

**PLANNING AND REGULATORY COMMITTEE  
26 MARCH 2019****PROPOSED PINVIN JUNCTION HIGHWAY IMPROVEMENTS  
AT PINVIN JUNCTION (JUNCTION BETWEEN A44, A4104  
AND B4082), PINVIN, NEAR PERSHORE,  
WORCESTERSHIRE**

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**Applicant**

Worcestershire County Council

**Local Member**

Mrs E B Tucker

**Purpose of Report**

1. To consider an application under Regulation 3 of the Town and Country Planning Regulations 1992 for proposed Pinvin Junction highway improvements at Pinvin Junction (Junction between A44, A4104 and B4082), Pinvin, near Pershore, Worcestershire.

**Background**

2. The Pershore Infrastructure Improvements Project would upgrade the links between Pershore town centre and the A44 to address issues of congestion on the A44 and improve access to employment and new housing areas. The project comprises three key scheme elements:
  - The construction of a Northern Link Road, approximately 420 metres in length. This would provide a direct link between the existing A44 / B4083 roundabout (north of the Worcester to Oxford railway line) and the B4083 roundabout (south of the railway line). The Link Road would provide a direct connection between the Keytec Business Park and the A44. This requires planning permission from the County Planning Authority
  - Improvements to the A44 Pinvin Crossroads junction (which is the subject of this planning application) to complement the delivery of the Northern Link Road by prioritising the A44 link and thus reducing the green signal time on Terrace Road (A4104). This would reinforce the proposed Northern Link Road as the main north to south route between Pershore and the A44
  - Modifications to the junction of A4104 (Station Road) and B4083 (Wyre Road) junction to prioritise the Station Road (south) to Wyre Road movement. This would also reinforce the proposed Northern Link Road as the main north to south route between Pershore and the A44. This would benefit from permitted development rights, falling under Schedule 2, Part 9 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as

amended) and, therefore, would not require the submission of a formal planning application.

## The Proposal

3. Worcestershire County Council is seeking to undertake highway infrastructure improvements at Pinvin Junction, near Pershore, Worcestershire. The proposed scheme seeks to improve the traffic flow at the junction and comprise junction widening and signal alterations to the existing signal controlled Pinvin Crossroads junction. The scheme design would complement the proposed Pershore Northern Link Road by prioritising the flow of traffic along A44 and thus reducing the green signal time on Terrace Road (A4014). A planning application for the proposed Pershore Northern Road is scheduled to be submitted to the County Planning Authority in early 2019.

4. Worcestershire County Council states that the proposed scheme is a component of the Pershore Infrastructure Improvement Project (see 'Background' Section of this report), which has been developed in response to increasing traffic volumes and development pressures in Pershore and the surrounding area.

5. The proposed development comprises the following:

- Moving the alignment of the B4082 (Main Street) approach to allow for future concurrent running of the side roads in the same stage, with opposed right turns. Single straight-ahead lanes on the A44 would be retained on the eastbound carriageway
- The existing right turn onto the B4082 (Main Street) and the corresponding left turn would be facilitated by a short junction link, and, therefore, these movements would be taken out of the existing signal-controlled junction. The new junction link would involve the construction a short section of road measuring approximately 50 metres onto adjacent agricultural land, to the east of B4082 (Main Street)
- Optimisation of the method of signal control to provide greater junction capacity
- The extension of the existing A44 eastbound right turn lane (towards the A4104) increasing the capacity for this movement and facilitating access to the residential properties on the south side of the A44, and
- New areas of highway, footway, controlled signals including pedestrian crossings and uncontrolled pedestrian crossings.

6. The highway lighting is proposed to be upgraded throughout the scheme to meet the current British Standards. The applicant states that the proposed lighting improvements would not extend further than the existing provision with the exception of the A44 to the west where the lighting would need to be extended by around 50 metres to provide adequate illumination of the junction and its approach. It is expected the lighting columns would not exceed 10 metres in height along the A44 and would be within the vicinity of the signalised junction. A reduced mounting

height on the A4104 and B4082 would be provided given the reduced carriageway widths and presence of residential properties.

7. The proposal requires the removal of 4 trees, 3 hedgerow trees and approximately 80 metres in length of native hedgerow within the site as well as shrubs. To ensure compensation for the loss, a new species rich, native hedgerow would be provided, measuring approximately 70 metres in length. Areas of native tree and scrub planting would be incorporated into the landscape design and include: 11 hedgerow trees; 6 individual trees and 130 square metres of native shrub mix.

8. The applicant states that as part of the proposal there would be various diversions required of statutory undertaker apparatus with most of the diversions being minor relocation of utilities into the proposed footways and verges. However, there is a significant diversion required at Pinvin Crossroads for the relocation of BT Openreach cabling, cabinets and inspection chambers. The applicant has confirmed that ongoing discussions are taking place with the affected statutory undertakers.

9. Should planning permission be granted it is anticipated that construction works would commence in June 2019 lasting approximately 28 weeks.

## **The Site**

10. The application site, which measures approximately 1.7 hectares in area includes Pinvin crossroads and associated surrounding land. The crossroads are located approximately 2.3 kilometres north of Pershore town centre and 60 metres south of the village of Pinvin at the junction of the A44 with the B4082 and the A4104. The application site is relatively flat and is located predominantly within the existing public highway, but includes land take of the adjacent agricultural field, located to the north-east of the junction.

11. There are a number of statutory wildlife sites within 4 kilometres of the site. The site is located approximately 3 kilometres north-east Tiddesley Wood Site of Special Scientific Interest (SSSI); approximately 3.6 kilometres east of Great Blaythorn Meadow SSSI; and approximately 3.7 kilometres south of Naunton Court Meadows SSSI.

