

## **PLANNING AND REGULATORY COMMITTEE**

### **24 MAY 2022**

# **PROPOSED REPLACEMENT BRIDGE TO PROVIDE UPGRADED SHARED USE PEDESTRIAN AND CYCLE BRIDGE ACCESS OVER THE A38 CORRIDOR WITH ASSOCIATED ACTIVE TRAVEL IMPROVEMENTS ON LAND BETWEEN FORDHOUSE ROAD WEST OF THE A38 AND CARNFORTH ROAD EAST OF THE A38, BROMSGROVE, WORCESTERSHIRE**

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#### **Applicant**

Worcestershire County Council

#### **Local Members**

Councillor Josh Robinson and Councillor Kit Taylor

#### **Purpose of Report**

1. To consider an application under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) for a proposed replacement bridge to provide upgraded shared use pedestrian and cycle bridge access over the A38 corridor with associated active travel improvements on land between Fordhouse Road west of the A38 and Carnforth Road east of the A38, Bromsgrove, Worcestershire.

#### **Background**

2. The A38 Bromsgrove Route Enhancement Programme (BREP) has been included in a priority list of schemes for government funding by the sub-national Transport Body, Midlands Connect. The schemes aim to promote active travel, such as walking and cycling, including the use of mobility scooters, for everyday journeys, improving connectivity and reducing the use of the car.
3. Active travel design criteria include the following:
  - coherent networks planned and designed along connecting routes, linking to the wider area;
  - direct, at least as direct as routes available for motorists;
  - safe routes must be safe and perceived to be safe, visibility distance is unobstructed where possible;
  - comfortable, adequate widths for two-way use, avoiding steep gradients; and
  - attractive, encourage more users and contribute to overall quality of the area.
4. BREP comprises several town wide improvement schemes that will enhance connectivity between the east and west sides of the A38 Bromsgrove for pedestrians

and cyclists. BREP comprises 13 highway improvement schemes and 6 sustainability improvement schemes. The proposed replacement bridge is referred to as Sustainable Scheme 5 in this package of schemes and shall be referred to as `Scheme 5` throughout this report.

5. An Environmental Impact Assessment (EIA) screening opinion request was submitted by Jacobs on behalf of Worcestershire County Council as the County Highways Authority, to the County Planning Authority (CPA) on 21 August 2020, and a screening opinion (CPA Ref: 20/000030/SCR) issued on 15 October 2020 confirming that an EIA was not required for BREP, which included Scheme 5.

6. Since the adoption of the 2020 screening opinion, amendments to the BREP schemes, including Scheme 5 meant that the survey information used to inform the previous screening opinion had changed and a revised EIA screening opinion request was submitted by Jacobs on behalf of Worcestershire County Council to the CPA on the 16 November 2021, and a screening opinion (CPA Ref: 21/000038/SCR) issued on 19 January 2022 confirming that an EIA was not required for the revised schemes. Scheme 5 is now the subject of this planning application.

## **The Proposal**

7. As set out above, the proposed Scheme 5 is associated with the town wide improvement scheme known as the BREP, which aims to improve connectivity between the west and east sides of the A38 Bromsgrove for both pedestrians and cyclists. The primary driver being to improve connectivity for Non- Motorised Users (NMUs) travelling across the A38.

8. The application site area measures approximately 0.81 hectares and includes an area of open green space which would be used as temporary construction compound.

9. The existing bridge has an approximate span of 17.2 metres (m) and is approximately 2m wide and has 1 in 12 gradient approach ramps. The existing bridge is of substandard width and parapet height to facilitate safe cycling over the structure and does not comply with current standards despite being part of the National Cycle Network (NCN) Route 5, cyclists are currently required to dismount. The applicant states that the proposed replacement bridge would provide the missing link in the National Productivity Investment Fund (NPIF) Strategy.

10. The proposal includes the replacement of a non-compliant footbridge connecting Fordhouse Road to Carnforth Road, and is to include higher parapets, approach ramps, stairs and associated highway improvements all in accordance with the requirements of CD 353 of Design Manual for Roads and Bridges (DMRB) and Local Transport Note (LTN) 1/20.

11. The proposed design would comprise of the following:

- A proposed shared use pedestrian / cycle bridge, which would have a minimal clear usable width of approximately 4m, wider than the recommended 3.5m as per CD 353 of DMRB;
- A maximum of 1:20 ramp gradient to facilitate access for all users, particularly wheelchair, pushchair users and cyclists;

- Intermediate landings introduced every 30m of ramp length in accordance with LTN 1/20;
- The design of the eastern extent of the proposed cycle / footbridge would incorporate a staircase to offer a shorter route;
- Bridge parapet height increased to a minimum of 1.5m to enable cyclists to remain on bikes without having to dismount;
- Enhanced lighting and improved natural surveillance would provide increased user safety;
- Improvements to the existing NCN Route 5;
- Vehicle restraint barriers (VRS) on both sides of the A38 to protect the proposed structure;
- Headroom clearance in accordance with CD 127 of DMRB would measure approximately 5.78m;
- Sustainable Drainage System (SuDS) features are incorporated into the design to attenuate surface water flows;
- The design includes tubular side members and single column supports to the ramp, and a tapered arch form (tubular steel arched warren truss bridge);
- The cylindrical beams allow for the design to curve on plan as well as follow the profiles to achieve suitable gradients and are continued in the structure of the main span.
- Approach ramp steelwork and supports would be a painted dark green (or similar) colour. The bridge as it crosses the A38, including the trusses would be painted off white. Colours are indicative and to be agreed in writing with the CPA should planning permission be granted.

12. The proposed bridge deck span over the A38 would measure approximately 14.1m in length and the total length of the cycle / footbridge including approach ramps would measure approximately 257m in length. The total height of the bridge would measure approximately 14.4m.

13. A SuDS attenuation and infiltration feature would be located on the west side of the A38. The proposed drainage system would where possible infiltrate surface water to the ground, rather than discharge to a surface water body or existing sewer.

14. The applicant anticipates that subject to planning permission being granted, phased construction would commence summer 2023 and that general construction tasks would include the following:

- Traffic management for the temporary closure of the A38;
- Site clearance;
- Removal of the existing footbridge;
- Diversion/protection of existing utilities;
- Earthworks;
- Construction of the cycle / footbridge approach ramps, foundations (concrete pad or pile solution - to be confirmed), and steel superstructure (main footbridge arched truss span likely craned between supports at night to minimise disruption to the A38);
- Associated highway improvement works and the installation of a surface level

- SuDS on the western extent of the new cycle / footbridge; and
- Landscape improvements.

15. The precise location of the proposed cycle / footbridge, supporting columns and concrete pad foundations, are indicative at this stage, the exact location shall be confirmed during the detailed design and would be influenced by site constraints, further site investigation and conditions should the application be granted planning permission.

### **The Site**

16. Scheme 5 is located approximately 1 kilometre (km) south-east of Bromsgrove Town Centre. The M42 Motorway (Junction 1) and the M5 Motorway (Junction 4a) are located approximately 5 km north-west of the site. Bromsgrove Highway (A448) is located approximately 0.3 km north of the site. The A38 corridor forms part of the strategic north to south spine route through much of Worcestershire, connecting Worcester, Droitwich, Bromsgrove to Birmingham to the north and Gloucester and Bristol to the south as an alternative to the M5 Motorway.

17. The application red line boundary measures approximately 0.81 hectares in area and includes the associated construction working area, site compound and proposed landscaping.

18. The existing footbridge spans the A38, a two-way dual lane road widening to a dual carriageway further to the south-west of the site and connects to Fordhouse Road west of the A38 and Carnforth Road east of the A38.

19. The wider area consists predominantly of high-density residential housing on both sides of the A38 supported by a range of primary schools, including Fininstall First School located close to the bridge access on Carnforth Road (east), secondary schools, including Aston Fields Middle School (east of the A38), Bromsgrove Preparatory School / Bromsgrove School and Bromsgrove Sports Centre (west of the A38). North Bromsgrove High School and Sixth Form, the Heart of Worcestershire College and retail parks are located north-west of the application site.

20. From the bridge, walking and cycling distances to Bromsgrove Train Station are approximately 19 minutes walking and approximately 6 minutes cycling; walking distance to Bromsgrove Town Centre approximately 11 minutes walking and approximately 3 minutes cycling.

21. The site includes public open space located on the west of the A38 near the junction of Fordhouse Road and Oakalls Avenue which comprises a large expanse of grass and several trees including horse chestnut and Norway maple. The public open space is separated from the A38 by a post and rail fence and a buffer of trees and undergrowth measuring approximately 8m in width.

22. Substantial sections of the A38 corridor are tree lined with predominantly linear pockets of deciduous broadleaved woodland, young trees and well-established planting interspersed with more developed areas. Some sections parallel to the A38 have embankments formed from material leftover from the construction of the road in the 1980`s and now covered in vegetation/undergrowth/trees and saplings. Wood-pasture and parkland is also present.

23. Upton Warren Pools Site of Scientific Interest (SSSI) is located approximately 3.7 km to the south-west, Hewell Park Lake SSSI is located approximately 4 km to the south-east of the site and Burcot Lane Cutting SSSI (geological SSSI) is located approximately 1 km north-east of the site.

24. Two Local Wildlife Sites (LWS) are located within approximately 3 km of the site, the closest being Spadesbourne Brook LWS, classified as a Main River located approximately 700m east of the site and Battlefield Brook LWS (open flowing water) located approximately 900m east of the site.

25. The nearest Listed Buildings are Wendron House Grade II Listed; Sunday School Grade II Listed and Congregational Chapel Grade II Listed all located between approximately 500m and 650m respectively north-west of the application site. Further Listed Buildings are located along the High Street within the Bromsgrove Town Centre Conservation Area located approximately 700m north-west of the application site, the nearest being 120 High Street Grade II Listed.

26. Broome House Grade II Listed, Warwick Hall Grade II Listed and Farm Buildings to West of No 80 Grade II Listed are located approximately 660m south-west of the application site.

27. The existing bridge installed in 1992, has a span measuring approximately 17.2m by 2m in width at a height similar to the proposed (not including the arched trusses), with 1 in 12 gradient ramps at each end of the span. The ramp west of the A38 is straight and the ramp east of the A38 has a 180 degree turn and associated platform to enable length and gradient.

