceptable in the interests of preserving the character and appearance of the Listed Building, and in accordance with policies CS5 and CS12 of the North Somerset Core Strategy and policies DM4 and DM32 of the North Somerset Sites and Policies Plan (Part 1).

22/P/1967/MAA RECOMMENDATION: GRANT (for the reasons stated in the report above) subject to the following conditions:-

1. The development shall not take place except in strict accordance with the measures outlined in Section 4.2 Recommendations of the Bat survey report (Development Ecology Consultants Ltd., 2021). If amendments to the methodology are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended including by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019), the Wildlife and Countryside Act 1981 (as amended), The Natural Environment and Rural Communities (NERC) Act 2006, policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

2. No metal railings shall be installed until detailed working drawings showing any changes in the height of the railings at the ends of the bridge have been submitted to

and approved, in writing, by the Local Planning Authority. Thereafter, the development shall not be carried out except in accordance with the approved details.

Reason: To clarify how variations in height of the existing parapet walls will be dealt with and if the proposed metal railings will need to change in height at certain locations, in order to maintain the architectural integrity of the building and the appearance of its surroundings and in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), policies CS5 and CS12 of the North Somerset Core Strategy and policies DM4 and DM32 of the North Somerset Sites and Policies Plan (Part 1). The details must be agreed prior to commencement in order to safeguard the architectural and historic interest of the Listed Building.