

PLANNING AND REGULATORY COMMITTEE

25 OCTOBER 2022

INSTALLATION OF A KIOSK TO HOUSE CONTROL EQUIPMENT FOR SEWAGE TREATMENT UPGRADES AND ASSOCIATED INFRASTRUCTURE (PART-RETROSPECTIVE) AT ALVECHURCH SEWAGE TREATMENT WORKS, REDDITCH ROAD, ALVECHURCH, WORCESTERSHIRE

Applicant

Severn Trent Water Limited

Local Members

Councillor Aled Luckman

Purpose of Report

1. To consider a County Matter planning application for the installation of a kiosk to house control equipment for sewage upgrades and associated infrastructure (Part-Retrospective) at Alvechurch Sewage Treatment Works, Redditch Road, Alvechurch, Worcestershire.

The Proposal

2. The applicant states that under the Water Industry Act 1991, Severn Trent Water Limited as a statutory water undertaker has a duty to:

- To provide, improve and extend such a system of public sewer (whether inside its area or elsewhere) and so to cleanse and maintain those sewers as to ensure that area is and continues to be effectually drained; and
- To make provision for the emptying of those sewers and such further provision (whether inside its area or elsewhere) as is necessary from time to time for effectually dealing, by means of sewage disposal works or otherwise. With the contents of those sewers.

3. The applicant states that the proposal is required in order for them to meet their duties as a statutory undertaker. The applicant is seeking to upgrade the operational treatment capacity of the existing Alvechurch Sewage Treatment Works by constructing a new tertiary solids removal system within their wider existing operational Alvechurch Sewage Treatment Works site. The applicant states that the majority of the proposed works constitute permitted development, falling under Schedule 2 – ‘Permitted development rights’, Part 13 ‘Water and sewerage’, B – ‘development by or on behalf of sewerage undertakers’ (a), (d) and (f) of the Town

and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

4. However, one of the proposed kiosks which forms part of the wider tertiary solids removal system would exceed the 29 cubic metres threshold referenced in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended):

“B.1 Development is not permitted by Class B if –

(a) in the case of any Class B(d) development involving the installation of a station or house exceeding 29 cubic metres in capacity, that installation is carried out at or above ground level or under a highway used by vehicular traffic”.

5. In view of the above, the applicant is seeking planning permission for a kiosk to house the essential plant and machinery (electronic and control equipment) associated with the new tertiary solids removal system. The tertiary solids removal system (permitted development) is designed to remove solids from the final effluent. It is required in order to meet the low phosphorous limits of the site’s new Environmental Permit. The kiosk measures approximately 5 metres long by 2.8 metres wide by 3.1 metres high, equating to approximately 43.4 cubic metres in capacity. The kiosk is constructed from glass reinforced plastic and coloured holly green.

6. The applicant has constructed the kiosk on-site; however, the internal plant and machinery (electronic and control equipment) is not yet complete, and the kiosk is not operational, therefore, the application is considered to be part-retrospective. In respect of the part-retrospective nature of the application, the applicant states that *“the proposed development comprises sewage treatment upgrades which are required in order for Severn Trent Water Limited to meet their duties as a statutory undertaker. Given the small-scale nature of the proposal and having not foreseen that the scheme which was submitted back in July would be going to Committee, due to perceived risks with regard to supply and delivery times for such a unit, the lead times were considered too long in period to push out any further. Severn Trent Water Limited understands that this is a risk, however if there were deemed to be issues with the proposed siting, the proposal could still be re-sited / used elsewhere”.*

7. The kiosk is located upon a new concrete base, and is orientated south to north, parallel to the Sewage Treatment Works access road. Double doors, measuring approximately 2.05 metres wide by 2.15 metres high are located on the eastern elevation, facing the access road.

8. Construction of the permitted development element of the scheme commenced in Spring 2022. The applicant states that construction works would take place between 07:00 to 17:00 hours Mondays to Fridays, inclusive, with no works on weekends, Public or Bank Holidays.

The Site

9. The application site, which measures approximately 16 square metres in area is located within Severn Trent Water Limited's wider operational land, associated with the existing Alvechurch Sewage Treatment Works, which is located immediately to the south of the village of Alvechurch. Junction 2 of the M42 Motorway is located approximately 1.7 kilometres broadly north-east of the Sewage Treatment Works, and Redditch is located approximately 2.5 kilometres to the south of the Sewage Treatment Works.

10. The site is accessed off a private access road serving Alvechurch Sewage Treatment Works, located off Redditch Road.

11. The Sewage Treatment Works site is bounded by woodland and agricultural land to the north; woodland and the River Arrow to the east with the A441 beyond; a car dealership and MOT and Service Station are located to the south, delineated by Redditch Road; to the west is an established hedgerow, with Alvechurch Football Club beyond, the residential properties of 49 and 51 Redditch Road, and Lye Bridge County Highways Depot. Within Lye Bridge County Highways Depot is a gully waste treatment facility (County Planning Authority (CPA) Ref: 11/000048/CM, Minute No. 756 refers) granted by Worcestershire County Council in November 2011.

12. The area of the development consists of managed amenity grassland, associated with Alvechurch Sewage Treatment Works, and is located immediately to the south of the above ground structures built of the Sewage Treatment Works. The Sewage Treatment Works and associated operational land measures approximately 2.8 hectares in area.

13. The Alvechurch Conservation Area is located approximately 590 metres broadly north of the proposal. The Scheduled Monument of 'the moated site and fishponds at the Bishop's Palace' is located approximately 405 metres broadly north of the application site. There are a number of Listed Buildings within the village of Alvechurch, the nearest of which include:

- The Grade II Listed Building of 'The Lawns' located approximately 730 metres broadly north-west of the application site
- The Grade II Listed Building of 'Windsor Memorial Cross about 15 metres south of south porch of Church of St Laurence', located approximately 775 metres broadly north-west of the application site
- The Grade II Listed Building of 'Medieval cross about 5 metres south of south porch of Church of St Laurence' located approximately 785 metres broadly north-west of the application site
- The Grade II* Listed Building of 'Church of St Laurence' located approximately 790 metres broadly north-west of the application site
- The Grade II Listed Building of '5 and 7 Swan Street' located approximately 775 metres broadly north-west of the application site, with further Listed Buildings beyond

14. The nearest Site of Special Scientific Interest (SSSI) to the proposal is that of Bittell Reservoirs, located some 2.3 kilometres broadly north-west of the proposal. There are a number of Local Wildlife Sites (LWS) located within the vicinity and the wider context of the application. These include:

- The River Arrow LWS located approximately 35 metres east of the application site
- The Old Fishponds LWS located approximately 450 metres broadly north of the applications site
- Alvechurch Playing Fields LWS located approximately 1 kilometre broadly north-west of the application site
- Peck Wood LWS and ancient woodland is located approximately 505 metres broadly south-east of the application site
- Rowney Green LWS located approximately 890 metres broadly south-east of the application site
- Worcester and Birmingham Canal LWS located approximately 1.1 kilometres broadly west of the application site
- Shortwood Rough Grounds LWS located approximately 1.4 kilometres broadly south-west of the application site
- Butler's Hill Wood LWS located approximately 1.7 kilometres broadly south-west of the application site

15. The ancient woodland of Shortwood Dingle and Andrew's Coppice are located approximately 1.4 kilometres broadly south-west and 1.5 kilometres west, respectively from the proposal.

