

Item C4

Construction of a motor control centre kiosk and vent stack as part of sewer upgrade works by Southern Water Ltd at Maxted Court, Highfields View, Herne Bay.CA/09/341

A report by the Head of Planning Applications Group to Planning Application Committee on 14th July 2009.

Application for change of use and structures associated with pumping station at Maxted Court, Highfields View, Herne Bay.

Recommendation: Permission be granted subject to conditions.

Local Member: Mr D Hirst

Classification: Unrestricted

The Site

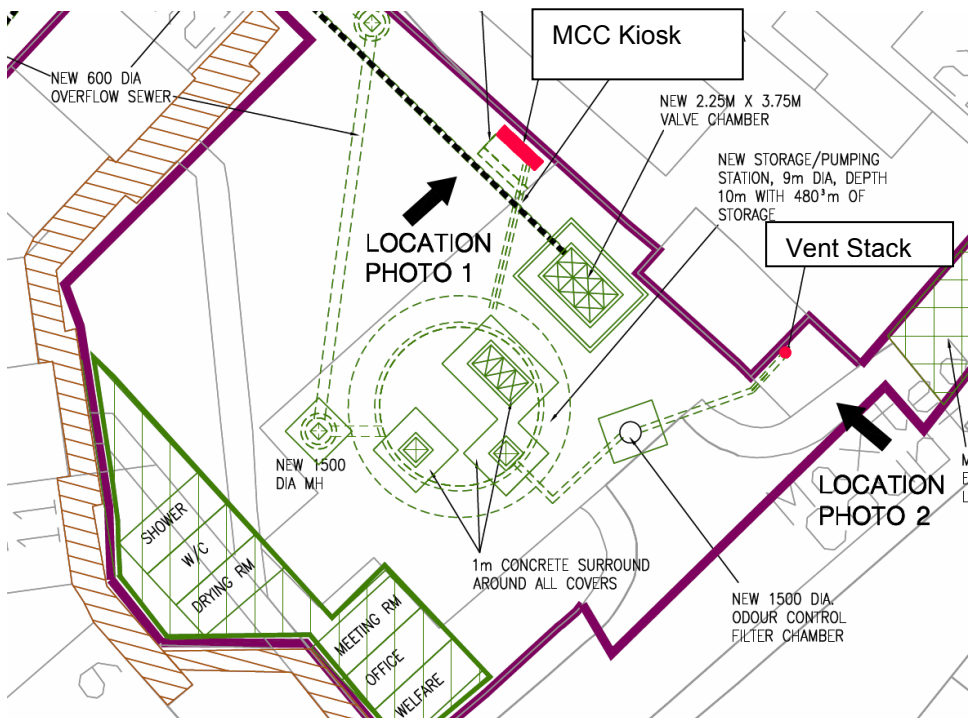
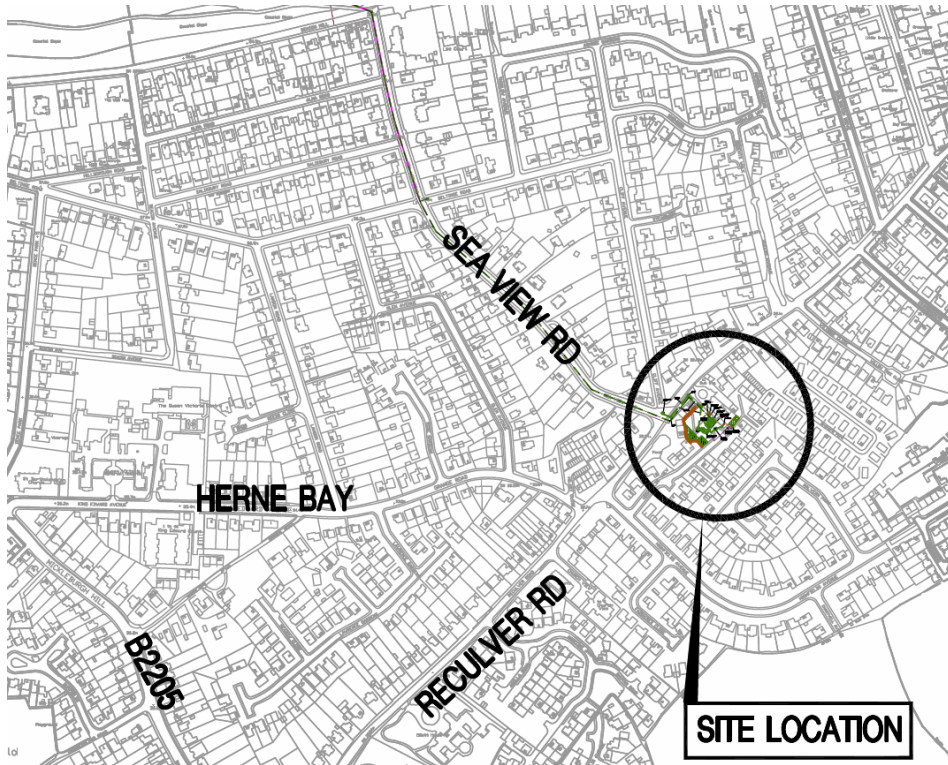
1. The site lies to the east of Herne Bay and the west of Beltinge in a predominantly residential area. The site is accessed off Highfields Avenue. Maxted Court a low rise residential development is situated to the north of Highfields Avenue. The application site is comprised of a private communal parking area and the bin storage area for the residents of Maxted Court. The site is flanked on 3 sides by residential properties and on the south east side is flanked by Highfields Avenue. To the north east is a brick wall of the boundary to the property beyond, to the north west and south west are the open front gardens to Maxted Court.
2. The site consists of a gravel car park and a communal garden with kept grass, a heavy standard tree and flower beds. The site is not designated for nature conservation, or any other designation. The site is maintained by Sanctuary Housing, the management organisation for Maxted Court.

