

**22/00201/FUL
NON-MAJOR**

Network Rail

**CHESLYN HAY &
GREAT WYRLEY
Cllr Boyle & Cllr Hollis
(Cheslyn Hay)
Cllr Johnson, Cllr
Lawrence & Cllr Perry
MBE (Great Wyrley)**

Culvert Beneath Railway Adjacent To Bridge Avenue And Myrtle Glade Great Wyrley

Works to reconstruct damaged culvert

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 This application relates to a 70-metre-long section of culvert that carries Wyrley Brook through a railway embankment at the northern end of the Cheslyn Hay and Great Wyrley Development Boundary.

1.1.2 A 30 metre section of the culvert on the east side of the railway embankment (the inlet channel) is located within a public open space and a 'green corridor', together with footpath, that separates the railway from residential properties in Myrtle Glade (to the east) and Meadowbank Grange (to the south). The area of land containing this section of the culvert is own by South Staffordshire District Council.

1.1.3 The remaining 40 metre section of the culvert runs through the railway embankment, with an outlet channel exiting near the rear boundaries of residential properties in Bridge Avenue (to the west), where it continues in a northerly direction. The area of land containing this section of the culvert is own by Network Rail.

1.1.4 Wyrley Brook is a designated Main River by the Environment Agency. The application site falls within two Parishes; Great Wyrley to the east, and Cheslyn Hay to the west.

1.2 Planning History

None.

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 This application has been submitted by Network Rail, and the proposal is to reconstruct the damaged culvert, which is in urgent need of repair due to loose brickwork and cracking within the culvert barrel.

2.1.2 The existing culvert barrel is to be lined with a bespoke GRP liner.

2.1.3 The inlet wing and side walls (east of the embankment) will be replaced with a U-shaped reinforced concrete channel, measuring approximately 2m wide and 1.5m deep. Metal handrailing is to be installed on either side, measuring approximately 1.2m high.

2.1.4 The outlet wing and side walls (west of the embankment) will be maintained and repaired. To protect the railway embankment and private properties from scour on the outlet side, a 10 metre section of 'rock armour' is to be installed to the base of the culvert.

2.2 Amended/Additional Plans

28 March 2022:

-Additional plans (referred to on the original drawings submitted) and were provided along with a 'construction sequence' document, detailing the proposed works.

29 March 2022:

-Drawing errors were corrected.

2.3 Agent's Submission

2.3.1 This application is accompanied by a Flood Risk Assessment and a Tree Report.

3. POLICY CONTEXT

3.1 Within the Cheslyn Hay & Great Wyrley Development Boundary.

3.2 South Staffordshire Core Strategy [adopted 2012]

Core Policy 2: Protecting and Enhancing the Natural and Historic Environment

Policy EQ1: Protecting, Enhancing and Expanding Natural Assets

Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape

Core Policy 3: Sustainable Development and Climate Change

Policy EQ9: Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

Policy EQ11: Wider Design Considerations

Policy EQ12: Landscaping

Core Policy 14: Open Space, Sport and Recreation

Policy HWB2: Green Infrastructure

Adopted local guidance

Sustainable Development SPD [2018]

3.3 National Planning Policy Framework [2021]

Chapter 12. Achieving well-designed places

3.4 National Planning Policy Guidance

3.4.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

3.4.2 The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a

decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

4. CONSULTATION RESPONSES

Ward Councillors (expired 15/04/22): No comments received.

Great Wyrley Parish Council (received 19/04/2022) *No Objections*

Cheslyn Hay Parish Council (received 18/03/2022) *No objections*

Senior Arboricultural Officer (received 28/03/22): *Having reviewed the application and supporting information I can confirm that I have no objection to the proposed works, nor any recommendation for tree related conditions.*

There is a requirement for vital infrastructure works to be carried out at this location and I am satisfied, following regular communication with Network Rail, that every effort has been made to minimise the arboricultural impacts and provide mitigation for tree losses.

The trees to be removed are either low value / amenity specimens or are of a species that is suitable for cutting at ground level and allowing subsequent formation of coppice stools. Where some small trees are to be removed the scheme includes replanting to compensate. There is unlikely to be any long term visual or wildlife impact from the proposed works.

Environmental Health Officer (expired 15/04/22): No comments received.

