

16 June 2011

Mr Nigel Butler
Bristol City Council Area Planning Co-ordinator
Development Management
City Development
Brunel House
St Georges Road
Bristol, BS1 5UY

Our ref CTR-AER-000

Your ref

Dear Mr Butler,

**Application for Listed Building Consent in Relation to Ashton Avenue Swing Bridge,
Cumberland Basin, Bristol**

I hereby enclose an application by Bristol City Council and North Somerset Council for listed building consent for adaption, alteration and repair works to Ashton Avenue Swing Bridge. This application comprises the following:

1. The application form;
2. This letter;
3. A joint Heritage, Design and Access Statement (A3);
4. Drawing No. CTR-ADU-0102-001: Ashton Avenue Swing Bridge Location Plan (A3);
5. Drawing No. CTR-ADU-1700-3050-01 Revision A: Ashton Avenue Swing Bridge Chainage 3050m (Subject to Change) Sheet 1 of 2 (A1);
6. Drawing No. CTR-ADU-1700-3050-02: Ashton Avenue Swing Bridge Chainage 3050m (Subject to Change) Sheet 2 of 2 (A1);
7. Heritage, Design and Access Statement Appendix D: Ashton Avenue Swing Bridge Assessment and Modifications – August 2010 (A4); and
8. Heritage, Design and Access Statement Appendix F: Ashton Avenue Swing Bridge, Bristol Structure Ref 57191 Summary Report – November 2008 (A4).

We include three copies of the above application documents and, in accordance with Section 12 (3A) of the Planning (Listed Buildings and Conservation Areas) Act 1990 we ask that you forward them to the Secretary of State for Communities and Local Government for his determination.

Context

On 10 June 2010 Bristol City Council and North Somerset Council (hereafter referred to as “the promoters”) jointly submitted a Transport and Works Act Order (TWAO) application to the Secretary of State for Transport for an order under sections 1 and 3 of The Transport and Works Act 1992. The purpose of the order is to permit the promoters to construct and operate a rapid transit system between the Ashton Vale to Temple Meads and Bristol City Centre and to carry out associated works to Bristol Harbour Railway (“the Scheme”).

Background

A network of ‘Rapid Transit’ routes was identified in the Joint Local Transport Plan prepared by the four local authorities of Bath and North East Somerset Council, Bristol City Council (BCC), North Somerset Council (NSC) and South Gloucestershire Council, who together form the West of England Partnership (WEP). The Joint Local Transport Plan sets out the transport plans for the sub-region between 2006 and 2011, and the vision for the next 20 to 30 years. The Scheme is one part of this wider Rapid Transit (RT) network and has the following objectives:

- Extend choice of transport modes for all, in particular for private car drivers, to encourage a shift to public transport;
- Promote sustainable development by providing high quality public transport links;
- Improve access to public transport for areas that currently have poor provision;
- Improve integration of the public transport network;
- Promote social inclusion by improving access to employment, retail, community, leisure and educational facilities; and
- Improve safety along the corridors by reducing use of private cars.

The current national policy emphasis for transport is to develop a system that meets demands for economic growth whilst reducing transport’s contribution to CO₂ emissions. The focus is on improving transport provision on existing routes into urban areas in order to tackle congestion and to provide a reliable alternative mode of transport to the private car for commuter travel.

Regional policy acknowledges that the Bristol area is of strategic economic importance to the South West region and that it is an area of predicted urban growth and expansion. The provision of sustainable transport is seen as strategically important to support the economic success of the area while alternatives to the car are promoted to combat the adverse environmental and economic effects of transport in particularly congestion and CO₂ emissions.

In the local policy context, the key issues identified centre around meeting the demands of population growth whilst tackling transport related problems such as congestion, CO₂ emissions and air pollution. The focus of transport policy is to promote alternatives to the car, particularly walking, cycling and public transport.

It is considered that the proposed Scheme accords with national transport policy and the transport policies contained within the regional, sub-regional and local spatial planning documents, and that the overall contribution of it towards the objectives of those policies is beneficial.

Listed Building Consent Application

Listed Building Consent is sought in relation to Ashton Avenue Swing Bridge as works are required to the bridge in consequence of proposals included in the TWAO application.

