

SECTION C
MINERALS AND WASTE DISPOSAL

Background Documents - the deposited documents, views and representations received as referred to in the reports and included in the development proposals dossier for each case and also as might be additionally indicated.

Item C1

Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street – CA/12/2121 (KCC/CA/0398/2012)

A report by Head of Planning Applications Group to Planning Applications Committee on 12 February 2013.

Application by Southern Water for an upgrade to existing Wastewater Treatment Works including 2 walk-in Kiosks to support the treatment process at Herne Bay Wastewater Treatment Works, May Street, Herne Bay, CT6 6TQ – CA/12/2121 (KCC/CA/0398/2012).

Recommendation: Permission be granted, subject to conditions.

Local Members: Mrs J. Law and Mr D. Hirst

Classification: Unrestricted

Site

1. The application site is located within the existing Herne Bay Wastewater Treatment Works (WTW) ("the Works"), May Street. The treatment works are positioned south-east of Herne Bay (approximately 3.75km east of the railway station), within an area known as Hawthorn Corner. The site and surrounding area is designated as open countryside, beyond the limits of the defined urban area for Herne Bay. The Works are located approximately 200m north of the A299 (Thanet Way), north of May Street, east of Sweeneybridge Road and to the south of the mainline railway connecting London to Margate. A public footpath (CH61) runs along the south eastern boundary of the site. The wider surrounding landscape is generally characterised by open fields.
2. The closest residential properties are located within the hamlet of May Street immediately to the south. The nearest properties are the former operator's cottages (1 and 2 May Street), immediately adjacent to the southern boundary of the treatment works. The former operator's cottages are approximately 100m south-west of the closest of the proposed development sites within the treatment works. A number of other residential properties are located to the south-east along May Street (a small country lane that operates solely as access to approximately 20 properties).
3. The treatment works serves Herne Bay and the surrounding area, treating residential and business flows for a population equivalent to approximately 39,000. The site benefits from a dedicated access road on to the public highway, close to the junction of Sweeneybridge Road and May Street, and a junction with A299 Thanet Way. The site covers approximately 7 hectares and contains various plant, equipment and buildings, including a reception works, inlet works, storm tanks, primary settlement tanks, oxidation ditch, final settlement tanks, sludge treatment facility, final effluent chamber, motor control centre kiosks and an administration & control building. Treated water from the site is permitted to be released into a local watercourse, which eventually drains into the River Stour. Established hedgerows and tree belts planted around the perimeter of the site break up views into the facility, limiting the visual impact of the existing plant and buildings.

Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay – CA/12/2121 (KCC/CA/0398/2012)

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- General Location Plan**
- The map shows the area around Herne Bay, Kent. Key features include:
- Herne Bay**: Located on the coast, featuring Herne Bay Golf Club and Herne Bay Court.
 - Beltinge**: A residential area to the east of Herne Bay.
 - Broomfield**: A residential area south of Beltinge.
 - Hillborough**: A residential area to the east of Broomfield.
 - Treatment Works**: Indicated by a red outline near Hillborough.
 - A299 Thanet Way**: A major road running through the area, highlighted in pink.
 - A29**: A major road running through the area, highlighted in yellow.
- © Crown Copyright and database right 2012. Ordnance Survey 100019238

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Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay – CA/12/2121 (KCC/CA/0398/2012)

