

**PLANNING AND REGULATORY COMMITTEE
9 JULY 2019****PROPOSED NEW CYCLE / FOOTBRIDGE TO SPAN
BROOMHALL WAY (SOUTHERN LINK ROAD A4440)
BETWEEN THE KETCH ROUNDABOUT AND NORTON
ROUNDABOUT TO PROVIDE A DIRECT LINK BETWEEN
THE EXISTING HOUSING AND AMENITIES AT ST PETERS
AND A NEW DEVELOPMENT SOUTH OF BROOMHALL
WAY (PART OF WORCESTER SOUTH URBAN EXTENSION)
AT BROOMHALL WAY (SOUTHERN LINK ROAD A4440),
WORCESTER, WORCESTERSHIRE**

Applicant

Worcestershire County Council

Local Members

Mr P Middlebrough and Mr S J Mackay

Purpose of Report

1. To consider an application under Regulation 3 of the Town and Country Planning Regulations 1992 for proposed new cycle / footbridge to span Broomhall Way (Southern Link Road A4440) between the Ketch Roundabout and Norton Roundabout to provide a direct link between the existing housing and amenities at St Peters and a new development south of Broomhall Way (Part of Worcester South Urban Extension) at Broomhall Way (Southern Link Road A4440), Worcester, Worcestershire.

BackgroundProposed Cycle / Footbridge

2. This planning application relates to a proposed cycle / footbridge across the Southern Link Road (Broomhall Way A4440), which is required to provide a direct cycle and pedestrian link between the existing and proposed residential and commercial developments south of Broomhall Way:

- Welbeck Strategic Land LLP proposed mixed-use development of 153 hectares of land to the south of Worcester City (east of Norton Road). Their mixed-use proposals include 2,204 dwellings (Malvern Hills District Council Application Ref: 13/00656/OUT, pending completion of a Section 106 Agreement for Planning Obligations and financial contributions).
- St Modwen has submitted identical outline planning applications to Malvern Hills District Council and Worcester City Council for housing and employment

development including 255 dwellings to the west of Norton Road (Malvern Hills District Council Application Ref: 13/01617/OUT, pending completion of a Section 106 Agreement for Planning Obligations and financial contributions).

3. Connecting with the existing residential estate and amenities of St Peter the Great, Worcester. It would cross the Southern Link Road, which has been upgraded to a dual carriageway at this location.

4. The applicant states that the cycle / footbridge proposal was initially submitted in 2013 by St Modwen as part of their planning submission. Subsequently, the decision was made to remove the bridge from that application so that Worcestershire County Council could deliver the scheme (albeit with funding provided by private developers). The applicant states that the St Modwen planning application (Malvern Hills District Council Application Ref: 13/01617/OUT) has been granted consent, on the condition of the completion of a Section 106 Agreement, which includes the requirement for financial contributions towards the proposed cycle / footbridge. St Modwen is also required to safeguard land on the southern side of the A4440 for the provision of the pedestrian and cycle bridge. The minutes of the relevant Planning Committee meeting state that:

5. *"Within 18 months of the granting of outline planning permission (or such other period of time that has been agreed in writing by the Local Planning Authority) the land that is within the applicant's ownership, required to allow the County Council to construct the pedestrian / cycle bridge over the A4440, including ramps and steps to connect the bridge to the public highway / public rights of way, shall be transferred to the County Council, free of all encumbrances. The County Council to apply separately for planning permission to construct the bridge. No development to commence until the land has been transferred..."*

6. The applicant goes on to state that in addition to the above, the planning application Committee Report in relation to Malvern Hills District Council Application Ref: 13/00656/OUT (Welbeck Strategic Land LLP) states that *"financial contributions are required towards the A4440 walk and cycle bridge..."*.

7. The applicant states that this proposal would be fully funded by the developers of the above mixed-use developments and would have a total budget of approximately £3.5 million.

8. In January 2019 Worcestershire County Council submitted a substantially similar application for a new cycle / footbridge across Broomhall Way to the County Planning Authority for consideration (County Planning Authority Application Ref: 19/000001/REG3). However, in response to comments received on the application, in particular objections from the Lead Local Flood Authority regarding providing a safe flood free access to the bridge ramps in Power Park, and objections from Malvern Hills District Council regarding the design of the bridge, the applicant withdrew the application on 10 May 2019. This new amended application incorporates a number of revisions, including:

- Flood mitigation measures;
- Revised bridge design proposals; and
- Additional information provided on the connection to the highway network on the southern side of Broomhall Way (A4440).

Southern Link Road

9. Worcestershire County Council is carrying out highway improvement works to the Southern Link Road (A4440). The majority of these works are being carried out under a combination of Worcestershire County Council's Permitted Development Rights, as the Local Highway Authority (Schedule 2, Part 9, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, (as amended) and under Section 55(2)(b) of the Town and Country Planning Act 1990.

10. These highway improvements works are being undertaken in four phases. Phase 1 was implemented in 2012 and involved works to Whittington roundabout. Phase 2 was completed in 2018 and involved works to the Ketch roundabout and dualling of 600 metres of the A4440 between the Ketch roundabout towards Norton roundabout. Phase 3 is ongoing and the majority of this phase is due to be completed by the end of 2019 and includes the completion of the dualling of the A4440 between Whittington roundabout and Ketch roundabout; an extended railway under-bridge; and it also includes the provision of a new bridleway footbridge to span the dualled section of the Southern Link Road (Crookbarrow Way). This bridleway footbridge required planning permission and was granted consent by Members of the Planning and Regulatory Committee on 6 November 2014 (County Planning Authority Application Ref: 14/000034/REG3, Minute No. 896 refers).

11. Planning permission was granted for Phase 4 of the programme of works to upgrade the Worcester Southern Link Road to dual carriageway standard from the Ketch roundabout to Powick roundabout on 5 April 2018 (County Planning Authority Application Ref: 17/000036/REG3, Minute No. 985 refers). Phase 4 also includes foot and cycleway improvements, new bridges alongside existing Powick Common Viaduct and Carrington Bridge and a new cycle / footbridge at Hams Way. This Phase required planning permission because the scheme was considered to be Environmental Impact Assessment (EIA) development, as it was located immediately adjacent to the River Teme Site of Special Scientific Interest (SSSI), would be over 1 hectare in area and was within the floodplain. Following consultation with the County Planning Authority, the applicant determined that the development would be likely to have significant environmental effects if not mitigated and, therefore, voluntarily submitted an Environmental Statement (ES) to accompany the planning application.

The Proposal

12. Worcestershire County Council is seeking to undertake pedestrian and cycling connectivity improvements through the provision of a new cycle / footbridge across the Southern Link Road (Broomhall Way A4440).

13. Policy SWDP 45/1: 'Broomhall Community and Norton Barracks Community (Worcester South Urban Extension) (247.1 hectare)' of the South Worcestershire Development Plan, which relates to the developments referenced above, allocates approximately 20 hectares of employment land and 2,600 dwellings. It also requires contributions directly related to the development, to support and safeguard the implementation of relevant schemes set out in the Worcestershire Local Transport Plan 3, including cycle and walking infrastructure and services which shall include at least two grade-separated pedestrian / cycle crossings. The accompanying Diagram

1 – SWDP 45/1 shows the indicative location for a grade separated pedestrian and cycle crossing, which is the development subject to this planning application.

14. The proposed development is required to provide a direct cycle and pedestrian link between the residential and commercial developments south of Broomhall Way (Malvern Hills District Council Application Ref: 3/01617/OUT and 13/00656/OUT, pending completion of a Section 106 Agreement for Planning Obligations and financial contributions), and the existing residential estate and amenities of St Peter the Great, Worcester. It would cross the Southern Link Road, which has been upgraded to a dual carriageway at this location. The proposal at its northern end would join the existing cycle network leading to Worcester City Centre. The southern end of the development would connect to the footpath / cycleway network in the residential / commercial development.

15. The applicant is proposing a low bow arch type cycle / footbridge with approach ramps extending onto Power Park and land adjacent to Taylors Lane. The bridge would have a span of approximately 45 metres and a height of approximately 10 metres (to the top of the steel arch from ground level) and approximately 4 metres high from the deck of the bridge. The applicant states that the final height of the bridge would be determined after the appointment of the contractor. The northern ramp (which includes a steel ramp measuring approximately 60 metre long, a reinforced concrete support measuring approximately 60 metres long and an earth embankment measuring about 19 metres long) would have an overall length of measure approximately 139 metres. The southern ramp (which includes a steel ramp measuring approximately 100 metres long, a concrete reinforced support measuring approximately 58 long and an earth embankment measuring approximately 10 metres long) would have an overall length of approximately 168 metres long. The purpose of the concrete reinforced support is to reduce the risk of security and safety issues beneath a low structure and to stop the collection of litter. The bridge would have a headroom clearance of approximately 5.9 metres high over Broomhall Way (A4440) (minimum 5.7 metres). The bridge parapets would measure approximately 1.4 metres high. The useable width of the ramp and bridge would be approximately 3.5 metres wide (between the parapet handrails). The bridge would be painted steel, the colour of the bridge is proposed to be light grey, whilst the ramps are proposed to be dark in colour. A staircase would be provided on the north side of the bridge to facilitate access to the cycleway / path adjacent to the carriageway of Broomhall Way (A4440). A new path is also proposed on the western side of the park, connecting the bridge ramp to this cycleway / path. The applicant is proposing directional low-level LED lighting of the bridge, ramps and approach footpaths, the detailed design of which would be subject to the approval of the County Street Lighting Officer, County Ecologist and County Planning Authority. The design life of the bridge is 120 years.

16. On the south side of Broomhall Way the proposed cycleway link would extend south to the junction of the existing Footpath KP-500 and Taylors Lane. The land to the south of Broomhall Way (A4440) is included for development as part of the wider South Worcester Urban Extension which has resolution to grant outline planning permission, subject to Section 106 Agreements. Within the South Worcester Urban Extension planning application the developer is proposing to widen Taylors Lane. The applicant states that ideally the developer would have obtained planning permission and completed the widening works of Taylor Lane in advance of the completion of the proposed Broomhall Way Cycle / Footbridge construction. The

draft Section 106 Agreement includes for provision of a suitably lit and surfaced 3 metre wide cycleway connecting the footbridge ramp to the widened Taylors Lane.

17. In the event that Taylors Lane is not widened prior to the completion of the Broomhall Way Cycle / Footbridge construction, it is considered that the existing Taylors Lane should not be used in its existing format, even for a short duration, for linking Non-Motorised Users to the wider highway network. This is due to the fact that the existing Taylors Lane is narrow, unlit and has no footway provision. Therefore, there is provision within the draft Section 106 Agreement to allow the developer to install a suitably lit and surfaced 3 metre wide cycleway connection direct to Norton Road. Two route options are included within this planning application submission. The developer may install either of these two options as a temporary provision, until the permanent connection to Taylors Lane can be achieved.

18. The applicant states that the choice of route through the land adjacent to Taylors Lane would be determined by the developer to suit their construction programme and future development plans.

19. The applicant is proposing a land drainage system within Power Park and a wetland to be located in the south-east corner of the park, which would intercept overland flooding and discharge it to Broomhall Brook tributary at greenfield runoff rates. The applicant is also proposing to raise the height of the paths within Power Park to provide safe and flood free access to the bridge approach ramps in a 1 in 30 year flood event (plus a 40% allowance for climate change), and to re-profile the park and playing pitch.

20. Construction access to the site from the south side would be taken off Broomhall Way, Taylors Lane and Norton Road. To the north side construction access would be off Broomhall Way, Norton Road or Cranesbill Drive. The main construction compound is proposed to be on the south side of Broomhall Way (A4440), as agreed in the Section 106 agreement with the developer. Smaller welfare facilities and storage areas would be present on the north side of Broomhall Way (A4440), likely located within the northern part of Power Park.

21. The applicant has confirmed that subject to planning permission being granted, construction works are expected to start in autumn / winter 2019 and finish in summer / spring 2020.

