

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE**10TH FEBRUARY 2015****ADDENDA AND CORRECTIONS**

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
PART A 14/0501/FULL	16	<p><u>Countryside and Conservation Officer</u> – No badgers have been found on the site and the application only affects an area of hard standing. As you have had an unconfirmed report of badger near by, it may be prudent to advise the applicant that prior to development a walk-over should be carried out to ensure no protected species have moved into the development site or its immediate surrounds.</p> <p><u>Officer Comment</u> - Officers are in receipt of a copy email and accompanying document submitted by a local resident (the public speaker) which has been circulated to all Members of the Planning Committee. A copy of this submission, in full, is attached to the Addenda and Corrections Sheet for clarity and completeness.</p> <p>Furthermore, the Public Speaker has provided a transcript of the presentation he will be making to Planning Committee, and this too is attached to assist Members.</p> <p><u>Additional Condition</u> – At no time shall sirens be used within the curtilage of the application site.</p>
14/0616/FULL	24	<p><u>Amendment</u> – Conditions to read:</p> <ol style="list-style-type: none"> 1. The development shall be carried out strictly in accordance with the approved plans. 2. The obscurely glazed privacy screens shall be constructed in the positions shown on the approved plan (drawing no. 14-1575/2A) within 2 months of the date of the decision and retained at all times. 3. The existing raised platform (shown on the approved plan as beyond the area enclosed by privacy screens) shall be removed in its entirety within 2 months of the date of the decision.

14/0501/FULL

With apologies for disturbing you, I am Greg Williams, resident at 7 Linden Avenue Kidderminster.

As you will know from your papers regarding next Tuesday's meeting of WFDC Planning Committee, Agenda item No. 5 relates to the resubmitted application 14/0501/FULL, the change of use of 197 Birmingham Rd Kidderminster to an Ambulance Response location.

As you may also know, this is the second such application, the first (14/0023) having been refused by WFDC Planning Department. In this refusal, the following statement was provided:

The proposed ambulance response post is considered incompatible with the residential nature of the area. The stationing of ambulances in this location is likely to have a significant impact on the amenity enjoyed by the occupants of nearby dwellings, specifically in terms of noise and disturbance from lights and sirens. The development would not be considered to accord with the requirements of Section 11, Paragraphs 123 and 125, of the National Planning Policy Framework

Whilst these statements are true in every respect, sadly West Midlands Ambulance Service have seen fit to submit a second and essentially unchanged application. As part of this latter application, the views of Worcestershire Regulatory Services (Environment) and the Transport Planning Unit (Highways) have been sought, however neither currently support the Planning Department's position. Accordingly, the guidance for the Committee is that this latter application is accepted.

Throughout this process, four neighbours whose properties face this location – three in Linden Avenue who share a boundary with the location and one in Birmingham Road opposite – have opposed this application on the grounds of its environmental impact and road safety. This has been a difficult and lengthy process, in which we have established that the level of environmental impact will indeed be substantial, and the implications for road safety and usage unacceptably hazardous. Unquestionably, the impact on our lives and lifestyles will be significant, with inevitable disruption to sleep, amenity and our general way of life.


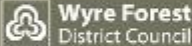
To our knowledge the decisions made remotely by WRG and TPU have not benefited from a site visit, and there are serious questions relating to their knowledge and expertise of the local environment and detail of the application. However, it would appear that in the absence of support from at least one of these bodies, the application will be approved by the Committee de facto. In addition, we learn to our astonishment that we will have no further democratic redress (save for very expensive legal proceedings). For this reason, as we appear to be approaching the final decision point, we implore the members of WFDC Planning Committee to reconsider the current recommendation, and at the very least to insist that a full and accurate examination of the environmental impact and highways issues is properly conducted and assessed under emergency conditions. In this way, we can at least ensure that residents, councillors and the relevant statutory bodies are able to make a full and properly informed decision.

We will be taking the opportunity to speak at the forthcoming meeting, however this will of course be no more than a brief overview of what is a very complex application and basis of objection. For this reason, and to assist with interpretation of the detail and issues relating to this application, may we ask that you take the 10 minutes needed to study our attached report. Should you wish, we are of course most happy to discuss or clarify the details and our views in more detail.