16. The public right of way of Footpath TC-521 is located approximately 255 metres broadly south of the proposal, on the western side of Redditch Road, opposite the site entrance. Bridleway AV-581 is located approximately 365 metres north of the proposal.

17. The whole development and the surrounding land (excluding the village of Alvechurch) is located within the West Midlands Green Belt.

18. The application site is located within Flood Zone 1 (low probability of flooding) as identified on the Environment Agency Indicative Flood Risk Map.

19. The nearest residential properties to the proposal are 49 and 51 Redditch Road, located approximately 140 west of the proposal. Further residential properties are located approximately 210 metres to the north-west, and approximately 350 metres south of the proposal, along Redditch Road.

Summary of Issues

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

- Green Belt
- Location of the development
- Residential amenity
- Visual impact and landscape character
- Historic environment
- Traffic and highway safety

- Water environment
- Ecology and biodiversity

Planning Policy

National Planning Policy Framework (NPPF)

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

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

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

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

24. 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.

25. 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.

26. 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.

27. 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 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 13: Protecting Green Belt land
- 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

Chief Planning Officer Letter – Green Belt protection and unauthorised development (31 August 2019)

28. This letter sets out changes to national planning policy to make intentional unauthorised development a material consideration, and also to provide stronger protection for the Green Belt.

The Development Plan

29. The Development Plan is the strategic framework that guides land use planning for the area. In this respect, the current Development Plan that is relevant to this proposal consists of the adopted Worcestershire Waste Core Strategy Development Plan Document, the adopted Bromsgrove District, and made Alvechurch Parish Neighbourhood Plan.

30. 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.

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

Worcestershire Waste Core Strategy Development Plan Document 2012 – 2027 (Adopted November 2012)

32. The Worcestershire Waste Core Strategy policies that are of relevance to the proposal are set out below:

- Policy WCS 1: Presumption in favour of sustainable development
- Policy WCS 3: Re-use and recycling
- Policy WCS 6: Compatible land uses
- Policy WCS 8: Site infrastructure and access
- Policy WCS 9: Environmental assets
- Policy WCS 10: Flood risk and water resources
- Policy WCS 11: Sustainable design and operation of facilities
- Policy WCS 12: Local characteristics
- Policy WCS 13: Green Belt
- Policy WCS 14: Amenity
- Policy WCS 15: Social and economic benefits

Bromsgrove District Plan 2011 – 2030 (Adopted January 2017)

33. The Bromsgrove District Plan policies that are of relevance to the proposal are set out below:

- Policy BDP1: Sustainable Development Principles
- Policy BDP4: Green Belt
- Policy BDP16: Sustainable Transport
- Policy BDP19: High Quality Design

Policy BDP20: Managing the Historic Environment
Policy BDP21: Natural Environment
Policy BDP23: Water Management
Policy BDP24: Green Infrastructure

Alvechurch Parish Neighbourhood Plan 2011 – 2030 (Made February 2019)

34. The Alvechurch Parish Neighbourhood Plan covers the Parish of Alvechurch and was 'made' (adopted) on 27 February 2019. The Alvechurch Parish Neighbourhood Plan policies that are of relevance to the proposal are set out below:

Policy HDNE 1: Built heritage and local character
Policy HDNE 2: Local distinctiveness
Policy HDNE 3: The Alvechurch Parish Design Statement (APDS)
Policy HDNE 4: Protecting landscape and open views
Policy HDNE 6: Protection and enhancement of the natural environment
Policy GAT 1: Getting around
Policy GAT 3: Improving road safety and traffic management

Draft Planning Policies

Bromsgrove District Plan Review

35. The current Bromsgrove District Plan (2011- 2030) was adopted in January 2017 and contains a policy which requires a plan review to be undertaken by 2023 (Policy BDP3), as the Bromsgrove District Plan did not allocate enough housing land in locations not covered by Green Belt designation. The Plan Review is needed to ensure at the very least that the full housing requirement for Bromsgrove District up to 2030 can be delivered and that safeguarded land for the longer term can be identified. Furthermore, Bromsgrove District Council has a duty to consider whether there are any realistic options to assist the West Midlands conurbation in meeting its current housing shortfall. As Green Belt boundaries should only be altered as part of plan preparation or review, and only in exceptional circumstances, the District Council is taking this opportunity to review the District Plan in its entirety and to extend its longevity.

36. Bromsgrove District Council undertook an Issues and Options consultation on the emerging Bromsgrove District Plan Review between 24 September and 19 November 2018. Following this consultation, the District Council carried out further consultation from 30 September 2019 to 11 November 2019 on District Plan Review Update and launched a 'Call for Sites' exercise, which invited landowners, agents and the public to submit site to them that they felt had development potential.

37. On 17 August 2022, the District Council announced that they are delaying the publication of the Preferred Options stage of the Local Plan Review for officers to work with all those responsible for infrastructure provision to secure the further evidence required. In due course, a new detailed timetable will be published.

38. The emerging Bromsgrove District Plan Review has not, therefore, been tested at examination or adopted by the District Council. Indeed, there will be further consultation on the document prior to submission to the Secretary of State. Having

regard to the advice in the NPPF, Section 4, as the emerging Bromsgrove District Plan Review is still at an early stage of preparation, it is the view of the Head of Planning and Transport Planning that the emerging Bromsgrove District Plan Review should be given limited weight in development management terms in the determination of this application.

Consultations

39. **County Councillor Aled Luckman** no comments received.

40. **Alvechurch Parish Council** have no objections to the proposal.