County Highways (highways surgery meeting comments received 30/03/22): *Elliot Drive estate road (serving the proposed site compound) is an unadopted highway therefore county highways consultation is not required (no objection).*

Naturespace Partnership Newt Officer (latest comments received 11/04/22, in summary): *I am satisfied that if this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats.*

County Flood Risk Team (received 30/03/22 & 04/04/22, in summary): *As the Environment Agency are statutory consultee upon all proposed developments within Flood Zones 2 and 3, it is envisaged that the EA will comment on the flood risk vulnerability, flood depths and suitability of the proposal in flood risk terms. They will also be able to advise on the necessary permits required to work on a main river. Any works to the Wash Brook (main river) are under the regulation of the EA, therefore the LLFA have no further comments to offer on this occasion.*

Environment Agency (received 05/04/22): *Having cross referenced the application with the Flood Risk Activity Permit EPR/WB3854SJ we are happy that the planning application is consistent with the already approved permit. Therefore, the Environment Agency has no objections to the proposed development, as submitted.*

Network Rail (latest comments received 08/04/22): *This is a Network Rail proposal so there are no comments.*

Coal Authority (received 16/03/22): *The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.*

Cadent Gas Limited (formally National Grid) (expired 15/04/22): No comments received.

Western Power Distribution (received 10/03/22, in summary): *There may be WPD assets in the vicinity of the development works. - specifics cannot be given as no plans have been accessed by WPD with regard to the above application. It is strongly advised that the developer contacts WPD prior to any of their works commencing. This is in order to avoid any inadvertent contact with any live apparatus including underground cable and overhead lines during any stage before or after development. Also, to prevent incursion into areas where WPD have cable/access rights and property ownership - particularly with regard to substations and their access, the landowner/developer must contact WPD prior to works commencement. Any works in the vicinity of electricity conductors (underground cables or overhead lines) should be undertaken in accordance with HSE documents GS6 and HS(G)47 - all excavation works shall be undertaken by hand around electricity apparatus and any striking of cables or overhead lines should be reported to WPD on 105 immediately or as soon as it is safe to do so. All electricity apparatus must be treated as Live until proven dead.*

Neighbours (expired 15/04/22): No comments received.

Site Notice (expired 07/04/22): No comments received.

5. APPRAISAL

5.1 This application is being referred to Planning Committee as part of the land within the application site is owned by South Staffordshire District Council.

5.2 Key Issues

- Principle of Development
- Impact on Visual Amenity
- Impact on Residential Amenity
- Flood Risk
- Highways/Parking
- Other matters

5.3 Principle of Development

5.3.1 The application site is located within the Development Boundary, where repairs to local infrastructure are generally an acceptable form of development, provided there would be no adverse impacts on the visual amenity of the area, the amenities of neighbouring properties or parking or highway-related concerns.

5.3.2 Policy HWB2 of the Core Strategy states that the Council will support the protection, maintenance and enhancement of a network of open space, including the enhancement of green or blue corridors.

5.3.3 The principle of the development is therefore considered acceptable, subject to other relevant policies in the Core Strategy being satisfied.

5.4 Impact on Visual Amenity

5.4.1 Policy EQ4 states that the design and location of new development should take account of the characteristics and sensitivities of the landscape, and Policy EQ12 emphasises that the landscaping of new developments should be an integral part of the overall design.

5.4.2 The majority of the proposed development would be located either at or below ground level or through the railway embankment itself, with no demonstrable harm on the visual amenity of the area as a result. It is considered that the proposed handrailing would have a limited visual impact on the surrounding area, given its scale and lightweight appearance, which would be viewed against the backdrop of the existing railway embankment and the palisade fencing which bounds it.

5.4.3 The Senior Arboricultural Officer is satisfied that every effort has been made to minimise the arboricultural impacts and provide mitigation for tree losses, and therefore considers there is unlikely to be any long term visual or wildlife impact from the proposed works.

5.4.4 The proposed development is therefore considered acceptable and in accordance with the aims of Policies EQ4 and EQ12 of the Core Strategy.

5.5 Flood Risk

5.5.1 The submitted Flood Risk Assessment concludes that the proposed works would have a positive impact on the predicted flood levels upstream and that the adjacent residential properties would not be at an increased risk, even when considering the Upper End Climate Change Scenario.

5.5.2 The Environment Agency (EA) is content that this application is consistent with an approved 'Flood Risk Activity Permit' issued by the EA and therefore have no objections.

5.6 Impact on Residential Amenity

5.6.1 Policy EQ9 states that new development "should take into account the amenity of any nearby residents". The proposed development raises no residential amenity concerns and is considered compliant with Policy EQ9 of the Core Strategy.

5.7 Highways/Parking

5.7.1 The proposal raises no car parking or highway-related implications. County Highways raise no objection to the proposal.