The Site

22. The application site, which measures approximately 8.54 hectares in area, is located approximately 2.5 kilometres south of Worcester City Centre and approximately 50 metres north-west of the village of Norton-Juxta-Kempsey, within the administrative boundaries of Worcester City to the north of Broomhall Way and Malvern Hills District to the south of Broomhall Way. The scheme is located within Power Park in the St Peter The Great residential area to the north, and an agricultural field to the south, accessed off Taylors Lane, allocated for residential and commercial development (Malvern Hills District Council Application Ref: 3/01617/OUT and 13/00656/OUT, pending completion of a Section 106 Agreement

for Planning Obligations and financial contributions). Power Park includes outdoor play equipment and a small sports pitch.

23. There are a number of statutory wildlife designated sites within 4 kilometres of the site. The Lyppard Grange Ponds Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), designated for its Great Crested Newts population is located about 3.9 kilometres north-east of the proposal. The River Teme SSSI is located approximately 980 metres west of the site; Cooksholme Meadows SSSI located approximately 2.6 kilometres to the south-east of the scheme; and Napleton Meadow SSSI is situated about 3.1 kilometres south-west of the proposal. Cherry Orchard Local Nature Reserve (LNR) is located approximately 1 kilometre to the north-west of the proposal.

24. The River Severn LWS and River Teme LWS are situated about 905 metres and 1.2 kilometres west of the scheme. Crookbarrow Hill Local Wildlife Site (LWS) is located about 1 kilometre east of the proposal; and Norton Brickpits LWS is situated about 1 kilometre south-east of the proposal. Kempsey Upper Ham LWS is situated approximately 1.7 kilometres south-west of the scheme. Chapter Meadows LWS is situated approximately 1.9 kilometres north-west of the proposal.

25. The nearest Listed Building to the proposed scheme is Upper Broomhall Farmhouse, a Grade II Listed Building situated along Taylors Lane, located approximately 35 metres south of the application site. Beyond which is Grade II Listed Buildings of Middle Broomhall Farmhouse, The Cottage, The Keep and Flanking Wings, Norton Barracks, and Newlands Farmhouse, with the closest being located about 385 metres to the south. Further Grade II Listed Buildings (Upper Battenhall Farmhouse and associated Outbuilding and Cow House) are located approximately 875 metres north-east of the application site. The Grade Listed Building of Timberdine Farmhouse is situated about 520 metres north-west of the scheme. The Schedule Monuments of the motte castle at Crookbarrow Farm and moated monastic grange and fishpond complex at Middle Battenhall Farm are located approximately 1 kilometre and 850 metres east and north-east of the proposal. The Riverside Conservation Area is situated about 705 metres west of the application site. The Grade II* Listed Historic Park and Garden of Spetchley Park is located about 2.9 kilometres east of the scheme. The application site is located within the Battle of Worcester Registered Battlefield, situated on the northern side of Broomhall Way.

26. Public Rights of Way (Footpaths KP-500 and SG-533) run along the western side of the application site, to the south of Broomhall Way crossing Broomhall Way joining Footpath SG-532, which runs northwards to the east of the application site.

27. Part of the application site is located within Flood Zone 3 (high probability of flooding) and Flood Zone 2 (medium probability of flooding) as identified on the Environment Agency's Indicative Flood Risk Map. Broomhall Brook is a small watercourse located to the south of the Southern Link Road.

28. Power Park is designed as part of Fields in Trust (an independent charity with over 90 years' experience protecting parks and green spaces) protected under a Queen Elizabeth II Fields protection programme.

29. There are a number of residential properties within the vicinity of the site, including the properties in St Peter the Great residential area, which back onto Power Park, off Lobelia Close, Cranesbill Drive, Thistle Close, Batsford Road, Stoneleigh Close and Broomhall Green. Broomhall Farm, The Mill House and Hop Pockets are located off Taylors Lane, located immediately to the south of the application site. The dwelling of West View is located adjacent to Norton Roundabout, situated about 120 metres east of the application site. Further residential properties off Norton Road are located about 180 metres south-east of the application site. An electricity substation is located immediately to the east of the application site, adjacent to Power Park.

Summary of Issues

30. The main issues in the determination of this application are:-

- Traffic, Highways Safety and Public Rights of Way
- Residential Amenity (including noise, dust and lighting)
- Landscape and Visual Impact
- Water Environment
- Ecology and Biodiversity

Planning Policy

National Planning Policy Framework (NPPF)

31. The revised National Planning Policy Framework (NPPF) was updated on 19 February 2019 and replaces the previous NPPF published in March 2012 and July 2018. On the 19 June 2019 the revised NPPF was updated to include a correction slip to remove paragraph 209a relating to on-shore oil and gas development, following the Secretary of State for Housing, Communities and Local Government issuing a Ministerial Statement on 23 May 2019 due to the outcome of a legal judgment. The NPPF and sets out the government's planning policies for England and how these are expected to be applied. The revised NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes).

32. Annex 1 of the NPPF states that *"the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication"*.

33. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

34. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

35. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

36. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

37. The following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:

- Section 2: Achieving sustainable development

- Section 4: Decision-making
- Section 5: Delivering a sufficient supply of homes
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

The Development Plan

38. The Development Plan is the strategic framework that guides land use planning for the area. In this respect, the current Development Plan relevant to this proposal consists of the Adopted Worcestershire Waste Core Strategy, Adopted South Worcestershire Development Plan and Adopted Neighbourhood Plan for Kempsey.

39. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

40. With regard to the weight to be given to existing policies adopted prior to the publication of the revised NPPF, Annex 1 states *"existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)"*.

Worcestershire Waste Core Strategy Development Plan Document (WCS)

Policy WCS 17: Making provision for waste in all new development

South Worcestershire Development Plan

41. The South Worcestershire Development Plan (SWDP) covers the administrative areas of Worcester City Council, Wychavon District Council and Malvern Hills District Council. The SWDP policies that are of relevance to the proposal are set out below:-

- Policy SWDP 1: Overarching Sustainable Development Principles
- Policy SWDP 2: Development Strategy and Settlement Hierarchy
- Policy SWDP 4: Moving Around South Worcestershire
- Policy SWDP 5: Green Infrastructure
- Policy SWDP 6: Historic Environment
- Policy SWDP 7: Infrastructure
- Policy SWDP 21: Design
- Policy SWDP 22: Biodiversity and Geodiversity
- Policy SWDP 24: Management of the Historic Environment
- Policy SWDP 25: Landscape Character
- Policy SWDP 28: Management of Flood Risk
- Policy SWDP 29: Sustainable Drainage Systems
- Policy SWDP 30: Water Resources, Efficiency and Treatment
- Policy SWDP 31: Pollution and Land Instability

Policy SWDP 38: Green Space

Policy SWDP 45: Directions for Growth Outside the City Administrative Boundary

Neighbourhood Plan for Kempsey 2017 - 2030

42. On 1 March 2013 Kempsey Parish Council applied to Malvern Hills District Council for designation as a Neighbourhood Planning Area. This designation was approved on 2 July 2013 for the whole of the parish area. The Neighbourhood Plan was prepared by a Steering Group of Parish Councillors and local residents and was independently examined in June 2017 and amended to ensure it met the basic conditions of the Town And Country Planning Act 1990 (as amended). A Referendum on the Kempsey Neighbourhood Plan was held on Thursday 5 October 2017. There was a 38.4% turnout, with 91.6% voting in favour of the Neighbourhood Plan. The Neighbourhood Plan for Kempsey was adopted by Malvern Hills District Council at their Full Council Meeting on 28 November 2017, bringing the Neighbourhood Plan into legal force as part of the Development Plan.

43. The plan identifies a number of key issues for Kempsey and sets a vision and 7 objectives to address these issues. It then details 15 planning policies, of which the following are considered of relevance to the proposal:-

Policy K12: Green Infrastructure

Policy K15: Transport

Other Documents

South Worcestershire Strategic Flood Risk Assessment Level 1 and 2

44. The South Worcestershire Strategic Flood Risk Assessment Level 1 and 2 (SFRA) documents were published in November 2009 and covers Worcester City Council, Wychavon District Council, and Malvern Hills District Council areas. The SFRA assists in selecting and developing sustainable site allocations away from areas of greatest vulnerability to flooding in the South Worcestershire area. The SFRA provides guidance for the Local Planning Authorities on the future management of development with respect to flood risk, including suggested development control policy for the different flood zones. Guidance is also provided regarding the requirements for Flood Risk Assessments as well as Sustainable Drainage Systems and flood mitigation measures.

South Worcestershire Strategic Flood Risk Assessment Level 2 Update (2012)

45. The South Worcestershire Strategic Flood Risk Assessment Level 2 (SFRA Update). SFRA Update was published in December 2012 and updates the 2009 SFRA. Changes to high level planning, policy and guidance since the previous SFRA have been identified and taken into account in preparing the SFRA Update, including the NPPF.

South Worcestershire Strategic Flood Risk Assessment Level 2 Update (2014)

46. This South Worcestershire Strategic Flood Risk Assessment Level 2 (SFRA Update) was published in June 2014 and updates the work that was included in the previous SFRA and provided appropriate supporting evidence for the South Worcestershire Development Plan. It includes a review of the site allocations within the South Worcestershire Development Plan, including the Broomhall Community and Norton Barracks Worcester South Urban Extension (SWDP45/1).

South Worcestershire Water Management and Flooding Supplementary Planning Document

47. The South Worcestershire Water Management and Flooding Supplementary Planning Document (SPD) was adopted in July 2018 and sets out in detail the South Worcestershire Councils' approach to minimising flood risk, managing surface water and achieving sustainable drainage systems. This applies to both new and existing development whilst ensuring that the reduction, re-use and recycling of water is given priority and water supply and quality is not compromised. It relates to policies SWDP 28 (Management of Flood Risk), SWDP 29 (Sustainable Drainage Systems) and SWDP 30 (Water Resources, Efficiency and Treatment) of the adopted South Worcestershire Development Plan.

South Worcestershire Design Guide Supplementary Planning Document

48. The South Worcestershire Design Guide Supplementary Planning Document (SPD) was adopted in March 2018 and provides additional guidance on how the South Worcestershire Development Plan design related policies should be interpreted, for example through the design and layout of new development and public spaces across South Worcestershire, and is consistent with planning policies in the South Worcestershire Development Plan, in particular Policy SWDP 21 (Design).

South Worcestershire Infrastructure Delivery Plan (2016)

49. The South Worcestershire Infrastructure Delivery Plan (SWIDP) was first published in November 2012 and updated in October 2014 and July 2016. The SWIDP sets out details of the infrastructure that is required to support the growth outlined in the South Worcestershire Development Plan. The SWIDP is a "living document" in that it is subject to on-going change. Annex I of the adopted South Worcestershire Development Plan sets out the list of infrastructure considered necessary to deliver the plan. The Councils updated Appendix Y of the SWIDP to assist in developing the Community Infrastructure Levy Charging Schedule. The SWIDP remains a technical document informing policy rather than policy per se. The Worcester Southern Link Road is identified in the SWIDP as a major scheme required to mitigate the impact of the South Worcestershire Development Plan. Paragraph 4.51 states that *"improvements to the existing network required to mitigate the impact of South Worcestershire Development Plan development include...improvements to the A4440 Southern Link Road and A4440 Eastern By-Pass. These improvements will increase capacity at all junctions reducing delays and where appropriate improve facilities for pedestrians and cyclists"*. Appendix Y: 'Appendix on Crucial Infrastructure' includes: "A4440 / Southern Link Road capacity enhancements (Phases 3 & 4, Whittington - Ketch - Powick)" and *"new and improved walk and cycle routes, and walk & cycle elements of key Corridor schemes"*.

Worcestershire County Council's Worcestershire Green Infrastructure Strategy 2013-2018

50. Green Infrastructure is the planned and managed network of green spaces and natural elements that intersperse and connect our cities, towns and villages. Green Infrastructure comprises many different elements including biodiversity, the landscape, the historic environment, the water environment (also known as blue infrastructure) and publicly accessible green spaces and informal recreation sites.

51. The Green Infrastructure Strategy is a non-statutory county-wide guidance document which aims to direct and drive the delivery of Green Infrastructure in

Worcestershire; and inform relevant strategies and plans of partner organisations over the next five years. The Strategy contains high-level priorities which should be explored in more detail at the local and site level.

52. Land to the south of Broomhall Way is designated as Green Infrastructure - Protect and Restore. This is outlined as being 'medium existing green infrastructure value' in the Green Infrastructure Strategy.