41. **Bromsgrove District Council** have no objections to the proposal, stating that the site is situated in an area of countryside which is designated as Green Belt. The NPPF sets out that new buildings in the Green Belt would be inappropriate development apart from a few exceptions which are set out in paragraph 149 of the NPPF. The proposal as a new building in the Green Belt would not appear to meet any of these exemptions set out in paragraph 149. As such, it would be considered to be inappropriate development.

42. The NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

43. In this case, the proposal is for new equipment and infrastructure to facilitate an upgrade to an existing Sewage Treatment Works, which is required to increase the capacity of the site for the future. It is therefore considered that the works are essential. The District Council is of the view that this could be considered to be a very special circumstances in this case.

44. Due to the siting and size of the proposal, the District Council consider that the proposal would not have an impact on the character and appearance of the area.

45. Other matters that Bromsgrove District Council consider need to be taken into consideration as part of the assessment of the proposal include ecology, drainage and flooding, noise, contamination and highways.

46. **Worcestershire Regulatory Services (Noise)** have no objections to the proposal in terms of noise, noting that road traffic noise from the A441 would likely mask any noise associated with the kiosk.

47. **Worcestershire Regulatory Services (Contaminated Land)** have no objections to the proposal, subject to the imposition of a condition regarding unexpected contamination.

48. They state that the proposal is that of a kiosk on an existing Sewage Treatment Works site. This is a use that, under some circumstances may be considered potentially contaminative. However, having reviewed the application it would seem unreasonable to recommend a site investigation be carried out in this instance.

49. Whilst the site retains the potential for contamination to be present, the proposal within the existing use of the site is unlikely to significantly increase the risk to those using it. The responsibility for securing safe development which is suitable for its intended use sits with the developer and/or landowner who may wish to undertake an assessment for their own purposes, but given what is proposed, they recommend the imposition of a precautionary condition regarding unexpected contamination.

50. **Worcestershire Regulatory Services (Air Quality)** have no adverse comments to make on the proposal with regards to air quality after reviewing the documents for potential air quality issues, of which none have been identified.

51. **County Public Health Practitioner** has no objections to the proposal, stating that they have reviewed the submitted documents and can see no obvious effects on health and wellbeing.

52. **County Pollution Control Manager** states that as the proposal does not affect any of their waste management facilities, they do not wish to comment on the application.

53. **Environment Agency** have no objections to the proposal but wish to make the following comments for consideration.

54. The Environment Agency comment that the application site lies within Flood Zone 1 (low probability) based on their 'Flood Map for Planning (Rivers and Sea)'. They note that the proposal relates to minor, small-scale asset renewal of existing infrastructure. In line with the Government's Planning Practice Guidance (PPG), the infrastructure can be defined as 'water compatible development' which within Flood Zone 1 is appropriate.

55. The Environment Agency also state that a Flood Risk Activity Permit may be required from them for any works (including temporary works) in, over or adjacent to a Main River or a flood defence structure, under the Environmental Permitting (England & Wales) Regulations 2016.

56. In relation to export and import of wastes at the site, the Environment Agency comment that any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible, the production of waste from the development should be minimised and options for the reuse or recycling of any waste should be utilised. Should it be proposed to import waste material to the site for use in the construction of the development (e.g., for the construction of hard-standings, access tracks etc) an Environmental Permit or exemption from the need for an Environmental Permit may be required.

57. **The Canal and River Trust** does not wish to comment on the application.

58. **North Worcestershire Water Management** have no objections to the proposal, commenting that the application site is situated in the catchment of the River Arrow. Part of the wider Alvechurch Sewage Treatment Works site falls within Flood Zone 1 and Flood Zone 2. The proposal falls within the Flood Zone 1, and it is not considered that there is any significant fluvial flood risk. Some risk to the site from surface water flooding, based on the Environment Agency's flood mapping risk is indicated on the

wider site. This is likely in connection to the River Arrow which runs along the eastern site boundary. Correctly designed drainage would mitigate any flood risk from surface water on the site and in the surrounding area.

59. Based on the available information and the details of the proposal, North Worcestershire Water Management consider there is no reason to withhold approval of this application on flood risk grounds and they do not deem it necessary to recommend imposing a drainage condition.

60. **The Lead Local Flood Authority** have no concerns with the application with regard to surface water management.

61. **Natural England** wish to make no detailed comments to make on the proposal.

62. **The Forestry Commission** no comments received.

63. **The Woodland Trust** no comments received.

64. **Worcestershire Wildlife Trust** have no objections to the proposal, subject to the imposition of appropriate conditions regarding a Construction Environmental Management Plan (CEMP), construction and operational lighting scheme, Sustainable Drainage Scheme (SuDS), and Landscape and environmental Management Plan (LEMP).

65. They note the contents of the various associated documents and in particular the findings and recommendations set out in the Preliminary Ecological Appraisal. They also note that the site falls adjacent to the River Arrow LWS and close to a number of other important ecological assets.

66. Provided that appropriate steps are taken to mitigate for ecological impacts, protect nearby ecological features and prevent pollution during construction, they do not consider that there would be any overriding ecological constraints and they do not wish to object to the application. They are content to defer to the County Ecologist for more detailed views.

67. **The County Ecologist** has no objections to the proposal, subject to the imposition of appropriate conditions regarding a lighting strategy, and a Habitat Enhancement Plan.

68. The County Ecologist is satisfied that the scheme does not present an unacceptable risk to wildlife and that modest biodiversity enhancement could be secured should planning permission be granted.

69. The County Ecologist recommends the following:

- Preparation of a lighting strategy is recommended, to be submitted for prior written approval of the CPA. The lighting strategy shall illustrate location and specification (including spectra and glare rating) of all external lighting, including a predicted model of lighting distribution using isoline contours of 0.1, 0.5, and 1 lux, illustrating relation in context to any ecological receptors present, such as

linear or boundary vegetation or trees. Any mitigation measures, such as operational timers, cowls, or shielding should be detailed.

- Within 6 months of commencement of the development, a Habitat Enhancement Plan should be submitted for the CPA's approval. The Habitat Enhancement Plan should include a Biodiversity Metric Assessment and specify the nature, extent, target condition, number and location of any enhancement measures, such as habitats, bird or bat boxes or hedgehog or invertebrate refuges. For semi-natural habitats specified, prescriptions for their creation and management through establishment to a selected period by which they should reach an intended target condition must be specified. Once approved the Habitat Enhancement Plan should be implemented and measures maintained for a period of no less than 5 years. On completion of the HEP, a short statement of conformity is to be drafted by a suitably qualified ecologist and submitted to the CPA and Worcestershire Biological Record Centre.