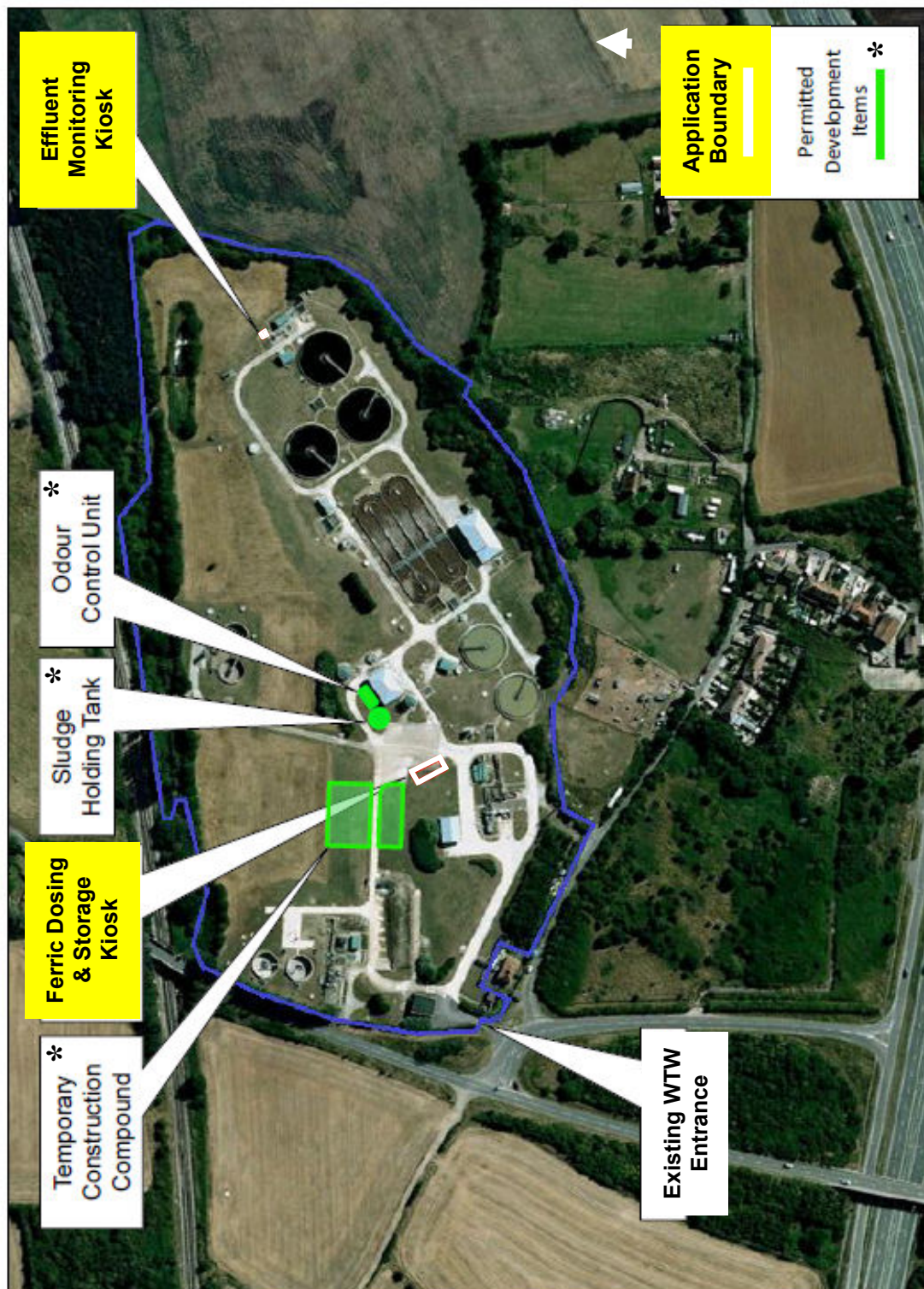
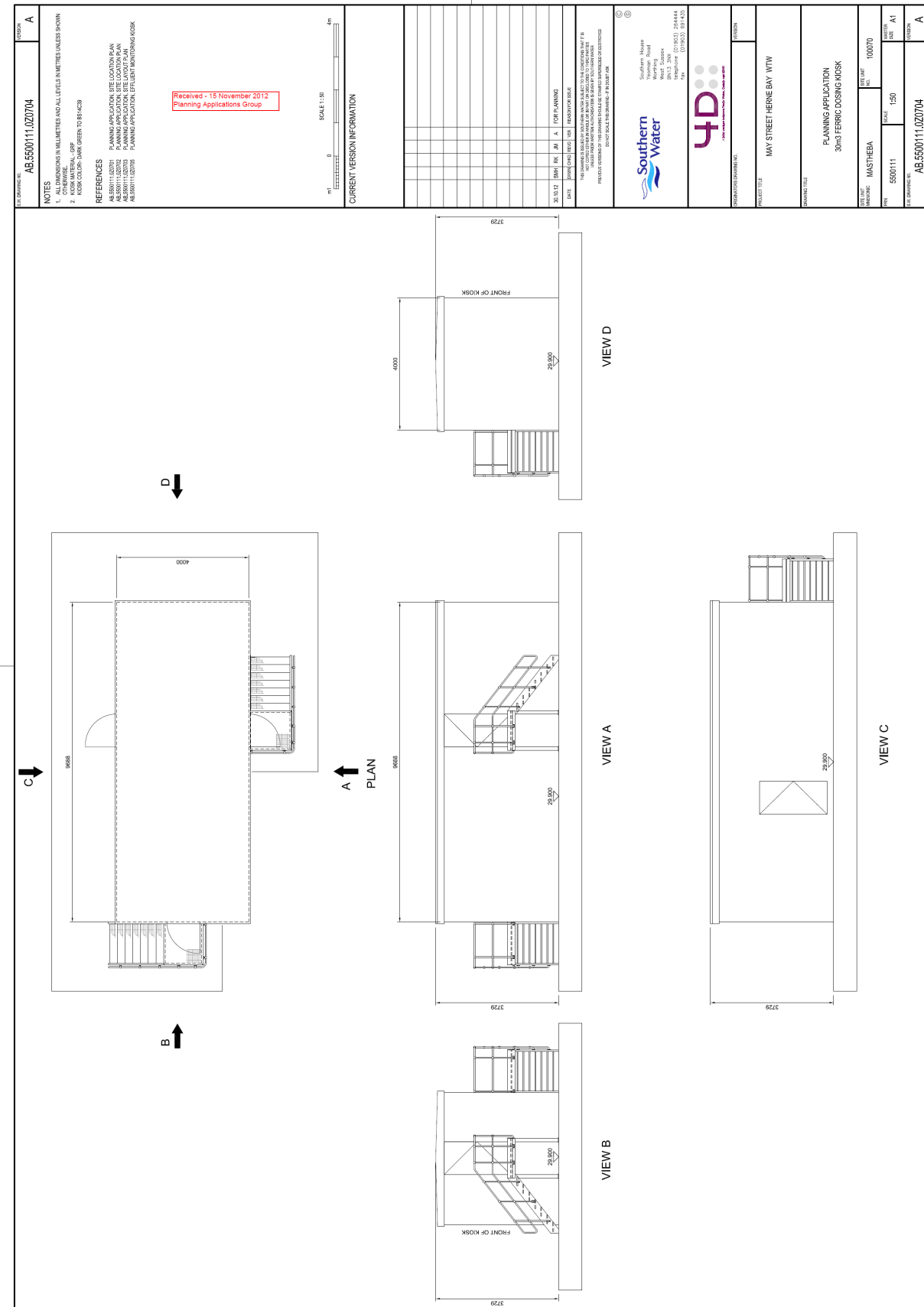


Plate 2 : Aerial view of WTW showing items of development.


