ITEM NO 7

TO: PLANNING & REGULATORY COMMITTEE

DATE: 23 January 2008

BY: PLANNING MANAGER

DISTRICT(S) ELMBRIDGE BOROUGH COUNCIL
SPELTHORNE BOROUGH COUNCIL

ELECTORAL DIVISION(S):
Weybridge
Mr Lake
Walton South & Oatlands
Mr Taylor
Laleham & Shepperton
Mr Burrell

GRID REF: 509203 166284

PURPOSE: FOR DECISION

TITLE: SURREY COUNTY COUNCIL PROPOSAL EL07/2394 SP07/0966

SUMMARY REPORT

Land between the junction of Bridge Street/Oatlands Drive, Walton on Thames and the junction of Walton Bridge Road/Walton Lane, Shepperton; land at Cowey Sale, and Broadwater Farm, Walton Lane, Walton on Thames; land at Walton Lane Farm, Shepperton; land at Walton Bridge House, Toll Cottage and the Bungalow, Walton Bridge Road.

Construction of new arch bridge and approach viaduct over the River Thames and floodplain with new 'T' Junction to Walton Lane, Walton and associated landscape, ecological and flood storage mitigation works; replacement car park, public toilets and refreshment facilities at Cowey Sale; temporary site compound required in connection with the construction work, comprising hard surface area with demountable site office and mess buildings and storage area; change of use of 4.7 hectares of land from agricultural to public open space, common land, recreation allotment and village green.

A revised scheme for the permanent replacement of Walton Bridge has been submitted following the failure of the scheme granted planning permission in 2004 after a Public Inquiry into the compulsory purchase and related orders. This retains the previous arch style bridge, but reduced in height, and proposes a simpler junction between the A244 and Walton Lane, Walton to address the key objection to the previous scheme about the scale of landtake from riverside open space and the effect it had on the visual and recreational amenities of the riverside. As before, it proposes a new approach viaduct alongside the existing Victorian approach viaduct, resulting in a new alignment slightly upstream of the existing bridges. Public consultation has shown a significant level of support for the revised proposal, but also continuing objections, mainly on grounds of the obtrusiveness of the arch design, dislike of the arrangements made for pedestrians and cyclists and for turning in and out of Walton Lane, failure of the scheme to improve highway capacity and tackle other constraints capacity elsewhere on the A244 locally.

Officers consider that the new bridge is inappropriate development in the Green Belt, but that very special circumstances exist which outweigh harm due to inappropriateness. The design of bridge is considered to have benefits for the immediate surroundings of the river crossing which are consistent with development plan policies promoting the environmental quality of the riverside and its value as a recreational resource and which outweigh perceived harm due to its greater visibility over a wide area than some alternative bridge designs. The Walton Lane junction represents a tension between conservation of the riverside and meeting the needs of road users to the highest possible highway design standards. The proposals are considered to offer a safe solution which does not involve excessive landtake and therefore strikes the right balance. Provision for
pedestrians and cyclists is appropriate for the volumes of traffic of all types using the bridge and the particular conditions at the bridge. The proposal has benefits for river navigation and flood levels, provided compensatory flood storage capacity is provided as proposed, subject to confirmation by the Environment Agency. No significant adverse impacts on residential amenities are envisaged and proposed landscaping and habitat creation is expected to result in a neutral or slightly beneficial effect on the value of the immediate area as a wildlife habitat.

The recommendation is, subject to referral to the Secretary of State as a departure from the provisions of the development plan, to PERMIT subject to conditions.

APPLICATION DETAILS

Applicant

The Strategic Director for Communities

Date application valid

6 September 2007

Period for Determination

28 December 2007

Amending Documents

Memo dated 20/12/07; E:mail dated 03/01/08.

SUMMARY OF PLANNING ISSUES

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

<table>
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<th>Impact of Layout and Bridge Design on Riverside Environment</th>
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<th>Paragraphs in the report where this has been discussed</th>
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<td>yes</td>
<td>40 - 51</td>
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<th>Appropriateness of Development in the Green Belt</th>
<th>no</th>
<th>52 - 54</th>
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<td>Existence of Very Special Circumstances to Justify Development Which is Inappropriate in the Green Belt</td>
<td>yes</td>
<td>55 - 59</td>
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<td>The Walton Lane Junction and Shepperton Side Roundabout Provision for Pedestrians and Cyclists</td>
<td>yes</td>
<td>60 - 62</td>
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<td></td>
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Impact on Residential Amenities
yes 68 - 72
Loss of residential accommodation
yes 73 - 74
Impact on Flooding
yes 75 - 83
Ecological Impacts
yes 84 - 89
Archaeology
yes 90 - 91
Impact on Historic Buildings
yes 92 - 94

ILLUSTRATIVE MATERIAL

Site Plan
Plan

Aerial Photographs
Aerial

Site Photographs
Figure 1 Site of new river crossing from Cowey Sale car park.
Figure 2 Cowey Sale, looking downstream towards existing bridges.
Figure 3 Existing bridges, viewed from downstream
Figure 4 Existing junction of A244 and Walton Lane, Walton.

BACKGROUND

Site Description

1 Walton Bridge is one of five road bridges across the Thames in Surrey. It carries the A244 road, which is one of the principal access routes to Walton on Thames, running through its town centre. The A244 runs between Feltham and the M25 at Leatherhead, via Sunbury, Shepperton, Walton, Hersham, Esher and Oxshott.

2 From 1953 until 1999, the A244 was carried across the Thames and its floodplain by a bridge made up of two elements; the river itself was crossed by a steel framed bridge (the ‘Callender – Hamilton’) which was originally erected as a temporary measure following wartime bomb damage that weakened the earlier Victorian bridge. The latter was retained, providing a separate crossing for pedestrians and cyclists until it was demolished in 1985. The floodplain (on the Walton side of the river) was crossed by a series of brick arches, also built as part of the Victorian bridge, carrying a single carriageway in each direction between brick parapets, with no footway. A timber footway on cantilevered steel frames was added later on the north side of the arches.

3 Between 1985 and 1998, weight limits were imposed on the Callender Hamilton bridge for structural reasons and successively reduced from 25 tonnes to 17 tonnes to 7.5 tonnes. In the context of growing concern that the condition of the Callender Hamilton may necessitate its complete closure before a permanent replacement could be secured, planning permission was granted in 1999 for the installation for 10 years of a prefabricated steel bridge (the ‘new temporary bridge’) alongside it in the interests of maintaining a river crossing. This bridge is on approximately the alignment of the bridge demolished in 1985. The Callender Hamilton has been retained but now caters only for pedestrians and cyclists.

4 The existing crossing therefore comprises, for motor vehicles, the new temporary bridge and the Victorian flood arches, while pedestrians and cyclists use the Callender Hamilton and the cantilevered footway on the flood arches. The cantilevered footway runs into a
narrower section of footway extending from the end of the approach viaduct to the junction of Bridge Street with Oatlands Drive. Between the flood arches and the river bridge, Walton Lane (Walton) has a junction with the A244 where visibility is restricted for vehicles turning out of Walton Lane and vehicles waiting to turn in cause congestion on the bridge.

5 On the Walton side of the river, the road crosses the Cowey Sale open space, which extends approximately 60m. north from the existing flood arches (as far as Walton Marina) and approximately 350m. to the south. Cowey Sale comprises a mixture of grassland and woodland which acts as a significant riverside recreation area, with car parks, public toilets and a refreshment kiosk. The Thames Path long distance footpath runs along the riverside and under the existing bridge. An access road to an established marina north of the existing bridges also runs under them, from a junction with Walton Lane. To the south of Cowey Sale is agricultural land at Broadwater Farm. To the east, on rising ground beyond the floodplain, is residential development on the edges of the urban area of Walton on Thames.

6 On the Shepperton side of the river, the existing bridge adjoins residential development which forms a ribbon of riverside development to the north and south. The development immediately to the north (Swan Walk) is separated from the road by a strip of amenity land which varies in width from about 12m at the riverside to about 40m. Swan Walk is a modern redevelopment of a former industrial site which took place in the 1990s, comprising a mix of two and three storey residential development.

7 On the south side of the bridge, Walton Bridge House and Toll Cottage are directly alongside the carriageway of the new temporary bridge. Toll Cottage is a single storey, 18th/19th century building, while Walton Bridge House is a larger late Victorian house in multiple occupancy. It is, however, understood that Walton Bridge house currently has no tenants and is being offered for sale. The nearest riverside buildings are currently vacant commercial premises and an active boatyard. Beyond those are predominantly single storey riverside dwellings in Thames Meadow, the nearest of which are approximately 75m from the existing bridge. To the rear of the houses is privately owned grassland forming a peninsula between meanders of the river.

8 West of the bridge, A244 Walton Bridge Road curves sharply to the north, while the B376 Walton Lane (Shepperton) heads towards Shepperton. In the angle between these roads at the west end of the bridge is an area of open common land (Windmill Common). The access road to Thames Meadow has a junction with Walton Lane just to the west of this junction.