Description of the Site and the Listed Structure

Ashton Avenue Swing Bridge is located on Cumberland Road in Bristol. It crosses the River Avon New Cut and is situated north of Clift House Road, south of Cumberland Road, the A and B Bond warehouses and east of the Avon Bridge. Its structure reference is 29191.

The last recorded movement of the swing section was in 1936. In 1951 Bristol Corporation obtained powers to fix the bridge and remove the machinery. The upper road deck of the bridge, together with approach spans at each end, were removed in 1965 when the Cumberland Basin flyover system, which included a new fixed bridge over the River Avon (New Cut) downstream from the swing bridge, was opened.

Very little maintenance has been carried out in the last few years and there is serious corrosion of some areas of the main structural elements as well as many of the deck plates. Near the ends of the trusses, there are some large holes where the steel of the lower boom, which is formed as a riveted U section, has completely corroded through. The sides to this U section are also seriously corroded. It is open to the rain and water cannot drain away properly at present thus exacerbating the problem.

Ashton Avenue Swing Bridge was included in the Listed Buildings at Risk in Bristol Survey 2009 and its current state of repair recorded as:

“The signalling tower has now been removed, and the swing mechanism is inoperable. Steel members are in poor condition, with holes, discolouration and general rust and erosion. Former railway section is fenced off from the walkway. Vegetation is growing heavily from both entrances, and along the disused railway line. Brickwork has areas of decay and erosion, with parts missing. Graffiti covers many areas of the bridge, and the underside is believed to be in a bad condition.”

The current disrepair of Ashton Avenue Swing Bridge is a direct result of the lack of maintenance for a number of years. Bristol City Council and English Heritage both acknowledge that the construction of the Ashton Vale to Temple Meads and Bristol city centre Rapid Transit (RT) system is the only source of funding to repair Ashton Avenue Swing Bridge and maintain the restored structure.

Without the funds provided by the proposed Scheme, the bridge will continue to decline until such time as it becomes a dangerous structure and will need to be closed to the general public.

The project team has undertaken early engagement with Bristol City Council and has sought their pre-application advice and views. As part of the pre-application process, BCC consulted English Heritage (EH). Negotiations with EH are on-going.

Reason for the works to Ashton Avenue Swing Bridge

Initially Ashton Avenue Swing Bridge will be used by this first stage of rapid transit in Bristol, with a frequency of 6 minutes per direction. However, in the future, and as the rapid transit network expands to serve the sub-region, all buses using the proposed South Bristol Link and the Bristol Airport Flyer service will be permitted to use the rapid transit system between Long Ashton Park and Ride and Prince Street Bridge. This means that the frequency of buses travelling over Ashton Avenue Swing Bridge would be significantly higher than 6 minutes, meaning that the whole of the envelope within the bridge structure will be required for rapid transit.

In order to do this the existing brackets in the upper corners of the interior beams of the bridge need to be removed. The existing deck also needs to be remodelled to provide the carriageway bed for vehicles in both directions. This, in turn, requires the separate provision to replace the existing pedestrian and cycle route by way of a lightweight contemporary structure being attached to the upstream side of the bridge.

These proposed works preserve the special historic appearance of the bridge itself and the attachment of the new bridge structure is an imperative to re-provide the cycle and pedestrian route over the river.

Removal of the upper deck support brackets is the minimal intervention required to the existing structure to ensure two-way working for double deck buses across Ashton Avenue Swing Bridge. It is further considered that the works will preserve the special historic and architectural interest of the structure and that the removal of the brackets does not harm the character and appearance of the City Docks Conservation Area.

The rapid transit system intends to return the Ashton Avenue Swing Bridge structure to its original use; that of a major transport link. The restoration of the currently distressed structure is considered to be a conservation gain and its restoration is supported by English Heritage.

The rapid transit project team consider that the identified works to Ashton Avenue Swing Bridge satisfy the main legislative test set out in Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in that the works do preserve the structure and its setting and the features of special architectural or historic interest which it possesses. Moreover, in our view, the proposals satisfy the policies of Planning Policy Statement 5 (“PPS5”) and policy B13 of the Bristol Local Plan 1997.

Planning Policy

For the reasons set out in Chapter’s 6 and 8 of the Environmental Statement submitted with the application for the TWAO order, the proposed works accord with the objectives of relevant national, regional and local planning policy.