70. The County Ecologist originally recommended the imposition of a CEMP, but now considers this condition is no longer necessary given the part-retrospective nature of the application.

71. **The County Landscape Officer** has no objections to the proposal on landscape grounds, given the limited scale and scope of the proposed scheme.

72. **Historic England** state that they do not wish to offer any comments on the application and recommend that the CPA seeks the views of the District Council's / County Council's specialist conservation and archaeological advisers, as relevant.

73. **The Herefordshire and Worcestershire Earth Heritage Trust** have no comments to make on the application.

74. **The County Archaeologist** has no objections, stating that there are no archaeological concerns or issues with this proposal.

75. **The County Highways Officer** has no objections to the proposal, commenting that the site has vehicular access via an existing private access drive located off Redditch Road. The highway or visibility splays are not by the proposal, therefore, there are no highway implications.

76. **The County Footpaths Officer** has no comments to make on the proposal, as it would not impact upon public rights of way.

77. **The British Horse Society** no comments received.

78. **The Ramblers Association** no comments received.

79. **Open Space Society** no comments received.

80. **The Campaign to Protect Rural England (CPRE)** no comments received.

81. **Hereford & Worcester Fire and Rescue Service** comment that if the kiosk is subject to Building Regulations approval, then the Fire and Rescue Service would be consulted accordingly either by Local Authority or Approved Inspector Building Control bodies.

82. If applicable, and for information, Fire Service vehicle access must comply with the requirements of ADB 2019 Vol. 2 B5, section 15 & Table 15.1. In particular there should be Fire Service vehicle access for a Fire Appliance to:

- 15% of the perimeter
- within 45 metres of every point of the footprint of the building
- Access road to be in accordance with ADB 2019 Vol. 1 Table 15.2

83. If applicable, Water for firefighting purposes should be provided in accordance with: ADB 2019 Vol. 2 B5, section 16.

84. **West Mercia Police** have no objections to the proposal.

85. **Cadent Gas** has no objections to the proposal and refer the applicant to the guidance document 'Specification for Safe Working in the Vicinity of Cadent Assets'.

86. **Zayo Group UK Ltd** confirm that their apparatus is in the vicinity of the application within the public highway (A441) to the east of the application site. The applicant should contact Zayo Group should any diversions be required.

87. **Western Power Distribution** comment that their apparatus (a 11kV overhead and underground power line) is located to south of the application site. The applicant must comply with the requirements of the Health and Safety Executive's (HSE) guidance: GS6, 'Avoidance of Danger from Overhead Electric Lines'. They state that the use of mechanical excavators in the vicinity of their apparatus should be kept to a minimum. Any excavations in the vicinity of their apparatus should be carried out in accordance with the document titled: HSE' guidance: HS(G)47, 'Avoiding Danger from Underground Services'. The applicant should contact Western Power Distribution should any diversions be required.

Other Representations

88. In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application has been advertised in the press and on site. To date there have been no letters of representation received commenting on the proposal.

The Head of Planning and Transport Planning's Comments

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

Green Belt

90. The proposal is wholly located within the West Midlands Green Belt. In terms of the Development Plan, Policy WCS 13 of the adopted Worcestershire Waste Core Strategy permits waste management facilities in areas designated as Green Belt where the proposal does not constitute inappropriate development, or where very special circumstances exist. This is supplemented by Policy BDP4 of the Bromsgrove District Plan which states that *"the development of new buildings in the Green Belt is considered to be inappropriate, except in the following circumstances:*

- a) Buildings for agriculture and forestry;*
- b) Appropriate facilities for outdoor sport and outdoor recreation, for cemeteries, which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it;*
- c) Extensions to existing residential dwellings up to a maximum of 40% increase of the original dwelling or increases up to a maximum total floor space of 140m² ('original' dwelling plus extension(s)) provided that this scale of development has no adverse impact on the openness of the Green Belt;*
- d) Proportionate extensions to non-residential buildings taking into account the potential impact on the openness and the purposes of including the land in Green Belt. Proposals that can demonstrate significant benefits to the local economy and/or community will be considered favourably ;*
- e) The replacement of a building provided the new building is in the same use and should not be materially larger than the building it replaces;*
- f) Limited infilling in Green Belt settlements and rural exception sites in accordance with BDP 9 Rural Exception Sites;*
- g) Limited infilling or the partial or complete redevelopment of previously developed sites that would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development".*

91. The introduction to Section 13 of the NPPF states that *"the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 138 of the NPPF states that "Green Belt serves five purposes:*

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land".*

92. Paragraphs 149 and 150 of the NPPF set out what development might be considered as not constituting inappropriate development in the Green Belt. The former deals with new buildings and the latter deals with other forms of development.

93. The applicant states that it could be argued that the development would comprise engineering operations (paragraph 150 b) of the NPPF) as well as limited infilling on land which is already developed (paragraph 149 g) of the NPPF). The

applicant also goes onto argue that the development would be a proportionate extension to non-residential buildings taking into account the potential impact on the openness and the purposes of including land in Green Belt (paragraph 149 c) of the NPPF).

94. Notwithstanding this, the Head of Planning and Transport Planning considers none of the exemptions listed within paragraphs 149 and 150 of the NPPF would apply. It is also noted that Bromsgrove District Council consider that none of the exemptions would be relevant in this instance. Consequently, the proposal would constitute inappropriate development in the Green Belt.

95. Paragraph 147 of the NPPF states that *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*. Paragraph 148 of the NPPF states *"when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations"*.

96. As a result, a balancing exercise needs to be undertaken weighing the harm of the proposal (potential harm to the Green Belt and any other harm) with other considerations, in order to ascertain whether very special circumstances exist which justify granting planning permission.

97. The applicant's assessment of Green Belt and the very special circumstances are set out below:

- The proposals have arisen as a result of the need to install a new tertiary solids removal system in addition to the existing assets on their site. The new kiosk building is located within an existing operational site, due to the existing infrastructure at the site, it is not possible to locate this kiosk in an alternative location outside of the Green Belt. The kiosk has been designed to be the minimum size possible to house the required infrastructure. The site also benefits from nearby screening from vegetation and trees and is not deemed to have significant impact on the openness of the Green Belt.
- The kiosk is ancillary to the on-site tertiary solids removal system as it houses the electronic and control equipment for the tertiary solids removal system.
- The development creates additional sewerage infrastructure that reduces the risk of pollution.
- The works are to improve and enhance the existing Sewage Treatment Works site. The development would benefit the community by providing increased capacity to treat wastewater.
- The proposal is required to ensure an increased capacity for sewage water treatment serving local residents and ensure it is well-equipped for the future population growth in the surrounding area.