Worcestershire's Local Transport Plan 4 (LTP4) 2018-2030

53. Worcestershire's Local Transport Plan 4 (LTP4) was adopted November 2017. LTP4 sets out an investment programme for Worcestershire's transport networks, including infrastructure, and technology and services essential to support planned growth, and continued social and economic success.

54. LTP4 consists of a suite of policies, four statutory assessments and the main document, which includes a strategic delivery programme. It sets 5 objectives regarding economic, environment, health and safety, equality, and quality of life. It also sets out a package of strategic transport schemes. It also sets out a package of strategic transport schemes, in South Worcestershire this includes "*ID SWST3: Southern Link Road (A4440) Phase 4 - Ketch to Powick Hams*". The scheme objectives are to:-

- *"Unlock the potential of the A4440 Worcester Southern Link Road by removing the capacity constraint at Temeside Way;*
- *Support the growth of the economy of Worcestershire and the surrounding area by reducing travel times and costs imposed on businesses, transport operators and other network users by the current and forecast traffic congestion on the A4440 Worcester Southern Link Road;*
- *Improve the resilience of the transport network to extreme weather events and unforeseen disruptions, particularly flood incidents;*
- *Support the delivery of the planned growth set out in SWDP up to 2030. This includes development sites, such as Worcester West urban extension and North East Malvern (totalling 8,000 dwellings and 15 hectares of employment land)".*

Worcestershire Local Enterprise Partnership (WLEP) Business Plan 2012

55. This sets out the WLEP vision, which is to "*create the right economic environment to inspire businesses, encourage investment and to create lasting and sustainable employment in Worcestershire by 2017 and beyond*". It also sets their key measures of success; their role; funding sources; and strategic objectives, which includes 'Objective 4: Planning, Development and Infrastructure'.

56. Strategic Objective 4 states that "*transportation through the movement of goods and people creates opportunities to trade and create economic growth. This connectivity and good infrastructure is essential to maximize Worcestershire's potential and to create a competitive environment*". The list of key projects includes the development of the Worcester Southern Link Road.

Worcestershire Local Enterprise Partnership's World Class Worcestershire Our Strategic Economic Plan (SEP)

57. The Strategic Economic Plan (SEP) was published in March 2014 and sets out the LEP's vision and strategic framework, which is to ensure that Worcestershire's

economy grows even more rapidly and makes an increasingly important contribution to the national economy. The SEP aims to grow the local economy by 2025 by generating over 25,000 jobs and to increase GVA by £2.9 billion.

58. The SEP sets three objectives:

- Create a World Class business location
- Provide individuals with World Class Skills, and
- Develop World Class competitive and innovative business.

59. The SEP sets out integrated programme areas, which comprise prioritised projects and initiatives to meet these objectives. Transport Investment Programme is an initiative identified within the SEP to meet the objective of 'create a World Class business location'. The SEP recognises that *"additional investment in Worcestershire's transport infrastructure and services is essential to provide business with improved access to markets and employees and to encourage economic growth". The SEP states that "transport investment will be targeted to unlock the potential of key employment and housing sites to support the overall growth vision. Investment will also improve external linkages (with neighbouring sub-regions and international gateways to enhance access to national and global markets) and enhance accessibility between key economic centres within the LEP area to accommodate the travel demand associated with the growth aspirations".*

60. Within the Transport Investment Programme initiative priority projects are set out. Over the medium term (to 2020/21) a priority project is to target investment to complete the dualling of the A4440 Worcester Southern Link Road across the Carrington Bridge (County Planning Authority Application Ref: 17/000036/REG3, Minute No. 985 refers). The SEP identifies the Worcester Southern Link Road, together with Hoobrook Link Road (County Planning Authority Application Ref: 13/0000060/REG3). Granted planning permission by the County Planning Authority on 18 February 2014, Minute No. 861 refers) and Worcestershire Parkway Station (County Planning Authority Application Ref: 15/000007/REG3, granted planning permission by the County Planning Authority on 26 August 2015, Minute No. 916 refers), as one of three major schemes for funding for the period 2015/16 to 2018/19 to support the delivery of economic and housing growth objectives.

Consultations

61. **County Councillor Steve Mackay** comments that the land-take by the proposed bridge and ramps should be kept to a minimum within Power Park and acknowledges that this is tied with the flooding aspect. He requests that the paths within the park are raised to a sufficient level, as to counter any flooding problem so that the bridge may be used all year round.

62. County Councillor Mackay notes that earthworks / regrading of the park are proposed as part of the flooding / drainage mitigation measures. He requests that this mitigation is discussed with himself, St Peter's Parish Council and City Councillor Mike Johnson to ensure that the result is aesthetically pleasing.

63. In relation to Fields in Trust, he requests that any requirement for compensatory land is resolved to the satisfaction of St Peter's Parish Council prior to commencement of the development.

64. **Worcester City Councillor Mike Johnson** requests that the County Council ensures that any compensatory land requirements, as part of the Fields in Trust process are resolved to the satisfaction of Worcester City Council and Fields in Trust prior to construction works commencing.

65. **St Peter's Parish Councillor Roger Knight** comments that the bridge ramp in Power Park should be positioned as near as possible to the substation to minimise land loss of the green space and playing area.

66. Parish Councillor Knight states that concerns regarding flooding require the mitigation measures to be robust, as this is a regular occurrence and is a great obstruction when in flood. The existing French Drain needs to be inspected and updated as necessary, to ensure the protection of the back gardens of residential dwellings located in Lobelia Close.

67. Parish Councillor Knight requests that the existing desire lines in the park are formalised; the re-profiling of the existing football pitch to reduce surface water run-off; and raising and resurfacing of the footways. He requests that checks are made to ensure the pedway lighting is fully working and confirmation that the pedways would be fully adopted by the County Council once the work is complete.

68. Parish Councillor Knight also asks for written confirmation that there would be compensatory land made available to balance the loss of land in the designated Field in Trust.

69. **St Peter's Parish Council** comment that they would hope to minimise land loss to the green space and playing area by siting the descent slope from the bridge as near to the substation as possible, in other words as far to the east of the football pitch as can be safely achieved.

70. The concerns regarding flooding require the mitigation measures to be robust, as this is a regular occurrence and is a great obstruction when in flood. The existing French Drain needs to be inspected and updated as necessary, to ensure the protection of the back gardens of residential dwellings located in Lobelia Close.

71. The Parish Council request the formalising of the existing desire line, and the levelling of the land to the existing football pitch to reduce surface water run-off. Also raising and resurfacing of the footways, a check made to ensure the pedway lighting is fully working and confirmation that the pedways would be fully adopted once the work is complete.

72. The Parish Council request written confirmation that there would be compensatory land made available to balance the loss of land in the designated Field in Trust, and that they are consulted on the final location of this proposed land adjustment before a final decision is made.

73. **Kempsey Parish Council** supports the principle of the project, and is content with the proposed bow arch style bridge rather than a truss style bridge, but objects to this proposal on the following grounds:

74. Safety – Concerned that the low height of barriers (the parapet) does not provide the protection required for users, especially cyclists.

75. Southern Approach to the bridge – This is shown as indicative, as it is dependent on the developer's final site layout and, therefore, are concerned that this element may change significantly at a future stage with a detrimental effect for pedestrians and cyclists.

76. **Norton-Juxta-Kempsey Parish Council (Neighbouring Parish Council)** supports the proposal, which they consider provides positive amendments compared to the previous application submission (County Planning Authority Ref: 19/000001/REG3).

77. **Malvern Hills District Council** fully supports the principle of constructing a new pedestrian cycle bridge over the Southern Link Road (A4440) between Ketch and Norton Roundabouts to connect the South Worcester urban extension and communities of Norton, to the City of Worcester. However, they object to the proposed design of the bridge as they consider it would be contrary to Policy SWDP 21 of the South Worcestershire Development Plan and Section 12 of the NPPF.

78. The District Council state that it is particularly important considering the significant level of developer funding for this bridge, that it is of a high quality of design, at least as good as the design quality achieved for the bridleway bridge that crosses over the A4440 between Norton and Whittington (County Planning Authority Application Ref: 14/000034/REG3, Minute No. 896 refers).

79. By direct comparison, the proposed bridge would appear flatter, heavier in appearance and lack the elegance of the other bow arch bridges. The District Council understand the site constraints vary, but urge the County Council to reconsider the design of the bridge before granting planning permission. The District Council consider that the arch of bridge needs to be accentuated. The radii of the arch is critically important and opportunities need to be explored further to see whether the size and proportions of each element of the bridge can be changed to create a more elegant bridge that would be suitable landmark in the future. The District Council consider that the proposal as submitted are of a truss style rather than a bow-arch, which lacks design quality.

80. South Worcestershire Development Plan Policy SWDP 45/1 specifically refers to "*at least two grade separated pedestrian / cycle crossings*". This application would partly meet this requirement and is to be funded from developer contributions relating to the urban extension and negotiated by the District Council and would be secured by way of planning obligations contained within a number of Section 106 legal agreements.

81. The dualling of the A4440 has clearly made crossing at grade more difficult and potentially more dangerous. The proposed pedestrian / cycle bridge would provide a safe connection for pedestrians and cyclists wishing to travel between the urban extension (SWDP 45/1) and the adjacent areas of the City. It is important that the

bridge is delivered as soon as possible to minimise the period of time during which people are trying to cross the dual-carriageway at grade.

82. The District Council is also concerned that the proposed bridge has the potential to facilitate antisocial behaviour which could involve objects being thrown onto vehicles below. The District Council seeks assurances that this risk has been considered as part of the design process and appropriate assessments carried out.

83. The District Council notes that the description of the development refers to "footbridge". The applicant should clarify that what is proposed is a pedestrian / cycle bridge of an appropriate design and width.

84. **Worcester City Council** wishes to endorse the consultation response of Malvern Hills District Council and St Peter's Parish Councillor Roger Knight (see above).

85. **Wychavon District Council (Neighbouring District Council)** have made no comments.

86. **Worcestershire Regulatory Services (Noise, Dust and Vibration Officer)** have no objections to the proposal, stating that in order to minimise any nuisance during the construction phase from noise, vibration and dust the applicant should refer to 'Worcestershire Regulatory Services Code of Best Practice for Demolition and Construction Sites' and ensure its recommendations are complied with. If any noisy works are to be undertaken outside of normal working hours (outside of 08:00 to 18:00 hours Mondays to Fridays and 08:00 to 13:00 hours Saturdays) then consent is required from Worcestershire Regulatory Services.

87. **Worcestershire Regulatory Services (Contaminated Land and Air Quality Officer)** have no objections to the proposal, subject to the imposition of a condition requiring tiered contaminated land investigation and remediation.

88. Worcestershire Regulatory Services states that the application site lies in close proximity to areas of unknown filled ground or former landfill and also understood to consist of areas of made ground.

89. Worcestershire Regulatory Services have reviewed the submitted 'Preliminary Sources Study Report', which represents a suitable contamination Phase 1 Desk Study with conceptual site model and risk assessment. The Report identifies a number of potential contamination concerns that may present a risk to ground water, site workers and future site users. Potential ground gas migration from the landfill and areas of made ground may not pose a risk to the completed development, but could be a concern to construction workers and site operatives especially if working in confined spaces such as trial pits or inspection chambers. The Report recommends ground investigation to be undertaken including soil and groundwater analysis to address potentially hazardous materials. Ground gas monitoring is also proposed. Worcestershire Regulatory Services are in agreement with the findings of the Report.

90. Worcestershire Regulatory Services have no concerns in relation to air quality impacts.

91. **The Environment Agency** wishes to make no detailed comments on the application, given the scale and nature of the proposals and refers the County

Planning Authority to the Environment Agency's Standing Advice – 'Development in Flood Zone 3 where the flood zone is generated by an ordinary watercourse' and recommends that the County Planning Authority consult South Worcestershire Land Drainage Partnership and the Lead Local Flood Authority.

92. **The County Council Public Health Officer** has made no comments.

93. **Natural England** wishes to make no comments on this proposal.

94. **Worcestershire Wildlife Trust** have no objections to the proposal and wishes to defer to the County Ecologist for all on-site detailed ecological considerations.

