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DEVELOPMENT CONTROL COMMITTEE

08 February 2011

APPLICATION NUMBER : CA//10/01293/FUL

PROPOSAL : Installation of two bridge structures on derelict, disused land for foot and cycle use. The proposed structures span Teynham Road, The Railway Line and Old Bridge Road.

LOCATION OF SITE : Crab and Winkle Former Railway Line Abutments and Embankment, Teynham Road to and over Old Bridge Road, Whitstable

APPLICATION TYPE : FULL APPLICATION

DATE REGISTERED : 14 October 2010

GOVERNMENT PERFORMANCE TARGET DATE : 09 December 2010

CONTACT OFFICER : Nicola Hughes

CONSERVATION AREA : WHITSTABLE - CANTERBURY RAILWAY

LISTED BUILDING : NOT LISTED

WARD : CHESTFIELD & SWALECLIFFE

APPLICANT : The Crab and Winkle Line Trust

AGENT : Sustrans

SUMMARY:

The application seeks planning permission for two bridges, one to span Teynham Road and the other to span the railway and Old Bridge Road. The bridges would connect the proposed shared walking and cycle path between Clare Road and Station Road, to the former 'Crab and Winkle' railway line between Teynham Road and the railway and then across the railway and Old Bridge Road to the former 'Crab and Winkle' railway line south of Old Bridge Road to link up with the existing Crab and Winkle Cycle route. This would link to the existing Crab and Winkle cycle network that largely follows the route of the former Crab and Winkle railway line that ran between Canterbury and Whitstable.

The need for safety clearance across roads and railway would result in the bridges being quite prominent, higher than the existing ground levels of the former railway embankments which would need to be increased in height and this increase would have an impact on ecological, archaeological and conservation interests which need to be balanced with public amenity issues and the wider public benefit of securing the cycling and walking route.

The application has been referred to Committee given the amount of public interest generated by the application, both in support and objecting to the proposal.

RECOMMENDATION:

Grant, Section 101 Delegation.

That the Head of Planning and Regeneration be and is hereby authorised, pursuant to Section 101 of the Local Government Act 1972, to grant planning permission for the development, subject to conditions relating to:-

1. Details of new construction materials to be submitted for Local Planning Authority approval.
2. Bat boxes to be erected on site and should bats be found during construction of the site, appropriate measures in line with the Wildlife and Countryside Act 1981, as amended, shall be agreed and acted upon.
3. The ecologically destructive works on site shall be limited to an appropriate time of year and shall require any reptiles to be captured and relocated onto other suitable habitat to the satisfaction of the Local Planning Authority, agreed improved provisions shall be made for invertebrates and reptiles.
4. A full bird nesting survey shall be submitted prior to construction works, should this be required.
5. A planting and landscaping scheme shall be submitted and approved prior to the commencement of the proposed works.
6. A full lighting scheme, including hours of operation, shall be submitted and approved prior to construction on the site.
7. Details shall be submitted pursuant to signage on the route, design of access points onto the route and surface finishes prior to the route's completion.
8. Screening near to, abutting and on the bridges as well as between the bridges and other identified vulnerable areas shall be erected prior to the construction of the route.
9. Details of stability measures of the existing embankment to be put in place and any remodeling to be agreed with the Local Planning Authority.
10. Protection measures for the public sewers to be agreed with the Local Planning Authority.
11. Soakaway details to be agreed with the Local Planning Authority.

And such other conditions as may be deemed necessary by the Head of Planning and Regeneration.

SITE DESCRIPTION

The application site forms part of the historic Crab and Winkle railway line that ran from Whitstable Harbour to Canterbury West Station. A large section of the former railway route up to the application site has been converted to a cycle route, with planning permission granted in February 2010 to extend the route between its current end at Ivy House Road to Northwood Road and Tower Parade. A substantial length of this route extension lies within the Whitstable - Canterbury Railway Conservation Area, including this application area that traverses Old Bridge Road, the railway line and Teynham Road.

The application site is largely overgrown with trees and shrubs with areas of established planting as well as open space to the south of Old Bridge Road. Old Bridge Road and Teynham Road dissect the application site with these roads set within the abutments of the former railway bridges which crossed them. The route embankment is elevated where it would cross the Old Bridge Road, the railway line and Teynham Road and gradually declines in height as it continues northwards.

To the north of Teynham Road an embankment with trees and scrub separates the houses in Clare Road and Station Road, with this vegetation grown over the route that once formed the railway line. A rear access road serving properties fronting Clare Road runs parallel to and at the base of this embankment. This section of the disused railway line has been left for

many years and has naturally regenerated with vegetation. The area is currently under-managed with signs of various amounts of fly-tipped waste and litter.

In general the areas adjacent to the application site are characterised by residential development with mainly two-storey terraced and semi-detached dwellings abutting the site, although a small number of detached properties are present. Houses in Clare Road and Station Road generally back onto the site whilst houses fronting Teynham Road have the former railway line at the side of their gardens. South of Old Bridge Road houses in that road address the highway, houses in Ivy House Road back onto the former railway line and houses in All Saints Close are separated from it by the carriageway of the Close.

PROPOSED DEVELOPMENT

The application has been submitted by Sustrans on behalf of the applicant, The Crab and Winkle Line Trust, who seek planning permission for two bridges and connecting shared use walking and cycle path to run along the former route of the railway line. This link in the route would straddle Teynham Road, the railway line and Old Bridge Road and connect the existing Crab and Winkle public path to the extension of the existing route granted planning permission under reference CA/07/1442/WHI. The collective proposal would enable a continuation of the route from its current termination at All Saints Close/Ivy House Road ending at two exit points, one at Tower Parade and the other at Northwood Road rear service roads/pedestrian walkways.

The proposed route is anticipated to be between three and four metres in width to accommodate dual usage over the bridges and adjacent pathways. In general the vegetation either end of each bridge and between bridges is to be removed to accommodate the construction of the bridges and new pathway as the route of the path is to be elevated to allow for adequate clearance beneath the proposed bridges. New supplemental planting and landscaping is proposed alongside the route and on the sloping embankments.

