

PLANNING AND REGULATORY COMMITTEE

5 DECEMBER 2017

PROPOSED FLOOD ALLEVIATION WORKS TO IMPROVE THE FLOOD RESILIENCE OF THE A44 ROAD AT NEW ROAD, WORCESTER

Applicant

Worcestershire County Council

Local Member(s)

Mr R M Udall (St John Division)

Mr A T Amos (Bedwardine Division)

Mr S E Geraghty (Riverside Division)

Purpose of Report

1. To consider 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.

Background

2. New Road, which forms part of the A44, is a key arterial route through Worcester for vehicles, pedestrians and cyclists. The road has a history of flooding events. The applicant states that a severe flood event in 2014 caused New Road to be closed to vehicles for 8 days, which limited crossing points into the city to Carrington Bridge in the south and Holt Bridge in the north. This resulted in negative impacts on the local economy due to delayed journey times and congestion at the two remaining crossing points. The applicant states that another major flood event in 2007 also resulted in the road's closure and similar disruption for 4 days.

3. The applicant states that this Flood Alleviation Scheme would enable New Road to remain open in flooding events equivalent to 2014 and 2007.

4. The scheme was allocated funding by the Worcestershire Local Enterprise Partnership in its Strategic Economic Plan (SEP), which was published in 2014. The SEP states that the rationale for the scheme includes reducing disruption to journey times and preventing the increased use of alternative routes by vehicles that may be unsuitable (particularly HGVs).

The Proposal

5. Worcestershire County Council is seeking planning permission for proposed Flood Alleviation Works to improve the flood resilience of the A44 road at New Road, Worcester.

6. The applicant states that the scheme would enable the A44 at New Road to remain open during times of flood equivalent to those in 2014 and 2007 (flood events equivalent to a 1 in 25 year return period). The applicant states that the road would probably need to be closed for events larger than these beyond a 1 in 50 year return period, but that the proposal would significantly reduce the closure period.

7. The applicant states that the A44 New Road links directly to Worcester Bridge, the single busiest non-motorway or trunk road in the entire County, and that its strategic importance cannot be understated, both in terms of the local economy of the city and the wider sub-region.

8. In addition, the applicant has cited a technical report assessing the economic case for a package of flood alleviation schemes in Worcestershire, including New Road, which was prepared for the Worcestershire Local Transport Body (WLTB) in September 2016. The report assessed the economic case for these schemes, which were selected following a County-wide assessment of the highway network which sought to identify locations which had the following characteristics:

- Carried large volumes of traffic;
- Flooded frequently;
- Had poor alternative routes;
- Caused significant disruption; and
- Had an identified viable solution

9. The report concluded that the traffic-based economic benefits of the schemes would amount to £7.497 million, whilst the wider economic benefits would amount to £2.892 million. Total benefits would, therefore, amount to £10.389 million. The report also concluded that the package of flood alleviation schemes, which includes this proposal, represented High Value for Money.

10. The scheme would also allow New Road to be opened up for two way traffic during flood events that would cause closure of the existing one-way system along Tybridge Street and the Hylton Road.

11. The proposed development would comprise the following elements:

Raising of New Road

12. New Road and its footways would be raised by a maximum of 380 millimetres for a 190 metre section of the road that runs from a point just outside the Premier Inn hotel on New Road to a point approximately 20 metres to the west of the entrance/exit of Worcestershire County Cricket Club. The raising would require the relocation of road drainage and street furniture, and would require a new highway drainage design to remove surface water. The road and footways would be resurfaced in asphalt, whilst the highway drainage design would be comprised of Marshalls Beany Blocks Combined Kerb and Drain kerbstones.

Installation of a box culvert beneath New Road

13. A new box culvert would be installed underneath New Road and this would transfer flood water to the King's School Worcester's playing fields which would reduce the frequency and duration of road closures on New Road. The culvert installation would involve the following elements:

- Installation of a box culvert measuring approximately 66 metres in length, 1.2 metres in width, and 0.75 metres in height. The culvert would be comprised of Milton precast box sections and underlain by granular bedding;
- Installation of a culvert inlet structure in Cripplegate Park. The inlet would be comprised of a circular 'plughole' type structure constructed of precast concrete. The inlet would be surrounded by a circular ring of tarmac at ground level, a perimeter guardrail, and access gate; and
- Installation of a culvert outlet structure on the King's School Worcester's playing fields. The outlet would be comprised of precast concrete with a metal trash screen.

Construction of a new entrance to Cripplegate Park

14. A new entrance to Cripplegate Park from New Road would be constructed for maintenance of the culvert inlet structure. The entrance would be for maintenance purposes only. The construction of the entrance would involve the removal of approximately 5 metres of hedgerow bounding Cripplegate Park. The entrance would comprise of double width gates measuring approximately 4.2 metres in width to match the existing park entrance gates. A grasscrete area and hardstanding would link the entrance to the culvert inlet structure.

Tree removal along New Road

15. The applicant states within the application documents that 14 trees would be removed along New Road to facilitate the raising of the road, installation of new drainage kerbs, and trenching operations for the installation of the box culvert. Since the submission of the application, Members are advised that 5 trees on the Cricket Ground side of New Road have been removed due to Highways Safety reasons.

16. Therefore, the applicant stated that 9 trees would still require removal on New Road as part of the works.

17. Following further detailed scrutiny by the applicant at the request of Officers, the applicant states that the final proposal would involve the removal of 7 trees along New Road. 3 trees would be removed on the Cricket Ground side of New Road, whilst 4 trees would be removed on the Cripplegate Park side of New Road.

Tree planting in Cripplegate Park

18. The applicant states within the application documents that 13 new trees would be planted in Cripplegate Park. Following further scrutiny, the applicant states that one further tree can be planted between the band of utilities running down the footway of New Road adjacent to the Cricket Ground and the Cricket Club buildings.

19. Therefore, the applicant's final proposal is to propose planting 13 new trees in Cripplegate Park and 1 tree adjacent to the Cricket Club buildings.

20. However, the applicant states that the tree proposed adjacent to the Cricket Club buildings would be closer than ideal, and that this tree would require a root restriction system to protect the building's foundations and utilities. They state that the root restriction system, combined with the tree's proximity to the building would restrict the tree's potential for growth and future well-being. In addition, the applicant states that in the event of the cricket ground buildings being re-developed, it is possible that this tree would need to be removed.

Alterations to 3 splitter islands to allow for two way traffic operation during times of flood only

21. Alterations are proposed to be made to 3 splitter islands to allow traffic to flow in both directions along New Road when the one-way system along Tybridge Street and Hylton Road would be closed during flood events.

22. In terms of safe operation of this temporary two way traffic system along New Road, the applicant has prepared an emergency contra-flow plan detailing the sequence of road closures that would occur during a flood event.

23. The plan states that the Worcestershire County Council Highways Maintenance Manager would make the decision to close the Hylton Road from Tybridge Street to Worcester Bridge when it would become impassable to vehicles and then open up New Road to two way traffic via the following actions detailed by the applicant:

- a) *"Traffic signals at bridge switched off and signal poles removed. Signals at All Saints Road junction switched off and poles removed. Signposts and bollards removed at North Parade junction at the bridge*
- b) *Traffic signals switched off on St Johns gyratory, Tybridge Street closed and the gyratory changed into a round-about by removing interlocking traffic bollards*
- c) *Temporary signs and traffic cones set out as per the emergency plan.*
- d) *Contra-flow along New Road put into operation with traffic cones dividing the opposing running lanes*
- e) *Pedestrian marshalls stationed at the key pedestrian crossing points (Bromwich Road and All Saints Road) to assist the public in crossing. There will be no pedestrian crossing point between the north and south footpaths at the bridge.*
- f) *Temporary traffic lights positioned at the All Saints Road junction with Bridge Street to allow buses to exit All Saints Road from the bus depot. This will allow buses to turn left & right out of All Saints Road.*

The Emergency Plan will be stored on the Councils GIS computer system for all relevant staff to access.

All of the temporary signs and traffic cones will be stored in a skip at the Council's depot in Malvern for easy deployment."

24. The alterations would comprise the following elements:

- The splitter island at the junction between New Road, Hylton Road and Worcester Bridge would have its existing traffic light poles replaced with new wide base easy access poles to fit the existing traffic light sockets. Minor alterations to the kerbing would also be made;

- The splitter island at the junction between North Parade and Bridge Street would have its existing large directional sign reinstated in the same position with easy access sockets. The illuminated bollard would be removed, disconnected, and replaced with a new reflective bollard to be installed in an easy access socket. The existing CCTV camera would be relocated and have its post and concrete base removed; and
- The splitter island at the junction between All Saints Road, Deansway, and Bridge Street would have its existing traffic light pole replaced with a new wide base easy access pole to fit the existing traffic light sockets. The illuminated bollard would be removed, disconnected, and replaced with a new reflective bollard to be installed in an easy access socket. The CCTV camera would be relocated elsewhere and have its post removed.
- No alterations would be made to the roundabout at the end of New Road immediately to the south-west of Cripplegate Park.

Installation of new gates at Worcestershire County Cricket Club

25. New double width gates would be installed at the entrance/exit of Worcestershire County Cricket Club to facilitate works that would achieve a highways safety improvement compared to the existing situation. These works would involve widening the entrance/exit and extending the give-way markings. The gates would measure approximately 7 metres in width and would be comprised of iron, coloured black, to match the existing iron gates at the entrance. The gates would be attached to the existing central brick pier at the entrance/exit, and to a proposed brick pier adjacent to the King's School's Playing fields.

Installation of a new pedestrian gate to the playing fields

26. A new gate for providing pedestrian access to the King's School Worcester's playing fields would be installed adjacent to the entrance/exit of Worcestershire County Cricket Club. The gate would measure approximately 1.2 metres in width and would match the existing railings in terms of design.

Relocation of large direction road sign

27. The existing large direction road sign situated immediately adjacent to the entrance of the Premier Inn hotel would be relocated to a point approximately 30 metres to the south-west of that position. The sign would be reinstalled on a single cantilever post to improve road safety.

