

Item C5

Construction of a Wastewater Pumping Station including the construction of a motor control centre kiosk, sub station kiosk, standby generator and steel palisade fencing by Southern Water Ltd at Land to the South of Alsops Road, Willesborough, Ashford AS/09/530

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

Application for structures associated with pumping station at land to south of Alsops Road, Willesborough, Ashford.

Recommendation: Permission be granted subject to conditions.

Local Member: Mr G Koowaree

Classification: Unrestricted

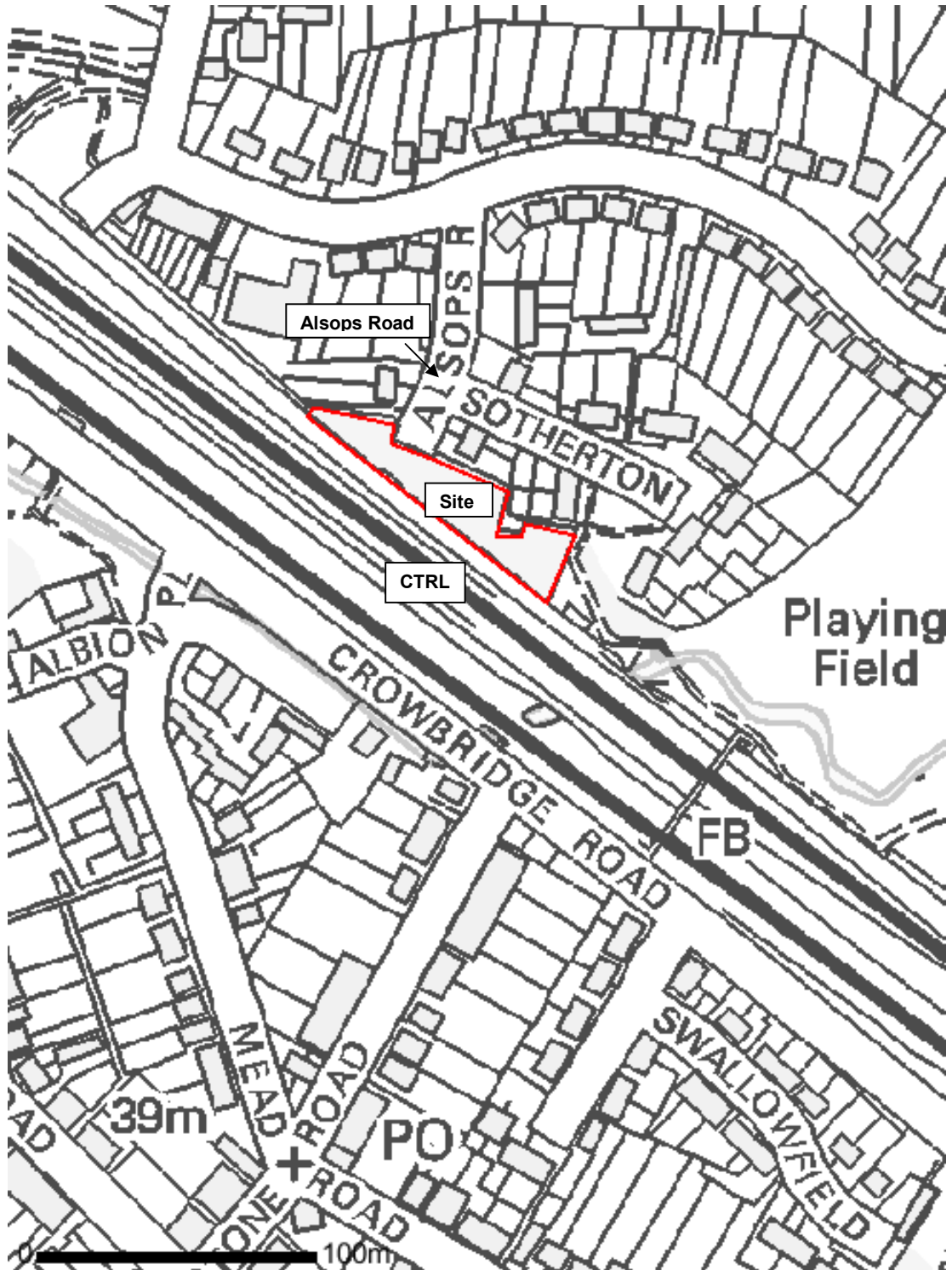
The Site

1. The site lies within the Willesborough area of Ashford at the southern end of Alsops Road, on a vacant parcel of land between the Channel Tunnel Rail Link (CTRL) and the residential properties at the southern end of the road. The site is accessed directly off Alsops Road. To the south lies an acoustic close-boarded fence bounding the CTRL, which is on an embankment. The site is bounded to the north east and west by a chain link fence. Properties 6 and 13 Alsops Road