The bridges would be set at 6m above the existing carriageways and 5.5m above the railway for safety reasons. The Teynham Road bridge would be about 12m long and 4m above the existing elevated pavements, requiring an uplift in the former bridge abutments of almost 2m with the bridge deck level about 800mm above that. The sides of the bridge would be screened to a height of 1.8m to prevent overlooking and this screening would be extended at either end onto the embankments which would themselves have to be raised to bridge deck level. The drawings show this revised level to be about 2.5m above the existing ground and abutment levels.

The railway/Old Bridge Road bridge would be about 53m in length with a truss construction depth of just over 5m incorporating 1.8m of screening either side. The uplift in embankments to meet the bridge would be about a metre at the Teynham Road end and about 2.5m to the south of Old Bridge Road although here the land rises away from the road diminishing the height of the proposed embankment as it does so.

The route is to be lit by lighting columns and overhead lights in order to ensure that it may be used safely by cyclists and pedestrians, particularly during the hours of darkness. Four metre high lamp-posts of a maximum spacing of 26.6 metres are proposed with 3 downlights intended to be supported from the upper support structures of the proposed Old Bridge Road bridge.

RELEVANT PLANNING HISTORY

Last year planning permission was granted on 15 February under planning reference CA/07/1442/WHI for a shared use walking and cycling path following a Sub-Committee Member Panel Site Visit.

Prior to this, planning permission was granted on 08 June 2006 (Ref No CA/06/00538/WHI) for the reinstatement of two bridges extending from Teynham Road to Old Bridge Road. This permission had expired prior to the consideration of the above application. Whilst the bridges shown on that application were considerably more lightweight visually than those now proposed, the clearances over the roads was little different, 5.7m instead of 6.0m.

Before that planning permission was refused for residential development (Ref No CA/00/00211/WHI) adjacent to the existing Teynham Road bridge abutments, to the rear of Clare Road. This refusal was subsequently upheld at appeal. This proposal followed a previous refusal (Ref No CA/98/00063/WHI) for residential development on the same site that was also refused and upheld at appeal.

The cycle route between Canterbury and Whitstable has been planned for some time but it was not until 1997 that a working group from Canterbury City Council, Kent County Council, Kent Stour Countryside Partnership and Sustrans was formed. In the same year, a charity entitled The Crab and Winkle Line Trust was created to promote the line and to make it accessible to the public. The construction of the route took place in 1999. The existing route uses about one third of the old railway line, although The Crab and Winkle Line Trust is working with local landowners and organisations to bring more of the line into use. This existing route forms is part of Route 1 (Inverness to Dover) National Cycle Network, developed by Sustrans and its partner organisations.

THE APPLICANT'S CASE

The application has been supported by ecology reports, namely the original ecological scoping survey, a reptile survey, bat potential report and bat activity survey report. A summary of these reports will be found in the previous Committee report for the cycle route. A specific ecological scoping survey has been carried out for the previously unsurveyed Section 4 (that area between Teynham Road and Old Bridge Road) and an updated landscape, tree survey and townscape and visual impact assessment have been submitted. In addition a Design and Access Statement, a Planning Statement, a Conservation Appraisal and Heritage Statement have also been submitted.

Section 4 Survey - The site comprises dense continuous hawthorn scrub, a few scattered broadleaf trees and abundant ivy cover throughout. The site is considered to provide potential habitat for nesting birds, reptiles and bats. Further surveys for reptiles and bats are not required as earlier surveys have been undertaken on the route. Reptiles found on site during a destructive search should be collected and released in suitable adjoining habitat. To avoid impacting on nesting birds, vegetation removal should be conducted outside the main breeding season. Section 4 is considered to constitute part of an important wildlife corridor within an otherwise sub-urban environment. Ecological enhancements should be incorporated throughout the proposed scheme and should aim to compensate for the loss of habitat within Section 4 and also the disturbance caused to the wildlife corridor. A Supplementary Ecological Scoping Survey in June 2010 indicated that the habitat had not changed significantly since last surveyed in 2008. The findings of this most recent report are much the same as that of the earlier report but in addition the site has been identified to be of a high potential to support hedgehogs and some common mammals (rabbits, moles and foxes). The conclusion of this recent report remains largely the same.

The April 2009 landscape report has again been submitted, but including updated details relating to lighting and the original February 2009 tree survey has been submitted along with an additional addendum report dated May 2010. The tree population has been identified as being mainly hawthorn scrub with some young oak and sycamore regeneration.

The townscape and visual impact assessment concludes the character of this part of the

route would be improved as a result of the proposed development. Some lighting may be slightly visible through the scrubby vegetation although this would be mainly noticeable at night in the winter. The proposal represents a slight urbanising of the existing townscape character. In terms of lighting it is considered that the lighting would not cause too much concern given the general ambient lighting that currently exists along neighbouring highways and light spill from neighbouring properties. Most properties affected would experience an adverse impact of slight significance, however when mitigation planting has matured most properties would experience a visual impact of neutral significance. Overall the landscaping is considered to enhance the townscape once matured. The Monaro lighting approved as part of the route scheme has been proposed for locations along this section of the proposed route. These would be mounted on 4 metre columns with a maximum spacing of 26.5 metres. This lighting has been chosen taking into account both the impact on bats and the safety of pedestrians and cyclists.

It is not considered that there would be a significant increase in the availability of views into properties from the route and adverse impacts can be filtered. The most impacted properties are noted to be:

1. 15 - 26 Ivy House Road (all numbers);
2. 2 - 66 Station Road (even numbers);
3. New property Station Road; and,
4. 112 - 136 Clare Road (even numbers).

The report notes the impact of lighting on these residents however considers that once mature tree/landscaping is in place this will reduce any effects of the lighting. It is also noted that the proposed bridge at Teynham Road would impact on the new property on Station Road and No. 13 Teynham Road in terms of overlooking/loss of privacy. The degree of vegetation removal necessary would also allow views from the proposed bridges into the private gardens and towards windows of No. 2 Station Road, Nos. 116 - 136 Clare Road (even numbers) and No. 40 Old Bridge Road. The most adversely affected property would be No. 17 The Bridge Approach where there would be clear views from the proposed bridge into the private garden. The degree of vegetation removal to the west of the railway line would also allow views from the proposed bridge into the private gardens, and towards windows, of a number of nearby properties. In particular Nos. 10 - 13 (all numbers) and No. 40 Teynham Road would be most adversely affected.

