

Planning and Regulatory Committee

Tuesday, 5 December 2017, County Hall, Worcester - 10.00 am

		Minutes
Present:		Mr R C Adams (Chairman), Ms P Agar, Mr R M Bennett, Mr G R Brookes, Mr P Denham, Mr A Fry, Mr I D Hardiman, Mr P B Harrison, Mrs A T Hingley, Dr C Hotham, Mrs J A Potter, Prof J W Raine, Mr C Rogers and Mr P A Tuthill
Available papers		The Members had before them: A. The Agenda papers (previously circulated); and B. The Minutes of the meeting held on 11 July 2017 (previously circulated).
976	Named Substitutes (Agenda item 1)	None.
977	Apologies/ Declarations of Interest (Agenda item 2)	An apology was received from Mr J A D O'Donnell. Mrs P Agar declared an interest in Agenda item 5 as a member of Worcester City Council's Planning Committee. Mr N Hudson, the Head of Strategic Infrastructure and Planning declared an interest and did not take part in the meeting.
978	Public Participation (Agenda item 3)	None.
979	Confirmation of Minutes (Agenda item 4)	RESOLVED that the Minutes of the meeting held on 11 July 2017 be confirmed as a correct record and signed by the Chairman.
980	Proposed flood alleviation works to improve the flood resilience	The Committee considered an application under Regulation 3 of the Town and Country Planning Regulations 1992 for proposed Flood Alleviation Works to improve the flood resilience of the A44 road at New Road, Worcester.

**of the A44 Road
at New Road,
Worcester
(Agenda item 5)**

The report set out the background of the proposal, the proposal itself, the relevant planning policy and details of the site, consultations and representations.

The report set out the Planning Development Manager's comments in relation to justification for the proposal, traffic and highways safety, landscape character, heritage environment and visual impact, water environment, ecology and biodiversity, amenity and health and other matters: Policy SWDP38: Green Space, construction compound, and cumulative effects.

The Planning Development Manager concluded that In terms of justification for the proposal, economic and social aspects of the development would present clear benefits to residents and businesses in Worcester City and throughout Worcestershire in accordance with Policy SWDP1. The proposed development would achieve this by enabling the A44 New Road to remain open for a longer period of time during times of flood equivalent to the flood events of 2014 and 2007, which caused significant negative economic and congestion impacts. The applicant had also set out an economic case for the proposal, which concluded that it would represent High Value for Money as part of a package of flood alleviation schemes across Worcestershire. However, it was considered that these benefits must be weighed against the environmental considerations of the proposal in a planning balancing exercise to fully accord with Policy SWDP1.

In this regard, the Planning Development Manager considered that the proposal would be acceptable in terms of the development plan for a range of other considerations including traffic and highways safety, the water environment, ecology and biodiversity, amenity and health, and other matters including Policy SWDP38: Green Space and the construction compound, subject to appropriately worded conditions.

The key judgement that must be made in relation to this proposal related to the impact on landscape character, the heritage environment, and the visual impact. In this regard, the proposed removal of trees along New Road had been identified by the Environmental Statement as constituting a permanent loss that would result in a slight adverse impact to the Riverside Conservation Area. The Planning Development Manager considered that this anticipated impact would, overall, make the development fall short of meeting the aims of Policies SWDP6, SWDP21, SWDP24, and SWDP25. The Planning

Development Manager considered that the applicant had provided valid and reasonable practical reasons why these trees could not be replaced in their existing locations.

In view of the above considerations, the Planning Development Manager considered that, on balance, the wider public benefits that would result from the proposal in terms of reduced economic harm and congestion impacts for the city of Worcester and surrounding area during times of flood would outweigh the loss in terms of landscape character, the heritage environment, and visual impact. In terms of mitigation, conditions were recommended to ensure adequate kerb materials and footpath resurfacing, and the detailed culvert inlet and outlet designs in order to minimise these impacts as much as possible.

Taking into account the provisions of the Development Plan and in particular Policies SWDP 1, SWDP 4, SWDP6, SWDP 21, SWDP 22, SWDP24, SWDP25, SWDP 28, SWDP 29, SWDP 30, SWDP 31 and SWDP 38 of the South Worcestershire Development Plan it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

The representative of the Planning Development Manager introduced the report and commented that the applicant had indicated that the construction works would now take place over an eighteen week period. He also proposed an amendment to condition q as follows:

"q) Construction works shall only be carried out on the site between 08:00 to 18:00 hours on Mondays to Fridays inclusive, and 08:00 to 13:00 hours on Saturdays, with no construction work on Sundays, Bank Holidays, or Public Holidays. Any works proposed outside of these hours shall require the submission of a revised Construction Environment Management Plan (CEMP) to the County Planning Authority for approval in writing."