12. There are no Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar designations within the vicinity of the proposal, with the nearest SAC being Bredon Hill SAC, which is located approximately 5 kilometres south of the proposed scheme and is designated for the presence of Violet Click Beetle. Lyppard Grange Ponds SAC, designated for its Great Crested Newts population is located approximately 10 kilometres north-west of the site.

13. Bow, Shell, Swan and Seeley Brooks Local Wildlife Site (LWS) is located approximately 360 metres south-west of the proposal. The Pinvin Rough LWS, Hamdean Farm Meadow LWS and Peopleton Rough LWS are situated about 950 metres, 1.4 kilometres and 1.4 kilometres north-west of the proposed scheme, respectively. Piddle and Whitsun Brooks is located approximately 1.2 kilometres east of the scheme, beyond which is the River Avon LWS, situated about 1.5 kilometres east of the site.

14. The nearest Listed Building to the proposed scheme is Moat House Pinvin Manor, a Grade II Listed Building located about 390 metres north-east of the scheme, with five further Listed Building beyond, including the Grade II\* Listed Building of Church of St Nicholas, located about 585 metres north-east of the site.

15. Public Right of Way (Footpath PV-515) is located within the application site on the western extent, adjoining Allen's Hill (A44). Footpath PV-529 is located about 20 metres to the north of the scheme. Footpath PV-528 adjoins the eastern extent of the application site, running northwards from Abbey View Road (A44).

16. The proposed development is located within Flood Zone 1 (low probability of flooding) as identified on the Environment Agency's Indicative Flood Risk Map.

17. There are a number of residential properties within the vicinity of the site, including the properties in Pinvin, the nearest of which are New House, 26 and 28 Spion Kop located adjacent to the north of the application site. Further residential properties are located along the south side of Allen's Hill (A44) including Claverley, Four Gables, Gapree, 2 Allen's Hill and on the north side of Abbey View Road (A44), the nearest of which are 1 and 2 Abbey View Road. Further residential properties are located to the south of Pinvin Junction along Terrace Road (A4104), including Old Cycle House, Old Post Office, 1 to 12 Pershore Terrace, Ravenhurst, Prospect House, Melrose, Conifers and Daisy House.

## Summary of Issues

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

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

## Planning Policy

### National Planning Policy Framework (NPPF)

19. The revised National Planning Policy Framework (NPPF) was updated on 19 February 2019 and replaces the previous NPPF published in March 2012 and July 2018. The NPPF and sets out the government's planning policies for England and how these are expected to be applied. The revised NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes).

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

21. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and

environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure
- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being, and
- **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

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

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

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

24. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should

not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

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

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

### **The Development Plan**

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

27. 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.

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

### **South Worcestershire Development Plan**

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

- Policy SWDP 1 Overarching Sustainable Development Principles
- Policy SWDP 2 Development Strategy and Settlement Hierarchy
- Policy SWDP 4 Moving Around South Worcestershire
- Policy SWDP 6 Historic Environment
- Policy SWDP 7 Infrastructure
- Policy SWDP 21 Design
- Policy SWDP 22 Biodiversity and Geodiversity
- Policy SWDP 24 Management of the Historic Environment
- Policy SWDP 25 Landscape Character
- Policy SWDP 28 Management of Flood Risk
- Policy SWDP 29 Sustainable Drainage Systems

Policy SWDP 30 Water Resources, Efficiency and Treatment  
Policy SWDP 31 Pollution and Land Instability  
Policy SWDP 47: Pershore Urban Extension

## **Other Documents**

### **South Worcestershire Strategic Flood Risk Assessment Level 1 and 2**

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

### **South Worcestershire Strategic Flood Risk Assessment Level 2 Update**

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

### **South Worcestershire Water Management and Flooding Supplementary Planning Document**

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

### **South Worcestershire Design Guide Supplementary Planning Document**

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

### **South Worcestershire Infrastructure Delivery Plan (2016)**

34. The South Worcestershire Infrastructure Delivery Plan (SWIDP) was first published in November 2012 and updated in October 2014 and July 2016. The SWIDP sets out details of the infrastructure that is required to support the growth outlined in the South Worcestershire Development Plan. The SWIDP is a "living document" in that it is subject to on-going change. Annex I of the adopted South

Worcestershire Development Plan sets out the list of infrastructure considered necessary to deliver the plan. The Councils updated Appendix Y of the SWIDP to assist in developing the Community Infrastructure Levy Charging Schedule. The SWIDP remains a technical document informing policy rather than policy per se. Appendix Y: 'Appendix on Crucial Infrastructure' includes the Pinvin Crossroad scheme.

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

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

36. LTP4 consists of a suite of policies, four statutory assessments and the main document, which includes a strategic delivery programme. It sets 5 objectives regarding economic, environment, health and safety, equality, and quality of life. It also sets out a package of strategic transport schemes, in South Worcestershire this includes ID SWST6: Pershore Northern Access Improvements. This states *"the Pershore Infrastructure Improvements scheme is currently being progressed by Worcestershire County Council. An Outline Business Case (Programme Entry) was submitted to the Local Transport Body (LTB) in March 2016 for Programme Entry Approval. Conditional Approval is planned to be obtained in April 2017. The scheme comprises:*

- *Pershore Northern Link: A new single carriageway road link, providing a critical connection between the A44 and B4083 Wyre Road, providing a significantly enhanced connection between the A44 and Pershore Town Centre;*
- *A44 / A4104 / B4082 Pinvin Crossroad Enhancements.*

37. *The scheme will provide a new north-south route between the A44 and Pershore town centre and enable greater priority to be given to the A44 at Pinvin Crossroads. The scheme will also provide traffic relief on the A4104 Terrace Road/Station Road (north of Wyre Road) and improve connectivity to Keytec Business Park. The scheme is also assumed to support the delivery of Pershore's urban extension, as allocated in the South Worcestershire Development Plan (SWDP)".*

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

38. The Strategic Economic Plan (SEP) was published in March 2014 and sets out the LEP's vision and strategic framework, which is to ensure that Worcestershire's economy grows even more rapidly and makes an increasingly important contribution to the national economy. The SEP aims to grow the local economy by 2025 by generating over 25,000 jobs and to increase GVA by £2.9 billion.