Planning History

9 Planning permission was granted in July 2004 under references EL04/0016 and SP04/0026 for a new permanent bridge and approach viaduct, with link roads to Walton Lane, landscape, ecological and flood storage works, replacement car park, toilets and refreshment facilities and provision of exchange land to replace the land taken by the scheme from existing open space, common land and other special categories of land. The application was referred to the Secretary of State as a departure but was not called in.

10 A public inquiry was, however, held in 2005/6 into the compulsory purchase orders, side roads orders and exchange land proposals necessary to implement that scheme. The compulsory purchase and side roads orders were not confirmed by the Secretary of State for Transport on the grounds principally that, given the impact of the twin link roads to Walton Lane, a compelling case had not been made for the bridge replacement scheme in that form. The principal concern was the effect of the downstream link road on the most valued areas of open space adjoining the riverside in the immediate vicinity of the existing bridge, and devaluation of the remaining space between the downstream link and the river and the land enclosed by the link roads. It was concluded that there was no land of
equivalent value that could be provided in exchange. A signal controlled junction upstream of the bridge was considered to have clear advantages which should be further investigated. The Secretary of State did however agree with the Inspector’s conclusions that there was a need for a new replacement bridge; that an appropriate alignment had been proposed for the replacement; that a new approach viaduct should be provided; that the existing time limited planning permission on the temporary bridge should not constrain consideration of alternatives; and that subject to appropriate maintenance the temporary bridge could be kept serviceable for as long as it was likely to be required.

11 This application is a revised proposal for the new permanent bridge which seeks to address issues raised at the public inquiry and the main reasons why the orders were not confirmed.

THE PROPOSAL

12 The main elements of the application proposals are;

- Construction of a new arch bridge just upstream of the two existing temporary bridges; removal of the temporary bridges and demolition of two residential and one commercial property. The new bridge deck comprises a 7.3m wide carriageway and 3.5m footways/cycleways on each side. The springing point of the arches is approximately 20m back from the river edge. On the Walton bank, the Thames Path passes between the springing point and the river edge. There are also backspans. A separate access road to the marina passes through the backspan on the Walton side. The deck level is 6m above river level. The maximum height of the arch above river level is 17.7m.
- Construction of a new approach viaduct just upstream of the brick flood arches; retention of the flood arches for use as a footway and cycleway. The new viaduct incorporates another footway/cycleway on its south (upstream) side. It is supported on three piers spaced to coincide with the pattern of the flood arches.
- Demolition of three properties to accommodate the new alignment; a currently vacant commercial property (The Bungalow), Toll Cottage and Walton Bridge House. The latter has been in multiple occupation, but is understood now to be largely vacant.
- Provision of an improved priority ‘T’ junction with Walton Lane (Walton) between the bridge and approach viaduct. This is located slightly further from the river bank than the existing junction. The realignment enables provision of a protected right turn facility into Walton Lane from the bridge. The realignment necessitates removal of the existing public toilet block on Cowey Sale and also involves some landtake from the existing car park. Further investigation of the signal controlled option recommended by the Inquiry Inspector found that compared to a priority junction, this necessitated significant widening of both the bridge and approach viaduct and consequently greater landtake.
- Creation of a new roundabout at the junction of Walton Bridge Road and Walton Lane, Shepperton; realignment of the access road to Thames Meadow; creation of a short two way section on Walton Lane, Shepperton between roundabout and realigned Thames meadow access road. The remainder of Walton Lane remains one way as at present.
- An extension of the main Cowey Sale car park southwards to replace existing parking lost under the new line of the bridge and Walton Lane; provision of formal disabled parking bays on the new marina access road.
- A new single storey building adjoining Walton Lane to provide replacement toilets and refreshment kiosk. The building is in a contemporary style, having reversed pitched standing metal roofs either side of a natural stone spine wall. External walls will be a mix of non-load bearing rendered blockwork and glass. They will be protected when the facility is not open by anti-graffiti coating and aluminium panel screens.
- Creation of exchange land on existing pasture land at Broadwater Farm, Walton and Walton Lane Farm Shepperton, to compensate for loss to the new bridge of areas of existing public open space, common land, village green and recreational allotments.
• Lowering of the existing level of part of the proposed exchange land at Broadwater to provide flood storage capacity within the floodplain to compensate for loss of existing storage capacity to the scheme.
• A temporary works compound for the duration of construction work (anticipated to be about 30 months) on part of Broadwater Farm, accessed from Walton Lane west of the access road onto Desborough Island.
• A diversion of the Engine River and creation of a balancing pond to the south of the approach viaduct.
• Dismantling and re-erecting on a new alignment a section of wall on the bridge approaches in Bridge Street, Walton which is a grade II listed building. This would accommodate an improved footway width, consistent with improvements to facilities for pedestrians and cyclists elsewhere in the scheme.
• Development of new rights of way and informal footpath links between the A244 and Cowey Sale, between Cowey Sale and the exchange land and on the Shepperton bank, around the new bridge and between the riverside and Windmill Common.
• Areas of new landscape planting and habitat creation and enhancement using native species to emphasise the semi natural landscape character, focussed on:
  - the embankments of the new Walton Lane junction,
  - the eastern end of the new approach viaduct and the proposed balancing pond, where removal of existing alder woodland is necessary. Particular attention would be paid here to wetland habitat creation,
  - the site of the abutments of the existing temporary bridges
  - creating new hedges on the outer boundaries of proposed exchange land areas, while reducing barriers between these areas and existing areas of open space and common land
  - the edges of the extended Cowey Sale car park.

13 The main differences between the current scheme and the one permitted in 2004 are:

• The height of the main bridge arch has been reduced by approximately 5.8m
• The span of the main bridge has been increased, freeing up more space on the river bank
• Support for the approach viaduct by three leaf piers instead of 24 columns
• Provision of a single ‘T’ junction to Walton Lane instead of twin link roads; relocation of the junction away from the riverside to enable provision of a right turn lane on A244 without widening the bridge itself
• Enhanced pedestrian and cycle facilities across the bridge and approach viaduct as far as the junction of the A244 with Oatlands Drive and to and from Cowey Sale
• Separation of the Thames Path and marina access road
• Detailed changes to the size and location of the proposed exchange land on both sides of the river
• Inclusion of the works compound at Broadwater.

The application is accompanied by an Environmental Statement (ES).

CONSULTATIONS AND PUBLICITY

District Council

14 Spelthorne Borough Council : No objection. Welcomes improved design and supports principle and location of new bridge. Considers that;

  a.) need for Shepperton side roundabout be reconsidered,
b.) footpath links to towpath at Swan Walk should be provided,
c.) detailed design of spaces between old and new viaducts consider possibility of creating dead spaces posing management problems
d.) principle of a café is accepted, but very special circumstances have not been demonstrated for its provision in Green Belt,
e.) monitoring of HGV traffic should continue
f.) environmental impacts arising from proposed site compound be monitored and mitigated as necessary.

15 Elmbridge Borough Council : No objection, but wish to see all Walton-bound traffic exiting Walton Lane ( Walton) being required to turn left and double back via Shepperton side roundabout. Considers that,
a.) design should avoid need for expensive diversion of BT equipment,
b.) professional assessment of potentially contaminated land be undertaken,
c.) discussions continue with Borough Council officers on details of replacement toilet and café facilities.

Consultees (Statutory and Non-Statutory)

15 Environment Agency : 
16 Natural England : Wish to see explicit consideration of possibility of indirect effects on SW London waterbodies SPA and further surveys for presence of reptiles prior to determination of application.
17 English Heritage : No objection provided that adequate recording and additional mitigation is secured. Principal issue is proposed realignment of Mount Felix walls. On balance, re-instatement mitigates the majority of impact and remaining impact is justified by improvement to pedestrian and cycle facilities which scheme incorporates.
18 County Highway Authority (Transportation Development Control) : No objection on safety, capacity or policy grounds.
19 Environmental Noise Consultant : No objection. Supports overall conclusion that there are more noise benefits than disbenefits. Recommends adoption of best practice in design of expansion joints to eliminate unnecessary noise.
20 Rights of Way Officer : No views received.
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Comments</th>
</tr>
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<tbody>
<tr>
<td>21</td>
<td>Environmental Assessment</td>
<td><strong>No objection.</strong> The assessment easily meets the requirements of the Environmental Impact Assessment Regulations and there are only minor omissions.</td>
</tr>
<tr>
<td>22</td>
<td>County Ecologist</td>
<td>No objection. Concurs with Natural England views about possible indirect impacts on SPA. Method statement for managing possibility of reptiles being present considered more reasonable than further surveys. Detailed design of habitat creation needs to be developed further and requires conditions.</td>
</tr>
<tr>
<td>23</td>
<td>Heritage Conservation Team (Archaeological Officer)</td>
<td><strong>Requires conditions.</strong> Assessment is improved, but previously agreed brief needs further updating in relation to exchange land / flood compensation works before it can constitute an agreed scheme of evaluation.</td>
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<td>24</td>
<td>Heritage Conservation Team (Historic Buildings Officer)</td>
<td></td>
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<tr>
<td>25</td>
<td>Landscape Architect</td>
<td><strong>Landscape impacts well documented.</strong> Concurs with main conclusions of assessment and capacity of scheme to enhance riverside environment in some respects. Minor revisions to planting schedules desirable to secure some use of semi mature trees to reflect scale of tree loss, and provision of wetland / wet woodland habitat creation.</td>
</tr>
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<td>26</td>
<td>Surrey Wildlife Trust</td>
<td><strong>No objection.</strong> Recognises that although project involves losses to wildlife, these can be mitigated and net benefits achieved. Requests conditions to secure potential benefits.</td>
</tr>
<tr>
<td>27</td>
<td>Oil &amp; Pipelines Agency</td>
<td><strong>Requests informative drawing attention to requirement for separate consent under s16 of Land Powers ( Defence) Act 1958 and associated safe working practices in vicinity of government oil pipeline.</strong></td>
</tr>
<tr>
<td>28</td>
<td>Police Architectural Liaison Officer</td>
<td><strong>No views received.</strong></td>
</tr>
<tr>
<td>29</td>
<td>Open Spaces Society</td>
<td><strong>Considers the ES does not sufficiently clarify concerns about future status of special category land taken temporarily and permanently, proposed exchange land and links created to it to satisfy test of equality of advantage for exchange land under Acquisition of Land Act. Considers footway on viaduct should have bridleway status.</strong></td>
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</table>
Parish/Town Council and Amenity Groups

