

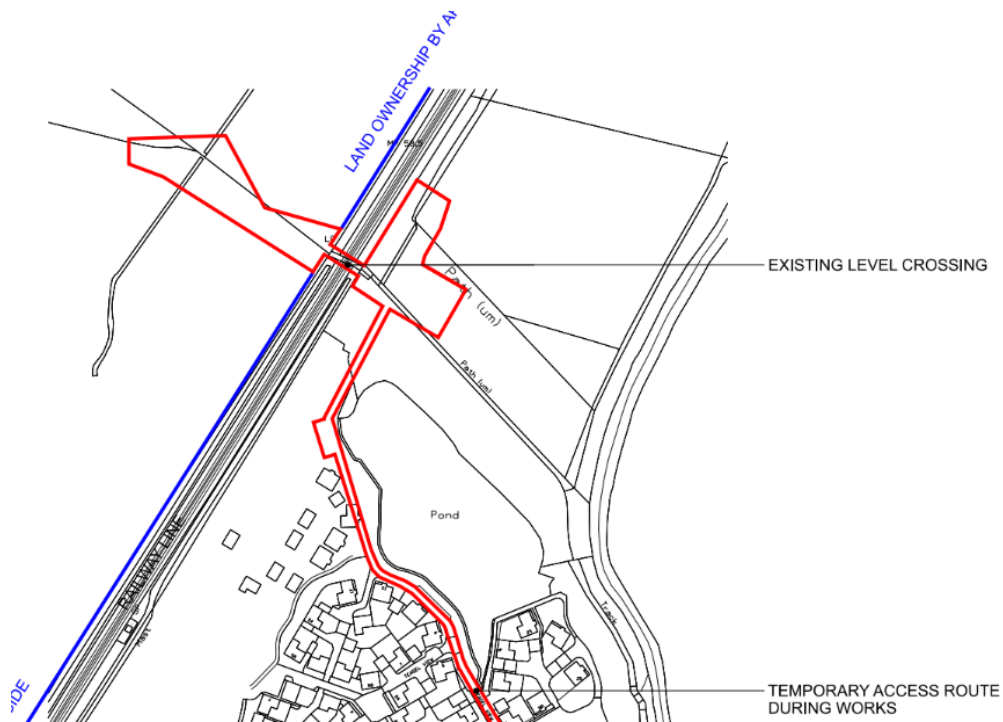
<b>Application Number</b>	22/01041/AS	
<b>Location</b>	Cradle Bridge Level Crossing Conningbrook Park, Kennington Road, Willesborough	
<b>Parish Council</b>	Kennington Community Council	
<b>Ward</b>	Kennington	
<b>Application Description</b>	Full planning application for the construction of a footbridge crossing over the railway line and associated works.	
<b>Applicant</b>	Quinn Estates Ltd	
<b>Agent</b>	Montagu Evans LLP, 70 St Mary Axe, London	
<b>Site Area</b>	1.08 ha	
(a) 308 - 30'R', 1'S'	(b) KCC 'R'	(c) EA 'X', KCC EAS 'X', KCC PROW 'X', KCC H&T 'X', NR 'X', KDAONB 'X'

## Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member, Councillor Katy Pauley.

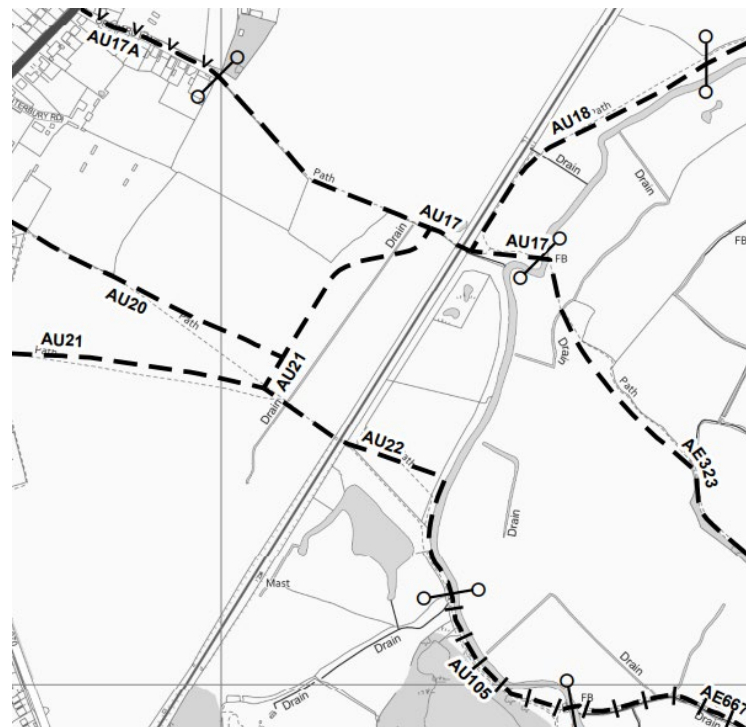
## Site and Surroundings

1. As shown in **Figure 1** below, the site is located at the existing Cradle Bridge pedestrian crossing which forms an at-grade crossing over the Ashford to Ramsgate railway line. The eastern side of the railway comprises the Conningbrook Lakes Country Park. This land is owned by Brett's with a long lease to Ashford Borough Council. The western side of the railway consists of agricultural land and benefits from planning permission for a major mixed use residential-led development (reference 19/00025/AS) referred to here as Conningbrook Park. Part of this land is owned by Redrow and part by Quinn Estates Limited. To the south east is the Great Stour river beyond which is predominantly agricultural land.
2. The site location plan includes the proposed temporary access route to the eastern side of the railway from Willesborough Road (A2070) through the Conningbrook Lakes development. This will be for construction purposes only.



**Figure 1: Site Location Plan**

3. The existing at-grade crossing is a Public Right of Way (PROW) and as shown in **Figure 2** below forms part of footpath AU22 which runs east-west from the site of the recently approved Conningbrook Park development and crosses the railway via existing gates and continues into the Conningbrook Lakes Country Park to the Great Stour river.