- The proposal is required to ensure that the applicant is able to continue to provide safe and efficient sewage treatment.
- The applicant states that the proposal is required in order to meet the low phosphorous limits of the site's new Environmental Permit.

98. The Head of Planning and Transport Planning concludes that the considerations set out above, when considered cumulatively, clearly outweigh the minor harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal. Accordingly, very special circumstances exist and, in relation to Green Belt matters, the granting of planning permission can be justified. As such, the proposal meets the relevant policy requirements in the NPPF Section 13 and accords with Policy WCS 13 of the Worcestershire Waste Core Strategy, and Policy BDP4 of the Bromsgrove District Plan.

99. If planning permission is granted for this proposal, it would be a departure from the Development Plan as the proposal is located within the Green Belt. Under the Town and Country Planning (Consultation) (England) Direction 2021, the County Council is only required to consult the Secretary of State for Levelling Up, Housing and Communities on new buildings in the Green Belt, it intends to approve, that are or exceed a floor space of 1,000 square metres or any other development which, by reason of its scale or nature or location, would have significant impact on the openness of the Green Belt. The Head of Planning and Transport Planning considers that the proposal would not need to be referred to the Secretary of State if Members are minded to approve the application, as the proposal would only have a total floorspace of approximately 14 square metres, as such it is considered there is no need to consult the Secretary of State in this instance.

Location of the development

100. The Worcestershire Waste Core Strategy sets out a geographic hierarchy for waste management facilities in Worcestershire. The hierarchy takes account of patterns of current and predicted future waste arisings and resource demand, onward treatment facilities, connections to the strategic transport network and potential for the future development of waste management facilities. The hierarchy sets out 5 levels with the highest-level being Level 1: 'Kidderminster zone, Redditch zone and Worcester zone'.

101. It is considered that the proposal is located within Level 1: 'Kidderminster zone, Redditch zone and Worcester zone' on the boundary with Level 5: 'All other areas', and it is noted that the 'Key diagram: Geographic hierarchy' is indicative only and should not be interpreted as showing specific site boundaries. Policy WCS 3: 'Re-use and recycling' of the adopted Worcestershire Waste Core Strategy states that *"wastewater treatment facilities will be permitted at all levels of the geographic hierarchy"*.

102. Policy WCS 6: 'Compatible land uses' of the adopted Worcestershire Waste Core Strategy directs waste management development to land with compatible uses. Policy WCS 6 directs enclosed or unenclosed wastewater treatment facilities to land within or adjoining a wastewater treatment works, such as this, where a clear operational relationship is demonstrated.

103. Given that the applicant states that the works are required to improve and enhance the existing Alvechurch Sewage Treatment Works, to ensure sufficient capacity for sewage treatment to accommodate for any increase in demand due to future population growth, and to meet the low phosphorous limits of the site's new Environmental Permit, the Head of Planning and Transport Planning considers that the applicant has demonstrated a clear operational relationship between the proposal and the existing Alvechurch sewage Treatment Works.

104. In view of this, the Head of Planning and Transport Planning considers that the proposal would be in accordance with Policies WCS 3 and WCS 6 of the adopted Worcestershire Waste Core Strategy and would be sited in an appropriate location.

Residential amenity, visual impact and landscape character

105. Policy WCS 12: 'Local Characteristics' of the adopted Worcestershire Waste Core Strategy states that waste management facilities will be permitted where it is demonstrated that they contribute positively to the character and quality of the local area and protect and enhance local characteristics. Policy WCS 14: 'Amenity' of the adopted Worcestershire Waste Core Strategy states that waste management facilities will be permitted where it is demonstrated that the operation of the facility and any associated transport will not have an unacceptable adverse impact on amenity.

106. Policy BDP19: 'High Quality Design' of the adopted Bromsgrove District Plan refers to ensuring development enhances the character and distinctiveness of the local area.

107. The nearest residential properties to the proposal are 49 and 51 Redditch Road, located approximately 140 west of the proposal. The application site is set well back within the operational land associated with Alvechurch Sewage Treatment Works and screened from Redditch Road by intervening land uses (Lye Bridge Depot, residential properties of 49 and 51 Redditch Road, and Alvechurch Football Club) and established boundary vegetation along both Redditch Road and the boundary of the wider Sewage Treatment Works site.

108. The kiosk only measures approximately 14 square metres in area by 3.1 metres high. It is holly green in colour, of a practical design and small in scale, integrating well with the surrounding locality.

109. The applicant has confirmed that the proposal would not require the removal of any boundary vegetation, which currently provides an effective screen of the site from the surrounding areas.

110. The County Landscape Officer has been consulted and has no objections on landscape grounds. Alvechurch Parish Council and Bromsgrove District Council both have raised no objections to the proposal. The District Council also note that due to the siting and size of the proposal, they consider that the proposal would not have an impact on the character and appearance of the area. No letters of representation have been received commenting on the proposal.

111. With regard to noise and dust impacts, the applicant states that best practice methods would be used to minimise the dust and noise, which may be generated during construction. All plant, vehicles and machinery would be maintained in good

condition, and would be switched off when not in use to minimise construction noise and pollution. The applicant goes on to state that in the context of the existing operational site, there is not expected to be any significant permanent increase in operational noise. The equipment, which would be installed would not significantly increase noise levels, and any potential increase would be mitigated by the surrounding kiosk.

112. Worcestershire Regulatory Services have been consulted in respect of noise and dust impacts and raise no objections to the proposal, noting that road traffic noise from the A441 would likely mask any noise associated with the operation of the kiosk, and have no adverse comments to make on the proposal with regards to air quality.

113. With regard to contaminated land, Worcestershire Regulatory Services have also raised no objections to the proposal, subject to the imposition of an appropriate precautionary condition regarding unexpected contamination. A condition is recommended to this effect.

114. The Environment Agency has raised no objections to the proposal, and made no adverse comments in respect of noise, dust or contaminated land. The County Public Health Practitioner also raises no objections to the proposal, stating that they can see no obvious effects on health and wellbeing.

