



## Regulatory Committee

Minutes of the meeting held at The Springfield Hotel, Wareham on  
Thursday, 14 June 2018

### Present:

David Jones (Chairman)  
Margaret Phipps, Shane Bartlett, Ray Bryan, Jean Dunseith, Katharine Garcia, Nick Ireland,  
Jon Orrell and David Shortell.

### Members Attending

Cherry Brooks County Councillor for South Purbeck  
Beryl Ezzard County Councillor for Wareham  
Peter Wharf County Councillor for Egdon Heath

Officer Attending: Maxine Bodell (Head of Planning), Phil Crowther (Senior Solicitor), Chris Stokes (Principal Planning Officer (Development Manager)) and Lee Gallagher (Democratic Services Manager).

(Notes: These minutes have been prepared by officers as a record of the meeting and of any decisions reached. They are to be considered and confirmed at the next meeting of the Cabinet to be held on **Thursday, 12 July 2018.**)

### **Apologies for Absence**

22 Apologies for absence were received from Cllrs Jon Andrews and Kevin Brookes. Cllr Nick Ireland attended the meeting as a substitute for Cllr Jon Andrews.

### **Code of Conduct**

23 There were no declarations by members of disclosable pecuniary interests under the Code of Conduct.

### **Terms of Reference**

24 Members received the Terms of Reference for the Committee.

### **Noted**

### **Minutes**

25 The minutes of the meeting held on 22 March 2018 were confirmed and signed.

### **Public Participation**

#### **26 Public Speaking**

There were public questions received at the meeting in accordance with Standing Order 21(1). The questions are attached in an annexure to these minutes. It was clarified at the meeting that questions 1, 3 and 4 did not relate to the remit of the Regulatory Committee and would therefore be forwarded to the applicant to respond to outside of the meeting. The response to question 2 was provided as part of the introduction to the item by the Planning Officer at minute 27 below.

There were 28 public statements received at the meeting in accordance with Standing Order 21(2). All statements are attached in an annexure to these minutes.

#### **Petitions**

There were no petitions received at the meeting in accordance with the County Council's Petition Scheme.

**Alterations to the existing railway footbridge and erection of new ramp structures, providing step free access from the highway to the footbridge. Wareham Railway Station, Northport, Wareham, Dorset, BH20 4AS.**

27 The Committee considered a report by the Head of Planning in relation to a replacement step free crossing across the railway line at Wareham Station. A site visit to Wareham Train Station was held on 16 November 2017 and attended by a number of members. Those members who had not attended the site visit took part in the debate as they felt that they were familiar with the site and had sufficient knowledge of the site to take part.

The Principal Planning Officer provided a presentation and detailed introduction to the application and an update sheet (attached as an annexure to these minutes). A site plan and images of the proposed ramps were shared at the meeting to explain the design and scale. It was explained that as the key north-south pedestrian access for Wareham there were in excess of 1000 movements across the current crossing and approximately 68 trains passed through the station each day. The presentation included photos showing the station and application site, including public crossing the train line, the bridge, platforms, buildings and the surrounding roads near to the site. Further context was provided regarding the grade 2 listed bridge and buildings, and the street scene.

The impact of the proposal on the listed building was explained. Two 2m wide-sections of the bridge parapet would be removed to allow two mobility scooters to pass. Additional brackets and columns would be added to the bridge under these cut outs. The Principal Planning Officer explained that for the most part, the setting of the listed building was relatively unaffected. However, there was particular concern about the impact on the setting from the East and on the relationship between the existing bridge and the signal box. It was explained that Purbeck District Council's Conservation Officer had assessed the harm to the listed building as less than substantial. As the proposal would result in harm to the listed building, the Principal Planning Officer set out the various alternative that had been considered.

In relation to the rail crossing, the background to the use of the public across the trainline was explained and the arrangements in place for the current manned crossing. Network Rail and the Office for Road and Rail had an ongoing concern in respect of the potential for incidents at the crossing and that there had been recorded near misses on the site between 2015-2017. Network Rail had closed over 1000 level crossings based on the same risk assessment methodology (this crossing had been assessed at D4 based on a scale of A-M and 1-13) in December 2017 which included the abuse of crossings. A photo was shown taken by the Principal Planning Officer during an unannounced visit showing the crossing guard holding back a person who was on the wrong side of the gates after they had closed. A video of what in Network Rail's view constituted a near miss was also provided for information.

The design of the step free proposal which provided for 1:12 gradient ramps was explained in detail, which conformed with the Design Manual for Bridges and Roads. Although it would be preferred that the ramps would normally be at a gradient of 1:20, this was not possible due to the need to retain a crossing at this point, amount of space available on site and the need to limit the impact on the Listed Buildings and their settings. Previously proposed schemes, and examples of other bridges in Dorset at 1:12 were provided as context.

Discussion had taken place with the occupier of the adjoining dwelling. As a result of their concerns, mitigation in the form of a mesh screen had been incorporated into the design so that they had withdrawn their objection.