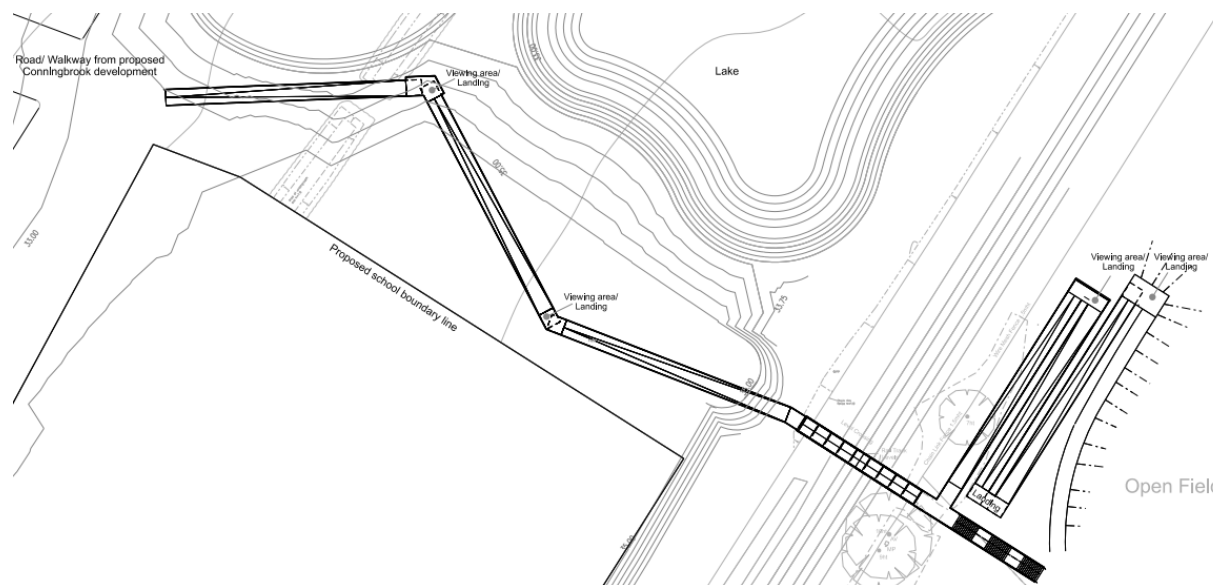


**Figure 2: Extract of the Definitive Map of Public Rights of Way**

4. The site is not subject to any statutory or non-statutory nature conservation designations. The closest statutory designation is the Ashford Green Corridors Local Nature Reserve (LNR) which is located 1.4km to the southwest of the site. The closest non-statutory designation is the Great Stour, Ashford and Fordwich Local Wildlife Site (which includes the Great Stour River corridor) to the east. The part of the site located to the east of the railway is within the Ashford Biodiversity Opportunity Area.
5. The site comprises relatively flat land, the majority of which lies just outside of Flood Zone 2. It is not subject to any statutory or non-statutory landscape designations, albeit the Kent Downs Area of Outstanding Natural Beauty (AONB) is approximately 1km to the north and the site is considered to lie within its setting. It lies within the Stour Valley and Stour Gap Landscape Character Area.

### **Proposal**

6. Full planning permission is sought for the construction of an accessible footbridge over the railway and associated works to replace the existing grade level crossing. The footbridge would link the Conningbrook Lakes Country Park and Conningbrook Lakes residential development on the eastern side of the railway with the recently consented development on land to the west of the railway (reference 19/00025/AS). The approved development ref 19/00025/AS includes full planning permission for 288 homes and a serviced plot for a primary school plus outline planning permission for up to 437 homes on land forming part of Local Plan site allocation S2. It is subject to a s106 legal agreement which includes obligations relating to the delivery of the footbridge (subject to costs as explained below) which is required to be open for use no later than the occupation of more than 288 dwellings within Conningbrook Park or the expiry of four years from occupation of the first dwelling.
7. The delivery of the bridge is subject to a maximum cost cap and in the event that delivery of the bridge would exceed the cap of £4,000,000, index-linked, (currently £5,087,680.36) the s106 requires a payment to instead be made to the Council to deliver alternative highway measures relating to the improvement and/or provision of public rights of way footpaths cycle paths bridge/bridges (which may include the delivery of the bridge which is subject to this application) or highway capacity improvements serving the development.
8. As shown in **Figure 3** below, the bridge will have stepped access and a switch back ramp arrangement on the east of the railway and a longer walkway on the west. Both sides will include enlarged landings to provide viewing points for users.



**Figure 3: General arrangement of footbridge**

9. When operational, the footbridge will connect public right of way AU21 from the west to AU22 within the country park. It is important to note that public rights of way can only be created, extinguished or diverted by Orders that are separate to the planning application process and therefore it cannot be assumed they will be made. For this reason the s106 legal agreement refers to the use of 'reasonable endeavours' in relation to changes to the public right of way network. It is however envisaged the provision of the footbridge will also result in the diversion of public rights of way AU21 and AU22 and diversion or extinguishment of AU17 where it crosses the railway which, again, cannot be assumed due to the separate process.
10. The proposals also make provision for extensive soft landscaping, including native tree and shrub planting and wildflower grassland.
11. As a key stakeholder Network Rail has been involved in the evolution of these proposals and the process for entering into the necessary agreements, including Technical Approvals, with Network Rail are continuing. The applicant is also engaged in discussions with the landowners on the east side of the railway to gain permission to construct and land the bridge.
12. The proposals have been subject to extensive pre-application discussions with Kent County Council who are required as part of the s106 to adopt the bridge (pursuant to an agreement under section 38 Highways Act 1980). The County Council will also be responsible for future maintenance of the bridge, subject to appropriate maintenance commuted sums being made by the developer (to be agreed through a future highways agreement). The approval procedure is ongoing with the County Council and is separate from the planning application process.

## Relevant History

13. The following is relevant relating to the application;-

Conningbrook Park 19/00025/AS: Hybrid planning application seeking:

- i) Outline planning permission (all matters reserved except for points of access) for up to 437 dwellings; formal and informal open space incorporating SuDS; and associated services, infrastructure and groundworks; and
- ii) Full planning permission for the erection of 288 dwellings; the creation of serviced plot of land to facilitate the delivery by Kent County Council of a two form entry primary school with associated outdoor space and vehicle parking; a new Bowls Centre including a clubhouse of 292 sq.m, ancillary building and a bowling green; a local centre to provide 280 sq.m of A1 (retail), 180 sq.m of A1 (retail food store), 100 sq.m A3 (café), 75 sq.m A5 (takeaway), 190 sq.m D2 (gym/fitness studio space) open space incorporating SuDS; vehicle parking; and associated services, structural landscaping, infrastructure and groundworks.  
GRANTED 2022

Conningbrook Lakes Phase 2 (22/00131/AS): Outline application for residential development of up to 170no. dwellings including details of access (all other matters reserved for future consideration). Under assessment.