lie beyond the fence immediately to the north of the site. Neither of the properties immediately adjacent to this application site have windows on their flank elevation.
2. The application site is 0.2 hectares in area, including the temporary contractor's compound. The site consists of low level hard surfacing with moss and grasses growing on it. The site does not lie within any areas designated for nature conservation, or any other designation. The site is currently owned by CTRL however it would be purchased by Southern Water for use as a pumping station if planning permission is granted.

Planning Background

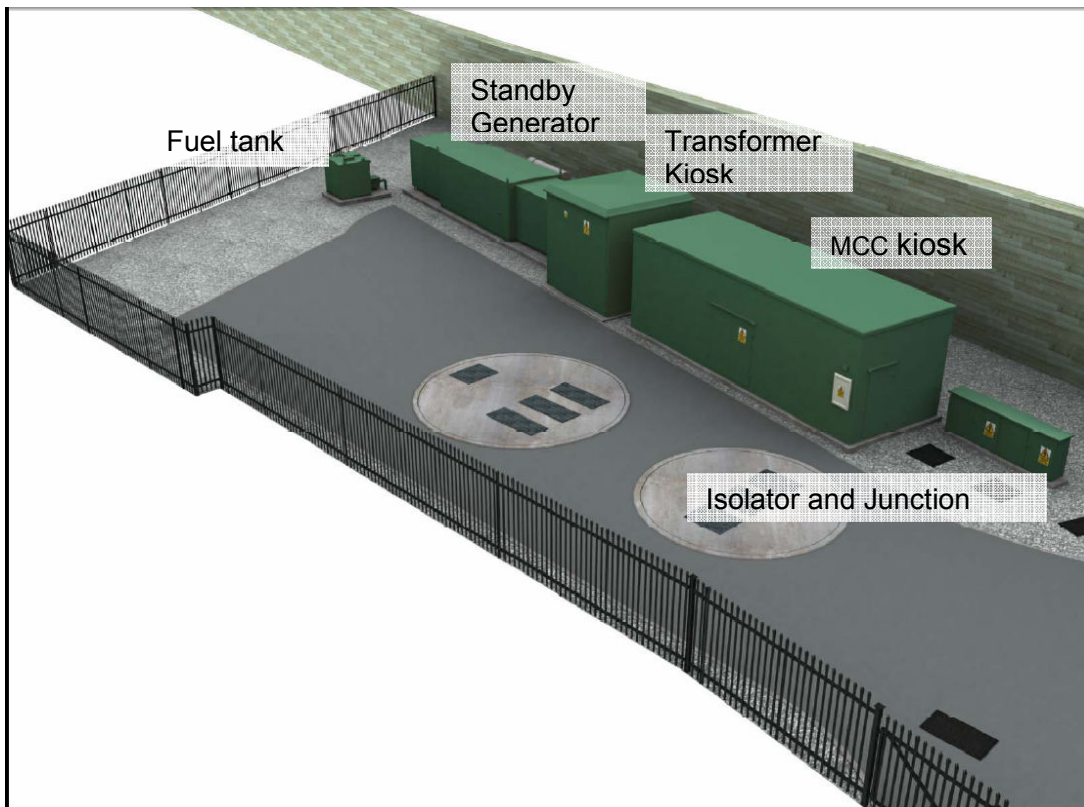
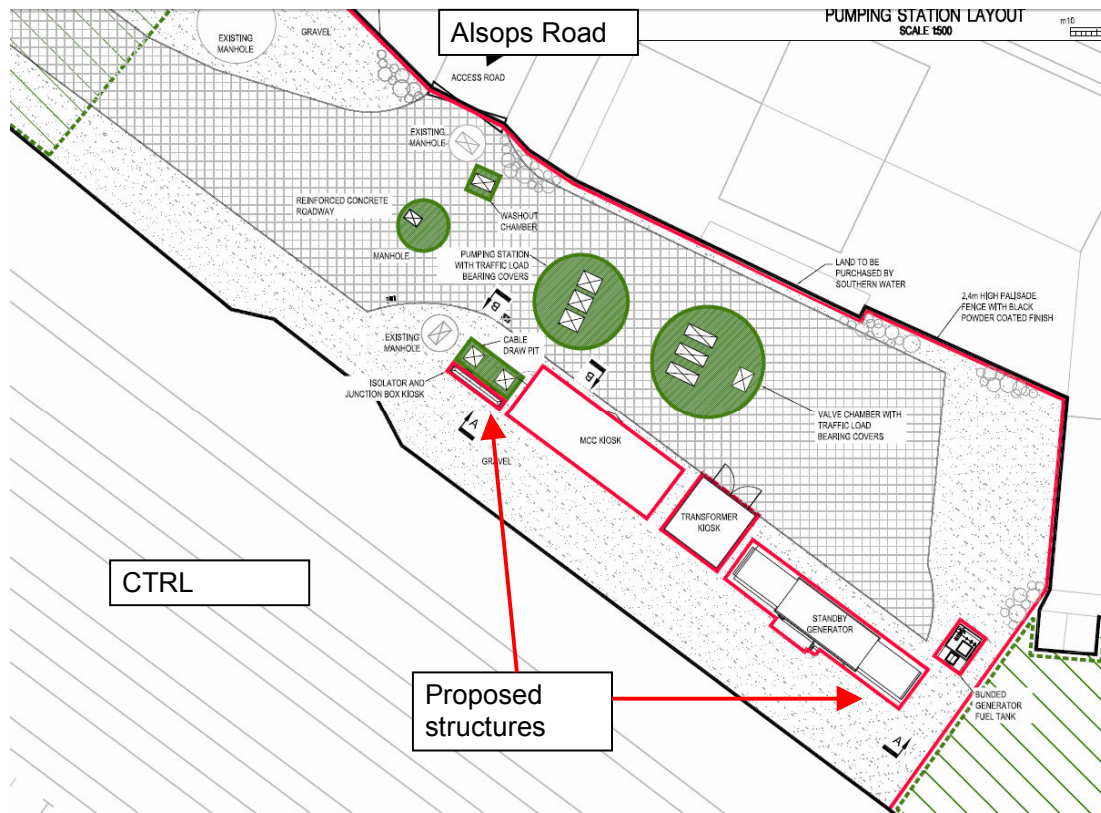
3. The site has planning permission for the construction of a pumping station granted under permission AS/08/945 which was granted by the Planning Application Committee on 9 September 2008. However the site has remained undeveloped and is currently vacant land. Previously the site was used as a construction compound for the CTRL works and prior to that the land was in residential use.