Planning Background

3. Southern Water, as a statutory sewage undertaker has extensive permitted development rights, i.e., development that it can carry out without first needing to obtain planning permission. It is currently undertaking significant works in the area to ensure the local sewer network is brought up to modern standard and prevent internal sewer flooding. This application seeks planning permission for the above ground elements of a new wastewater pumping station and associated infrastructure. The works include a number of below ground elements including a pumping station, sewers, various minor chambers, tanks and above ground temporary construction compound, all of which benefit from permitted development rights. This proposal forms part of a larger scheme covering an area of 7000m² to install a new rising main along Sea View Road, Herne Bay.

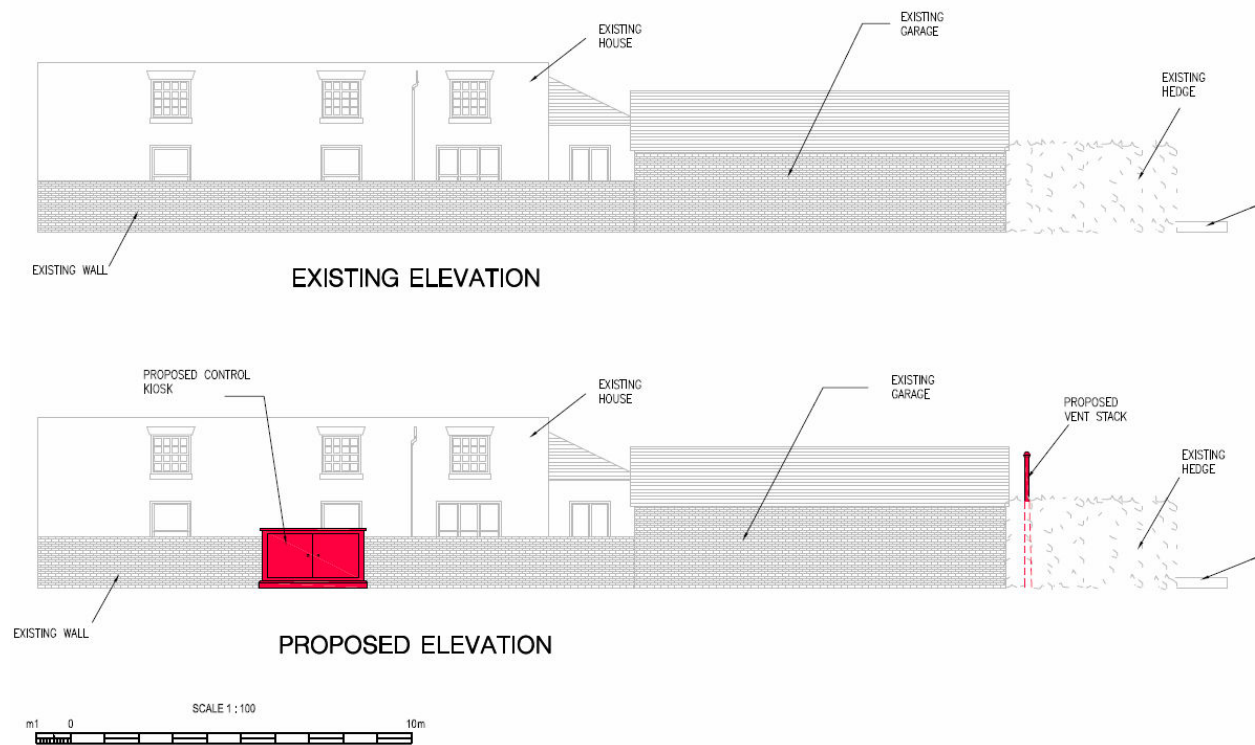
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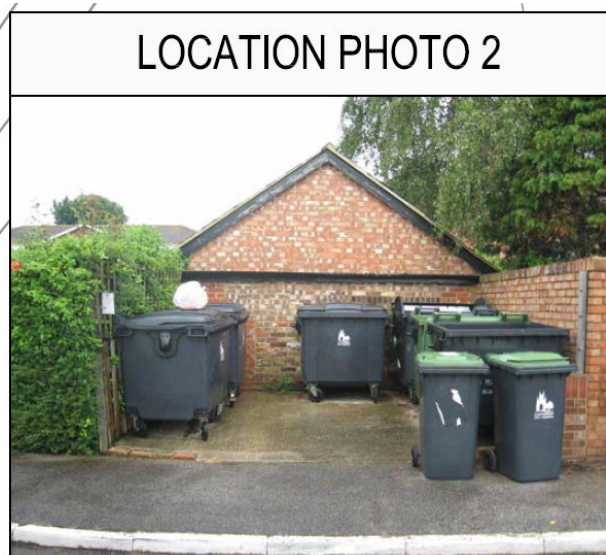


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Location for MCC Kiosk



Location for Vent Stack

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4. The need for a pumping station in this area is driven by works to upgrade the sewage system in Herne Bay to specifically prevent sewer flooding to residential properties 70, 89 and 97 Reculver Road and 16 and 21 Maxted Court.

The Proposal

5. The elements associated with the pumping station which require planning permission and are the subject of this application are the provision of a vent stack and a motor control centre (MCC) kiosk.