95. **The County Ecologist** has no objections to the proposal, subject to the imposition of conditions regarding a Construction Environmental Management Plan (CEMP) for biodiversity, timing of vegetation clearance, protection of wildlife from excavations, protection of retained vegetation, landscaping scheme, Landscape and Ecological Management Plan (LEMP), lighting strategy, biodiversity enhancement strategy, a monitoring and statement of compliance.

96. Subject to confirmation from the County Landscape Officer, the County Ecologist suggests consideration within the final landscaping scheme of disease resistant elms.

97. **The County Street Lighting Engineer** has made no comments.

98. **The County Landscape Officer** has no objections to the proposal, subject to the imposition of conditions requiring a LEMP, which should include a replanting scheme and protection of vegetation to be retained. The County Landscape Officer welcomes the proposed mitigation measures within the Landscape and Visual Impact Assessment.

99. The County Landscape Officer notes that the County Ecologist has suggested the inclusion of elm within the planting scheme. Given the profile of this development, semi-urban location and uncertainty over the survival rate of elm into maturity, the County Landscape Officer would not support the inclusion of this species at this location.

100. **The County Highways Officer** has no objections to the proposal, subject to the imposition of conditions requiring a Construction and Environmental Management Plan (CEMP) and details of the joint pedestrian / cycle route to be provided to the south of Broomhall Way connecting to the public highway prior to the development being brought into use. They state that overall the proposal would result in an improvement for public access to the area and provide a sustainable connection between the areas north and south of the Southern Link Road (A4440).

101. **County Footpath Officer** has no objections to the proposal, subject to the applicant adhering to their obligations to the Public Rights of Way. They state that the definitive line of St Peter the Great Footpaths SG-533 and SG-532 and Kempsey Footpath KP-500 run through the application site. The Public Rights of Way have been shown on the submitted plans and should not be affected by the proposal.

102. **The Ramblers Association** welcomes amendments to the design of the proposal, and considers that it is now much better connected to existing walking and

cycling routes on the north side of the Broomhall Way (A4440), but considers that on the south side these connections appear to be unresolved, although they note indicative paths and cycle routes are shown.

103. The Ramblers Association are concerned about impacts to Footpaths SG-532, SG-533 and KP-500, which have been severely damaged as effective Public Rights of Way in the past by development, and reflects badly on the County Council in carrying out its responsibility for the Public Rights of Way network. The Ramblers Association requests a condition to extinguish or divert these Public Rights of Way to ensure that they are incorporated into the design of this proposal.

104. **Malvern Hills District Footpath Society** have no objections to the proposal.

105. **The Open Space Society** have made no comments.

106. **Malvern Hills District Archaeologist** has no objections to the proposal, subject to the imposition of conditions requiring a programme of archaeological work.

107. The District Archaeologist states that the proposed development may affect heritage assets of archaeological significance.

108. The proposed development is situated within an area that has undergone geophysical survey. No features considered to be archaeological were discovered. A recent trench evaluation of the land discovered that it appears that the area was scalped at some point, possibly for the road development. It is possible that some archaeological features or remains have been preserved within the site, but it is unlikely that they would be of such significance that they would prevent the proposed development.

109. Given the scale of the proposal, and the anticipated archaeological potential, the likely impact on the historic environment caused by this development may be offset by the implementation of a conditional programme of archaeological works. This would comprise the archaeological monitoring and recording (watching brief) of all groundworks likely to expose damage or destroy any archaeological remains that may be present, principally the reduction of ground levels / topsoil stripping/ drainage, service channels.

110. **Worcester City Council Archaeologist** comments that that their comments only relate to the northern part of the proposal, which is situated within the administrative area of Worcester City.

111. The City Archaeologist raises no objections to the proposal, subject to the imposition of a condition requiring a written scheme of investigation for an archaeological watching brief.

112. They state that archaeological remains including scattered and hard-to-find features have been recorded from neighbouring sites. Although the potential for these to be encountered within the scheme would be relatively low, given the limited footprint of the proposed works, nevertheless where they occur they can be expected to be of high significance.

113. **The County Archaeologist** wishes to make no comments, deferring to Malvern Hills District and Worcester City Archaeologists.

114. **South Worcestershire Land Drainage Partnership** have no objections to the proposal and recommends consultation with the Lead Local Flood Authority.

115. South Worcestershire Land Drainage Partnership states that the impact of the proposed northern ramp and raised paths has now been assessed in the amended Flood Risk Assessment and mitigation measures proposed. They comment that Figure 6.8 of the Flood Risk Assessment reports a Hazard Rating of 'Moderate' (Danger for Some), but they calculate the hazard as 'Significant' (Danger for Most) for the present situation. They note that compensatory flood storage has now been incorporated into the proposal on a level for level, volume for volume basis and this is considered acceptable in principle. The proposed raised paths in Power Park are considered acceptable in principle, if adequate arrangements are made for surface water flows to migrate under the raised paths to designated flood storage areas.

116. **The Lead Local Flood Authority** have no objections to the proposal, subject to the imposition of conditions requiring the detailed design for surface water drainage and an associated drainage management plan.

117. **Severn Trent Water Limited** have no objections to the proposal, as the proposal would have minimal impact on the public sewerage system. However, Severn Trent Water Limited advises that there are public sewers located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. They recommend that the applicant should contact them to discuss the proposals.

118. **Sport England** have no objections, subject to the imposition of a condition requiring the reposition of the existing football pitch prior to the opening of the bridge.

119. Sport England state that the proposed development affects an existing open space known as Power Park, which contains a mini football pitch. The existing pitch is approximately 30 metres by 20 metres in dimension and, therefore, falls short of the minimum of 0.2 hectares to constitute playing field. As such, Sport England are satisfied that the affected park does not constitute playing field and, therefore, Sport England's comments are provided on a non-statutory basis.

120. Sport England note that at the pre-application stage they had previously advised the applicant that the proposed location of the bridge would result in the loss of the mini pitch, and the proposals were revised to address this issue.

121. Sport England are not clear if the proposed pitch could be re-sited prior to the construction works taking place in order to maintain continuity of provision during construction, but this should be the aim where possible. If the working area required for construction of the bridge practically prevents this, a phasing timetable for the reinstatement of the grass pitch should be submitted and agreed through an appropriately worded planning condition to ensure that this is re-provided as soon as possible and implemented to an appropriate specification to ensure that the reinstatement of the grass pitch is fit for purpose.

122. **Western Power Distribution** comments that their apparatus is located within and adjacent to the application site; the use of mechanical excavators in the vicinity of their apparatus should be kept to a minimum. Any excavations in the vicinity of their apparatus should be carried out in accordance with the document titled: 'Health & Safety Executive Guidance HS(G)47, Avoiding Danger from Underground Services'. The applicant should contact Western Power Distribution should any diversions be required.

123. **The Zayo Group** have confirmed that their apparatus are located in the vicinity of the proposal and request that consideration is given to the potential impact to their network as a result of the proposed development.

124. **Hereford & Worcester Fire and Rescue Service** have made no comments.

125. **West Mercia Police** have no objections to the proposal, noting that in respect of crime and disorder they are pleased that the proposed design of the bridge and ramps means there are no areas of concealment.

Other Representations

126. Prior to the submission of the planning application, the applicant undertook public consultation on the proposal between 7 December and 31 December 2018. This included a staffed public information exhibition event, which took place at St Peters Baptist Church Hall on 7 December 2018 and an unstaffed drop-in exhibition was on display at St Peter's Garden Centre from 8 December to 21 December 2018.

127. The staffed public information exhibition event was attended by approximately 50 people, which included local councillors, planning officers and local residents. The applicant states comments included general support for the scheme; support for the bridge design; request for a higher bridge arch so it relates to the other approved bridges along the Southern Link Road; ramp in Power Park appears excessive; alignment of the ramp in Power Park; relocation of the bridge closer to the roundabout; query if stepped access should also be provided on the southern side of the proposal; query if the park benches would be relocated; query if the bridge would be lit; query if any safety features are included in the bridge design to prevent people falling; query if the flooding in Power Park could be resolved; query if the football pitch could be levelled; and concern that Broomhall Green residential properties would be overlooked.

128. The application has been advertised in the press, on site and by neighbour notification. To date 4 letters of representation objecting to the proposal and 1 letter of representation commenting on the proposal have been received. These letters of representation are available in the Members' Support Unit. Their main comments are summarised below:

Visual Impact and Loss of Privacy

- Concerns that the proposed bridge would have an adverse impact upon privacy and overlooking, particularly because the Council has not provided a high enough fence along the existing walkway / residential boundary fence, which was proposed to be 1.8 metres, but is in actual fact 1.6 metres high, therefore, views of the A4440 are possible.

- Directly impact residential properties along Lobelia Close due to overlooking, loss of privacy and disturbance. Only solution to this would be to keep windows permanently covered leading to loss of daylight.
- The cycle / footbridge would be constructed to the rear of a number of properties which back onto Power Park. This will inevitably impact on those residents from both the construction point of view and the final visual blot on the landscape.
- Considers that the proposal needs to be re-designed so that it is less intrusive and re-located.

Noise

- Concerns regarding noise generated from the users of the bridge.
- Questions if the bridge surface would be noise attenuating, to absorb noise from skateboards etc.

Crime and Antisocial Behaviour

- Concerns regarding increased crime and anti-social behaviour due to the proposed bridge.
- Concerns that the proposal would attract pedestrians into Lobelia Close, a cul-de-sac by placing the entrance / exit to the bridge in front of a footpath that leads to Lobelia Close. Thereby increasing the chances of anti-social behaviour occurring in Lobelia close.
- The bridge would encourage individuals to throw items from it.

Loss of Power Park

- The proposal would be overbearing and take up a significant amount of the public open space and playing pitch.
- Would result in loss of Power Park, which is protected under a Queen Elizabeth II Trust Protective Order.

Design of Bridge / Ramps

- The bridge / ramps would appear to be excessive. In its current form the access / egress is actually longer in length than the footbridge itself and does nothing to enhance what little area of greenery still exists in St Peters.
- Queries why the bridge ramps are not located adjacent to the Southern Link Road or directing users along Norton Road.

Flooding

- Considers that the paths to the bridge in Power Park flood, therefore, in times of flood the bridge would be inaccessible except from the Tesco direction.
- Concerned that the proposal would exacerbate flooding in Power Park and thereby flood adjacent residential properties.

The Development Management Team Manager Comments

129. The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the

local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations.

130. As stated at paragraph reference ID: 21b-006-20140306 of the Government's Planning Practice Guidance (PPG), *"the NPPF stresses the importance of having a planning system that is genuinely plan-led. Where a proposal accords with an up-to-date development plan it should be approved without delay, as required by the presumption in favour of sustainable development at paragraph 10 of the NPPF"*.

131. The reason why the Development Plan is at the heart of the planning system is because it is the forum where the need for new development is identified, and also where it would be inappropriate. The plan would have been through public consultation, and would have been subject of independent examination. The Development Plan relevant to this proposal consists of the South Worcestershire Development Plan.

132. Policy SWDP 45: 'Directions for Growth Outside the City Administrative Boundary', Part A) 'SWDP 45/1 'Broomhall Community and Norton Barracks Community (Worcester South urban extension) (247.1 ha)' of the South Worcestershire Development Pan allocates the delivery of approximately 20 hectares of employment land, 2,600 dwellings, two-form entry primary school, community building, emergency services infrastructure, children's centre, youth facilities, local convenience and comparison retailing, modest scale business development (B1 only) and A2 uses , plus A3, A4 and A5 use class development of a scale appropriate to serving the local community and provision for Travellers of up to 10 pitches. It also requires:

- *"xi. Measures, including proportionate contributions directly related to the development, to support and safeguard the implementation of relevant schemes set out in the Worcestershire Local Transport Plan 3, including the adopted Worcester Transport Strategy, such as: improvements to the A4440 (including phased dualling), the A38 and associated highways, public transport, cycle and walking infrastructure and services which shall include at least two grade-separated pedestrian / cycle crossings; improved accessibility by non-car modes to Worcester city centre, including a potential parking hub close to the A4440, to be agreed in consultation with Worcestershire County Council.*
- *xii. Safeguarding land on the southern side of the A4440 for the dualling of the road and the provision of the pedestrian and cycle bridges needed to provide sustainable transport links between the development and Worcester city walk and cycle networks"*.

