

ARTICLE 4(1) – Removal of Permitted Development Rights to Demolish (Part 11) – CONFIRMATION

Former Severn Trent Building, Alcester Road, Burcot, Bromsgrove

Relevant Portfolio Holder	Cllr Kit Taylor
Portfolio Holder Consulted	Yes (03/04/2024)
Relevant Head of Service	Ruth Bamford, Head of Planning, Regeneration and Leisure Services
Parish Affected	Lickey and Blackwell
Ward Affected	Lickey Hills Ward
Non-Key Decision	

1.0 SUMMARY OF PROPOSALS

- 1.1 This report proposes the long-term protection of a building which is considered to be a heritage asset which makes a positive benefit to public amenity. The purpose of the Article 4 Direction is to restrict permitted development rights in relation to demolition is to achieve its retention in the longer term.

2.0 RECOMMENDATION

- 2.1 **The Committee is asked to RESOLVE that:
The Article 4(1) Direction at Appendix 1 and its attached plan be confirmed without modification.**

3.0 Background

- 3.1 Article 4 Directions are a means of removing Permitted Development Rights in order for the Local Planning Authority to regain some control over premises. The particular rights being removed should be specified and their removal should be justified in planning terms. It should be done in the public interest. When it is considered expedient to do so, an Article 4 Direction is made which can come into effect immediately and remains in force for a period of six months. During this time, there is a consultation period where interested parties can make representations against or in favour of the Direction. If a decision is not made at the end of the six month period, the Direction lapses and ceases to have effect.
- 3.2 Following the consultation period, a decision must be made to either confirm (i.e. make permanent) the Direction or not. If the decision is not to confirm, then the Direction lapses at the point the decision is made or 6 months from the making of the Direction, whichever is the sooner.
- 3.3 On 12th March 2024, an application for the prior approval of the demolition of the building was received under the provisions Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It was noted that the building *is on the draft local list* and a

heritage asset of merit and thus that planning policy, if it were applied, would seek the retention and reuse of the building. Such matters cannot be taken into account in the determination of a prior approval application and, as such, the building was considered to be at risk.

- 3.4 Therefore, on 3rd April 2024, a Direction was made to remove the permitted development rights in relation to the demolition of the building and this took effect immediately and the application for prior approval was refused on 4th April 2024 and the applicant was notified accordingly.
- 3.5 Publicity of the Direction was carried out in accordance with the requirements of Schedule 3 (1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 and a consultation period for representations ran, ending on 28th April 2024. The Secretary of State was notified in relation to the Article 4 Direction.

4.0 Summary of consultation responses

4.1 Conservation Officer Response Received 23.07.24:

- Severn Trent Waterworks Building comprises the original East Worcestershire pumping house building constructed in 1882 to designs by their engineer S W Yockney. It is a three bay red brick building, beneath pitched slate roof, with detailing around the windows, verge and cornice picked out in blue bricks. The central bay containing the entrance, projects forward of the east and west bays, and this combined with the use of rusticated stone arches above the front entrance door and windows, adds to its dominance of what is a symmetrical composition. The west elevation contains a further entrance with a Dutch inspired gable feature. The east elevation by contrast is far more simple with recessed blank panels. Perhaps this elevation was not designed to be seen, with the public area having more architectural ornamentation. The detailing of the front of the east bay does balance with the west bay in the overall composition. The building has the typical strong Victorian architectural details of utilitarian industrial buildings of this date.

Age, Authenticity and Rarity

- The pumping Station dates to 1882 and was constructed at a time when there was a huge expansion of infrastructure to provide water to the inhabitants of Worcestershire. It is not clear when the building was last used, but the exterior architecture remains clearly legible. No fixtures or fittings relating to its original use remain in the interior.

Architectural Interest

- The pumping station was designed by Sydney William Yockney (1841-?) in 1882, a civil engineer. Sydney joined his father, Samuel Hansard Yockney (1813-1893) who had worked extensively in designing railways and their infrastructure with Great Western Railways, and then in south Wales and the Midlands. The firm established an office in Westminster and father and son worked on many railway and transport projects including the Wye Valley

Railway, the Guernsey Tramway, the Cardiff and Penarth Tramway, the East Worcestershire Waterworks, and Totland Bay Pier.