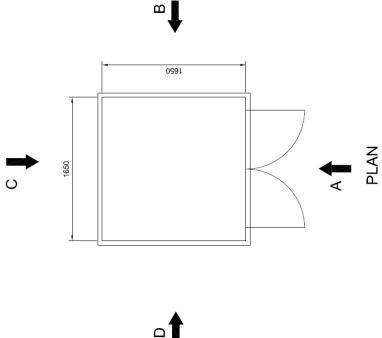
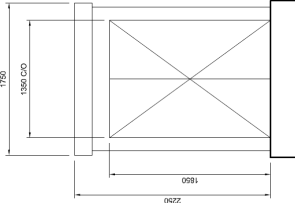
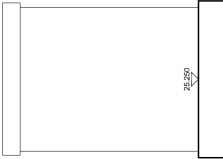
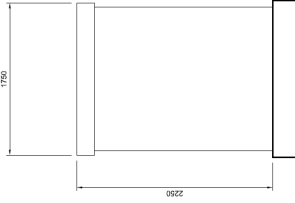

Item C1

Proposed Elevations – Ferric Dosing Kiosk



Item C1 **Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay – CA/12/2121 (KCC/CA/0398/2012)**

Proposed Elevations – Effluent Monitoring Kiosk

<p>PLAN NO. AB-5500111.020705</p> <p>VERSION A</p>	<p>NOTES</p> <ol style="list-style-type: none"> ALL DIMENSIONS IN MILLIMETRES AND ALL LEVELS IN METRES UNLESS SHOWN OTHERWISE. KIOSK MATERIALS TO BE GREEN TO BS-4803 <p>REFERENCES</p> <p>AB-5500111.020701 PLANNING APPLICATION SITE LOCATION PLAN AB-5500111.020702 PLANNING APPLICATION SITE LOCATION PLAN AB-5500111.020703 PLANNING APPLICATION SITE LOCATION PLAN AB-5500111.020704 PLANNING APPLICATION 30M² EFFLUENT MONITORING KIOSK</p>	<p>SCALE 1:25</p> 	<p>CURRENT VERSION INFORMATION</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>CHK</th> <th>APP</th> <th>FOR</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>10/11/12</td> <td>SMH</td> <td>RM</td> <td>AM</td> <td>FOR PLANNING</td> </tr> </tbody> </table>	NO.	DATE	BY	CHK	APP	FOR	1	10/11/12	SMH	RM	AM	FOR PLANNING	<p>THIS DOCUMENT IS THE PROPERTY OF SOUTHERN WATER. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFIC TO WHICH IT HAS BEEN ISSUED. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SOUTHERN WATER. ANY UNAUTHORIZED USE OF THIS DOCUMENT IS A BREACH OF THE COPYRIGHT ACT 1988 AND MAY BE A CRIME UNDER THE CRIMINAL JUSTICE ACT 1988.</p> <p style="text-align: right;">SOUTHERN WATER</p> <p style="text-align: right;">Southern Water Water & Sewerage May Street Herne Bay, Kent ME12 3SW Telephone: 01590 22 2844 Fax: 01590 22 2845</p>
NO.	DATE	BY	CHK	APP	FOR											
1	10/11/12	SMH	RM	AM	FOR PLANNING											
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<p>Received - 15 November 2012 Planning Applications Group</p>					<p>PROJECT TITLE</p> <p>MAY STREET HERNE BAY WTW</p>	<p>PROJECT NO.</p> <p>100070</p>	<p>PROJECT DATE</p> <p>1/25</p>	<p>PROJECT DRAWN BY</p> <p>MASTHEBA</p>	<p>PROJECT CHECKED BY</p> <p>AB-5500111.020705</p>							

Construction of two walk-in kiosks at Herne Bay Wastewater Treatment Works, May Street, Herne Bay – CA/12/2121 (KCC/CA/0398/2012)