115. In view of the above, the Head of Planning and Transport Planning considers that the proposal would not have an unacceptable adverse or detrimental impact upon the character and appearance of the local area, and would not cause any unacceptable overbearing, overshadowing or overlooking implications that detracts from residential amenity due to its design, size and location. The Head of Planning and Transport Planning considers the proposal would be in accordance with Policies WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy and Policy BDP19 of the adopted Bromsgrove District Plan.

Historic environment

116. There are a number of heritage assets within the wider context of the application site, as set out in 'The Site' section of this report. The closest is that of the Scheduled Monument of 'the moated site and fishponds at the Bishop's Palace' located about 405 metres broadly north of the application proposal, Alvechurch Conservation Area located about 590 metres broadly north of the proposal, and the Grade II Listed Building of 'The Lawns' located about 730 metres broadly north-west of the proposal.

117. Policy WCS 9: 'Environmental Assets' in the adopted Worcestershire Waste Core Strategy requires that proposals do not lead to substantial harm to or loss of significance of designated or non-designated heritage assets or their settings. Where the proposal would have unacceptable adverse impacts on environmental assets, development will only be permitted where it is demonstrated that the benefits of the development at the proposed site clearly outweigh any unacceptable adverse impacts.

118. Policy BDP20: 'Managing the Historic Environment' of the adopted Bromsgrove District Plan states that "*development affecting Heritage Assets, including alterations or additions as well as development within the setting of Heritage Assets, should not have a detrimental impact on the character, appearance or significance of the*

Heritage Asset or Heritage Assets...Any proposal which will result in substantial harm or loss of a designated Heritage Asset will be resisted unless a clear and convincing justification or a substantial public benefit can be identified in accordance with current legislation and national policy...Development within or adjacent to a Conservation Area should preserve or enhance the character or appearance of the area”.

119. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty with regard to listed buildings in the exercise of planning functions. Subsection (1) provides that *"in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects Conservation Areas in the exercise of planning function stating *"in the exercise, with respect to any buildings or other land in a Conservation Area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*.

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

121. Paragraphs 199 and 200 of the NPPF states that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: ...a) grade II listed buildings... should be exceptional; b) assets of highest significance, notably schedule monuments...grade I and II* listed buildings...should be wholly exceptional"*.

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

123. There is no statutory definition of setting for the purposes of Section 66 (1) of the Listed Buildings Act. Annex 2 of the NPPF describes the setting of a heritage asset as *"the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*. It goes on to describe significance for heritage policy, stating that this is *"the value of a heritage*

asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting...".

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

125. The applicant states that no designated heritage assets would be physically or visually impacted by the proposal due to the limited scope of intrusive works and the extensive screening by existing development and mature vegetation.

126. With regard to archaeology, the applicant states that the bedrock is overlain by superficial deposits of the 2nd Avon Terrace, the Wasperton Sand and Gravel Member (type of geological formation). The Member has been proven to yield abundant paleoenvironmental, faunal and artefactual (archaeological) remains. Despite this, existing British Geological Survey borehole data demonstrates that modern disturbance in the form of provably modern made ground, presumably associated with the development of the Sewage Treatment Works site, is present to a depth of approximately 0.80 metres below ground level and, therefore, the proposal is unlikely to physically impact any archaeological remains, if any were present.

127. Historic England has been consulted but do not wish to make any comments on the application, recommending that the CPA seeks the views of the Council's specialist conservation and archaeological advisors, as relevant. Bromsgrove District Council and the County Archaeologist have both raised no objections to the proposal.

128. Based on the above consultee comments, and due to the nature, scale and location of the proposal, together with the distance from heritage assets and intervening buildings, and established trees and vegetation, the Head of Planning and Transport Planning considers that the proposals would not lead to any material harm to any of the identified heritage assets.

129. In view of the above, the Head of Planning and Transport Planning considers that the proposal would not have an unacceptable adverse or detrimental impact upon the historic environment, in accordance with Policy WCS 9 of the adopted Worcestershire Waste Core Strategy and Policy BDP20 of the adopted Bromsgrove District Plan.

Traffic and highway safety

130. Paragraph 111 of the NPPF states that: *"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"*.

131. Policy WCS 8: 'Site infrastructure and access' of the adopted Worcestershire Waste Core Strategy states that proposals will be permitted where it is demonstrated that vehicular and pedestrian access to the site is safe and adequate to support the proposed waste management facility, and proposals will not have an unacceptable adverse impact on safety or congestion on the transport network or amenity along transport routes. Policy BDP16: 'Sustainable Transport' of the adopted Bromsgrove District Plan states that development should comply with Worcestershire County Council's Transport policies, design guide, car parking standards, incorporate safe and convenient access and be well related to the wider transport network.

132. The site is accessed via an existing private access serving the Sewage Treatment Works, Lye Bridge County Highways Depot, a car dealership and MOT and Service Station. The applicant has confirmed that this existing site access would be utilised for the duration of the construction works and operation. No alterations to this access are proposed.

133. The applicant states that a temporary construction compound may be required to facilitate site storage and welfare and would be located within the existing Alvechurch Sewage Treatment Works operational land, adjacent to the development. Any temporary compounds would be installed under Severn Trent Water Limited's permitted development rights.

134. During construction and operation, all vehicles would be parked on the operational site and off the public highway, and no highway diversions or alternative arrangements would be required.

135. The applicant has confirmed that there would be a minor increase in traffic during construction due to the requirement for delivery and construction vehicles. However, this would only be required for the duration of the construction works. Construction traffic would, wherever possible be programmed away from daily peak periods. Vehicle types are likely to include, but are not limited to site worker vehicles, flat-bed van, and low-loaders. During operation, the proposal would not require any increased staffing of the site, and there would be no permanent increase in operational traffic.

136. The County Highways Officer has been consulted and has raised no objections to the proposal.

137. In view of the above matters, the Head of Planning and Transport Planning is satisfied that the proposal would not have an unacceptable impact upon traffic and highway safety, in accordance with Policy WCS 8 of the adopted Worcestershire Waste Core Strategy and Policy BDP16 of the adopted Bromsgrove District Plan.

Water environment

138. Policy WCS 10: 'Flood risk and water resources' of the adopted Worcestershire Waste Core Strategy refers to considering flood risk as well as any potential impacts on surface and ground water. Policy BDP23: 'Water Environment' of the adopted Bromsgrove District Plan refers to supporting developments that protect and enhance

water quality and requiring developments to set aside land for SuDS and follow the SuDS management train concept.