## Consultations

14. The application has been subject to two rounds of formal statutory and non-statutory consultation comprising the display of site and press notices and notification letters sent to occupiers of 308 buildings in the vicinity of the application site. A summary of the consultation responses received is below:

**Kennington Community Council:** representations summarised below

- Concerns re. safety of users from crime, line of sight for users, CCTV.
- Query use of conditions to limit impacts on residents of Conningbrook
- Query status of bridge for cyclists

**ABC Environmental Protection:**

- CEMP is satisfactory;
- The lighting design consists of low levels down lighters and looks acceptable in terms of a potential light nuisance. The lighting on the proposed structure will need to be serviced and maintained to meet the lighting design plan;
- Recommend planning condition relating to reporting of unexpected contamination;
- Recommend informatives relating to construction hours, burning of waste and minimising dust emissions.

**Environment Agency:** no objection subject to conditions to secure a preliminary risk assessment, site investigation scheme and verification report, a strategy for dealing with unexpected contamination and details of piling.

**Kent County Council Ecological Advice Service:** no objection subject to conditions to secure details of management and maintenance of lighting.

**Kent County Council Public Rights of Way:** comment as below

- CEMP – Footpath closures are envisaged for 6 months. The applicant should apply for the TTRO within the appropriate timescale to ensure that the closures are in place as any work commences. Appropriate signage must be in place for public user safety and to ensure users are signed with a safe route to use the rail crossing at Public Footpath AU17 until the bridge is opened.
- KCC PROW/Highways – KCC PROW are currently engaging with the applicant regarding the PROW diversion process and appropriate legal mechanisms/applications. We would take the opportunity to remind the applicant that these are allowed for within the timescale of the project due to the statutory legal process required.

**Kent County Council Highways and Transportation:** no objection.

**Ramblers Kent:** support in principle for improved safety of crossing.

**Network Rail:** no objection. Request that the applicant continues to engage with Network Rail.

**Kent Downs AONB Unit:** no objection. The AONB Unit has no specific concerns in connection with the proposed pedestrian bridge in respect of potential AONB impacts. The use of the AONB's Colour Guidance to inform material choice is welcomed and we support the proposed native tree and shrub planting to assist in integrating the structure into the landscape. We welcome the proposed use of a maximum of 20 lux in the lighting scheme and would request that bright white and cooler temperature LEDs are avoided. Darker coloured and low reflective surfacing of the bridge should also be used to help reduce reflectivity.

**British Horse Society:** objection. Request footpath AU22 is upgraded to bridleway status to enhance the rights of way network for equestrians and cyclists and provide connectivity for the same. Note there are almost 900 horses passported within the area contributing the equivalent of almost £5 million to the economy annually and so it is important that this application should take the opportunity to positively benefit equestrians along with other non-motorised users.

**Neighbours –** 308 neighbours consulted, 28 objections, 2 comments and 1 support received as summarised below:

Principle:

- Query requirement for footbridge
- Existing provision adequate
- Footbridge will be a rat run for otherwise private green space
- Unsightly
- Major impacts on visual perspective from residential area
- Query size and low gradient of bridge and walkways
- Requirement for safe accessible non slip pathway to be continued into Country Park
- Request bridge is relocated further north to next at grade crossing

PROW network:

- Proposal to close the crossing used by footpath AU17 would degrade the local network, unless a connection is made between AU17 and the Northern Meadow over the stream to give residents the opportunity to walk to Wye without the need to use local roads, or the railway crossing currently used by AU17, should that ultimately remain open
- Concern that application does not secure the diversion of AU17 and closure of both at-grade crossings as envisaged
- Beneficial if both the closure of the AU17 level crossing and a route over the stream can be clearly included and funded through this application

Landscaping:

- Inadequate screening proposed
- Bridge would be highly visible from the Kent Downs AONB
- Comprehensive landscaping and management plan required
- Harm to wildlife in a sensitive area from construction and use of bridge

Highways impacts:

- Private estate not suitable for heavy traffic;
- Sections of proposed access road do not have pavements
- Construction access poses significant safety hazards and risks to the community
- Construction should be undertaken from north of the railway line and where necessary craned across
- Use of local roads for contractor parking
- Query who will clean roads
- All car parking for construction workers should be to the north of the railway line, (opposite side to Conningbrook Lakes development), to minimise disruption to local residents during the period of construction
- Construction vehicles should be limited in size and weight to protect existing SUDS features
- Developer should undertake to repair damage to roads and infrastructure and be binding
- Construction traffic within Conningbrook Lakes should be limited to 0900-1600 to minimise disruption to residents

Amenity impacts:

- Potential for accidents

- Traffic congestion
- Noise pollution and disturbance from construction, including on those home-working
- Light pollution

Other:

- A suitable health and safety plan should be put in place by the developers to ensure their employees are fully aware of the risks of crossing the railway line.
- Size of bridge is to maximise profit
- Query which organisation will be responsible for maintenance and upkeep of the bridge and ramps

Support:

- No objection if in the public benefit

### **Planning Policy**

15. The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 2019), along with the Chilmington Green Area Action Plan (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph and Eastwell Neighbourhood Plan (2021), the Egerton Neighbourhood Plan (2022), the Charing Neighbourhood Plan (2023), and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
16. The relevant policies from the Local Plan relating to this application are as follows:-

Vision for Ashford Borough  
SP1 Strategic Objectives  
SP6 Promoting High Quality Design  
S2 Land North-East of Willesborough Road, Kennington  
S19 Conningbrook Residential Phase 2  
TRA5 Planning for Pedestrians  
TRA6 Provision for Cycling  
TRA7 The Road Network and Development  
TRA8 Travel Plans, Assessments and Statements  
ENV1 Biodiversity  
ENV3a Landscape Character and Design  
ENV3b Landscape Character and Design in the AONBs  
ENV4 Light pollution and promoting dark skies  
ENV5 Protecting Important Rural Features  
ENV6 Flood Risk  
ENV12 Air Quality  
COM1 Meeting the Community's Needs  
IMP1 Infrastructure Provision