28. On the east side of the A38, the nearest residential properties to the proposed replacement bridge are located on Green Park Road, the rear fenced gardens of which back onto the A38, the property closest to the proposed eastern switchback section would be located approximately 11m to the east. Further residential properties are located on Carnforth Road, the nearest being located approximately 17m from the shared use access point to the bridge.

29. On the west side of the A38, the nearest residential property is located approximately 20m west of the side profile of the proposed ramp. Further residential properties are located on the opposite side of Fordhouse Road approximately 30m from the shared use access point. Residential properties fronting Oakalls Avenue are located approximately 40m from the shared use access point to the proposed ramp.

30. Public Right of Way Footpath BM-522 currently crosses the A38 between Fordhouse Road to Carnforth Road.

31. The bridge forms part of the NCN Route 5, a long-distance route connecting Reading to North Wales. A sculpture acting as a way-maker for NCN Route 5 is located at the entrance to the existing bridge on the east side of the A38.

32. The edge of the Green Belt is located approximately 326m north-east of the site at the roundabout junction for the continuation of the Stratford Road (A38), the A448, and Regents Park Road.

33. The Worcester Road, Bromsgrove Air Quality Management Area (AQMA) is located approximately 885m broadly west of the application site. The Redditch Road (Stoke Heath) AQMA is located approximately 1.6 km broadly south-west of the application site.

34. The site is within a Groundwater Source Protection Zone (SPZ) Zone 3 - Total Catchment, and a Drinking Water Safeguard Zone (Surface Water), as an additional protection to safeguard drinking water quality through constraining the proximity of an activity that may impact upon a drinking water abstraction.

35. The site is located within Flood Zone 1 (low risk of fluvial flooding), as identified on the Environment Agency's Indicative Flood Risk Map, with areas which are modelled as being susceptible to surface water flooding.

### **Summary of Issues**

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

- Traffic, Highways Safety and Public Rights of Way
- Residential Amenity and Visual Impact
- Ecology and Biodiversity
- Water Environment and Flood Risk
- Historic Environment

### **Planning Policy**

#### **National Planning Policy Framework (NPPF)**

37. The revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and replaces the previous NPPF published in March 2012 and July 2018 and February 2019. A National Model Design Code was also published on 20 July 2021. The government expect the National Model Design Code to be used to inform the production of local design guides, codes and policies.

38. The revised NPPF sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes).

39. The NPPF should be read in conjunction with the Government's planning policy for waste (National Planning Policy for Waste). 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*".

40. 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 well-designed, beautiful and safe places, 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 protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

41. 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.

42. 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.

43. 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.

44. 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 7: Requiring good design
- 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**

45. The Development Plan is the strategic framework that guides land use planning for the area. In this respect, the current Development Plan that is relevant to this proposal consists of the adopted Bromsgrove District Plan 2011 – 2030.

46. 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.

47. 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)"*.

### **Bromsgrove District Plan 2011 - 2030**

48. The Bromsgrove District Plan (adopted January 2017) covers the administrative boundary of Bromsgrove District. The policies that are of relevance to the proposal are set out below:

- Policy BDP 1: Sustainable Development Principles
- Policy BDP 6: Infrastructure Contributions
- Policy BDP 12: Sustainable Communities
- Policy BDP 16: Sustainable Transport
- Policy BDP 17: Town Centre Regeneration
- Policy BDP 19: High Quality Design
- Policy BDP 20: Managing the Historic Environment
- Policy BDP 21: Natural Environment
- Policy BDP 22: Climate Change
- Policy BDP 23: Water Management



- Policy BDP 24: Green Infrastructure
- Policy BDP 25: Health and Well Being

## **Draft Planning Policy**

### **Emerging Bromsgrove District Plan Review**

49. The Bromsgrove District Plan (2011-2030) comprises of a site-specific evidence-based policies map which identifies and provides broad locations for strategic development and land use designations in Bromsgrove. The Plan includes the requirement to undertake an up-to-date evidenced based Plan Review to be completed by 2023. The call for sites was undertaken September 2019 and Preferred Options are set to be published 2022. Having regard to the advice in the NPPF, Section 4, as the Bromsgrove District Plan Review is still at an early stage of preparation, only limited weight should be given to the emerging Bromsgrove District Plan Review.

## **Other Documents**

### **Bromsgrove District Council High Quality Design Supplementary Planning Document (SPD)**

50. The Bromsgrove District Council High Quality Design SPD was adopted in June 2019 and provides additional detailed supplementary guidance on how the Bromsgrove District Plan design related policies, in particular Policy BDP19 (High Quality Design), should be interpreted and expanded upon.

### **Worcestershire County Councils Sustainable Drainage Design and Evaluation Guide 2018**

51. The Worcestershire County Councils Sustainable Drainage Design and Evaluation Guide 2018 sets out non-technical guidance for the role of SuDS in development.

### **Worcestershire's Local Transport Plan 4 (2018 – 2030)**

52. Worcestershire's Local Transport Plan 4 (2018-2030) (LTP4), adopted 2017, 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.

53. 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.

54. It sets out a package of strategic transport schemes for North-East Worcestershire and includes "*ID NEST2 - Bromsgrove A38 Strategic Corridor (Lydiate Ash to Hanbury Turn Public House)*". It also sets out a package of strategic active travel corridor schemes for North-East Worcestershire including "*ID NEAT4 – Bromsgrove Improvements, Including Assessment of Provision within the Vicinity of the A38*" and "*ID BR2 - Bromsgrove Strategic Active Travel Network Investment Programme (including Catshill, Marlbrook and Lickey End)*", both packages "*aim to invest in walking and cycling links across the Bromsgrove area to create safe, comprehensive, integrated network linking residential area with key trip attractors*

*including schools, rail stations, town centres and employment locations, including surfacing, signage, lighting and public realm improvements to create an attractive and coherent network”*

### **Worcestershire Local Enterprise Partnership (LEP) Business Plan 2012**

55. The Worcestershire Local Enterprise Partnership (LEP) Business Plan 2012 sets out the LEP 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"*.

### **National Productivity Investment Fund (NPIF) Bromsgrove**

57. The Bromsgrove bid focused on congestion and transport network efficiency, particularly at peak times. Evidence and feedback received by the County Council demonstrated that this partly due to a lack of suitable alternative travel choices, which forces local people to drive. Bromsgrove has very limited infrastructure to support walking and cycling, therefore the bid proposes the development of a comprehensive network of walking and cycling routes across the town, linking residential areas, employment sites, schools, the hospital, the town centre, and the railway station. Which would provide residents and visitors with an attractive alternative to car use for shorter distance trips and help to reduce congestion and poor air quality experienced in Bromsgrove.

### **Cycle Infrastructure Design LTN1/20**

58. Government Guidance published by the Department of Transport July 2020 for local authorities on designing high-quality, safe cycle infrastructure.

## **Consultations**

59. **Local County Councillor Josh Robinson** has commented that residential properties located in proximity to the bridge should be shielded from overlooking. The proposal should include lighting as current lighting for the bridge is inadequate and that a small amount of flooding is apparent at the point where cyclists would meet the carriageway and that it would be an improvement to resolve this issue.

60. **Local County Councillor Kit Taylor** no comments received.

61. **Bromsgrove District Council** have no objection to the design and principle of the replacement bridge, confirming that the replacement bridge would provide an improved facility for both pedestrians and cyclists enabling improved accessibility across the A38 and the local area. They comment that the design of the bridge would be an enhancement and an improvement in comparison to the existing bridge. They welcome that the replacement bridge would be in a similar location to the existing

bridge and note the green colour finish of the proposed 1.5m high mesh infill guardrails would blend in with the existing landscape.

62. Bromsgrove District Council confirm that the amended scheme addresses any previous concerns raised as part of the initial consultation process relating to the proposed dimensions of the elevated ramps near to 42-48 Green Park Road; additional landscaping and tree planting to mitigate for the loss of existing vegetation and protect residential amenity and to provide additional planting to soften the appearance of the proposed acoustic fencing when viewed from the A38.

63. **The Bromsgrove District Council Conservation Officer** confirms that the proposal would not have a negative impact on any heritage asset.

64. **The County Highways Officer** has no objection, subject to the imposition of conditions relating to conformity with submitted plans; an updated Construction Environmental Management Plan (CEMP); lighting scheme; SuDS scheme, Stage 2 and Stage 3 Road Safety Audit and temporary diversion of footway. They confirm that they have undertaken a robust assessment of the amended scheme and state that based on the analysis submitted and consultation responses from third parties, they conclude that there are no justifiable grounds on which an objection could be maintained.

65. The County Highways Officer notes that the Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty making reasonable adjustments to the existing built environment to ensure that the design of infrastructure is accessible to all. Designers of proposed infrastructure must consider all users early in the process to ensure the scheme is supported locally in the long-term.

66. The County Highways Officer considers that an enhanced replacement bridge would benefit existing users, would be likely to encourage mode shift to more sustainable travel modes, and would lead to a consequent reduction in vehicle trips and notes that there would be no requirement to undertake any detailed assessment of changes in traffic volumes as it is accepted that any change would be positive.

67. The County Highways Officer considers that the upgraded bridge would connect the existing start and end points of Footpath BM-522 across the A38 and provide a more comfortable, useable, and safer route for pedestrians and cyclists using NCN Route 5 and improve active travel connections in the pedestrians and cyclists using NCN Route 5 and improve active travel connections in the town.

68. **National Highways (formerly Highways England)** have no objection to the proposal, and state that they support the delivery of active and sustainable transport infrastructure which has the potential to reduce or remove vehicle trips along the Strategic Road Network, and therefore supports the planning application.

69. **The County Landscape Officer** has no objection on landscape grounds, subject to the imposition of a condition requiring a revised Landscape and Ecological Management Plan (LEMP). The County Landscape Officer welcomes the revised scheme to introduce and include a surface water attenuation feature.

70. The County Landscape Officer has confirmed that revisions to soft landscaping can be detailed via a revised LEMP which can be secured by condition. The County Landscape Officer supports the condition wording recommended by the County Ecologist which they concur covers all key measures necessary to deliver a sustainable landscape scheme.

71. The County Landscape Officer wishes to reiterate the importance of securing an aftercare programme of 5 years with appropriate safeguards for handover.

72. **The County Ecologist** has reviewed the amended proposed Preliminary Ecological Appraisal (PEA) and the amended proposed Drainage Strategy, which they consider broadly addresses the points previously raised as part of the consultation process and raise no objections, subject to the imposition of suitably worded conditions, regarding the submission of a CEMP and a LEMP.