30 The Walton Society : No views received.
31 Walton Bridge Campaign : No views received.
32 Portmore Park & District Residents’ Association : No views received.
33 Shepperton Residents’ Association : No views received.
34 River Thames Society : No views received.

Summary of publicity undertaken and key issues raised by public

35 The application was publicised by the posting of 14 site notices. An advert was placed in the local newspaper and a total of 410 surrounding properties were directly notified by letter. In addition, in September 2007 the applicant mounted an exhibition of the revised proposals over a period of three days in the Hart Shopping Centre, Walton at which members of the public were given reply cards on which to make comments to the County Planning Authority.

36 To date, 112 representations have been received. 83 of these are reply cards from the exhibition, where a full name and postal address has been provided. 39 representations express unqualified support, and in many cases a desire that it be progressed swiftly and with minimum delay, 40 are generally supportive of the scheme while raising concerns about detailed aspects of the scheme and 33 express opposition to the scheme as a whole.

37 A further 162 reply cards have been received which are incomplete in terms of either the name or address of the respondent. Of these, 90 express unqualified support for the scheme and the remainder raise points of concern.

38 The following points are made in the representations;

General

- The scheme is a good scheme and much improved compared to previous proposals. Bridge should be constructed as soon as possible; minority views have delayed progress on earlier schemes for replacement
- Existing bridges are an embarrassment to the local community
- Proposals are a waste of money

Bridge Capacity

- Scheme is a missed opportunity to relieve congestion on the bridge; does not tackle capacity issues; not tackling the capacity issues is a false economy
- Traffic capacity of bridge should be significantly greater; proposed capacity is inadequate and inferior to original 2001 Local Transport Plan (LTP) proposal for a three lane bridge; a dual carriageway would be preferable
- A further temporary bridge would have similar benefits at less cost
- Extra traffic generated by the bridge will place pressure on surrounding roads
- There is insufficient carriageway width to enable emergency vehicles to pass other traffic
- A two lane bridge is the most appropriate solution
Bridge Design

- Proposed design is an attractive one; a design the local community can be proud of; the lower arch profile compared to the 2004 scheme is welcomed
- The proposed design is well received by river users as providing safer navigation
- Design is a grandiose one with excessive landtake, little changed from scheme rejected by the 2004 public inquiry; the arch design is too high and dominant, and inappropriate in its surroundings; numerous professional organisations are opposed to the design
- A traditional design, like Kingston or Chertsey is preferable; a single flat span or beam and slab type bridge is better in the context of this crossing
- The more distinctive arch of the 2004 scheme is preferred
- The alignment results in the bridge being too close to adjoining commercial premises
- The proposed alignment is favoured because it minimises interference with existing traffic flows during construction

Impact on Riverside Character

- Loss of irreplaceable open space from Cowey Sale is undesirable; landtake is excessive and unjustified and does not address reasons for Secretary of State’s rejection of 2004 proposal; landtake is greater than that for three lane bridge proposed in LTP in 2001 and not justified, as is claimed, by requirements of the Environment Agency.
- Proposed creation of more useable open space around bridge on Shepperton bank likely to attract anti social activities
- Enhanced riverside spaces around the bridge are a good feature; the more moderate landtake from Cowey Sale is supported
- Loss of riverside vegetation along Walton Lane screening the car park from Thames Meadow properties; loss of trees to accommodate car park extension

Junction at Walton Lane, Walton

This issue is the most frequently occurring source of comment.

- Scheme does not do enough to address problems caused by turns in and out of Walton Lane junction; a more radical solution than essentially maintaining the status quo is required
- Other solutions to problems are suggested; traffic signals at the junction as favoured by the Inquiry Inspector; a roundabout similar to the one now proposed on the Shepperton side of the bridge; a ramped access from the marina access road onto the new bridge to cater for right turns in or out of Walton Lane; Walton Lane could be relocated further east in the interests of creating a riverside area not bisected by a road
- The 2004 scheme is preferable to what is now proposed; too much weight given in the public inquiry decision to leisure value of Cowey Sale compared to benefits of addressing congestion caused by Walton Lane junction in its present form
- There is scope to move junction even further from riverbank than is now proposed, in the interests of the amenity value of the immediate riverside
- Support for the priority junction now proposed.
- Right turns out of Walton Lane with layout proposed will be an unsafe manoeuvre and ought to be prohibited; if permitted they contribute to continuing congestion on bridge; if permitted, parapet on approach viaduct must be low enough to provide adequate visibility; egress from Walton lane should be left turn only, doubling back over the bridge via the Shepperton side roundabout for Walton – bound traffic.
- Left turns in and out of Walton Lane also obstruct traffic and should be restricted to peak hours
• A single lane egress from Walton Lane is preferred, to further reduce landtake from Cowey Sale.

Provision for Pedestrians and Cyclists

• Provision is greatly improved compared to 2004 scheme; further detailed improvements are possible through detailed consideration of road markings; provision for equestrians is welcomed
• Unsuitable location of pedestrian crossings in vicinity of Walton Lane junction are both unsafe and, as zebras, likely to hold up turning traffic; crossings are unnecessary given existence of alternative routes now available within scheme
• Need for consideration to be given to improved pedestrian crossing facilities at Oatlands Drive / Bridge Street / New Zealand Avenue junction; proposed facilities on river crossing funnel into narrow footways here
• Pedestrians and cyclists should be segregated rather be required to use a shared surface; government advice advocates segregation in preference to shared surfaces; the preferred solution is a single footway on the downstream side with in-carriageway cycle lanes in both directions, achieved within a similar footprint
• Downstream pedestrian, cycle and equestrian link to riverside should be located further from the riverside, to facilitate further enhancement of river frontage and towpath.

Replacement Car Park, Toilet and Refreshment Facilities on Cowey Sale

• Toilet / refreshment block enhances open space and its facilities; a new permanent facility is welcomed;
• Design of block is unattractive; retro design is a missed opportunity; cafe should be built and operated to high environmental standards in terms of recycling of materials; scale of facility is excessive; the new facility is visually more prominent than existing and should be located closer to the bridge; the location, separated from the riverside by Walton Lane, is inappropriate
• Insufficient parking on riverside itself for non-disabled users; car parking ought to be provided on the river side of Walton Lane, not beyond it; car park extension would be better if deepening existing car park area into Cowey Sale, rather than as an elongated version of the existing; lack of disabled parking in proximity to toilet/refreshment facilities
• Noise and light pollution impacts on residential amenities of houses in Thames Meadow as a result of the car park extension and location of café building
• Car park will attract ‘boy racers’ showing off their driving skills and design needs to deter this; car park will exacerbate existing amenity impacts arising from night time use of the existing car park
• Measures needed to prevent use of car park as a shoppers car park for Walton town centre
• Some replacement car parking should be in less prominent areas, e.g. on proposed exchange land; the contractors compound is a more appropriate location for replacement parking.

Road Layout on Shepperton Side

• A roundabout at the junction of Walton Bridge Road and Penny Lane would complement that at Walton Lane
• Road humps should be removed from Russell Road
• Walton Lane could be made two way throughout to improve access to bridge from Shepperton; opposition to making Walton Lane two way
• Deceleration lane and improved gradient in to Thames Meadow are desirable at realigned Thames Meadow access
• Concerns that proposed exchange land will be accessed from Thames Meadow private road

Other

• Concerns about construction traffic
• Construction period should be shortened
• A weight limit is necessary on the bridge (this is mentioned in only three representations, although it was one of the issues most frequently raised in relation to the 2004 application)
• Proximity of Shepperton side exchange land to residential properties in Thames Meadow; not suitable as exchange land because of lack of access to riverside.