17. The following are also material considerations to the determination of this application:-

Supplementary Planning Guidance/Documents

Sustainable Design and Construction SPD 2012  
Public Green Spaces and Water Environment SPD 2012  
Landscape Character SPD 2011  
Dark Skies SPD 2014

Government Advice

National Planning Policy Framework (NPPF) Revised 2021  
Planning Practice Guidance (PPG)

Other

Kent Downs AONB Management Plan 2021-2026

**Assessment**

18. The key areas for consideration are as follows:

- (a) Principle of development
- (b) Public Right of Way network
- (c) Design quality
- (d) Landscape and visual impact
- (e) Ecology and biodiversity
- (f) Community safety
- (g) Amenity
- (h) Ground conditions

a) Principle of development

19. Policy S2 (Land North-East of Willesborough Road, Kennington) of the ALP is a site allocation policy that forms the basis of this proposal. Specifically, criterion (d) requires the masterplan for the site to the west of the railway to include:

*'New pedestrian and cycle routes are to be provided throughout the development with connections to existing routes. The PRowS running through the site should be maintained and incorporated within the development, where possible. Proposals must investigate, and deliver, if feasible, a pedestrian and cycle bridge crossing over the railway line to replace the existing at-grade pedestrian crossings, and maintain the PRow and provide access into the country park'.*

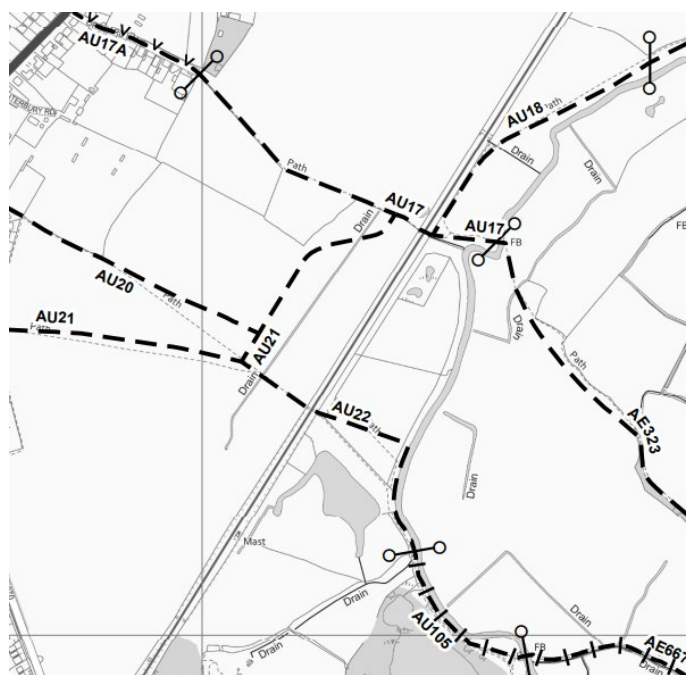
20. The consented masterplan (application reference 19/00025/AS) makes provision for a pedestrian and cycle bridge along PRow AU21/22 and across the railway in accordance with Policy S2. The mechanism for obtaining planning permission

and delivery of the bridge are secured within the s106 agreement pursuant to the development of that land and is explained further in the Proposal section above.

21. Site allocation Policy S19 (Conningbrook Residential Phase 2) is also relevant insofar as the s106 legal agreement pursuant to planning permission 19/00025 requires the Council to use reasonable endeavours to secure a financial contribution from the development of the Policy S2 land towards the provision of the bridge on a per unit pro rata basis.
22. The proposed bridge would replace the existing at-grade pedestrian crossing. It would enhance the existing PROW to provide an efficient, safe and accessible link between the consented major mixed use development, including homes and a primary school to the west of the railway and the Conningbrook Lakes Country Park and the adjacent housing to the east of the railway.
23. In summary the need for the bridge has been established and the principle of development is acceptable. It would promote sustainable transport modes between two major mixed use developments through facilitating walking and cycling in accordance with paragraph 104 of the NPPF and Policies TRA5 and TRA6 of the ALP.

b) Public Right of Way (PROW) network

24. The proposed bridge would replace the existing at-grade pedestrian crossing known as the Cradle Bridge level crossing which forms part of adopted PROW AU22. As shown in **Figure 4** below the crossing is one of two crossing this section of the Ashford to Ramsgate railway. The other is approximately 300 metres to the north and forms part of adopted PROW AU17 and is known as the Bolleaux crossing.



**Figure 4: Extract of the Definitive Map of Public Rights of Way**

25. As set out in the Proposal section above, public rights of way can only be created, extinguished or diverted by Orders that are separate to the planning application process and therefore will not necessarily be made. Notwithstanding this, the following paragraphs set out what is envisaged with regards to the PROW network. During construction of Phase 1 of Conningbrook Park it is envisaged (and set out in the PROW scheme required by that permission) that Phase 1 will be fenced off and there will be no connectivity to AU21/22. During construction the at-grade crossing for AU21/22 will be closed for a period of 6 months and users will be diverted to AU17 to the north in order to ensure the PROW network remains operational ahead of the completion of the proposed bridge. The finalised and exact route of the revised PROW will form part of the PROW diversion as required by the s106.
26. In addition to the requirement to deliver the bridge subject of this application, the s106 pursuant to planning permission 19/00025/AS also identifies the need to either divert or stop up PROW AU17 (which lies outside of the Conningbrook Park boundary) to ensure the at-grade crossing to the north of the Conningbrook Park site is closed or to ensure the connection from that development to PROW AU17 is stopped up. This can be confirmed by KCC if there are no objections, otherwise it will be considered by the Secretary of State by way of a hearing or public inquiry.
27. Once the bridge has been built it is envisaged that AU17 is diverted to AU21/22, both at-grade footpath crossings over the railway line are closed and stopped up and the bridge forms the single crossing over the railway line. Interested parties have raised queries about future connectivity north from the Country Park towards Wye via PROW AU18 and this is subject to ongoing consideration by the Council in its capacity as long leaseholders of the Country Park. It is important to note that this link does not currently exist and that approval of the bridge will not result in any loss of network connectivity. Proper consideration of the impacts and any necessary mitigation required for amendments to AU17 will be made as part of that separate process. It would not be reasonable to require the creation of new PROW as part of permitting a bridge on an existing PROW.
28. The bridge represents a significant public safety benefit for existing and future users of the PROW network that is fully supported (and requested) by Network Rail. The closures, and the requirement for temporary signage to divert users to the rail crossing at AU17 for the duration of the closure will necessitate separate applications to KCC and I recommend these be subject to condition. The KCC PROW Officer has confirmed that arrangements are progressing and raises no objection to the proposals. If the proposals are unopposed once KCC provide the notice of the Order being made for 28 days, then the Order may be confirmed by KCC. If there are objections which cannot be negotiated, then the Secretary of State will deal with the matter by way of a hearing or inquiry.
29. Consideration was given to the legal status of the bridge and wider PROW network as part of the assessment of the planning application for the land to the west of the railway. Notwithstanding representations from KCC PROW and