#### Preliminary Ecological Appraisal (PEA)

73. The County Ecologist states that the amended PEA now provides further detail on protected species including European Protected Species. The PEA now provides the CPA with ecological rationale and sufficient confidence that proposed works which might have otherwise constituted licensable operations can avoid need for any derogation, which is to be achieved by design so that impact to sensitive ecological features is avoided, and by providing detailed working methods to secure acceptable mitigation techniques where impact to those features proves unavoidable. They are satisfied that residual risks remain sufficiently low for European Protected Species and state that no further consideration of derogation tests is required subject to securing proposed avoidance and mitigation measures.

#### Bats

74. The County Ecologist notes that three trees with Potential Roosting Features (PRF) have been identified and mapped in the submitted ecological appraisal. Two of these trees (BT2 and BT3) are outside the area marked for vegetation clearance and one (BT1) would be retained but located within a proposed works compound, therefore, there is a residual risk of indirect adverse impacts from operations causing light, noise, vibration, and potential severance effects from vegetation removal, as well as risk of unanticipated direct impacts upon tree BT1. The amended PEA states that indirect impacts would not be licensable and mitigated through implementation of Reasonable Avoidance Measures (RAMs) such as precautionary working methods integrated within the scheme's CEMP. They support the applicant's pragmatic approach and note that further inspection of the retained tree within the works compound prior to commencement are proposed. The County Ecologist states that they have advised the applicant that the sensitive configuration of the site compound is required to reduce the need for any security lighting overlooking tree BT1 which might have an adverse indirect impact upon its PRF. They welcome the proposed measures for site enhancement for roosting bat, which should be secured through condition.

75. The County Ecologist notes that the site has been assessed as likely having local importance for commuting and foraging bats and comment that by nature, the linear wooded/scrub corridor is susceptible to severance effects posed by vegetation clearance and lighting. They note that vegetation clearance on the scheme's north-western aspect (the location of the three trees containing PRF) appears very limited,

and that a soft landscaping scheme is proposed which would include surface-level SuDs attenuation feature, offering beneficial foraging opportunities for bats and other wildlife. Vegetation clearance proposed on the south-eastern elevation would be more extensive and some woodland edge planting is proposed here as compensation.

76. The County Ecologist notes that the submitted lighting plan does not include baseline lighting levels, but that street lighting is present along this section of the A38, and that the proposed footbridge lighting appears contained to illuminate the decks and approach areas only and would be sympathetic to the surrounding vegetation so as to minimise effects.

77. The County Ecologist sought clarification on the colour spectra proposed preferring the use of warmer lighting (<2700k) and confirmation that photometry would include no UV component and is now satisfied with the applicant's response.

#### Great Crested Newt (GCN)

78. The County Ecologist recognises that the amended PEA now assesses the implications for great crested newt (GCN) and also acknowledges that the site is suitable to support this species in its terrestrial phase. They note that there are waterbodies and historic GCN records in the locality of the site, and that the woodland and scrub habitats would be suitable for both foraging and hibernating GCN dispersing from any nearby garden ponds. Given the impracticality of identifying garden ponds from aerial and Ordnance Survey (OS) mapping, and the significant obstacle to amphibian dispersal posed by the A38 and surrounding road networks, the County Ecologist concurs that connectivity for reptiles and amphibians to the site is limited and supports the precautionary RAMs approach, as set out in the PEA, for integration within the schemes CEMP. They state that this would include pre-commencement vegetation clearance by an Ecological Clerk of Works (ECoW) which, given GCN are often cryptic and fossorial in their terrestrial phase, might be expedited with confidence using detection dogs. The County Ecologist considers that the amended PEA does not identify that a European Protected Species license would be required and given the level of risk posed, they do not consider a need for the CPA to further consider the derogation tests for this species. They consider that the proposed surface level SuDS and soft landscaping proposals would offer a degree of compensation for impacts to reptiles and amphibians caused by vegetation clearance.

#### Dormouse

79. The County Ecologist considers that the amended PEA now includes further consideration of habitat suitability for dormouse and provides rationale supporting the conclusions drawn that habitat conditions are unsuitable in supporting foraging or nesting dormouse. Additionally, they have reviewed the network of suitable habitats in the Worcestershire Habitat Inventory and cross-referenced dormouse records and are satisfied that the site is poorly connected to the wider landscape, with extensive features such as highway, motorway and intervening developments all posing obstacles to dispersal of dormice from ancient woodland and connective hedgerows in the wider landscape. Based on this, the County Ecologist considers that the precautionary RAMs approach would address any residual risks posed by vegetation clearance and that the scheme would have no licensing implications for dormouse.

### Sustainable Urban Drainage System (SuDs)

80. The County Ecologist welcomes the inclusion of a surface-level SuDs. They are satisfied that the LEMP can secure further detail on landscaping and aftercare matters and that seeding/planting and LEMP updates can be resolved through condition. Soft landscaping specifications should include species mixes capable of thriving with periodic inundation and occasional salting during over-winter management of adjacent footpaths.

### Enhancements

81. Aligned with the Natural Environment and Rural Communities (NERC) Act 2006, Section 40 duty and NPPF requirements to further the conservation of habitats and species, the County Ecologist welcomes proposals to secure biodiversity benefit through the scheme, and notes that 6 bird nest boxes, together with log piles for amphibians/reptiles and bat boxes have been proposed with specification, number, and location yet to be confirmed. The County Ecologist recommends that proposed enhancements are secured via an annex to the scheme's LEMP to include specification, management, and monitoring, or via a Biodiversity Monitoring Strategy (BMS). The County Ecologist encourages incorporating measures which compensate for vegetation clearance and achieve betterment for invertebrates (e.g., a modest number of invertebrate boxes or pollinator posts) and small mammals such as hedgehog, which are likely to occur in the area. These inexpensive measures could be secured through imposition of suitably worded LEMP or BMS condition.

82. **The County Archaeologist** has no objections to the proposal and comment that the applicant desk-based assessment (DBA) submitted with the planning application covers both Scheme 3 and Scheme 5, but that the application only seeks permission for Scheme 5.

83. The County Archaeologist notes that the DBA recommends that a watching brief may be appropriate on Scheme 5, however, the County Archaeologist considers that based on the evidence presented in the DBA and the submitted drawings that a watching brief would not be necessary for Scheme 5. The County Archaeologist considers that the potential for archaeology is low in the area and that the historic construction of the existing bridge would have resulted in significant truncation/removal of any deposits or features close to the bridge.

84. **Cycling UK** are not able to comment on the application due to the location of the site in Bromsgrove, north of the County.

85. **Sustrans** have no objections to the proposal. Sustrans supports the development where traffic-free routes must be planned, designed, built and maintained to be inclusive. They comment that an inclusive route would provide convenient and unimpeded access for all types of users including those walking, wheeling, riding bikes or horses. Each user has different and specific needs. A route that only considers the needs of one specific user group would be less successful than an inclusive route.

86. Sustrans note that during construction the diversion of national cycle network work would be required.

87. Sustrans states that a perceived lack of safety is a major barrier to active travel. It is, therefore, important that designers address both physical and personal safety barriers. For many people, traffic-free routes by their nature are not considered safe. Their position away from roads, streets or buildings reduce opportunities for passive surveillance, and at certain times of the day low levels of use may also attribute to creating a poor perception of safety. It is not always possible to address these concerns through design but there are measures that can improve perceptions of safety. These include the following measures:

- Increase the number of legitimate path users through behaviour change measures
- Provide high-quality lighting
- Create frequent access/exit points
- Provide and maintain clear views
- Remove potential dark spots.
- Ensure barriers and bollards adhere to LTN 1/20 Standards
- Signing and wayfinding is an important element of traffic-free routes and should be treated as an integral part of the design process.
- Signing should be consistent and legible throughout a route or network. It must present the correct information to users.
- Signing and wayfinding features need maintaining.
- Signing, wayfinding and street furniture can all serve to create clutter. It is important to consolidate and rationalise signing along routes where possible.
- The approach to introducing these features needs to be sensitive to the environment.
- Displaying road names on bridges passing over a route is another method of enhancing wayfinding along a route

88. **The County Footpath Officer** has no objection to the proposal, subject to the applicant adhering to their obligations to the public right of way:

- No disturbance of, or change to, the surface of the path or part thereof should be carried out without our written consent.
- No diminution in the width of the right of way available for use by the public.
- Building materials must not be stored on the right of way.
- Vehicle movements and parking to be arranged so as not to unreasonably interfere with the public's use of the right of way.
- No additional barriers are placed across the right of way. No stile, gate, fence or other structure should be created on, or across, a public right of way without written consent of the Highway Authority.
- The safety of the public using the right of way is to be ensured at all times.

89. The County Footpath Officer states that the developer should also be aware of the Department of Environment Circular 1/09 (part 7) which explains that the effect of development on a public right of way is a material consideration in the determination of applications for planning permission and that the grant of planning consent does not entitle developers to obstruct a public right of way.

90. The County Footpath Officer recommends that the applicant should note the NPPF, particularly paragraph 100 to ensure that planning policies protect and enhance public rights of way and access.

91. The County Footpath Officer notes that the proposals include extinguishing the existing footpath BM-522 crossing the A38 at ground level and reinstating an alternative route over the proposed new bridge and linking to highways at both ends, which would also include public use for cycles. In order to achieve this the appropriate legal processes would need to be undertaken to ensure the old route is extinguished and the new route with a highway/public right of way status suitable for cycle use is in place. The applicant is advised to contact the Public Rights of Way team at Worcestershire County Council to start this process.

92. The Definitive Map is a minimum record of public rights of way and does not preclude the possibility that unrecorded public rights may exist, nor that higher rights may exist than those shown.

93. **The Open Space Society** replied stating that they have no local representative and, therefore, cannot provide comments in this instance.

94. **The Ramblers Association** have no objection to the proposal. They note and support comments from the County Footpaths Officer regarding extinguishment of the existing public right of way that crosses the A38, and they ask that measures are taken to ensure continued safe access to the public right of way and that a crossing point is available during the construction phase at the site. The Ramblers Association also note that the bridge is a shared pedestrian and cycle crossing and suggests that clear segregation is required to ensure user safety.

95. **County Public Health Practitioner** has no objections to the proposal.