5.8 Other matters

5.8.1 The application plans identify a below ground power cable running through the application site. Western Power Distribution (WPD) have been consulted on this application, and strongly advise the developer to contact WPD prior to any works commencing in order to avoid any inadvertent contact with live apparatus and to prevent incursion into areas where WPD have cable/access rights and property ownership. It is therefore considered

appropriate for WPD's comments to be attached as an Informative to any permission granted.

5.8.2 The site lies within a Coal Authority Low Risk Development Area. The Coal Authority raise no objection to this application. A standard Informative can be attached to any permission granted.

5.8.3 The site lies within the Green Impact Risk Zone for Great Crested Newts. In the Green Impact Risk Zone, there is moderate habitat suitability and a low likelihood of Great Crested Newt presence. The Newt Officer is satisfied that if this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats. In these circumstances, it is considered appropriate to attach an Informative to any permission granted.

6. CONCLUSIONS

6.1 The proposal accords with the relevant policies in the adopted Core Strategy. The repairs to the culvert will protect and enhance essential local infrastructure, would cause no material harm to the visual amenity of the area, no flood risk issues and raises no residential amenity concerns. As such, I recommend the approval of this application.

7. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out strictly in accordance with the following approved plans and documents:-

Plans:

1. 0056205 'Location Plan' (received 25/02/22)
2. 164691-WDC-DRG-CV-11200 Rev C01 'Part 2 Culvert Lining' (received 25/02/22)
3. 164691-WDC-DRG-CV-11010 Rev C01 'Proposed Works Layout Plan' (received 25/02/22)
4. 164691-WDC-DRG-CV-11111 Rev C01 'Inlet Side Works Cast In-Situ Headwall Details' (received 28/03/22)
5. 164691-WDC-DRG-CV-11120 Rev C01 'Part 1 Inlet Side Works Pre-Cast "U" Shaped Channel Layout' (received 28/03/22)
6. 164691-WDC-DRG-CV-11130 Rev C01 'Part 1 Inlet Side Works Cast In Situ Transition Section' (received 28/03/22)
7. 164691-WDC-DRG-CV-11141 Rev C01 'Handrail Detail' (received 28/03/22)
8. 164691-WDC-DRG-CV-11201 Rev C01 'Part 2 Proposed Liner Layout And Sections on Culvert' (received 28/03/22)
9. 164691-WDC-DRG-CV-11304 Rev C01 'Part 3 Concrete Canvas Details' (received 28/03/22)
10. 164691-WDC-DRG-CV-11100 Rev C02 'Part 1 Inlet Side Works Proposed General Arrangement' (amended plan received 29/03/22).

Documents:

11. Construction sequence proposed in DWG.no 11010 (received 28/03/22)
12. Arboricultural Report of Proposed Tree Works (Network Rail, 2022)(received 25/02/22)
13. Recommended planting species (Network Rail, 2015)(received 25/02/22)

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2021.

Informatives

1. Western Power Distribution

That the applicant's attention is drawn to the following comments of Western Power Distribution received 10/03/22:

There may be WPD assets in the vicinity of the development works. - specifics cannot be given as no plans have been accessed by WPD with regard to the above application. It is strongly advised that the developer contacts WPD prior to any of their works commencing. This is in order to avoid any inadvertent contact with any live apparatus including underground cable and overhead lines during any stage before or after development.

Also, to prevent incursion into areas where WPD have cable/access rights and property ownership - particularly with regard to substations and their access, the landowner/developer must contact WPD prior to works commencement

Any works in the vicinity of electricity conductors (underground cables or overhead lines) should be undertaken in accordance with HSE documents GS6 and HS(G)47 - all excavation works shall be undertaken by hand around electricity apparatus and any striking of cables or overhead lines should be reported to WPD on 105 immediately or as soon as it is safe to do so.

With regard to consideration for properties being constructed in the vicinity of WPD substations - it is strongly advised that any property (particularly dwellings) are planned to be sited no less than five metres from the boundary of a substation.

For safety, The applicant must consult with WPD regarding the siting of any new buildings close to substations.

In order that connections can be made in a timely manner - any new or augmented connections for any proposed scheme must be applied for by the customer in order

ascertain the scope and associated costs of works. The developer may need to incorporate a substation plot into their design if the development has high load requirements - developer should consult with WPD local teams to ascertain if this is necessary at the design stage

All electricity apparatus must be treated as Live until proven dead.