The national planning policies of key relevance to this listed building application are those contained in PPS5, as follows:

1. Policy HE6.1 of PPS5 Planning for the Historic Environment sets out the information requirements for applications affecting heritage assets. These requirements are summarised below:

- Local planning authorities should require an applicant to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance;
- This information together with an assessment of the impact of the proposal should be set out in the application (within the design and access statement when this is required) as part of the explanation of the design concept. It should detail the sources that have been considered and the expertise that has been consulted; and
- Local planning authorities should not validate applications where the extent of the impact of the proposal on the significance of any heritage assets affected cannot adequately be understood from the application and supporting documents.

2. Policy HE7.1, which states:

“In decision-making local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a heritage asset) taking account of:

- i. evidence provided with the application;*
- ii. any designation records;*
- iii. the historic environment record and similar sources of information;*
- iv. the heritage assets themselves;*
- v. the outcome of the usual consultations with interested parties; and*
- vi. where appropriate and when the need to understand the significance of the heritage asset demands it, expert advice (from in-house experts, experts available through agreement with other authorities, or consultants, and complemented as appropriate by advice from heritage amenity societies).”*

3. Policy HE7.2, which states:

“In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposals”.

4. Policy HE7.4, which states:

“Local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place-shaping; and*
- the positive contribution that conservation of heritage assets and the historic environment generally can make to the establishment and maintenance of sustainable communities and economic vitality by virtue of the factors set out in HE3.1”.*

5. Policy HE7.5, which states:

“Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use”.

6. Policy HE7.7, which states:

“Where loss of significance is justified on the merits of new development, local planning authorities should not permit the new development without taking all reasonable steps to ensure the new development will proceed after the loss has occurred by imposing appropriate planning conditions or securing obligations by agreement”.

The local planning policies of key relevance to this listed building application are:

1. Those contained in BCC’s LDF Core Strategy, which was recently submitted to the SoS. BCC’s emerging policy on Conservation and the Historic Environment is set out in Policy BCS22 of this document, which says as follows:

“Development proposals will safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including:

- *Scheduled ancient monuments;*
- *Historic buildings both nationally and locally listed;*
- *Historic parks and gardens both nationally and locally listed;*
- *Conservation areas; and*
- *Archaeological remains.”*

2. BCC’s “saved” planning policies are those set out in the *Bristol Local Plan (December 1997)* Policy B13 is relevant to this listed building consent application and states that:

“Development should preserve Listed Buildings, their features and settings, and preserve or enhance the character and appearance of the City’s designated Conservation areas, as defined on the Proposals Map. Development which conflicts with these objectives will not be permitted.”

3. The Bristol Local Plan policy on safeguarding routes for rapid transit is set out in Policy M13 which advises that:

“The following corridors as defined on the Proposals Map are safeguarded for rapid transit routes:-

- (i) *That part of the rapid transit route between Wapping Wharf and Portishead, which falls within the city.”*

Ashton Avenue Swing Bridge falls within the city of Bristol and is located to the west of Wapping Wharf and the city boundary. It is one of very transport links across the Avon New Cut and represents the only opportunity for the rapid transit system to cross the river.

In accordance with Section 12(3A) of the Planning (Listed Buildings and Conservation Areas) Act 1990, applications for listed building consent and conservation area consent must be referred to the Secretary of State instead of being dealt with by the local planning authority *“in any case where the consent is required in consequence of proposals included in an application for an order under Section 1 or 3 of the Transport and Works Act 1992.”* **We therefore request that this application be referred to the Secretary of State for Transport for his determination.** We will advise the TWA Orders Unit in the Department for Transport that this application has been submitted and provide them with a copy of the same.

We hope that the information we have provided, both electronically and in hard copy, allows the Secretary of State to determine the application. For the reasons set out in this letter and in the enclosed documents we ask that listed building consent be granted. In accordance with Regulation 5(1) of The Transport and Works Applications (Listed Buildings, Conservation Areas and Ancient Monuments Procedure) Regulations 1992, we trust that if the Secretary of State causes an inquiry to be held into this application for listed building consent, the inquiry will be held concurrently with the related TWAO inquiry.

If any further information is required, please do not hesitate to contact me.

Yours sincerely,

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cc Bob Fowler – Bristol City Council (without enclosures)