6. The MCC kiosk would be located on the western side of the site as shown on the plan. The kiosk would be a rectangular box shape of dimensions 3.00m x 0.70m and 1.50m high. The dimensional area is determined by the size of the equipment it is intended to house. The purpose of the kiosk would be to house the control panel and necessary electronic equipment to control and monitor the underground pumps and detention tanks. The kiosk would be finished in dark brown Glass Reinforced Plastic (GRP) to BS4800. The kiosk would be mounted on a concrete plinth, which would be 0.20m wider than the Kiosk and raised 0.15m above ground level. The purpose of the plinth would be to raise the kiosk above ground level to further protect electronic equipment from damage.
7. The vent stack would be located approximately 15 m to the south east of the MCC kiosk against the end wall of the garage to the adjacent property. The stack would be formed by a cast iron base and column, coloured black to BS4800. The stack would be of 4.00m in height and of maximum external diameter of 0.35m. The stack's purpose would be to release air from the underground retention tank which would be displaced at times of heavy rainfall. The air would be deduced through a carbon filter, which would remove odiferous molecules from the air.
8. The temporary constructor's working area would cover the amenity land and parking area associated with Maxted Court and does not require planning permission. The compound would take up this space for the duration of all of the works. Access to the properties of Maxted Court would be maintained through the existing path which flanks the north and west of the site. The constructor's compound would be located within this area to the south west of the site and would provide temporary welfare, office and meeting rooms.