133. 'Diagram 1: SWDP 45/1' shows the location of an *"indicative grade separated pedestrian and cycle crossing"* in the approximate location of the proposed bridge.

134. The Reasoned Justification for this policy states that *"the only two areas that could reasonably accommodate large-scale development are located to the south and west of the city. Both will provide the following...links into the city through the provision of improved pedestrian / cycle and public transport facilities"* and *"h) to reduce car dependency by enabling efficient public transport, walking and cycling*

movements within the development, whilst providing two-way opportunities for access to services within the existing city as well as out to the countryside".

135. The Reasoned Justification states that *"providing access to jobs and essential services is a crucial part of delivering sustainable, economically-led and inclusive communities. Development at locations that can be accessed by means other than the private car and that provide efficient, accessible and attractive links to the city and the key employment, residential, health, education, leisure and transport (interchange) facilities, services and destinations across the city as a whole is essential. In conjunction with improvements to highway infrastructure at key points across the south Worcestershire area, this integrated and multi-modal approach will increase the efficiency of the transport network, help to reduce transport related carbon emissions and can improve the local environment and promote social inclusion".*

136. The Reasoned Justification goes on to state that *"in assessing the development to the south, there are some important objectives that need to be fulfilled and these would be an integral part of a comprehensive masterplan. These objectives carry equal weight".* This includes: *"g) to enable appropriate improvements to the A4440 (Crookbarrow Way, Broomhall Way and Teme Way) together with associated junction improvements, which will include the provision of at least two grade-separated pedestrian / cycle crossings (east and west)".*

137. In view of the policy support for this proposal, the Development Management Team Manager considers that the need for and the principle of the scheme has been established.

Traffic, Highway Safety and Public Rights of Way

138. It is noted that Paragraph 109 of the NPPF states *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".*

139. National Route 45 of the National Cycle Network links Chester with Salisbury via Whitchurch, Ironbridge, Bridgnorth, Droitwich Spa, Worcester, Gloucester, Cirencester and Swindon. Route 45 is currently located to the east of the proposal on Norton Road.

140. It is proposed that cyclists should be able to make use of the new proposed bridge over Broomhall Way (A4440). This proposal has the added benefit of improving the local cycle routes, as the on-road sections along Broomhall Green and Norton Road are replaced with a traffic-free route (the proposed bridge and ramps). In view of this it is considered that the proposed improved provision of pedestrian and cycle facilities would help encourage a modal shift to alternative, more sustainable transport modes and help to improve the health and transport options for existing and future local residents.

141. In response to Malvern Hills District Councils request to seek confirmation the proposal also caters for cyclists - The applicant has confirmed that the bridge is intended for use by pedestrians, cyclists and mobility scooter users.

142. In response to Kempsey Parish Council raising safety concerns regarding the height of the parapets and railing in particular for cyclists. The applicant confirms that the bridge parapets are in accordance with national design standards.

143. The applicant states in the event that Taylors Lane is not widened prior to the completion of the footbridge construction it is considered that the existing Taylors Lane should not be used in its existing format, even for a short duration, for linking Non-Motorised Users to the wider highway network. This is due to the fact that the existing Taylors Lane is narrow, unlit and has no footway provision. Therefore, there is provision within the draft Section 106 Agreement for the South Worcester Urban Extension to allow the developer to install a suitably lit and surfaced 3 metre wide cycleway connection direct to Norton Road for a temporary period until a connection to Taylors Lane can be achieved. The applicant has confirmed that the proposal would tie-in with the existing cycle network, and it is correct that it is proposed that National Cycle Route 45 would cross over Crookbarrow Way Bridleway Bridge.

144. The County Highways Officer has been consulted and raised no objections to the proposal, subject to the imposition of a condition requiring a CEMP and details of the joint pedestrian / cycle route to be provided to the south of Broomhall Way.

145. Public Rights of Way (Footpaths KP-500 and SG-533) run along the western side of the application site, to the south of Broomhall Way crossing Broomhall Way joining Footpath SG-532, which runs northwards to the east of the application site.

146. The County Footpath Officer and District Footpath Society both raise no objections to the proposal. The Ramblers Association have concerns regarding the historic impact to these Public Rights of Way and requests that they are incorporated into the design of this proposal. It is noted that, whilst the applicant is not proposing to divert these Public Rights of Way as part of this application, they have given an undertaking to seek to divert Footpaths SG-532, SG-533 and KP-500 to follow the route over the proposed bridge to resolve historic impacts to these Public Rights of Way. It is their intention that the status of these diverted footpaths would be changed to bridleway status in order to accommodate cyclists. However, as the bridge and approach ramps are not suitable for use by horses a Traffic Regulation Order would be sought to prohibit equestrian use.

147. In view of the above, the Development Management Team Manager is satisfied that the proposal would not have an unacceptable impact upon traffic, highway safety or Public Rights of Way, subject to the imposition of an appropriate condition as recommended by the County Highways Officer.

Visual Impact and Residential Amenity

148. There are a number of residential properties within the vicinity of the application site, including the properties in St Peter the Great residential area, which back onto Power Park, off Lobelia Close, Cranesbill Drive, Thistle Close, Batsford Road, Stoneleigh Close and Broomhall Green. Broomhall Farm, The Mill House and Hop Pockets are located off Taylors Lane, located immediately to the south of the application site. The residential properties of No's. 6 to 12 Broomhall Green are the nearest residential properties to the proposed bridge structure and ramps located approximately 60 metres to the east, with residential rear gardens located about 45 metres east of the proposal.

149. Letters of representation have been received objecting to the proposal on noise, disturbance, and visual impact grounds, in particular loss of privacy due to overlooking.

150. Worcestershire Regulatory Services have been consulted in respect of noise, dust, vibration and air quality impacts and they raise no objections to the proposal, and notes that if any noisy works are to be undertaken outside of normal working hours then consent is required from Worcestershire Regulatory Services.

151. In response to Worcestershire Regulatory Services, the applicant has confirmed that they do not currently propose piling as part of the construction of the bridge, but note that this cannot be completely disregarded until the full ground investigation results have been received and the detailed design completed. Night time working is not envisaged by the applicant, but considers to crane in the bridge and parts of the ramps they may need to work on weekends during a temporary closure of Broomhall Way. The applicant notes consent may be required for these works from Worcestershire Regulatory Services.

152. With regard to lighting, the applicant is proposing to light the proposed ramps, steps and the footbridge deck. The applicant states that the lighting is required due to the anticipated high usage by pedestrians and cyclists including residents, workers, school children and recreational users. The applicant notes that as the pedestrian routes either side of the cycle / footbridge would be lit, it is deemed appropriate to light the cycle / footbridge to provide a continuous system of lighting. The applicant is proposing directional low-level LED lighting of the bridge, ramps and approach footpaths, the detailed design of which would be subject to the approval of the County Street Lighting Officer, County Ecologist and County Planning Authority.

153. The Development Management Team Manager considers that due to the anticipated usage of the bridge, particularly given the route would provide a link to the retail facilities in the existing St. Peter's residential estate, most notably a large supermarket which would also influence the level of usage, it is considered that the proposal to install directional low-level lighting is acceptable, subject to the imposition of a condition requiring a detailed lighting scheme.

154. With regard to visual impacts, the application is accompanied by a Landscape and Visual Impact Assessment. This identifies a number of mitigation measures, this includes:

- Colour – The bridge section over the carriageway is proposed to be light grey as the majority of views of it would be seen against a backdrop of sky, with a black parapet. The lighter the colour, the more recessive this element would appear. The steel approach ramps are intended to utilise the same colour palette as they would predominantly be seen against a back drop of vegetation. In this instance the darker the colour the more recessive the element would appear.
- Planting within the public open space to compensate for the loss of vegetation required to construct the approach ramps and bridge structure. Predominantly native species would be selected as well as considering the existing pallet of planting within the vicinity.

- The finish to the concrete walls supporting the approach ramps would have a textured finished face through the formwork rather than leaving it as a smooth, flat, grey surface. The textured finish would encourage greater and quicker weathering and ensure a more varied colour across the surface.
- Planting within the public open space to partially screen the concrete structure supporting the part of the northern approach ramp. This would be set back from the structure to allow for regular bridge inspections. The intention is that this vegetation would filter views towards it.

155. It is noted that no landscaping is proposed to be provided to the south of Broomhall Way (A4440), as St Modwen would be providing relevant screening, connections to footpath links and enhancement of landscape assets such as hedgerows as part of their development.

156. It is also noted that there is one tree within the application site boundary that is protected by a Tree Preservation Order (TPO). This willow tree sits within the hedgerow forming the north-eastern boundary of the park, north of the electricity substation. The applicant has confirmed that the proposal would not affect this tree.

157. The Landscape and Visual Impact Assessment identifies eight key visual receptors:

- Immediate view, looking south-east from within Power Park representative of receptors using cycleway / footway open space within the park.
- View from residential properties (No's. 44 to 56) along Cranesbill Drive that face south-east onto Power Park.
- View looking south-west from along the footway / cycleway along the northern side of Broomhall Way (A4440).
- View looking north-west from along Footpath KP-500, adjacent to Taylors Lane.
- View looking north-east from Footpath SG-526, located on the southern side of Broomhall Way (A4440).
- View from Footpath NJ-563 located to the east of Norton Road, looking north-west towards the development across an open field.
- View looking west from the intersection of Footpath NJ-563 and Bridleways NJ-500 and NJ-501 at the northern end of Brockhill Lane.
- View from residential properties 7 to 12 Broomhall Green looking south from these properties.

158. The Landscape and Visual Impacts Assessment assessed the impact to all of these views as negligible adverse or slight adverse, except for the view from the residential properties on Broomhall Green, which was assessed as moderate adverse. It states in relation to this view that the proposed development would introduce an element which would be a noticeable change and deterioration to the views experienced by these receptors. Existing garden planting and vegetation within and adjacent to the Western Power Distribution substation would partly obscure and soften views towards the proposal from ground floor rooms. Receptors would be sensitive to people using the proposed bridge which may have views towards the rear of their property resulting in a perceived loss of privacy. However, the separation distance between the proposal and receptors is no less than 60 metres, which far

exceeds the minimum distance for privacy between two dwellings facing / backing onto one another. Retaining existing vegetation would filter / partially screen views from users of the bridge towards these receptors.

159. The Development Management Team Manager considers that the separation distances referenced above by the applicant relate to privacy impacts upon residential properties when they face / back one another (a distance of 22 metres is considered to be the minimum separation distance between facing windows required to achieve a degree of privacy within conventional two storey accommodation), rather than in relation to bridge proposals. However, it is considered a useful comparison when considering a new form of development. It is also noted that existing established vegetation would filter / partly screen views from these properties.

160. In view of this and given the constrained nature of the park, which is surrounded by residential properties on its northern, eastern and western boundaries and not wishing to sever the park, it is considered appropriate to locate the bridge and ramps along its eastern boundary.

161. With regard to views from residential properties along Cranesbill Drive that face south-east onto Power Park, which were identified in the Landscape and Visual Impact Assessment as experiencing a slight adverse impact - It is considered that the introduction of the proposed bridge would result in limited deterioration to views from these properties, which would have oblique views towards the proposal. Existing, established vegetation is considered to assist with visual screening and partly filtering a proportion of the proposal.

162. With regard to the concerns from a local resident regarding the height of the boundary fence that was installed by the County Council - It is understood that the installation of this fencing was in relation to the widening of the Southern Link Road, which is separate to this application. This letter of representation has been forwarded onto the appropriate officer within the County Council for consideration. With regard to the concerns from this local resident regarding loss of privacy. It is noted their rear garden is located approximately 95 metres east of the proposed bridge, and views would be largely screened by intervening residential properties.

163. The County Landscape Officer has been consulted and has raised no objections to the proposal, subject to the imposition of a condition requiring a LEMP and protection of retained vegetation.

164. With regard to the design of the proposal, Section 12 'Achieving well-designed places' of the NPPF at paragraph 124 states *"the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"*.

165. Paragraph 130 of the NPPF states *"permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in*

plan policies, design should not be used by the decision-maker as a valid reason to object to development".