96. **County Sustainability** no comments received.

97. **County Streetlighting** no comments received.

98. **Worcestershire Regulatory Services (Dust and Air Quality) (WRS)** have no objections to the proposal in terms of dust and air quality and state that the submitted Environmental Report Chapter 8: Air Quality and Environmental Report Appendix 4: Air Quality Appendices are appropriate, and WRS concur with the methodologies and conclusions and have no adverse comments to make with respect to air quality.

99. **Worcestershire Regulatory Services (Noise, Vibration and Dust) (WRS)** have no objections, and state that the submitted CEMP appears satisfactory in terms of noise, vibration and dust monitoring and the proposed mitigation measures.

100. **The Worcestershire Wildlife Trust** have no objections to the proposal and is content to defer to the opinion of the County Ecologist for all on site biodiversity considerations and do not wish to comment further at this stage.

101. **Historic England** wish to make no comments on the application.



102. **Natural England (NE)** have no comment to make on the proposal and state that NE have not assessed the application for impacts on protected species and recommend that the NE Standing Advice is used to assess impacts on protected species or that the CPA should consult the County Ecologist. NE also state that the lack of comment does not imply that there are no natural environment impacts, but only that the application is consistent with national and local policies on the natural environment.

103. **The Local Lead Flood Authority (LLFA)** comment that the area is covered by North Worcestershire Water Management (NWWM), who act on behalf of the LLFA for the Bromsgrove, Redditch and Wyre Forrest District Councils and as such will not be providing an individual response.

104. **The North Worcestershire Water Management (NWWM)** have provided comments on behalf of the LLFA, noting that the site falls within Flood Zone 1 (low risk of fluvial flooding), but does have areas which are modelled as being susceptible to surface water flooding.

105. NWWM have no objection to the proposal and been consulted on the amended drainage plans and comment that it is good to see an above ground attenuation feature incorporated on the west side of the A38/Fordhouse Road.

106. For the eastern side of the A38, NWWM note that the east of the site would drain to the existing storm water sewer, with over-sized pipes to attenuate the volume of runoff and a flow control to limit the rate of runoff to greenfield rates, up to the 1:100 event plus a 40% allowance for climate change. The strategy also includes filter drains along the earth embankments. NWWM note that water should where possible pass through the filter drain to achieve some water quality treatment. NWWM recommend that the simple index approach, as included within the Construction Industry Research and Information Association (CIRIA) SuDS manual, is used to ensure that enough treatment is being provided.

107. The NWWM state the rate of runoff and storage volumes for both sides of the A38, would need to be provided once ground investigations have been carried out. A future drainage strategy should also provide details of the greenfield runoff rates for comparison and to ensure that the drainage strategy has been appropriately designed.

108. The NWWM state that should the applicant need to undertake any works within the watercourse, including the installation of any new drainage outfalls, land drainage consent may be required and recommend that the applicant should contact NWWM to discuss this.

109. The NWWM note that Appendix 4 of the CEMP has not been completed and state that this should be filled in prior to any work commencing on site to ensure the protection of the adjacent watercourse. The NWWM note that the refuelling area is located approximately 30m from the watercourse, but that the submitted plan does not acknowledge this.

110. The NWWM recommend that should planning permission be granted a pre-commencement surface water drainage condition should be imposed and two

informative notes relating to Land Drainage Consent and another making the applicant aware that polluting the nearby brook, for instance by allowing the discharge of sediment rich runoff from the construction site, might constitute an environmental offence and that the applicant would be expected to fully assess the risks from all pollution sources and pathways and take sufficient precautionary measures to mitigate these risks for this development.

111. **Severn Trent Water** have confirmed that they have no objection to the proposed development, subject to the imposition of conditions requiring foul and surface water drainage and the drainage scheme being implemented before the scheme is brought into use. Severn Trent Water advise that there is a public 450-millimetre foul sewer located within the site and advise the applicant to contact Severn Trent Water. Regarding clean water, Severn Trent Water note that they have apparatus in the area of the planned development and recommend that the applicant contacts Severn Trent Water.

112. **Worcestershire LEP** no comments received.

113. **Western Power Distribution** confirm that their apparatus is located within the application site, which includes 11kV underground and overhead electricity lines which run broadly to the south of the existing footbridge and along the eastern side of the A38. The applicant must comply with the requirements of Health & Safety Executive's guidance: GS6, 'Avoidance of Danger from Overhead Electric Lines'. They state that 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's guidance: HS(G)47, 'Avoiding Danger from Underground Services'. The applicant should contact Western Power Distribution should any diversions be required.

114. **Cadent Gas** have provided a plan showing that there are Cadent gas pipes in the vicinity of the proposal (running along the western side of the A38 and to the south of the existing footbridge) and advise the applicant to submit a planned works enquiry via LSBUD.

115. **West Mercia Police** have confirmed that they have no comments or objections to the proposal.

116. **Hereford & Worcester Fire and Rescue Service** has been consulted and state that they assume that the proposed replacement cycle / footbridge is like for like and have no comment to make at this time.

## Other Representations

117. Prior to the submission of the planning application, the applicant undertook an initial public engagement exercise to seek feedback from stakeholders and members of the public in early 2020 on the proposed 12 Schemes. Approximately 1,500 people attended six initial engagement sessions.

118. Further pre-application public engagement took place in 2021 specifically for Schemes 3 and 5, which due to COVID-19 did not involve community events but

instead focused on media releases directing interested parties to the County Council website and letters were delivered to residential properties in the immediate vicinity of the proposed bridge location. Approximately 219 comments were received which were mainly supportive of the scheme, but concerns were raised about the following:

- unimaginative and unsightly design of the proposed bridge;
- that the money should be spent on reducing traffic speeds on the A38 instead;
- a new bridge is not required;
- the proposed bridge would be too close to residential property boundaries;
- and environmental concerns.

119. The application has been advertised on site, in the press and by neighbour notification. To date 6 letters of representation have been received, 3 of which object to the proposal and 3 of which comment on the proposal. These letters of representation were made available to Members of the Planning and Regulatory Committee upon request. Their main comments in these letters of representation relating to the proposal are summarised below:

### **Objections**

- Objects to the cost of the replacement bridge when the existing bridge is already being used by cyclists and pedestrians.
- The existing bridge has recently had money spent on it.
- The construction period would cause significant disruption to the local area especially along the A38 causing further congestion.
- States that the proposed design of the replacement bridge would cause a conflict between pedestrians and cyclists and recommends that the exit to Carnforth Road could have direct pedestrian access to the steps if they were placed south of the cycle lane, which would resolve the potential for user conflict at the crossing point.

### **Comments**

- Comments that the existing bridge has recently been repaired and is being used by cyclists.
- Comments that the existing bridge needs painting.
- Comments that the cost of the replacement bridge could be used to repair other sections of the A38 that are a disgrace for an 'A' road.
- States that the existing bridge currently experiences waterlogging, and that drainage is inadequate.
- The issue of waterlogging causes the existing bridge to become unsafe for users.
- Leaf litter makes the existing bridge unsafe for users
- Questions whether the approach ramps of the replacement bridge would be for pedestrian as well as cyclists and notes the range of users that would use the approach ramps, such as mobility scooters, wheelchair users and pushchairs and that access via the stairs would not be suitable for those types of users.
- Comment that cyclists are asked to dismount and not ride across the existing bridge, but they do, and this causes problems for pedestrians.

- Comment that the existing bridge is used daily, and they rarely experience issues with other users.
- Redecorating the existing bridge would save money and improve the appearance of the existing bridge. The money saved could be used to improve cycling routes and make crossing points safer for pedestrians and cyclists.

### **The Development Management Team Manager's Comments**

120. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

#### **Traffic, Highway Safety and Public Rights of Way**

121. Paragraph 111 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"*.

122. The applicant also states that existing issues with congestion are set to get worse over time and that improvements to the route would provide additional capacity on the highway network and support new developments in the area, in addition to improving connectivity to Bromsgrove town centre and Bromsgrove Train Station. The improved route would provide an alternative to the car for both short journeys and commuting.

123. The applicant further states that there are no other footbridges that span the A38 within approximately 2 km of the site and that the A38 is recognised as a barrier to active travel options between the Town Centre in the west and Aston Fields and Bromsgrove Train Station located in the east.

124. Sustainable transport and improvements to active travel within the Bromsgrove area is one of the main objectives of the BREP schemes. The proposed bridge enhancements are considered vital to minimise congestion on the A38 and encourage more sustainable methods of travel.

125. The applicant states that options to replace the existing bridge with an at-grade crossing were considered but rejected, as an at-grade signalised crossing would not provide the same level of pedestrian and cyclist safety as the proposed bespoke pedestrian and cycle replacement bridge and an at-grade crossing would interrupt traffic flows along the A38.

126. Local Councillor Josh Robinson has commented that the proposal should include lighting as the current lighting provision of the existing bridge is inadequate. Submitted details show that the proposed lighting comprises of low energy LED handrail lighting for the ramps and bridge deck sections. A bollard would be located in the verge close to the entrance to the footbridge east of the A38 and a galvanised steel column measuring approximately 6m in height would be located at the entrance to the bridge west of the A38. One existing lighting column on Fordhouse Road would be relocated to suit the proposed lighting arrangements. The County Highway Officer notes the provision of lighting and advises the applicant that the final lighting design

must be submitted to and approved by the CPA prior to commencement. A condition is recommended to this effect.

127. Letters of representation have been received objecting to the proposal on the grounds of disruption during the construction phase. The applicant states the works would be phased and that demolition of the bridge may involve some disruption overnight or result in weekend closures. A temporary at-grade signalised crossing would be installed adjacent to the existing bridge to enable safe user access across the A38 during the construction phase. The use of the temporary at-grade signalised crossing allows the replacement bridge to be installed along the same approximate line/route of the existing bridge. Access to Finstall First School would be maintained during term time.

128. During construction vehicular access arrangements to the site west of the A38 would be via Fordhouse Road and Oakhalls Avenue and vehicular access arrangements east of the A38, would be via Carnforth Road. The construction site compound would be located on the green open space on the west side of the A38. The draft CEMP states that all materials would be loaded within the site compound which would be located west of the A38 with access/egress to Fordhouse Road.

129. National Highways have no objection to the proposal, and state that they support the delivery of active and sustainable transport infrastructure which has the potential to reduce or remove vehicle trips along the Strategic Road Network and, therefore, support this planning application.

