

WYRE FOREST DISTRICT COUNCILPLANNING COMMITTEE9TH DECEMBER 2014

ADDENDA AND CORRECTIONS

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PART A		
14/0390/FULL 14/0391/LIST	13	<p><u>Agent</u> (Additional comments received regarding the necessity for an outdoor seating area from a viability perspective) - Wright Silverwood have been instructed in connection with the proposed letting of the development. This company are specialist in retail and leisure property and have a wide knowledge of similar schemes with which they have been involved, including recent developments at Birmingham, Corby and Telford. Their experience has demonstrated that the provision of an external dining deck is of fundamental importance to the proposed attraction of quality operators/occupants within a leisure scheme. In particular it should be noted that water has always been a notable attraction to leisure operators and therefore to take best advantage of this proximity an external deck would be most desirable. This is particularly important in this location as Kidderminster is unfortunately not particularly highly regarded as a leisure destination and therefore all the available attributes of the subject site need necessarily to be taken advantage of with a view to attracting the intended tenant mix on commercially viable terms.</p> <p><u>Environment Agency</u> (Response dated 27.11.14) - RIVER STOUR (PROPOSED TERRACE DECKING / RIVERSIDE WALKWAY) - At the meeting [held on site in August] we highlighted that we would not wish to see any decking extending out over the River Stour, but particularly on the section of bank to the north of the culvert. It is critical that we are able to access the berm at the bottom of this section of bank (north of the culvert) for access to undertake maintenance works.</p>

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		<p>The applicant's consultant has indicated that the design of the building could not be changed and that the proposed decking remains crucial for the viability of the proposed development. We would leave it for your Council to form a view on this statement in considering the current revised proposals, which retain the proposed decking out over the River Stour and may be considered contrary to a number of policies within your Local Plan documents i.e. a number of the criteria listed in Policy KCA.UP6 (River Stour) of your Council's Kidderminster Central Area Action Plan and Policies CP02, CP13, CP14 and CP15 of your Council's Core Strategy, which relate to flood risk and the safeguarding and enhancement of the green infrastructure and biodiversity value of the River Stour.</p> <p>REVISED PROPOSED DECK DETAILS - It is disappointing that the decking to the north of the culvert has not been set back entirely from the River bank, in considering our previous comments and the policies of your Local Plan.</p> <p>FLOOD RISK - From a flood risk perspective we are less concerned with the area of decking shown over the culvert access and to the south, between the culvert and Exchange Street. The revised submission (drawing no. 205A Rev A) shows the provision of access points in the two locations discussed at our meeting (adjacent to the bridge and to the north of the culvert access). The drawing also implies that machinery is able to access along the front, between the building and River bank. We would need to be assured that there is a sufficient berm on the bank for personnel to safely access along the bank to the front of the decking. The final width of the decking in this area would need to be constrained to ensure that there is a minimum berm of 2m to the forefront available for access. The cross-section submitted on drawing no. 205A Rev A does not currently confirm sufficient berm available for access. Based on this information we would be minded to refuse a Flood Defence Consent application at this time (determined by the EA for works within 8m of the River). <i>[Agent's response - The 'berm' has been surveyed (28.11.14) and I can confirm that as existing it provides a flat width at the base of the sloping bank of 2.4m to the north, tapering down to 1.4m to the south at the culvert. A drawing has been provided to illustrate this.</i></p>

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		<p><i>It is assumed the berm was not surveyed due to water levels at time of the topographical survey. Survey images sufficiently highlight the accommodation provided by the existing berm. The proposed deck at the northern section DOES NOT involve the loss of any existing berm access, where there is more than sufficient access space currently. Notwithstanding this, the proposed deck only overhangs the sloping bank by a small distance thus not interfering with the access along the berm.]</i></p> <p>BIODIVERSITY - Our experience of bar balconies/decking over rivers is that the river is routinely used as a convenient dump by the customers, with sometimes hundreds of glasses and bottles accumulating on the river bed. Whilst the design may appear attractive, similar sites elsewhere suggest that the long term impacts are not positive, with a build up of waste including broken glass. This is a hazard to both people and wildlife. River bank planting should be entirely native because ornamental landscapes are far more likely along a flowing river corridor. Black Alder, ornamental hazel, and weeping willow are not appropriate along a river bank. <u>[Agent's response - We have incorporated changes to the landscaping in discussion with the Council's Countryside and Conservation Officer.]</u></p> <p>Given the location and level of disturbance, the otter rest site (couch) proposed is unlikely to be worth incorporating. Rather than installing otter mitigation on site that is unlikely to be used, consideration should be given to creating an artificial otter holt off site, in consultation with your Council's Countryside and Conservation Officer.</p> <p>FRA [FLOOD RISK ASSESSMENT] (RE-DEVELOPMENT OF THE BRINTONS BUILDING) – <i>SAFE ACCESS ROUTE</i> - The building is shown within Flood Zone 2 which would infer that the ground levels around the site outside of the Flood Zone 3 extent are above the 100 year flood level (31.44m AOD). However, it should not be assumed that all ground is above the 100 year plus climate change flood level, as stated within the FRA.</p>