Access Service and the British Horse Society at that time, it was concluded that upgrading the t6 network on and adjacent to the site to bridleway status would not be reasonable or necessary. I note that the British Horse Society object to this application; however the bridge has not been designed for equestrian use and it is not intended to be a bridleway. In my view there have been no changes in circumstances to warrant a departure from the conclusion reached as part of the parent planning application and that the intended use of the bridge for pedestrians and cyclists remains acceptable.

30. Notwithstanding that the drawings submitted show that the bridge and ramps will be designed to have a clear width of 2.5 metres for combined use by pedestrians and cyclists without segregation, the legal status of the bridge will be retained as a footpath. The applicant confirms the use of the bridge by cyclists will be subject to future permissive access. I recommend that provision and retention of cycle access across the bridge and walkways be secured by condition.

c) Design quality

31. The Government attaches great importance to the design of the built environment, with national policy placing great emphasis on the importance of good design as a key aspect of sustainable development. The requirements outlined in paragraph 130 of the NPPF include the need to add to the overall quality of the area and establish or maintain a strong sense of place.
32. Paragraph 126 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is considered to be a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
33. Paragraph 134 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The NPPF calls for significant weight to be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit within the overall form and layout of their surroundings.
34. The National Design Guide (2019) further supports the principles of the NPPF and seeks to illustrate *'how well-designed places that are beautiful, enduring and successful can be achieved in practice'*. This sets out ten characteristics of well-designed places.
35. The Council places great weight on quality place making and Policy SP6 (Promoting High Quality Design) of the ALP is relevant and aligns with this national guidance. The policy sets out a number of design criteria to which new development is expected to positively respond.

36. The proposals have been subject to pre-application advice. The following assessment considers the design quality of the scheme in relation to its layout, height, form and scale and design and materials.
- Layout, height, form and scale
37. The bridge, access ramps and steps would all comprise public space and by reason of its location and function will form an integral part of the developments on both sides of the railway. The location of the bridge is dictated by the requirement to maintain the existing PROW, however the walkways on both sides have been designed to respond to the site's specific constraints and opportunities.
38. As shown in **Figure 5** below the longer walkway on the west side of the bridge has been designed to provide a direct connection between the bridge and the pedestrian and cycle paths at the northwest corner of the proposed school. The steps and shorter 'switchback' ramp arrangement on the east side of the bridge has been designed to minimise land-take within the Country Park and to respond to the ecological constraints of the site.

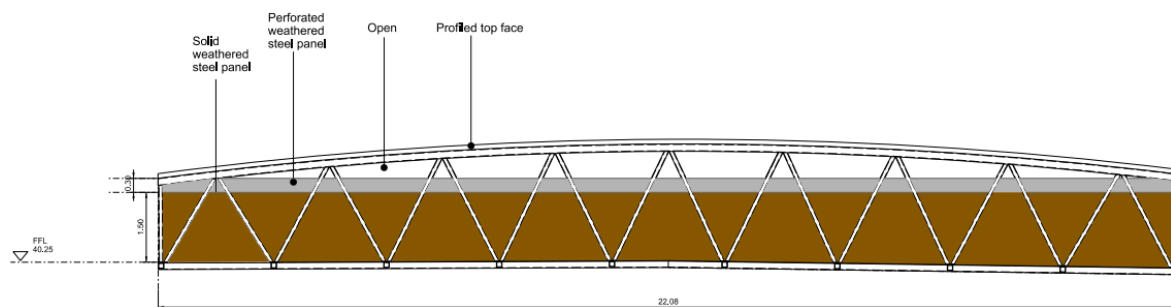


**Figure 5: Walkway arrangement**

39. The layout of the bridge and walkways recognise that the structure will be used both functionally and recreationally and this is reflected in the way the bridge and walkways are integrated into the landscape. The walkways have been designed to incorporate viewing areas and landings that will provide new opportunities for views northward to the Kent Downs AONB and also over the Conningbrook Lakes Country Park.
40. The 5.1m height of the bridge is determined by the requirement for it to span the railway and in order to comply with the minimum height clearance dictated by Network Rail. By reason of the height and span of the bridge a large length of walkway is required on both sides to provide convenient and DDA compliant

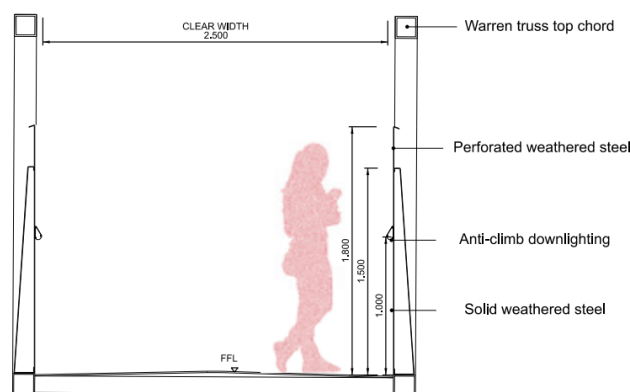
access. Approximately 110m of sloped walkway is proposed west of the bridge and 120m east of the bridge, which with additional rest areas and landings results in a wheeled accessible route of approximately 250m from one side to the other. To prevent the switchback ramp design deterring cycle access I recommend a condition be imposed to require details and provision of a bike wheel ramp be provided to facilitate direct and convenient access up or down the staircase.

41. Various options for the form and design of the bridge have been considered and I am satisfied that the traditional Warren Truss design shown in **Figure 6** below would allow for a distinctive and high quality architectural response. There is a requirement for the main bridge span to have 1.8m high parapets and as shown in Figure 6 below, the upper 300mm would comprise lighter weight perforated panels that allow views through. The walkways have been designed with lower parapets comprising open steel mesh that would give these parts of the structure a more light weight appearance.



