

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 other documents as might be additionally indicated.

Item C1

Construction of a motor control centre (MCC) kiosk to be sited in excavated alcove on the coastal slope to the south of the Leas and two vent stacks for air pressure equalisation of underground pumping station at Land between Clifton Crescent and the Leas, Folkestone, Kent. SH/09/870.

A report by the Head of Planning Applications Unit to Planning Application Committee on 8th December 2009.

Application by Southern Water Ltd for proposed MCC Kiosk and two vent stacks associated with construction of underground pumping station at Land between Clifton Crescent and the Leas, Folkestone, Kent.

Recommendation: Permission be granted subject to conditions.

Local Member: Mr Roland Tolputt

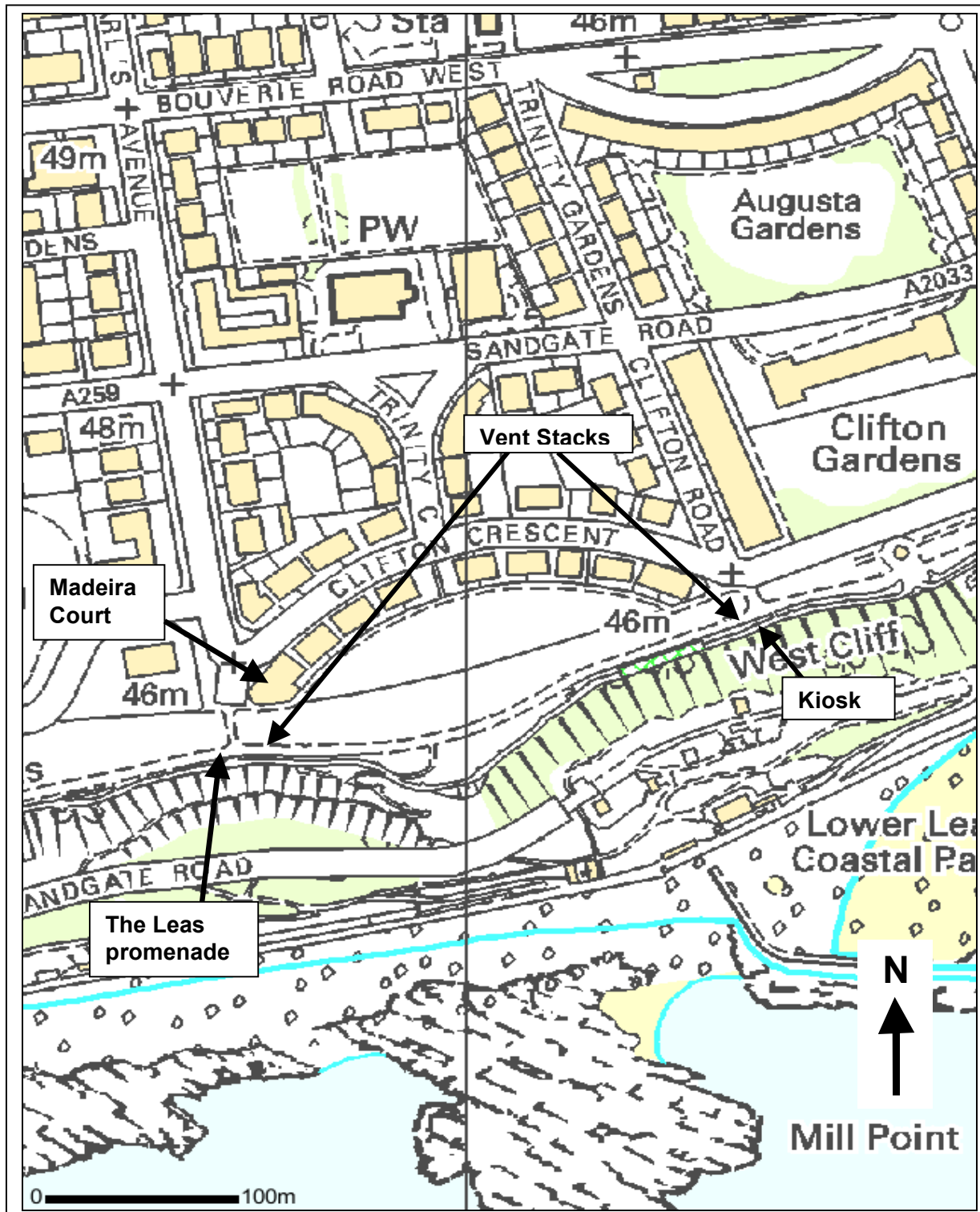
Classification: Unrestricted

The Site

1. The site lies on the south Kent coast on the urban fringe of Folkestone, approximately 1km west of Folkestone Harbour. The site is located between the residential properties of Clifton Crescent and The Leas coastal promenade. The application site is comprised of a small rectangular area of the cliff path below The Leas promenade and two small areas of The Leas Walk promenade itself, this is best illustrated by the attached plan. The site is flanked to the north by The Leas promenade, mown amenity land and the private communal garden and residential properties