28. In terms of the construction period, the applicant states that construction is proposed to commence in January 2018 and would last approximately 12 weeks to avoid the Cricket season.

29. During the construction period, the A44 would remain open to traffic via one lane and at least one footpath. Traffic management would be monitored to reduce delays.

30. The applicant states that access to Cripplegate Park, Worcestershire County Cricket Club, and the King's School Worcester's playing fields would be maintained throughout the construction period but that intermittent closures might be required.

31. The temporary construction compound would be located on two of the tennis courts in Cripplegate Park. The applicant states that these tennis courts would be restored following the end of the construction period.

32. In terms of pre-application public consultation, the applicant states that they held a public exhibition at the Hive from the 2nd to the 9th of December 2016. The exhibition included details about the flooding that has occurred on New Road and details about how the scheme would reduce these impacts. The applicant states that feedback from the event was generally positive and that no changes to the design of the scheme were made as a result of the public comments.

33. The applicant also states that pre-application consultation was undertaken with landowners and stakeholders including Worcester City Council, the Environment Agency, the King's School Worcester, and Worcestershire County Cricket Club. The applicant states that the following alterations were made to the design as a result of this engagement:

- The culvert outlet location was brought closer to the road to reduce the footprint of the scheme on the playing fields at the request of the King's School;
- The applicant states that it was discussed with Worcester City Council that 13 replacement trees should be sited within Cripplegate Park and planted in a manner to reflect the avenue of trees proposed for removal on New Road; and
- The proposed maintenance entrance to Cripplegate Park for maintaining the culvert inlet is proposed to be gated in order to not create a desire line for crossing New Road following discussion with Worcestershire County Council's Highways Department. The applicant states that County Highways have advised that a desire line would have presented a safety issue on this busy road.

34. The application is accompanied by a Planning Statement, Environmental Statement, Flood Risk Assessment, Ecological Appraisal, Tree Condition Report, Tree Survey Report, and a Ground Investigation Factual Report.

35. The Environmental Statement covers Air Quality; Cultural Heritage; Landscape and Visual Impacts; Geology and Soils; Noise and Vibration; the Water Environment; and Cumulative Effects.

The Site

36. The New Road section of the A44 is located in central Worcester on the west bank of the River Severn between Cripplegate Park and Worcestershire County Cricket Club's ground. The application site also includes sections of the A44 to the north of New Road including Worcester Bridge and Bridge Street.

37. The site measures approximately 1.4 hectares and includes the following areas:

- The New Road section of the A44 including the tree-lined pavements on the northern and southern sides;

- A section of Cripplegate Park immediately to the north of New Road to accommodate the culvert inlet structure and vehicle access. 2 tennis courts are also included in the site to accommodate the temporary construction compound;
- The entrance and exit road for Worcestershire County Cricket Club immediately to the south of New Road;
- A section of the King's School Worcester's playing fields immediately to the south of New Road to accommodate the culvert outlet structure;
- The splitter island at the junction between New Road, the Hylton Road and Worcester Bridge;
- The splitter island at the junction between North Parade and Bridge Street; and
- The splitter island at the junction between All Saints Road, Deansway, and Bridge Street.

38. There are a number of residential properties located immediately adjacent to the application site either side of Bridge Street. Other properties in the immediate vicinity of the site include Worcestershire County Cricket Club, a restaurant and nightclub (currently known as Pavilion in The Park), a garage fronting onto the Hylton Road, The King's School Worcester's playing fields, and Cripplegate Park. Further residential properties in the vicinity of the proposal are located immediately off Bromwich Road and Tybridge Street in the St Johns area of the City.

39. The site is wholly located within the Riverside Conservation Area.

40. The following Listed Buildings are in the immediate vicinity of the site:

- Grade II Listed Worcester Bridge (located within the site boundary);
- Grade II Listed Cripplegate Park Fountain (approximately 40 metres to the north of the site);
- Grade II Listed No. 2, North Parade (approximately 20 metres to the west of the site);
- Grade II Listed John Gwynn House (immediately to the west of the site on Bridge Street);
- Grade II Listed Warmstrey Court (immediately to the east of the site on Bridge Street);
- Grade II Listed Nos. 35 and 36, Broad Street (approximately 10 metres to the north of the site); and the
- Grade II Listed K6 Telephone Kiosk (approximately 28 metres to the east of the site)

41. The Worcester Bridge section of the site crosses the River Severn Local Wildlife Site (LWS). Chapter Meadows LWS is located approximately 190 metres to the south of the site.

42. The New Road section of the site falls entirely within Flood Zones 3 and 2 (High and Medium Risk zones respectively). Worcester Bridge is located within Flood Zone 2, whilst the majority of Bridge Street is located in Flood Zone 1 (Low Risk Zone).

Summary of Issues

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

- Justification for the proposal
- Traffic and Highways Safety
- Landscape Character, Heritage Environment, and Visual Impact
- Water environment
- Ecology and Biodiversity
- Amenity and Health
- Other Matters

Planning Policy

National Planning Policy Framework (NPPF)

44. The National Planning Policy Framework (NPPF) was published and came into effect on 27 March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It constitutes guidance for local planning authorities and decision takers and is a material planning consideration in determining planning applications. Annex 3 of the NPPF lists the documents revoked and replaced by the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking.

45. Sustainable Development is defined by five principles set out in the UK Sustainable Development Strategy:

- "living within the planet's environmental limits;
- ensuring a strong, healthy and just society;
- achieving a sustainable economy;
- promoting good governance; and
- using sound science responsibly".

46. The Government believes that sustainable development can play three critical roles in England:

- an economic role, contributing to a strong, responsive, competitive economy
- a social role, supporting vibrant and healthy communities and
- an environmental role, protecting and enhancing our natural, built and historic environment.

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

- Section 1: Building a strong, competitive economy
- Section 4: Promoting sustainable transport
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment
- Section 12: Conserving and enhancing the historic environment

The Development Plan

48. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan relevant to this proposal consists of the South Worcestershire Development Plan.

49. 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.

South Worcestershire Development Plan

SWDP 1: Overarching Sustainable Development Principles

SWDP 4: Moving Around South Worcestershire

SWDP 6: Historic Environment

SWDP 21: Design

SWDP 22: Biodiversity and Geodiversity

SWDP 24: Management of the Historic Environment

SWDP 25: Landscape Character

SWDP 28: Management of Flood Risk

SWDP 29: Sustainable Drainage Systems

SWDP 30: Water Resources, Efficiency and Treatment

SWDP 31: Pollution and Land Instability

SWDP 38: Green Space

Other Documents

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

50. The Strategic Economic Plan's (SEP) vision and strategic framework is to ensure that Worcestershire's economy grows even more rapidly and makes an increasingly important contribution to the national economy. The SEP aims to grow the local economy by 2025 by generating over 250,000 jobs and to increase GVA by £2.9 billion.

51. The SEP sets three objectives:

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

52. The SEP sets out integrated programme areas, which comprise prioritised projects and initiatives to meet these objectives. Transport Investment Programme is an initiative identified within the SEP to meet the objective of 'create a World Class business location'. The SEP recognises that "additional investment in Worcestershire's transport infrastructure and services is essential to provide business with improved access to markets and employees and to encourage economic growth". The SEP states that "transport investment will be targeted to unlock the potential of key employment and housing sites to support the overall growth vision. Investment will also improve external linkages (with neighbouring sub-regions and international gateways to enhance access to national and global markets) and enhance accessibility between key economic centres within the LEP area to accommodate the travel demand associated with the growth aspirations". Within the List of Transport and Infrastructure Schemes for Worcestershire SEP, at Scheme Number 7 the New Road Scheme is listed as part of the package of schemes across

Worcestershire to alleviate future flooding issues. It states that its benefits would include *"flood alleviation, reducing disruption to journey times and prevent increased use of few alternative routes – which may be unsuitable, particularly for HGV's causing significant congestion"*.

Worcestershire County Council's Worcestershire Local Transport Plan 3 (LTP3)

53. The Worcestershire Local Transport Plan 3 (LTP3) was adopted in February 2011. The plan focuses on attracting and supporting economic investment and growth, by delivering transport infrastructure and services to tackle congestion and improve the quality of life.

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

54. Worcestershire's Local Transport Plan 4 (LTP4) was adopted on 9th November 2017. LTP4 sets out an investment programme for Worcestershire's transport networks, including infrastructure, and technology and services essential to support planned growth, and continued social and economic success. A key environmental objective of LTP4 is to limit the impacts of transport in Worcestershire on the local environment by investing in transport infrastructure to reduce flood risk and other environmental damage, amongst other methods.

Consultations

55. **County Councillor Alan Amos** has commented that he has no objection in principle, but that he will have a keen interest in how the works are to be carried out without causing further traffic congestion in the City. The councillor stated that he may have objections on this point.

56. **County Councillor Simon Geraghty** has made the following comments:

- "I support the planned improvements that will help improve the resilience of this critical road network during any future flood events
- The loss of New Road and the City bridge during previous floods caused major disruption to the City and a significant number of residents and businesses, and
- Whilst the proposal won't completely remove the risk of such an event happening in the future, it will improve the chances of keeping the road and bridge open to traffic in all but the most severe flooding."

57. **County Councillor Richard Udall** has made no comments.

58. **Worcester City Council's Planning Officer** has made the following comments:

- The City Council has no objection in principle to the proposals.