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4. 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 sewer network can accommodate the development growth of Ashford. The need for a pumping station in this area is driven by works to upgrade the sewage system in Ashford to help cope with the planned local population growth, - a nationally targeted increased of 31,000 new homes by 2031. The nearby Cheesemans Green area has outline planning permission for 800 new homes. To help with this predicted increase in flows in the sewerage system, improvements are required in the Alsops Road area.

The Proposal

5. This application seeks planning permission for an amended layout (from that approved in September 2008) of the above ground elements of the new wastewater pumping station and associated infrastructure. The need for the amendment is brought about by a misinterpretation of the width of the CTRL safeguarding corridor in the original application, i.e. the area within which no development shall take place. Subsequently the applicants have had to alter the positioning of the proposed infrastructure within the site.
6. The elements associated with the pumping station which require planning permission and are the subject of this application include a motor control centre (MCC) kiosk, sub station kiosk, fuel tank, standby generator, a new isolator and junction box and a 2.4m high palisade fence around the site. These structures are the same as those previously permitted but are now proposed in different locations within the site. All the above ground structures are proposed to be concealed in rectangular box shaped structures constructed from glass reinforced plastic (GRP) and coloured dark green as per BS 4800 ref.14c39. The palisade fence would be finished with powder coated black paint. These are illustrated on the plans and drawings on pages C5.2 – C5.4. The works below ground level includes a pumping station, sewers, various minor chambers and tanks, all of which benefit from permitted development rights.
7. The previously approved layout of all the elements is shown in the appendix. It is now proposed that the MCC kiosk would be located to the south east of the site entrance as shown on plan on page C5.3. The purpose of the MCC kiosk would be to house the control panel and necessary electronic equipment to control and monitor the underground pumps and detention tanks. It measures 8.07m x 3.07m and 3.00m high and is a rectangular box. The transformer kiosk would be located to the south east of the MCC Kiosk. This consists of a rectangular box of 3.10m x 2.82m by 2.48 high. The transformer kiosk would house the mains electrical power for the site.
8. The generator fuel tank and the standby generator were permitted to be located to the south east of the site. These would move approximately 10m further to the south east of the site and set back further away from housing. The generator fuel tank of 2.20m by 1.53m and 1.53m high would be located the furthest to the east of the site with the standby generator kiosk of 12.00m x 2.40m and 2.65m high located to the south west of this. The