39. 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.

40. 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"*.

41. The SEP contains a table, titled: showing transport and infrastructure schemes for Worcestershire. The table includes *"Pershore Northern Relief Road and Pinvin Cross Roads"* (Scheme No. 10). The rationale for the scheme includes - enabling access to Strategic Employment Land across three sites, accelerating the delivery of housing units on three sites, and relieving traffic around Pershore to enable growth.

## Consultations

42. **County Councillor Liz Tucker** strongly supports the proposal stating that not only would it reduce the severe congestion at Pinvin Crossroads, but it is an essential part of the larger project to build Pershore Northern Link. Pershore Northern Link Road would take a railway bridge from the A44 Abbey View roundabout Pinvin across to the Keytec 7 roundabout Pershore. It would become the main route into Pershore from the north and avoid the traffic holdups on Terrace Road.

43. **Pinvin Parish Council** supports the proposal.

44. **Drakes Broughton and Wadborough Parish Council (Neighbouring Parish Council)** supports the proposal but consider the scheme should be extended to include the staggered crossroads at Peopleton onto Stonebow Road, Drakes Broughton, as this is a dangerous junction with poor visibility and would benefit from a speed review as a minimum.

45. **Hill and Moor Parish Council (Neighbouring Parish Council)** supports the proposal.

46. **Peopleton Parish Council (Neighbouring Parish Council)** has made no comments.

47. **Pershore Town Council (Neighbouring Town Council)** has made no comments.

48. **Wyre Piddle Parish Council (Neighbouring Parish Council)** has made no comments.

49. **Wychavon District Council** has no objections to the proposal, subject to the imposition of a condition requiring the development to be carried out in accordance with the recommendations of the submitted Ecological Report. The District Council also recommends consultation with the County Highways Officer and draws the

County Planning Authority's attention to a letter of representation that was submitted to the District Council objecting to the proposal.

50. **Worcestershire Regulatory Services (Noise Officer)** has no objections in relation to noise impacts, stating that the submitted noise assessment predicts that additional noise from the proposed highway improvements should not adversely impact existing sensitive receptors in the area. Also, no property owners would be eligible for additional sound insulation under The Noise Insulation Regulations 1975 (as amended).

51. **Worcestershire Regulatory Services (Contaminated Land Officer)** has no objections, subject to the imposition of conditions requiring an investigation, risk assessment and remediation scheme being undertaken in the event of contamination being discovered that was not previously identified; and results of contamination testing of any soils brought onto the site.

52. They state that the submitted reports (Preliminary Sources Study Report and Design Philosophy Statement) identify potential sources of contamination. The greatest risk of contamination is considered to be on the site from former road surfaces potentially containing coal tars, in addition there is considered to be a low risk from pesticides on the agricultural land. The reports recommend during construction samples are taken for Polycyclic Aromatic Hydrocarbons (PAH) and pesticide testing and chemically testing of excavated material at one sample per 50 cubic metres.

53. **Worcestershire Regulatory Services (Air Quality Officer)** has no objections to the proposal.

54. **The County Ecologist** has no objections to the proposal, subject to the imposition of conditions requiring a native planting scheme, and a Construction Environmental Management Plan (CEMP) for biodiversity. The County Ecologist also requests additional information regarding the proposed lighting scheme.

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

56. **The County Landscape Officer** has no objections to the proposal, subject to the imposition of a condition requiring a schedule of landscape maintenance. The schedule shall include details of the arrangements for its implementation, species mix and measures for monitoring and replacement planting should they fail.

57. The County Landscape Officer states that overall, he has no major concerns, with the proposal, given that it is within the context of an existing highway junction and constitutes a remodelling of existing infrastructure that is relatively contained and, therefore, would not impose a significant change to the existing landscape setting.

58. The County Landscape Officer welcomes the proposals to mitigate hedgerow and tree removal with the new planting proposed. However, he raises concerns that the proposed Blackthorn is quick growing and can become dominant over time and, therefore, recommends consultation with the County Ecologist regarding the use of Blackthorn in the planting scheme.

59. **The County Highways Officer** has no objections to the proposal, stating that the proposal would be an improvement to this junction for motorists, pedestrians and cyclists and as such the scheme is beneficial to the highway network. The proposal is promoted as a standalone improvement but has also been assessed with Pershore Northern Link Road (which would also require planning permission from the County Planning Authority), this also indicates significant improvements to the performance of the junction. Given the proposal is not associated with any other form of development and the applicant is the Highway Authority, it is not considered necessary to require any conditions in this instance.

60. **The County Footpath Officer** has no objections to the proposal, stating that the proposal is adjacent to Public Rights of Way (Footpaths PV-515, 528 & 529). The Footpath Officer considers that the proposal would have no detrimental effect on the Footpaths, subject to the applicant adhering to their obligations to the Public Rights of Way.

61. **The Ramblers Association** has made no comments.

62. **The Open Space Society** has made no comments

63. **The Campaign to Protect Rural England (CPRE)** wishes to make no comments on the application.

64. **The District Archaeologist** has no objections to the proposal.

65. **The County Archaeologist** has no objections to the proposal.

66. **South Worcestershire Land Drainage Partnership** has made no comments.

67. **The Lead Local Flood Authority** has no objections to the proposal, subject to the imposition of conditions requiring a detailed drainage strategy and Sustainable Drainage Scheme (SuDS) management plan.

68. **Severn Trent Water Limited** has no objections to the proposal, noting that the proposed development would have minimal impact on the public sewerage system.

69. Severn Trent Water advises that there are public sewers located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without their consent. The applicant should contact Severn Trent Water to discuss the proposed works and their requirements.