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		<p>Whilst ground levels to the west of the building (adjacent to the River Stour) have been shown on the drawings submitted, limited information has been provided to the north/south and east of the building to confirm that a safe access route is available away from the building during a 100 year plus climate change event. <i>[Agent's response - The Local Planning Authority suggest the flood evacuation plan (which will include detailed escape route levels) will be dealt with by condition. In any event, it can be demonstrated there are a number of escape routes from the building that provide dry escape.]</i></p> <p>Due to the location and potential reliance on Flood Warnings, the developer could make a contribution to the provision of this service (perhaps in the region of £5,000 considering the scale and nature of the development).</p> <p><i>FINISHED FLOOR LEVELS</i> – The FRA confirms that the finished floor levels of the building would be set at 32.5m AOD at the lowest point. We are satisfied with this level which provides at least 600mm freeboard above the 100 year plus climate change flood level.</p> <p><i>FLOOD STORAGE</i> – For clarity, there would be no change (benefit) to the flood storage area as a result of the proposed development.</p> <p><i>CULVERT</i> – We would advise you consult with your structural engineers regarding potential impacts in relation to the stability of the culvert i.e. to ensure it is stable for the lifetime of the development.</p> <p><i>CONCLUSION</i> -The application may be considered contrary to a number of policies within your Local Plan documents relating to flood risk and the safeguarding and enhancement of the green infrastructure and biodiversity value of the River Stour and could be refused on this basis.</p> <p>In relation to the recent submission, insufficient information has been submitted to confirm that a safe access would be available onto the berm at the bottom of the River bank (the section to the north of the culvert) to allow maintenance work to be undertaken to manage flood risk.</p>

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		<p>In addition, further information should be submitted to confirm the availability of a safe pedestrian access route away from the building during a 100 year plus climate change event. <i>[Agent's response -The information provided in this response clearly demonstrate that there is no adverse impact from the development to the existing level of access to the bank whilst the availability of a safe pedestrian access route away from the building during a 100 year plus climate change event can be dealt with by condition.]</i></p> <p>(Environment Agency Response dated 3.12.14) – ACCESS ONTO THE RIVER BANK BERM - The two additional drawings and annotated photographs provide the information required to confirm that, with the decking in place sufficient space would remain available on the berm at the bottom of the River bank (to the north of the culvert) for personnel to access to undertake maintenance work on the River Stour. The two new access points proposed down to the River should be implemented as approved.</p> <p>SAFE PEDESTRIAN ACCESS ROUTE (FLOOD RISK) – Notwithstanding that the applicant suggests that this can be resolved via a condition there is insufficient information within the Flood Risk Assessment and plans submitted (i.e. topographical levels and/or an assessment of where the river overtops and flow routes etc.) to confirm that a safe pedestrian access route is available during a 1 in 100 year plus climate change event. This is particularly important as the proposed uses include an element of overnight accommodation (proposed hotel). In terms of residual flood risk, consideration should be given to the breach and overtopping scenarios provided within your Council's Level 2 Strategic Flood Risk Assessment.</p> <p>You Council should be satisfied that safe access routes are available and a Flood Evacuation and Management Plan can be implemented to manage the risk to occupiers during a flood event.</p> <p>We have previously mentioned a developer contribution due to the location and potential reliance of the proposed development on our Flood Warning Service, suggesting a contribution to this service in the region of £5,000 (considering the scale and nature of the development).</p>

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		<p>We would welcome further discussion on this matter. Any sum would need to be agreed and secured upfront prior to any planning permission being granted through a unilateral undertaking or a Section 106 agreement as part of the permission.</p> <p>BIODIVERSITY - In response to our biodiversity comments, the additional information states that the applicant has incorporated changes to the proposed landscaping in discussion with your Countryside and Conservation Officer. We have not seen any further detail on the landscaping proposals. Your Council should be satisfied that this is the case. (<i>Officer Comments - Subtle changes have been presented on a revised landscaping plan and a condition is proposed which requires a more detailed landscaping plan be submitted prior to the commencement of development.</i>)</p> <p><u>Officer Comments</u> - Since the above comments were received a table titled 'Exchange St Flood Risk Escape Level Schedule' has been received from the applicant to demonstrate that all of the escape routes from all of the units are above the 1:100 year, and all of them if a secondary escape route is used will be above the minimum of the 1:100 year level +600mm for climate change.</p> <p>(Environment Agency Response dated 8.12.14) - The submitted 'Exchange St Flood Risk Escape Level Schedule' provides a spot level to confirm that the ground immediately outside of the access point for each unit within the building is above the 1 in 100 year plus climate change flood level. However the information provided does not expand upon this to confirm that the access route away from the building is safe during a 100 year plus climate change event, as picked up in our previous responses. Your Council should be satisfied that safe access routes are available and a Flood Evacuation and Management Plan can be implemented to manage the risk to occupiers during a flood event. (<i>Officer Comments - After further consultation with North Worcestershire Water Management, Officers are satisfied that this could be achieved. It is recognised that the area beyond the application site is outside of the applicant's control.</i>)</p>

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		<p><u>Correction</u> – The first sentence of Paragraph 1.4 should read: The application also proposes a change of use of the extended building to provide <u>six</u> [not five] units for retail use at ground floor, of which three units would front the River together with the proposed riverside walkway and seating area.</p> <p>Change to Recommendation : In recognition of the Environment Agency’s comments - Planning application reference 14/0390/FULL is recommended for APPROVAL subject to the conditions as listed at the end of the report.</p>
14/0541/OUTL	42	<p><u>Worcestershire County Council Countryside Service</u> – No objections.</p> <p><u>Correction</u> – The 6th line of Paragraph 4.19 should read: “... the lawful use as an education establishment”</p>