PLANNING CONSIDERATIONS

39 The principal consideration is whether this latest version of the scheme to replace Walton Bridge strikes the right balance between the needs of road users of all types and the interests of maintaining the qualities of a heavily used section of Thames riverside which lies within the Metropolitan Green Belt and which is also subject to other development plan designations relating to its landscape, recreational and ecological value.

Impact of Layout and Bridge Design on Riverside Environment

Surrey Structure Plan 2004

Policy SE10 – River Corridors and Waterways
Replacement Elmbridge Borough Local Plan 2000
Policy RTT1 – Protection of Riverside Views and Features

Policy RTT2 Development Within or Conspicuous from the Thames Policy Area
Spelthorne Development Plan Core Strategy and Policies DPD 2007

Policy EN1 – Design of New Development

Policy EN9 – River Thames and its Tributaries

Policy EN10- Recreational Use of the River Thames

40 Structure Plan Policy SE10 requires that development conserves the character, setting, ecology and heritage of river corridors and that the function of rivers as green corridors be safeguarded. Elmbridge Local Plan Policy RTT1 similarly requires maintenance and enhancement of the character of the Thames, including significant views, vista and key landmarks along it. Policy RTT2 requires development in the Thames corridor to make best use of the riverside location, have an acceptable impact on character, scale, local and long distance views and the skyline, the natural environment and public access to and along the river, and to secure retention of buildings which make an important contribution to visual and historic character. Spelthorne draft Policy EN9 seeks to protect landscape feature of the river, protect and enhance existing views, pay special attention to the design of riverside development so as to positively impact on the setting and seek to secure improved public access to and alongside the rivers and maintain existing access. Policy EN10 supports the provision and maintenance of visitor facilities associated with the river.

41 The proposal for an arch bridge means the road deck is suspended from above and results in a structure which has relatively slim structural components. As a result, it is a relatively transparent structure and this is particularly evident at ground level, facilitating views up and down the river uninterrupted by bridge structures. No piers are required within the river itself. This contrasts sharply with the existing situation, where the two existing bridges...
combine to obstruct views up and down the river, compounded by their poor condition, functional utilitarian design and lack of aesthetic appeal. A design solution which does not require piers in the river is understood to be favoured by the Environment Agency and boat users in the interests of safety of navigation. A bend in the river begins immediately downstream of the bridge location increases the significance of improved forward visibility through the bridge to river traffic.

Other bridge designs put forward as alternatives in the consultation exercises by the applicant, by parties represented at the 2005/6 public inquiry and in representations received on this application have a significantly lower overall height but will act as block to views along the river and create physical obstacles to use of the Riverside to a greater degree than the arch design. Design parameters for all alternatives require maintenance of a minimum clearance of 6m over a specified width of the river channel for navigation purposes and clearance at least as good as presently exists for the existing access from Walton Lane leading under the bridge to Walton Marina.

Conversely, support from above requires a structure with a significantly greater overall height than other designs. The arch profile has been redesigned compared to the scheme which was permitted in 2004 and its maximum height is now 17.7m above river level. This is 5.8m lower than previously and comparable to the apex of the roofs of the nearby residential development in Swan Walk. The arch bridge would nevertheless be visible over a wider area than alternative designs. While bridges supported from below would not be visible more than about 400m along the river in either direction, the arch would be visible from the whole of the Broadwater area, and properties above it between Broadwater and Oatlands Drive. It would also be visible from much of Desborough Island and across Thames Meadow from parts of the riverside towards Shepperton. Officers consider that, given its elegance and the sense of place the arch design affords to the river crossing, distinguishing it from other Thames crossings, the greater visibility of the arch bridge is outweighed by the benefits it has for the appearance of the areas which make up its immediate setting and the improved experience of the Riverside that creates for users of those areas. Because of its transparency, height is not considered to have an overbearing impact on the character and use of these areas in the immediate vicinity. Officers therefore consider the proposal to be an acceptable design in this urban fringe location.

The proposed alignment slightly offline from the existing has a greater impact on landtake than a wholly online solution, but this is considered to be justified by the protection it affords the existing flood arches, minimising the alterations necessary to this locally listed structure and giving them a long term future as a dedicated pedestrian /cyclist /equestrian route.

Another key influence on landtake is the design of arrangements for replacing the existing junction of the A244 with Walton Lane, Walton. To be acceptable in the light of the development plan policies for the Thames riverside, the bridge scheme must minimise landtake from the riverside areas, and in particular those to which there is existing public access within Cowey Sale, while providing an access from Walton Lane which is acceptable in terms of highway standards and safety. The conclusion to be drawn from the Secretary of State’s acceptance of the Inspector’s recommendation not to confirm the compulsory purchase and side roads orders for the 2004 scheme is that it, despite having been granted planning permission, did not strike the right balance on this issue.

The current proposal repositions the short embankment raising Walton Lane from river level to bridge deck and approach viaduct level approximately 35m closer to Walton than the existing embankment and junction. This diversion would displace part of the existing Cowey Sale car park on Walton Lane and the existing toilet block and encroach onto a part of the grassland to the rear of the car park. It does however maintain and enlarge the area between Walton Lane and the river bank itself in the vicinity of the existing catering caravan and associated outdoor seating and provides enough space, in conjunction with
the bridge design pulling the abutments further from the bank than the existing bridges, to segregate the Thames Path from the Walton marina access in the vicinity of the bridge. It is apparent from evidence given by Elmbridge Borough Council as the managers of the open space, and other objectors at the public inquiry, that this area of the riverbank in the immediate vicinity of the bridge, despite its limited aesthetic appeal at present, is particularly highly valued by users of the open space.

47 On the downstream side of the proposed bridge, a section of banking is proposed to support a path descending from the end of the existing flood arches to the river bank. This extends slightly beyond the abutments of the existing bridge but is not considered to a significant impact on the appearance and utility of the area of grassland downstream of the river crossing.

48 Representations have offered other solutions for linking Walton Lane to the bridge. Solutions similar to that proposed in the 2004 scheme should be considered, in the light of the outcome of the public inquiry, to have an unacceptable impact on the riverside environment. Similarly, a roundabout at the Walton Lane junction, once the difference in levels between the road level and Cowey Sale is taken into account, is considered to have an unacceptable landtake from the open space. A more radical solution relocating Walton Lane to the rear of the Cowey Sale grassland throughout its length would reduce severance of the river bank from the remainder of the open space which Walton Lane currently creates to some degree. However, a solution on this scale is considered to be disproportionate to the degree of severance and beyond the scope of what is simply a bridge replacement scheme.

49 The application includes provision for providing exchange land for land required either permanently or temporarily for the scheme which is designated public open space, common land, village green or recreation allotment. The land affected is;

- POS within Cowey Sale upstream and downstream of the existing bridge and adjoining the riverside,
- Village green and recreational allotment upstream of the existing approach viaduct, consisting largely of the wooded area to the rear of the Cowey Sale grassland,
- Common land at Windmill Common, on the Shepperton bank around Walton Bridge House and the existing junction of Walton Bridge Road and Walton Lane, Shepperton.

50 The proposed exchange land is at Broadwater Farm, contiguous with the south end of Cowey Sale, and Walton Lane Farm, contiguous with the south end of Windmill Common. Both areas lie within the Green Belt, river corridor and flood plain. Their use as public access land would not affect the character and appearance of the river corridor and does not require any physical changes other than repositioning and provision of new boundary fences and hedges. Even though they are less well located to the riverside than some of the land taken, the ES states that the overall amount of exchange land proposed is approximately 18% larger than the land taken. In planning policy terms, it is therefore considered that the proposal does not diminish the recreational capacity of the river corridor. The adequacy of the exchange land is subject to separate controls under the Acquisition of Land Act to which a separate test of equality of advantage will be applied.

51 Therefore, officers consider that the overall impact of the scheme on the character, amenities and recreational resources of the river corridor, notwithstanding the height of the arch bridge, is acceptable by reference to relevant development plan and draft DPD policies.
Appropriateness of Development in the Green Belt

Surrey Structure Plan 2004
Policy LO4 – The Countryside and Green Belt
Spelthorne Borough Local Plan 2001
Policy GB1 – Development Proposals Within the Green Belt
Replacement Elmbridge Borough Local Plan 2000
Policy GRB2 – Control of Development Within the Green Belt

52 Planning Policy Guidance Note 2 (PPG2), ‘Green Belts’ prescribes the types of development which can be considered appropriate in Green Belts. New buildings are inappropriate unless they are for the purposes of agriculture or forestry, ancillary to outdoor recreation or other uses preserving the openness of the Green Belt, extension or replacement of existing dwellings or meet the relevant criteria for development within existing settlements or major existing developed sites. Engineering operations are inappropriate unless they preserve openness and do not conflict with the purposes of including land in Green Belts. These principles are embodied in the relevant structure and local plans policies, although Policy GRB2 of the Elmbridge plan does not make specific reference to engineering operations.