70. Severn Trent Water also notes that there is a sewage pumping station within the application site and any new development must not restrict access to the pumping station. Severn Trent Water requires access to the pumping station at all times in order to complete any programmed routine maintenance tasks and also for any emergency reactive visits in case of failure.

71. **Wales and West Utilities** has no objections to the proposal, stating that their records show that pipes owned by Wales and West Utilities in its role as a Licensed Gas Transporter are located within the application site, running along the public highway. Should planning permission be approved, they request that the applicant contacts them prior to works commencing to discuss their requirements.

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

73. **British Telecom (BT) Openreach** has made no comments.

74. **Hereford & Worcester Fire and Rescue Service** has made no comments.

75. **West Mercia Police** has no objections to the proposal, stating that the proposals are a significant improvement to the current layout.

### **Other Representations**

76. Prior to the submission of the planning application, the applicant undertook public consultation on the proposal and the forthcoming Pershore Northern Link Road proposal between November and December 2017 lasting 8 weeks. Four staffed public information exhibitions events took place between 9 November and 29 November 2017, which were held in Pershore High School, Pershore Co-op and Pershore Town Hall. One unstaffed exhibition was displayed at Pershore Library from 13 November to 24 December 2017. Posters were distributed in key locations in the area to promote the exhibitions in advance of them taking place. Two press releases were issued during November 2017 to promote the engagement exercise and exhibitions. Emails were distributed to key stakeholders (which included Wychavon District Council, Pershore High School, Worcestershire County Association of Local Councils) signposting them to the dedicated scheme consultation webpage. In total 13 responses were received on topics covering: design of footpaths, filter lanes and traffic flow; speed limits and deterrents; walking and cycling infrastructure provision; Terrace Road; configuration and design of the Pinvin crossroad; pedestrian crossings; Mill Lane egress; environmental impacts; signage and routing of traffic. The applicant states that overall there was support for the proposal.

77. As a result of the consultation exercises the applicant has amended the proposal as follows:

- A Zebra Crossing was originally proposed on Terrace Road. It was removed following public consultation revealed that the residents would not support the removal of valuable parking provision through the implementation of the controlled area Traffic Regulation Orders (TRO)
- The junction alignment at Pinvin Crossroads was realigned to discourage vehicles carrying excessive speed on the A44 to the B4082, and further non-motorised user facilities have been provided following consultation.

The application has been advertised in the press, on site and by neighbour notification. To date 2 letters of representation objecting to the proposal and 1 letter commenting on the proposal have been received. These letters of representation are

available in the Members' Support Unit. Their main comments are summarised below:

#### Traffic

- Request that Pershore Northern Link Road is in place before Pinvin Junction is altered.
- Objects to the increased maximum speed limit on Main Street and Pinvin on highway safety grounds.
- Requests a signalised pedestrian crossing on Abbey View Road (A44) instead of the proposed uncontrolled crossing with pedestrian refuge.
- Concerned that this proposal simply reconfigures what is already in place and does not provide any significant highway improvement.
- Consider that all emerging traffic from Pinvin going east, west or south should be directed around Abbey View roundabout, which should become the main focus of traffic distribution for the entire area.
- Question whether the A44 east and westbound carriageways are running together under the revised traffic signals, as they consider this is the critical constraint issue at present.
- Concerned regarding the proposed right turn from A44 westbound to B4082 with access arrangements onto B4082 would have sufficient capacity to prevent capacity constraint.

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

78. The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations.

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

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

81. Policy SWDP 47: 'Pershore Urban Extension' of the South Worcestershire Development Plan states that *"within the areas identified on the Policies Map, two sustainable, well-designed urban extensions are proposed. These sites will come forward in accordance with the requirements in A & B"*. Part A: 'SWDP47/1 Land to

the North of Pershore (37.4ha)' states *"on three parcels of land to the west of Station Road, south of Wyre Road and north of the junction of Station Road and Wyre Road, the delivery of approximately 695 new homes to include capacity enhancement of the Pinvin Road junction and, if justified, a new link road between Wyre Road and the A44"*.

82. The Reasoned Justification for this policy states that *"in directing development to the north of the town it is important that infrastructure improvements are secured. These include improvements to the Pinvin crossroads junction (this proposal) and other locations on the A44 (a key link between Pershore and both the M5 and A46 Trunk Road). The provision of the Northern Link Road from the A44 / Wyre Piddle bypass roundabout to Keytec 7 Business Park has strong local support and may also be delivered"*.

83. The Reasoned Justification in Policy SWDP 46: 'Pershore' of the South Worcestershire Development Plan also identifies a need for infrastructure improvements at Pinvin crossroads (this proposal), public transport enhancements and local support for the link road between Wyre Road and the A44 bypass (Pershore Northern Link Road).

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

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

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

86. Access to / from Pershore is via Terrace Road (A4104) to the south of the Pinvin junction. This is a single carriageway road, passing through a mixture of residential dwellings and industrial estates, with a speed limit of 30mph. To the north, Main Street (B4082) provides access to / from Pinvin. This is also a single carriageway road passing through a residential area, with a speed limit of 30mph. The Pinvin junction is situated on the A44 which provides an east-west corridor connecting Worcester (to the west) and Evesham (to the east). The westbound A44 also provides access to the M5 Motorway for north and south trips to destinations such as Birmingham (to the north), Gloucester and Bristol (to the south). The A44 is a single carriageway road, which flares to 2 lanes at the junction. The speed limit is 40mph on both sides of the junction but increases to national speed limit further back from the junction to the west.