Officers' conclusions were that the significant safety concerns and the need to maintain a crossing on the direct route from the North of Wareham to the South was sufficient to clearly outweigh the harm to the listed building and to the street scene.

Four public questions were received at the meeting in accordance with Standing Order 21(1), and twenty-eight public statements in accordance with Standing Order 21(2). It was clarified at the meeting that questions 1, 3 and 4 did not relate to the remit of the Regulatory Committee and would therefore be forwarded to the applicant to respond to outside of the meeting. The response to question 2 was provided as part of the introduction to the item by the Planning Officer. The questions and statements are attached as an annexure to these minutes.

The issues raised by members of the public addressing the Committee at the meeting are summarised below:

- Retention of the route as outlined in the Purbeck Neighbourhood Plan;
- Structure and visual impact of the proposed ramps;
- A proposed alternative layout for the ramps to provide a 1:15 gradient;
- The 1:12 gradient of the ramps and the impact on all users including those with disabilities and those who were able bodied, cyclists and use of buggies and pushchairs;
- That the proposal is a breach of the County Council's duty under the Equalities Act;
- That the ramps would be unusable in the winter when icy;
- It was contested that the ramps would not be wide enough for two scooters or wheelchairs to pass;
- The site would be used for skateboarders and rollerbladers;
- An asserted risk of breaching the Equalities Act by using ramp gradients too steep for disabled, especially those being pushed in wheelchairs, and less mobile people to use;
- The health and safety, and risk factor being rated as High when there had never been any fatalities or incidents at the site;
- Suggested alternative of using a controlled barrier, gates linked to signals, or other technology to retain a crossing in its current location;
- The negative impact on the existing Grade 2 listed building, which outweighed the public benefit of the proposal;
- Impact on the local heritage of Wareham as a historic town as the gateway to the Isle of Purbeck and world heritage site;
- The overriding need to take account of the local community views and needs;
- The design did not reflect the street scene or character of the locality;
- Access to services and the economic impact on Wareham in terms of local people using the town's amenities;
- Residents and visitors would be encouraged to go to Poole or Dorchester as an alternative to Wareham;
- It would adversely affect the regeneration of Wareham;
- The strong public support to keep the existing level crossing with barrier control/automation;
- It was important for the crossing not to be compared with the Poole pedestrian level crossing;
- There was an assumption of unlawful removal of public rights of way at the site;
- Concern that there were no alternatives that National Rail were prepared to look at which would retain the crossing;
- That Network Rail's risk assessment graded all level crossings as high risk;
- That the Office of Road and Rail would look at alternatives to a bridge, it is only Network Rail that is wedded to a bridge;
- The need to cross the bridge for tickets and return to the same platform;
- That the matter could be referred to the Council's Audit and Governance

Committee as a call-in;

- That the application was not in accordance with National Planning Policy Framework regarding good design, conservation and the Purbeck District Council Local Plan; and,
- Support from Michael Tomlinson MP to the views of the residents of Wareham in opposing the application.

The following clarifications were provided in response to points raised in the statements at the meeting:

- Although the Highways Authority was the applicant it was necessary for the County Council's Regulatory Committee to consider the application, but this was undertaken in an impartial way with assessment and decision making being carried out in the same way as any other application;
- It was also clarified that there was no further right of appeal or consideration by another committee of the Council relating to the decision of the Regulatory Committee as suggested in one of the statements; and,
- Legal advice had been received in relation to the stopping up of the road in the 1970s through a side roads order which extinguished all public rights. Any challenge to this position would be required separately to the planning application by the Council's rights of way team.

The following comments were made in favour of the application:

- The ramps would create a permanent step free and safe network for all users 24 hours a day, and included those with limited mobility;
- There was evidence of near-misses on site;
- The County Council had a duty to reduce as far as reasonably practicable the health and safety concerns relating to the site;
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- Public access would cease in 2038;
- Over time the current situation was not tenable;
- Manned crossings were a thing of the past and not sufficiently safe; and,
- Automated barriers would be demonstrably less safe.

Local member representations were received from Cllrs Peter Wharf, Beryl Ezzard and Cherry Brooks. The representations echoed closely the concerns raised by members of the public, but with the addition of:

- Clarification that the proposal was not in accordance with policy for conserving and enhancing the historic environment (Section 12 of the National Planning Policy Framework (NPPF)); policy for good design (Section 7 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990); Policy LHH (Landscape, Historic Environment and Heritage) and Policy D (design) of the Purbeck Local Plan; and paragraphs 30 and 41 of the NPPF and Policies IAT and CEN of the Purbeck Local Plan;
- That not all avenues had been explored for an alternative crossing; and,
- Future alternatives could be found through developing technology in the future.

At this point the Committee asked questions of clarification before entering formal debate and decision making in respect of the application. A request was made for more information regarding the near misses associated with the crossing, to which officers clarified that there had been formally recorded near misses of 1 in 2015, 1 in 2016 and 1 in 2017. It was also clarified that the crossing was manned between 6am until 1am daily.