Proposal

5. The planning application is being made on behalf of Southern Water and seeks permission for 2 new kiosks as part of a planned upgrade to the existing Wastewater Treatment Works at May Street, Herne Bay. The upgrades are proposed by Southern Water to address new and revised environmental controls required by the European Union Water Framework Directive and regulated by the Environment Agency. The new Environmental Permit requires that the site meets a discharge standard for concentrations of phosphorus (and subsequently iron) within the effluent discharge.
6. The proposed upgrades form part of Southern Waters' AMP 5 (Asset Management Plan 5) Programme. This is a major programme to refurbish and upgrade various existing wastewater treatment works and associated sewer infrastructure required by the water industry regulator the Office of Water Services (OFWAT), and the Environment Agency. The AMP5 Programme covers a period between 2010 and 2015. Each of the schemes must be completed by dates specified by the Environment Agency and OFWAT.
7. The overall scheme consists of a package of improvement works, most of which benefit from permitted development rights by virtue of Schedule 2, Part 16 'Development by or on behalf of a sewerage undertakers' of the Town and Country Planning General (Permitted Development) Order 1995 (as amended). The only element requiring planning permission and proposed within this application consists of a Ferric Dosing and Storage Kiosk and an Effluent Monitoring Kiosk.
8. The proposed walk-in Ferric Dosing and Storage Kiosk forms of a small building (approximately 9.6m by 4m by 3.75m high), creating 38m² of floorspace. An enclosed kiosk is required to provide a weather proof space for ferric storage tanks and electrical control and monitoring equipment. It is the provision of a new building that triggers the need for express planning permission. The equipment within the kiosk would allow ferric salt to be dosed into the existing process stream, which serves to reduce phosphorus levels within the waste water.
9. The Ferric Dosing Kiosk would be located towards the centre of the overall site area, more than 60m from the closest boundary. The location proposed is adjacent to part of an existing internal road layout, enabling delivery of ferric solution (by tanker) directly to the kiosk. The new building would sit amongst the existing structures, plant and built development within the treatment works. The building has a functional design and would be constructed in Glass Reinforced Plastic (GRP) with a dark green finish. Two external staircases would provide access to an upper section of the kiosk.
10. The second element of the application, the proposed Effluent Monitoring Kiosk, would be located at the eastern end of the treatment works (approximately 250m from the proposed Dosing Kiosk), positioned directly adjacent to existing kiosks, plant and equipment. The Monitoring Kiosk forms a box 1.65m by 1.65m by 2.25m high, also constructed in Glass Reinforced Plastic finished in dark green. This kiosk is proposed to house equipment that would improve monitoring of effluent quality, including phosphorus and iron concentrations.
11. The WTW is generally unmanned and there would be no change to the current monitoring arrangements and routine maintenance of the site on completion of the development. Ferric dosing would improve the treatment process and as a result

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existing sludge tanker movements would increase from 6 vehicles per week to approximately 8 vehicles per week following the development. The ferric solution would also need to be delivered to site by tanker generating an additional delivery once every 15/16 days (25 tankers per year)

12. Members will be reminded that the majority of the upgrade works do not require express planning permission and do not form part of this application, however for information this work would include the following:

- A Sludge Storage Tank with associated Odour Control Unit;
- Extension of hardstanding, including bunded delivery area adjacent to the Ferric Dosing Kiosk;
- Associated below ground works including connecting pipework, ferric dosing pipes, potable water supply to emergency shower, and drainage;
- Temporary Construction Compound

13. The overall construction programme (including the new kiosks if permitted) is proposed to commence in summer 2013 and would take approximately 68 weeks to complete. The length of the construction period is dictated by the need for the treatment works to continue to remain operational during all upgrades.

Planning Policy

14. The most relevant Government Guidance and Development Plan Policies summarised below are pertinent to the consideration of this application:

- (i) **National Planning Policy and Guidance** – the most relevant National planning policies and policy guidance are set out within the following documents:

National Planning Policy Framework (March 2012) sets out the Government's planning policies for England and is guidance and a material consideration for the determination of planning applications. It does not change the statutory status of the development plan, which remains the starting point for decision making. The NPPF replaces the majority of the Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs), although PPS10 relating to Planning for Sustainable Waste Management is currently retained.

The NPPF contains a presumption in favour of sustainable development. The new Framework also refers to the UK Sustainable Development Strategy Securing the Future which sets out 5 guiding principles for sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society, achieving a sustainable economy; promoting good governance and using sound science responsibly. In terms of the planning system, the NPPF identifies that there are 3 dimensions to sustainable development which create 3 overarching roles in the planning system -- economic, social and environmental. These roles are mutually dependent. Within the over-arching roles there are 12 core principles that planning should achieve. These can be summarised as:

- be genuinely plan-led;
- a creative exercise in finding ways to enhance and improve the places people live

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their lives;

- proactively drive and support sustainable economic development;
- secure high quality design and a good standard of amenity;
- take account of the different roles and character of different areas, including protecting Green Belts, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities;
- support the transition to a low carbon future, taking account of flood risk and coastal change and encourage the reuse of existing resources and the development of renewable energy;
- contribute to conserving and enhancing the natural environment and reducing pollution
- encourage the effective use of land by reusing brownfield land, providing that it is not of high environmental value;
- promote mixed use developments;
- conserve heritage assets;
- manage patterns of growth to make fullest use of public transport, walking and cycling; and focus significant development in locations which can be made sustainable; and
- take account of strategies to improve health, social and cultural well being, and deliver sufficient community and cultural facilities and services to meet local needs.

In terms of delivering sustainable development in relation to this development proposal, the following NPPF guidance is particularly relevant:

- Chapter 1 (Building a strong, competitive economy);
- Chapter 3 (Supporting a prosperous rural economy);
- Chapter 4 (Promoting sustainable transport);
- Chapter 7 (Requiring good design); and
- Chapter 11 (Conserving and enhancing the natural environment).

The Framework also requires that local planning authorities should look for solutions rather than problems. It states that those determining applications should seek to approve applications for sustainable development where possible.

Planning Policy Statement (PPS) 10 (Planning for Sustainable Waste Management) sets out Government policy on waste. The key planning objectives set out in PPS10 can be summarised as: providing a framework for delivering sustainable waste management; helping implement the national waste strategy and supporting targets that are consistent with obligations required under European legislation; helping secure the recovery or disposal of waste without endangering human health and without harming the environment; ensuring that communities take more responsibility for their own waste (self sufficiency) and enabling sufficient and timely provision of waste management facilities to meet the local needs; enabling waste to be managed in one of the nearest appropriate installations (proximity); and considering wider environmental and economic benefits of sustainable waste management; as material considerations that should be given significant weight in determining whether proposals should be given planning permission.