87. The proposed changes to the junction include the removal of the stagger to create a conventional crossroads layout. This would be achieved by realigning the Main Street (B4082) arm to enter the junction opposite Terrace Road (A4104), with a new short link road provided to the east of Main Street (B4082). This link road would be used by vehicles approaching from the east (along Abbey View Road) towards Pinvin Village and from vehicles from Pinvin Village traveling eastwards along Abbey View Road (A44). Main Street (B4082) is proposed to be widened to have a two-lane entrance to the junction, with the nearside lane for ahead movements only and the offside lane for right movements only. The alignment of Terrace Road (A4104) would not be changed significantly, with just some kerb line changes proposed to introduce

a larger turning radius from Abbey View Road (A44). Allen's Hill (A44) would be widened into the grass verge, the existing 2 lanes realigned along the new kerb line and a splitter island introduced in the middle of the carriageway. Abbey View Road (A44) would have a dedicated right turn flare lane, which would measure approximately 60 metres long to facilitate vehicles to turn right and travel along the proposed new short link road. This would replace the existing right lane up to the stop-line at the crossroads.

88. The application was accompanied by the Transport Assessment which assessed the proposal development in isolation and also with the operation of the Pershore Northern Link Road. The Transport Assessment states that the existing junction is operating over capacity on all arms in both the AM (08:00 to 09:00 hours) and PM (17:00 to 18:00 hours) peak hours. In forecast modelling scenarios, capacity assessments show the junction to experience reduced capacity, larger queues and vehicles delays in 2019 and 2021.

89. The Transport Assessment states that the proposed development once operational would not directly generate additional vehicle movements, however, the additional capacity the proposed scheme would provide, makes the proposed scheme a more attractive route compared to other busier alternatives. Consequently, there would be a reassignment of trips to this area from elsewhere on the highway network. The wider area net trip impact would be zero, and the scheme would not only benefit Pinvin, but the wider highway network by taking trips from other congested routes / junctions.

90. The Transport Assessment states that the proposed development allows the junction to operate within capacity. In summary, the modelling result for 2019 peak periods indicate vehicle hours with the proposed scheme would reduce in both peaks. Vehicle kilometres would also decrease slightly in both peak periods, and average speed increases by 20.3% in the AM peak and 6.7% in the PM peak. Delays at the junction decrease significantly by 64% in the AM peak and by 62% in the PM peak. The results include committed developments, and the associated increase in traffic flows.

91. The Transport Assessment also assessed the proposed scheme in operation with the proposed Pershore Northern Link Road (subject to planning permission) in 2021. The Assessment states that vehicle hours and vehicle kilometres would reduce for both peak periods. Average speed increases in both peak periods, with an increase by 5.2% in the AM peak and 5.9% in the PM peak. Delays at Pinvin crossroads significantly decrease by 56% in the AM peak and 57% in the PM peak.

92. Non-motorised users would also benefit from the proposed development, with additional signal-controlled crossing points provided for pedestrians and an extended footway along the southern side of Abbey View Road (A44) to provide a connection to the trading estate. Advanced cycle stop lines would also be provided for cyclists. The scope for provision of off-road cycle facilities is limited at the Pinvin crossroads due to existing site constraints.

93. In response to a letter of representation stating that Pershore Northern Link Road should be constructed before Pinvin junction is amended and the proposal only reconfigures the existing junction and does not provide any significant improvement. The applicant states that "*the improvement at Pinvin junction is the initial phase of the*

*overall improvement scheme with the Northern Link Road. Improvements to Pinvin can be delivered much sooner than the Northern Link Road and enable road users to benefit sooner. It would provide significant reduction in delays to vehicles and improve performance until the Northern Link Road is in place to complete the overall improvement package of measures. The capacity modelling results for 2019 without and with the proposal over the peak periods shows significant improvements to the operation of the Pinvin junction. The strategic modelling results clearly show that the scheme will increase the throughput of traffic through the junction and benefit the current and future movements".*

94. In response to a letter of representation questioning whether the A44 east and westbound carriageways are running together under the revised traffic signals and raising concern that the proposed right turn from A44 westbound to B4082 would have sufficient capacity. The applicant states that *"the existing traffic signals runs the A44 east and then the A44 west in different stages, both stages require high green times because each of these arms contain heavy traffic flows, this creates a constraint on the efficiency of the junction. The proposed layout allows the traffic signals to operate the A44 east and west movements together, this occurs in both stage sequence 1 or 3 of the signals, this change saves green time and make the junction operate more efficiently. In terms of the proposed right turn from the A44 westbound to the B4082, the modelling results show small queues and delays on the link and, therefore, there is sufficient available capacity".*

95. In response to a letter of representation raising concern regarding the increased maximum speed limit on Main Street and Pinvin on highway safety grounds. The applicant states that *"the designers considered locating the commencement of the 30 mph speed limit close to the junction with the A44 as is the existing situation. However, it has been decided that speed limit signage near to the proposed traffic lights may be difficult to distinguish within the junction and amongst the other street furniture which includes direction signage, pedestrian guardrails, traffic signal poles, coloured road surfaces and bollards. Instead it has been decided that a 'gateway' feature (similar to the existing one on Main Street) with red screed and a '30' roundel painted on the road would be more effective in reinforcing the 30 mph speed limit as motorists enter the residential village of Pinvin. The designers anticipate that the majority of traffic would observe speed limits and note that exceeding the proposed speed limits would be difficult due to the road geometry. The visibility available from the cul-de-sac junction to approaching northbound traffic would be 53 metres. This is in accordance with the Department for Transport's 'Manual for Streets' for traffic travelling at speeds of approximately 34 mph.*

96. In response to a request that to install a signalised pedestrian crossing on Abbey View Road (A44) in lieu of the proposed uncontrolled crossing with pedestrian refuge. The applicant states that *"the proposed improvement works would provide a new signalised crossing for pedestrians to cross the A44 near to Main Street and Terrace Road where the majority of non-motorised users of the highway cross the road. The proposed scheme would improve the non-motorised user facilities by providing a new footway on the south side of the A44 where pedestrians have been observed walking in the existing grass verge. To enhance connectivity, the two new pedestrian refuges would be provided in the bell mouth of the access to the industrial units and on the A44. This would improve safety for pedestrians as they would be able to make the road crossings in two separate stages. However, a survey of non-motorised users*

*that was undertaken suggests that usage of these pedestrian refuges would be too low to justify an additional controlled crossing on the A44 in this location.*

97. The County Highways Officer has been consulted and has raised no objections to the proposal, stating that the proposal would be an improvement to the highway network. The proposal is promoted as a standalone improvement but has also been assessed with Pershore Northern Link Road; this also indicates significant improvements to the performance of the junction.