The reporting of issues and problems on bridges with 1:12 gradient slopes was raised as although there had been no recorded complaints or problems reported by the public to the bridges team, but there was no formal reporting procedure. It was also felt that from the examples provided at the meeting, and through the experience of local members, the 1:12 gradient was not appropriate for wheelchairs. It was also clarified that although a gradient of 1:12 was not preferred in general design principles, and a ramp of 1:20 would be, it was in line with the Design Manual for Roads and Bridges in exceptional circumstances due to the restricted space available.

Wheelchair and mobility scooter access and passing on the existing bridge and proposed ramps was discussed in detail. It was explained that the ramps were 2m wide which would accommodate for two standard width wheelchairs (650mm) to be able to pass. However, concern was expressed that there were a range of sizes of wheelchairs and scooters available. The width of the bridge was accepted as being more than the width of the ramps using reference to scale maps at the meeting.

Alternatives to the proposal were discussed in detail, and a number of members were keen to understand why the provision of automated barriers linked to the signalling system had not been considered as a viable alternative by Network Rail. It was clarified that the application was that of Dorset Highways and not Network Rail and it was the duty of the planning service to consider the application submitted, and although it was possible for alternatives to be looked at in planning terms, this related to alternatives to the impact on heritage assets and listed buildings affected by the development only. It was anecdotally referenced that Network Rail considered all level crossings to be unsafe and was therefore not considered to be an acceptable alternative and that it was known that Network Rail had planned to close a further 600 crossings in addition to over 1000 already closed on grounds of safety.

A question was asked about a possible alternative of developing pedestrian access to the bypass. The Principal Planning officer confirmed that he was not aware of any proposal for a footpath enhancement, and in practical terms this would be more out of the way that the proposed ramps.

The mitigation put in place in respect of the neighbouring property to the ramps was discussed as it was felt that although the property owner had discussed mitigations and had not objected to the proposal, in relation to good design principles it seemed to be too close to the property. Officers confirmed that the property owner had been consulted and there were no issues of overlooking, overshadow and no noise nuisance so it was therefore not unreasonable for it to be there.

Following questioning from the Committee, Cllr Margaret Phipps highlighted the importance of listening to the local community as well as material planning considerations and proposed that the application should be refused for the following reasons:

- 1. The construction and presence of the proposed ramp would cause harm to the setting and therefore the significance of the Grade II listed bridge which forms part of a listed group of station buildings, as well as ancillary/curtilage buildings which are listed. No clear and convincing exceptional circumstances have been demonstrated to justify harm to the Grade II listed bridge. Neither would the harm to this nationally important heritage asset be clearly and convincingly outweighed by the public benefits associated with the proposed development, as other significantly less harmful alternatives are available.*
- 2. Approval of such development would be contrary to government policy for conserving and enhancing the historic environment set out in Section 12, paragraphs 131, 132, 133 and 134 of the National Planning Policy Framework (NPPF, March 2012) and the proposed development would make no desirable positive contribution to local character and distinctiveness as encouraged by paragraph 131 of the National Planning Policy Framework.*
- 3. Section 7, Paragraphs 56, 57, 61 and paragraph 64 of the NPPF states that permission*

*should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The excessive mass and scale of the proposed ramps will not improve the character of the historic bridge and station. This is also contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

*4. The application is contrary to Policy LHH (Landscape, Historic Environment and Heritage) of the Purbeck Local Plan. In addition, the ramps would detract from the street scene and be contrary to Policy D (Design) of the Purbeck Local Plan Part 1. This is because the application fails to demonstrate that the protection and enhancement of the setting of the designated heritage asset has been addressed. It also fails to establish that the adverse effect that the proposed development would have on the setting of the listed building, can be satisfactorily alleviated through appropriate and acceptable mitigating measures.*

*5. Also the proposal is likely to increase the use of motor vehicles, and therefore fails to promote sustainable transport, contrary to Paragraphs 30 and 41 of the NPPF and Policies IAT and CEN of the Purbeck Local Plan.'*

The proposal was seconded by Cllr David Shortell who also indicated that alternatives should be considered.

Views were shared by members which supported the refusal of the application, whilst noting that the current arrangements were strongly supported by the local community, the significant impact to the character of the local area, and risk to the public and less mobile of icy conditions in the winter.

However, an opposing view was expressed that a deferral of the application could be considered based on the exploration and negotiation between the Council and National Rail for an alternative arrangement at the site, potentially with automated barriers.

On considering the proposal for refusal it was agreed that it would also be suggested that the Highway Authority and Network Rail be encouraged to enter into discussions about alternative solutions including an automated barrier system.

On being put to the vote the proposal was agreed unanimously.

### **Resolved**

1. That the application be refused subject to the reasons set out in the minute above.
2. It is suggested that the Highway Authority and Network Rail enter into discussions about alternative solutions including an automated barrier system.

### **Questions from County Councillors**

28 There were no questions raised by members under Standing Order 20(2).

Meeting Duration: 10.10 am - 1.35 pm