As noted in the description above, despite the utilitarian nature of the building, there was a significant degree of ornamentation to the exterior, with the use of contrasting brick work, stone detailing and architectural flourishes such as the Jacobean inspired gable. This was typical of Victorian buildings associated with initiatives to improve public sanitation, including water supply and sewage disposal, which were designed to make a statement and be a symbol of investment in public health.

Historical Interest

- The Pumping station relates to a period of time when there was a huge expansion of public utilities such as waterworks and sewerage works, provided by relatively local companies and local authorities rather than national companies. From the mid-19th century, growing concerns about water and air quality in the rapidly developing towns and cities encouraged a series of Public Health Acts. The nature of the expansion is detailed in an Application under the Waterworks Facilities Act, 1870, by East Worcestershire Water to the Board of Trade for an extensive list of works including new pumping stations, pipework and aqueducts to allow the supply of water to areas of East Worcestershire, including around Bromsgrove as well as Worcester.

From the mid-19th century, growing concerns about water and air quality in the rapidly developing towns and cities encouraged a series of Public Health Acts. The architecture of buildings and places associated with initiatives to improve public sanitation, including water supply and sewage disposal, became important symbols of public investment in health and hygiene, by both local authorities and private companies and can include some of the most spectacular examples of Victorian and later engineering and their associated landscapes in England

Townscape/Villagescape /landscape Interest

- The Pumping Station is set back from Alcester Road, but there are glimpses of this distinctive building from the entrance off the main road.

4.2 WCC Historic Environment Advisor Response Received 23.07.24:

- The Historic Environment Planning and Advisory Service at Worcestershire County Council firmly support an Article 4 Direction to prevent demolition of the disused 19th century pumping station (former Severn Trent Building) on Alcester Road, which is a significant local example of Victorian engineering and growing awareness and pride for public utility.

4.3 No third party representations have been received as a result of the consultation exercise.

5.0 Relevant Planning History

24/00263/DEM	Demolition of former waterworks buildings used for offices and storage	Prior Approval	04.04.2024
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		refused	
24/00164/DEM	Demolition of former waterworks buildings used for offices and storage	Prior Approval refused	11.03.2024
19/00246/FUL	Demolition of existing storage building and replacement with two dwellings	Approved	18.10.2019
15/0609	Conversion and partial demolition of existing office and storage buildings to form 2 No Dwellings	Approved	28.10.2016
14/0558	Partial demolition of section of Severn Trent Buildings	Refused	08.08.2014
11/0328	Four detached dormer bungalows for the use of local residents over the age of 50.	Refused	19.07.2011
B/2004/1171	Conversion of existing building to form 3 residential units, parking, garaging & other works inc. New access road.	Approved	09.11.2004
B/2003/1025	Conversion of existing building to form 3 no. residential units and associated car parking, garaging and other works, demolition of brick/timber clad building.	Approved	16.09.2003
B/2002/0653	Redevelopment of existing depot, pumping station, reservoir, to provide nine dwellings, alterations to existing access - Outline Consent.	Withdrawn	12.07.2002
B/1998/0109	Redevelopment for residential development (outline) comprising 4 dwellings at East Worcestershire Waterworks, Alcester Road, Burcot.	Refused	11.05.1998
B/16478/1988	Residential Development (Outline)	Refused	20.06.1988
B/16479/1988	Residential Development (Outline). Appeal Allowed 2.2.89	Refused	20.06.1988