In the ensuing debate, the following principal points were raised:

- In response to a query, Matt Maginnis commented on behalf of the applicant that there had been concern for some time about the health of the avenue of trees along New Road. The Lime trees

were mature and a number of them were reaching the end of their natural life. An independent survey had been carried out and a number of trees were found to be damaged/diseased to the extent that they needed immediate removal on the grounds of health and safety. The trees were very close to the highway and prone to strikes from vehicles. It was proposed that a further seven trees be removed to facilitate the culvert trenching, raising of the footways and installation of the kerbs. The concerns expressed about the retention of trees had been taken seriously and it was felt that the two trees situated in front of the hotel could be retained albeit he could not give an assurance about their future survival

- The applicant seemed to imply that over time all of the trees along New Road would disappear as they aged and would not be replaced. Matt Maginnis commented that the removal of the trees was not imminent however they were mature and he could not give any guarantee about their natural lifespan. It would be a difficult to replace trees on the south side of New Road due to the lack of space needed to create tree pits and the impact on the highway, utilities and Cricket Club buildings. Replacement of trees on the north side was a possibility although thought would need to be given to the type of species selected
- The disruption caused by the construction works over an 18 week period with only one lane open out of three would be significant. The question was whether the impact of this disruption outweighed the benefit of the number of extra days that New Road would be kept open during extreme flood events. In addition, the economic case put forward to justify the scheme was limited. There was no explanation of the £10m economic benefits or a cost/benefit analysis of the impact on the county. Martin Hunt on behalf of the applicant commented that it was now intended to have two lanes open on New Road during 75% of the construction period. Mark Bishop, the Planning Development Manager commented that detailed economic information was not available however there were other wider public benefits of the scheme in terms of the way vehicles behaved, and access to and from St John's for emergency vehicles and delivery lorries. The scheme would provide greater strategic resilience. Matt Maginnis added that the information provided in the report was based on the impact of each of the 5 flood

alleviation schemes. New Road had the greatest economic impact in terms of the number and frequency of vehicles. The impact of climate change would also increase the likelihood of flooding events

- Would it be more beneficial for the scheme if the two trees next to the hotel were removed? Matt Maginnis responded that the flood alleviation scheme could be successfully achieved with the retention of these trees. Martin Hunt added that from a Highways point of view, it was not ideal to retain those trees as well as other trees further down New Road in such close proximity to the kerb line
- Given the increased likelihood of flood events in the future, should the road be raised higher than proposed? Martin Hunt explained that the proposed height had been based on historical flood data. It was anticipated that an increase in height of 380mm would deal with at least 90% of the flood events that had occurred in the last 28 years. It was proposed that the road would be raised at its lowest point. To raise the road any higher would require the introduction of a road hump in the middle of the carriageway
- New Road was a gateway to the City of Worcester. The proposal would have a negative impact on the visual amenity of the city and on tourism. No account had been given to the adoption of the 'Greenleaf' method of replanting as suggested by the City Council planning officer. There was very little mitigation planned in the scheme to enhance the built environment. It should be possible to move the utility pipes to allow replanting. The biggest problem from previous floods would appear to be the negative public perception rather than any tangible economic disbenefits. The proposal should therefore be deferred until an alternative scheme was forthcoming
- Had an assessment been carried out on the lifespan of the trees next to the hotel? Martin Hunt commented that all the trees had been surveyed and a number of trees had been felled on the basis of highways safety. All the other trees were deemed to be healthy. No specific information could be provided as to the life span of the remaining trees
- Had there been any incidents of cyclists hitting the existing sign located in the middle of the pavement? Martin Hunt responded that no

incidents had been reported however that sign would be replaced as part of the scheme