139. The eastern part of the Alvechurch Sewage Treatment Works operation land, including the access road are located within Flood Zone 2 (medium probability of flooding), as identified on the Environment Agency's Indicative Flood Risk Map. To avoid this Flood Zone, the applicant has positioned the proposal within Flood Zone 1 (low probability of flooding). The Government's PPG identifies that all uses of land are appropriate within this flood zone.

140. The applicant states that the proposal would drain via the existing soakaway pathways to the adjacent amenity grassland, and whilst the proposal would result in a small increase in impermeable land area, given the wider permeable nature of the site and the water treatment processes present at the site, this is not anticipated to have significant impact on surface water drainage at the site. The existing drainage infrastructure is deemed sufficient for the development and therefore the proposals do not pose any flood risk impact on the site.

141. The Environment Agency have been consulted and have raised no objections to the proposal noting that the proposal is 'water compatible development' which within Flood Zone 1 is appropriate.

142. North Worcestershire Water Management have also raised no objections to the proposal, commenting that the application site falls within the Flood Zone 1, and it is not considered that there is any significant fluvial flood risk. North Worcestershire Water Management consider there is no reason to withhold approval of this application on flood risk grounds and they do not deem it necessary to recommend imposing a drainage condition. The Lead Local Flood Authority have no concerns with the application with regard to surface water management.

143. Worcestershire Wildlife Trust have no objections to the proposal but recommend the imposition of appropriate condition requiring SuDS. Based on the advice of the Environment Agency, North Worcestershire Water Management and the Lead Local Flood Authority, it is considered that the applicant has provided sufficient details relating to the site's drainage, and a condition requiring a SuDS Scheme is not required in this instance.

144. In view of the above comments, the Head of Planning and Transport Planning considers that the proposal would have no unacceptable adverse effects on the water environment, in accordance with Policy WCS 10 of the adopted Worcestershire Waste Core Strategy and Policy BDP23 of the adopted Bromsgrove District Plan.

Ecology and biodiversity

145. Section 15 of the NPPF, paragraph 174 states that *"planning policies and decisions should contribute to and enhance the natural and local environment by a 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"*.

146. Paragraph 180 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 (though 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 improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate”*.

147. Policy WCS 9: ‘Environmental Assets’ of the adopted Worcestershire Waste Core Strategy, includes ensuring that proposals will have no unacceptable adverse impacts on international, national or locally designated or identified habitats, species or nature conservation sites.

148. Policy BDP 21: ‘Natural Environment’ of the adopted Bromsgrove District Plan seeks to achieve better management of Bromsgrove’s natural environment by expecting development to achieve a number of matters including protecting and enhancing core areas of high nature conservation value (including nationally protected sites and irreplaceable nature resources such as sites with geological interest, ancient woodlands and habitats of principle importance). It also requires development to appropriate steps to maintain the favourable conservation status of populations of protected species; and protect, restore and enhance other features of natural environmental importance, including locally protected sites, in line with local environmental priorities.

149. The nearest statutory and non-statutory designated wildlife sites are outlined within ‘The Site’ section of this report, with the nearest designated wildlife site being that of the River Arrow LWS, located approximately 35 metres east of the application site.

150. The application was accompanied by Preliminary Ecological Appraisal, which summarised the result of an ecological survey of the site that was carried out in February 2020 and updated in May 2022. The Appraisal identified that the area in which the kiosk is located consists of species poor grassland with the wider site area consisting mostly of managed grassland and areas of hardstanding, bordered by woodland and mature trees to the east.

151. The site is not located within any designated ecological sites; however, it is within the Impact Risk Zone for Bittell Reservoirs SSSI located approximately 2.3 kilometres to the north-west of the site. The Appraisal states that due to the distance from this SSSI, and the scale of the works, the proposal is not expected to adversely impact upon the Bittell Reservoirs SSSI.

152. The Appraisal identifies that the River Arrow LWS is located directly adjacent to the wider operational Sewage Treatment Works site, to the east. The Appraisal states that this site has been considered with regard to the potential temporary impacts during the construction stage only, including increased construction traffic, noise and pollution. However, due to the minor temporary nature of the construction works and

the distance between the site and the LWS, there is not anticipated to be any adverse impacts to the LWS. In order to ensure this, best practice methods / techniques would be followed to ensure minimal disruption to the surrounding area. Other LWS are located in excess of 340 metres from the site. Due to the large intervening distance between these sites, the survey boundary and the small-scale nature of the proposals, any adverse impacts are deemed unlikely.

153. The applicant has confirmed that there is no significant tree or vegetation clearance required to facilitate the construction of the kiosk, with only a minimal loss of managed grassland.

154. The Appraisal states that in order to avoid risk to any species within the minimal ground vegetation on site, any clearance would be carried out using a precautionary methodology to ensure that there is no harm to any protected species. Where any vegetation is over 150mm in height, the strimming would be carried out in two stages. The vegetation would firstly be cut to 150-200mm in height. Any cuttings would be removed from the works area and disposed of appropriately off-site. The vegetation would be left for 1-2 hours to allow any wildlife to escape, before being cleared to ground level.

155. In addition, should any excavations be required to install the associated pipework, escape ramps would be provided to ensure that no animals become trapped overnight, and any pipework will be capped. Each morning, excavations would be inspected for the presence of animals.

156. The Appraisal concludes that due to the managed nature of the site, it is not envisaged that there would be any significant ecological impacts as a result of the proposed works.

157. Natural England wish to make no detailed comments to make on the proposal. Worcestershire Wildlife Trust have no objections to the proposal, subject to the imposition of appropriate conditions regarding a CEMP, construction and operational lighting scheme, SuDS, and LEMP, and wish to defer to the County Ecologist for more detailed views.

158. The County Ecologist has no objections to the proposal, subject to the imposition of appropriate conditions regarding a lighting strategy, and a Habitat Enhancement Plan. The County Ecologist is satisfied that the scheme does not present an unacceptable risk to wildlife and that modest biodiversity enhancement could be secured should planning permission be granted. The County Ecologist originally recommended the imposition of a CEMP, but now considers this condition is no longer necessary given the part-retrospective nature of the application.

159. Given that the kiosk has now been installed onsite, with only internal works outstanding, the Head of Planning and Transport Planning concurs with the County Ecologist and considers that the imposition of a condition requiring a CEMP and construction lighting details, as recommended by Worcestershire Wildlife Trust, are not necessary in this instance. The applicant has confirmed that any construction lighting associated with the kiosk works would now all be internal.