However, the Council has significant concerns regarding the failure of the scheme to secure the permanent enhancement of New Road, a key gateway to the City and adjacent to the nationally renowned Cricket Club

- The City Council has no objection to the proposals, subject to the following amendments:

- Firstly, the loss of the trees on the south side of New Road is much regretted and highlighted as a permanent loss of high adverse impact on the conservation area and character of the area by the Landscape and Visual Impact Assessment (LVIA). The proposed replacement trees in Cripplegate Park would not address the character loss. The rationale for not replacing the trees in their existing locations is 'due to construction constraints and operational requirements'. The city council considers that there is no technical or any other reason why suitable replacement species of tree could not be provided along New Road due to contemporary sophisticated tree planting techniques for urban environments being able to handle all the usual utility constraints.
- An example of a contemporary technique is the 'Greenleaf' system which can deal with root direction and growth in environments where utilities are to be avoided. A suitable species of tree must be used to not develop buttress and surface roots, and to have a crown shape conducive to passing traffic. A wide choice of Greenleaf systems are available with grill and grid systems suited to pedestrians. If they are designed well, there are unlikely to be any health and safety issues.
- With the extent of the works to the area, there is a unique opportunity to enhance the historic area in a demonstrably sustainable manner, particularly in environmental and social terms.
- Secondly, the scheme is heavily engineered with beany kerbs and large areas of blacktop. This is not considered to be in character with the area and not an appropriate frontage to the Cricket Club, which may potentially be re-built or re-designed along that stretch. Whilst it is appreciated that beany kerbs are necessary in engineering terms for capacity and speed of run-off, it is considered that the need for this heavier solution means that other enhancements to the streetscape have more importance. More textured and 'granite like' beany kerbs would be better and it is recommended that a sample be submitted for the approval.
- Thirdly, the southern footway should be paved in the same block as the river bridge, which was re-furbished recently to provide a coherently paved route from St Johns. Trees should also be replaced along this footway, potentially on a footway/cycle divide line. Consideration should be given to how and when this may be done to accommodate the future redevelopment proposals of the Cricket Club, which would be required to include enhancements to the frontage to compliment those undertaken as part of the Cricket Club entrance and Premier Inn hotel development. Provision for such works must be included as part of the current proposals or for coordinated phased implementation. Otherwise, a public realm contribution to the City Council for the cost of these works to an agreed specification will be required.
- The City Council Planning Officer states that in response to this point, the applicant has made the following comments:

'Unfortunately, the use of block paving in what would still be considered a flood risk area is not practical. The block pavers can lift up in times of flood and become unstable. The like for like replacement of the trees along the

existing carriageway is not possible due to a number of constraints including health and safety, the root areas being constrained by existing utility services and the maturity of the trees.'

- The City Council fundamentally disagrees with this. Block paving can be fine in flood areas, subject to construction technique. For example, the area on the riverside walk around Quay Fountain is mostly tegula type blocks and some stone flags. This has been inundated many times since construction in 2000 and has required no attention at all. The paving must be solid pavement type construction, not laid on sand (when they would certainly lift). In effect, they can be laid on a tarmac base course as the wearing course using a suitable grout/cement system designed for inundation. Even suitably placed areas of this in contrast to the blacktop, for example to emphasise the tree positions would help.
- For these reasons, it is considered that the scheme as proposed would be contrary to Policies SWDP6 and SWDP21 of the South Worcestershire Development Plan 2016, and the aims and interests that the National Planning Policy Framework seeks to protect and promote.
- The scheme should be amended accordingly and details submitted to the Local Planning Authority for further consideration. Otherwise, it is recommended that these matters be addressed through suitable conditions of development.
- The Officer stated that these are informal Officer comments which have not been endorsed by Members.

59. **Worcester City Council's Conservation Areas Advisory Committee** has made the following comments:

- The Committee understands the importance of flood alleviation works and is broadly supportive of the principles of the scheme.
- The Committee has concerns regarding the loss of trees, the lack of an acceptable replanting strategy and choice of materials.
- The committee has concerns with the LVIA, which they believe undermines the importance of this avenue of trees and the sensitivity of the receptors. They consider the LVIA misunderstands and miscalculates the likely significance of the impacts.
- They state that the LVIA repeatedly reports 10 trees to be removed, yet the scheme drawing shows 14. They also state the age or individual condition of any tree is not the relevant point as the overall avenue is in a constant process of growth and evolution.
- The Committee states that the introduction of the LVIA says that the details of the design and mitigation are included at 7.1, but that it also states that the construction methods are not known at the time of the assessment at 7.9. They question how it can properly assess the impacts of something it does not fully understand.

- The Committee consider that despite the LVIA noting the importance of the trees the lack of a scheme to replace them as an avenue along New Road is wholly unacceptable. 'The avenue dates back to at least 1920 and there is adequate room for replanting along the road'. The committee requests that any design constraints in terms of planting the trees further back from the carriageway are made known.
- The Committee considers that the LVIA's assessment of the loss of 10 trees constituting a moderate impact is 'clearly wrong'. They consider that the impact would be major adverse and permanent on the trees in terms of the physical impact and moderate adverse at the very least on visual receptors, including the thousands of motorists entering and leaving the city, those visiting the cricket club, those walking to and from St. Johns, and major adverse impact on the character of the Riverside Conservation Area.
- The Committee considers that the assessment that new trees in Cripplegate Park will offset the loss on New Road resulting in a neutral impact is 'clearly wrong'.
- The Committee considers that the LVIA understates the sensitivity of receptors. They consider vehicle users are not necessarily in the low bracket of sensitivity where the journey includes routes of scenic interest, such as this, and that the LVIA is incorrect to classify all motorists as a low sensitivity receptor. Similarly, they consider that cycle and foot users are in a high bracket of sensitivity as their attention is likely to be focussed on the view of the avenue of trees and the framed view of the open cricket field.
- The Committee state that it cannot be the case that the loss of 14 trees on this important avenue can be assessed as only minor adverse in magnitude to those using New Road and negligible to everyone else with the exception of users of Cripplegate Park, 'where it seem, somehow, as 'slight beneficial'? The committee considers the loss is major, permanent and not properly mitigated.
- The Committee considers that the site visit for the LVIA carried out once on a winters day, and the subsequent comments that the perception of the avenue in summer is likely to be 'subtly different' is 'totally inadequate as an assessment'.
- The committee considers that 'the playing fields (and Cripplegate Park to a slightly lesser extent) are very important parts of the journey into/out of the city'. They consider that views across the cricket pitch and pavilion could be considered iconic views. They consider that the plughole itself must be designed to a very high standard to not be visible from the road.
- The Committee considers that the choice of materials is very important and must not be standard Highways specification. They consider that the submitted graphics illustrate typical highways railings, concrete walling and kerbing and that this is 'wholly unacceptable'. They consider that the design of any railings must take proper account of the existing and attractive Hoop railings along New Road. New lighting and other street furniture, such as bins, seats, and signage must also be to the highest standard.

- They comment that the LVIA summary concludes that the loss of the trees will be a permanent significant effect, and that as it cannot be said to be beneficial, then it must be adverse.
- The Committee have significant reservations about the detail and accuracy of the LVIA and ask that it be reviewed fully in light of the comments made here.
- They comment that the Avenue of trees, irrespective of the individual condition or age of any individual tree, are a vitally important part of the character of the area and all efforts must be made to preserve or enhance it. They comment that this scheme does neither.
- The Committee comments that its overall conclusion is to 'stand with Worcester City Council in a tentative support for the broader aspiration of the scheme, but it is most certainly not acceptable in its current format and, given its importance, these issues must be resolved prior to a consent being granted and not be dealt with as part of a later condition process'.

60. **The County Ecologist** has made the following comments:

- "I have no objections to this proposal, subject to conditions;
- Considering the relatively small scale of the project (not requiring a construction footprint within the River or its embankments), its short duration of 12 weeks, and the temporary nature of the construction operations (a duration of 12 weeks being anticipated), and construction phase mitigation proposed, I believe it is reasonable to conclude that the project could be eliminated from further assessment as required by Regulation 102(1) of the Conservation of Habitats and Species Regulations 2010 in terms of the risk of a Likely Significant Effect (LSE) occurring to a Natura2000 site that is hydrologically linked to the proposal. Securing a sufficiently robust Construction Environmental Management Plan (CEMP) will be essential to the maintaining the above judgement;
- I support the proposed commitments for the CEMP including retaining an Ecological Clerk of Works, demonstrating adequate protection to nesting birds, and the development of Water Pollution, Air Pollution and Noise and Vibration Environmental Method Statements, together with a Pollution Incident Control Plan (PICP). I consider that the final CEMP should be submitted to the County Planning Authority in addition to the relevant enforcement agencies in the event of planning approval;
- In terms of the proposed removal of trees on New Road, the existing trees serve as a route of wildlife dispersal from the River Severn and offer an ecological function in this highly urbanised environment, as has been evidenced by the discovery of a number of bat roosts in trees by routine highways safety operations. I acknowledge that works for which permission is sought within the scope of this application will not directly affect an active bat roost and therefore no further consideration with regards the 'three tests' for European protected species (as per Regulation 53 of the Conservation of Habitats and Species Regulations 2010) is required. However, I do not believe the loss of the existing tree-lined corridor will be fully compensated for by a replacement tree-lined

corridor in the adjacent park. In view of this, there will be residual ecological impact not otherwise addressed by the proposed compensation tree planting. In addition, the applicant's rationale for being unable to replace the existing trees in their original locations has not been adequately articulated;

- My preference is to replace the existing trees like-for-like in their original locations so as to address the denuded effect on the New Road tree corridor that would result from permanent removal. If this were to occur, the applicant may need to supply additional detail in terms of species and planting/root protection measures. However, if the applicant can provide an appropriate rationale for the unavoidable relocation of compensation tree planting, then I do not object to the proposed location in Cripplegate Park. I would recommend a condition that would secure appropriate planting specifications and maintenance of these trees;
- The condition for securing appropriate planting specifications and tree maintenance should specify that a Landscape & Ecological Management Plan (LEMP) should be submitted to the County Planning Authority. The LEMP should require the applicant to adhere to the following requirements:
 - a) Loss of trees and loss of a section of the Cripplegate Park boundary hedgerow should be replaced using native trees (on at least a 1:1 ratio) and by replanting at least the same extent of hedgerow using native and woody species (e.g. holly or hazel);
 - b) Trees and hedgerows to be retained within the vicinity of the works must be protected in accordance with British Standard BS 5837 2012. BS5837:2012 contains specific protection measures at Appendix 2. Damaged or failed specimens should be replaced within the first seasonal opportunity to do so;
 - c) Loss of grassland habitat should be compensated for by re-seeding at least an equivalent area with an appropriate native grassland mix following completion of the works. I agree that using a more species diverse seed mix than the grassland to be damaged/destroyed would provide a modest enhancement for biodiversity;
 - d) Bird and bat boxes should be installed in the local area due to the site-level diminishment of roosting and nesting opportunities in the period intervening tree felling and establishment of compensatory planting. Boxes should be installed along an east-west axis to the west of the River Severn so as to replicate (at least in part) the ecological function a like-for-like tree corridor replacement would have offered. Boxes should be a mixture of specifications to maximise the chance of occupation by a variety of bird and bat species recorded here."