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(ii) **Development Plan Policies:**

South East Plan (SEP) (2009) – the most relevant regional policies include: CC1 (Sustainable Development), CC4 (Sustainable Design and Construction), CC6 (Sustainable Communities and Character of the Environment), CC7 (Infrastructure and Implementation), NRM1 (Sustainable Water Resources and Ground Water), NRM2 (Water Quality), NRM9 (Air Quality), NRM10 (Noise), W1 (Waste Reduction), W3 (Regional Self-Sufficiency), W4 (Sub-regional Self-Sufficiency).

Members will already be aware of the relevant South East Plan policy considerations in relation to the proposed development, in that The Plan was revoked and later reinstated pending the enactment of the Localism Bill. Members will also be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers.

Kent Waste Local Plan (1998) (Saved Policies) – the most relevant saved policies include: W6 (Need), W18 (Noise, Dust and Odour), W19 (Surface and Groundwater), W21 (Nature Conservation), W22 (Road Traffic and Access), W25 (Plant and Buildings), W27 (Public Rights of Way), and W31 (Landscaping).

Canterbury City Local Plan (2006) (Saved Policies) – the most relevant saved policies include: BE1 (High Quality Design and Sustainable Development), NE1 (Biodiversity), NE5 (Trees, Woodland and Hedgerows), C37 (Provision of Infrastructure), C39 (Air Quality), C40 (Potentially Polluting Development), and C41 (Waste Management).

(iii) **Emerging Policy**

Kent Minerals and Waste Development Framework: Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (2011) – Draft Policies CSW1 (Sustainable Waste Management and Climate Change), CSW2 (Waste Hierarchy), CSW3 (Strategy for Waste Management Capacity), CSW16 (Other Forms of Waste Development), DM1 (Sustainable Design), DM7 (The Water Environment), DM8 (Health and Amenity), DM9 (Cumulative Impact), DM10 (Transportation of Minerals and Waste) and DM18 (Ancillary Development).

Members will be aware that this document has not yet reached submission stage, as such the draft Plan and its policies carry little weight as material planning considerations.

Consultations

15. **Canterbury City Council:** raise no objection to the erection of two walk-in kiosks to support treatment processes at the Maystreet Wastewater Treatment Works

The delegated report prepared by the City Council's case officer concludes as follows:

'....improvements to the treatment works should assist in avoiding conflict between the residential and treatment uses. The treatment works forms part of an essential waste

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disposal service and upgrading is welcomed. No harm to residential or visual amenity would result from the proposal and so it is recommended that no objection is raised'.

Canterbury City Council Environmental Health Service: raise no objection to the current planning application. The Environmental Health Service confirm that it's records show intermittent complaints of odour from May Street, although none in recent years. The last recorded complaint was in September 2009 and the investigating officer concluded that there was no evidence of any problems at the time.

Environment Agency: raise no objection to the proposed development. The Agency draw the applicants attention to best practice guidance concerning pollution prevention measures during and after construction.

Kent County Council Highways and Transportation: raise no objection to the proposals in respect of highways matters, subject to conditions being attached to any planning permission including: the provision of space on site for parking, manoeuvring, loading and off-loading of all vehicles associated with construction; and precautions to guard against mud and similar substances reaching the public highway.

Local Member

16. The local County Members Mrs J. Law and Mr D. Hirst, were notified of the application on 27 November 2012.

In response Mr Hirst commented on the application as follows:

'This plant has continually produced highly obnoxious aroma since construction. The area is residential and likely to become more so. The moment is a time of change. The local Plan is due. I would like to see a bigger planning picture to allow for development in the area rather than a piecemeal development. Money has to be spent to comply with European Directives and this reinforces the moment to ensure residents do not suffer. The entrance to the existing site is far from good and traffic on the junction will increase significantly. I hope Southern Water will reconsider and move forward after publication of the local Government Framework. This is the opportunity to move the plant to a more suitable location rather than a sticking plaster mend approach'.

Publicity

17. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 25 neighbouring properties.

Representations

18. In response to the publicity, 2 letters of representation have been received objecting to the application. The key points raised can be summarised as follows:
- Strongly objects to the application on the grounds the proposals would exacerbate existing odour problems generated by the sewage works; notes that at times odour from the existing works is highly offensive;
 - Concerns that extra traffic would be a hazard at the entrance of the works, which is

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located on a busy junction;

- Considers that the development work proposed would be inappropriate within a residential area;
- Concerns that the building of further plant and equipment would be highly detrimental to the character of the countryside, and to residential amenities;
- Hopes that the Members will visit the site in order to see and experience the conflict that the installation already causes;
- Considers that as a result of expanding demand the treatment works will soon be unable to cope with overall wastewater outputs for the Herne Bay area, and therefore Southern Water will have to consider moving the facility elsewhere. Suggests that the company consider moving now before investing in the current proposals, suggests that any future location should be remote from residential property.

