Land adjacent Aston Webb Boulevard, Selly Oak, Birmingham

Section 37 application for erection of replacement electricity pylon, and associated cables and equipment

Applicant: Western Power Distribution
Blackpole Road, Worcester, WR4 9TB

Agent:

Recommendation
Defer To Department Of Energy And Climate Change

1. Proposal

1.1. The application is made under the Electricity Act 1989, to the Department of Energy and Climate Change (DECC), with the Local Planning Authority (LPA) acting as a consultee. The LPA will make its recommendation to DECC, with any proposed conditions.

1.2. The application proposes a new electricity pylon to the western side of the Selly Oak New Road (SONR/Aston Webb Boulevard), to replace the pylon to be removed on the former Battery site on the eastern side of SONR.

1.3. The pylon on the former Battery site is to be removed to allow the completion of site de-contamination, and subsequent re-development (Outline consent 2013/02178/PA). The electricity line will be placed under the Battery site, running west under the SONR to emerge just to its west, then being raised to height on the proposed new pylon. The overground cables would then run to the north-west, to the existing pylon at Leasow Drive/Bullace Croft.

1.4. The new pylon would be sited from 5m to the west of the SONR footpath, beneath the existing line of overhead cables, some 38m south of the Bourn Brook. It would be 26m tall, and 12.5 by 14m wide at its base. The pylon would be sited on piled foundations and a concrete platform. Construction would require a temporary access bridge over the Bourn Brook to the north, a temporary hardstanding area around the new pylon, and there would be some four construction cabins.

1.5. The application is supported by: Landscape & Visual Impact Assessment, Badger Survey Report, Extended Phase 1 Habitat Assessment, Newt Surveys, Archaeological Desk-based Assessment, Phase 1 Environmental Assessment, Flood Risk Assessment.

Link to Documents
2. **Site & Surroundings**

2.1. The site of the pylon consists of ‘neutral grassland’ and scattered scrub just to the west of the SONR, with the Bourn Brook to the north, and allotments to the south-west. The wider, outlined site contains two ponds and the Bourn Brook, other grassland and scrub habitats, individual trees and woodland areas. The Elan aqueduct cross the Bourn Brook to the north of the proposed pylon, and there is a pelican crossing on the SONR just to the south of the pylon. The former Battery site, currently being de-contaminated, lies to the east. Houses on Leasow Drive and Bullace Croft lie from 142m to the north-west, and houses on Harborne Lane on higher land from 260m to the south-west. Mental Health Trust premises lie 99m to the north of the site. The site lies at some 2.4m lower ground level than the adjacent highway, and is owned by Sainsbury’s.

[Location Map](#)

[Street view](#)

3. **Planning History**

3.1. Most relevant:
28th November 2013, 2013/02178/PA, Outline application for mixed use development comprising Life Sciences Campus, supermarket, non-food retail, Classes A2, A3, A4, A5, D2, student accommodation, petrol filling station, ‘greenway’, vehicular access to site, car parking, landscaping, retaining walls, associated works. Matters Reserved: Scale, Layout, Appearance, Landscaping, pedestrian and cycle access, and vehicular access within the site. Approved.

4. **Consultation/PP Responses**

4.1. Severn Trent – no response received.

4.2. Environment Agency – no objection.

4.3. Gas Infrastructure (Lattice Property Holdings) – no response received.

4.4. Regulatory Services – no objection.


4.6. Leisure Services - No objections although some concerns expressed from Parks who manage the surrounding land about how the applicant will access the site, and undertake future maintenance as the site is bordered by the new road network and brook so access is not easy. Also we think the surrounding land is a Site of Local Interest for Nature Conservation (SLINC), so reinstatements will need to comply.

4.7. Transportation – no objections. In relation to temporary access to the site from Aston Webb Boulevard, it is advised the applicant opens discussions with our Traffic Management Services as soon as possible. In addition, our Infrastructure Projects has requested detail of any working restrictions along the new underground cable.
route and questioned how construction traffic is going to access the construction area. The requirement for a Construction Management Plan should be attached to any consent, it is acknowledged the applicant has already stated the intention to produce this.