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purpose of the generator and fuel tank is to enable the pumping station to remain operational in the event of a local power failure.

9. One additional structure would be added to the site this would be the isolator and junction box kiosk. This would now be required as part of the new electrical arrangement of the site, as a consequence of moving the other structures to the east of the site. The kiosk would be located to the west of the MCC kiosk. It would consist of a dark green GRP rectangular box of 3.50m by 0.5m by 1.50m high.
10. All other elements of the proposal (including fencing, landscaping, hours of operation and traffic associated with construction and operations) remain the same as those approved under the previous planning permission.

Development Plan Policies

11. The key Development Plan Policies relevant to the consideration of the application are set out below.
12. **National Planning Policies:** PPS1 (Delivering Sustainable Development), PPS10 (Planning and Waste Management), PPS23 (Planning and Pollution Control) and Waste Strategy for England 2007.
13. **Regional Planning Policies:** 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) of the South East Plan (May 2009).
14. **Kent Waste Local Plan (March 1998):** Policies W18 (Noise, Dust and Odour) and W19 (Groundwater).
15. **Ashford Local Plan (2000):** Identifies that the site should be connected to the main drainage system (Policy CF6).

Consultations

16. **Ashford Borough Council (ABC)** : no objection.

Environment Agency: no objection but offers advice on groundwater vulnerability, drainage, land contamination and storage of fuels/chemicals.

Jacobs (Noise and air quality): no objection to the proposal in terms of noise or air quality issues. Noise and dust impacts are highly likely to occur during the construction period. However these can be adequately mitigated by conditioning of hours of working and through best practice. On the basis that noise emanating from the generator corresponds to that guaranteed by the manufacturer, they are satisfied that adverse impacts would not occur when the generator is in operation.

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Divisional Transport Manager: no objection to the proposals in respect of highway matters, subject to specified conditions being attached to the grant of any future planning permission. These include matters concerning:

1. Provision of space on site for loading, off-loading and turning of operatives and construction vehicles.
2. Prior submission and approval of parking details for site operatives before commencement of development.
3. Details of methods of disposing of surface water within the site, without allowing discharge onto the highway.
4. Provision shall be made to ensure that no mud or debris is brought onto the public highway.

Union Railways: confirm that they have no comments to add on this application.

Local Member

17. The Local County Member for Ashford East, Mr G Koowaree was notified of the application on 30 May 2008. No comments have been received to date.

Representations

18. The application was advertised in a local paper, a site notice was posted and 17 local residents were consulted. 1 letter of **objection** from member of the public has been received. The main reasons for objection can be summarised as;

- Traffic and disruption
- Noise and odour pollution
- Concern of fire from the fuel tank

Discussion

19. 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 September 2007;
- Ashford District Local Plan - only those policies that were saved in September 2007

In the context of this application, the policies outlined in paragraphs 11 -15 are of greatest relevance.

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20. 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 was consistent with the underlying principles of the adopted and 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.
21. Against this policy background as with the previous permission I consider the main determining issues relate to the need for the proposal and amenity impacts. It will be necessary to consider whether the amended layout has any greater amenity impacts.

Need for Proposal

22. This scheme forms part of Southern Waters' 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 water industry regulator OFWAT (Office of Water Services), and the Environment Agency, to be put in place between 2005 and 2010.
23. As stated earlier in this report this work is required to accommodate planned local population growth. Ashford has been identified as one of the four major 'growth areas' in the South East of England in the Governments 'Sustainable Communities Plan'. Ashford has been set a target of 31,000 additional homes (75% increase on current housing levels) and 28,000 new jobs in the Borough by 2031. The Cheeseman's Green area has had outline planning application approved for 700 houses and a 40 hectare businesses park. There is also room for a potential further 800 houses (figures taken from Ashford Borough Local

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Plan). To cope with this growth, it is proposed to construct a new rising main from the proposed wastewater pumping station to the south of Bad Munstereifel Road to the existing Ashford Wastewater Treatment Works, passing through the proposed Alsops Road pumping station.