Construction programme

9. The applicant states that construction program for the total wastewater works is estimated to last for 18 weeks. The applicants proposed hours of working are:

07:00 – 18:00 Monday to Friday

10. There is no requested working on Saturdays, Sundays or bank holidays. Some tasks however may require extended working hours, as such flexibility in any condition on working hours is sought by the applicant.

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Traffic Generation

11. The main traffic generation would occur during the construction phase of site development. Vehicle movements would consist of daily access to the site from site personnel and delivery of plant machinery and equipment. Vehicle movements per week, during the construction phase (for the total works and not just those relating to the kiosk and vent stack) would be approximately:

10 Light Van/Car per day
2 Articulated Lorry per day

12. The applicant has proposed a traffic management plan which would be put in place for the duration of the works. This would ensure that pedestrian, cycle and motor vehicle access though Highfields View and Maxted Court would be maintained.
13. After completion of construction, during the operational phase of the development there would be occasional visits to site approximately every 3 months. These would be made during normal working hours by operational staff in light vans.
14. The application is accompanied by supporting information that includes environmental information, impacts upon protected species and arboricultural interests. No trees are proposed to be lost as part of the development. Mitigation measures are identified for addressing any likely impacts on protected species.

Development Plan Policies

15. The key Development Plan Policies relevant to the consideration of the application are set out below.
16. **National Planning Policies:** PPS1 (Delivering Sustainable Development), PPS10 (Planning and Waste Management), PPS23 (Planning and Pollution Control) and Waste Strategy for England 2007.
17. **South East Plan Policies (May 2009):** Policies CC1 (Sustainable Development), CC7 (Infrastructure and implementation), NRM9 (Air Quality), NRM10 (Noise) W3 (Regional Self-Sufficiency), W4 (Sub-Regional Self-Sufficiency) and W17 (Location of Waste Management Facilities).
18. **Kent Waste Local Plan (March 1998):** Policies W18 (Noise, Dust and Odour) and W19 (Groundwater)
19. **Canterbury City Local Plan (2006):** Policy C40 (Air Quality)

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Consultations

20. **Canterbury City Council (CCC):** no objection to the proposal, however they suggest appropriate conditions are imposed to ensure restoration of the site and the painting of the MCC kiosk dark brown in the interest of visual amenity.

Environment Agency: have assessed the proposal as having a low environmental risk as such have no comments to make on this application.

Jacobs (noise and air quality): Have no concerns in terms of noise and odour during operation of the proposed development subject to proper maintenance of the carbon filtration system of the vent stack. Jacobs however advise that temporary noise and dust disturbance is likely to occur during the construction phase of the development and advise the applicant to liaise with the City Council Environmental Health Officer to ensure work is carried out so as to minimise any disturbance.

Divisional Transport Manager: has no objection to the proposals in respect of highway matters.

Local Member

21. The Local County Member for Herne bay, Mr David Hirst was notified of the application on 4 March 2009. No comments have been received to date.

Representations

22. The application was advertised in a local paper, a site notice was posted and 49 local residents were consulted. 1 letter of **objection** from a member of the public has been received. The main reasons for objection can be summarised under the following points;

- Noise
- Odour
- Parking and access.