130. The County Highways Officer has been consulted and raised no objection to the proposal, subject to the imposition of conditions requiring conformity with submitted plans; a CEMP, lighting scheme; SuDS scheme, Stage 2 and Stage 3 Road Safety Audit and temporary diversion of footway. They confirm that they have undertaken a robust assessment of the amended scheme and state that based on the analysis submitted and consultation responses from third parties, they conclude that there are no justifiable grounds on which an objection could be maintained.

131. Objections have been received from local residents stating that the proposed design of the replacement bridge would cause a conflict between pedestrians and cyclists and recommends that the exit/entrance to Carnforth Road should have direct pedestrian access to the steps positioned south of the cycle lane, to resolve the potential for user conflict at the crossing point. In response, the applicant has confirmed that due to the constraints on site relating to the location of services, land ownership boundaries and fencing arrangements, insufficient width is available to accommodate a footway on both sides of Carnforth Road access and that the school side of the footway is the most frequently used route to the bridge. The applicant states that the location of the stairs at this point allows good visibility of cyclists approaching and for pedestrians to cross the delineated tactile paving area and avoid the potential for user conflict. The applicant has confirmed that a Road Safety Audit has been carried out which included a review of the proposed pedestrian and cycle entry and exit arrangements to Carnforth Road.

132. The combined foot and cycle bridge would be unsegregated for its full-length including approaches, with segregation provided where the approaches meet Carnforth Road and Fordhouse Road, where cyclists and pedestrians are then

segregated to ensure that mounted cyclists can safely re-join the carriageway on the correct side of the road without impediment to pedestrians and that pedestrians can safely access/exit the stairs.

133. The Ramblers Association have no objection to the proposal but comment that the proposed bridge would be a shared pedestrian / cycle bridge which should have clear segregation to ensure user safety. The applicant states that a fully segregated bridge would not be possible in this instance due to site's constraints such as the A38 corridor and the location of Finstall First School adjacent to the red line boundary and that to accommodate a fully segregated bridge, an overall width of approximately 5.5m (comprising footway and cycleway measuring approximately 2m wide and 3m wide respectively) would be required in accordance with the advice of LTN 1/20.

134. The DMRB 'CD 353 Design criteria for footbridges' notes that footbridges designed for combined pedestrian and cyclist use should either be segregated or unsegregated and that the form of segregation should be consistent over the full length of the footbridge and its approaches.

135. The County Highways Officer advises that the term 'shared use' can be used to describe both unsegregated and segregated routes, the latter typically being achieved with a white line marking to separate pedestrians and cyclists. This form of separation is not well observed, and pedestrians walking on or crossing the cycle side can encounter greater conflict than with unsegregated facilities due to the increased cycling speeds that can result from the designation, therefore, the use of white line segregation is not recommended.

136. The County Highways Officer states that the existing shared use bridge has a clear width of approximately 2m, the proposed bridge would have a clear width of approximately 4m in accordance with LTN 1/20 which would be a significant betterment.

137. The County Highways Officer notes that the Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty making reasonable adjustments to the existing built environment to ensure that the design of infrastructure is accessible to all. Designers of proposed infrastructure must consider all users early in the process to ensure the scheme is supported locally in the long-term.

138. The County Highways Officer considers that the enhanced replacement bridge would benefit existing users, would be likely to encourage mode shift to more sustainable travel modes, and would lead to a consequent reduction in vehicle trips and notes that there would be no requirement to undertake any detailed assessment of changes in traffic volumes as it is accepted that any change would be positive.

139. NCN Route 5, is a long-distance cycle route crossing the Chiltern Hills and connecting Reading to North Wales, passing through Wallingford, Didcot, and Abingdon on the way to Oxford, and crosses the existing footbridge, but requires cyclists to dismount. The proposed new replacement cycle / footbridge would cater for pedestrians, cyclists and wheelchair and pushchair users, and would not require cyclists to dismount.

140. Sustrans has been consulted and supports development where traffic free routes are inclusive providing convenient and unimpeded access for all users and notes that a route that considers the needs of one particular user group would be less successful than an inclusive route. The proposal would not require cyclists to dismount.

141. Footpath BM-522 currently crosses the A38 between Fordhouse Road to Carnforth Road. The County Footpath Officer has been consulted and raises no objection to the extinguishment of the existing footpath BM-522 and reinstating an alternative route across the replacement bridge linking to highways at both ends. The County Footpath Officer advises the applicant that the legal process to amend the alignment of existing PRow BM-522 must be undertaken prior to commencement of development.

142. With regard to public rights of way, the County Highways Officer considers that the upgraded bridge would connect the existing start and end points of Footpath BM-522 across the A38 and provide a more comfortable, useable, and safer route for pedestrians and cyclists using NCN Route 5 and improve active travel connections in the town.

143. 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 conditions as recommended by the County Highways Officer, in accordance with Sections 8 and 9 of the NPPF and BDP 16 of the Bromsgrove District Plan.

### **Residential Amenity and Visual Impacts**

144. There are several residential properties within the vicinity of the proposal, as outlined in `The Site` section of this report. On the eastern side of the A38 this includes properties located along Green Park Road, whose gardens back onto the A38, the closest residential property would be located approximately 11m from the proposed eastern switchback (180 degree turn and associated platform) of the bridge. The nearest property located on Carnforth Road is located about 17m west of the shared use access point.

145. Letters of representation have been received objecting to the proposal on the design of the bridge and the cost and financial implications of the replacement bridge.

146. Letters of representation have been received commenting on retaining and refurbishing the existing bridge, safety issues regarding the surface of the existing bridge and the shared use access arrangements of the existing bridge.

147. Worcestershire Regulatory Services have been consulted in respect of noise, dust, vibration and air quality impacts. They raise no objections to the proposal in terms of dust and air quality and state that the submitted assessments are appropriate. Furthermore, Worcestershire Regulatory Services concur with the methodologies and conclusions of the draft CEMP and Air Quality Assessments and have no adverse comments to make with respect to air quality.

148. With regard to the design of the proposal, Section 12 'Achieving well-designed places' of the NPPF at Paragraph 126 states *"the creation of high-quality, beautiful*

*and sustainable 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...".*

149. Policy BDP 19: 'High Quality Design' of the Bromsgrove District Plan states that *"The Council will deliver high quality people focused space through...e) Ensuring the development enhances the character and distinctiveness of the local area...j) Ensuring developments are access to all users...q) Ensuring development incorporates sufficient, appropriate soft landscaping and measures to reduce the potential impact of pollution (air, noise, vibration, light, water) to occupants, wildlife and the environment"*. The supporting text to Policy BDP 19 states that *"Good design can help to create thriving places which are well designed, well built, inclusive and safe, well run, well connected, well served, environmentally sensitive and have the potential to improve life chances"*.

150. The main span of the proposed bridge over the A38 would be constructed and formed from tubular steel arched warren trusses with incorporated crossbeams and a transversally stiffened steel deck plate. The truss chords and diagonals would be formed from rolled or fabricated circular hollow sections. The approach ramp steelwork and supports would be coloured dark green and the bridge span and trusses would be coloured off white.

151. The total length of the whole steel structure measures approximately 257m in length including the ramps and earth approach ramps. The curved approach ramp landing west of the A38 would measure approximately 70 m in length and the approach ramp landing east of the A38 measuring approximately 173m in length. The total height of the bridge would measure approximately 14.4m. The landing height of the proposed bridge at the 180-degree turning point of the ramp on the east side of the A38 would be approximately 0.21m lower than the top of the existing earth bund. The proposed bridge span over the A38 would be slightly higher than the existing bridge span to enable a minimum headroom clearance of approximately 5.78m in accordance with CD 127 of DMRB.

152. The applicant states that rationalisation of ramp lengths, the proposed landing locations and the curved design would minimise the overall footprint of the replacement bridge and result in an all-inclusive design for pedestrians, cyclists, and disabled users in accordance with the Equality Act 2010. To aid visually impaired users several surface textures and colours are incorporated to delineate points where the shared use ends and at crossings of the highway to link with the structure. A staircase has been incorporated into the design to enable user flexibility, a faster route over the bridge and reducing the length of the route by approximately 149m for those able to use stairs.

153. The proposed bridge would measure approximately 4m in width in accordance with the requirements of LTN 1/20. Parapet height would be approximately 1.5m to enable combined cycle and pedestrian use. The remainder of the bridge has 1.5m high mesh infill guardrails, providing handrails at approximately 0.9m in height.

154. East of the A38, it is envisaged that the position and location of the replacement bridge would occupy a similar footprint as the existing bridge and would be of a high-



quality design which would not be unduly prominent or overbearing in the street scene beyond that which already exists. The Development Management Team Manager considers that the proposed replacement bridge would enhance the character and distinctiveness of the local area in accordance with Policy BDP 19 and would not unduly impact on residential amenity.

155. A sculpture is located at the entrance to the existing bridge on Carnforth Road and acts as a way-maker for NCN Route 5, the applicant has confirmed that the sculpture would be put into storage during construction and reinstated as close to its current position as possible and eventually be integrated into the proposed landscaping works.

156. Local Councillor Josh Robinson commented on the application with regard to shielding residential properties in proximity to the proposal from overlooking. The applicant states that the existing bridge currently has open handrailing and that public engagement identified that a local resident was experiencing overlooking from the existing bridge to the rear of their property that would not otherwise be seen from the public highway due to a garden wall. The applicant consequently proposed perforated screening panels measuring approximately 1.8m in height to be positioned along both the eastern switchback and for a short length along the western approach ramp where the bridge would be positioned at the nearest point to residential properties to ensure that a level of privacy is designed-in to the bridge and to mitigate the potential for overlooking.

157. In addition to the above, and to further minimise the potential for overlooking of adjacent residential properties from the approach ramps west of the A38, the replacement bridge would be positioned slightly to the north of the existing bridge with the ramp landing more centrally within the open space.

158. The County Landscape Officer raises no objection on landscape grounds and is generally supportive of the scheme in terms of the proposed design, species mix and after care, but considers that the submitted LEMP should specify a minimum aftercare period of 5 years to fully manage the establishment phase and account for seasonal extremes of weather affecting establishment of an approved scheme.

159. Bromsgrove District Council has no objection to the design or principle of the proposal and consider that the replacement bridge would be an improvement in comparison to the existing bridge and are satisfied with the location, the indicative colour and the proposed 1.5m high mesh infill guardrails which they consider would blend in with the existing landscape.