98. There is one Public Right of Way located adjacent to the application site (Footpath PV-515). The applicant has confirmed that it would remain unaffected by the proposed works. The County Footpath Officer has been consulted and has raised no objections to the proposal, subject to the applicant adhering to their obligations to the Public Rights of Way. The Ramblers Association and Open Space Society have both made no comments on the proposal.

99. In view of the above matters, the Development Manager considers that the proposal would result in immediate capacity improvements to the Pinvin junction and is satisfied that the proposal would not have an unacceptable impact upon traffic, highway safety or Public Rights of Way.

#### **Visual Impact and Residential Amenity**

100. There are a number of residential properties within the vicinity of the site, including the properties in Pinvin. Further residential properties are located along the south side of Allen's Hill (A44) and on the north side of Abbey View Road (A44). Further residential properties are located to the south of Pinvin Junction along Terrace Road (A4104).

101. The application was accompanied by a Noise Assessment that assessed the change in noise levels at 37 Spion Kop, which is located to the north-east of Pinvin junction and is the closest to the proposed new short link road. This dwelling was identified by the Assessment as the one most likely to experience a change in noise levels. The Assessment concludes that there is predicted to be an increase in noise of about 0.4 dB(A), which would be a magnitude of negligible and would not be a significant effect. In relation to the Noise Insulation Regulations, the predicted noise level at this dwelling is below the qualifying level of 68 dB LA10,18h (predicted to be 58 dB(A) LA10,18h), and would, therefore, not be negligible.

102. Worcestershire Regulatory Services has been consulted in respect of noise and air quality impacts and raises no objections to the proposal. Wychavon District Council has also raised no objections to the proposal.

103. The most perceivable visual change as part of this application is considered to be the realignment of Main Street (B4082) and the construction of a new short link road to the east of Main Street. The proposed scheme would require the removal of 4 trees (3 located to the west of Main Street (B4082) and 1 located east of Terrace Road (A4104)), 3 hedgerow trees (located immediately to the north of Abbey View Road (A44) and east of Main Street (B4082)) and approximately 80 linear metres of native hedgerow (located on the eastern side of Main Street (B4082) and north of Abbey View Road (A44)). To compensate for the loss, the applicant is proposing to plant a new section of species rich hedgerow (located to the east of the proposed new link road), this would measure approximately 70 linear metres. Areas of native

tree and scrub planting would be incorporated into the landscape design to compensate for any loss of trees and vegetation as a result of the proposal. The area of replanting would be enhanced and would include approximately 11 hedgerow trees (located to the east of the proposed new link road), 6 individual trees (located between the altered alignment of Main Street (B4082) and the new link road), and 130 square metres of native shrub mix (located to the west of Main Street (B4082)). The proposed tree planting would include common oak, alder, field maple and wild cherry.

104. The County Landscape Officer has been consulted and has raised no objections to the proposal, subject to the imposition of a condition requiring a schedule of landscape maintenance. The County Landscape Officer states that overall he has no major concerns, with the proposal, given that it is within the context of an existing highway junction and constitutes a remodelling of existing infrastructure that is relatively contained and, therefore, would not impose a significant change to the existing landscape setting.

105. In view of the above matters, the Development Manager considers that subject to the imposition of an appropriate condition as recommended by the County Landscape Officer, the proposal would not have an unaccepted adverse or detrimental impact upon the character and appearance of the local area and would have an acceptable impact in terms of air quality and noise impacts on residential amenity.

### **Water Environment**

106. The proposed development is within the Flood Zone 1 (low probability of flooding), as identified on the Environment Agency's Indicative Flood Risk Map. The Government's Planning Practice Guidance (PPG) identifies that all uses of land are appropriate within this zone. As the application site measures approximately 1.7 hectares in area, a Flood Risk Assessment is required to accompany the application, in accordance with Paragraph 163 and Footnote 50 of the NPPF.

107. The submitted Flood Risk Assessment states the Environment Agency's Surface Water Flood Map shows that there is high likelihood of surface water flooding along Main Street (B4082) by the junction, and to the west of the junction, along an existing ditch that is collecting runoff from the agricultural land north of the A44. This is a 1 in 30 or greater annual probability of surface water flooding. The remainder of the site either has a low (1 in 100 to 1 in 1,000 probability) or very low (1 in 1,000 or lower probability) likelihood of surface water flooding, with some small areas of medium likelihood around the eastbound lane of the A44, and along the ditch.

108. The Assessment considers that this is likely to be caused by poor maintenance of the above drainage features and this is further supported by information provided by the District Council, requesting riparian owners on the downstream watercourses to properly maintain the drainage ditches south of the A44

109. The Assessment goes on to state that the area of the proposed works is an existing highway. The proposed widening would result in an increase in impermeable area, thereby increasing rates of runoff. Therefore, the applicant is proposing surface water attenuation in the form of geo-cellular storage units (to be located along the northern boundary of Allen's Hill (A44) and some additional attenuation within a

landscape swale (located between the altered Main Street (B4084 and the proposed new link road).

110. Severn Trent Water Limited has been consulted and has raised no objections to the proposal. South Worcestershire Land Drainage Partnership has made no comments and the Lead Local Flood Authority has no objections to the proposal, subject to the imposition of conditions requiring a detailed drainage strategy and SuDS management plan.