The design and access statement provides a contextual overview of the proposed development with an assessment of the land designations and the Crab and Winkle Line Trust's objectives of bringing the route forward and need for the development which includes sustainable transport objectives and promoting exercise to improve public health. It recognises that there have been previous access problems in respect of Section 4 to undertake the relevant ecology survey but this has now taken place with the recommendations of the various reports taken on board. It recognises the unavoidable extent of full vegetation clearance work to provide the bridges, however notes that replacement planting forms part of the proposed development. The level of surface water run-off from the bridges is considered to be low. The bridges are designed to shed water into the adjacent cycle route which will have a cambered surface to ensure subsequent drainage into adjacent soft landscaped areas. The bridges will form part of an overall extension to the existing Crab and Winkle cycle/pedestrian route which runs from Canterbury. Pushbikes, prams and wheelchairs will be able to gain unrestricted access to the route and bridge crossing points with chicane barriers preventing motor vehicle access.

The design of the two bridges has evolved since the first conceptual drawings with a steel truss girder and concrete beam style construction of simplified form proposed. The bridge forms allow for a reduced delivery time from manufacturers and a reduction in overall

manufacturing and maintenance costs whilst still providing safe and attractive crossing points for users. After significant appraisal it has been concluded the existing abutments could be re-used without requiring demolition and rebuilding. The design approach of the bridges reflects the modern era in which they would be built rather than reverting to a historical re-creation of the original structures. Competitions are intended to assist in providing public art along the route and a piece may be installed across the span of the Teynham Road bridge. The bridges must meet the requirements of Network Rail and the Highway Authority.

The applicant has listed the pre-application efforts made in respect of public consultation that has taken place prior to this application being submitted to the Local Planning Authority.

The conservation appraisal notes that the two original bridge structures were removed following the railway line becoming obsolete in 1952. The area was designated a conservation area in March 1991. The Canterbury and Whitstable Railway Conservation Area Appraisal report itemises the remaining historic abutment structures. The abutments are not listed by English Heritage (listed structures) presumably because of the extent of their demolition and modification by engineering works over the years, as well as their generally poor condition. This makes the point that the conservation appraisal does not regard the existing bridge abutments as the most important heritage features within the conservation area. The new bridges would reinstate the bridges with it being envisaged that the new bridges would reflect the design of the era in which they are built. It is considered that spanning the bridges from a newly remodelled ground level either side of the bridges (as well as between), along with the contemporary approach taken to the design, fits with development envisaged at this current time. Vegetation alongside the bridges would eventually serve to visually soften their appearance. The development serves to re-instate the historic link between north and south Whitstable and beyond into Canterbury.

PLANNING POLICIES

The application site forms part of a designated conservation area (Whitstable - Canterbury Railway Conservation Area) that runs between Ivy House Road and The Sidings. The existing landscaping north of Teynham Road extending up to The Sidings is subject to a blanket Tree Preservation Order (No. 6 of 1988). A Protected Existing Open Space designation is in place between The Sidings stretching beyond Ivy House Road, however a small area between Old Bridge Road and the railway track which forms part of this application area is omitted from this designation.

The current Local Plan indicates a commitment to provide a dedicated cycle route extending from the existing route where it currently terminates at Ivy House Road and ending just south of The Sidings exiting onto Station Road close to the junction with Diamond Road.

The Council has an approved Walking and Cycling Strategy and the Crab and Winkle route is an identified scheme that forms part of the extension of the Crab & Winkle Way, from Old Bridge Road to Station Road.

Policy BE1 of the Canterbury District Local Plan requires proposals to be of a high standard of design avoiding unduly interfering, disturbing or conflicting with adjoining uses. This Policy also requires consideration to be given to the landscape character of the locality and the way the proposed development is integrated into the landscape as well as ensuring the integration of natural features, including trees to strengthen local distinctiveness, character and biodiversity. Matters of safety and security are also relevant. Policy BE1 of The South East Plan reflects these aims and seeks the use of opportunities to provide significant improvements to the built environment that would enhance the quality of life in urban areas, improve green infrastructure, create public realm, support design solutions to create distinctiveness and a sense of place.

The site is identified as a cycle and pedestrian route (in part) on the Proposals Map of the Canterbury District Local Plan and is subject to Policy C3 which safeguards land for proposed pedestrian and cycle routes. Such routes aim to encourage sustainable public movement by healthier means and discourages the use of car for travel. The aim is to provide a comprehensive network of routes within urban areas to enable individuals to traverse the built-up area safely.

Policy T1 of The South East Plan seeks, through various development plan documents, to encourage more sustainable patterns of development and improve all levels of accessibility. Policy T2 aims to improve mobility management to achieve a re-balancing of the transport system in favour of sustainable modes. A number of initiatives are listed, which includes (v) improvements in the extent and quality of pedestrian and cycle routes.

Policy BE7 of the Local Plan requires development that affects the setting, or views into and out of a conservation area to preserve or enhance all features that contribute positively to the area's character or appearance. This includes trees and landscapes and encourages the removal of unsightly or negative features. Policy BE6 of The South East Plan seeks to protect, conserve and, where appropriate, enhance the historic environment and the contribution it makes to local and regional distinctiveness and sense of place. Proposals that make sensitive use of historic assets through regeneration, particularly where these bring redundant or under-used buildings and areas into appropriate use should be encouraged.

Policy BE2 of the Canterbury District Local Plan seeks to ensure that functional, visually successful public realm space is created with a strong sense of place as part of new developments. Part (a) of this policy advises the retention and incorporation of public rights of way and the creation of a connected open space and pedestrian/cyclist circulation system related, where appropriate, to a landscaped framework having regard to safety and security. Part (b) wishes to maximise the opportunity for all areas of the public realm to be subject to natural surveillance. Part (d) encourages new lighting as a means to improve public safety; however this should not adversely affect residential amenities or sites of nature conservation value.

Policy C6 of The South East Plan encourages amongst other matters identifying opportunities and planning for routes within and between settlements, seeking to reduce car use for shorter journeys, and where possible, making new routes multi-functional to allow for benefits for multiple users and contribute to the wider objectives of green infrastructure.