53 The proposal contains a several elements which constitute building or engineering works; the new bridge, the new viaduct across the Cowey Sale floodplain and the realigned Walton Lane. The bridge and viaduct may or may not constitute buildings. If they do, there is no provision within PPG2 or the development plan which would place highway buildings within the definition of appropriate development. If they do not, then the whole scheme falls to be considered as an engineering operation. Designation of the river corridor as Green Belt is consistent with the purposes of including land in Green Belts in that it separates neighbouring towns, although the existing bridges impact on this purpose. The duplication of the Victorian flood arches by the proposed new viaduct and the maximum height of the proposed tied arch bridge lead to the conclusion that the proposal does have an impact on openness and is therefore inappropriate development in the Green Belt.

54 The proposed replacement of existing toilet and refreshment facilities does constitute a building. They are clearly ancillary to the recreational use of the Cowey Sale open space, though probably not essential in the sense that it could not continue to function as an open space without them. They could be considered essential in that they are facilities which an average visitor would expect to find at a location of this size and popularity.

Existence of Very Special Circumstances to Justify Development Which is Inappropriate in the Green Belt

Surrey Structure Plan 2004
Policy LO4 – The Countryside and Green Belt
Policy DN1 – Infrastructure Provision
Spelthorne Borough Local Plan 2001
Policy GB1 – Development Proposals Within the Green Belt
Replacement Elmbridge Borough Local Plan 2000
Policy GRB2 – Control of Development Within the Green Belt

55 Inappropriate development is permissible only if very special circumstances exist which outweigh any harm due to appropriateness and any other harm. In principle, the need for a permanent replacement for a superannuated bridge carrying a county distributor road across a major river constitutes those very special circumstances. The alternatives are to prolong the life of the existing arrangements, including the new temporary bridge, indefinitely, or to cease to maintain a Thames crossing for the A244. The existing arrangements are considered to be unsatisfactory environmentally and in the traffic conditions to which they contribute.
56 Structure Plan Policy DN1 requires that infrastructure requirements of development are established and that appropriate infrastructure is provided in association with new development. The policy is expressed in terms of securing improvements to existing infrastructure consistent with demands placed on it by new development, but is considered to be equally applicable to the maintenance of existing infrastructure supporting existing development. Walton Bridge is one of a relatively small number of crossing points over the Thames in Surrey and consequently a significant component of the County’s road infrastructure. The impetus for a replacement bridge has, since the 1980s, been the deteriorating physical and structural condition of the Callender Hamilton’ bridge which now provides facilities for pedestrians and cyclists on the river crossing. Reopening of the Callender Hamilton bridge to vehicular traffic is not considered to be a viable option, and would only be possible with weight limits at least as restrictive, and possibly more so, as those which were applied to it for structural reasons when it was last open to vehicular traffic in 1999. Though structurally suitable for the immediate future, the design life of the existing temporary road bridge is limited and it was not designed to address the contribution which a permanent river crossing makes to the environment and amenity of the river corridor. Though not a planning inquiry, the 2005/6 public inquiry into the compulsory purchase and side roads orders did conclude that in principle a need for a replacement of the existing unsightly bridge structures existed. Need does constitute very special circumstances, and given the linear nature of the river corridor, a replacement bridge can only be located in the Green Belt. It is, however, necessary to consider whether other ways of meeting that need would result in less harm due to inappropriateness.

57 In the details of what is now proposed, the extent of harm due to inappropriateness is derived from the landscape impacts of the various components of the scheme and the existence of any residual impact on the use of this part of the Green Belt to provide opportunities for access to open countryside for the urban population and for outdoor sport and recreation near urban areas. Para 3.15 of PPG2 states that development should not be detrimental to the visual amenities of the Green Belt by virtue of siting, materials and design even where the purposes of including land in Green Belts are not prejudiced.

58 For the reasons set out in paras 41 – 48 above, it is considered that there is harm due to inappropriateness arising from the height and visibility of the proposed bridge over a wider area in the Green Belt. This impacts on openness, though the impacts on visual amenity are not necessarily to be considered adverse. Duplication of the existing approach viaduct also impacts on openness. There are however benefits to openness and visual amenity in the more immediate area from the proposed design, reducing the extent of harm as described in para 41. As a result it is considered that the very special circumstances relating to need outweigh harm due to inappropriateness.

59 The proposed toilet and refreshments building replaces existing facilities in a location as close to their existing locations as the engineering requirements of the bridge scheme itself allow, close to the engineering boundary of the new river crossing. There is planning policy support for the provision of replacement facilities: Policy EN10 of the draft Spelthorne Core Strategy and Policies DPD safeguards and promotes facilities which support the recreational use of the River Thames. The proposed facilities are not materially different in scale from the two separate existing facilities in combination. Harm due to inappropriateness is therefore limited. If it is deemed to constitute inappropriate development, the desirability of providing a replacement for what exists and which the public have therefore come to expect to be available at Cowey Sale is considered to constitute the very special circumstances necessary for it to be permitted.
The Walton Lane Junction and Shepperton Side Roundabout

Although planning permission was granted for the 2004 scheme, the outcome of the 2005/6 public inquiry indicates that it did not strike the right balance between the needs of road users and maintaining the riverside environment. Implicit in the inquiry decision is that a scheme which seeks to eliminate the effect the junction has on the free flow of traffic across the bridge is unlikely to progress. From the applicants’ perspective, the proposal has only attracted funding on the basis that it is a large scale maintenance project to replace the bridge. It is not intended to provide additional capacity in the highway network. The capacity of the bridge is constrained by the junctions at either end; Oatlands Drive / Bridge Street and Marshalls Roundabout. Provision of additional capacity on the bridge would have no effect unless capacity issues at these junctions were also tackled.

The priority junction now proposed does incorporate some improvements to the forward visibility for right turning movements out of Walton Lane compared to the existing. These meet minimum highway design standards and Transportation development Control has not raised any objections to the proposal on highway safety grounds. It is accepted that some drivers will feel uncomfortable about making that manoeuvre. For them, the option exists to turn left, cross the bridge and utilise the roundabout on the Shepperton side to return across the bridge. However, the applicant is unwilling to require all traffic to turn left out of Walton Lane. Modelling of traffic flows indicates that if all this traffic were to be routed across the bridge and back, the Shepperton side roundabout would have to be significantly larger to cope with that volume of traffic. In its present form the volume of U-turning movements around the roundabout would create an additional obstacle to the free flow of traffic across the bridge from the Shepperton direction. Again, the proposed solution represents a compromise from an engineering solution in the interests of limiting landtake.

In addition to providing an alternative means of turning right out of Walton Lane, the roundabout on the Shepperton side was added in response to representations received on the 2004 proposal, in order to facilitate turning movements out of Thames Meadow and Swan Walk.

Provision for Pedestrians and Cyclists

Surrey Structure Plan 2004

Policy DN2 – Movement Implications of Development
Replacement Elmbridge Borough Local Plan 2000

Policy MOV9 – Pedestrian Facilities
Policy MOV 10 - Cycling Facilities
Spelthorne Development Plan Core Strategy and Policies DPD 2007

Policy CC2 – Sustainable Travel

Structure Plan Policy DN2 requires measures to encourage walking and cycling to be incorporated in development proposals. Elmbridge Local Plan Policy MOV9 supports planning applications where appropriate provision is made for pedestrians. Policy MOV10 seeks improvement in the safety, convenience and attractiveness of facilities for cyclists and provision of safe cycle routes linking settlements, retail, employment and leisure facilities.

The scheme provides for shared surfaces for pedestrians and cyclists off the vehicle carriageway in both directions across the bridge and new approach viaduct. On the downstream side, it utilises the old approach viaduct, with a link down to the riverside at the western end of the viaduct at gradients suitable for cyclists and equestrians. A new bridleway running to Walton Lane from the vicinity of the Bridge Street / Oatlands Drive
junction makes equivalent provision for leisure users on the downstream side. Sufficient provision is therefore considered to be made to satisfy the requirements of the relevant planning policies. The detailed proposals have been developed in consultation with the County Council’s Cycling Officer and Transportation Development Control have raised no issues with the proposals on safety or policy grounds.

65 The applicant considers that an off road cycle route combined with footways is more appropriate than an in-carriageway cycle lane in the circumstances, and that support for this is to be found in central government design advice. Design standard TA91/05 states that off – carriageway cycle routes are appropriate where cycle flows exceed 100 per day and vehicle flows exceed 6000 per day. Existing flows on the bridge are 600 cycles and 32000 vehicles per day. Given the close relationship between the bridge and the riverside open spaces, particular consideration should be given to the needs of leisure cyclists in this location. A separate cycle route is considered to be more appropriate to the needs of families seeking to access the riverside by cycle. The type of cycle provision is also influenced by the desirability of providing a function for the old approach viaduct which promotes its long term maintenance, the available width on the old viaduct and its location relative to the main road crossing.

66 There is an inconsistency between submitted plans in relation to creating a link to the footpath along the front of Swan Walk. The link appears on the Fig 3.8 of the ES, ‘Environmental Proposals’, but not on the scheme plan, fig 3.1 and drawing 5038030/002A. The applicant is intending to submit a revised scheme plan to correct this inconsistency.