166. Policy SWDP 21: 'Design' of the South Worcestershire Development Plan states at Part A) that *"all development will be expected to be of a high design quality. It will need to integrate effectively with its surroundings, in terms of form and function, reinforce local distinctiveness and conserve, and where appropriate, enhance cultural and heritage assets and their settings. New and innovative designs will be encouraged and supported where they enhance the overall quality of the built environment"*.

167. Following objections on design grounds from Malvern Hills District Council to County Planning Authority Application Ref: 19/000001/REG3, the applicant withdrew the application and submitted this planning application with an amended design of the bridge. The new design incorporates an outward tilt to the bridge arches ('butterflying' effect) in order to maximise the impression of openness for those using it.

168. The applicant states that the proposed structure has been designed to be slender, and in combination with the 'butterflying' effect ensures that for those travelling underneath, the bridge should not compete with or detract from the view of the Malvern Hills AONB to the west. For those travelling over the bridge, the open nature of the structure should soften the perception of a barrier caused by the structural elements and encourage a connection with the landscape and views towards Malvern.

169. Malvern Hills District Council and Worcester City Council have been consulted and both raise objections to the amended proposal on design grounds. They consider that the proposal should be of a high quality of design, at least as good as the design quality achieved for the bridleway bridge that crosses over the A4440 between Norton and Whittington (Crookbarrow Way bridleway bridge). The District Council consider that the proposal would appear flatter, heavier in appearance and lack the elegance of the other bow arch bridges approved along the Southern Link Road. The District Council understands the site constraints vary but urges the County Council to reconsider the design of the bridge before granting planning permission.

170. The Development Management Team Manager considers that due to the highly-visible nature of this bridge, an attractive as well as functional structure is required. Given that the approved bridleway bridge over Crookbarrow Way (A4440) (County Planning Authority Application Ref: 14/000034/REG3, Minute No. 896 refers) is a tied arch structure, and the Hams Way cycle / footbridge (County Planning Authority Application Ref: 17/000036/REG3, Minute No. 985 refers) is also a bow arch structure, it is considered appropriate for these bridges to have a similar design features to complement each other, whilst forming local landmarks and contributing to the sense of place.

171. The Development Management Team Manager considers that the height and radius of the bridge arch is crucial to the bridge design in order to create an aesthetically pleasing and distinctive bridge. It is considered that the proposal would appear flatter and heavier in appearance (measuring approximately 4 metres high from the bow arch to the bridge deck) when compared to the approved bridges at Crookbarrow Way (which measures a maximum of 8 metres high from the bow arch to bridge deck) and Hams Way (which measures a maximum of 6 metres high from

the bow arch to bridge deck). Notwithstanding this, the Development Management Team Manager welcomes the amended design, which incorporates a 'butterflying' effect, which enhances the aesthetics of the bridge, and it is recognised the height of the bridge needs to be balanced against any visual impacts upon neighbouring residential properties and its wider landscape impact. In view of this, on balance, it is considered that the proposal is acceptable and the design of the bridge would result in a minor local landmark feature, whilst not resulting in a bridge that is unduly prominent or overbearing in the landscape. Notwithstanding this, the Development Management Team Manager recommends the imposition of conditions regarding its detailed design and colour palate so that opportunities can be explored regarding the size and proportions of each element of the bridge in order to maximise its elegance, design quality and to accentuate the bow arch.

Water Environment

172. Letters of representation have been received objecting to the proposal on the grounds that it would exacerbate flooding in the area. St Peter's Parish Council, County Councillor Mackay and St Peter's Parish Councillor Knight request that flooding within Power Park is resolved so that the bridge is usable all year round.

173. With regard to drainage, the applicant is proposing a land drainage system (French drains) within Power Park and a wetland to be located in the south-east corner of the park, which would intercept overland flooding and discharge it to Broomhall Brook tributary at greenfield runoff rates.

174. The applicant states that surface water runoff from the proposed bridge deck and access ramps would be small and no potential for contamination is anticipated due to it being for use by pedestrians and cyclists. The applicant is proposing a system of filter drains built into the bridge deck to intercept the channel flow and connected to downpipes incorporated in the bridge supports. These would discharge into the proposed land drains. On the south side of Broomhall Way the filter drains would discharge directly to the Broomhall Brook or to a pond to the south of the proposed bridge.

175. The proposed solid approach ramps would include parallel land drains on each side to intercept and dissipate overland flows from the surrounding area. At least one through pipe would be provided so that a flow route from one side to the other is retained in the event of a flood.

176. Part of the application site is located within Flood Zone 3 (high probability of flooding) and Flood Zone 2 (medium probability of flooding) as identified on the Environment Agency's Indicative Flood Risk Map. A Flood Risk Assessment accompanied the application, as required by Paragraph 163 and Footnote 50 of the NPPF.

177. The proposed development is considered to be classified as 'less vulnerable', as identified by Table 2: 'Flood risk vulnerability classification' of the Government's PPG (Paragraph Reference ID: 7-066-20140306). Table 3: 'Flood risk vulnerability and flood zone 'compatibility'' of the PPG (Paragraph Reference ID: 7-067-20140306) identifies that less vulnerable development located within Flood Zones 2 and 3 is appropriate. In accordance with Table 3, the Exception Test outlined in the NPPF is not required.

178. Paragraph 155 of the NPPF states that *"inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere"*.

179. Paragraph 163 of the NPPF states that *"when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan"*.

180. Paragraph 158 of the NPPF states that *"the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding"*.

181. Alternative locations / alignments have been considered by the applicant (see 'Visual Impact and Residential Amenity' section of this report), however, alternative locations / alignments for the ramps were discounted for a number of reasons including the need to reduce visual impacts on nearby residential properties; to facilitate connectivity to the local walking / cycling network through Power Park; and to mitigate the effect on the existing park by avoiding bisecting the open space. Therefore, it is considered that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding and, therefore, it is considered to pass the Sequential Test.

182. The Flood Risk Assessment identifies that approximately 40 metres of the proposed northern ramp would be located within Flood Zone 3 and approximately 20 metres of the northern ramp would be located within the Flood Zone 2. The applicant is proposing that the access routes to the proposed bridge should remain dry in rainfall events up to and including 1 in 30 year event (plus a 40% allowance for climate change). Therefore, the applicant is proposing to raise the height of the paths within Power Park by approximately 350mm (final height subject to detailed design). The applicant states that this would include the installation of shallow channels beneath the paths to maintain the existing flow routes. The applicant is proposing that the raised paths would slope to one side (1 in 40) with a drain located on the low side. Given the applicant is proposing to raise the paths, losing flood volume storage, the applicant is proposing to compensate for this loss by regrading the contours within the park and the removal of the bund around the playing pitch. The Flood Risk Assessment states that the modelling indicates that there is no risk of flooding affecting access to the southern ramp, as all the predicted flooding would be beneath

the elevated sections of the ramp. The Flood Risk Assessment concludes that the construction of the bridge would not significantly increase flood risk elsewhere.

183. The Environment Agency wishes to make no detailed comments on the application, given the scale and nature of the proposals and recommends that the County Planning Authority consult South Worcestershire Land Drainage Partnership and the Lead Local Flood Authority.

184. South Worcestershire Land Drainage Partnership have been consulted and have raised no objections to the proposal. The Lead Local Flood Authority have no objections to the proposal, subject to the imposition of conditions requiring the detailed design of the surface water drainage scheme and associated management plan. Severn Trent Water Limited have also raised no objections to the proposal.

185. Based on this advice, the Development Manager Team Manager considers that there would be no adverse effects on the water environment, subject to the imposition of appropriate conditions.

Ecology and Biodiversity

186. Section 15 of the NPPF, paragraph 170 states that *"planning policies and decisions should contribute to and enhance the natural and local environment"*, by a number of measures including *"protecting and enhancing...sites of biodiversity...(in a manner commensurate with their statutory status or identified quality in the development plan); minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"*.

187. Paragraph 175 of the NPPF states that when determining planning applications, local planning authorities should apply four principles (a. to d.), this includes: *"if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"*; and *"development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity"*.

188. There are a number of statutory and non-statutory designated wildlife sites within the context of the application site, this includes the Lyppard Grange Ponds SAC and SSSI, which is located about 3.9 kilometres north-east of the proposal; the River Teme SSSI, which is situated approximately 980 metres west of the site; and Cherry Orchard LNR, which is located approximately 1 kilometre to the north-west of the proposal. The River Severn LWS and River Teme LWS are situated about 905 metres and 1.2 kilometres west of the scheme. Crookbarrow Hill LWS is located about 1.2 kilometres east of the proposal; and Norton Brickpits LWS is situated about 1.3 kilometres south-east of the proposal.

189. The application was accompanied by an Ecological Assessment, which recommends a number of mitigation and compensation measures which includes pollution prevention measures during construction; areas of retained habitat should be fenced-off during construction to minimise the risk of damage; areas of amenity and semi-improved grassland removed / damaged during the construction phase should

be reinstated post-construction; compensation planting with at least one tree / shrub planted for each tree / shrub removed; a pre-construction badger survey should be undertaken at least two months prior to works commencing to ensure that no new badger setts have been dug; night working and the use of artificial lighting must be avoided where possible. Any lighting used must be directed towards the scheme and away from any vegetation, with measures to prevent light spill in place; access routes south of the A4440 should avoid the mature oaks (identified as H1) which should be retained and protected throughout the construction phase. If this is not possible, then any of the mature trees that would be impacted should be assessed for potential bat roost features; bat and bird boxes should be included in the landscaping scheme; any vegetation clearance should be undertaken between September and February inclusive (outside the bird nesting season); a pre-construction survey for invasive species; and any mature trees removed as part of the proposed scheme should be left to decay on the ground nearby to provide habitat for invertebrates.

190. The Assessment concludes subject to the recommended mitigation measures being implemented that there would be no significant residual impacts on ecological receptors as a result of the proposal.

191. Worcestershire Wildlife Trust have been consulted due to the proximity of the application site to LWSs and has no objections deferring to the opinion of the County Ecologist. The County Ecologist raises no objections to the proposal, subject to the imposition of conditions regarding a CEMP for biodiversity, timing of vegetation clearance, protection of wildlife from excavations, protection of retained vegetation, lighting strategy, LEMP, landscaping scheme, biodiversity enhancement strategy, and a monitoring and statement of compliance.

192. In view of the above, the Development Management Team Manager considers that subject to the imposition of appropriate conditions that the proposed development would have no adverse impacts on the ecology and biodiversity at the site or in the surrounding area, and would enhance the application site's value for biodiversity.

Other Matters

Contaminated Land

193. The application was accompanied by a Preliminary Sources Study Report. The Report identifies a number of potential sources of contamination that may impact the application sites, which includes five historical landfill sites located within 1 kilometre of the proposal; made ground across the site; roads surfaces (coal tars, hydrocarbons); surface run-off from roads (fuel, oils and anti-freeze); electricity substation (asbestos and oils) and agricultural land (fertilisers, pesticides, asbestos and oils). The Report recommends that further specific ground investigations are carried out across the site to undertake contamination testing of soils and made ground and to obtain a detailed understanding of the groundwater and gas regime.

194. Worcestershire Regulatory Services (Contaminated Land Officer) has been consulted and raised no objections to the proposal, subject to the imposition of a condition requiring tiered contaminated land investigation and remediation.

195. In view of this, the Development Management Team Manager is satisfied that the proposal is acceptable in terms of its impact upon contaminated land, subject to the imposition of an appropriate condition as recommended by Worcestershire Regulatory Services.

Utilities

196. A Utilities Assessment formed part of the submitted Planning Statement and Design and Access Statement. This Assessment confirms that apparatus from Western Power Distribution, Severn Trent Water and Zayo Group is located within or adjacent to the application site.

197. Zayo Group have been consulted and have requested that consideration is given to the potential impact to their network as a result of the proposed development. The applicant states that prior to the submission of the planning application they had discussions with the Zayo Group in relation to their fibre-optic network in the southern verge of Broomhall Way, and can confirm that proposal allows adequate clearance to their equipment.