Policies CC6 and CC8 of The South East Plan seek to promote the creation of sustainable and distinctive communities. Policy CC8 further advises that Local Authorities and partners are encouraged to work together to provide and manage connected and substantial networks of accessible multi-functional green space. Networks should be planned to include both existing and new green infrastructure. These need to be planned and managed to deliver the widest range of linked environmental and social benefits including conservation and enhancing biodiversity as well as landscape, recreation, social and cultural benefits to underpin individual and community health and 'well-being'. They will be created and managed as a framework of green spaces and other natural features that will boost the sustainable development settlements and increase the environmental capacity of the locality and region as a whole, helping communities to be more resilient to the effects of climate change.

Policy C24 of the Local Plan aims to protect areas of existing open space, unless it can be demonstrated that there would be no material harm to the contribution the protected open space makes to the visual or recreational amenity of the area.

Policy NE1 of the Local Plan seeks to ensure that where development proposals are being considered at sites known or likely to have protected habitats or species developers will be expected to carry out a survey and present proposals for mitigation. Policy NE2 of the Local Plan advises that where proposals involve the loss of semi-natural habitat, development will be required to provide equivalent areas of habitat on or adjacent to the development site. Policy NRM5 of The South East Plan seeks to avoid loss to biodiversity and actively pursues opportunities to achieve a net gain.

Canterbury District Transport Action Plan (2004) identifies the route as a cycle route.

WRITTEN REPRESENTATIONS

The occupiers of nearby properties were notified of the application and press and site notices undertaken both when the application was first received in October 2010 and again in November when amended/addition plans/details had been received. The application has been advertised as affecting the character and appearance of a conservation area.

Initially almost 66 letters of representation were received as a result of local consultation with residents.

In summary the general comments made by the 42 representations in support of the proposal related to:-

- Economic benefits of route in terms of tourism.
- Precedent already set for bridges in this location and accords with development plan policies.
- Improvement in road safety as alternative route for cyclists/pedestrians and complete route, may assist to reduce pollution and traffic noise.
- Will benefit whole community, including those with disabilities.
- Overlooking can be overcome by screening.
- Clean up of overgrown and derelict previously developed land.
- Development would encourage wildlife and biodiversity.
- Health and environmental benefits by reducing reliance on cars and allowing more cycling/walking increasing independence.
- The historical importance of the Crab and Winkle railway line to be maintained and some writers consider the design of the bridges to be acceptable even if required to be elevated higher than the original bridges.

In summary, the objections by the 24 representations to the application related to:-

- Size, scale, height of bridges is overwhelming and is visually out of character with the engineered form being inappropriate for this residential area and conservation area.
- Concern over damage to and/or loss of wildlife and wildlife habitat.
- Loss of trees and greenery (green corridor).
- Lack of privacy as a result of overlooking created.
- Noise and nuisance created by the use of the bridges.
- The proposed lighting would create light pollution.
- Concerns over security and children being unsafe within their gardens.
- Concerns over the increase in crime, anti-social behaviour, vandalism/graffiti on supporting parapets, unwanted loitering and individuals throwing objects from the bridges.
- Alternative options of crossing this area have not been explored that may avoid large abutments being erected and bridges of the height proposed.
- Construction works may lead to foundation stability issues for neighbouring properties.

- Application flawed, documents and application form inaccurate or contain erroneous statements, surveys relating to the wildlife reports undertaken at the wrong time of year and drawings flawed as do not show true scale of proposal. Concern also expressed to the description of the application (“derelict, disused land”).
- Devalue neighbouring properties (not a planning consideration).
- Construction of bridges will be hazardous to the public.
- In current financial climate this development expense is not justified (not a planning consideration).
- It is questioned how widely this route would be used to justify it and who will maintain bridges once completed.
- It is also questioned if this is the final design as the applicant has indicated verbally that this is a ‘worst case scenario’ option.

Following the second round of consultation a petition including 679 signatures has been submitted by The Crab and Winkle Line Trust indicating support of the application.

Twenty-one supportive letters have been received as a result of reconsultation. The comments made generally reiterate those originally received which are summarised above. In addition, the scheme is considered to be a carbon neutral option and will improve the landscape of this area beneficial to the community as a whole. One individual has written a lengthy letter rebutting/contending many of the negative representations received by the Local Planning Authority.

Sixteen objection letters have been received as a result of reconsultation. The comments made generally reiterate those originally received which are summarised above, however in addition to these further objections were received to the scheme and are summarised below:-

- There are new properties built within the vicinity of bridges since the last application for the bridges was considered.
- Increased parking in area by virtue of new homes being built and users of the route will make it difficult for emergency vehicles to access route.
- Safety concerns for children using the route.
- Who pays the lighting bill and empties the bins?
- Those making representation in favour of the application are not local residents.
- Compensation claims if bridges constructed (Land Tribunal issue undertaken through a solicitor).
- Bridges will create overshadowing of neighbouring properties and dominate outlook.
- The applicant should have undertaken full pre-application consultation with residents.
- The artist's impression drawings submitted with the application are poor and unrealistic.
- It is implied that the true applicants have not been identified on application form.
- Inaccurate plans, cannot judge height of embankments, need plan of entire route and model to clearly understand proposal.
- Section 4 report not submitted and suspect not carried out (undertaken and received).
- Surveys for nesting birds and small mammals need to be undertaken before permission granted.
- Confusion over who owns section 4.
- DEFRA report not taken into account or Planning Policy Statement 9.
- The Hazel hurdle fencing proposed will be vulnerable to vandals.
- Consider application should be adjourned to allow for dialogue with local residents.
- Development premature as stability of embankments may change following discussion with Network Rail and the Highways Authority, therefore final form of proposed

development has not been resolved and presented within this application.

- Proposal will result in loss of chalk embankment which forms part of the area's heritage.
- It is suggested that Planners have been misled previously as to height of embankments.
- A number of writers have asked that Members visit the site prior to making a decision.
- The petition against the cycle route submitted at the time of the last application should be taken in to consideration.