Planning Application 14/0501/FULL

Open letter to Wyre Forest District Council Planning Committee :

Councillor Fran Oborski	Councillor Marcus Hart
Councillor Stephen Clee	Councillor Rob Lloyd
Councillor John Aston	Councillor Barry McFarland
Councillor Cliff Brewer	Councillor Chris Nicholls
Councillor Brian Glass	Councillor Dixon Sheppard
Councillor Douglas Godwin	Councillor Martin Stooke
Councillor Jenny Greener	Councillor Stephen Williams
Councillor Paul Harrison	Councillor Michael Wrench



Planning Application Number:	14/0501/FULL
Site Address:	197 BIRMINGHAM ROAD KIDDERMINSTER DY102SD
Description:	Change of use to Ambulance Response Location (Sui Generis)
Case Officer and Phone No:	James Houghton 01562 732535
Date Received:	18 August 2014
Date Valid:	16 August 2014
Decision Level/Committee:	Part A Committee
Application Status:	Valid
Applicant Name & Address:	West Midlands Ambulance Service Waterford Business Park, Waterford Way, Brierley Hill West Midlands (Met Office) DY5 1LX
Agent Name & Address:	
Agent Phone No:	
Decision Date:	
Ward:	Greenhill
Parish:	Town of Kidderminster
Area Team:	
Consultation Period Begins:	26 August 2014
Consultation Period Ends:	27 October 2014

Site overview



This planning application, submitted by West Midlands Ambulance Service (WMAS), is to be considered at the forthcoming meeting of Wyre Forest District Council Planning Committee next Tuesday, February 10th (agenda item no. 5). The associated report provides an outline of the application at page 16, and concludes with the recommendation of approval.

This is considered most unfair and unacceptable by those objecting to the proposal. Whilst there is compelling argumentation against this application, it appears that in the absence of objection by the relevant Environmental and Highways bodies this application will de facto be approved. For this reason it is important to carefully scrutinise the worryingly brief responses of these two bodies. In this respect the following observations apply :

1. Environmental and amenity impact.

- a. It has taken a substantial effort to extract accurate call data from WMAS. Once finally obtained, analysis of this data indicated that their statement of emergency call volumes of 8 per day is highly misleading, and that the number of emergency calls this station will be responding to in DY10 alone will be 13 times per day, every day (note that the location will also cover DY11 when required, approximately doubling call volumes). Roughly speaking, for DY10 alone, this is one emergency call, with attendant emergency sirens and lights, every two hours (more so during the day and less so during the night), setting off from a point within some 10 yards of objecting properties.
- b. Whilst it is unclear whether Richard Williams of Worcestershire Regulatory Services is familiar with or has visited the location, he certainly has not investigated or discussed the matter directly with those objecting to the proposal. Nonetheless, in his brief eMails he cites the following in support of the application [quotes] (i) other ambulance stations are sited in residential areas, (ii) it is not a full blown ambulance depot, (iii) vehicles entering and leaving the site will be an infrequent occurrence, (iv) the siren curfew policy will apply, (v) the level of call out is low during the sensitive night time period, (vi) occasional sirens during busier times (mostly during rush hour only) would [not] be the only noise detriment as the Birmingham Road has little or no traffic at night, and (vii) because there is already ambient street lighting the level of additional lighting would be minimal. These points have already been challenged by way of objection, in summary as follows :
 - i. There is no operating ambulance station currently located at these premises. The fact that others operate elsewhere may be correct, but these were established many years ago, and residents moving into the surrounding urban developments both knew they were doing so with the ambulance station in place, and did not subsequently have one imposed upon them. We residents, however, did not purchase our properties in this knowledge, indeed in all likelihood would not have done so were there to be an ambulance operating centre located just a few yards away.
 - ii. Whilst this may not (yet) be a full blown ambulance station, this operation will nonetheless generate at least 13 emergency calls per day, more where cover is required for DY11. Note that there is also provision for a second, potentially full size ambulance in the application, and two parking spaces will be provided accordingly. Clearly, this is already designed to be a significant operation.
 - iii. Vehicles entering and leaving the site will not be an infrequent occurrence. It is said that these vehicles may not always return to base as they may travel from one call directly to another. However, the extent of this is unknown, and for the purposes of planning this must be considered anecdotal at best. The official WMAS statistics – obtained under duress and corrected for their misleading conclusions – indicate there will be no less than 13 emergency calls per day, more where cover is required for DY11.
 - iv. The siren curfew policy has been discussed at length. To be precise, the relevant WMAS statement actually reads : *"WMAS have a protocol to minimise noise impact whereby sirens are not used between 2300 hours to 0700 hours unless a hazard is perceived on the highway. Blue lights will be routinely used during an emergency call"*. Of course, local residents will in any event be attempting to sleep at times other than those stated, particularly at weekends, however we also know that the exit point of this location is indeed very busy and hazardous during much of the day, and that consequently the likelihood of siren use will be much higher than normal. In reality, this protocol will carry little weight.

