

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 Conservation Area Consent in Relation to Approximately 875m of Railings along the South Side of Cumberland Road, Bristol**

I hereby enclose an application by Bristol City Council and North Somerset Council for conservation area consent for the demolition of approximately 875m of railings on the south side of Cumberland Road. 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-0106-001: Demolition of Railings Location Plan 1 of 4;
5. Drawing No. CTR-ADU-0106-002: Demolition of Railings Location Plan 2 of 4;
6. Drawing No. CTR-ADU-0106-003: Demolition of Railings Location Plan 3 of 4;
7. Drawing No. CTR-ADU-0106-004: Demolition of Railings Location Plan 4 of 4;
8. Drawing No. CTR-ADU-1700-4175-01/A: Cumberland Road Ramp at Chainage 4175m (Subject to Change);
9. Drawing No. CTR-ADU-1700-4175-02: Cumberland Road Ramp Existing Cross Sections; and
10. Drawing No. CTR-ADU-1700-4175-03: Cumberland Road Ramp Existing & Proposed Cross Sections @ Chainage 3550m.

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 CO<sub>2</sub> 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 CO<sub>2</sub> 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, CO<sub>2</sub> 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.

### ***Conservation Area Consent Application***

Conservation Area Consent is sought in relation to approximately 875m of railings on the south side of Cumberland Road as works are required to the railings in consequence of proposals included in the TWAO application.

### ***Description of the Site and the Conservation Area***

The railings subject to this application fall within the City Docks Conservation Area and run between the parapet of the Bristol Harbour Railway bridge and the junction of Cumberland Road with Avon Crescent.

The City Docks Conservation Area was designated on 19 September 1979 to preserve and enhance the area of low lying land adjacent to the Floating Harbour and the New Cut between Junction Lock and Bathurst Basin. The area once formed the working heart of Bristol's dock and commercial activities.

### ***Reason for the works to the railings***

The railings separate Cumberland Road from the Bristol Harbour Railway below, commencing from the railway bridge parapet opposite number 85 Cumberland Road to a point south of number 18 Avon Crescent, an approximate distance of 875 metres.

Between the railway bridge parapet and its junction with Avon Crescent, Cumberland Road operates as a two-way street with parking provided on the southern side along its full extent. Currently the railings separate the southern side of Cumberland Road from the Bristol Harbour Railway below, a difference in level of up to 5 metres. The parking area is shared between motor cars and buses and coaches. Investigations revealed that a number of railing panels are currently damaged as a result of being struck by motor vehicles and that some panels have been damaged beyond repair and have been replaced, but not with like-for-like railings. As a result there are now approximately four different types of railing in-situ and this looks unsightly.

The results of an inspection undertaken on 16 June 2010 are indicated in the table below:

Total number of panels: 359	
	No.
Total number of original panels (2.14m in height) that can be reused	159.00
Total number of original panels (2.14m in height) that can not be reused	80.00
Total number of original panels (1.45m in height) that can be reused	38.00
Total number of original panels (1.45m in height) that can not be reused	12.50
Total number of infill wire mesh panels (all sizes) that can not be reused	29.00
Total number of wooden infill stakes (all sizes) that can not be reused	1.00
Total number of infill palisade panels (1.80m in height) that can not be reused	35.00
Total number of infill HERAS fencing panels (2.00m in height) that can not be reused	1.00
Total number of temporary HERAS fencing panels (2.00m in height) that can not be reused	3.50
<b>Conclusion</b>	<b>359.00</b>

As part of the rapid transit system, it is proposed to remove the parking from the south side of Cumberland Road and introduce a bus lane to accommodate the rapid transit vehicles. As a result, a vehicle lane is created directly adjacent to the level difference down to the Bristol Harbour Railway. National standards dictate that, where a level difference exists, a vehicle restraint system be installed to prevent errant vehicles from leaving the carriageway and falling onto the busway below.

The existing railings will need to be removed in order that a vehicle restraint system can be constructed. It is envisaged that the vehicle restraint system will be of reinforced concrete with a pennant stone facing and will be approximately 1 metre in height. Replacement railings, the type and design to be agreed with English Heritage and other key stakeholders, are to be provided on top of the system.

### ***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.”*

The railings on the south side of Cumberland Road fall within the city of Bristol and are located to the west of Wapping Wharf and the city boundary.

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 will 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 conservation area consent be granted. In accordance with Regulation 5(1) of The Transport and Works Applications (Listed Building, Conservation Areas and Ancient Monuments Procedure) Regulations 1992, if the Secretary of State causes an inquiry to be held into this application for conservation area consent, we trust that 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,

Darren Cox  
Associate  
coxdj@halcrow.com  
Direct dial 0117 910 2679

cc Bob Fowler – Bristol City Council (without enclosures)