The Whitstable Society continues to support the principle of creating an off-road pedestrian and cycle route along the line of the former railway line, therefore the reinstatement of the bridges is supported. It is asked that consideration be given to the potential for overlooking and what screening can help alleviate such concerns as much as is reasonably possible and that the impact to the woodland is as small as possible, although it is appreciated such engineering work will require the removal of some trees. The scheme has been in the pipeline for several years and will offer a boost for pedestrians, cyclists, residents and visitors.

Spokes supports the application. The initiatives of Sustrans and The Crab and Winkle Trust to promote routes and cycling throughout the district is commended. The bridges will provide safe access for all in the community. It is considered that wildlife and tree issues have been dealt with adequately, although it is recognised there would be temporary loss of trees and habitat. The screening and new landscaping will protect amenity and provide an attractive environment.

The Campaign to Protect Rural England (Protect Kent) supports the principle of cycle paths nationally and in Kent encouraging people to walk and cycle, create safe environments, making use of the disused railway. However, the proposed route leads to disturbance to flora and fauna and permanent loss of established habitat, wildlife, trees and vegetation over approximately 80m by 4m. It is considered this is too high a price to pay when other options for the route are available close by. The application is contrary to the preservation/provision of 'green corridors' and no reason can be seen for not using an alternative route.

Kent Association for the Blind was asked to inspect the application by a local resident and commented that a shared route is difficult for those who are sight impaired. A demarcation line laid on the route is recommended for safety reasons although this is not always adhered to by users and is not always visible to those with impaired eyesight. If the route is to be elevated with open sides this raises safety concerns with regard to visually impaired users, especially as bikers can frighten and disorientate those with visual impairments. An alternative flat route would be preferable for these individuals.

The Ramblers express similar views to those made by Kent Association for the Blind.

Whitstable Green Lung Association requests that the application be invalidated as the drawings are not accurate or reliable and must be accompanied by a valid planning application. Sustrans has admitted that the detailed design stage is still some way off as the plans submitted have not been approved by Network Rail or Kent Highway Services; therefore the proposal may be subject to change. The crucial finished heights of the bridges and adjoining embankments cannot be specifically accurate as illustrated within the current planning application. Residents require far greater clarity as to what exactly is being proposed. It is requested that the previous route application be voided as it did not provide a true representation of finished levels to be assessed against a reliable baseline. A single coherent application is required with meaningful dialogue with local residents. The multi-stage approach makes it impossible for residents and Members to see and understand the full and true scale of the development. An indication of likely piecemeal stages as

envisaged by the association relating to likely applications submitted for this part of the route has been set out. This piecemeal approach is considered unfair to local residents and a coherent approach requested.

TECHNICAL CONSULTATIONS

Natural England -

It is unlikely that the proposal will have any potentially environmental impacts upon the Tankerton Slopes Site of Special Scientific Interest but opportunities to enhance biodiversity and the landscape should be taken when possible.

Kent Wildlife Trust -

Would wish the lighting hours to be restricted, as imposed elsewhere on the route. The wholesale clearance of the vegetation along a 160m section of the corridor in the vicinity of the road and railway crossing is of particular concern, including the prospect of disturbance to some protected species in this location. In the absence of mitigation measures or compensation for this harmful impact the Trust objects to the proposal.

Kent Police -

The cycle path will enhance the area and increase natural surveillance as more people use the path it will discourage criminals from the area and will also bring tourists to the area. There is no local evidence to suggest that people will throw things off the bridges. This would also be a safe route for children attending the local schools by cycle. Locals have raised concerns in respect of increased burglaries if the route goes ahead. However, there is already rear access to the Clare Road properties which do not suffer any more burglaries than other similar roads in the area, use of this access instead of the proposed route would bring criminals nearer the properties and out of sight, losing the natural surveillance of the cycle route.

Kent Highway Services & CCC Transportation Section -

The two bridges are essential to facilitate future improvements to the Crab and Winkle Way, providing a significant enhanced cycle/walking route to and from Whitstable and the wider national cycle network. The application is supported as submitted.

CCC - Countryside and Ecology -

An ecological scoping survey of the proposed site for development was conducted in June 2010, which recommended further surveys for bats and reptiles. The bat survey conducted in June 2008 recorded activity that demonstrated the use of the woodland strip by foraging and commuting bats. An assessment of the site's potential as bat roosting habitat was also conducted, which determined that, due to the trees lacking features required by roosting bats, the site is highly unlikely to be used in this context. Linear features such as tree lines should be maintained wherever possible throughout the construction period. Lighting (where deemed necessary) should conform to that agreed under planning permission reference CA/07/1442/WHI and only be lit from the beginning of November until the end of March to coincide with the bat hibernation period. A minimum of 5 bat boxes should be installed on remaining mature trees.

Reptile surveys of the Crab and Winkle route undertaken during 2007 confirmed the presence of a low population of reptiles. It is recommended that in order to prevent any reptiles from being harmed or killed the trapping and translocation programme as detailed within the submitted document 'Construction Impacts: Ecological Mitigation' must be adhered to.

On the basis that the site contains suitable habitats for breeding birds, consideration must be given to the timing of vegetation removal. It is recommended that any works should take place outside of the bird nesting season or otherwise a nesting-bird survey should be carried

out prior to work commencing on site.

It is also recommended that reptile hibernacula be created and a wide selection of native planting forms part of the landscaping scheme.

CCC - Archaeology -

The original railway embankment was first cut through in 1861 to allow the laying out of the London, Chatham and Dover Railway and in the 1900's for the extension of the Teynham Road. The original bridges were removed and an adjacent section of the embankment slighted in 1969. Between the south side of Old Bridge Road and the north side of Teynham Road much of the form and structure of the original railway has therefore been lost, with the line marked out only by the denuded remains of the embankments and the sections of the former bridge abutments that survive on the north side of the railway and at Teynham Road.

The proposed bridges development represents a third phase of redevelopment of this short section of the original railway line. The restoration of the bridge over Teynham Road largely could be regarded, as described in the Heritage Statement submitted with the application, as a beneficial impact. The proposals include increasing the height of the original embankment. The same is proposed for the bridge spanning Old Bridge Road and the railway line, and this, together with the increased scale and height of the bridge, could potentially have an adverse impact on the historic landscape setting of the original railway line.