160. Bromsgrove District Council initially raised concerns relating to the dimensions of the ramp in proximity to the rear of residential properties that front 42-48 Green Park Road, and the provision of additional landscaping to enhance residential amenity and to soften the proposed acoustic fence when viewed from the A38. The applicant confirms that an acoustic barrier fence would wrap around the end of the turning point, but that landscaping in this area would be problematic due to the location of services running parallel to the kerb including high voltage/fibreoptic cables. The applicant states that the proposed ramp has been positioned so as not to extend further north along the A38 than the end of the school boundary. The applicant has also specified that the landing height of the platform located on the east of the

A38 would be approximately the same height as the existing earth bund. The applicant states that due to the effects of shadowing from the bridge, planting in this location and adjacent to the proposed acoustic fence would be unlikely to flourish, therefore the area would be seeded with a woodland edge mix rather than being planted up.

161. The County Landscape Officer has been consulted with regard to landscaping as raised by Bromsgrove District Council and confirm that they are satisfied with the level of proposed landscaping. Bromsgrove District Council confirm that the additional information provided by the applicant in response to their initial concerns relating to residential amenity and landscaping have now been addressed.

162. West of the A38, the Development Management Team Manager considers that the proposed location of the approach ramp north of the existing approach ramp, the proposed perforated screening panels, the provision of low-level integrated lighting, proposed landscaping measures incorporating the retention of existing established vegetation/trees on site would limit the potential for overlooking of residential properties from the approach ramps and would reflect the design criteria of Policy BDP 19 of the Bromsgrove District Plan and deliver a high quality people focused space. The route would have an active frontage due to the proximity to residential properties providing natural surveillance and increased user safety.

163. The scale and massing of the replacement bridge is similar to that of the existing bridge in terms of height and location and would not be an unacceptable or overbearing feature that would detract from residential amenity.

164. The scheme would encourage sustainable and active travel for all users, improving transport options for local residents and encouraging further local leisure trips, facilitating a step change in the levels of cycling and walking and helping to contribute to improved health and wellbeing in accordance with Policy BDP 25: Health and Well Being. Furthermore, it is noted that the County Public Health Practitioner has raised no objections to the proposal.

165. Policy BDP 19: 'High Quality Design' of the Bromsgrove District Plan, states that *"Good design is important not only in buildings, but in also in the public spaces between buildings – the public realm. Streets are the most common form of public space and cannot easily be changed. Streets are social spaces as well as spaces for transport and movement, and part of good design is place-making-making spaces into places with identity and meaning"*.

166. In view of the above matters, the Development Management Team Manager considers that the design, scale and massing of the proposed replacement bridge would not have an unacceptable adverse impact upon the character and appearance of the local area, and would contribute to health and wellbeing, in accordance with Section 12 of the NPPF and Policies BDP 19 and BDP 25 of the Bromsgrove District Plan.

167. Objections have been received on the grounds of cost. Whilst the cost of the scheme is not considered to be a relevant planning consideration in this instance, but a matter for Worcestershire County Council, as the applicant, it is noted that the replacement bridge is part of a package of improvements to improve connectivity,

reduce reliance on the car and part funded by the Department for Transport, Worcestershire Local Enterprise Partnership (WLEP) and funding from Section 106 contributions.

### **Ecology and Biodiversity**

168. Section 15 of the NPPF, Paragraph 174 states that "planning policies and decisions should contribute to and enhance the natural and local environment by: a) *"protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);...d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures..."*.

169. Paragraph 180 of the NPPF states that when determining planning applications, local planning authorities should apply four principles (a. to d.), this includes: *"a) 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 "d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate"*.

170. The site has been assessed as likely having local importance for commuting and foraging bats due to the linear nature of the existing wooded/ scrub corridor which is susceptible to severance effects due to vegetation clearance and from the proposed lighting scheme.

171. The amended PEA recommends that a specific Vegetation Clearance Method Statement is developed with species specific considerations incorporated which would include details of species on site, legislation, methods for vegetation clearance and processes to be followed in the event of an ecological incident or discovery of a protected species. The Method Statement would also detail the requirement for Environmental Permits to Work and Pre-Works Checks by a suitably qualified ecologist.

172. Three trees with Potential Roosting Features (PRF) have been identified on the west side of the A38, two of which (BT2 and BT3) are outside the area marked for vegetation clearance and one (BT1) would be retained but located within the proposed works compound. Therefore, there is the potential of a residual risk of indirect adverse impacts from operations causing light, noise, vibration and potential severance effects from vegetation removal, as well as risk of unanticipated direct impacts upon tree BT1. The amended PEA states that indirect impacts would not be licensable and mitigated through implementation of RAMs such as precautionary working methods integrated within the scheme's CEMP. The County Ecologist is satisfied that the CEMP would include further inspection of the retained tree within the works compound prior to commencement.

173. The Lighting Assessment calculations undertaken by the applicant concluded that existing light columns in the vicinity of the existing bridge would be sufficient

lighting for users approaching the new footbridge from either Fordhouse Road or Carnforth Road. General lighting provision through the entire length of the footbridge comprises of low energy LED`s incorporated into the handrails, which would light the approach ramps and the bridge deck. Low energy LED bollard lighting would be located at the entrance to the footbridge on the eastern side of the A38 and a lighting column measuring approximately 6 meters in height would be located at the entrance of the bridge on the western side of the A38. An existing light column would be relocated along Fordhouse Road to suit the layout of the proposed lighting arrangements, no lighting columns are proposed to be removed.

174. The County Ecologist sought clarification on the colour spectra proposed preferring the use of warmer lighting (<2700k) and confirmation that photometry would include no UV component. The applicant has confirmed that no UV component would be present in the lighting spectra, as such the County Ecologist considers that the proposed design shows consideration of minimising spill on surrounding vegetation and confirms support of the design proposals as clarified.

175. Policy BDP 19: 'High Quality Design' of the Bromsgrove District Plan states that "*The Council will deliver high quality people focused space through ensuring all trees that are appropriate in terms of size, species, conditions and predicted climate are retained and integrated within new development*".

176. The submitted Arboriculture Impact Assessment states that there are no nationally significant trees of high ecological or heritage value such as ancient or veteran trees at the site but notes that there are several trees worthy of note though not of high quality; including an attractive prominently positioned horse chestnut and Norway maple both located within the public open space on the west of the A38. The Arboriculture Impact Assessment recommends the removal of 5 trees, 2 of moderate quality, 2 poor quality and 1 very poor quality and considers that this would have a low impact on the arboriculture resource at the site. The Arboriculture Impact Assessment states that the alignment of the proposed bridge over the footprint of the existing bridge means that no significant removals of the existing tree belt would be required. The Arboriculture Impact Assessment states that the removal of 2 oaks of moderate quality would have a minor visual impact on visual amenity. The applicant has confirmed that 5 replacement trees would be planted as mitigation for the loss of the existing trees, which can be secured through the provision of the LEMP.

177. The Development Management Team Manager recommends that tree protection measures are conditioned to protect retained trees during the construction phase of the development.

178. Policy BDP 21: 'Natural Environment' of the Bromsgrove District Plan states that "*The Council will seek to achieve better management of Bromsgrove's natural environment by expecting development to ...design in wildlife, ...protect and enhance corridors and `stepping stones` and ensure that ...areas of land surrounding development are managed in a sustainable and wildlife friendly manner*".

179. The County Ecologist considers that once planting has been established on completion of the LEMP period they anticipate that the scheme would achieve 'no net loss' and would generate a modest net gain for biodiversity.

180. Proposed mitigation measures include the following:

- Provision of 6 bird nesting boxes;
- Log piles for amphibians/reptiles;
- Bat boxes with their specification, location and number to be confirmed;
- Surface level SuDs attenuation feature; and
- Soft landscaping.

181. NE wish to make no comments referring the CPA to their protected species Standing Advice or that the CPA consult the County Ecologist. Worcestershire Wildlife Trust have no objection deferring to the opinion of the County Ecologist. The County Ecologist raises no objections to the proposal, subject to the imposition of appropriate conditions regarding a CEMP for biodiversity, timing and controls of vegetation clearance, protection of retained vegetation, lighting strategy, LEMP, landscaping scheme, biodiversity enhancements including opportunities for site enhancement for roosting bat and the inclusion of the surface level SuDs attenuation feature providing long term beneficial foraging opportunities for bats and other wildlife.

182. 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, in accordance with Section 15 of the NPPF and Policy BDP 21 of the Bromsgrove District Plan.

#### **Water Environment and Flood Risk**

183. Paragraph 159 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”*.

184. Paragraph 167 of the NPPF states that *“when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere”*.

185. Policy BDP 23 of the Bromsgrove District requires that development addresses flood risk from all sources and requires development to set aside land for Sustainable Urban Drainage Systems (SuDS) and follow the SuDS management train concept.

186. The site falls within Flood Zone 1, as identified on the Environment Agency's Indicative Flood Risk Map, which has a low risk of fluvial flooding. The Government's Planning Practice Guidance (PPG) identifies that all uses of land are appropriate within this zone. Notwithstanding this, the site does have areas which are modelled as being susceptible to surface water flooding.

187. The Drainage Strategy categorised the site as low-medium risk, stating the existing open watercourses, highway drainage ditches and other site low points fall within the high-risk area and that the proposal could lead to greater volumes of surface water runoff due to an increase in the amount of hardstanding/impermeable surface which may impact on the surrounding area if not managed appropriately.

188. Comments received from Councillor Robinson reflect the comments received as letters of representation which note that the existing bridge currently experiences waterlogging issues, and that existing drainage is inadequate making the bridge unsafe for users. The applicant states that the design of the bridge and the proposed gradients provide gravity drainage towards the end column supports via drainage channels located at either end of the bridge deck, downpipes would then carry surface water to attenuation, soakaways or into the downstream drainage system in line with the applicants proposed drainage strategy.

189. With regard to the localised surface water flooding in the area, the applicant states that the existing drop kerb (the location of the localised area of waterlogging) would be moved further east and that the proposed design would accommodate highway drainage and remediate localised flooding at this point.