B/15392/1987 Residential Development (Outline) Refused 17.08.1987

6.0 Officer Assessment

- 6.1 The reasons in the legislation for putting an Article 4 Direction on a building are given as being where it is necessary to protect the historic environment, local amenity and wellbeing of an area and requires that the harm of the loss of the building should be identified.
- 6.2 The legislation also requires that all the representations received should be taken into account.
- 6.3 The building constitutes a non-designated heritage asset and therefore worthy of protection as outlined within policy BDP20 of the Bromsgrove District Plan and section 16 of the NPPF. The response should be proportionate to the significance of the asset, and in this case, it is considered that the building makes a significant contribution to the character of the streetscene in this location and, as such, its loss would have a negative visual impact on the surrounding area.
- 6.4 Para 201 of the NPPF (the Framework) advises 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. This evaluation should be taken 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.
- 6.5 Paragraph 209 of the Framework advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining any application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Policy BDP20 states the District Council will support the sensitive reuse of redundant historic buildings and will encourage proposals which provide for a sustainable future for Heritage Assets, particularly those at risk. The Conservation Officer has undertaken an appropriate evaluation of the architectural and historic significance of the building in accordance with the requirements of the Framework.
- 6.6 It is evident that national and local policies support the retention and reuse of heritage assets such as this one and state that buildings should be protected in accordance with such policies. The application for prior approval for the demolition of the building (Ref: 24/00263/DEM) demonstrated that the heritage asset was at risk. The planning history also shows that many consents have been granted for the reuse of the building but none have been implemented to date. Therefore, it was considered necessary to ensure that the LPA retained some control over the building in respect of permitted development rights under Part 11 of the GPDO (demolition) to ensure compliance with the objectives of the Development Plan and National Guidance. In policy terms, the reuse of the premises for a variety of other

uses would be acceptable in principle and therefore it is considered that it would indeed be possible to retain and reuse the building.

6.7 In summary, the Council has made a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) on 03rd April 2024 (Appendix 1). The effect of the Direction is that the permission granted by Article 3 of the said Order shall not apply to such development and such development shall not be carried out within that site unless planning permission has been granted by the Council. The Article 4 Direction specifically precludes any building operation consisting of the demolition of a building being development, comprised within Class B of Part 11 of Schedule 2 of the above Order. shall remain in force until 3rd October 2024 (being six months from the date of the Direction) and shall then expire unless it has been confirmed by the Council in accordance with Paragraphs 1(9) and (10) of Schedule 3 to the said Order before the end of the six month period. It is recommended that the Article 4 Direction, as outlined above, is confirmed.

7.0 Financial Implications

7.1 The costs of the administrative and technical processes associated with this matter may be met from within existing budgets, and the financial aspects are not a matter for the Planning Committee to consider. However, there are circumstances in which the Local Planning Authority may be liable to pay compensation having made an Article 4 Direction, although the potential liability is limited in many cases by the time limits that apply. The Local Planning Authority may be liable to pay compensation to those whose permitted development rights have been withdrawn if they:

- Refuse planning permission for development which would have been permitted development if it were not for an Article 4 Direction; or
- Grant planning permission subject to more limiting conditions than the GDPO would normally allow, as a result of an Article 4 Direction being in place.

7.2 Compensation may be claimed for abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights. All claims for compensation must be made within 12 months of the date on which the planning application for development formerly permitted is rejected (or approved subject to conditions that go beyond those in the GPDO).

7.3 Any planning application required as a consequence of an Article 4 Direction is exempt from the usual planning application fee.

8.0 Legal Implications

8.1 These matters are completed in line with the provisions of the Town & Country Planning Act 1990 (as amended).

8.2 Legal Services has been consulted with regard to the legal implications and their advice incorporated into the content of this report.

9.0 Customer/Equalities and Diversity Implications

- 9.1 Relevant parties have been provided with the relevant notification and will receive a formal notification of the committee decision.
- 9.2 Equalities and Diversity implications: none.
- 9.3 As this case forms part of the wider review of Locally Listed Buildings(LLBs) and has been brought forward as a result of the submission of an application for prior approval of demolition, and this would be likely on any LLB as a result of this review, then it is not considered that the owner of the premises has been unfairly treated.

10.0 Risk Management

- 10.1 The risk of not protecting the building is that in the long term it is likely to be demolished such that its significance and contribution to the wider area would be lost.

11.0 Author of Report

- 11.1 The author of this report is David Kelly who can be contacted on 01527 881666 or david.kelly@bromsgroveandredditch.gov.uk for more information.

12.0 Appendices

- 11.1 Appendix 1: Article 4 Direction and associated plan

Appendix 1