61. **The County Footpaths Officer** has stated that the scheme would not affect any existing Public Rights Of Way.

62. **The County Highways Officer** has made the following comments:

- "I have no objections;

- The scheme is a flood alleviation scheme and will not result in any increase in vehicle numbers;
- I am pleased to see that it is intended to keep the route open throughout the construction period with pedestrian access maintained; and
- It should be noted that the A44 is a key corridor. Any traffic management in this location is likely to cause additional congestion and delay. The applicant should engage with Worcestershire County Council's Street works Team at an early stage to discuss Traffic Management proposals."

63. The County Landscape Officer has made the following comments:

- "I broadly agree with the analysis and conclusions of impacts and mitigation set out in the LVIA. The net loss to townscape character is unavoidable given the scope of the proposals. Whilst this is disappointing, I recognise and understand the constraints present along the section of road where the tree removal will take place;
- I welcome the proposal to plant 13 new trees in Cripplegate Park and agree this is a neutral benefit given that the locations selected cannot mitigate the loss of existing trees in the context of townscape and visual character;
- I would seek clarification of the constraints on replanting the trees in their original locations. Does the applicant propose entirely ruling out replanting along the highway to some extent? The time taken for trees to mature does not seem an adequate justification if that is the sole issue for not undertaking this, especially considering that the trees in Cripplegate Park would require 15 years to achieve sufficient maturity to offer benefit;
- I would argue that even a limited opportunity to replant trees along the affected section of New Road will help to soften views along the highway and provide some aesthetic benefit. This could be achieved in addition to the new planting in Cripplegate Park, thereby achieving a better overall result for townscape character; and
- The hard engineered culvert inlet and outlet structures will be of localised detriment to their setting. I query why there are no options for disguising or softening these into their setting, particularly in Cripplegate Park. I would welcome clarification".

64. The County Sustainability Officer has made the following comments:

- Air quality assessment could also include minimum standards for all vehicles working on the site, not just restrictions on idling. Euro 5 emissions standards could be the minimum standard as it introduced a limit on particulate matter;
- Air quality assessment could also consider that number of vehicle journeys for the removal of waste to limit emissions; and

- The EIA doesn't appear to cover the impact on human health. Air quality impacts should also address human health. The benefits of limiting air quality issues will be of benefit to the local area and health of the local population.

65. **The Ancient Monuments Society** have made no comments.

66. **The British Horse Society** have made no comments.

67. **The Canal & River Trust** have stated that they have no comments to make. However, they requested an informative requiring the applicant to contact their Works Engineer to ensure that any works comply with the Trust's Code of Practice for works adjacent to a waterway in the event of planning approval.

68. **The Environment Agency** have made the following comments:

- "We have no objection to the proposals submitted but wish to make the following comments to assist your determination of this application.

Flood Risk

- The proposed development comprises 'essential infrastructure' as defined in Table 2 of the National Planning Policy Guidance (NPPG). The flood risk vulnerability and flood zone compatibility table (Table 3) in the NPPG sets out that the development should pass the Exception Test (ET).
- The ET is a method to demonstrate and help ensure flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.
- The test requires proposed development to show that it will provide wider sustainability benefits to the community that outweigh the flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.
- The proposed raising of New Road seeks to keep this route into Worcester open for longer during flood events such as that experienced in February 2014 (estimated to be a 1 in 20 year event in Worcester). There are clear benefits to this road raising scheme. The city will remain accessible for longer and shallower depths of flooding on New Road will result in higher return flood events.
- It is not intended to keep the road operational in the 100 year plus climate change flood event on the River Severn which is why the road is only being raised by a maximum of 38cm. Worcestershire County Council are still expecting to close the road in a 1 in 50 year event.
- Raising a length of road perpendicular to the river will have impacts on flood flow routes and consequently upstream flood levels. Therefore, mitigation in the form of a plughole with a culvert running under New Road has been proposed to convey floodwater to the downstream side of New Road.

- We have attended a number of flood modelling workshops with JBA Consulting and Worcestershire County Council as part of the preparation for the Flood Risk Assessment (FRA) (dated August 2017). Following these meetings we have formally approved the modelling methodology undertaken to assess the impacts of the road raising.
- The modelling was complex with 2D modelling of the floodplain in addition to the 3D modelling of the plughole and culvert. The modelling assessed the impact of the raised road and mitigation measures during a number of return periods including an 85% blockage scenario of the proposed plughole structure. The modelling was then later updated to take into account the impacts of the increased climate change allowances which were released in February 2016. This was released after the initial modelling had been undertaken as outlined in Section 3.5.4 of the FRA.
- We are satisfied with the supporting FRA. It has demonstrated that the plughole feature can cope with floodwater in lower return periods such as a 1 in 5 and 1 in 10 year events. However, there are maximum increases in post road raising flood levels upstream of the road of around 5cm in a 1 in 25 year event, where the plughole cannot cope with the floodwater (Table 5.2).
- In greater events, flows tend to flow across New Road although flood depths on the road itself will be shallower. Table 5.2 shows the maximum increase in upstream water level within Cripplegate Park with the road scheme and mitigation in place. There are 2 existing properties located within the park. Section 5.3.7 of the FRA confirms that levels to the South West corner of the existing garage increase by 3cm in a 1 in 20 year event but that there are no increases in a 1 in 50 or 100 year event. There is also a venue called the Pavilion in the Park. As the threshold level of this property is higher, there are no detrimental impacts on this property in a 1 in 20 year event. In greater events when water flows over New Road there are no increases in flood levels post road raising.
- There are no changes to the properties in terms of their Flood Zones or hazard ratings. Therefore the only impact appears to be slightly deeper flooding at the garage site in a 1 in 20 year event. The FRA discussed the use of additional plugholes/culverts to reduce this increased risk but assessed that the limiting factor was the downstream level of the playing fields acting as the dominant control for events above a 1 in 10 year event.
- We understand that Worcestershire County Council has been in discussions with both property owners within Cripplegate Park to provide mitigation regards the above. There are no detrimental impacts outside of the park itself.
- In summary, this scheme will provide significant operational benefits to Worcester which are outlined in JBA Consulting's FRA. We have no objection to the proposals providing discussions continue with the owners of the two properties located within Cripplegate Park to provide mitigation/property level protection. We recommend you seek to obtain the detail of this mitigation ahead of your determination and secure it via a suitable planning mechanism.

- In addition to planning permission, we have received a flood risk activities permit from Worcestershire County Council for the road raising proposals which we are currently determining (Ref: EPR/ZB3954BH)."

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

70. **Historic England** have stated that they do not wish to comment.

71. **The Inland Waterways Association** have made no comments.

72. **The Lead Local Flood Authority (LLFA)** have stated no objections.

73. **Natural England** have made no comments.

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

75. **The Ramblers Association** have made the following comments:

- "During the construction period, steps should be taken to ensure that Riverside Bridleway WR-940 remains open and safe to use. We request that this be achieved via a condition;
- Our main concern is the loss of trees along New Road. Ideally, they should be replaced to retain the tree lined avenue character of New Road in this attractive and prominent city centre location. Presently, the trees mitigate the adverse visual impact of the Cricket ground buildings. If replacement trees here cannot be planted, then steps should be taken to improve the appearance of the building facades using planters and decoration. Professional advice should be taken on this, as well as a condition to address this issue."

76. **The Planning Casework Unit** confirmed that they have no comments to make on the Environmental Statement.

77. **Public Health England** have made the following comments:

- PHE have no significant concerns regarding risk to health of the local population from the proposal, providing the applicant takes all appropriate measures to prevent or control pollution; and
- There are not expected to be any long term emissions from the proposal following the initial construction phase. Therefore, we recommend the local authority's environmental health department is consulted regarding the control of any short term emissions to air and land during the construction phase. We also recommend consulting the Environment Agency regarding any emissions to water during the construction phase and beyond.

78. **Severn Trent Water Limited** have no objections, subject to a condition requiring drainage plans for the disposal of foul and surface water flows being submitted for approval. Severn Trent also advised the applicant to contact their New Connections team to assess their proposed plans for diversion requirements in the event of planning approval.

79. **The South Worcestershire Land Drainage Partnership** made the following comments:

- "I have no objections to the proposals; and
- The applicant should consider whether or not a flap trap valve will be necessary at the outlet end of the new culvert to prevent backflow into Cripplegate Park from the Cricket ground and playing fields to the south where flooding can occur separately to the presumed sequence from Hylton Road, Tybridge Street and Cripplegate car park to retain the present flood flow sequence."

80. **West Mercia Police Force's Design Out Crime Officer** has no objections. They have commented that during times of flood, if New Road is not closed then operational policing can continue on the west side of the City unhindered from the Divisional HQ on Castle Street.

81. **Worcester City Council's Archaeologist** has made the following comments:

- "The only identified impact on archaeological remains is from the excavation for the culvert across the road and associated works. The raising of the road will have no archaeological impact;
- The culvert works can be appropriately covered by an archaeological watching brief as proposed in the Environmental Statement; and
- I recommend a condition requiring a Written Scheme of Investigation (WSI) for an archaeological watching brief to be submitted to the County Planning Authority for approval in writing prior to development taking place."

82. **The Worcestershire Local Enterprise Partnership** have made no comments.

83. **Worcestershire Regulatory Services – Air Quality** have stated that they have no adverse comments to make.

84. **Worcestershire Regulatory Services – Technical Services** have stated that the ES documents relating to Noise, Vibration and Dust management appear satisfactory. They recommend that recommendations made in the ES should be conditioned via a Construction Environmental Management Plan that should be submitted for approval.