- v. It is stated that the level of call out is low during the sensitive night time period. This is not correct. Analysis of the WMAS statistics for DY10 alone shows the daytime call average to be 5.7 events per day, evening 3.6 and night time 4.0. This means that during every night, on average, there will be 4 emergency calls with attendant blue light and potentially siren noise disturbance. This can in no way be considered "low".
 - vi. Mr Williams suggests that siren use would in all likelihood only apply during rush hour, suggesting a rather inadequate grasp of local operating conditions. As any person with local knowledge will know, traffic on the Birmingham Road in general, and at this location in particular, is heavily congested during much of the day, and therefore use of emergency sirens and lights on egress will be a frequent pre-requisite. Incidentally, it should be noted that this latter point is an underlying assumption of the Highways position.
 - vii. It is inevitable that the blue light will have to operate on emergency egress to alert oncoming traffic of the need to access the A456. When this happens, it is suggested that the impact of this will be mitigated by ambient street lighting, although this seems unlikely given the strong contrast in tone and severity. In any event, for those properties backing on to the location, there is of course no such ambient lighting, and so the environmental impact will be undiluted in this way.
- c. Expert and referenced scientific evidence has been provided (and thus far ignored) which shows that the noise level of an Ambulance - at 120dB - is defined as being in the "injury" range. Taken with the fact that this noise level will be 'funnelled' by the property's exit driveway arrangement, and that the objecting properties backing onto this location are just yards away from this noise source, the impact of this application may not be just one of severe disruption of amenity - there are serious and unanswered issues of health & safety.
 - d. As the objections have stated several times, no-one involved with this application has actually sought to establish the precise extent of noise and light disturbance which the affected residents will be forced to endure if this proposal is approved. Consequently, as things stand, it is clear that due process has not been adhered to, and this requires correction. Clearly, there are significant and credible concerns raised by the environmental impact of this application, and these should and must be examined by way of a proper site visit, including noise and light measurement under emergency egress conditions, and proper discussion with those directly affected.

In summary, the observations of Mr Williams do not at all address the clear environmental impact of operating ambulances from this location, nor satisfactorily answer any of the objections which have been properly raised during the course of the planning process. Given the distant location of WRS, and some unfamiliarity with the precise layout of the area in question, it is perhaps understandable that they might remotely express such an opinion. However, it is simply not possible for the affected residents to understand how those with the relevant statutory powers can arrive at such a conclusion – by way of comparison, were any individual resident to apply to so regularly make such a noise and create such light pollution for their own purposes, any such planning application would immediately and correctly be refused on environmental grounds.

Moreover, it seems that approval has been indicated in this case simply and only because of the nature of the application, which cannot be correct – planning decisions and planning law in the context of environmental impact must of course be observed and enacted consistently, regardless of the use to which the property will be put. Consequently, whilst no one disputes that our Ambulance service must be given every support by the community to operate as quickly and efficiently as possible, to do so from this location is clearly wrong and contrary to prevailing planning guidance. The stark reality is that when sleeping in their bedrooms, and when enjoying the amenity of their houses and gardens, local residents whose properties immediately overlook this location will frequently be subjected to substantial, unacceptable and possibly dangerous levels of noise and light disturbance at all times of the day and night. This, surely, is something which planning law, and those that administer it, exist to prevent.

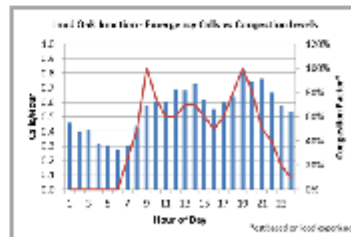
2. Highways Safety

Those with knowledge of the locale and the frequently intense levels of congestion applicable in this location have raised many objections to the suggestion that an ambulance could undertake emergency operations from this property safely and expeditiously. Although we have repeatedly questioned the Highways position on this point, there has been no detailed response responding to our questions and explaining the underlying rationale. Indeed, the only response provided, notable for its brevity, has been from a Mr Stephen Hawley, Development Control Engineer at the Transport Planning Unit of Worcestershire County Council, which reads as follows:

I can advise you that the proposal for normal conditions will not generate a significant amount of trips and the access is suitable for this generation, in an emergency scenario it is expected that there will be blue lights and sirens and other motorists will take appropriate care. I consider that the conspicuous nature of the vehicle emerging will not result in a detrimental impact on highway safety.