Network Rail, EDF Energy, UK Power Networks and CCC - Environmental Protection all raise no objections to the application.

DRAINAGE CONSIDERATIONS

Southern Water -

No objection but no new planting should be carried out close to the sewers.

CCC - Drainage -

No objection is raised to the proposal from the flooding point of view. It is noted that surface water is to be disposed of by means of soakaway; the scheme's final design must ensure that the size and the position of these soakaways are such that the quantity of water entering them does not weaken the embankments.

DISCUSSION

Members will note that planning permission was granted last year, following a Member site visit, for the extension of the cycle/pedestrian route between its current termination at Ivy House Road and Tower Parade/Northwood Road. The Canterbury District Local Plan includes a designation which illustrates an extension of this cycle route, but which is only realisable by crossing Old Bridge Road, the railway line and Teynham Road. There is a presumption in favour of the route within the adopted development plan, which was recognised by the granting of the extension to this route last year. The principle of creating some form of bridge structures to span these existing highway and railway infrastructures to facilitate full connectivity of the already approved route must therefore be acceptable. The proposal would assist in fulfilling an important part of the Council's Transport Strategy.

Notwithstanding the above, there are other material planning considerations that need to be taken into account:

1. The proposed route north of Teynham Road is covered by vegetation protected by a blanket TPO.
2. The land between Teynham Road and the railway line is also vegetated, as is the land south of Old Bridge Road. These areas are ecologically important.
3. The route is all designated as protected existing open space in the Local Plan.
4. The application site in the area abutting and including the span of the bridges and

route either side and between proposed bridges is designated a conservation area and contains the historic railway embankments, albeit truncated.

5. The route is enclosed by houses and gardens for much of its length, except where the roads and railway bisect it.

Taking these points in turn:

1 & 2. - It is important to determine the impact the proposed development would have upon the protected landscape environments, vegetation and associated ecology. The unmanaged vegetation has established itself over some time and supports ecology, including species that are afforded protection under wildlife legislation. In creating the proposed bridge links removal of all vegetation around the bridge abutments is proposed. The width of the new embankments would not be much wider than existing; the applicant has advised that the bridge landing area will be cleared of vegetation and re-graded, with the bridge structures set into the re-worked site. Replacement planting on the embankments is proposed, however this would inevitably be at a lower level than the proposed new cycle route at the top of the embankment.

The application with the various supporting reports acknowledges that there would be loss of vegetation throughout the construction period, however replacement tree and shrub planting with native species is proposed. This replacement planting aims to diversify and strengthen this green corridor, of which this application forms part, with replacement landscaping to increase the habitat potential along the route. The Council's Arboricultural Officer has previously noted the difficulties in surveying a landscaped belt of this nature and has concluded that this has been undertaken to as high a standard as possible. The need for full vegetation removal to allow for the proposed development to take place has been accepted and is understood to be necessary. Consistent with the previous permission granted in respect of the route a condition is recommended to be imposed requiring a scheme for the landscaping of the site to be submitted for Local Authority approval. This will allow officers further opportunity to agree the phasing, location, size and species of new planting.

The proposal is viewed by many local residents as being destructive. However it has previously been acknowledged that it would provide improved management, along with new planting along the route, to the overall benefit of this vegetated belt and its future. This would contribute positively to trees/landscaping given special protection by the TPO and the conservation area designation.

In terms of the impact upon ecology I am satisfied that the various reports relating to this previously unsurveyed land have identified and addressed mitigation measures that could be put in place to prevent harm to wildlife. Notwithstanding this, the ecology survey undertaken in respect of bats indicates that bats make use of this existing wildlife corridor for feeding and transit. Bats are nonetheless afforded protection under the Wildlife and Countryside Act. If any roosts are found during the construction of the route this legislation requires all operations to cease until further relevant survey work and mitigation measure are agreed. This can be made a condition of any planning permission.

The recent ecological report covering section 4 has also identified an area within the application site that could support reptile species, however mitigation can be provided by capturing and translocating reptiles and relocating them within suitable habitat elsewhere along the route just prior to site disturbance. This can be controlled by a suitably worded condition.

In addition to the above, concern has been expressed that harm may occur to nesting birds. The Council's Ecologist has advised that a condition can be imposed upon any planning permission requiring operations to take place outside of the bird nesting season. If this is unavoidable, then a full bird nesting survey can be required to be carried out immediately

prior to construction work commencing to identify if nesting birds are present at the site and to agree mitigation measures to prevent harm to nesting birds. This can also be controlled by means of a planning condition.

In respect of the impact of lighting, 4 metre columns spaced not less than 17.5 metres apart have been approved along the route. This form of lighting was concluded to be acceptable in respect of the route approved last year, along with the restricted hours of illumination during winter months to prevent harm to bat activity. If Members are minded to grant planning permission of the proposed bridges development it is considered that a similar condition should be imposed for consistency and to ensure that no undue harm results to bats. With regard to the overhead lighting 3 lights are proposed upon the bridges in total. The lux of these can also be controlled by condition as has been done for the route approved last year.

Some concern has been expressed about the time of year the ecological surveys have been conducted. An ecological scoping survey, by its nature, can be conducted at any time of year as it is an assessment of a site's potential to contain protected species. It is thus not restricted to any particular time of year. The specific surveys are restricted to particular times of year, however having reviewed this in association with my colleagues in Ecology, the Bat and Reptile reports have been concluded to be undertaken at appropriate times.

3. - There would be no reduction in the areas of protected open space and thus no conflict with policies that seek to protect open space would arise, in fact the use of the space would be enhanced as it would be open to walkers and cyclists in a way that much of it is not at present.

4. - The profiles of the former railway line would alter either side of the bridges as a result of the proposed development, raising the question as to the impact on the heritage of this landscape. The land profiles relating to the former railway line contribute to the historic character of this area with the land contours providing the historic and archaeological context that provided the justification to designate this area a conservation area. The raising of the embankments and abutments would potentially diminish the contextual setting of the former railway line resulting in some loss of the location's character and former heritage. However, the area affected would be relatively small compared to the line as a whole albeit significant locally. The Council's archaeologist has indicated that the embankment itself has little archaeological value as it has been remodelled in the past, the value it has therefore is a 'heritage' value as part of the conservation area rather than an archaeological value.