- The building of the hotel and the electronic advertising had already negatively affected the vista along New Road. The beanie kerbs could have an additional negative impact aesthetically. Had the applicant considered the introduction of a series of culverts to lessen the environmental impact? Matt Maginnis advised that the scheme would use conservation beanie kerbs which were coloured granular grey to be less visually intrusive. The purpose of these kerbs was to take rain water off the surface of the road as efficiently as possible. This was the only viable scheme and It was considered that the proposal for a single culvert design would have the most benefit. The scheme was being constructed in the flood plain therefore it was important not to create flooding issues elsewhere. The culvert helped to transfer water from the north to the south of New Road and would reduce the amount of time water remained on the carriageway after the flood
- Concern was expressed about the confusing nature of the figures put forward to explain the likelihood of flood events. Matt Maginnis explained that the figures in the report were accurate and based on the latest measurement techniques
- In response to a query about the possibility of realigning the carriageway to protect the remaining trees, Martin Hunt commented that this option had been examined but would result in a narrowing of the carriageway and had therefore been ruled out for safety reasons
- Would it be possible to plant extra trees in the gaps in the avenue of trees on the north side of New Road? Martin Hunt responded that that there was space for additional planting along the grass verge as well as to the south at the rear of the grass verge by the Kings School playing fields
- The impact of a decision to defer consideration should be borne in mind given the potential impact of a delay on local businesses and the importance of the scheme in terms of the Council's open for business policy
- The bridge had been a safety concern in previous floods with debris building up under it
- The proposal was unsatisfactory on the grounds that the business case was lacking, insufficient mitigation had been provided to compensate for the lack of trees, capacity existed in the highways network to cope with the closure of New Road and

the permanent negative impact on the conservation area

- Although the appearance of New Road would be negatively impacted upon and the economic benefits had not been fully outlined, the proposal should be supported as a necessary part of the flood defences for the city of Worcester
- Could professional advice be sought and a condition added to improve the appearance of the cricket club buildings? The Planning Development Manager advised that the cricket club buildings were privately owned and therefore it was not reasonable to add a condition requiring something outside of the applicant's control
- Concern was expressed that the proposed amendment to condition q could mean that the applicant would carry out work in the rush hour, which was not appropriate. The Planning Development Manager advised that the proposed amended condition was intended to provide an element of flexibility to enable the applicant to operate outside peak times. It would not be appropriate to be too restrictive on the hours of working. Martin Hunt added that restricting the hours of operation would extend the length of time of the construction period for the scheme.

RESOLVED that, having taken the environmental information into account, planning permission be granted for the proposed Flood Alleviation Works to improve the flood resilience of the A44 at New Road, Worcester, subject to the following conditions:

- a) The development must be begun not later than the expiration of three years beginning with the date of this permission;
- b) Planning permission enures for the benefit of Worcestershire County Council only;

Details

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

**NR-01 "Flood Resilience Works Proposed Site Plan Sheet 1 of 2 – Figure 3a", dated June 2017
NR-02 "Flood Resilience Works Proposed Site**

Plan Sheet 2 of 2 – Figure 3b", dated June 2017

NR-05 "Cross Sections Sheet 1 of 3 Figure 4a", dated June 2017

NR-05 "Cross Sections Sheet 2 of 3 Figure 4b", dated June 2017

NR-05 "Cross Sections Sheet 3 of 3 Figure 4c", dated June 2017

NR-07 "Specifications Figure 5", dated June 2017

NR-09 "Location Plan – Figure 1", dated June 2017

NR-19 "Proposed Gates Figure 7", dated June 2017

NR-22 "Headwall Plan – Figure 6" (The Preferred Option), dated June 2017

NR-117 "Landscaping Plan", dated August 2017;

Pre-Commencement Conditions: Details

- d) Prior to the commencement of any works involving the installation of the box culvert inlet and outlet structures, detailed plans of the culvert inlet and outlet structures (including the materials to be used and colours) shall be submitted to the County Planning Authority for approval in writing. Following approval, the plans shall be implemented in accordance with the approved details;**
- e) Prior to the commencement of any works involving the installation of the beany block combined kerb and drain, the detailed design (including the materials) of the beany block combined kerb and drain shall be submitted to the County Planning Authority for approval in writing. Following approval, the design shall be implemented in accordance with the approved details;**
- f) Prior to the commencement of any works involving the resurfacing of the raised footpath adjacent to the Worcestershire County Cricket Ground boundary of New Road identified on the drawing titled "Flood Resilience Works Proposed Site Plan Sheet 1 of 2 – Figure 3a" (Ref no, Nr-01), details of all resurfacing materials shall be submitted to the County Planning Authority for approval in**

writing. Following approval, the resurfacing shall be implemented in accordance with the approved details;

- g) Prior to the commencement of any works involving the installation of the grasscrete area, new maintenance entrance into Cripplegate Park, and the area of hardstanding adjacent to the plughole culvert inlet identified on the drawing titled "Flood Resilience Works Proposed Site Plan Sheet 1 of 2 – Figure 3a" (Ref no, Nr-01), detailed plans for the works identified shall be submitted to the County Planning Authority for approval in writing. Following approval, the plans shall be implemented in accordance with the approved details;