198. The applicant states that in relation to the Western Power Distribution electricity substation sited adjacent to the proposal in Power Park that they have confirmed that the proximity of the bridge and ramps poses no issues. With regard to the 132 kV overhead lines that cross the application site. The applicant states that Western Power Distribution has stated that the clearance zones are to be observed during construction and that the proposed permanent structure does not encroach onto the clearance zone. With regard to the low voltage underground cable originating from the substation and running westwards under Power Park. The applicant states that Western Power Distribution has recommended that any excavations are to be 1 metre away from the cable. The applicant has confirmed that the proposal has been amended to ensure this is achieved. With regard to the low voltage underground cable between the streets lighting columns along the footpath / cycle track through the site, the applicant states that the 1 metre clearance to the north abutment cannot be achieved at this location. Western Power Distribution has confirmed to the applicant that they have no concerns with the principle of temporary support or protection of the cable during the works.

199. The Assessment states that a water main is located within the southern verge of Broomhall Way. The applicant states a clearance zone around the water main has been agreed with Severn Trent Water. The southern bridge abutment is proposed to be positioned to respect this and Severn Trent Water has issued a No Effect Letter. With regard to a foul sewer running north to south through Power Park. The Assessment states that it is unavoidable that the northern end of the approach ramp would cross over this sewer. The applicant states that they are in ongoing discussion with Severn Trent Water. With regard to a surface water sewer running parallel to the proposed northern approach ramp and surface water sewer in the northern verge of Broomhall Way. The applicant states that the required clearance of 5 metres either side of the pipes has been accommodated into the proposed design.

200. As part of the consultation on the planning application, Severn Trent Water have raised no objections and Western Power Distribution have made no adverse comments. In view of this, the Development Management Team Manager is satisfied that the proposed development would not have an unacceptable impact upon utilities.

Historic Environment

201. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects to listed buildings in the exercise of planning functions. Subsection (1) provides that *"in considering whether to grant planning permission for development which affects a listed building or its setting, the local*

planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". Section 72 (1) imposes a general duty as respects Conservation Areas in the exercise of planning function stating "in the exercise, with respect to any buildings or other land in a Conservation Area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

202. Paragraphs 193 and 194 of the NPPF states that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

203. *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification..."*

204. Paragraph 197 of the NPPF states that *"the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".* Policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan also require development to conserve and enhance heritage assets, including their setting.

205. The nearest Listed Building to the proposed scheme is Upper Broomhall Farmhouse, a Grade II Listed Building situated along Taylors Lane, located approximately 35 metres from the application site. The Schedule Monuments of the motte castle at Crookbarrow Farm and moated monastic grange and fishpond complex at Middle Battenhall Farm are located approximately 1 kilometre and 850 metres east and north-east of the proposal. The Riverside Conservation Area is situated about 705 metres west of the application site. The Grade II* Listed Historic Park and Garden of Spetchley Park is located about 2.9 kilometres east of the scheme. The application site is located within the Battle of Worcester Registered Battlefield, situated on the northern side of Broomhall Way.

206. The application was accompanied by a Heritage Statement, which states that there are no overarching cultural heritage constraints in respect of the proposal. No designated heritage assets would be directly physically impacted by the proposed scheme. Impacts from the proposed development to the nearby Grade II listed Upper Broomhall Farmhouse would be negligible due to the distance of the asset from the proposed footbridge and the limited visual impact of the associated approach ramp to the south. The cultural heritage significance of this asset, or the ability to appreciate its historical and architectural interest, would not be affected. The proposal would result in a slight visual change to the Registered Battlefield of the Battle of Worcester due to the introduction of the new footbridge and associated approach ramps. However, given the heavily developed nature of the remainder of the battlefield that surrounds the proposal to the north, such an introduction would not affect the cultural heritage significance of this asset or the ability to appreciate how the battle was fought. Therefore, it is anticipated that a limited programme of archaeological

monitoring (watching brief) is likely to be required during initial groundworks for the scheme to confirm the low / negligible archaeological potential identified.

207. The City, District and County Archaeologists have been consulted. The County Archaeologist makes no comments deferring to the City and District Archaeologists. The City and District Archaeologist both raise no objections to the proposal, subject to the imposition of conditions requiring a programme of archaeological work (watching brief) as recommended by the submitted Heritage Assessment.

208. In view of this, the Development Management Team Manager considers that the proposed development would not have an adverse impact upon heritage assets, subject to the imposition of appropriate conditions, as recommended by the City and District Archaeologists.

Power Park

209. To the north of Broomhall Way (A4440) is Power Park, which is a recreational park area within the existing St Peters residential estate. Power Park has outdoor play equipment, one small hard sports pitch and one small soft (grassed) sports pitch (not classed as a formal playing field due to the size which is less than 0.2 hectares).

210. Letters of representation have been received objecting to the proposal on the grounds disturbance to Power Park, questioning the location and excessive length of the proposed ramps. St Peter's Parish Council, County Councillor Mackay and St Peter's Parish Councillor Knight both request the impacts upon the park in terms of land take is minimised.

211. The bridge approach ramps are required to have an adequately shallow gradient to accommodate a range of end users. Due to the large vertical distance between the ground level either side of Broomhall Way (A4440) and the bridge deck level (set by the minimum headroom underneath the bridge of 5.7 metres), and the shallow ramp gradient (1 in 20), dictates the lengths of the ramps required.

212. The applicant did consider alternative ramp locations and layout. Ramps doubling back on themselves in a zig-zagged configuration are not considered appropriate for this site as this arrangement does not lend itself to easy use by cyclists, which are anticipated to comprise a large contingent of users of the bridge. Also, in an area where visual impact is a key consideration, this arrangement would appear as a wall of bars as a result of the overlapping steel sections, supports, and parapets.

213. The applicant states that the alignment of the ramp to the south of the bridge has been heavily influenced by the constraints set out by the developers. These mainly comprise maximising the developable area and mitigating flood risk. Two options for potential ramp alignments to the north of the bridge were considered: Option A – Ramp extending northwards (this application); and Option B – Ramp extending westwards.

214. Option A was considered to scores higher in transport planning studies for connectivity with the local cycle network and amenities such as the local superstore; require minimal removal of vegetation; requires minimal permanent earthworks; minimal encroachment into green space in Power Park; existing sports pitches not permanently affected; and visual impact on nearby properties is less significant.

However, a negative identified of the Option was that it would not provide a direct ramp access onto track running east-west through Power Park.

215. The positives of Option B were considered to be direct ramp access onto track running east-west through Power Park; requires minimal removal of vegetation; requires minimal permanent earthworks; and existing sports pitches not permanently affected. However, the negatives were considered to be visual impact on nearby properties is significant; scores lower in transport planning studies for connectivity to the local cycle network and amenities such as the local supermarket; and encroaches into green space and potentially forms a visual barrier, bisecting the Power Park. Option A was the chosen ramp alignment.

216. Power Park is designated as Green Space (Broomhall Green, to the north of Broomhall Way) in the South Worcestershire Development Plan. Policy SWDP 38 states that development of Green Space will not be permitted unless the following exceptional circumstances are demonstrated:

- i. "The proposal is for a community / recreational use that does not compromise the essential quality and character of the Green Space; or*
- ii. An assessment of community and technical need (using recognised national methodology where appropriate) clearly demonstrates that the Green Space is surplus to requirements; or*
- iii. Alternative / replacement Green Space of at least equivalent value to the community has been secured in a suitable location".*

217. During construction of the proposal accessibility to Power Park would be impacted, due to the need to ensure that the proposal can be constructed safely. Whilst the main construction compound would be located to the south of Broomhall Way (A4440) welfare facilities and construction storage areas are proposed within the park, likely located within the northern part of the park. It is considered that there would be a short-term adverse impact during construction of the proposal, but it is noted that the applicant states that the area affected would be minimised as far as possible.

218. It is considered that the proposal would be for community / recreational use, and once operational the proposal would not compromise the essential quality and character of the Green Space, albeit that there would be some loss of the park due to the footprint of the proposal and landscaping (approximately 600 square metres), however, the siting of the bridge and ramps close to the eastern boundary and the design as a predominantly open structure, with minimal use of earth embankments, has helped reduce the loss of open space and it is not considered it would adversely impact the usability of the park. The small informal grassed sports pitch would be permanently relocated to accommodate the proposed landscape mitigation. Once operational the proposed development would provide improved connectivity for pedestrians and cycle users and enable new residents to access existing local recreational open space.

219. Sport England has been consulted and has raised no objections to the proposal, subject to the imposition of a condition requiring the reposition of the existing football pitch prior to the opening of the bridge.

220. St Peter's Parish Council, County Councillor Mackay, Worcester City Councillor Johnson, St Peter's Parish Councillor Knight all request that any compensatory land is made available to balance the loss of land in the designated Field in Trust prior to the commencement of the development. Worcester City Council also supports the comments of Parish Councillor Knight. This matter is not considered to be a material planning consideration, but a landowner matter. The applicant has confirmed that they have been liaising with Fields in Trust and Worcester City Council for a number of months regarding any Fields in Trust requirements.

221. In view of the above, it is considered that the proposal would not have an unacceptable adverse impact upon Power Park, subject to the imposition of an appropriate condition, as recommended by Sport England.

Crime and Safety

222. Section 8 'Promoting healthy and safe communities' of the NPPF states at paragraph 91 that *"planning policies and decisions should aim to achieve healthy, inclusive and safe places which...are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas"*.

223. Letters of representations have been received from local residents objecting to the proposal due to concerns regarding increased crime and anti-social behaviour. Objections have also been received raising concerns that the proposal would increase crime and antisocial behaviour in Lobelia Close, as the bridge directs users into this cul-de-sac.

224. Malvern Hills District Council and Worcester City Council both are concerned that the proposed bridge has the potential to facilitate antisocial behaviour which could involve objects being thrown onto vehicles below.

225. The applicant has confirmed that the bridge would have a rail along the full length of the bridge and ramps to prevent users from falling from the bridge. The parapet would measure approximately 1.4 metres high and, therefore, the bridge would be suitable for use by cyclists, in accordance with national design standards. Furthermore, the use of vertical infill bars instead of horizontal bars is intended to make it more difficult to gain a foothold. The applicant also states that the bridge is not considered to represent a high suicide risk due to its relatively low height. The risk of objects being thrown from bridges can never be entirely eliminated and is not a risk unique to this location. It is also considered that the proposal would result in increased activity and, therefore, increased natural surveillance in the local area, which would reduce the likelihood crime and disorder, including objects being thrown from the bridge.

226. The applicant has also confirmed that the northern ramp connects to existing footpaths which connect to Norton Road, Cranesbill Drive and Lobelia Close. It is envisaged that the prominent desire line would be along Norton Road and towards the amenities in St Peters, and that the scheme should not increase anti-social behaviour in Lobelia Close.

227. West Mercia Police have been consulted and has raised no objections to the proposal, stating that they are pleased with the proposed design of the bridge and ramps.

228. Based on the advice of Wester Mercia Police it is considered that the design of the bridge in terms of designing out crime and antisocial behaviour is acceptable.

Conclusion

229. Worcestershire County Council is seeking to undertake pedestrian and cycling connectivity improvements through the provision of a new cycle / footbridge across the Southern Link Road (Broomhall Way A4440).

230. Policy SWDP 45/1: 'Broomhall Community and Norton Barracks Community (Worcester South Urban Extension) (247.1 hectare)' of the South Worcestershire Development Plan, which relates to the developments referenced above, allocates approximately 20 hectares of employment land and 2,600 dwellings. It also requires measuring including proportionate contributions directly related to the development, to support and safeguard the implementation of relevant schemes set out in the Worcestershire Local Transport Plan 3, including cycle and walking infrastructure and services which shall include at least two grade-separated pedestrian / cycle crossings. The accompanying Diagram 1 – SWDP 45/1 shows the indicative location for a grade separated pedestrian and cycle crossing. In view of the policy support for this proposal, the Development Management Team Manager considers that the need for and the principle of the scheme has been established.

231. Overall the proposal would result in an improvement for public access to the area and provide a sustainable connection between the areas north and south of the Southern Link Road (A4440). Based upon the advice of the County Highways Officer, County Footpath Officer, and Malvern Hills District Footpath Society, it is considered that that the proposal would not have an unacceptable impact upon traffic, highway safety or Public Rights of Way, subject to the imposition of an appropriate conditions regarding a CEMP and details of the joint pedestrian / cycle route to be provided to the south of Broomhall Way connecting to the public highway.