The proposed bridge spanning Old Bridge Road and the Ramsgate to London railway line will spring from the top of the existing embankment adjacent on the south side of Old Bridge Road and rest on a newly remodelled, increased height embankment on land between the railway line and Teynham Road. A 'Warren Truss' steel girder design is proposed with a mesh enclosure that can be painted. From the bridge deck surface 1.8 metre high panels are proposed of stainless steel on either side. It is intended that over Old Bridge Road the panel will be perforated with 10mm holes aiming to provide an effective screen for adjacent properties obscuring views onto and from the bridge without creating an overly enclosed effect.

Where the bridge spans the railway, these panels will need to be solid in order to meet the strict requirements of Network Rail. The applicant advises that mesh enclosure is also required by Network Rail to prevent unauthorised access to the railway land. Lighting would be integrated into the bridge with aluminium fluorescent lamps suspended from the upper structure. The applicant envisages that an artist could be involved in creating public art along the route and upon the bridges with the painting of the bridges possibly paying homage to the history of the route as part of a public art project.

The bridge proposed to span Teynham Road would be of a concrete beam structure, with steel post and rail guardrails and perforated sheet visual parapet barriers on either side. This proposed bridge would make use of the existing abutments which would be extended vertically to give additional height as this is required to meet highway standards. This bridge has a much shorter span than the Old Bridge Road bridge and is designed to be a simple beam structure with a pre-cast horizontal concrete deck. Mesh panels on the parapet would again be utilised, also providing opportunity for public art. The side panels are intended to create an effective screen for adjacent properties. Lighting from the columns of the adjoining cycleway would light the bridge in this location without the need for lighting on/over the bridge.

The previous planning permission for the erection of replacement bridges over Old Bridge Road, Teynham Road and the railway line has now lapsed. The bridges approved previously were of a cable stay design which the applicant has advised could not be constructed given the expense and that Network Rail would not have agreed to the bridge support being placed on its land. These bridges would have had much more of a lightweight appearance to them than the current proposals which are much more 'engineered' in their appearance.

The design approach for the bridges has been questioned by officers, given the size, scale and design and the conservation area location, and suggestions were made as to how the visual impact could be marginally ameliorated. In response, the applicant advises that it has received further advice from its Jacobs design team. Whilst it is technically possible to make some minor changes to the design, it is not considered these will provide any significant benefit. The applicant advises that it considers the main issue raised by the neighbours is overlooking of their houses and gardens and it is therefore important to keep the screen panelling even if it does increase the visual bulk of the bridges.

There is no doubt that the bridges proposed will have a significant impact in the conservation area and it is difficult to see how they would meet the standard test of preservation or enhancement, however Members will be aware that this is only one of the issues that they must weigh in the balance, albeit an important one.

5. - The route would be elevated to ensure that appropriate headroom is provided below the bridges to meet highway and railway stipulation. The proposed bridges are of some considerable size and height in close proximity to neighbouring residential properties creating direct implications in terms of overlooking, outlook and loss of amenity. The introduction of extensive 1.8m screening as proposed should inhibit overlooking, albeit at the expense of a further reduction in outlook for those properties closest to the proposed route.

To the northern side of the proposed Teynham Road bridge the embankment would be increased by about 2.5 metres in height. The new route on the land between the proposed bridges would rise by 1 metre and increase to 2.5 metres where it meets the Teynham Road Bridge south side and 1.2 metres when meeting the Old Bridge Approach bridge. The embankment would be raised to around 1.5m to the south side of the proposed Old Bridge Approach bridge. Either side of the bridges the proposed route level would gradually drop to meet the level of the approved cycle/pedestrian route. To allow for the required 6 metre clearance under the proposed Teynham Road bridge the overall height of this bridge would be 8.7 metres. Equally the bridge traversing Old Bridge Road and the railway line allows for a 6 metre height below the bridge to account for Highway Authority stipulations and 5.4 metres to take on board Network Rail requirements. This results in the overall height of the proposed bridge being 11.3 metres over Old Bridge Approach Road and 10.6 metres over the railway line. The width of the bridge over Teynham Road and the route between bridges is shown to be 3 metres. The proposed Old Bridge Road bridge would be slightly wider. The bridge elements are to be manufactured and brought to the site in various large sections and

fitted in-situ.

The applicant has recognised within the Townscape and Visual Impact Assessment that there would be a degree of loss of privacy from the proposed route and has identified neighbouring properties within the vicinity of the application site that will be directly affected by the proposal. With regard to local residents' amenity it is clear that the proposed route is to be substantially increased in height with landscape planting proposed on the lower embankment only. The bridges are also to be of some significant height and size. The proximity to neighbouring residential occupiers and their associated private amenity areas is also of concern to officers. Local residents have raised concerns in respect of loss of privacy from overlooking considering the route would be elevated significantly above the level of the former line of the railway. This issue has been addressed by the applicant proposing enhanced screening to the bridges and the approaches to them as well as landscaping on the lower levels of the embankments which will grow over time to provide a screen.

The applicant has advised that it may be possible to reduce the bulk and mass of the bridges in part but this might require additional engineering work, however it may be that at the detailed design stage efforts could be made to reduce the visual impact of the structure, both by addressing the overall height and the sizing of the individual components. It may well be possible to reduce the extent of the proposed mesh caging as this may not be required to enclose the part of the bridge over Old Bridge Road but only over the railway. In addition, the panels along the side of the bridge could possibly be modified to allow more light through the structure over Old Bridge Road, however this is likely to give rise to further amenity concerns in respect of overlooking.

The applicant comments that as with the Teynham Road bridge the appearance would be far more open and less solid if the infill panels could be removed, but these have been put in place to prevent overlooking as noted above. It has been investigated whether any alternative measures could be put in place to allow for a more lightweight structure to be created. The bridge could not be supported from beneath as there is inadequate space in the public highway to facilitate this and Network Rail has previously advised that it would not wish to have a structure placed on its land. Thus, a bridge with an over-sailing supporting structure is the only option to bridge Old Bridge Road and the railway. With regard to the Teynham Road bridge proposed, a marginal reduction in deck thickness could be achieved but it would be inconsequential.