of Clifton Crescent. To the south of the site lies the cliff path which meanders its way down the coastal cliff to the Lower Sandgate Road and beyond to the shore.
2. The site does not lie in any area designated for nature conservation. However it does lie within The Leas and The Bayle Conservation Area. The area is predominantly residential, with a mixture of buildings dating from the 18th and 19th Centuries, many of which are listed for their historical and architectural interest. These buildings are at the closest point approximately 30 metres from the development.

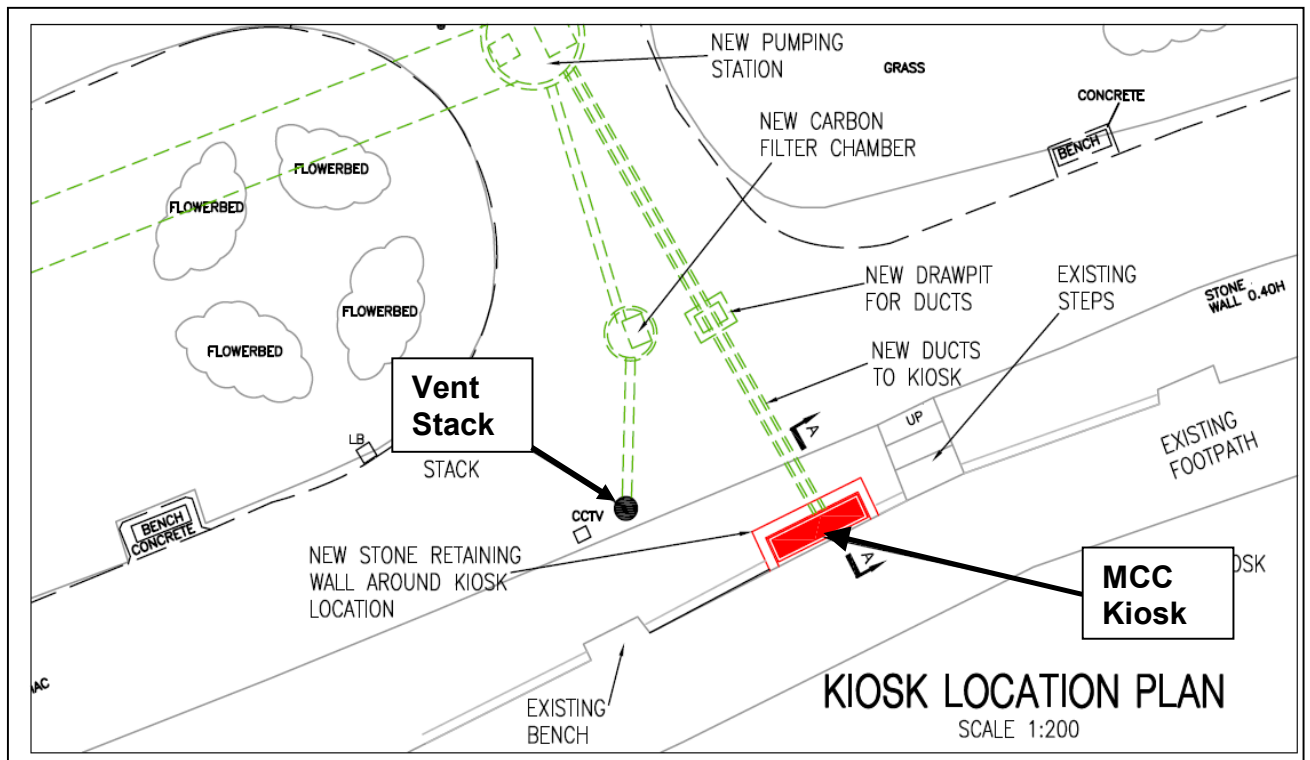
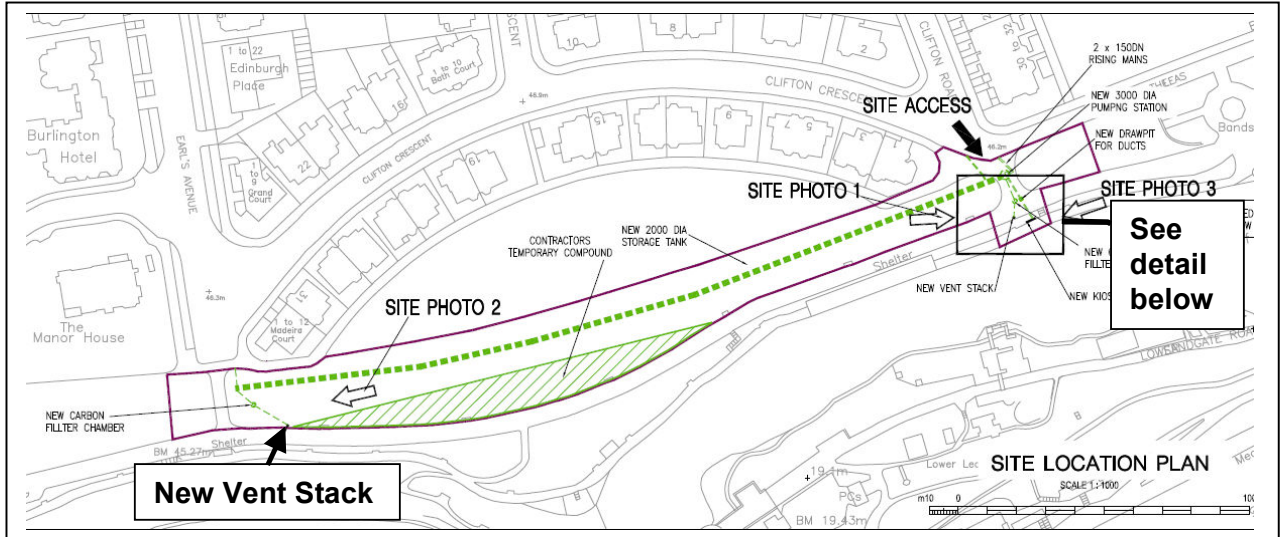
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Planning Background