67 The scheme provides for a dedicated line for the Thames Path long distance path segregated from the Walton Marina access and proposed disabled parking areas immediately adjoining the bridges. These separate uses are not distinct on the ground at present. Path links between the existing open space and the exchange land, and across the exchange land to create links between Walton Lane and Oatlands Drive are also proposed.

Impact on Residential Amenities
Replacement Elmbridge Borough Local Plan 2000
Policy ENV19 – Environmental Pollution
Spelthorne Development Plan Core Strategy and Policies DPD 2007
Policy EN3 - Air Quality
Policy EN12 – Development and Noise

68 The main potential impacts on residential amenities arising from the scheme are considered to be those relating to the alignment of the new bridge and its design. Alignment can bring traffic and associated effects on noise and air quality closer to properties. Design, and especially the height of the bridge structure could have impacts in terms of an overbearing physical presence or overshadowing of properties. The scheme is not in itself anticipated to have any material impacts on overall traffic levels on the A244, since it affects only a very short section without proposing any alterations to the constraints on the capacity of the road at either end (the Oatlands Drive junction and Marshalls Roundabout). Therefore, where the scheme does not diverge from existing alignments, it is considered not to have any impact on properties in the vicinity of the A244.

69 The ES demonstrates that the effect of the intended opening of the new bridge in 2012 would result in 12 properties experiencing an increase in noise. These would be in Thames Meadow and at the northern end of Oatlands Drive. The scale of increase is less than 3dB in all cases, within the normal daily variations in noise levels, and is not therefore considered to be a significant change. Corresponding improvements in the noise climate would be experienced at properties which as a result of implementing the scheme would be slightly further away from the road than at present. On opening of the bridge, it is calculated that 55 properties would experience a slight reduction in noise. Similar
considerations apply in respect of air quality changes: the predicted changes in nitrogen dioxide levels at receptors on both sides of the bridge are classified as ‘negligible’ or ‘slight beneficial’.

70 The nearest residential properties to the bridge structure itself would be those at the southern end of Swan Walk and north end of Thames Meadow, approximately 55m and 70m respectively from the highest part of the arch. The improved aesthetic qualities of the new bridge, combined with its transparency are such that it is not considered to have such an overbearing presence as to adversely affect residential amenities.

71 There the replacement refreshment and toilet facilities and car park at Cowey Sale are designed only as replacements for what exists there at present and is lost to the scheme. The café / toilet block is proposed to be located as close as possible to the new bridge structures as at present. It is evident from representations that use of the existing car park in the evenings is a source of concern to residents of Thames Meadow. There is no reason to believe the provision of replacement facilities would in itself exacerbate any problems. The replacement would bring the car park closer to some residents in Thames Meadow. On the section of Walton Lane facing Thames Meadow, there is a belt of vegetation comprising medium sized deciduous trees at regular intervals. There are no proposals to remove this. Officers consider that the presence of this vegetation and the separation provided by the river, combined with the function and use of the existing car park mean that the replacement facilities do not give rise to material impacts on residential amenities. The car park extension in the form proposed maximises access to the riverbank which is the quality most highly valued by users of Cowey Sale.

72 Between the nearest residential property on Thames Meadow and the bridge is a working boatyard, the nearest buildings of which are less than 10m from the nearest part of the bridge structure. Commercial premises are not considered to have the same sensitivity as residential properties to amenity impacts.

Loss of Residential Accommodation
Spelthorne Development Plan Core Strategy and Policies DPD 2007
Policy HO1 - Provision for New Housing Development

73 The officers report to this Committee on the 2004 planning application said the following in relation to the proposed demolition of existing residential properties on the Shepperton bank:

“Policy H3 resists the loss of existing and proposed residential land and buildings other than in exceptional circumstances. Para 5.14 makes clear that the purpose of the policy is to ensure that the assessment of new housing requirements manifested in the allocations contained in the local plan are not undermined by loss of existing housing stock. Para 5.14 also recognises that exceptions may be made where housing use is incongruous in a particular setting or otherwise clearly substandard to a degree which cannot be realistically overcome.

The proposal requires the demolition of two residential buildings which lie within Spelthorne, as a result of the proposed alignment of the new bridge slightly upstream of the existing. One is a single dwelling. The other is divided into a number of bedsits understood to be let on weekly tenancies. These buildings suffer from a low existing standard of residential amenities through exposure to traffic noise as a result of their location immediately adjacent to the existing bridge approaches. The presumption in favour of retention is therefore weakened by their setting, in terms of the considerations set out in Para 5.14.

Other alignments on-line or downstream of the existing bridges and not requiring demolition of Walton Bridge House and Toll Cottage also have adverse impacts. An on-
line alignment perpetuates the existing high exposure to traffic noise at these properties, necessitates significant modification of the existing flood arches (which are included in the list of buildings of local architectural and historic interest) and involves significant disruption of the existing crossing during construction unless another temporary bridge is installed. A downstream alignment would lead to the loss of other residential properties on the Walton side of the river and a further tightening of the bend in Walton Bridge Road coming off the bridge, which is already too tight to meet current highway design standards.

Demolition of these residential properties engages the rights of their occupants to respect for their private and family life under Article 8 of the European Convention on Human Rights. Interference with those rights is justified only insofar as it is in accordance with the law and is in the wider public interest. The grant of planning permission does not in itself compel an owner of land directly affected by the permission to dispose of that land. The County Council as highway authority does however have compulsory purchase powers which would be exercised if necessary to implement a permitted scheme. The highway authority would however have to demonstrate that the public interest in acquiring property outweighs any private interests and that there is no less intrusive means of securing that public interest through an alternative alignment which does not require acquisition and demolition of those properties. The compensation provisions associated with compulsory purchase are also a factor in striking that balance. The processes and safeguards in compulsory purchase legislation are therefore broadly consistent with human rights legislation. In this instance, the nature of the tenancies understood to be involved are such that occupiers would be outside statutory compensation provisions. The highway authority ought therefore to take reasonable steps, in conjunction if necessary with the local housing authority, to find alternative accommodation for those occupiers.”

74 Local Plan H3 has not been saved and therefore no longer forms part of the development plan. Policy HO1 of the draft Core Strategies and Policies DPD, however, opposes development involving a net loss of housing unless benefits of the development outweigh harm. The balance of public and private interests referred to above, and the relative merits of other alignments was considered in the 2005/6 compulsory order inquiry and although for other reasons the orders were not confirmed, the Inspector did conclude that on balance the proposed alignment, involving the demolition of these properties, was an appropriate one. Since 2004, the tenants of Walton Bridge House have been rehoused and it is understood now to be vacant. The conditions in which a net loss of residential accommodation is justified under draft policy HO1 are therefore considered to exist.

Impact on Flooding
Spelthorne Development Plan Core Strategy and Policies DPD 2007
Policy LO2 – Flooding
PPS25 Planning and Flood Risk

75 PPS 25 categorises land by flood risk category and land uses by their vulnerability to flooding. The bridge site is located within the highest flood risk category, 3b, the functional flood plain. Transport infrastructure falls within the land use category of essential infrastructure. Table D3 allows development for infrastructure purposes in Zone 3b where an exception test is passed. The exception test must show that there wider sustainability benefits of the development that outweigh flood risk, that there are no reasonable alternative sites where the site is on undeveloped land and that a Flood Risk Assessment (FRA) has demonstrated the development is safe without increasing flood risk elsewhere. Spelthorne draft Policy LO2 seeks to reduce flood risk by, inter alia, maintaining flood storage capacity within Flood Zone 3 by refusing development which reduces capacity or impedes the flow of flood water, requiring development in zones of medium and high risk to be flood resilient and requiring development to be accompanied by an appropriate Flood Risk Assessment. Development plan policies relating to flooding in the Structure Plan and replacement Elmbridge Borough Local Plan have not been ‘saved’.
Sustainability benefits are considered to exist comprising the enhancement of the riverside environment, consolidation of an important link in the local road network and improved facilities for pedestrians and cyclists discussed elsewhere in this report.

The site of the new bridge and viaduct are not previously developed land. Development on previously developed land, i.e. a new bridge on exactly the line of the existing ones, has been considered in the context of the 2005/6 public inquiry and found to be less suitable or sustainable than the slightly off line alignment now being proposed. The locational choices of the scheme are very limited unless the scheme is extended to provide for extensive realignment of approach roads which would itself have significant implications for existing development in the bridge's urban context.

The bridge is considered to be safe in terms of its susceptibility to flood events; the road level throughout is significantly above modelled flood levels. The FRA has concluded that the proposals do not increase flood risk and reduce flood risk overall by reducing flood levels upstream by removing bridge piers from the river channel and lowering of land on the banks, and avoiding debris build up around piers in a flood; having no adverse impact on flood hydrographs upstream and downstream or on overland flow routes within the floodplain during times of flood.

For the reasons set out above, the proposal is considered to satisfy the ‘exception test’.

The ES states that:

“Initial calculations show that the effect of the additional structures and embankments [proposed as part of the new bridge and viaduct] without compensatory flood storage measures could be to reduce the volume of flood storage by up to 5000m³ for the 1 in 100 year level and by up to 6500m³ for the 1 in 100 year flood level with climate change allowance… these figures are approximate and would be subject to further assessment at the detailed design stage.