**ELEVATION/ BRIDGE SPAN**  
 SCALE 1:50

**Figure 6: Warren Truss design of bridge span**

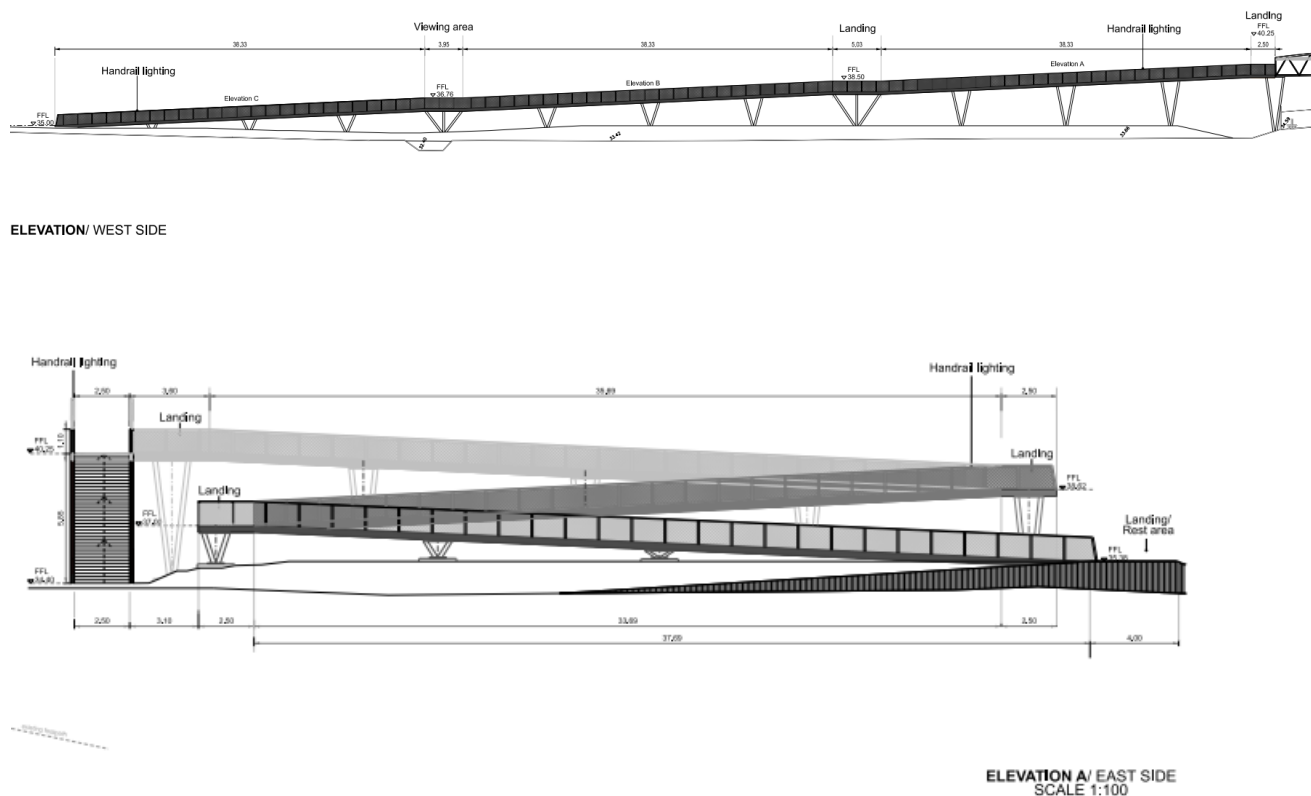


**CROSS SECTION B/ BRIDGE SPAN**  
 SCALE 1:20

**Figure 7: Cross section of bridge**

42. In recognition that the development would introduce built form into the landscape the design has sought to minimise visual intrusion. As shown in **Figure 8** below,

the long walkway to the west would be supported by steel columns designed to facilitate views through and the switchback ramp to the east has been designed to appear integrated into the ground through creating a raised earth embankment (up to a height of approximately 1.5m). The proposed landscaping strategy (discussed below) is also key to integrating the development into its surroundings.



**Figure 8: Walkway/ramp elevations**

- Materials

43. The main bridge truss would be predominantly constructed with a weathering steel finish which has a natural, non-reflective rust-like appearance that will start as an orange/brown colour and slowly darken over time. The bridge panels and walkways would also comprise weathered steel panels and posts with stainless steel mesh and matt grey painted steel supports and stringers. The bridge and walkway surfaces are proposed to be resin bound gravel. The nature of the 'tie-ins' with the PROW beyond the proposed development boundary to the east is subject to ongoing consideration by the Council in its capacity as managers of the Country Park.
44. As depicted in the visualisation in **Figure 9** below I am satisfied that the materials would be of an appropriately high quality that would reflect and compliment the surrounding landscape over both the short and longer term.



**Figure 9: Visualisation from east side of railway**

d) Landscape and visual impact

45. The Council has a statutory duty under the Countryside and Rights of Way Act (2000) to conserve and enhance the natural beauty of designated landscapes including AONBs and their setting. The site lies within the setting of the Kent Downs AONB which is located approximately 1km to the north. Paragraph 176 of the NPPF is therefore relevant and requires development within an AONB setting to be sensitively located and designed to avoid or minimise adverse impacts.
46. Policy ENV3a of the ALP relates to landscape character and design and requires that all proposals within the borough shall demonstrate particular regard to the landscape characteristics of the site, to ensure that landscape is not compromised. Policy ENV3b of the ALP states that major development proposals within the AONBs will only be permitted in exceptional circumstances and where it is demonstrated they are in the public interest. More generally, proposals within or affecting the setting of AONBs will only be permitted in a number of circumstances, having regard to the purpose of conserving and enhancing the natural beauty of the Kent Downs and High Weald AONBs. Policy ENV5 protects important rural features and where possible enhances those features. The policy includes river corridors and tributaries.
47. The application is supported by a Landscape & Visual Technical Note (LVTN). The LVTN references the National and Borough Character Assessments which confirms the site lies within the Stour Gap Landscape Character Area (LCA) to the west of the railway and Stour Valley LCA to the east. The Stour Gap LCA is described as having a '*weak pattern of elements and extensive loss of hedgerows due to intensive farming. Railway impacts on lower area*'. The Stour Valley LCA notes '*the sense of place has been lost by intensive agriculture. High visibility with expansive open long distance views.*'
48. The LVTN contains a description of the visual baseline, including the existence of the railway track and embankment and the mature trees within the railway



corridor. It notes that the baseline will alter as planning permission 19/00025/AS is implemented and the adjacent agricultural land is developed.