85. **Worcestershire Wildlife Trust** have no objections. However, they would be keen to see more ecological enhancement associated with the scheme. They recommend liaising closely with the County Ecologist for help with this and all other on-site ecological considerations.

Other Representations

86. The application has been advertised on site, in the press and by neighbour notification. To date, there has been 1 letter of representation commenting on the proposal. The letter of representation is available in the Members' Support Unit.

87. The letter stated that unless reassurances could be provided on the following points, an objection would be registered:

- That there would be no significant raising of water levels at either of their properties as a result of the works;
- That the works would be carried out in accordance with the plans, specifications and drawings submitted;
- That the flood prevention measures referred to in meetings with WCC officers would be fully completed, including the provision of non-return valves beneath New Road;
- That property level protection would be fitted to their properties, non-return valves would be fitted to surface water drains serving their private parking areas as agreed by WCC officers; and
- That there would be no objection raised by WCC, the City Council or the EA to a future application for the provision of a dry route (for pedestrians, cyclists and emergency vehicles, together with other access/egress during times of flood) between their properties and the raised New Road, subject to its correct and approved technical design.

88. The applicant has responded to the points above and has provided the following comments:

- Regarding water levels, the modelling indicated that there would be no impact at either property beyond the small margin of tolerance (+/- 3centimetres) that is accepted practice for the modelling;
- The works would be carried out in accordance with the plans;
- The flood prevention measures referred to in meetings with WCC officers (including non-return valves) would be installed; and
- Property level protection agreed by WCC officers would be installed.

89. In terms of no future objections from Worcestershire County Council to an application by the respondent, members are advised that any such planning application would be considered on its own planning merits by the relevant Local Planning Authority at the time of that application (notwithstanding any discussions between the applicant and the respondent).

The Planning Development Manager's Comments

Justification for the proposal

90. The applicant states that the flood events of 2014 and 2007 resulted in the closure of the A44 New Road, which caused negative effects on the local economy through delayed journey times and increased congestion at the open crossing points into and out of Worcester City.

91. The applicant states that the proposed development would enable the A44 New Road to remain open during times of flood equivalent to the flood events of 2014 and 2007 (a 1 in 25 year return period), and to re-open much faster than the present situations for larger events, such as the 1 in 50 year return period and beyond.

92. The applicant's justification for the proposal is that it would mitigate the negative economic and congestion impacts outlined above for major events equivalent to the 2014 and 2007 floods. In addition, the proposal would reduce the negative impacts on the local economy (in terms of reducing the duration of time of any road closure) by allowing flood water to drain from New Road faster than the present situation for larger flood events equivalent to a 1 in 50 year return period.

93. The applicant's technical report concluded that the scheme, as part of a wider package of flood alleviation schemes across the County, would contribute to economic benefits totalling £10.389 million, and that the scheme represented High Value for Money.

94. County Councillor Geraghty supports the proposal, commenting that it would improve the resilience of this critical road network during future flood events and reduce the disruption to the City's residents and businesses.

95. In terms of planning policy, Policy SWDP1 of the South Worcestershire Development Plan states that when considering development proposals, Local Planning Authorities will take a positive approach reflecting the presumption in favour of sustainable development contained in the NPPF. The NPPF identifies that there are three dimensions to sustainable development: economic, social and environmental.

96. The Planning Development Manager considers that the proposal would ensure greater economic stability and reduced adverse impacts on congestion for Worcestershire residents and businesses compared to the present situation. In terms of Policy SWDP1, it is considered that the proposal would mainly accord with the economic and social aspects of the Policy. There are two reasons for this view.

97. Firstly, this proposal would mitigate negative economic consequences for businesses during times of flood, thereby ensuring a strong, responsive and competitive economy in accordance with Section 1 of the NPPF. Secondly, the proposal would ensure that communities would be able to continue to access local services and improve the conditions in which they travel during times of flood in accordance with Section 4 of the NPPF.

98. In terms of the environmental aspect of Policy SWDP1, it is considered that the proposal would accord less clearly with the environmental aims of sustainable development. An aspect of the proposal that weighs in favour of the environment is that it would enable vehicular traffic to continue crossing the river via the shortest possible route, thereby ensuring reduced vehicle emissions compared to longer, diversionary routes during times of flood. In addition, the proposal would enable active travel users to continue using the crossing during times of flood and avoid using motorised transport as an alternative. Weighing against the proposal are the works required to facilitate the flood alleviation works, which would involve the removal of some trees along the A44 New Road. The County Ecologist has identified these trees as fulfilling an important ecological function.

99. In view of the above, it is considered that the proposal must demonstrate that its environmental impacts would be appropriately mitigated in order for it to accord with Policy SWDP1.

100. Overall, the Planning Development Manager considers that the proposal would be clearly justified when assessed against the economic and social aspects of Policy SWDP1. In this regard, members are advised that Paragraph 19 of the NPPF requires significant weight to be placed on the need to support economic growth through the planning system. However, the proposal must also demonstrate accordance with the environmental aspects of Policy SWDP1 in order to be considered sustainable development.

Traffic and Highways Safety

101. The proposal is for flood alleviation works that would involve raising the A44 New Road and installing a culvert beneath the road. The proposal would also involve alterations to three splitter islands to enable traffic to travel in both directions along New Road during a flood event, thereby ensuring that this crossing point to Worcester City could remain open.

102. In addition to the above, the proposal involves works to improve the highways safety situation at the entrance/exit to Worcestershire County Cricket Club involving widening the entrance/exit, extending the give-way markings, and installing replacement gates. A new entrance to Cripplegate Park would also be created to facilitate maintenance of the culvert inlet structure.

103. The applicant states that the construction period would last approximately 12 weeks and would commence in January 2018 to avoid the Cricket season. The A44 would remain open to traffic via one lane and at least one footpath would remain open throughout the construction period. The applicant states that the disruption from construction would be a one-off period whereas the benefits of the project would last for years to come.

104. In terms of consultees, the County Highways Officer has no objections to the proposal. They recommend that the applicant should contact the Street works team at the earliest opportunity to discuss Traffic Management proposals. County Councillor Alan Amos has commented that he has no objections in principle, but that he would not want the proposal to cause any traffic congestion for the City. The County Footpaths Officer stated that the proposal would not affect any existing Public Rights Of Way (PROWs). The Ramblers Association commented that steps should be taken to ensure that Bridleway WR-940 remains open and safe during the construction period using a planning condition.

105. In terms of planning policy, Policy SWDP4 requires proposals to address road safety, to be consistent with the delivery of the Worcestershire Transport Plan objectives, and to have regard to the design criteria and principles set out in Manual for Streets, Worcestershire County Council's Local Transport Plan, and Worcestershire County Council's Highways Design Guide.

106. The Planning Development Manager considers that the proposal would accord with the requirements of Policy SWDP4 for two reasons. Firstly, the proposal would be consistent with the objectives of Worcestershire's Local Transport Plan 3,

particularly the economic objective, which seeks to support economic growth through a reliable and efficient transport network. Secondly, the proposal would address road safety due to its design being in accordance with the documents specified in Policy SWDP4. This is confirmed in the applicant's planning statement addressing Policy SWDP4.

107. The material considerations of access being maintained to Bridleway WR-940, and construction impacts being minimised have also been considered. Regarding the Bridleway, the County Footpaths officer has stated that the proposal would not affect any PROWs in its vicinity. However, it is considered that securing access to the Bridleway via a planning condition would be a reasonable measure in view of the Rambler's Association's concerns. Regarding construction impacts, it is considered that the applicant has made reasonable preparations to ensure that the proposal would involve the minimum amount of disruption to facilitate the works.

108. Taking into account the comments of the County Highways Officer, the Planning Development Manager considers that the proposal would be acceptable in terms of traffic and highways safety, subject to conditions that would secure an appropriate Construction Environmental Management Plan, and measures to maintain access to Bridleway WR-940 for the duration of the construction period.

Landscape Character, Heritage Environment, and Visual Impact

109. The proposal would involve several elements that would impact upon landscape character, the heritage environment, and appearance of the New Road area. The proposal would take place wholly within the Riverside Conservation Area. The proposal would involve the removal of 7 trees. 3 trees would be removed on the Cricket Ground side of the New Road, whilst 4 trees would be removed on the Cripplegate Park side of New Road. The trees are noted for their contribution to the tree lined avenue setting of New Road.

110. The applicant is proposing to plant 13 trees, as compensation for this loss, in the south-western corner of Cripplegate Park. In addition, they are proposing to plant 1 tree adjacent to the cricket club buildings. The proposal would also involve the installation of an engineered culvert inlet structure in Cripplegate Park, and a culvert outlet structure on the King's School's playing fields.

111. In addition to the above, the proposal would involve raising and re-laying New Road and its adjacent footpaths in asphalt. New drainage kerbs would also be installed comprising of Marshalls Beany Blocks Combined Kerb and Drain kerbstones.

112. Consultees have made the following comments:

113. Worcester City Council's Planning Officer has no objections in principle to the proposal, subject to three amendments being made. Firstly, the council considers that there is no reason (technical or otherwise) why the trees proposed for removal on the southern footway cannot be replaced in their existing locations, or on a footway/cycle dividing line away from the carriageway. They commented that the loss of these trees would be a permanent loss of high adverse impact on the conservation area and character of the area as identified in the LVIA, and that the proposed replacement trees in Cripplegate Park would not mitigate this loss. They consider that replanting

could be achieved using contemporary planting techniques, such as the 'Greenleaf' system, which they state can deal with environments where utilities are to be avoided.

114. Secondly, the council considers that the heavily engineered beany kerbs and blacktop coverage are not in character with the area, or an appropriate frontage to the Cricket Club, which may be redeveloped along that stretch of New Road. The council request that more textured and 'granite like' beany kerbs would be appropriate for this area and recommend a sample be submitted for approval.

115. Thirdly, the Council state that the southern footway should be paved using block paving to match that found on the recently re-furbished river bridge footpath in order to provide a coherently paved route from St. Johns. They state that the timings and methodology for this work should take into account the future redevelopment proposals of the Cricket Club, which would be required to include enhancements to the frontage and complement those undertaken as part of the Cricket Club entrance and Premier Inn hotel development. They also state that a public realm contribution to the City Council would be required for these works if they are not agreed as part of this proposal.