Discussion

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In Kent, the development plan is the Regional Spatial Strategy (RSS) for the South East of England (also known as the South East Plan) and any development plan documents which have been adopted or approved in relation to the area. In this case, these other development plan documents are:

- The Kent Waste Local Plan (March 1998) – only those policies that were saved in

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September 2007;

- Canterbury District Local Plan - only those policies that were saved in September 2007.

In the context of this application, the policies outlined in paragraphs 15 - 19 are of greatest relevance.

24. Prior to the publication of PPS10, Government advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). The approach was designed to assist in establishing the optimum and most sustainable form of waste management for any given waste stream. The guiding principles of BPEO were the concept of the waste hierarchy, the proximity principle and the objectives of regional self-sufficiency. In addition, BPEO sought the right form and scale of waste management for the given waste stream at the right time and location. Case law established that consideration of BPEO to individual applications should be afforded substantial weight in the decision making process. PPS10 moved the consideration of BPEO principles to the Plan making stage where it is to be considered as part of the Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) process applied to the Plan. However, where planning authorities' current waste policies have not been subject to the SA / SEA process (as is the case with the Kent Waste Local Plan) it is still appropriate to consider planning applications against the principles of BPEO. KCC issued a position statement to this effect in November 2005 (amended in October 2006). The position statement also stated that until such time as the Kent Waste Development Framework (WDF) reached a more advanced stage, applications would be considered against Policy WM2 of the Kent & Medway Structure Plan to ensure that they deliver facilities that are *"of the right type, in the right place and at the right time"* in accordance with paragraph 2 of PPS10. It also stated that this approach is consistent with the underlying principles of the adopted and the then emerging Regional Spatial Strategy for the South East (i.e. RPG9 and the draft South East Plan). Although the South East Plan was adopted on 6 May 2009 (replacing RPG9 and superseding draft versions of the South East Plan) and Policy WM2 of the Kent and Medway Structure Plan (2006) will cease to have development plan status with the rest of the Plan when the three-year saved period expires on 6 July 2009, KCC considers that the principles of the position statement remain valid.
25. Against this policy background I consider the main determining issues relate to the need for the proposal and amenity impacts.

Need for Proposal

26. This scheme forms part of Southern Water's AMP 4 (Asset Management Plan 4) Programme. This is a major programme of refurbishment and upgrading of various existing wastewater treatment works and associated sewer infrastructure required by The Office of Water Services (OFWAT) and the Environment Agency (EA), to be put in place between 2005 and 2010. There is one property on Reculver Road which currently suffers from repeated internal flooding and four properties (2 in Maxted Court) which suffer from external

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sewer flooding. Reculver Road also suffers from sewer flooding when the sewer network in Reculver Road becomes surcharged during periods of heavy rainfall. The network of proposed infrastructure (pumping station, tanks, new sewer etc) is designed to address these flows.

27. This specific site has been chosen as it is proximate to the existing infrastructure that needs upgrading. The choice of site is therefore largely dictated by operational requirements and the availability of vacant land sufficiently large enough to accommodate the infrastructure requirements.

Residential amenity impacts

28. Policies NRM 9 and 10 of the South East Plan (May 2009) seek to ensure that development such as this should be planned and designed to avoid or adequately mitigate pollution impacts. Proposals that cannot be adequately mitigated should not be supported.
29. The greatest impact upon residential amenity from the improved wastewater treatment works would occur during the construction period. Most of the impact (albeit temporary) would occur through the installation of the underground equipment, which is permitted development and as such is not the subject of this planning application. However I shall consider each potential impact from the proposed development in turn.