49. The visual impacts of the development have been assessed from 7 representative viewpoints. I am satisfied that the representative viewpoints are acceptable. The visual analysis confirms that the development would be highly visible from localised viewpoints, including the adjacent PROW network with little or no visibility from more distant views, including from within the AONB to the north.
50. The introduction of the bridge will result in some landscape and visual amenity effects, albeit these would be highly localised. Views from middle and longer distances, including views to and from the AONB would not be affected and therefore no harm to the special quality of the AONB would result. The bridge has been sensitively designed with careful reference to its landscape context.
51. The application is supported by a Landscape Strategy Plan which includes proposals for structural native tree planting, blocks of native shrub planting and wildflower grassland adjacent to the walkway, ramp and steps on both sides of the railway as shown in the images in **Figure 10** below.



**Figure 10: Visualisation of walkway on west side of railway**

52. The soft landscaping is capable of being designed to facilitate views from the viewing/landing areas and to enhance biodiversity in accordance with Policy ENV1, particularly in line with the opportunities identified for the Biodiversity Opportunity Area and in recognition of the proximity of the site to the Local Wildlife Site and Country Park.

53. Subject to details of tree protection measures for the existing mature trees and further details of the soft landscaping being secured by condition I am satisfied that the development would visually assimilate into its surroundings and reflect the LCA aspirations to create and restore in this location.
54. The proposal demonstrates particular regard for the relevant KDAONB Management Plan and its associated guidance. For the reasons provided in the assessment above, the proposals would conserve and enhance the special qualities, distinctive character and tranquillity of the AONB, would have regard to the KDAONB Management Plan and meet the requirements of Policies ENV3a and ENV3b.

e) Ecology and biodiversity

55. Whilst no part of the site is subject to any national or local nature conservation designations, the area to the east of the railway is located within a Biodiversity Opportunity Area and near to the River Great Stour, Ashford to Fordwich Local Wildlife Site.
56. The planning application is therefore supported by a Preliminary Ecological Appraisal (PEA) relating to the part of the site east of the railway. The PEA identifies the site as part of a much larger area of species-poor neutral grassland. The PEA also notes that the site is located within an area that was subject to a reptile translocation exercise as part of the adjacent development and that the reptile fence remains in place. Whilst it is therefore unlikely that any great crested newts would be present, it is recommended that measures to protect reptiles should be secured to minimise risk. The PEA also notes potential risks to nesting birds that may be present within the scattered scrub along the railway and to the owl box located adjacent to the Great Stour River, approximately 200m to the east of the site.
57. The part of the site to the west of the railway was subject to ecological surveys as part of the planning application for development on that land. The surveys identified the site to be dominated by arable land of low ecological value, although the ditch running through the site and boundary hedgerows provide some wildlife interest. The approved masterplan makes provision for a buffer of open space and new habitats at the north east of the site, along with a number of safeguarding measures. The western approach ramps of the bridge will interact with the ditch and a short length of hedgerow may be affected by the proposed works at the railway boundary and it is therefore recommended that the precautionary approach advocated in the PEA towards construction on the east side of the railway, including in relation to clearance works and percussive piling should apply to the whole site. Subject to securing these measures by condition I am satisfied that any impacts on ecology, including on reptiles or birds can be appropriately mitigated.
58. In summary, the PEA concludes that the development would be '*unlikely to result in a significant ecological impact*'. The part of the site to the east of the railway is

located within a Biodiversity Opportunity Area. Policy ENV1 of the ALP states that *'opportunities for the management, restoration and creation of habitats in line with the opportunities identified for the Biodiversity Opportunity Areas (BOAs) and targets set out in the Kent Biodiversity Strategy will be supported'*. Whilst the construction of the bridge supports and approach ramps would result in the loss of a small area of habitat, these have been identified as containing common species which are well represented within the wider landscape such that the development would be unlikely to significantly impact the local population of any such species.

59. The proposed development will comply with Policy ENV1 of the ALP by providing for ecological and biodiversity enhancement through a landscaping scheme comprising native tree and shrub species and meadow grassland. The Council's Ecology advisor (KCC Ecological Advice Service) raise no objection to the proposals subject to conditions to secure the establishment and management of soft landscaping (discussed above) and further details relating to the external lighting (discussed below).

- Lighting

60. The application is supported by a Lighting Report which confirms specialist low level LED lighting is proposed to be carefully integrated into the handrails to provide a uniform light that minimises glare and avoids obtrusive or unnecessary light spillage onto adjacent open spaces. Whilst no part of the application site is located within a designated 'dark sky zone' I am mindful that the proposed bridge would be located in an area where there is no existing lighting. For this reason the proposed lighting strategy demonstrates regard to the Council's Dark Skies SPD in accordance with the requirements of the Policy ENV4 of the ALP.
61. I note the concerns raised by local residents; however I am satisfied that the lighting is the minimum appropriate for its purpose to ensure the safety of pedestrians and cyclists and is capable of being designed to be directed downwards such that no significant adverse effects individually or cumulatively will result to the character of the area or the residential amenity of local residents. The Council's Environmental Protection team raise no objection.
62. The applicant has confirmed that the handrail lighting will be adopted by Conningbrook Park's on-site management company which is acceptable in principle to KCC Highways and Transportation. I recommend the precise mechanism for securing management and ongoing maintenance of the lighting be secured by condition prior to commencement of the development. As recommended by the Council's Ecology advisor (KCC Ecological Advice Service) I recommend the final lighting design, to include details of timing and use of movement sensors be secured by condition prior to installation.

f) Community safety:

63. Paragraph 130 of the NNPF states that decisions should ensure development, amongst other things, *'creates places that are safe, inclusive and accessible and*

*which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

64. The development has been designed to promote natural surveillance both from and towards the bridge and would allow for good sight lines for users. The references from interested parties to CCTV are noted; however there are no CCTV networks in the vicinity and no monitoring arrangements. The design does not preclude the installation of CCTV should this be deemed necessary in the future.