Pre-Commencement Condition: Archaeology

- h) Prior to the commencement of any works that would involve excavation of the A44 New Road for the purposes of installing the culvert and its inlet and outlet structures; a Written Scheme of Investigation (WSI) for an archaeological watching brief shall be submitted to the County Planning Authority for approval in writing. The WSI shall include a statement of significance and research objectives, and address the following requirements:

- I. The programme and methodology of site investigation and recording, and the nomination of a competent person(s) or organisation to undertake the agreed works must be identified; and
- II. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material must be identified.;

Any material resulting from the approved programme for post-investigation assessment and analysis must be published, disseminated, and deposited in accordance with that programme;

Pre-Commencement Condition: Surface Water

Drainage

- i) Prior to the commencement of any works relating to foul and surface water drainage, plans for the disposal of foul and surface water shall be submitted to the County Planning Authority for approval in writing. Following approval, the plans shall be implemented in accordance with the approved details and adhered to before the development is first brought into use;**

Trees

- j) Notwithstanding the submitted details, within 3 months of commencement of the development hereby approved, a tree planting scheme to include native species, sizes and locations shall be submitted to the County Planning Authority for approval in writing. The approved tree planting scheme shall be implemented within the first available planting season (the period between 31 October in any one year and 31 March in the following year) on completion of the development. Damaged or failed specimens should be replaced within the first seasonal opportunity to do so. For a period of five years from the date of planting, any replacement planting that subsequently suffers failure should also be replaced within the first seasonal opportunity to do so;**

Ecology and Biodiversity

- k) Trees and hedgerows identified for retention on the drawing titled "Landscaping Plan" (Ref no. NR-117) shall be protected in accordance with British Standard BS5837:2012 for the duration of the construction period. Any trees or hedgerows that suffer damage should be replaced within the first seasonal opportunity to do so. For a period of five years from the date of planting, any replacement planting that subsequently suffers failure should also be replaced within the first seasonal opportunity to do so;**
- l) Within 6 months of the commencement of the development hereby approved, a Landscape & Ecological Management Plan (LEMP) shall be submitted to the County Planning Authority for**

approval in writing. The LEMP shall contain details addressing the following requirements:

- The hedgerow identified for removal on the drawing titled "Landscaping Plan" (Ref no. NR-117) must be replaced by replanting at least the same extent of hedgerow using native and woody species (for example, holly or hazel), which shall be approved in writing by the County Planning Authority. Damaged or failed specimens should be replaced within the first seasonal opportunity to do. For a period of five years from the date of planting, any replacement planting that subsequently suffers failure should also be replaced within the first seasonal opportunity to do so;
- The area of grassland habitat identified for loss on the drawing titled "Landscaping Plan" (Ref no. NR-117) must be compensated for by re-seeding at least an equivalent area of grassland with an appropriate native grassland mix; and
- Bird and bat boxes must be installed in the local area along an east-west axis so as to replicate the ecological function performed by the trees identified for removal on the drawing titled "Landscaping Plan" (Ref no. NR-117). Boxes should be a mixture of specifications to maximise the chance of occupation by a variety of bird and bat species recorded here.

Following approval, the measures outlined in the LEMP shall be implemented in accordance with the approved details within 6 months, or the first seasonal opportunity to do so (whichever date is sooner);

Culvert

- m) Within 6 months of the commencement of the development hereby approved, details outlining a maintenance programme for the culvert structure shall be submitted to the County Planning Authority for approval in writing. The maintenance programme must address how blockages of the culvert will be prevented. Following approval, the

maintenance programme shall be adhered to in accordance with the approved details;

Construction

- n) For the duration of the construction period, the measures outlined in Table 3 (Commitments and Actions Required) of the document titled "Appendix 5.1 Construction Environment Management Plan" dated August 2017 shall be adhered to in accordance with the approved details;**
- o) For the duration of the construction period, Riverside Bridleway WR-940 shall remain open to the public and safe to use;**
- p) Following the completion of the construction period, details outlining a plan for the restoration of the two tennis courts identified for use as a construction compound on the drawing titled "Location Plan – Figure 1" (Ref no. NR-09) shall be submitted to the County Planning Authority for approval in writing. Following approval, the restoration plan shall be implemented in accordance with the approved details; and**
- q) Construction works shall only be carried out on the site between 08:00 to 18:00 hours on Mondays to Fridays inclusive, and 08:00 to 13:00 hours on Saturdays, with no construction work on Sundays, Bank Holidays, or Public Holidays. Any works proposed outside of these hours shall require the submission of a revised Construction Environment Management Plan (CEMP) to the County Planning Authority for approval in writing.**

The meeting ended at 11.30am.

Chairman