111. The Development Manager considers that there would be no adverse effects on the water environment, subject to the imposition of appropriate conditions as recommended by the Lead Local Flood Authority.

### **Ecology and Biodiversity**

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

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

114. There are no statutory wildlife designated sites within 2 kilometres of the application site, however, there are a number of non-statutory wildlife designated sites within 1 kilometre of the site and includes the Bow, Shell, Swan and Seeley Brooks LWS, which is located approximately 360 metres south-west of the proposal. The Pinvin Rough LWS is situated about 950 metres north-west of the proposed scheme.

115. The application was accompanied by an Ecological Assessment recommends a number of mitigation and compensation measures which includes adhering to the Environment Agency's Pollution Prevention Guidelines in order to avoid impacts to water, protection of retained habitat and trees, compensation planting, timing of vegetation clearance, pre-construction badger survey, installation of bird (x2) and bat (x1) boxes, and installation of a hedgehog house.

116. The Assessment concludes that if all of the recommended mitigation measures are implemented correctly, there would be a net loss of amenity grassland, hedgerow and scrub, and a net gain of trees and semi-improved grassland, with an overall loss in terms of total area of habitat. The majority of habitat lost would be amenity grassland, which currently has low species diversity and is regularly short mown. It is, therefore, of very little value for wildlife. The replacement habitats would have higher species diversity than those lost, and there will be an increase in the number of trees

and total area of semi-improved grassland. Additionally, enhancements such as bird boxes and a hedgehog house would help to compensate for the overall loss of scrub.

117. The Assessment also states that impacts on designated sites, adjacent habitats and protected species would be avoided, mitigated or compensated for.

118. Worcestershire Wildlife Trust has been consulted due to the proximity of the application site to LWSs and has no objections deferring to the opinion of the County Ecologist. The County Ecologist has no objections, subject to the imposition of appropriate conditions reflecting the recommendations of the submitted Ecological Assessment and requests additional information regarding the proposed lighting scheme.

119. In view of the above, the Development Manager considers that subject to the imposition of appropriate conditions that the proposed development would have no adverse impacts on the ecology and biodiversity at the site or in the surrounding area.

### **Other Matters**

#### Contaminated Land

120. The application was accompanied by a contaminated land assessment, which was made up of a Preliminary Sources Study Report and Design Philosophy Statement. This identified coal tars from historical road surfaces as contamination potentially providing the greatest risk, but concluded that overall, the likelihood of significant contamination was low.

121. Worcestershire Regulatory Services (Contaminated Land Officer) has been consulted and raised no objections to the proposal, subject to the imposition of conditions requiring an investigation, risk assessment and remediation scheme being undertaken in the event of contamination being discovered that was not previously identified; and results of contamination testing of any soils brought onto the site.

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

#### Utilities

123. A Utilities Assessment accompanied the planning application submission and confirms that there would be various diversions required of statutory undertaker apparatus at Pinvin Crossroads, and most of the diversions would be minor relocation of utilities into the proposed footways and verges. However, there is a significant diversion required at Pinvin Crossroads for the relocation of BT Openreach cabling, cabinets and inspection chambers. The applicant has confirmed that ongoing discussions are taking place with the affected statutory undertakers as the scheme progresses.

124. BT Openreach has been consulted but has made no comments. Severn Trent Water Limited, Wales and West Utilities and Western Power Distribution have raised no objections to the proposal.

#### Historic Environment

125. The nearest Listed Building to the proposed development is Moat House Pinvin Manor, a Grade II Listed Building located about 390 metres north-east of the scheme.

Five further Listed Building (Grade II and Grade II\*) are located beyond. The District and County Archaeologists have been consulted and both have raised no objections to the proposal.

126. In view of this, it is considered that due to the distance from the proposal from these heritage assets, intervening buildings and established vegetation that the proposal would not have an adverse impact upon the historic environment.

## Conclusion

127. Worcestershire County Council is seeking to undertake highway infrastructure improvements at Pinvin Junction, near Pershore, Worcestershire. The proposed scheme seeks to improve the traffic flow at the junction and comprise junction widening and signal alterations to the existing signal controlled Pinvin Crossroads junction. The scheme design would complement the proposed Pershore Northern Link Road by prioritising the flow of traffic along A44 and thus reducing the green signal time on Terrace Road (A4014).

128. The proposed development gains policy support from Policy SWDP 47 of the South Worcestershire Development Plan. The Reasoned Justification for this policy states that *"in directing development to the north of the town it is important that infrastructure improvements are secured. These include improvements to the Pinvin crossroads junction..."*.

129. The proposed scheme allows Pinvin junction to operate within capacity. The modelling result for 2019 peak periods indicate vehicle hours with the proposed scheme would reduce in both peaks. Vehicle kilometres would also decrease slightly in both peak periods, and average speed increases by 20.3% in the AM peak and 6.7% in the PM peak. Delays at the junction decrease significantly by 64% in the AM peak and by 62% in the PM peak. The County Highways Officer has been consulted and raises no objections to the proposal. In view of this, the Development Manager considers that the proposal would result in immediate capacity improvements to the Pinvin junction and is satisfied that the proposal would not have an unacceptable impact upon traffic, highway safety or Public Rights of Way.

130. The application was accompanied by a Noise Assessment that assessed the change in noise levels at 37 Spion Kop, which is was identified by the Assessment as the one most likely to experience a change in noise levels. The Assessment concludes that there is predicted to be an increase in noise of about 0.4 dB(A), which would be a magnitude of negligible and would not be a significant effect.

131. The proposed scheme would require the removal of 4 trees, 3 hedgerow trees and approximately 80 linear metres of native hedgerow. To compensate for the loss, the applicant is proposing to plant a new section of species rich hedgerow, which would measure approximately 70 linear metres, new areas of native tree and scrub planting, the planting of 11 hedgerow trees, 6 individual trees, and 130 square metres of native shrub mix.