160. It is also considered that the Habitat Enhancement Plan recommended by the County Ecologist would cover and address the same relevant matters as the recommended LEMP by Worcestershire Wildlife Trust, therefore, there is no need to require a separate LEMP in this instance.

161. Based on the advice of Natural England, Worcestershire Wildlife Trust and County Ecologist, the Head of Planning and Transport Planning considers that the proposal would have no unacceptable adverse impacts on the ecology and biodiversity at the site or in the surrounding area, and would enhance the application site's value for biodiversity, subject to the imposition of appropriate conditions. The Head of Planning and Transport Planning considers that the proposal accords with Policy WCS 9 of the adopted Worcestershire Waste Core Strategy and Policy BDP21 of the adopted Bromsgrove District Plan.

Other matters

Access for Fire Service vehicles

162. Hereford & Worcester Fire and Rescue Service comment that if the kiosk is subject to Building Regulations approval, then the Fire and Rescue Service would be consulted accordingly either by Local Authority or Approved Inspector Building Control bodies. If applicable, and for information, Hereford & Worcester Fire and Rescue Service outline the Building Regulations relevant to Fire Appliances and Fire Service vehicle access. The applicant has since advised that the kiosk is not subject to Building Regulations approval. The Head of Planning and Transport Planning notes that the site is an established Sewage Treatment Works and considers that there is sufficient space for Fire Service vehicles to access the site and manoeuvre.

Human Rights Act 1998

163. Article 8 of the Human Rights Act 1998 (as amended) states that everyone has the right to respect for his private and family life. A public authority cannot interfere with the exercise of this right except where it is in accordance with the law and is necessary (amongst other reasons) for the protection of the rights and freedoms of others. Article 1 of Protocol 1 of the Act entitles every natural and legal person to the peaceful enjoyment of his possessions.

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

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

Obligations under the Equality Act 2010

166. The CPA in carrying out its duties must have regard to the obligations placed upon it under the Equality Act and due regard has, therefore, been had to the requirements of Section 149 (Public Sector Equality Duty) to safeguard against unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act. It also requires public bodies to advance equality of opportunity between people who share a protected characteristic and people who do not share it; and

foster good relations between people who share a protected characteristic and people who do not share it. The Head of Planning and Transport Planning considers that the proposal would not give rise to significant adverse effects upon the communities in the area or socio-economic factors, particularly those with 'protected characteristics' by virtue that the impacts of the proposal can be mitigated so that they would not have a significant impact on groups with 'protected characteristics'.

Conclusion

167. In accordance with paragraph 11 c) of the NPPF, development proposal that accord with an up-to-date Development Plan should be approved without delay and taking in to account the provisions of the Development Plan and in particular Policies WCS 1, WCS 3, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 13, WCS 14, and WCS 15 of the adopted Worcestershire Waste Core Strategy, Policies BDP1, BDP4, BDP16, BDP19, BDP20, BDP21, BDP23, and BDP24 of the adopted Bromsgrove District Plan, and Policies HDNE 1, HDNE 2, HDNE 3, HDNE 4, HDNE 6, GAT 1 and GAT 3 of the made Alvechurch Parish Neighbourhood Plan, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies.

Recommendation

168. The Head of Planning and Transport Planning recommends that planning permission be granted for the installation of a kiosk to house control equipment for sewage upgrades and associated infrastructure (Part-Retrospective) at Alvechurch Sewage Treatment Works, Redditch Road, Alvechurch, Worcestershire, subject to the following conditions:

Approved Plans

- 1) The development hereby approved shall be carried out in accordance with the details shown on the following approved drawings, except where otherwise stipulated by conditions attached to this permission:**
 - **610035-GTE-ZZ-ZZ-DR-T-0002, titled: 'Planning Drawings Proposed Site Layout', dated 26 January 2022;**
 - **610035-GTE-ZZ-ZZ-DR-T-0003, titled: 'Tertiary Solids Removal Plant Control Kiosk, Proposed GA and Elevations', dated 26 January 2022;**
 - **610035 GTE-ZZ-ZZ-DR-T-ZZ-DR-T-0006, titled: 'Site Location Plan', dated 26 January 2022;**
 - **610035-GTE-ZZ-ZZ-DR-T-0007, titled: 'Planning Drawings Existing Site Layout', dated February 2022.**

Construction and Working Hours

- 2) Construction works shall only be carried out on the site between 07:00 to 17:00 hours on Mondays to Fridays inclusive, with no construction work on Saturdays, Sundays, Bank Holidays or Public Holidays.**

- 3) **Within 6 months of date of this permission, a Habitat Enhancement Plan shall be submitted to the County Planning Authority for approval in writing. The Habitat Enhancement Plan shall include a Biodiversity Metric Assessment and specify the nature, extent, target condition, number and location of any enhancement measures, such as habitats, bird or bat boxes or hedgehog or invertebrate refuges. For semi-natural habitats specified, prescriptions for their creation and management through establishment to a selected period by which they should reach an intended target condition must be specified. Thereafter, Habitat Enhancement Plan shall be implemented in accordance with the approved details and measures maintained for a period of at least 5 years. On completion of the implementation of the Habitat Enhancement Plan, a Statement of Conformity shall be drafted by a suitably qualified ecologist and submitted to the County Planning Authority and Worcestershire Biological Record Centre.**

Lighting

- 4) **Details of any new lighting to be installed at the site shall be submitted to the County Planning Authority for approval in writing prior to being erected. The details shall include details of the height of all lighting, the intensity of lighting (specified in Lux levels), spread of light, including approximate light spillage levels (in metres), the times when the lighting would be illuminated, any measures proposed to mitigate impact of the lighting or disturbance through glare and upon protected species and habitats. Thereafter, the development shall be carried out in accordance with the approved details.**

Contaminated Land

- 5) **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 immediately to the County Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation. No further works shall be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, until requirements a. to d. below have been complied with:**
- a. **Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the County Planning Authority prior to any further development taking place;**
 - b. **Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by**

removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the County Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation;

- c. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation; and**
- d. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval of the County Planning Authority prior to the development being brought into use.**

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Specific Contact Points for this report

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Background Papers

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

The application plans and consultation replies in file reference 22/000014/CM, which can be viewed online at: <http://www.worcestershire.gov.uk/eplanning> by entering the full application reference. When searching by application reference, the full application reference number, including the suffix need to be entered into the search field.