4.8. Birmingham & Solihull Mental Health Trust, nearby residents on Leasow Drive and Harborne Lane, Residents’ Associations, Selly Oak and Edgbaston Councillors, MPs for Selly Oak and Edgbaston, Site Notice displayed.

4.9. The Applicant displayed a Press Notice in the Birmingham Mail on two days in consecutive weeks in March, and deposited a copy of the application in Selly Oak library. One response received, from the Mental Health Trust, as follows:

- Our property Oleaster is situated close by, construction and associated works may affect noise and privacy for occupiers - what will be the working hours of the construction and the programme of works, what provisions are there to ensure privacy and prevention of noise disturbance?

- Will there be any disruption to power or gas to the Hospital sites? Will any of the works affect frequencies that may impact on sensitive equipment within Oleaster?

5. Policy Context

5.1. UDP, Draft BDP, Selly Oak Local Action Plan, draft Selly Oak Plan, NPPF. Site: Tree Preservation Order, Archaeological Site, Flood Zones 2 and 3. To north of site: Site of Local Interest for Nature Conservation (SLINC), Gas Pipeline, Elan Aquaduct, Wildlife Corridor (Bourn Brook).

6. Planning Considerations

6.1. The Electricity Act requires the applicant to consider, principally: natural beauty, flora, fauna, geological or physiographical features of special interest, and architectural, historic or archaeological interest. Given the site’s location within Flood Zones 2 and 3 of the Bourn Brook, drainage is also an important consideration.

Natural beauty:

6.2. The Applicant’s Landscape & Visual Impact Assessment considers local land uses, topography and river, vegetation and views. It concludes that construction effects would be temporary and moderate, while operational effects would be largely indiscernible due to the existing electrical infrastructure and urban environment. I concur with these findings. I note that the site holds relatively limited intrinsic value for ‘natural beauty’, it is already affected by very significant infrastructure nearby, with the existing pylons and overhead cables to the north-west and east, and the SONR. I consider this replacement pylon would not unduly affect ‘natural beauty’.

Flora and fauna:

6.3. The Extended Phase 1 Habitat Assessment was carried out in July 2014,
considering habitats and Protected Species. It concluded principally that further survey work (Phase 2) was required to ascertain the presence or likely absence of Great Crested Newts (GCN), and any effects of the pylon work, impact mitigation and licencing requirement. The GCN survey was carried out in accordance with the relevant guidance and consisted of four visits through April, to pond, ‘swamp’ and ditch habitats at and around the application site. While Smooth Newts and one possible Palmate Newt were found, there were no GCN and the Phase 2 report concluded a likely absence of GCN at the site and surrounding area. Therefore, the Council’s Ecologist agrees that no further action is needed.

6.4 Otherwise, the Phase 1 Habitat Assessment assessed bats, badgers and various other fauna. Consideration is to be given for evening/night lighting with respect to bats and the Bourn Brook and other linear features. One outlying badger sett (150m to the west of the pylon) was identified, considered to be partially-used. The Applicant proposes a further site-check prior to site works, monitoring of the sett, and relevant instruction to all contractors. The Assessment recommends that clearance and works be carried out outside of the bird nesting season, and under a Method Statement for badger, reptiles and invasive plant species. The Council’s Ecologist recommends all these matters are controlled by a condition for a Construction ecological management plan, which would also address another pre-construction check for otters and water voles with respect to the temporary bridge. Our Ecologist also requests a site restoration condition, I attach both conditions.

Geological or physiographical features of special interest:

6.5 I am not aware that the site or immediate surrounds has any ‘special interest’ in this category. The pylon would be sited some 38m south of the Bourn Brook, and the watercourse is already affected by the next pylon to the north-west, a similar distance away from the brook as the proposed pylon.