116. In addition to the request for block paving on the southern footway, the city council provided comments regarding the suitability of block paving for coping with flooding events, referring to the successful paving around the Quay Fountain area. They also stated that even suitably placed areas of block paving to contrast with the blacktop would help.

117. They state that the proposal would be contrary to Policies SWDP6 and SWDP21 and the aims and interests that the NPPF seeks to protect and promote unless the above amendments can be made.

118. The Conservation Areas Advisory Committee comment that they understand the importance of flood alleviation works and are broadly supportive of the principles of the scheme. However, they had a range of concerns regarding the LVIA. In the main, the committee comment that the LVIA misunderstands and miscalculates the significance of the impacts resulting from the proposed removal of trees on New Road and request that it be reviewed fully in light of their comments. The committee also considers that the lack of a scheme to replace the trees as an avenue on New Road is 'wholly unacceptable', and that the Avenue of trees are vitally important part of the character of the area. They comment that all efforts must be made to preserve or enhance it, and that this scheme does neither.

119. The County Landscape Officer comments that the proposal would lead to a net loss of townscape character but also that this would be 'unavoidable given the scope of the proposals'. The Officer has welcomed the proposal to plant 13 trees in Cripplegate Park and identified these as offering a neutral benefit to townscape and visual character. Clarification was sought as to why trees could not be replaced in their current locations on New Road. In addition, clarification was sought as to why there are no options proposed for disguising the culvert inlet and outlet structures to soften their visual impact.

120. The Ramblers Association expressed concern at the proposed loss of trees along New Road, commenting that they should ideally be replaced to retain the tree lined avenue character of the road. They also comment that if the trees cannot be

replaced in their existing locations, steps should be taken to improve the façade of the County Cricket ground buildings.

121. The City Council's Archaeologist commented that the only aspect of the proposal that might have archaeological impacts would be the excavation for the culvert's installation. They recommend a condition to secure an archaeological watching brief to appropriately address any archaeological assets that may be present beneath the road.

122. In terms of planning policy, Policy SWDP6 requires proposals to conserve and enhance heritage assets, subject to the provisions of Policy SWDP24. Policy SWDP6 states that proposals will be supported where they conserve and enhance the significance of heritage assets, including their setting, particularly in conservation areas (amongst others). Policy SWDP24 requires proposals affecting heritage assets to be considered in accordance with the NPPF, relevant legislation and published national and local guidance.

123. The following legislation and NPPF Paragraphs are also relevant to consideration of the proposal:

124. 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"*.

125. Paragraph 132 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a Grade II Listed Building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments... Grade I and II* Listed Buildings, Grade I and II* Registered Parks and Gardens... should be wholly exceptional"*. Policies SWDP 6

126. Paragraph 133 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 loss is necessary to achieve substantial public benefits that outweigh that harm or loss..."*.

127. Paragraph 134 of the NPPF states that *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use"*.

128. In addition to the above Policies, Policy SWDP21: Design, states that all development will be expected to be of a high design quality, and to integrate effectively with its surroundings. Proposals are also expected to reinforce local distinctiveness and conserve, and where appropriate, enhance cultural and heritage assets and their settings. Policy SWDP25: Landscape requires proposals to be appropriate to, and integrate with, the character of the landscape setting, as well as include an LVIA where appropriate.

129. Taking into account the comments of consultees and the provisions of the development plan, the following factors shall be considered in turn: landscape character, the heritage environment and visual impact.

Landscape Character

130. Taking into account Chapter 7 (Landscape and Visual) of the applicant's Environmental Statement and the comments of the County Landscape Officer, Worcester City Council's Planning Officer, and the Conservation Areas Advisory Committee, the Planning Development Manager considers that the proposal would result in a net loss of townscape character primarily due to the removal of the 7 trees at the northern end of New Road. The proposal would involve the permanent loss of these trees and it is considered that mitigation in the form of 13 trees in Cripplegate Park would not fully compensate for this loss, which the Environmental Statement identifies as being a moderate/large adverse effect on site character. Various consultees have commented on the proposed loss of trees and questioned why they could not be replaced in their existing locations in order to provide effective mitigation for the anticipated loss of townscape character.

131. In response to these enquiries, the applicant has provided the following rationale for the removal and explanation for why replacement of the trees in their existing locations would not be possible:

"Trees

In order to understand why it is neither feasible nor sustainable to replant trees along New Road it is important to bear in mind some key stats about tree planting in an urban environment as follows:

- *trees planted in this location would need to be a minimum 14cm girth in order that they are robust enough*
- *trees of this size would have a minimum 500-600mm root ball*
- *the root ball would need an additional clearance of at least 1m to accommodate irrigation / drainage, anchorage system, root growth space and root barrier*
- *therefore, each tree pit would ideally need to be up to 2m in width / diameter in order for the tree to achieve anywhere near its full growth potential*

There is nowhere in the shared footway / cycleway suitable for trees to be replanted because:

1. *trees cannot be planted in the middle band of the shared footway / cycleway due to:*

- a) *There being too many utility services present (water main, gas main, 2 x BT cables, high voltage electricity cable, low voltage electricity cable, surface water drain) to allow enough room for a tree pit. The quoted 'Greenleaf system' is designed to direct root growth away from services but it does not create room within such a high density of services sufficient to facilitate a tree pit. Therefore, it is irrelevant in terms of feasibility*
 - b) *It being unacceptable to have such obstacles as trees in the middle of a shared footway / cycleway*
2. *trees cannot be planted in between the central band of utilities and the kerb due to:*
- a) *there not being sufficient room for a tree pit in between the double beany kerb drainage units and the central band of utilities and*
 - b) *the kerb drainage units and necessary tree pit width pushing the tree to an unacceptable position in the central band of the shared footway / cycleway*
 - c) *trees cannot be replanted as close to the kerb as those which have been and will be removed due to the risk of vehicle strike. This was the cause of the damage and disease which has already led to a number of trees being removed from New Road on health and safety grounds*
3. *trees cannot be planted in between the central band of the footway / cycleway and the cricket club buildings due to:*
- a) *crown restriction due to the close proximity of the building – leading to a high likelihood of restricted growth and future health problems*
 - b) *interference with the building*
 - c) *shortage of natural water supply to the trees – leading to a high likelihood of growth and future health problems*
 - d) *a high probability that the trees will need to be removed to facilitate future development of the cricket ground and*
 - e) *the trees needing to be planted unacceptably close to / within the central band of the footway / cycleway (see 2. above)*
4. *trees cannot be planted in the vicinity of the new culvert due to the lack of space for root growth*

As agreed through extensive and numerous discussions with City Council officers during the planning application consultation process, the loss of trees on New Road will be appropriately mitigated by the planting of a new avenue of trees within Cripplegate Park."

132. In addition to the above rationale, the applicant also provided the following explanation following further detailed scrutiny:

"There is simply not room to accommodate a tree pit amongst the services down the middle of the shared footway / cycleway and to divert them would be incredibly expensive and disruptive.

In any case it is not acceptable to have obstructions such as trees in the middle of a shared cycleway / footway. This would be particularly unacceptable from an equality impact point of view.

However, following more detailed scrutiny, two of the trees previously earmarked for removal can be retained and accommodated. These are the two largest trees outside the hotel. It must be noted though that these trees are extremely close the kerb and they will undoubtedly continue to be struck by vehicles and, as a result, be susceptible to damage and disease in the future.

In addition, we have assessed that we can plant a tree in between the band of utilities and the cricket club buildings at the widest point of the footway / cycleway. It must be noted though that this is closer to the building than is ideal and will require a root restriction system which will help protect the building's foundations and the utilities. This, along with the proximity to the building, might restrict the tree's future potential growth and well-being. Also, should the cricket club buildings be developed in the future, there is a chance this tree will need to be removed.

The combination of the above retention and re-planting reduces the net loss of tree due to the flood scheme to five – two on the cricket club side of New Road and three (including two small trees) on the park side of New Road."

133. Having considered the applicant's reasoning, the County Landscape Officer has commented that seeking an appropriate reference for the applicant's reasoning that trees cannot be planted close to the kerb is a vital point. In addition, they commented that the setting back of trees into the shared access area can only be supported if it is a safe option for users and can be integrated around existing services. They commented that there is a risk in 'second-guessing' the future plans of the Cricket Club and, therefore, rule out planting close to the buildings. The County Landscape Officer states that the additional comments from the applicant have helped set out the intricacies and interaction of risks and constraints, which they appreciate are significant. The Landscape Officer concludes their comments by stating that if the applicant's reasoning for ruling out planting trees close to the kerb can be confirmed as non-negotiable then the compensation planting is the last resort solution. They state that they do not support the statement that the loss of trees along New Road will be appropriately mitigated by the planting of a new avenue of trees in Cripplegate Park, but that these are welcomed as a Green Infrastructure asset.

134. Regarding the applicant's reasoning for ruling out tree planting close to the kerb, the applicant stated the following:

"Fixed structures cannot be placed within 450mm of the kerb line.

In any case the first 600mm from the kerb line will be taken up with the kerb drainage structures. A further metre would then be needed to accommodate the root ball and the surrounding tree pit which would put the trees in amongst the utilities and unacceptably out in the shared footway / cycleway."

135. Having assessed the applicant's response, the Planning Development Manager considers that the practical reasons for why the 7 trees would not be replaced are considered to be sound and reasonable, notwithstanding the fact that it is regrettable that tree replacement in the original locations would not be possible.

136. In addition to considering the issue of tree replacement, the Planning Development Manager considers that the 1 new tree proposed for planting outside the Cricket Club buildings would not be desirable in the long-term due to the reasons provided by the applicant at paragraph 20 of this report (principally the prospect of restricted long-term health and growth, and possible re-development of the Cricket Club, which would necessitate its removal).