Discussion

19. The application seeks planning permission for 2 walk-in kiosks at Herne Bay WTW. The proposal is being reported to the Planning Applications Committee as a result of 2 letters of objection received from nearby residents, and following views received from Mr Hirst, local County Member for Herne Bay. Please see paragraphs (15), (16) and (18) for details of all representations and consultee views concerning the application.
20. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, National Planning Policy Framework, other Government Guidance and any material planning considerations arising during the consideration of the application. In this particular case it is also relevant to be aware that the driver for these upgrade works is set by European Directive. This is explored further in the 'need' discussions below
21. In my opinion, the main determining issues in this particular case relate to the following points:
- need for the development;
 - local amenity impacts;
 - highway considerations;
 - landscape and visual considerations;
 - biodiversity considerations; and
 - any other issues arising from publicity / consultations.

Need for the development

22. The proposed development forms part of work to upgrade Herne Bay WTW. The applicant states that the upgrades are necessary to address new revised controls on the treatment process being introduced to increase environmental protection, required under the European Union Water Framework Directive. The watercourse that receives the final discharge from the Herne Bay WTW has been classified as 'sensitive' under the European Directive. On the strength of this change in legislation, the Environment Agency has introduced a new Environmental Permit that requires wastewater to be

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treated to reduce concentrations of the nutrient phosphate before it is discharged into the watercourse. Increased phosphate levels potentially cause eutrophication¹ of freshwater courses, which can subsequently exhibit low biodiversity due to water quality and increased algal growth. As iron (ferric) salts are used to control phosphate levels, a maximum iron concentration is also being introduced. Under the Asset Management Plan for the current period 2010-2015, agreed by DEFRA and OFWAT, Southern Water has a statutory requirement to comply with the new Environmental Permit phosphate level for this treatment works by September 2014.

23. The need for these upgrade works is therefore established at the highest European Directive level. Furthermore, the proposed works would assist in reducing the environmental risk to the local watercourse by monitoring and controlling the discharge quality and ensuring that guidelines set by the Environment Agency are met. Therefore, it is considered that the proposed development would be consistent with the goals and principles of sustainable development in that it would contribute to conserving and enhancing the natural environment and reducing pollution whilst meeting the needs of the local community. I consider that both national planning policy and the development plan establish support for the proposed development in principle, subject to the development being acceptable in terms of its location, local amenity impacts and highway considerations. These points are considered further under individual issues as set out below.

Local amenity impacts

24. Members will note that local wastewater treatment works such as this one are positioned across the county. These smaller facilities have historically been developed in rural locations to serve the needs of local communities and to prevent the need to pump wastewater large distances to be treated. In most circumstances these types of minor development are dealt with under delegated powers as the impacts from the elements requiring planning permission are usually minor in nature. However, in this instance concern has been raised by local residents about the operation of the existing treatment works and potential amenity impacts, albeit largely relating to the overall development. These issues are considered in more detail below in so far as they relate to the kiosks to which this application refers.

Noise considerations

25. Once the development is completed, the applicant states that there would be no additional noise generated from the Ferric Dosing Kiosk or the Effluent Monitoring Kiosk. The application indicates that the Ferric Dosing and Storage Kiosk would use a number of small pumps, however these would be inaudible outside of the building. The only additional noise anticipated as a result of the development would be from a small increase in the number of HGV movements each week (approximately 4 additional HGVs per week – please see highways section for more detail).
26. The construction phase would generate additional noise through an increase in activity on site and the use of a variety of normal construction plant and machinery. The applicant confirms that any noise associated with construction activity would be managed in accordance with best practice, which would be incorporated within a Health,

¹ A process where water bodies receive excess nutrients that stimulate excessive plant growth (algae).

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Safety and Environmental Management Plan (HASEMP). The HASEMP would be prepared as part of the overall scheme and is used to manage and minimise the potential environmental impacts of construction activities.

27. Given the level of separation between the development sites and residential properties, I do not consider that the proposal would generate an unacceptable level of noise / disruption during the temporary construction period, and once operational the increase in existing noise levels would be minimal. I am also mindful that a significant part of the construction programme relates to development covered under permitted development rights, which could continue without any specific controls imposed by the planning authority. The City Council's Environmental Health Officer does not raise any concerns regarding noise impacts; I therefore recommend that the proposals are acceptable in noise terms.

Odour

28. The applicant states that the proposed kiosks, in themselves, are unlikely to have an adverse effect on any odour produced by the treatment works. The primary reason for the proposed ferric dosing is to reduce phosphorus levels in the discharge. However, a secondary effect of the process would help to limit some odorous emissions generated by wastewater. The application confirms that ferric dosing effectively removes hydrogen sulphide from the effluent in two separate reactions to form an odourless substance. The ferric dosing causes dissolved materials in wastewater to combine into solids, which is then removed from the effluent. This process increases the sludge output by approximately 30%, which is why the wider upgrades to the treatment works (to be completed under permitted development rights) include additional sludge storage capacity and associated infrastructure.
29. Southern Water maintains a log of odour complaints relating to the treatment works; this log indicates a fall in the number of complaints received from a high in 2007 to none in 2012. It is also noted that comments received from Canterbury City Council's Environmental Health Service raise no objection to the application, indicating that its records show no odour complaints since 2009.
30. The concerns raised by local residents in response to this application about general odour resulting from the wider operation of the facility have been raised with Southern Water. The company strongly urge anyone who has concerns regarding any odour generated at the site to contact its Customer Services Team so that they are able to respond to specific events that cause a nuisance outside the site boundary, and keep track of and address any persistent problems.
31. Government guidance on waste (set out in PPS10) states that waste planning authorities when considering planning applications for waste management facilities, should consider likely impacts on the local environment and on amenity, including proximity to sensitive receptors and the extent to which impacts/ emissions can be controlled. PPS10 also states that 'controls under the planning and pollution control regimes should complement rather than duplicate each other' and that 'in considering planning applications for waste management facilities, waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities'.