There are a number of observations here:

1. There is a critical and self-evident contradiction between this Highways position and that of the WRS relating to environment. The WRS position is that emergency egress will be low key until the ambulance is actually on the highway, whereas the Highways position is that the vehicle will be conspicuous (in all likelihood by way of emergency lighting and sirens) prior to the point at which it will emerge onto the road.
2. Mr Hawley suggests that there will not be a significant amount of "trips". This does not correlate with the evidence, which shows that 13 such "trips" will take place every 24 hour period (more in the event that support for DY11 is required) – roughly six during daytime, four in the evening and four at night. This number of trips, and their attendant environmental impact and road safety hazards, is indeed highly significant.
3. There is no consideration of the knock on effects of this proposal.
 - a. The exit point of this location lies exactly opposite the Oaklands junction, where it is already very difficult to exit in the direction of Kidderminster town centre. In the event that this exit area is hatched (as has been indicated), and in turn access to the hatched area will then be illegal, this will further impede those residents (which includes an objector) attempting to make this manoeuvre. During the extensive periods of heavy traffic, this will be a significant issue.
 - b. As traffic will back up further along the A456, this will further exacerbate the use of Linden Avenue as a 'rat run', itself already a serious and unresolved Highways issue. This will compound the impact of this proposal both for the residents of Linden Avenue as a whole and in particular for those objecting residents whose Linden Avenue properties back onto to the proposed site.
4. The speed with which an emergency vehicle will be able to traverse the immediate road network is in real question. Locals will know that traffic can and does seriously back up from the Land Oak junction in all 4 directions. In addition, the impact of this congestion will be even more significant, since as the adjacent chart illustrates the known emergency call pattern and high congestion levels correlate precisely. This will inevitably seriously impede the speed and safety with which an emergency vehicle can respond.
5. The key safety issue, however, is the manner in which an ambulance will egress in an emergency situation, bypass the inevitably queuing traffic, and negotiate its way across the Land Oak traffic lights. This can only be done in one of two ways, either by waiting in the inevitable traffic queue (unlikely) or by switching to the oncoming side of the carriageway to overtake the stationary traffic (more likely but highly dangerous). Significantly, this conundrum is not commented upon in the Highways response despite repeated requests.



Again, the position taken here belies a lack of familiarity of the area and the inadequacy of remote decision making. There is again a pressing need for the relevant authorities to establish the actual facts, by way of site visit, accurate analysis and proper discussion, in order to arrive at a properly informed decision.

3. Conclusion

The report prepared for Committee by the WFDC Planning Department reflects the position of the statutory bodies together with the key points of objection. What it does not do, however, is *answer* these key points, indeed despite a number of requests these questions remain unanswered. For example:

- How can this proposal be accepted when it is clear that it does not meet with the obligations of the National Planning Policy Framework which restricts noise and adverse impact on quality of life (4.6 refers).
- How will the specific issues raised in the objection process relating to Highways safety be addressed?
- Most importantly, how can a 120dB siren noise together with flashing blue lights on the 13 occasions every day an ambulance will leave the site under emergency conditions be considered to have no detrimental impact on the peace, quiet and amenity enjoyed by local residents today?

In these and other important respects, the report to Committee makes a number of observations which highlight the concerns of many involved in this application:

- 4.6 *The supporting statement provided by the applicant provides details of the existing WMAS protocol to minimise noise impact whereby sirens are not used between 2300 and 0700 hours unless a hazard is perceived on the highway. Members may wish to note that in this regard, any possible planning condition restricting the use of sirens would a) be difficult to enforce, and b) could only relate to 'on site' operations. As soon as the vehicle exits onto the public highway, no controls could be imposed through planning law.*
- 4.7 *The online Planning Practice Guidance provided by the Department for Communities and Local Government contains a section on light pollution which points out that the introduction of light sources can create disturbance to people within a given area. The introduction of flashing lights to an area has the potential to impair sleeping and to cause disturbance. This potential harm is exacerbated by the colour of the lights. The Planning Practice Guidance notes that "for humans, light intrusion by white/blue light is more disruptive to sleep". In addition it may be necessary for the flashing lights to be accompanied by sirens...*
- 5.1 *Officers do have some misgivings about the proposal, and can appreciate the concerns being expressed by local residents.*