132. Based on the advice of Worcestershire Regulatory Services and the County Landscape Officer, the Development Manager considers that subject to the imposition of appropriate conditions, the proposal would not have an unacceptable adverse or

detrimental impact upon the character and appearance of the local area and would have an acceptable impact in terms of air quality and noise impacts on residential amenity.

133. The applicant is proposing surface water attenuation in the form of geo-cellular storage units and some additional attenuation within a landscape swale. The Development Manager considers that subject to the imposition of appropriate conditions, there would be no adverse effects on the water environment.

134. Based on the advice of Worcestershire Wildlife Trust and the County Ecologist, the Development Manager considers that subject to the imposition of appropriate conditions that reflect the recommendations of the submitted Ecological Assessment that the proposed development would have no adverse impacts on the ecology and biodiversity at the site or in the surrounding area.

135. Taking into account the provisions of the Development Plan and in particular Policies SWDP 1, SWDP 2, SWDP 4, SWDP 6, SWDP 7, SWDP 21, SWDP 22, SWDP 24, SWDP 25, SWDP 28, SWDP 29, SWDP 30, SWDP 31, and SWDP 47 of the adopted 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**

**136. The Development Manager recommends that planning permission be granted for proposed Pinvin Junction highway improvements at Pinvin Junction (Junction between A44, A4104 and B4082), Pinvin, near Pershore, Worcestershire, subject to the following conditions:**

### **Commencement**

- a) **The development must be begun not later than the expiration of three years beginning with the date of this permission;**

### **Approved Drawings**

- b) **The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawings Numbered: HGN-01-DR-C-0042, Rev P01; HGN-01-DR-C-0043, Rev P02; HGN-01-DR-C-0044, Rev P02; HGN-01-DR-C-0045, Rev P01; HGN-01-DR-C-0046, Rev P01; HGN-01-DR-C-0047, Rev P01; HGN-01-DR-C-0048, Rev P02; HGN-01-DR-C-0054, Rev P02; EGN-01-DR-EN-0006, Rev P01; EGN-01-DR-EN-0007, Rev P01; EGN-01-DR-EN-0008, Rev P01; and EGN-01-DR-EN-0009, Rev P01, except where otherwise stipulated by conditions attached to this permission;**

### **Construction Hours**

- c) **Prior to the commencement of the development hereby approved, details of the construction hours shall be submitted to and approved in writing to the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme;**

### **Biodiversity**

**d) Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) for Biodiversity shall be submitted to and approved in writing by the County Planning Authority. The CEMP (Biodiversity) shall include:**

- i. identification of 'biodiversity protection zones';**
- ii. practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);**
- iii. the location and timing of sensitive works to avoid harm to biodiversity features;**
- iv. the times during construction when specialist ecologists need to be on site to oversee works;**
- v. responsible persons and lines of communication;**
- vi. the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person; and**
- vii. use of protective fences, exclusion barriers and warning signs.**

**Thereafter, the approved CEMP shall be implemented during the construction of the development;**

**e) Notwithstanding the submitted details, within 3 months of commencement of the development hereby approved, method statements detailing creation of semi-natural habitats, and tree, hedgerow and scrub planting and establishment shall be submitted to and approved in writing by the County Planning Authority. The method statements shall include:**

- i. purpose and objectives for the proposed works;**
- ii. detailed designs and working methods necessary to achieve the stated objectives;**
- iii. extent and location of proposed works shown on appropriate scale maps;**
- iv. timetable for implementation;**
- v. persons responsible for implementing the works; and**
- vi. initial aftercare and long-term maintenance.**

**Thereafter the development shall be carried out in accordance with the approved details and implemented within the first available planting season (the period between 31 October in any one year and 31 March in the following year) on completion of the development. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased, shall be replaced on an annual basis, in the next planting season with others of a similar size and species;**

**f) Where it is intended to create semi-natural habitats, all species used in the planting proposals for grassland, scrub, hedgerow and trees shall be locally native species of local provenance;**

### Contamination

- g) In the event that contamination is found at any time when carrying out the development hereby approved that was not previously identified, it must be reported in writing immediately to the County Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the County Planning Authority in advance of the scheme commencing. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the County Planning Authority prior to development commencing other than that required to be carried out as part of an approved scheme of remediation;
- h) Should any soils or soil forming materials be brought on to the site for use in soft landscaping, filling or level raising, details must be submitted to the County Planning Authority for approval in writing prior to the import of soils or soil form materials on to the site. Details shall include details of the donor site, proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment). Where the donor site is unknown or is brownfield the material must be tested for contamination and suitability for use on site. The approved testing must be carried out and validatory evidence (such as laboratory certificates) submitted to and approved in writing by the County Planning Authority prior to any soil or soil forming materials being brought on to the site;

### Drainage

- i) Notwithstanding the submitted details, no development shall commence until detailed design drawings for surface water drainage have been submitted to, and approved in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details; and
- j) No works in connection with site drainage shall commence until a Sustainable Drainage System (SuDS) management plan which shall include details on future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework has been submitted to and approved in writing by the County Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The approved SuDS management plan shall be implemented in full in accordance with the agreed terms and conditions and the SuDS scheme shall be managed and maintained in accordance with the approved maintenance plan thereafter.

## **Contact Points**

County Council Contact Points  
County Council: 01905 763763

Worcestershire Hub: 01905 765765

Specific Contact Points for this report

Case Officer: Steven Aldridge, Principal Planner:

Tel: 01905 843510

Email: [saldridge@worcestershire.gov.uk](mailto:saldridge@worcestershire.gov.uk)

Mark Bishop, Development Control Manager:

Tel: 01905 844463

Email: [mabishop@worcestershire.gov.uk](mailto:mabishop@worcestershire.gov.uk)

**Background Papers**

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

The application, plans and consultation replies in file reference 18/000060/REG3.