190. The proposal includes a surface level SuDS which would be located on the west side of the A38 and mitigate the effects of an increased impermeable area generated by the replacement bridge. The SuDS strategy would manage water at source and infiltrate surface water to ground wherever possible. The proposed surface water drainage design includes a combination of bridge deck channel drains, carrier pipes, filter drains, oversized attenuation pipework, flow control devices and the SuDS soakaway to ensure that surface water is managed at source, prior to discharge to the downstream network.

191. NWWM have been consulted and have raised no objection to the amended plans subject to the imposition of appropriate conditions relating to the sizing of the attenuation feature and discharge rates. NWWM state that they welcome the inclusion of an above ground attenuation feature. Severn Trent Water have been consulted and have raised no objection to the proposal subject to the imposition of appropriate drainage conditions requiring a detailed drainage strategy for surface and foul water. The applicant confirms that the proposed drainage system would where possible infiltrate surface water to the ground, rather than discharge to a surface water body or existing sewer. The Development Management Team Manager considers that the proposal would not impact foul drainage and would therefore not be appropriate to attach such a condition in this instance.

192. Based on the above advise, the Development Management Team Manager considers that there would be no adverse effects on the water environment, subject to the imposition of appropriate drainage conditions requiring a detailed drainage strategy for surface water and SuDS management plan, in accordance with Section 14 of the NPPF and Policy BDP 23 of the Bromsgrove District Plan.

### **Historic Environment**

193. Several heritage assets, as set out in 'The Site' section of this report, are located in the wider context of the application site, including Wendron House Grade II Listed; Sunday School Grade II Listed and Congregational Chapel Grade II Listed all located between approximately 500 m and 650 m north-west of the application site. Further Listed Buildings are located within the Bromsgrove Town Centre Conservation Area, located approximately 700 m north-west of the application site. Broome House Grade II Listed, Warwick Hall Grade II Listed and Farm Buildings to

West of No 80 Grade II Listed are located approximately 660 m south-west of the application site.

194. 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"*.

195. With regard to heritage assets, paragraph 195 of the NPPF states that *"local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal"*.

196. Paragraphs 199 and 200 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. 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. Substantial harm to or loss of: ...a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of highest significance, notably schedule monuments...grade I and II\* listed buildings...should be wholly exceptional"*.

197. Paragraphs 201 of the NPPF states that *"where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss..."*.

198. The PPG at Paragraph Ref ID: 18a-018-20190723 states *"whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the NPPF. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting..."*.

199. There is no statutory definition of setting for the purposes of Section 66 (1) of the Listed Buildings Act. Annex 2 of the NPPF describes the setting of a heritage asset as *"the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*. It goes on to describe significance for heritage policy, stating that this is *"the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting..."*.

200. The PPG at Paragraph Ref ID: 18a-013-20190723 states that *"the extent and importance of setting is often expressed by reference to visual relationship between the asset and the proposed development and associated visual / physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each..."*.

201. The application was accompanied by an Archaeological DBA which states that it is not envisioned that the construction of the replacement bridge would not have a negative impact on the setting of designated heritage assets in the vicinity of the development but recommends that a watching brief may be required in respect to archaeology.

202. Bromsgrove District Conservation Officer considers that the proposal would not have a negative impact on any heritage asset. Historic England wish to make no comments on the application.

203. Based on the above advice, the Development Management Team Manager considers that the proposal would not cause any harm to the setting of the nearby listed buildings or the conservation area.

204. In terms of impacts upon archaeology, Paragraph 194 of the NPPF states *"where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation"*.

205. Paragraph 203 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"*.

206. The County Archaeologist has been consulted and raises no objection to the proposal stating that the potential for archaeology in the area is low and the existing bridge would have resulted in the significant truncation/removal of any deposits or



features close to the bridge, therefore, they have no objection and do not feel a condition for mitigation would be justified.

207. Based upon this advice, it is considered that the proposal would have no adverse impact upon non-designated heritage assets, including archaeology.

208. In view of the above, the Development Management Team Manager considers that the proposed development would not have an adverse impact upon heritage assets, in accordance with Section 16 of the NPPF and Policy BDP 20 of the Bromsgrove District Plan.

### **Other matters**

#### **Crime and Safety**

209. Section 8 of the NPPF states at Paragraph 92 that *"planning policies and decisions should aim to achieve healthy, inclusive and safe places which...b) 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 attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas"*.

210. Policy BDP 19 of the Bromsgrove District Plan states that the Council will deliver high quality people focused space through designing out crime and the fear of crime by incorporating measures and principles consistent with those recommended by `Secure by Design`.

211. The predominantly high-density residential housing located either side of the A38 would provide an active frontage facilitating natural surveillance of the route and enable increased user safety in accordance with Policy BDP 19 of the Bromsgrove District Plan, which considers that attractive, well-designed, clear, legible pedestrian and cycle routes ensure permeable safe routes which encourages active and continued use of public areas, promoting wellbeing, reducing the fear of crime and encouraging community cohesion.

212. The Planning Statement states that the proposed design of the bridge would include enhanced lighting and provide better natural surveillance resulting in greater user comfort and safety. The route would have an active frontage due to the proximity of residential properties in the vicinity and includes an integrated lighting scheme comprising of low energy LED handrail lighting for the ramps and bridge deck section to increase user safety.

213. West Mercia Police have been consulted and have raised no concerns or objections to the proposal. Based on the advice of West Mercia Police, it is considered that the proposal is acceptable in terms of its impact upon crime and safety, in accordance with Section 8 of the NPPF and Policy BDP 19 of the Bromsgrove District Plan.

#### **Human Rights Act 1998**

214. Article 8 of the Human Rights Act 1998 (as amended) states that everyone has the right to respect for his private and family life. A public authority cannot interfere with the exercise of this right except where it is in accordance with the law and is necessary (amongst other reasons) for the protection of the rights and freedoms of

others. Article 1 of Protocol 1 of the Act entitles every natural and legal person to the peaceful enjoyment of his possessions.

215. The law provides a right to deny planning permission where the reason for doing so is related to the public interest. Alternatively, having given due consideration to the rights of others, the local planning authority can grant planning permission in accordance with adopted policies in the development plan.

216. All material planning issues raised through the consultation exercise have been considered and it is concluded that by determining this application the CPA would not detrimentally infringe the human rights of an individual or individuals.

#### Obligations under the Equality Act 2010

217. The CPA in carrying out its duties must have regard to the obligations placed upon it under the Equality Act and due regard has, therefore, been had to the requirements of Section 149 (Public Sector Equality Duty) to safeguard against unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act. It also requires public bodies to advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it. The Development Management Team Manager considers that the proposed development would not give rise to significant adverse effects upon the communities in the area or socio-economic factors, particularly those with 'protected characteristics' by virtue that the impacts of the proposal can be mitigated so that they would not have a significant impact on groups with 'protected characteristics'.

## **Conclusion**

218. Worcestershire County Council is seeking planning permission for a proposed replacement bridge to provide upgraded shared use pedestrian and cycle bridge access over the A38 corridor with associated active travel improvements on land between Fordhouse Road west of the A38 and Carnforth Road east of the A38, Bromsgrove, Worcestershire.

219. Proposed Scheme 5 forms part of the Bromsgrove town wide improvement scheme known as the Bromsgrove Route Enhancement Programme (BREP), which aims to improve connectivity between the west and east sides of the A38 for both pedestrians and cyclists. The primary driver being to improve connectivity for Non-Motorised Users (NMUs) travelling across the A38. The proposed bridge link is a key element of the Bromsgrove Route Enhancement Programme (BREP).

220. The proposal includes the replacement of a non-compliant footbridge connecting Fordhouse Road to Carnforth Road, and is to include higher parapets, approach ramps, stairs and associated highway improvements all in accordance with the requirements of CD 353 of DRMB and LTN 1/20.

221. The scale and massing of the replacement cycle / footbridge is similar to that of the existing bridge in terms of height and location and would not be an unacceptable or overbearing feature that would detract from residential amenity. The scheme would encourage sustainable and active travel, improving transport options for local

residents and encouraging further local leisure trips, facilitating a step change in the levels of cycling and walking and helping to contribute to improved health and wellbeing.

222. Based on the advice of National Highways, Sustrans, the County Highways Officer, the County Footpath Officer and the Ramblers Association, 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 appropriate conditions regarding conformity with submitted plans, a CEMP, lighting scheme, SuDS scheme, Road Safety Audits Stage 2 and Stage 3, and temporary diversion of footway, in accordance with Sections 8 and 9 of the NPPF and Policy BDP 16 of the Bromsgrove District Plan.

223. The Development Management Team Manager considers that, subject to the imposition of appropriate conditions and based on the advice of the County Landscape Officer, Bromsgrove District Council and Worcestershire Regulatory Services, the proposed development would not have an unacceptable adverse impact upon the character and appearance of the local area and would improve connectivity for NMUs travelling across the A38 in accordance with Section 12 of the NPPF, Policies BDP 19 and Policy BDP 25 of the Bromsgrove District Plan.

224. Based on the advice of the County Ecologist and Worcestershire Wildlife Trust, the Development Management Team Manager considers that, subject to the imposition of appropriate conditions, the proposed development would not have an adverse impact on ecology and biodiversity at the site or within the surrounding area and would enhance the application site's value for biodiversity in accordance with Section 15 of the NPPF and Policies BDP 19 and Policy BDP 21 of the Bromsgrove District Plan.

225. Based on the advice of Severn Trent Water and North Worcestershire Water Management, the Development Management Team Manager considers that there would be no adverse effects on the water environment, subject to the imposition of appropriate drainage conditions requiring a detailed drainage strategy for surface water and SuDS management plan, in accordance with Section 14 of the NPPF and Policy BDP 23 of the Bromsgrove District Plan.

226. Based on the advice of the County Archaeologist and Bromsgrove District Conservation Officer, the Development Management Team Manager considers that the proposed development would not have an adverse impact upon heritage assets in accordance with Section 16 of the NPPF and Policy BDP 20 of the Bromsgrove District Plan.