In considering and rejecting the first application by WMAS (14/0023), the Planning Department of WFDC stated the following :

The proposed ambulance response post is considered incompatible with the residential nature of the area. The stationing of ambulances in this location is likely to have a significant impact on the amenity enjoyed by the occupants of nearby dwellings, specifically in terms of noise and disturbance from lights and sirens. The development would not be considered to accord with the requirements of Section 11, Paragraphs 123 and 125, of the National Planning Policy Framework

These statements are correct. However, the change in guidance to the Committee relating to this second application (14/0501) has come about directly and only as a result of disinclination by those bodies responsible for Environment and Highways to remotely adopt the same informed perspective. In the examination of their views above, it is arguable that in both cases their precise knowledge and understanding of local conditions, together with the wider detail of the application, require greater precision. Consequently, to secure a more comprehensively informed conclusion regarding these two critical areas, we gladly extend an invitation to the management of these important bodies to come to the site, discuss the concerns of affected residents first hand, and accurately measure the precise environmental and highways impact of this application under emergency conditions. In the meantime, Wyre Forest District Council Planning Committee is strongly urged to reconsider the WFDC Planning Department's guidance as currently provided, ensure that at the very least the Environmental and Highways perspectives are subjected to a greater level of scrutiny as recommended, and in the likely event this lends weight to the objections detailed above, maintain the 'refused' status of this application.

Objection to Agenda item 5, Application 14/0501

Speaker : Greg Williams, 7 Linden Avenue, Kidderminster

Members of the committee, ladies and gentlemen.

This application has already been refused by The Case Officer of your Planning Department. In his professional judgement:

- It is incompatible with the residential nature of the area.
- It will have a significant impact on resident amenity due to noise and disturbance from lights and sirens.
- It does not meet the stringent requirements of National Planning Policy, which requires neighbourhood peace and quiet, prohibits pedestrian conflict, and regulates the speed, safety and free flow of existing traffic.

However, in their briefest of eMails, sent remotely from their Worcester offices, the differing views of Environment and Highways overlook some critical facts:

- Corrected ambulance service data shows there will in fact be 14 emergency responses from this location every day, not 8 as misleadingly submitted, and that this rises to 27 when covering DY11 with a second ambulance as the application permits. This is not at all “ordinary”, as is claimed.
- According to Environment, lights and siren will not be deployed until the ambulance has *fully exited*. According to Highways, to exit safely will require their conspicuous use *before* exit. This mutually exclusive difference of opinion is a critical error.
- In any event, sirens will be used whenever necessary.
 - So, the facing wall and windows of the adjacent property just inches away will endure the full force of the *120 decibel* siren - a level known to be damaging to hearing.
 - Many other residents will also be severely affected, due to their close proximity and the funnelling effect of the exit layout.
 - Such disturbance is prohibited by national planning policy. However, as The Case Officer admits, this cannot be controlled by enforcement. And as locals already know, the siren curfew does little to restrict siren noise around the Land Oak junction during the night.
- Blue flashing lights will be used on every occasion of emergency exit – as The Case Officer again confirms, this will be disruptive to residents’ sleep patterns.
- The ambulance will then cross the public footpath, which is used by pedestrians, including schoolchildren, whose view will be limited or even obscured. This pedestrian conflict is likewise prohibited by national planning policy, and will be a real and present danger.
- Ambulances will then attempt to negotiate the Land Oak traffic lights. As Everyone knows, this will be a nightmare given the inevitable congestion at this junction. To minimise delay, they will routinely force their way down the middle of the road, or worse still cross to the oncoming carriageway. This road safety danger is again prohibited by national planning policy.
- And as the exit point is directly opposite the Oaklands junction, use of a box junction will further impede exiting drivers, and cause even more rat running down Linden Avenue.

Councillors, these are the facts, and they are very disturbing. They also highlight serious weaknesses in the Environment and Highways opinion, and a clear failure to obey National Planning Policy. This is so alarming that The Case Officer himself acknowledges in his report the misgivings he and his team have with this application.

We now know there are much more suitable options available to the Ambulance service. However, for this application, at the very least we must answer the critical open questions of environmental compliance and highway safety. Therefore, if refusal is not an option, we would urge that any members with any degree of uncertainty relating to this application give serious consideration to a deferral of this decision, pending a site visit by Environment and Highways.