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32. Accordingly any pollution issue, including odour, arising from the operation of the development would be subject primarily, to control by the Environment Agency through its own legislative powers. The Agency has been consulted on this application and has raised no objection to the development. I also note that the development has the potential to contribute to improving the existing odour controls by modernising the treatment process on site to meet current and future standards.
33. On this basis it is considered that the proposed development of the kiosks is acceptable in terms of any local amenity impacts that would result from the proposals. All pollution control matters should be adequately controlled and regulated by the Environmental Permit process, including ongoing compliance checks and management required under the pollution control regime.

Landscape and visual considerations

34. South East Plan Policies CC4, CC6, Waste Local Plan Policy W25 and Canterbury Local Plan Policies BE1, C41 and NE5 seek development that is of a high standard of design that responds positively to the objectives of sustainable development, respects and enhances the character of the site and its context and surroundings.
35. The proposed development consists of the erection of a Ferric Dosing and Storage Kiosk (approximately 9.6m by 4m by 3.75m in height) located towards the centre of the treatment works, and an Effluent Monitoring Kiosk (1.65m by 1.65m by 2.25m in height) proposed at the eastern end of the site. Both buildings would be constructed from Glass Reinforced Plastic finished in dark green, and would be positioned amongst the existing structures, plant and built development within the site.
36. The kiosks must be sited within the operational boundary of the treatment works, close to existing structures and equipment. The proposed buildings are small structures both in absolute terms and within the context of the existing development within the treatment works. The siting of the proposed buildings is driven by operational reasons, since the equipment would form an integral part of the process stream, which takes place within a prescribed order. However, due to the overall size of this site the applicant has been able to position the proposed development to allow a reasonable level of separation between the buildings and the site boundaries in consideration of neighbouring land uses. The proposed Ferric Dosing Kiosk would be approximately 60m from the closest site boundary and more than 100m from the closest residential property. Similarly, the Effluent Monitoring Kiosk would be 45m from the closest site boundary and more than 200m from the nearest house.
37. The structures are of simple design, functional and entirely fit for the purposes of water treatment. Any views of the development from outside the site would be broken up by existing landscape planting around the site boundary, and in the context of the larger existing plant and built development within the treatment works.
38. The application includes the provision of limited external lighting to the exterior of the proposed Ferric Dosing and Storage Kiosk. This would consist of bulkhead lights fitted to illuminate the tanker fill point and both external doorways. The application confirms that these would only be switched on when required, and would not be left on overnight. This type of low impact lighting is entirely appropriate and necessary in the context of the wider treatment works. Consequently, I raised no objections to the lighting

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proposed, subject to a condition ensuring that the external lighting be installed as proposed within the application.

39. I consider that the design of the proposed kiosks is acceptable and fit for the intended purpose. I also consider that the development would have limited visual impact on the local landscape and visual amenity, given the proposed location within the site, the context of the existing structures, and the distance between the development and public vantage points. These vantage points include the public highway, Public Right of Way and local residential properties. The temporary construction compound, required for the duration of the construction period, would include the provision of temporary mobile buildings, providing office space, welfare and storage facilities. The construction compound would be permitted development and would be removed from site on completion of the development. In my opinion the development would accord with the development plan policies in place in terms of its design and visual impact.

Highway Considerations

40. Access to the site is from May Street, approximately 15m from the junction with Sweeneybridge Road and Heart In Hand Road, and 200m from a junction with the A299 (Thanet Way). The treatment works has a dedicated access road from the public highway, including internal driveways enabling access to the site area. No changes to the access road are proposed as part of the development.
41. The WTW is not permanently manned, however Southern Water staff visit the site on a daily basis to attend to routine maintenance and operational tasks. This arrangement would not change as a result of the proposed development. Other existing traffic includes HGV/ tankers visiting the site approximately 6 times a week to remove sludge for further treatment, and a skip lorry once a week to remove a screening and grit skip.
42. The construction period for the whole redevelopment of the site, including the work proposed under permitted development, is expected to take 68 weeks. During the mobilisation period (approximately 2 weeks) additional traffic to the site would consist of up to 10 HGV and approximately 8 light vehicles per day. The application states that during the construction period traffic volumes would vary depending on the schedule work. The excavation work at the start of the programme is expected to generate the most HGV movements, up to approximately 80 HGV movements per week. It is expected that for the majority of the construction period the development would generate an average of 16 HGVs per week and approximately 20 light vehicles per day. Parking for all vehicles would be provided within the treatment works.
43. Following completion of the development, there would be a small increase in the existing vehicle movements. The applicant confirms that ferric dosing improves the treatment process and as a result sludge production would increase by 30%. This would consequently require a small increase in the number of tankers attending the site from 6 per week to approximately 8 per week. The ferric solution required in the process would be delivered to the site by tanker generating an estimate delivery once every 15/16 days.
44. Kent Highways and Transportation has considered the application, including the proposed changes to existing vehicle movements, and raise no objection in respect to highways matters, subject to conditions seeking precautions during any construction period to minimise any impact on the public highway.