The required floodplain compensation will be provided by

a.) lowering of levels to create wetland areas near the Cowey Sale viaduct
b.) extending the general Cowey Sale floodplain level into the slightly higher ground at Broadwater Farm on part of the exchange land – this excavation would be no more than 1m deep, grassed and gently graded into the existing landform

c.) the removal of redundant highway earthworks once the new roads are operational”.

The FRA carried out earlier has assumed a slightly greater volume of storage lost, in the range 6000 – 8000m³ but nevertheless concludes that “inspection of the total area available at the proposed compensation sites indicates that the scheme can be designed to meet the EA’s requirements”.

Elsewhere the ES states that the FRA has been developed in consultation with the EA and meets their requirements. There appears to be sufficient in the submitted information to demonstrate that in principle flood compensation has been provided, in which case details could reasonably be left the subject of a condition. However, although the EA were consulted by the planning authority on this application in September, no response has yet been received. County Council officers’ experience is that the EA may require the more detailed design of flood compensation storage to be carried out before permission is granted.

The provisional conclusion, subject to receipt of the Environment Agency’s comments, is that the proposal is acceptable by reference to PPS25 and the draft Core Strategy and Policies DPD, subject to conditions to secure the details of flood storage compensation measures. An update on this point will be provided at the meeting.
Ecological Impacts

Surrey Structure Plan 2004
Policy SE7 – Nature Conservation

Spelthorne Borough Local Plan 2001
Policy RU11 – Sites of Nature Conservation Importance (saved policy)
Policy RU14 – Mitigation of Impacts of Development on Nature Conservation Interests (saved policy)

Replacement Elmbridge Borough Local Plan 2000
Policy ENV 33 – Development Affecting Locally Designated Sites
Policy ENV34 – Development Affecting Major Importance for Fauna and Flora (sic)

Spelthorne Development Plan Core Strategy and Policies DPD 2007
Policy EN8 – Protecting and Improving the Landscape and Biodiversity

84 Structure Plan Policy SE7 seeks to conserve and enhance land and water habitats important at international, national, regional or county levels and allows development which may harm designated sites where need outweighs damage to nature conservation interests and if adequate mitigation measures can be put in place. Spelthorne Local Plan Policy RU11 identifies sites of county importance (SNCIs) and applies similar considerations to them. Elmbridge Local Plan Policy ENV33 resists development adversely affecting SNCIs and Policy ENV34 only allows development affecting other landscape features such as hedgerows, woodlands, ponds and grasslands which have nature conservation value if need outweighs impacts and mitigation measures can be provided to reinstate nature conservation value.

85 The River Thames SNCI includes, in the immediate vicinity, the river bed and banks themselves and that part of Cowey Sale downstream of the existing bridges. The nearest site of national and international importance is the Knight and Bessborough Reservoirs Site of Special Scientific Interest which is part of the SW London Water Bodies Special Protection Area. These reservoirs are approximately 1.5 miles (2.2km) from the application site.

86 The ES identifies the main impacts as being on the existing grassland and wet woodland within Cowey Sale which are habitats of local significance. Only a very small part of the grassland lying within the SNCI is required for the scheme, though it is likely to be affected as working space around the bridges during the construction phase. Overall there is considered to be a slight adverse impact on these habitats. The mitigation proposed comprises;

- Creation of new wet woodland, wetland and pond habitats within Cowey Sale
- Limitations on timing of site clearance, tree removal and demolition of buildings to avoid impacts on nesting birds and roosting bats
- A methodology of searching for and if necessary relocating reptiles within the grassland areas affected
- Better highway drainage than at present promoting improved water quality within wet areas and watercourses
- Safeguards against pollution incidents during construction
- Measures to make the new bridge, and especially the hanger cables, more visible to flying birds

The effect of the mitigation is considered to change the overall effect of the scheme to neutral or slightly beneficial to ecology. Further detailed design of the habitat creation measures will be necessary but this can be carried out as the development progresses and secured through the imposition of conditions.
87 The ES reports problems carrying out reptile surveys in the area; the methodology involves leaving equipment on the site to record reptiles moving around the area. Because of the high degree of public accessibility to the site, some of the equipment has been interfered with and lost, and the survey results are not as complete as is desirable. Some limited reptile presence was identified. The ES proposes a method statement involving a two stage clearance and a watching brief by an ecologist during clearance to compensate. Natural England have requested that further surveys (which can only be carried out in spring and summer) be carried out before the application is determined to give a fuller picture. The County Ecologist considers that to be disproportionate given the length of the delay involved, the level of potential for reptiles the habitat has, the likelihood of further surveys encountering similar problems and the limited effect further information would have on the mitigation strategy. A condition securing the proposed method statement is considered an acceptable alternative.

88 In response to Natural England’s concern that the ES does not address the possibility of the scheme having indirect effects on the SPA, the applicants have provided further information. The reservoirs are significant for a number of wildfowl species which feed on the water itself and are not grazers. The grassland required for the scheme is not a feeding resource for them and there is no direct loss of water bodies. They tend to be high flying birds and the bridge is not considered a serious obstacle to them if they use the river as a flyway. It is concluded that there will not be any indirect impact.

89 Subject to the imposition of conditions securing the development and implementation of mitigation proposals, the scheme’s impact on nature conservation interests is considered, by reference to relevant development plan policies, to be acceptable.

Archaeology

Surrey Structure Plan 2004
Policy SE5 – Protecting the Heritage
Spelthorne Borough Local Plan 2001
Policies BE25, BE26 – Archaeology, Ancient Monuments and Historic Landscapes (saved policies)
Replacement Elmbridge Borough Local Plan 2000
Policy HEN17 – Development Within Areas of High Archaeological Potential

90 Relevant Structure and Local Plan policies require prior archaeological assessment of large development sites bigger than 0.4ha. or sites within identified areas of high archaeological potential (AHAP). The application site exceeds this size threshold and lies partly within an AHAP at Windmill Common on the Shepperton bank and adjoins another lying between Cowey Sale and Oatlands Drive.

91 The ES submitted with the application contains a desk top assessment of previous archaeological finds to inform conclusions about the likelihood of the scheme damaging other archaeological resources. It concludes that although the scheme does not pass through any known archaeological sites, there remains a high potential to encounter buried archaeology, although such remains are considered likely to be of low or moderate importance. A partial brief for field evaluation has been agreed with the County Archaeologist but this does not include the exchange land area. The proposed carrying out of engineering works to the exchange land to create compensatory flood storage capacity could damage unknown archaeology. A condition is necessary to secure the required updating of the brief, and its implementation. Subject to imposition of a condition securing this, the proposal is considered to satisfy relevant development plan policies.
Impact on Historic Buildings

Surrey Structure Plan 2004
Policy SE5 – Protecting the Heritage
Replacement Elmbridge Borough Local Plan 2000
Policy HEN1 – Total or Partial Demolition of a Listed Building

92 Structure Plan Policy SE5 states that the cultural heritage of buildings will be conserved, that development will only be permitted where there is a demonstrable overriding need which outweighs the need to protect the heritage interest and no alternative is possible. Local Plan Policy HEN1 has not been saved and therefore no longer forms part of the development plan, but is nevertheless a material consideration. It states that total or partial demolition of a listed building will only be permitted if certain criteria are met, including that the character or appearance of the listed building is improved as a result of partial demolition or removal of certain features, and that demolition does not cause harm to the character of a street scene. Listed buildings affected by the scheme lie within Elmbridge; the remnant boundary walls of Mount Felix in Bridge Street and the City of London Coal and Wine Tax Post beside the viaduct approach, also on Bridge Street.

93 It is proposed to dismantle the Mount Felix wall and re-erect it on a slightly different alignment to accommodate an improved width for the cycleway and footway on this part of Bridge Street. The detailed considerations surrounding this proposal are set out in paras 23 – 30 of the report on the separate application made for Listed Building Consent for this element elsewhere on this agenda. It is concluded that the need to dismantle and re-erect outweighs the damage to cultural heritage interests and is therefore consistent with development plan policies. The Coal and Wine Tax Post is not directly affected by the scheme, but is very close to the works site. The proposal made in the ES to protect it from accidental damage during construction is considered to be an appropriate response to relevant development plan policies.

94 Toll Cottage, on the Shepperton side of the river, is proposed to be demolished to achieve the proposed upstream alignment of the new bridge. This building is not on either the statutory or local lists of historic buildings but is considered to have some historic interest given its association with the toll bridges which were the earliest bridges at Walton. The recording of this building prior to its demolition is considered a proportionate response to its historic interest and this can be secured by conditions.

HUMAN RIGHTS IMPLICATIONS

95 The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.

96 In this case, the Officer’s view is that while impacts on amenity caused by noise, traffic, and construction activities are acknowledged, the scale of such impacts is not considered sufficient to engage Article 8 or Article 1 of Protocol 1. Their impact can be mitigated by conditions. As such, this proposal is not considered to interfere with any Convention right.