6.6 The Applicant’s Environmental Assessment considered, principally, ground conditions – in this instance, principally concerning hydrology and contamination. The area’s historic landfill extends to the eastern part of the wider red-edged site. The Assessment concludes the risk from contamination due to construction to the general public and nearby occupiers would be low. The risk to construction workers is deemed to be moderate/low, to be mitigated by personal protective equipment and gas monitors. I consider these matters to be addressed by, principally, Health & Safety regulations. Risks to controlled waters (aquifers and surface water) is deemed to be low. Neither the Environment Agency or BCC Regulatory Services raise any objections.

Drainage:

6.7 The site lies within Flood Zones 2 and 3, associated with the Bourn Brook and so the Applicant has carried out a Flood Risk Assessment. The Environment Agency has no objections, subject to a condition to secure implementation of the Flood Risk Assessment: height of equipment above ground, inspection and maintenance of the pylon not to be undertaken during a flood event, preparation of a Flood Response Plan. I attach such a condition.

Architectural, historic or archaeological interest:

6.8 There are local features of archaeological interest in the site’s environs, already known to the LPA due to the recent history of major developments in the area, particularly the various hospital developments and the SONR. The one feature
within the application site is a Late Medieval leat (man-made mill race). The Applicant's Archaeological Assessment concludes that a 'watching brief' approach during site construction is appropriate. I have consulted the LPA's former Planning Archaeologist, Dr Mike Hodder, who advises that a pre-construction on-site assessment ('Controlled Archaeological Works') is required, given that the archaeological interest in this instance is above average, and that the construction period is heavily time-dependent, i.e. cannot accept delay. Accordingly, I recommend a relevant condition to DECC.

Other matters:

6.9. I acknowledge the substantial size of this industrial-like infrastructure, located reasonably close to residents and the Mental Health Trust. For residents on Leasow Drive and Bullace Croft, they already have a pylon much closer, on the immediate south side of Leasow Drive, some 25m from the dwellings. The new pylon would be 142m to the south-east, a relatively good distance and at an oblique angle so, in my opinion, it would not adversely affect their amenity. For the Mental Health Trust, the new pylon would be closer than the existing (99m compared to 146m existing) and more in direct line of sight, but it would be sited on much lower ground than the existing. As such, I consider the effect on the Mental Health Trust would be broadly neutral. Houses on Harborne Lane are further to the south-west, and I consider the new pylon, although visible, would be perceived as an amendment to the existing infrastructure provision.

6.10. Otherwise, the Mental Health Trust has asked questions about services supply, any impact on sensitive equipment, and potential construction disturbance and privacy. The company 'Providor' confirm there will be no interruption to gas supply, and the Applicant confirms there would be no effect on electricity supply, including frequencies. The Applicant confirms that working hours would be standard: 0700 – 1800 weekdays. Not every weekend would be worked, but when it occurs it would be 0700 – 1400 Saturdays, and 0700 – 1600 Sundays. The main construction work is short periods of excavation for the pylons, and concrete deliveries. Erection of the pylon is a low noise operation. These works would take a six week period.

6.11. The above topic areas aside, I consider the application does not conflict with the various policy objectives of the local Selly Oak, and Birmingham, plan documents.

7. Conclusion

7.1. The new pylon is simply a replacement for the existing infrastructure at the Battery site. It would be provided with no undue impacts on landscape, environmental matters, drainage, ecology, archaeology, nor on nearby occupiers' amenities. Its provision would enable completion of the de-contamination of the former Battery site, which in turn will enable the site's development for, principally, the Life Sciences campus and retail-led occupiers, meeting the Council's objectives of significant local physical regeneration, job creation, and research-led scientific/medical innovation and business creation.

8. Recommendation

8.1. The LPA recommends that DECC approve the application, subject to a number of conditions as set out below.
1. Requires the prior submission of Palaeoenvironmental/Dendrochronological Archaeological Work

2. Requires the prior submission of a construction ecological mitigation plan

3. Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures

4. Requires the implementation of the Flood Risk Assessment

Case Officer: Simon Turner
Looking north from Selly Oak New Road, with site of pylon in middle foreground