Location of development and visual impact

30. One local resident has raised concern over the principle of the greater scheme in this location. I remind members that the wider scheme is permitted development and therefore not for consideration by this Committee.
31. The local resident has specifically raised concern over the location of the MCC kiosk and the vent stack. The kiosk would be located in front of the perimeter wall of the amenity space at the edge of the amenity space and would be of a low scale. Being located next to the wall and painted dark brown it would be of low visual impact.
32. The vent stack, located in the bin storage area, would be set adjacent to an existing garage building. The stack would rise to 4.00m in height which is just below the apex level of the garage roof and therefore any visual harm would be minimised. This would also be painted black as per BS4800, to blend more effectively with both the trees to the north and to the roof of the garage building.
33. In terms of visual and other amenity impacts, the location of the kiosk and vent stack have been determined largely by the location of the underground pipe work. The kiosk's size is determined by the size of the equipment which it houses. The applicant has stated that they have endeavoured to ensure that the kiosk would be as small as possible for safety reasons. The kiosk would be located adjacent to an existing wall and coloured dark brown as requested by the City Council. The vent stack is located in the bin storage area of Maxted Court, located against a garage wall in line with the apex of the roof. The vent stack

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would rise to below the height of the roofline and be coloured black mirroring the colour of the roof facia. In visual terms both the kiosk and the vent stack have been located in position which in my opinion would result in visual harm from the development being minimised.

Noise

34. Concern has been raised over potential noise impacts by a local resident. The concerns are mainly focused on the temporary disturbance during construction for the residential properties of Maxted Court and Highfields View. It is accepted that the noise from construction could cause a temporary detrimental effect to occupiers at home during the day in the closest residential properties. However, hours of working are intended to be limited to normal working hours and noiser construction impacts would be of short duration to minimise disturbance. Kent County Council's noise advisor was consulted on this matter and confirms that the majority of disturbance would be caused during the construction phase and raised no objection. In addition they point to control of noise through the powers available to both the City and County Council. I am satisfied that any potential noise impacts could be appropriately mitigated by the use of planning conditions on the hours of working and acoustic shielding on the construction equipment and best working practices to ensure that disturbance is minimised.

Access

35. Concern has been raised over the loss of parking and restricted access to Maxted Court and Highfields View. Following negotiations the applicant has altered the scheme to remove the need for the materials lay down area, as shown on the plan, this area would now be used to create two resident parking bays. The Divisional Transport Manager was consulted and no objection has been raised to the proposed access arrangements. It is however accepted that there would inevitably be minor disruption to the local road during construction, and as such the applicant has proposed that a transport management plan would be formulated for the duration of the construction phase. Such a plan would be agreed with the Divisional Transport Manager before construction would begin and could be enforced through appropriate planning conditions.
36. Once operational routine maintenance via infrequent visits to site utilising vans would not pose any significant impact.

Odour and Dust

37. The vent stack would have a carbon filter odour control system, this needs to be maintained and replaced periodically. Regular maintenance of the site will ensure that this is done as and when it is required. This could be controlled by way of planning condition. The County Council's odour and air quality advisors did not raise any concerns over potential odour issues and recognises the use of the carbon filter system on the vent stack would minimise the release of odours. As advised I am satisfied that there would be no significant impact upon residential amenity from odour.

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38. Dust impacts which may arise during construction would be minimised through the adoption of best practice measures.

Conclusion

39. The new pumping station and associated infrastructure are being proposed as part of the applicant's programme of investment to meet OFWAT targets for the improvement of the wastewater network, to prevent sewer flooding in the immediate vicinity of the development. Due to the applicant's permitted development rights, only the MCC kiosk and vent stack require planning permission. The location of the site has been chosen largely due to the location of the existing infrastructure and is well related for its purpose, it does not encroach onto undeveloped land. The temporary construction site will be suitably restored and maintained once construction of the wider wastewater upgrade works have been completed. The siting of the kiosk and vent stack has been chosen to minimise their impacts. Appropriate planning conditions could be imposed to control the temporary construction impacts and operational activities. As such I am satisfied that the proposal is acceptable in planning terms.

Recommendation

40. I RECOMMEND that PERMISSION BE GRANTED subject to appropriate conditions including standard time condition, noise controls, construction hours and measures to prevent mud or debris on the highway.

Case officer – Shaun Whyman	01622 221055
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Background documents - See section heading
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