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45. Taking into account the view of Kent Highways and Transportation, I am satisfied that, whilst the construction period would result in an increase vehicle movements to the site, subject to precautionary conditions, the level proposed is not particularly high and would not have a significant or unacceptable impact on highway safety, congestion or local amenities for a temporary period. I am also mindful that much of the work is covered under permitted development rights and could be completed without the need for planning approval, including any vehicles associated with the construction period. Given the relatively small change in the number of vehicle movements proposed following completion of the development (approximately 4 HGVs per week), I am satisfied that the proposals are acceptable in terms of the potential highway implications. I recommend that any planning permission include conditions covering, amongst other matters, provision of space on site for parking, manoeuvring, loading and off-loading of all vehicles associated with construction; and precautions to guard against mud and similar substances reaching the public highway.
46. I note that Southern Water have, and continue to carry out upgrades on a number of similar sites across the county over recent years and have established good practice to manage any potential impacts resulting from the construction. As indicated above, the company's standard practice is to produce a Health, Safety and Environmental Management Plan (HASEMP) covering the construction period, which would include the management of construction traffic in accordance with best practice in order to minimise any impacts.

Biodiversity considerations

47. The application includes a desktop assessment and walkover survey of the site carried out by a qualified ecologist. The assessment concludes that the majority of the site consists of large areas of managed grassland with concrete and brick structures, all of which has limited ecological value and are considered to be unsuitable habitat for protected species. Notwithstanding this, the applicant is proposing to take a precautionary approach during construction and confirms that the HASEMP prepared for the site would ensure that any ecological impacts would be minimised, and that The Wildlife and Countryside Act (1981) and all other environmental protection regulations are fully complied with.

Other issues arising from publicity / consultations

48. Members will note that Mr Hirst has asked for careful consideration of the long term plans for the wider Herne Bay area, and the potential implication of these future aspirations on the continued development and operation of the Herne Bay WTW. He has asked that Southern Water give careful consideration to investing in the current facilities before the Canterbury District Local Development Framework has been adopted; suggesting that should further housing be planned in the locality this might be an opportunity for the treatment works to be moved away from the nearby residential properties as a result of the need for improved treatment capacity.
49. Southern Water has advised that the site treats local residential and business flows for an approximate population equivalent (p.e) of 38,984. The current predicted design size for the treatment works at 2020 is for a population equivalent 41,084. This would result in an increase in effluent flow of approximately 5%, which Southern Water indicates

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could be accommodated within the current treatment units. The company advise that the wholesale relocation of the treatment works is unlikely given that the site has existing capacity (and further land available if needed) to accommodate foreseeable flows from any population increase.

50. The applicant suggests that, notwithstanding the above considerations, the difficulties which would be encountered in finding an alternate site, along with the additional sustainability issues of pumping flows greater distances, would potential prevent Southern Water's regulators (OFWAT) from approving a move once net benefits had been considered.
51. I note that the pre-submission consultation draft of the Canterbury District Local Development Framework is due to be published until April 2013, and the final plan is not anticipated to reach adoption stage until April 2014. I accept that careful consideration of the wider aspirations for the Herne Bay area will have a bearing on Southern Waters longer term plans for this site, once Canterbury District Council has published an adopted approach to the provision of housing. I understand that Southern Water are a statutory consultee in the preparation of the Development Framework and will continue to feed into the process at each stage.
52. In the context of the current application, Members can only consider the proposals that are submitted at this time. It is unreasonable to expect the statutory undertaker to relocate the treatment works given that the site has been established to serve the needs of the local community and continues to form a vital part of the local infrastructure. The applicant has demonstrated a clear need for the proposed development in the short term to allow the facilities to continue to support the local community whilst meeting statutory environmental controls set down by the European Water Framework Directive, national regulators DEFRA and OFWAT and the Environment Agency. I am satisfied that the 2 kiosks proposed in the application accord with the current Development Plan and the principles of sustainable development and therefore recommend that the development should be supported.

Conclusion

53. The proposal is for the erection of two kiosks to support an upgrade to the WTW, which includes other works that fall under permitted development rights. Southern Water is obliged to provide upgraded sewage treatment and improved discharge quality in order to comply with European water quality objectives. The proposals are designed to improve the operation of the existing facility, which provides an essential service for the community of Herne Bay and the surrounding area.
54. I consider that the applicant has demonstrated that there is a clear need for the development, and that the location and design of the kiosks is acceptable and proportionate to the use proposed. I am satisfied that the development would not give rise to any significant adverse impacts upon local amenity or the environment, and that there are no other material considerations that suggest that the decision should not be taken in accordance with the Development Plan. On this basis, I consider that the application accords with National and Regional Policy and the relevant policies of the Waste Local Plan and Canterbury City Local Plan referred to above. I therefore recommend that, subject to the imposition of appropriate conditions, planning permission should be granted.

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Recommendation

55. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- development to be commenced within 5 years;
- the development being carried out in accordance with the submitted plans and any approved pursuant to the conditions set out below;
- the external lighting proposed should be implemented in accordance with the application documents;
- controls on the construction phase to minimise any impact on the public highway during this period, including precautions to guard against the deposit of mud and similar substances on the public highway; and
- controls on the hours of operation during the construction period.

Case Officer: James Bickle

Tel. no: 01622 221068

Background Documents: see section heading