137. Overall, notwithstanding the practical reasons for tree replacement not being possible, it is considered that the proposal would not fully meet the requirements of Policy SWDP25: Landscape Character which broadly requires proposals to conserve, and where appropriate, enhance the primary characteristics defined in character assessments. This judgement will need to be weighed as part of a balancing exercise in the conclusion of this report.

138. In addition to the above considerations, the County Landscape Officer's comments regarding the disguising of the culvert inlet and outlet structures have also been considered. The applicant states in their Planning Statement that alternative culvert inlet and outlet designs were considered but were ruled out due to the proposed designs being the most effective and robust for flood alleviation, and due to the proposed designs and locations being considered most effective and preferred by landowners and stakeholders. The applicant also states that the culvert railings would likely be a grey muted colour in order to minimise visual impact. Taking into account the applicant's comments in their Planning Statement, the Planning Development Manager considers that the broad structural appearance of the culvert inlet and outlet would not be conducive to further 'disguise' for practical reasons. However, it is considered that a condition requiring detailed designs of the structures should be imposed to secure appropriate colours for the structures as suggested by the applicant in order to mitigate the impact on the landscape to some extent.

Heritage Environment

139. Taking into account the provisions of Policy SWDP6 and Policy SWDP24, it is necessary to consider the proposal in accordance with the provisions of the Framework and the relevant Policy text.

140. In terms of the NPPF, it is considered that the applicant has appropriately described the significance of any heritage assets that would be affected by the proposal including any contribution made by their setting in Chapter 6 of their Environmental Statement. In accordance with paragraph 129 of the NPPF, the Planning Development Manager has assessed the significance of these heritage assets using available evidence and necessary expertise. In view of this assessment, it is considered that the proposal would have an acceptable impact in terms of archaeological assets, subject to a condition requiring a Written Scheme of Investigation as recommended by the City Council's Archaeologist. In terms of other assets, it is considered that the proposal would lead to less than substantial harm to the Riverside Conservation Area having regard to Chapter 7 of the Environmental Statement which identifies a slight adverse impact on the Conservation Area. Paragraph 134 of the NPPF requires planning authorities to weigh this harm against the public benefits of the proposal.

141. In terms of Policies SWDP6 and SWDP24, the Planning Development Manager considers that, overall; the proposal would not meet the aims of Policy SWDP6 which requires conservation and enhancement of heritage assets due to the slight adverse impact predicted for the Riverside Conservation Area by the Environmental Statement. However, it is considered that imposing a condition requiring the submission of samples of the proposed beany blocks would mitigate this impact to some extent. Furthermore, the applicant has stated that the block would be a 'conservation beany kerb' appropriate for this situation and location. Therefore, it is considered that a condition should be imposed requiring the applicant to provide proposed kerbing materials for submission to the County Planning Authority for approval in writing.

142. Regarding Worcester City Council's comments requiring block paving for the southern footway along New Road, in terms of the heritage environment specifically, the Planning Development Manager considers that the proposed replacement of the existing tarmac with new asphalt would be conserving the existing character of the Riverside Conservation Area due to the like for like visual appearance of this surface. However, following consideration of the City Council's comments, the applicant has proposed to resurface the footways with a combination of tarmac and block paving at the edges. Therefore, it is considered that the proposed resurfacing of the southern footway of New Road would be acceptable in terms of Policy SWDP6 and Policy SWDP24, subject to the imposition of a condition requiring the resurfacing materials to be submitted for approval. Further detail concerning the practicality of providing block paving is considered later in the report under 'visual impact'.

143. In terms of archaeological impacts, it is considered that the proposal would accord with Policy SWDP6 and Policy SWDP24.

Visual Impact

144. Taking into account the comments of the Worcester City Council's Planning Officer, the County Landscape Officer, and the Ramblers Association, and the provisions of Policy SWDP21: Design, the Planning Development Manager considers that the proposal would meet certain aspects of Policy SWDP21 but not others. In design terms, the form of the development would deliver its function of flood alleviation effectively. In addition, aspects of the proposal would conserve and enhance the existing cultural and heritage surroundings of New Road, for example, the replacement of the tarmac footways with tarmac and edge block paving. However, overall; it is considered that the functional design of the development would not fully meet the aims of Policy SWDP21 due to the predicted slight adverse impact of the development on the Riverside Conservation Area. This specific aspect of the development is considered not to accord with the aim of Policy SWDP21 to reinforce local distinctiveness and conserve and enhance heritage assets and their settings.

145. In terms of Worcester City Council's comments requiring resurfacing completely with block paving instead of tarmac for the southern footway of New Road to attempt to mitigate the design impact, the Planning Development Manager considers that this would not be appropriate in this location due to the following rationale provided by the applicant:

"Block paving

As discussed extensively and agreed with City Council officers during the planning application consultation process, block paving would:

- *be deleterious to the public realm and unsustainable in the medium term due to the high likelihood of disturbance by utility companies given the high density of utilities*
- *be a less desirable surface for cycling*
- *be unsustainable in terms of likely removal / disturbance when the cricket club is re-developed*
- *be considerably more expensive to procure and lay than tarmac due to the 'hard set' installation requirement in order for the blocks to resist movement due to flooding.*
- *extend the construction / disruption period by 3-4 weeks*

Following the consultation discussions with City Council officers, the public realm is already planned to be significantly improved by this scheme through:

- *construction of a new road surface*
- *construction of a new footway / cycleway surface*
- *construction of a new flight of steps leading directly into the main entrance to the park from the bridge*
- *re-alignment and improvement of signage in order to de-clutter the pavement*
- *improvement of pedestrian and vehicular access to and from the cricket club including improved safety for highway users and cricket club visitors*
- *Planting of an avenue of thirteen new trees within Cripplegate Park*
- *Construction of a landscaped surround to the culvert inlet within Cripplegate Park*
- *A significant contribution to the refurbishment of the tennis courts within Cripplegate Park*

Worcestershire County Council officers will continue to work with those from the City Council on any ideas they should have about future improvements to Cripplegate Park and / or the wider public realm."

146. However, the applicant has now proposed to resurface the footways with a combination of tarmac and paving. A condition requiring the resurfacing materials to be submitted for approval is, therefore, imposed. Overall, subject to the imposition of this condition, it is considered that surfacing of the southern footway of New Road would be acceptable in terms of Policy SWDP21. The aspect of the proposal that is of main concern in terms of design is the proposed permanent tree removal. The reasons why these cannot be replaced in their existing positions have been covered earlier in the report.

147. In terms of the Ramblers Association's comments regarding possible improvement of the Cricket Club's façade to compensate for the tree loss, it is considered that this would not be possible to secure as part of this planning application due to these buildings not being within the applicant's ownership and control.

148. In view of the consideration of the matters above, the Planning Development Manager considers that, overall; the proposal would not fully accord with the relevant

policies of the development plan in terms of landscape character, the heritage environment and visual impact. Therefore, Members are advised that a balanced planning judgement will be made to take this into account in the conclusion of this report.

Water environment

149. The proposed flood alleviation works would involve the raising of a 190 metre section of New Road by approximately 380 millimetres, the installation of a new highway drainage design incorporating Beany Block kerb and drain kerbstones, and the installation of a box culvert beneath New Road.

150. The applicant's Environmental Statement states that the Flood Risk Assessment has demonstrated that there would be no significant impacts to flow or water quality in local watercourses as a result of the scheme as the proposed drainage system would replicate the current situation.

151. In terms of consultees, the Environment Agency have stated no objection to the proposal and comment that the proposed raising of the road would keep this route into Worcester open for longer during flood events, such as that experienced in February 2014. The Agency have also commented that they formally approved the flood modelling methodology comprised within the applicant's Flood Risk Assessment. The Agency have advised that the County Planning Authority seek to obtain details of property level mitigation for the two properties located in Cripplegate Park ahead of determination.

152. The Lead Local Flood Authority have stated no objections to the proposal. Severn Trent Water Limited also have no objections, subject to the imposition of a condition requiring drainage plans for the disposal of foul and surface water to be submitted for approval. The South Worcestershire Land Drainage Partnership have stated no objections, but commented that the applicant should consider whether a flap trap valve would be necessary for the culvert outlet structure to prevent backflow of water into Cripplegate Park from the Cricket ground and playing fields to the south.

153. In terms of the development plan, Policy SWDP28 states that for development requiring Flood Risk Assessments, proposals must adhere to the advice in the latest version of the Strategic Flood Risk Assessment (SFRA), and meet a range of criteria designed to minimise the risk of flooding. Policy SWDP29 requires development to demonstrate that site drainage and runoff will be managed in a sustainable and co-ordinated way mimicking the natural drainage network. In addition, Policy SWDP29 requires proposals to manage surface water through Sustainable Drainage Systems (SuDS) wherever practicable. Meanwhile, Policy SWDP30 states that proposals that would result in an unacceptable risk to the quality and/or quantity of a water body or water bodies will not be permitted.

154. Taking into account the no objections from the Environment Agency, the Lead Local Flood Authority, Severn Trent Water Limited, and the South Worcestershire Land Drainage Partnership, the Planning Development Manager considers that the proposal would be acceptable in terms of the water environment, subject to the imposition of conditions.

155. In terms of the Environment Agency's comments regarding property level protection, the Planning Development Manager considers that the reassurances

provided by the applicant in response to the owners' request for property level protection would be sufficient for the development to accord with the requirements of Policy SWDP28, which seeks to ensure that there is no increase in flood risk to third parties. In view of this undertaking by the applicant, the Planning Development Manager considers that this addresses the concern raised by the Environment Agency regarding this aspect of the proposal.

156. In terms of the comments made by the South Worcestershire Land Drainage Partnership regarding the suitability of a flap trap valve for the culvert outlet structure, the applicant has provided the following response:

“Although water levels in the playing fields downstream of New Road prevent the free drainage of water in Cripplegate Park, the model does not show any risk of backing up through the pipe causing flooding in the park. In all return periods, floodwater from the river upstream of New Road Bridge reaches the park before levels downstream rise sufficiently high to cause reverse flow. The levels upstream and downstream of New Road then rise together, following those in the river itself. Once the levels in the playing fields begin to subside, then free drainage through the pipe becomes possible and the park will drain much more quickly than in the existing situation and duration of flooding both of New Road and within Cripplegate Park is reduced.”