24. The Alsops Road site was chosen as it is central to the areas of planned growth and forms a previously developed parcel of land suitable for the development. The choice of site is therefore largely dictated by operational requirements and the availability of vacant land sufficiently large to accommodate the infrastructure requirements. Alternative sites were examined but this site was chosen as best suited to the selection criteria. The site appears well located to serve its intended purpose, subject to satisfactory amenity impacts.

Residential amenity impacts

25. Policies NRM9 and NRM10 of the South East Plan seek to ensure that development such as this should be planned and designed to avoid or adequately mitigate pollution impacts. Development where mitigation would not afford protection should not be supported.
26. As with the previous scheme the greatest impact upon the residential amenity of the area would occur during the construction period. The one additional piece of equipment (isolator and junction box) in this proposal is relatively small and only 1.5m high and will not of itself have any significant impact. 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 a planning application. However I shall consider each area of concern in turn.

Noise

27. The generator would be fitted with an acoustic shroud which would provide a noise rating of 55 dB at 1 metre. The proposed change in location would move the generator further away from residential properties. This would produce a rating level at the nearest receptor of 31dB, being 5 dB below existing background level.
28. As the proposed amendments to the location of the generator would locate it further away from residential properties this proposal would reduce the impact in terms of noise from the development. The Council's noise advisor notes that the noise emanating from the generator would be below that of background levels at the nearest sensitive receptors in Alsops Road. It would be possible for this to be adequately controlled by way of planning condition linked to the noise assessment provided in the application.
29. 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, noisier construction impacts are intended to be limited to normal working hours and would be of short duration to minimise disturbance. Kent County Council's noise advisor was consulted on this matter; they echoed the position that the majority of disturbance would be caused during the construction phase and raised no concern in regards to noise during the operational phase. The noise advisor does not object to the proposals, however they point to control of noise through the powers available to both the Borough and County Council.

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Despite the concerns expressed by a local resident I am satisfied that as advised with the appropriate planning conditions and best working practices that disturbance would be minimised.

Visual impact

30. The proposal has been well located on the site and has been selected and designed to minimise visual impact upon local residents. In visual terms the CTRL works and acoustic barrier fencing dominate the site and the local townscape. The relocation of the above ground structures would in my opinion lessen the visual impact of the proposals on the landscape to that previously approved, and the additional structure is of sufficiently small scale that it would not be a visually significant structure. As such I would suggest that there would not be any increase in visual impact from the proposal.

Access

31. It is noted that no objection has been raised to the proposed access arrangements, which would be of infrequent low usage particularly once the site is operational. Kent Highway Services' concerns set out in paragraph 20 above regarding details of site parking, offloading, drainage and measures to prevent mud on the road can be adequately addressed via condition.

Odour and fuel storage

32. Concerns have also been raised over potential odour impacts from the proposal. As there are no operational above ground structures or vents associated with the development odour issues are unlikely to occur.

33. Concerns have been raised in regards to the potential hazards associated with the storage of fuel on this site. I am satisfied that this can be adequately addressed by standard good practice in accordance with Environment Agency guidance. Should planning permission be granted, I would recommend including informatives attached giving guidance as advised by the Environment Agency in regards to storage of combustible fuels.

Conclusion

34. The new pumping station and associated infrastructure are being proposed as part of the applicant's programme of investment to meet the population growth predicted and planned for the Ashford Growth Area. Due to the applicant's permitted development rights, only those elements above ground require planning permission. The alterations to the site layout are well related for their purpose and do not raise any additional unacceptable amenity 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

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35. I RECOMMEND that PERMISSION BE GRANTED subject to appropriate conditions including standard time condition, noise controls, construction hours, details of parking and loading arrangements, measures to prevent mud or debris on the highway and details of methods of disposing of surface water within the site.
36. I also RECOMMEND that INFORMATIVES sought by the Environment Agency regarding groundwater vulnerability, drainage, land contamination and storage of fuels/chemicals be attached to any permission.

Case officer – Shaun Whyman

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Background documents - See section heading
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