g) Amenity

65. As with all construction projects, the delivery of the proposed bridge has the potential to impact on the residential amenity of neighbouring properties, including through noise and disturbance. The application is supported by a draft Construction Environment Management Plan (CEMP) which sets out the various measures that will be adopted to minimise the temporary construction-related impacts of the development. In addition to the measures relating to highways referred to below these include provisions relating to mitigating noise and vibration, air quality and dust effects. The CEMP also commits to establishing a Project Community Liaison Plan to provide a framework for managing communications with local residents in the Conningbrook Lakes development. This will include details of how residents will be informed of significant construction processes through advanced notification of works and how residents can raise concerns. The Council's Environmental Protection team raise no objection.
66. The application site is not currently and is not proposed to be formally accessible by vehicles; the highways related impacts of the development are therefore limited to the construction phase only.
67. The CEMP identifies land required for site management and construction and confirms that whilst construction access will be required from both sides of the railway, construction will primarily be undertaken from the western side. The land on the western side of the railway is accessed via the A2070 Willesborough Road and is currently a construction site associated with Redrow's delivery of the major development allocated by Policy S2 of the ALP. Subject to the provisions of the CEMP, including the provision of a turning head and asphalt haul road I am satisfied that there would be no unacceptable highways impacts related to the construction of the development from this side of the railway.
68. Some construction access would be required to the eastern side of the railway and this would be via Conningbrook Avenue and Teasel Way, beyond which a temporary access road and turning area will be constructed. None of the roads within the wider Conningbrook Lakes development are adopted by the Highways Authority and they are instead under Management Company control. Notwithstanding this, the applicant has confirmed they have a contractual right of access to undertake construction of the bridge from this location.

69. A number of residents have raised concerns about the presence and management of construction vehicles, including Heavy Goods Vehicles (HGVs) travelling through the Conningbrook Lakes development to and from the site. In acknowledgement that construction access will be required from the eastern side of the railway, the applicant has sought to minimise construction related impacts as far as possible. Measures outlined in the CEMP include a proposal to construct the bridge and ramp foundations using a steel screw piling system which has significantly reduced environmental and amenity impacts over traditional piling by reason of requiring fewer earth and concrete movements.
70. Notwithstanding this, the applicant notes that the nature of construction vehicle movements, including the number and size of vehicles and restrictions on access at specific times of the day could be subject to further controls. In recognition of the constraints of the road network, the proximity of homes and the absence of segregated footpaths along parts of the route I recommend that these finer details, including arrangements for contractor parking, are secured by a condition requiring the submission and approval of a final CEMP prior to the commencement of development or enabling works.
71. A number of residents have raised concerns about the potential damage from construction vehicles using the estate roads. As the roads are not adopted it is not possible to secure repair works by a planning condition. The CEMP does include a guarantee that the applicant (Quinn Estates Limited) will remediate and put right any damage or wear and tear to the approved road route through the Conningbrook Lakes development as a consequence of the construction works.
72. Whilst I acknowledge that the construction of the bridge will result in some disruption, this will be temporary and subject to the provisions and controls within the CEMP my view is that the proposals would not have an unacceptable impact on highway safety, including for pedestrians or cyclists.

h) Ground conditions

73. The planning application is supported by a ground conditions assessment which confirms that historically parts of the site east of the railway have been used as an opencast quarry with the northern section operating as a registered inert landfill until 2002. The land on the west has historically been arable agricultural land. Whilst significant risks from potential contamination to future end users of the footbridge are not anticipated, I concur with the Environment Agency's recommendations to impose conditions to ensure that the potential for contamination is subject to further assessment and appropriate remediation where required.

### **Human Rights Issues**

74. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the

Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

### **Working with the applicant**

75. In accordance with paragraph 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

### **Conclusion**

76. The proposed development comprises a critical piece of walking and cycling infrastructure that has been developed in consultation with key stakeholders including Network Rail and Kent County Council. It will play a critical role in promoting sustainable travel by enhancing the public right of way network to facilitate direct and by ensuring safe access for existing and future residents across the railway. The terms of its delivery have been established through an existing planning permission as set out in the Proposals section above.
77. Through its high quality design and materials I have found the bridge will provide a local landmark that will contribute to good place-making and be sensitive to its local and wider landscape setting. It also provides the opportunity to enhance biodiversity. Although the construction period will result in some temporary disruption I am satisfied that the impacts are capable of being appropriately mitigated. I have not identified any other harm, including relating to ecology or ground conditions that cannot be appropriately mitigated.
78. The proposed development has been reviewed against relevant planning policy and guidance and found to be consistent with the development plan as a whole. I consider the temporary disruption caused during the construction period of the bridge would be outweighed by the significant benefits of the development.
79. As discussed within the main body of the report, I recommend that a number of conditions will be necessary. My Recommendation (A) further below deals with delegation to add/amend/remove planning conditions as appropriate.

### **Recommendation**

- A. Permit subject to planning conditions and notes, including those dealing with the subject matters identified below (but not limited to that list) and those necessary to take forward stakeholder representations, with wordings and triggers revised as appropriate and with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018.**

1. Standard 3-year time implementation condition
2. Development carried out in accordance with approved plans
3. Materials in accordance with approved details
4. Investigation, remediation and verification of contaminated land
5. Reporting of unexpected contamination
6. Details of piling and prevention of infiltration of surface water into the ground
7. Securing of necessary temporary diversions of PROW AU22
8. Construction Management Plan to include details of routing of construction and delivery vehicles to / from site, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, provision of wheel washing facilities, temporary traffic management / signage etc.
9. Provision and retention of bridge access for cycles
10. Provision of bike wheel ramp to stepped access
11. Adoption of precautionary approach to construction outlined in PEA
12. Details of tree protection measures
13. Details of soft landscaping and management strategy
14. Details of timing/sensors, management and maintenance of external lighting strategy
15. Implementation of recommended biodiversity mitigation measures
16. Biodiversity Method Statement to secure biodiversity enhancement measures
17. Site Inspection

#### Notes

- Environmental Protection notes relating to construction hours/burning of waste/control of dust

#### **Working with the Applicant**

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner by;

- offering a pre-application advice service,
- working with the applicant to present the proposals to Design Review
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the applicant/agent was provided with pre-application advice,
- The applicant was provided with the opportunity for design review,

- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

### **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council website ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 22/01041/AS)

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