157. In addition to the above, the applicant has stated that their flood risk modelling has been carried out by professional flood risk engineers as outlined in the Flood Risk Assessment.

158. In view of the applicant's response and taking into account the comments of the Environment Agency regarding the proposal, the Planning Development Manager considers that a flap trap valve would not be necessary for the culvert outlet.

Ecology and Biodiversity

159. The proposal would involve the permanent removal of 7 trees along the A44 New Road, the installation of a culvert inlet in Cripplegate Park, a culvert outlet on the King's School playing fields, and the construction of a new entrance to Cripplegate Park. The construction of the new entrance would involve removing approximately 5 metres of hedgerow bounding the park. In addition, 13 trees are proposed for planting within Cripplegate Park in its south-western corner, and 1 tree adjacent to the Cricket Club buildings.

160. The County Ecologist has commented on the proposal, stating no objections, subject to conditions. They commented that the trees bounding New Road serve an important ecological function as a route for wildlife dispersal from the River Severn and that they do not believe the loss of these trees would be fully compensated by the 13 trees proposed in Cripplegate Park. The County Ecologist commented that this would result in residual ecological impact not addressed by the proposal. Clarification as to why the trees would not be replaced in their existing locations was also sought. The County Ecologist recommended conditioning a CEMP and LEMP in order to mitigate the risk to wildlife, and secure appropriate remediation respectively.

161. Worcestershire Wildlife Trust also have no objections but would like to see more ecological enhancement associated with the scheme.

162. In terms of planning policy, Policy SWDP22 states that development should, wherever practicable, be designed to enhance biodiversity as well as conserve on-site biodiversity corridors/networks. The Policy also requires developments to take opportunities, where practicable, to enhance biodiversity corridors/networks beyond the site boundary.

163. The Planning Development Manager considers that the proposed removal of 7 trees adjoining the A44 New Road would be a permanent negative loss in terms of ecology and biodiversity. As identified by the County Ecologist, the trees perform an important ecological function as a wildlife corridor from the River Severn, a feature that Policy SWDP22 seeks to conserve and enhance. In response to the County Ecologist's concerns about this tree loss, the applicant stated the following:

"The county ecologist has raised concerns that the existing tree-lined corridor is a valuable ecological and green infrastructure asset and the proposals to compensate for the tree loss within the park will not fully compensate this asset. Further to this the County Landscape officer has also raised concerns regarding the tree loss as has the Ramblers Association.

Unfortunately, due to the construction and operational constraints within this area it is not possible to provide a like for like replacement. The combined footway and cycleway does not provide adequate space to provide a like for like replacement. There are various services running along the combined footway and cycleway and the space which would be required for the trees (including tree pits and drainage) is not adequate. In addition to this the avenue of trees has resulted in a health and safety issue for drivers with a high vehicle strike rate. A lot of the trees are of poor condition and its felt that they are coming towards the end of their lifespan."

164. Taking into account the comments of the County Ecologist and the applicant's reasons for not replacing the existing trees in their existing locations, on balance it is considered that the proposed mitigation planting of 13 trees in Cripplegate Park (together with a condition requiring a LEMP) would make the proposal acceptable in terms of ecology and biodiversity. Members are advised that the imposition of these conditions would be required to make otherwise unacceptable development acceptable in accordance with Paragraph 203 of the NPPF.

Amenity and Health

165. The proposal would involve the raising of the A44 New Road, installation of a culvert beneath the road, and other works to facilitate two way traffic flows during a flood event including alterations to three splitter islands. In terms of possible impacts on nearby amenity and health, the applicant states that the construction phase has the potential to generate impacts that could cause nuisance, including dust and noise pollution. However, they state that mitigation measures would be incorporated into a CEMP to control these, for example the damping down of dust emissions. It should be noted that for noise pollution specifically, the applicant states that noise would not be fully mitigated to acceptable levels for certain temporary works due to the close proximity of the Premier Inn Hotel to the construction activities.

166. In terms of consultees, Public Health England have no significant concerns regarding the risk to the health of the local population, providing that the applicant takes appropriate measures to control pollution. Worcestershire Regulatory Services have no objections in terms of air quality, noise, vibration, and dust, subject to the

recommendations to mitigate these outlined in the Environmental Statement being conditioned.

167. One letter of representation was received raising concerns about possible impacts to individual properties in the vicinity of the proposal. It is considered that the applicant has responded to the concerns sufficiently to demonstrate that the proposal would have no significant impact on flooding at the properties beyond the standard minimum margin of tolerance for modelling impacts. In addition, the applicant has made an undertaking to carry out property level flood protection to the properties concerned.

168. In terms of the development plan, Policy SWDP31: Pollution and Land Instability states that proposals must be designed to avoid any significant adverse impacts from pollution on human health and wellbeing, biodiversity, the water environment, the effective operation of neighbouring land uses, and Air Quality Management Areas (AQMAs).

169. Taking into account the comments of Public Health England and Worcestershire Regulatory Services, the Planning Development Manager considers that the proposal would accord with Policy SWDP31 and would, therefore, be acceptable in terms of amenity and health, subject to the imposition of a condition requiring an appropriate CEMP to be submitted for approval.

Other Matters

Policy SWDP38: Green Space

170. The proposal would involve development within an area of Green Space as identified on the Policies Map for the South Worcestershire Development Plan.

171. Policy SWDP38 states that development of Green Space will not be permitted unless the following exceptional circumstances are demonstrated:

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

172. Whilst not directly applicable to this proposal, the Planning Development Manager considers that the proposal would accord with the first exceptional circumstance due to the works not compromising the essential quality and character of the Green Space, which covers large expanses of existing developed land in addition to green areas. Further to this consideration, it should be noted that the development plan cannot cover all circumstances and each proposal should be considered on its own merits.

Construction Compound

173. The applicant states that the temporary construction compound would be located on two of the tennis courts in Cripplegate Park and that these courts would be restored following the end of the construction period.

174. In terms of the development plan, Policy SWDP38 is relevant as the erection of the construction compound would take place on two tennis courts located in an area of green space as identified on the Policies Map for the South Worcestershire Development Plan. As outlined in the above Policy, Policy SWDP38 indicates that development that would not compromise the essential quality and character of green space will be permitted.

175. Taking into account the provisions of Policy SWDP38, the Planning Development Manager considers that the merits of the scheme would justify the use of two tennis courts for a temporary construction compound, subject to a condition requiring their restoration following the construction period in order to minimise disruption to users of the courts.

Cumulative Effects

176. Cumulative effects result from combined impacts of multiple developments that individually may be insignificant, but when considered together, could amount to a significant cumulative impact. In addition, cumulative effects can result from the combined effects of different types of impacts associated with the project, for example noise, air quality and visual impacts on a particular receptor.

177. The applicant examined these effects in Chapter 11 of their Environmental Statement. In terms of cumulative effects that would result from other planned developments, the Environmental Statement concludes that none of the developments identified are located within the immediate vicinity of New Road and would not cumulatively affect the site character. In addition, the Statement assumes that should any of the developments identified affect trees in the Riverside Conservation Area, then they would include proposals or have conditions imposed to provide replacement planting to mitigate the effects of the development. Therefore, with mitigation, the Environmental Statement anticipated that there would be no cumulative adverse impacts from other planned developments.

178. The planned developments identified by the applicant included the Worcester 6 Technology Park (Ref nos. 14/02524, 16/00575/RM, and 16/00912/RM), the Worcestershire Parkway Railway Station (Ref no. 15/000007/REG3, Minute No. 916 refers), 2204 dwellings and associated infrastructure on land to the south of Worcester (Ref no. 13/00656/OUT), an application for 225 dwellings by St. Modwen (Ref no. 13/01616/OUT), 81 dwellings on land at Broomhall Way (Ref no. P14LO266), 1400 dwellings on land to the west of Worcester, North of Oldbury Road and south the Martley Road, Lower Broadheath Worcestershire (Ref no. 16/01168/OUT), 975 dwellings, employment land and primary school on land to the west of Worcester and north of Bromyard Road (A44), Lower Broadheath, Worcester (Ref no. 15/01419/OUT), and 800 dwellings and employment land by Gleeson and Wellbeck (Ref no. 15/01685/OUT).

179. In terms of cumulative effects of the project, the Environmental Statement states that there would be significant residual effects on the landscape character of the site

and Riverside Conservation Area resulting from the removal of the street trees. In view of there being no other significant effects predicted to affect the site character or Riverside Conservation Area, the Environmental Statement concludes that there would be no cumulative impacts as a result of the combined impacts of the project.

180. In view of the above, the Development Manager considers that cumulative effects have been adequately addressed in the Environmental Statement and does not consider that the cumulative impact of the proposal would be such that it would justify a reason for refusal of the application.

Conclusion

181. The proposed development is for Flood Alleviation Works to improve the flood resilience of the A44 road at New Road, Worcester.

182. In terms of justification for the proposal, the Planning Development Manager considers that 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 has 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 is 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.

183. In this regard, the Planning Development Manager considers 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.

184. The key judgement that must be made in relation to this proposal relates to the impact on landscape character, the heritage environment, and the visual impact. In this regard, the proposed removal of trees along New Road has 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 considers that this anticipated impact would, overall, make the development fall short of meeting the aims of Policies SWDP6, SWDP21, SWDP24, and SWDP25, which cover the issues identified above.

185. It must be noted, however, that the Planning Development Manager considers that the applicant has provided valid and reasonable practical reasons why these trees cannot be replaced in their existing locations.

186. In view of the above considerations, the Planning Development Manager considers 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 are 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.

187. 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 is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

188. The Planning Development Manager recommends 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.**

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Specific Contact Points for this report

Case Officer: Joshua Scholes, Planning Officer

Tel: 01905 844485

Email: jscholes@worcestershire.gov.uk

Mark Bishop, Development Manager:

Tel: 01905 844463

Email: mbishop@worcestershire.gov.uk

Background Papers

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

17/000027/REG3 and the accompanying Environmental Statement.