232. Objections have been received from both Malvern Hills District Council and Worcester City Council on design grounds. It is considered that the proposal would appear flatter and heavier in appearance when compared to the approved bridges at Crookbarrow Way and Hams Way. Notwithstanding this, the Development Management Team Manager welcomes the amended design, which incorporates a 'butterflying' effect, which enhances the aesthetics of the bridge, and it is recognised the height of the bridge needs to be balanced against any visual impacts upon neighbouring residential properties and its wider landscape impact. In view of this, on balance, it is considered that the proposal is acceptable and the design of the bridge would result in a minor local landmark feature, whilst not resulting in a bridge that is unduly prominent or overbearing in the landscape. Notwithstanding this, the Development Management Team Manager recommends the imposition of conditions regarding its detailed design and colour palate so that opportunities can be explored regarding the size and proportions of each element of the bridge in order to maximise its elegance and design quality, and to accentuate the bow arch.

233. Based on the advice of the County Landscape Officer and Worcestershire Regulatory Services, it is considered that subject to the imposition of appropriate conditions, the proposed development would not have an unacceptable impact upon the character and appearance of the local area, or upon the amenity of local residents.

234. Based on the advice of South Worcestershire Land Drainage Partnership, Environment Agency, Lead Local Flood Authority and Severn Trent Water Limited, it is considered that the proposal would have no adverse effects on the water environment, subject to the imposition of appropriate conditions.

235. Based on the advice of Natural England, the County Ecologist and Worcestershire Wildlife Trust, it is considered that subject to the imposition of appropriate conditions, the proposed development would not have any adverse impacts on ecology and biodiversity at the site or on the surrounding area and would enhance the application site's value for biodiversity.

236. It is considered that the proposal would not have an unacceptable adverse impact upon Power Park, subject to the imposition of an appropriate condition, requiring the reposition of the existing football pitch prior to the opening of the bridge.

237. The Development Management Team Manager considers that the proposal would not unduly exacerbate the risk of crime and antisocial behaviour in the local area.

238. Taking into account the provisions of the Development Plan and in particular Policy WCS 17 of the Adopted Worcestershire Waste Core Strategy, Policies SWDP 1, SWDP 2, SWDP 4, SWDP 5, SWDP 6, SWDP 7, SWDP 21, SWDP 22, SWDP 24, SWDP 25, SWDP 28, SWDP 29, SWDP 30, SWDP 31, SWDP 32 and SWDP 45 of the adopted South Worcestershire Development Plan, and Policies K12 and K15 of the adopted Neighbourhood Plan for Kempsey, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

239. The Development Management Team Manager recommends that planning permission be granted for proposed new cycle / footbridge to span Broomhall Way (Southern Link Road A4440) between the Ketch Roundabout and Norton Roundabout to provide a direct link between the existing housing and amenities at St Peters and a new development south of Broomhall Way (Part of Worcester South Urban Extension) at Broomhall Way (Southern Link Road A4440), Worcester, Worcestershire, subject to the following conditions:

Commencement

- a) **The development must be begun not later than the expiration of three years beginning with the date of this permission;**
- b) **The developer shall notify the County Planning Authority of the start date of commencement of the development hereby approved in writing within 5 working days following the commencement of the development;**

Approved Drawings

c) The development hereby approved shall be carried out in accordance with the details shown on submitted Drawing, except where otherwise stipulated by conditions attached to this permission:

- 03.GD.0004, Rev P04 – Broomhall Way Footbridge Location Plan;
- 20-04-DG-0001, Rev P02 – General Arrangement and Site Constraints for Planning Sheet 1 of 4;
- 20-04-DG-0002, Rev P02 – General Arrangement and Site Constraints for Planning Sheet 2 of 4;
- 20-04-DG-0003, Rev P02 – General Arrangement and Site Constraints for Planning Sheet 3 of 4;
- 20-04-DG-0004, Rev P02 – General Arrangement and Site Constraints for Planning Sheet 4 of 4;
- 01.DG.0002, Rev P02 – Outline Landscape Proposals;
- 20-DR-D-2001, Rev P01 – Non-Motorised User Route Options Between Broomhall Way Footbridge and the Public Highway;
- 694944CH/BW/Topo/2d, Rev 3.0 – 2d Topographical Survey;
- 20-DR-D-1001, Rev P01 – Existing Modelled Flooding;
- 20-DR-D-1002, Rev P01 – Proposed Flood Alleviation and Drainage Strategy'

Construction Environmental Management Plan

d) Notwithstanding the submitted details, prior to commencement of development hereby approved, a Construction Environmental Management Plan (CEMP), in accordance with Worcestershire Regulatory Services "*Code of Best Practice for Demolition and Construction Sites*" shall be submitted to and approved in writing by the County Planning Authority. The approved CEMP shall be implemented for the duration of the construction works. The CEMP shall address the following:

Hours of Working

- i. A scheme providing the days and hours of construction operations;

Biodiversity

- ii. Risk assessment of potentially damaging construction activities;
- iii. Identification of "biodiversity protection zones";
- iv. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction to be provided as a set of Method Statements;
- v. The location and timing of sensitive works to avoid harm to biodiversity features.
- vi. The times during construction when specialist ecologists need to be present on site to oversee works;
- vii. Responsible persons and lines of communication;
- viii. The role and responsibilities on site of a suitably competent Ecological Clerk of Works (ECoW);
- ix. Use of protective fences, exclusion barriers and warning signs;

- x. A procedure to ensure that during the construction phase all trenches / excavations / pipes are closed off overnight, or if unavailable, are fitted with wood or earth escape ramps to allow trapped wildlife to escape;

Lighting

- xi. Details of the proposed construction lighting;

Dust and Air Quality

- xii. A scheme to minimise and mitigate the impacts of dust emissions and impacts to air quality;

Noise and Vibration

- xiii. A scheme to minimise and mitigate the impacts of noise and vibration;

Water Environment

- xiv. Measures to be undertaken to ensure that any pollution and silt generated by the construction works shall not adversely affect groundwater and surface waterbodies;

Highways

- xv. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- xvi. Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- xvii. The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
- xviii. Details of any temporary construction accesses and their reinstatement; and
- xix. A highway condition survey, timescale for re-inspections, and details of any reinstatement;

Landscape and Biodiversity

- e) Notwithstanding the submitted details, within 3 months of the commencement of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the County Planning Authority for approval in writing. Thereafter, the LEMP shall be implemented in accordance with the approved details. The LEMP shall include the following:

- i. Description and evaluation of features to be managed;
- ii. Ecological trends and constraints on site that might influence management;
- iii. Aims and objectives of management;
- iv. Appropriate management options for achieving aims and objectives;
- v. Prescriptions for management actions;
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- vii. Details of the body or organization responsible for implementation of the plan;

- viii. Ongoing monitoring and remedial measures; and
 - ix. An updated planting scheme to include native species of local provenance, locations, numbers, densities, spacing and planting sizes for the development hereby approved. The scheme shall be implemented within the first available planting season (the period between 31 October in any one year and 31 March in the following year) on completion of the development. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased, shall be replaced on an annual basis, in the next planting season with others of a similar size and the same species;
- f) Notwithstanding the submitted details, within 3 month of the commencement of the development hereby approved, a Biodiversity Enhancement Strategy (BES) shall be submitted to the County Planning Authority for approval in writing. The BES shall include:
- i. Purpose and conservation objectives for the proposed works;
 - ii. Review of site potential and constraints;
 - iii. Detailed design(s) and/or working method(s) to achieve stated objectives;
 - iv. Extent and location/area of proposed works on appropriate scale maps and plans;
 - v. Type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - vi. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - vii. Persons responsible for implementing the works;
 - viii. Details of initial aftercare and long-term maintenance;
 - ix. Details for monitoring and remedial measures; and
 - x. Details for disposal of any wastes arising from works;

Thereafter, the BES shall be implemented in accordance with the approved details;

- g) On implementation of the approved CEMP under condition d) and approved BES under condition f), a Statement of Conformity shall be submitted to the County Planning Authority by the applicant or their Ecological Clerk of Works confirming their successful implementation. A further report shall be submitted to the County Planning Authority providing monitoring information at the end of the approved LEMP Management Plan period;
- h) All vegetation clearance at the site shall be undertaken outside the bird nesting season which generally extends between March and September inclusive. If this is not possible then any vegetation that is to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally;
- i) All existing trees, shrubs and hedgerows indicated to be retained shall be protected by suitable fencing in accordance with BS5837:2012 No materials

shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence. In the event of any trees, shrub or hedgerows being damaged or removed by the development, it shall be replaced in the next planting season;

Lighting

- j) Notwithstanding the submitted details, within 3 months of the commencement of the development hereby approved, a lighting scheme shall be submitted to the County Planning Authority for approval in writing. The scheme shall include details of the height of all lighting, the intensity of lighting (specified in Lux levels), spread of light, including approximate light spillage levels (in metres), the times when the lighting would be illuminated, any measures proposed to mitigate impact of the lighting or disturbance through glare and upon protected species and habitats, in particular bats. Thereafter, the development shall be carried out in accordance with the approved details;

Design

- k) Prior to the commencement of the development hereby approved, drawings of the detailed design of the bridge, ramps, landings, and steps including materials, colour, finishes, size, and cross section of the parapets shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;
- l) Notwithstanding the submitted details, within 1 month of commencement of the development hereby approved, a schedule and / or samples of all surfacing materials shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;

Drainage

- m) Notwithstanding the submitted details, no development shall commence until detailed design for surface water drainage, including Power Park re-profiling and raising of footpaths within Power Park have been submitted to, and approved in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details;
- n) No development shall commence until a management plan for the drainage on site, as detailed in drawing numbered: 20-DR-D-1002, Rev P01, has been submitted to and approved in writing by the County Planning Authority. The management plan shall include details on future management responsibilities including details on the funding mechanism, along with maintenance schedules for all drainage features and associated pipework. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the drainage scheme throughout its lifetime. The approved management plan shall be implemented in full in accordance with the agreed terms and conditions and shall be managed and maintained in accordance with the approved maintenance plan and thereafter;

Archaeology

- o) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a programme of archaeological work, including a Written Scheme of Investigation shall be submitted to the County Planning Authority for approval in writing. The scheme shall include an assessment of significance and research questions; and:
- i. The programme and methodology of site investigation and recording;
 - ii. The programme for post investigation assessment;
 - iii. Provision to be made for analysis of the site investigation and recording;
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation; and
 - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;
- p) The development hereby approved shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under conditions o) above and the provision made for analysis, publication and dissemination of results and archive deposition has been secured;

Contamination

- q) No development shall commence, other than that required to be carried out as part of an approved scheme of remediation, until Parts i) to v) below have been complied with:
- i. A preliminary risk assessment (a Phase I desk study) submitted to the County Planning Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the County Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11";
 - ii. The detailed site investigation and risk assessment must be undertaken in accordance with the approved Scheme and a written report of the findings produced. This report must be approved by the County Planning Authority prior to any development taking place;

- iii. Where the site investigation identified remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the County Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation;
 - iv. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the County Planning Authority; and
 - v. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the County Planning Authority prior to the use of the development hereby approved;
- r) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the County Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the County Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the County Planning Authority prior to the use of the development hereby approved;

Playing Pitch

- s) The development hereby approved shall not be brought into use until the works to reposition the existing football pitch have been completed, the works shall be in accordance with the details outlined at Section 4.4.4 'Sport England' in the 'Planning Statement and Design and Access Statement', dated May 2019 and drawing numbered: 01.DG.0002, Rev P02, and shall be laid out in accordance with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011); and

Highways

- t) Notwithstanding the submitted details, prior to the development being brought into use, details of a joint pedestrian / cycle route shall be provided from the bridge to the public highway, south of Broomhall Way (A4440), as shown on Drawing Number: 20-DR-D-2001, Rev P01 and shall be submitted to the County Planning Authority for approval in writing. Thereafter the development shall be carried out in accordance with the approved details;

Contact Points

County Council Contact Points

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Worcestershire Hub: 01905 765765

Specific Contact Points for this report

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Background Papers

In the opinion of the proper officer (in this case the Development Management Team Manager) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference 19/000021/REG3.