227. Taking into account the provisions of the Development Plan and in particular Policies BDP 1, BDP 6, BDP 12, BDP 16, BDP 17, BDP 19, BDP 20, BDP 21, BDP 22, BDP 23, BDP 24 and BDP 25 of the adopted Bromsgrove District Plan, it is considered that the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

## Recommendation

228. The Development Management Team Manager recommends that planning permission be granted for proposed replacement bridge to provide upgraded shared access over the A38 corridor with associated active travel improvements on land between Fordhouse Road west of the A38 and Carnforth Road east of the A38, Bromsgrove, Worcestershire subject to the following conditions:

### Commencement

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

### Approved Plans and Details

- 3) The development hereby permitted shall be carried out in accordance with the details shown on submitted drawings numbered: 3014-BUR-GEN-S5-DR-C-0106, Rev S4-P2.0 (Red and Blue Line Plan); 3014-BUR-GEN-S5-DR-C-0105, Rev S4-P5.0 (Red line Boundary Plan); 3014-BUR-GEN-S5-DR-C-0109, Rev S4-P3.0 (Amended Proposed Site Location Plan); 3014-BUR-SBR-S5-DR-S-1721, Rev S4-P5.0 (Bridge Sections Plan); 3014-BUR-SBR-S5-DR-S-1720, Rev S4-P4.0 (Bridge Long Section Plan); 3014-BUR-HML-S5-DR-C-0710, S4-Rev P3.0 (Geometric Layout Long Section); 3014-BUR-HKF-ZZ-DR-C-1150, Rev S4-P3.0 (Kerbs Footways & Paved Areas Sheet 1); 3014-BUR-HKF-ZZ-DR-C-1151, Rev S4-P3.0 (Kerbs Footways & Paved Areas Sheet 2); 3014-BUR-HKF-ZZ-DR-C-1152, Rev S4-P3.0 (Kerbs Footways & Paved Areas Sheet 3); 3014-BUR-HKF-S5-DR-C-1101, Rev S4-P3.0 (Kerbs Footways & Paved Areas General Arrangement); 3014-BUR-HFE-ZZ-DR-C-0350, Rev P3 (Fencing Standard Details - Sheet 1); 3014-BUR-HFE-S5-DR-C-0301, Rev P4 (Fencing General Arrangement Plan); 3014-BUR-HGT-S5-DR-C-0601, Rev P2 (Earthworks General Arrangement Plan); 3014-BUR-HGT-ZZ-DR-C-0650, Rev P2 (Earthworks Standard Details Sheet 1); 3014-BUR-HML-S5-DR-C-0701, Rev S4-P3.0 (Road Geometry General Arrangement Plan); 3014-BUR-HMK-S5-DR-C-1201, Rev S4-P3.0 (General Arrangement - Road Markings); 3014-BUR-GEN-S5-DR-C-0100, Rev S4-P5.0 (General Arrangement Overview Plan); 3014-BUR-GEN-S5-DR-C-0101, Rev S4-P4.0 (General Arrangement Plan - Sheet 1); 3014-BUR-HRR-S5-DR-C-0401, Rev S4-P3.0 (General Arrangement Plan - Sheet 2); 3014-BUR-SBR-S5-DR-S-1701, Rev S4-P4.0 (Proposed General Arrangement Plan); 3014-BUR-HSC-S5-DR-C-0201, Rev S4-P3.0 (Site Clearance General Arrangement Plan); 3014-BUR-GEN-S5-DR-C-0104, Rev S4-P4.0 (Temporary Works Plan); 3014-BUR-HRR-S5-DR-C-0405, Rev S4-P2.0 (Scheme Bollards Locations General Arrangement Plan); 1979-DFL-HLG-XX-DR-EO-13002, Rev S3-P04 (Lighting Layout Plan); 3014-BUR-HDG-S5-DR-D-0502, Rev S4-P6.0 (Amended Proposed Surface Water General Arrangement Plan Sheet 1); 3014-BUR-HDG-S5-DR-D-0503, Rev

S4-P6.0 (Amended Drainage Proposed Water General Arrangement Plan Sheet 2); 61014-DWG-LS-Sch5-002, Rev P2-S3 (Landscape Proposals – Seeding); 61014-DWG-LP-Sch5-001 Rev P7-S3 (Landscape Proposals – Planting); except where otherwise stipulated by conditions attached to this permission;

**Construction Environmental Management Plan (CEMP)**

- 4) Notwithstanding the submitted details no development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to the County Planning Authority and approved in writing. The approved CEMP shall be implemented for the duration of the construction works. The CEMP shall include the following:

**Biodiversity**

- i. Risk assessment of potentially damaging construction activities.
- ii. Identification of “biodiversity protection zones”;
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. These shall be submitted in the form of a set of ‘Precautionary Method Statements’, which shall include:
  - Methods for habitat manipulation, to remove suitability for reptiles and to provide contingency processes in the event of discovery of great crested newt or other protected species;
  - Precautionary working methods with regard to badgers and hedgehogs, to include both pre-commencement inspections in and around working areas and to confirm measures to be employed so as to protect badgers from becoming trapped in open excavations and/or pipes or culverts.
  - Soft felling measures for any trees identified with Potential Bat Roosting Features (low value Potential Roosting Feature only);
  - Vegetation clearance with regards nesting birds; confirming that no vegetation clearance shall take place between March 1st and August 31st inclusively, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests immediately before the vegetation is cleared and provided written confirmation that no birds shall be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation to be submitted to the County Planning Authority; and
  - A biosecurity protocol to detail measures to minimize or remove the risk of introducing non-native species into a particular area during the construction, operational or decommissioning phases of a project;
- iv. The location and timing of sensitive works to avoid harm to biodiversity features;
- v. The times during construction when specialist ecologists need to be present on site to oversee works;

- vi. Responsible persons and lines of communication;
- vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- viii. Use of protective fences, exclusion barriers and warning signs;

**Dust**

- ix. A Dust and Air Quality Management Plan (DMP) in accordance with Institute of Air Quality Management (IAQM) guidance;

**Noise and Vibration**

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

**Highways**

- xi. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- xii. Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc);
- xiii. The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
- xiv. Details of any temporary construction accesses and their reinstatement;

**Water Environment**

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

**Lighting**

- xvi. Construction phase lighting strategy, which shall include measures to mitigate impact of the lighting or disturbance through glare and upon light-sensitive flora and fauna (particularly linear vegetated features and tree BT1);and

**Hours of Working**

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

**Landscape and Biodiversity**

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

- i. Description and evaluation of features to be managed for their biodiversity value. To include both created and retained vegetation. New habitats shall include native species rich grassland, woodland and woodland edge, hedgerow tree and shrub planting. The LEMP shall illustrate the location, extent and

planting specifications of these habitats. Hedgerow and woodland features should be underplanted with an appropriate ground flora mix;

- ii. Aims and objectives of management;
- iii. Appropriate management options for achieving aims and objectives;
- iv. Prescriptions for management actions;
- v. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- vi. Details of the body or organization responsible for implementation of the plan;
- vii. Ongoing monitoring and remedial measures, including clearly defined and appropriate criteria and quantified measures of 'success' against which the performance and effectiveness of the LEMP can be judged;

Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance, unless otherwise agreed in writing with the County Planning Authority. No peat or insecticides or fungicides to be used. No fertilisers to be used in areas of wildflowers, any topsoil used in these locations should be of low fertility. Tree guards should be biodegradable or, the LEMP shall identify a date at the termination of aftercare period when all plastic tree guards are to be removed. Monitoring of ecological features including grassland, woodland, wetland, hedgerow and any installed boxes or habitat refuges are to be undertaken and reported by a Suitable Qualified Ecologist;

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan shall be secured by the developer with the body(ies) responsible for LEMP delivery. The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or any remedial action shall be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details;

A brief Statement of Conformity is to be submitted to the County Planning Authority which reviews measures implemented and their effectiveness against stated success criteria at the end of the LEMP aftercare period;

#### **Lighting**

- 6) Notwithstanding the submitted details a Lighting Strategy shall be submitted to the County Planning Authority for approval in writing prior to being installed. The lighting strategy shall specify operational phase lighting with specific reference to how the design selected shall avoid lighting impact upon any features likely to be of value for commuting/foraging bats, specifically (but not exhaustively) to include site boundaries, waterbodies, linear vegetated features and identified trees containing Potential Roosting Feature. The detailed lighting strategy shall show how and where external lighting shall be installed,

through provision of appropriate contour plans and technical specifications which confirm location, height, spread, lux power (in horizontal and vertical elevations on any features identified to be of particular value to wildlife), lighting spectra and glare rating. Thereafter, the development shall be carried out in accordance with the approved scheme;

#### Design

- 7) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, detailed design drawings of the bridge, ramps, landings, steps, including materials, colour, finishes, size, and cross section of the bridge parapets shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;
- 8) 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;

#### Water Environment

- 9) No works or development shall take place until a scheme for a surface water drainage strategy for the proposed development has been submitted to and approved in writing by the County Planning Authority. The strategy shall include details of surface water drainage measures, including for hardstanding areas, and shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS). If possible, infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If a connection to a sewer system is proposed, then evidence shall be submitted of the in-principle approval of Severn Trent Water for this connection. The scheme should include run off treatment proposals for surface water drainage. The approved surface water drainage scheme shall be implemented prior to the use of the development hereby approved and thereafter maintained in accordance with the approved scheme;
- 10) No works in connection with site drainage shall commence until a Sustainable Drainage System (SuDS) management plan which shall include details on future management responsibilities, together with maintenance schedules for all SuDS features and associated pipework has been submitted to and approved in writing by the County Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The approved SuDS management plan shall be implemented in full in accordance with the approved terms and conditions and the SuDS scheme shall be managed and maintained in accordance with the approved maintenance plan thereafter;



### **Highways**

- 11) **The development hereby approved shall not commence construction until a Stage 2 Road Safety Audit report, together with the Designer's Response, for the detailed design has been submitted to the County Planning Authority;**
- 12) **Upon completion of the development hereby approved, a Stage 3 Road Safety Audit report, together with the Designer's Response, for the construction of the scheme shall be submitted to the County Planning Authority within 35 days of the official opening date; and**
- 13) **The development hereby approved shall not commence until details of how existing footways and permissive routes affected by construction work will be kept open, has been submitted to and approved in writing by the County Planning Authority. Details shall be provided to show temporary diversions, free from any obstruction, in a safe condition for use by members of the public and clearly signed. Thereafter, the development shall be carried out in accordance with the approved details.**

### **Contact Points**

#### **Specific Contact Points for this report**

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### **Background Papers**

In the opinion of the proper officer (in this case the Development 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 22/000002/REG3, which can be viewed online at: <http://www.worcestershire.gov.uk/eplanning> by entering the full application reference. When searching by application reference, the full application reference number, including the suffix need to be entered into the search field. Copies of letters of representation are available on request from the Case Officer.