2. Coal Authority Low Risk Development Area

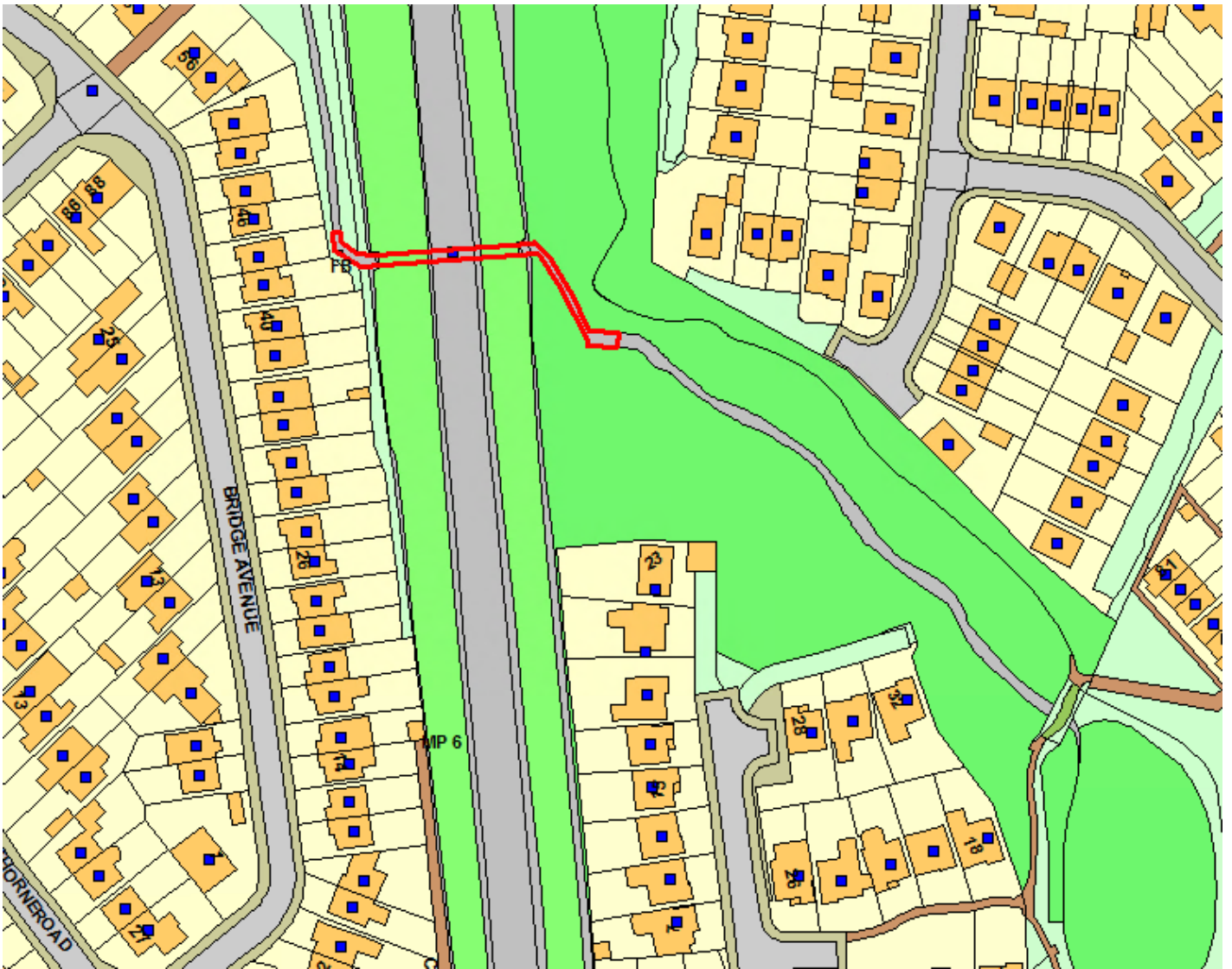
Development Low Risk Area Standing Advice - The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

3. Great Crested Newts

Please note that the application site is within a Green Impact Risk Zone for Great Crested Newts. Whilst the proposal is considered to be low risk, there is the possibility that those species may be encountered once work has commenced. The gaining of planning approval does not permit a developer to act in a manner which would otherwise result in a criminal offence to be caused. Where such species are encountered it is recommended the developer cease work and seek further advice (either from Natural England or NatureSpace) as to how to proceed.



**22/00201/FUL - Culvert Beneath Railway, Adjacent To Bridge Avenue And Myrtle Glade
Great Wyrley**