CONCLUSION

97 Officers consider that the new bridge is inappropriate development in the Green Belt, but that very special circumstances exist which outweigh harm due to inappropriateness, most notably the need to replace the existing structures with a design which makes a positive contribution to the River Thames corridor. It does therefore constitute a departure from the Development Plan.
The design of bridge is considered to have benefits for the immediate surroundings of the river crossing which are consistent with development plan policies promoting the environmental quality of the riverside and its value as a recreational resource and which outweigh perceived harm due to its greater visibility over a wide area than some alternative bridge designs. The Walton Lane junction represents a tension between conservation of the riverside and meeting the needs of road users to the highest possible highway design standards. The proposals are considered to offer a safe solution which does not involve excessive landtake and therefore strikes the right balance. Provision for pedestrians and cyclists is appropriate for the volumes of traffic of all types using the bridge and the particular conditions at the bridge. Relevant transportation policies policies are therefore considered to be satisfied.

The proposal has benefits for river navigation and flood levels, provided compensatory flood storage capacity is provided as proposed, subject to confirmation by the Environment Agency. No significant adverse impacts on residential amenities are envisaged and proposed landscaping and habitat creation is expected to result in a neutral or slightly beneficial effect on the value of the immediate area as a wildlife habitat. Policies in development plans and government guidance relating to flood risk, residential amenities and nature conservation are therefore considered to be satisfied.

Subject to referral to the Secretary of State as a departure in view of the site’s Green Belt status, officers consider that planning permission should be granted.

RECOMMENDATION

That

A application no. SP07/0966 and EL07/2394 be forwarded to the Secretary of State as a departure from the provisions of the development plan and

B in the absence of any direction by her and pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, the application be PERMITTED subject to the following conditions;

Conditions:

1 The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

2 The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the terms of this permission, the submitted documents and plans contained in the application and the amplifying email dated 03/01/08; and in accordance with such details as are subsequently approved by the County Planning Authority, and no variations or omissions shall take place without the prior approval in writing of the County Planning Authority.

3 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the County Planning Authority.

4 No development shall take place until a full drawn and photographic record of Toll Cottage and Walton Bridge House and an historical appraisal has been made in accordance with the mitigation strategy described in para 17.87 of the Environmental Statement accompanying this application. Prior to the commencement of any demolition works on those buildings, copies of the completed survey and appraisal shall be deposited with,
a) The Historic Buildings Adviser, Sites and Monuments Record, Surrey County Council, and
b) The National Monuments Record Centre, Kemble Drive, Swindon, SN2 2GZ.

5 No felling of trees or clearance of bushes and scrub required in implementation of this permission shall be carried out between 1 March and 31 August in any year unless in accordance with a scheme for which prior written approval has been obtained from the County Planning Authority.

6 No later than six months after the commencement of the development hereby permitted, further details of landscaping and habitat creation schemes described in the Environmental Statement accompanying the application shall be submitted to and approved in writing by the County Planning Authority. Such details shall include:

   i) planting plans; written specifications for cultivation and other operations associated with tree, shrub, plant and grass establishment; schedules of trees, shrubs and plants noting size, species, positions and proposed numbers / densities;
   ii) Surface materials for paths other hard surfaced areas and minor structures,
   iii) Programmes for implementation and maintenance of planting and habitat creation proposals;
   iv) Proposals for long term management of habitats and landscapes created;
   v) boundary treatments for land proposed as exchange land for special categories of land taken.

7 All hard and soft landscaping and habitat creation works shall be carried out in accordance with the approved details. Thereafter the landscaping shall be maintained for a period of five years. Such maintenance shall include the replacement of any tree or shrub which is removed, uprooted or destroyed or dies or becomes in the opinion of the County Planning Authority seriously damaged or defective. The replacement shall be of the same species and size as that originally planted and shall be planted in the same place unless the County Planning Authority's approval has been given to any variation from the details first approved.

8 No development shall take place other than in full compliance with the method statement for mitigating the effects of the proposal on reptiles described in paras 16.146 and 16.147 of the Environmental Statement accompanying this application, in relation to the suitable habitats identified in paras 16.109 - 112 of that Statement.

9 No development shall take place unless a detailed scheme to compensate for loss of existing flood storage capacity arising from construction of the new bridges and other road construction works has first been submitted to and approved by the County Planning Authority and the development shall thereafter be carried out in accordance with those details. The details submitted pursuant to this condition shall identify volumes of floodplain lost and of floodplain compensation to be provided permanently and during construction works and shall include details of the timing of the implementation of floodplain compensation works relative to other works involved in implementing this permission.

10 The development shall be carried out fully in accordance with the details set out in the Construction Environmental Management Plan submitted with the application.

Reasons:

1 To comply with Section 91 (1)(a) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2 To ensure the permission is implemented in accordance with the terms of the application and to enable the County Planning Authority to exercise planning control over the
development in the interests of the character, appearance, qualities and amenities of the river Thames corridor, the amenities of residents in the vicinity and the achievement of appropriate and sustainable transport infrastructure pursuant to policies of the Surrey Structure Plan 2004, Spelthorne Borough Local Plan 2001 and Replacement Elmbridge Borough Local Plan 2000.

3 To afford the County Planning Authority a reasonable opportunity to examine any remains of archaeological interest which are potentially affected by the development and to ensure that adequate steps are taken for the preservation or recording of such remains pursuant to Policy SE5 of the Surrey Structure Plan 2004. The development covers a large surface area and it is considered likely that it will affect currently unknown archaeological information. It is important that the site is surveyed and work is carried out as necessary in order to preserve as a record any such information before it is destroyed by the development.

4 To ensure an adequate record is made of these buildings prior to their demolition pursuant to Policy BE26 of the Spelthorne Borough Local Plan 2001.


8 To prevent the increased risk of flooding and reduction in flood storage capacity pursuant to Policy LO2 of the Spelthorne Development Plan Core Strategy and Policies DPD 2007.


10 To minimise the impact of construction activities in the interests of the amenities of the area pursuant to Policy EN19 of the Replacement Elmbridge Borough Local Plan 2000 and Policies EN9 and EN12 of the Spelthorne Development Plan Core Strategy and Policies DPD 2007.
THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) (ENGLAND) (AMENDMENT) ORDER 2003

Reasons for the grant of planning permission and development plan policies/proposals relevant to the decision.

The reasons for the grant of planning permission are as follows;

1. The development does not accord with development plan policies prescribing the types of development considered appropriate in the Green Belt. The following other material considerations outweigh these policy constraints in the development plan and there are no material considerations which indicate otherwise; need for a permanent bridge at Walton and the benefits the proposal has for the visual amenities and utility of the River Thames corridor, amounting to very special circumstances which outweigh harm due to inappropriateness and justify inappropriate development.

2. It is considered that the development will provide the following benefits; a permanent bridge which complements the visual and recreational amenities of the Thames riverside; improved facilities for pedestrians and cyclists on the A244 and for accessing the riverside; improved provision for turning movements in and out of Walton lane, Walton and

3. Any other harm can be adequately mitigated by the measures proposed in the application and Environmental Statement and the conditions subject to which planning permission is granted.

The proposal has been considered against the following development plan policies/provisions:

**Surrey Structure Plan 2004:**

- Policy LO4 The Countryside and Green Belt
- Policy SE5 Protecting the Heritage
- Policy SE7 Nature Conservation
- Policy SE10 River Corridors and Waterways
- Policy DN1 Infrastructure Provision
- Policy DN2 Movement Implications of Development

**Spelthorne Borough Local Plan 2001**

- Policy GB1 Development Proposals Within the Green Belt
- Policies BE25, BE26 Archaeology, Ancient Monuments and Historic Landscapes
- Policy RU11 Sites of Nature Conservation Importance
- Policy RU14 Mitigation of Impacts of Development on Nature Conservation Interests

**Replacement Elmbridge Borough Local Plan 2000**

- Policy GRB2 Control of Development Within the Green Belt
- Policy ENV19 Environmental Pollution
- Policy ENV 33 Development Affecting Locally Designated Sites
- Policy ENV34 Development Affecting Major Importance for Fauna and Flora
- Policy HEN17 Development Within Areas of High Archaeological Potential
- Policy RTT1 Protection of Riverside Views and Features
- Policy RTT2 Development Within or Conspicuous from the Thames Policy Area
- Policy MOV9 Pedestrian Facilities
- Policy MOV 10 Cycling Facilities
BACKGROUND PAPERS
The deposited application documents and plans, including those amending or clarifying the proposal, responses to consultations and representations received as referred to in the report and included in the application file and the following:

Government Guidance:

PPG2  Green Belts
PPG25 Development and Flood Risk

The Development Plan:

Surrey Structure Plan 2004
Spelthorne Borough Local Plan 2001
Replacement Elmbridge Borough Local Plan 2000

Other Documents:

Decision Letter of Secretaries of State and Inspector’s Report on 2004 Walton Bridge Compulsory Purchase and Side Roads Orders, Bridge Scheme under the Highways Act and Application under Section 19 of the Acquisition of Land Act.