Given the elevated nature of the proposed route and the lower level of the landscaping proposed the landscaping measures offer less protection from an overlooking and privacy point of view than that of the remainder of the route, previously permitted. Whilst some screening would eventually be afforded adjacent the abutments as replacement landscaping matures, the route being elevated upon the proposed embankment would be more visually exposed in the interim. Similarly, the size, scale and design of the proposed bridges would create large structures visually. The proposed bridges are of substantial size and form and will have a significant impact in townscape terms and on the outlook of residents, as will the increased height of the embankments where they are raised to meet the bridges.

The concerns of residents in respect of loss of outlook and change in the character of their living environment are understood. From the information submitted a reasonable level of landscaping could be put in place either side of the raised route leading to the bridges that may reduce some harm created by overlooking once the landscaping has matured. However, the lower level of this landscaping will be unlikely to fully obscure views of the bridges and heightened embankment. As with the rest of the route it has been established that some form of interim screening along exposed sections of the route near the proposed bridge, could be put in place to prevent views into adjoining properties. This can be controlled by condition. Also, the panel screening proposed along the course of the bridge

would go some way to preventing overlooking occurring but again this would serve to make the bridges appear bulkier.

In terms of other amenity considerations the proposed route is intended to be used by the public, thus some noise disturbance may result. The former railway line is presently open land and/or land traversed by highway/railway infrastructure and/or is publicly accessible. The route would attract more public activity as a result of this proposal, but it is considered that the potential noise or disturbance that may arise from the use is likely to be of a level that would not be harmful to neighbouring occupiers' amenities.

A number of residents have raised concern in respect of maintenance. The bridges, as with the rest of the route, are to be adopted by the Highway Authority. The applicant has advised that the bridges have been designed within maintenance requirements in mind and designs that reduce the need for maintenance. Any ongoing maintenance can be carried out from the bridge structure itself or would be accessible from a standard cherrypicker from the public highway areas below.

Security has been raised as a concern by local residents. There is no evidence to conclude that the erection of the bridges in association with the creation of a public route would result in increased security issues, vandalism, fly-tipping, anti-social behaviour or security concerns in respect of safety of children within neighbouring private gardens. It is noted that this view is also held by Kent Police who have commented that the increased use of the route is likely to improve general surveillance of the area, possibly deterring the activities raised above.

Concern has been expressed about the engineering operations necessary to create the elevated route. The applicant has advised that the engineering works required to stabilise the slopes will be determined at the detailed design stage, but will comprise soil stabilisation techniques rather than engineered retaining structures. The re-grading of the slopes will not be greater than 1:1 or 45 degrees. Details of this can be controlled by condition. It is not intended there would be loss of chalk embankment as a result of this proposal.

Kent Highway Services have raised no objection to the proposal subject to safeguarding conditions relating to signage, design of access points, surfacing finishes and drainage. These are considered appropriate. There is no evidence that the route would result in increased parking problems in the area. Measures are also to be designed into the scheme that would prevent vehicles and motorcycles from accessing the route.

In terms of drainage the applicant has indicated the level of run-off from the bridges would be low. The bridges are designed to shed water into the adjacent cycle route which will have a cambered surface to ensure subsequent drainage into adjacent soft landscaped areas. The Council's drainage engineer has advised that the scheme's final design must ensure that adequate soakaways are provided.

Queries have been raised over the validity of the application. The application site area has been assessed by officers, as has the planning application form, plans and associated documents submitted with the application. Where these have been found to be either in error or deficient the applicant has addressed matters. Land ownerships have been checked and consultations scrutinised. Officers are satisfied that the applicant has provided the required information and that the application is valid.

In conclusion, there is clearly a significant amount of local objection to the proposal in terms of loss of privacy and outlook, as well as objection to the proposal in terms of its substantial negative impact upon local townscape. There would be clear harm caused to the living

environments of those residents in closest proximity to either of the proposed bridges and/or those elevated parts of the proposed route and this harm would not be mitigated until new landscaping had become established. Officers also have concerns in respect of the visual impact the bridges would have upon the local townscape, but no easy solution has been achievable that would be acceptable to the applicant, local residents and the local planning authority.

Notwithstanding these concerns and to be set against them, the proposed bridges would facilitate a public infrastructure route in the historic alignment (or as close as possible) to the former railway line. In doing so this would create a recreational facility within the District. There has been a long-term interest in having the route on the historic alignment of the railway, which includes the reinstatement of the bridges to facilitate this. Much support has been received by interested parties to the proposal. Indeed, the provision of the route is supported by Policy C3 of the Local Plan which states that "land will be safeguarded for the proposed pedestrian and cycle routes, as shown on the Proposals Map". 'Connectivity' aimed to encourage walking and cycling and reducing vehicle journeys has been encouraged for many years and is now promoted by bodies such as CABE (Commission for Architecture and the Built Environment). New routes and links aim to make it easier to commute between homes, jobs and amenities without using a car and it is recognised that this proposal would go some way to promoting this.

There can be thus no doubt that this proposal would assist in enabling the continuation of the recently approved route to improve accessibility to the town. However, it is also recognised that the proposal will result in imposing a negative localised impact upon the residential amenities of those living nearest; this negative impact needs to be balanced against the wider benefit such a route would bring to the community. On balance, it is considered that the wider public benefit in realising the cycle route would outweigh the harm to a limited number of local residents. In light of a balanced judgment needing to be made in this particular case the proposal is presented to Members with a recommendation for approval.

BACKGROUND PAPERS:

1. Application Ref: CA/10/01293/FUL
2. Memoranda from Kent Highway Services, dated 09.09.10 & 03.11.10
3. Memorandum from Countryside & Ecology, dated 10.11.10
4. Memorandum from Environmental Protection, dated 13.09.10
5. Memorandum from Conservation/Archaeology, dated 02.11.10
6. Memoranda from Sea Defence Section, dated 04.10.10 & 02.11.10
7. Memoranda from Transportation, dated 22.09.10 & 17.11.10
8. Previous planning application refs: CA/06/0538/WHI & CA/07/1442/WHI