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 below ground level 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 7500m² to install a larger capacity pipe along The Leas promenade.
4. The need for a pumping station in this area is driven by works to upgrade the sewage system in Folkestone to prevent sewer flooding to residential properties, specifically Flat 3, 25a Clifton Crescent; Flat 1, 27 Clifton Crescent; Flat 1, 29 Clifton Crescent; Flat 1, 31 Clifton Crescent. The applicant also notes that there are other properties at risk of sewer flooding within Clifton Crescent.

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The Proposal

5. The elements associated with the pumping station which require planning permission and are the subject of this application include the provision of two vent stacks and a motor control centre (MCC) kiosk. The proposal as submitted has been the result of thorough examination of alternative options for the location and design of the vent stacks and the MCC kiosk. This proposal contains the options chosen by the applicant as being the most appropriate in terms of the sensitivity of the location and the practicality of solving the local sewer flooding problem.
6. The MCC kiosk would be located along the cliff path in an excavated alcove as located on the plan. The kiosk would be a rectangular box shape of dimensions 3.00m x 0.60m and 1.60m high and would house the control panel and necessary electronic equipment to control and monitor the underground pumps and detention tanks. The dimensions are determined by the size of the equipment it is intended to house. The kiosk would be finished in ash grey Glass Reinforced Plastic (GRP). 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 the electronic equipment from damage. The alcove would be supported by a structural supporting wall built into the existing slope.
7. The proposal also includes the installation of two vent stacks, both vent stacks are proposed to be situated on The Leas promenade each located to the south of the western and eastern ends of the properties of Clifton Crescent. Their location is best illustrated by the attached site plan. Each of the stacks would be located adjacent to existing street furniture in order to minimise visual impact. The stacks would consist of cast iron base and column, coloured ash grey and white. The stacks would match the existing street furniture colour scheme. The stacks would be of 4.00m in height and of maximum external diameter of 0.35m reducing to 0.15m through the column. The stack's purpose would be to release air from the underground detention tank which would be displaced at times of heavy rainfall. The air would be deducted through a carbon filter, which would remove odiferous molecules from the air.
8. The temporary constructor's compound would be located on 1250m² of mown amenity land between The Leas promenade and the private walled garden of Clifton Crescent. The compound would take up this space for the duration of the works (Including the underground permitted development aspects). This would provide temporary welfare, office and storage area. Access to The Leas promenade would be maintained at all times. The cliff path however, where the MCC kiosk would be located, would have to be closed for a maximum period of 3 weeks.

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Construction programme

9. The applicant states that construction program for the entire wastewater works (including the elements that require planning permission) is estimated to last for 30 weeks. The applicants proposed hours of working are:

07:30 – 18:30 Monday to Friday
08:00 – 13:00 Saturdays

10. There is no requested working on Sundays or bank holidays.

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 for the permitted development aspects and the kiosk and vent stacks, during the construction phase would be approximately:

12 Light Van/Car per day
16 Car per day

12. Over the course of the construction phase there will also be approximately 320 lorry movements, 30 concrete wagons and 8 articulated lorry movements, most of which are related to the permitted development aspects.
13. 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 in the vicinity of the works is maintained at all times.
14. 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.
15. 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

16. The key Development Plan Policies relevant to the consideration of the application are set out below.
17. **National Planning Policies:** PPS1 (Delivering Sustainable Development), PPS10

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(Planning and Waste Management), PPS23 (Planning and Pollution Control) and Waste Strategy for England 2007.

18. **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).
19. **Kent Waste Local Plan (March 1998) (Saved Policies):** Policies W18 (Noise, Dust and Odour) and W19 (Groundwater)
20. **Shepway District Local Plan (2006) (Saved Policies):** BE3 (Conservation Areas), BE4 (Conservation Areas), BE5 (Listed buildings), LR9 (Protection of open space, amenity land)

Consultations

21. **Shepway District Council (SDC):** Do not object to the proposals, but wish to make the following comments:
 1. The application lies within a predominantly residential area within the Folkestone Town settlement boundary. Further to this the site lies within an area designated as a conservation area for its historic appearance, with listed buildings surrounding the site. As such the development must be weighed against the setting of the listed buildings and in context of the conservation area. Development should seek to conserve or enhance this settling in line with Section 66 (1) and Section 72 (1) of the Planning (Listed buildings and Conservation Areas) Act 1990.
 2. SDC does not object to the erection of the vent stacks subject to the use of the proposed design, height and colour scheme which should match existing adjacent structures. The location of the Kiosk would not be visually prominent and as such would not be detrimental to the character and appearance of the conservation area subject to the proposed design, size and colour.
 3. Shepway District Council's Environmental Health Unit suggest that any noisy machinery should only be operated between the hours of 0800 - 1800 Monday to Friday and 0800 – 1300 Saturdays. This is due to the close proximity of sensitive residential receptors. If other works are needed outside these hours they should be non-noisy activities which are unlikely to cause disturbance.

Environment Agency: Do not object to this proposal, provided that conditions in regards to contamination, disposal of soil, drainage and fuel, oil and chemical storage are imposed on the planning permission.

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Jacobs (Landscape and Visual impact): Consider that both the vent stacks and the MCC kiosk would not have any significant effect on the Conservation Area, or the setting of the listed buildings along Clifton Crescent. It is accepted that the vent stack would be visible from the properties of Clifton Crescent; however the vent stacks would not be visually intrusive. The landscape advisor considers that the uncluttered nature of The Leas promenade may be affected by the proposed vent stacks. It is considered that the best location for the vent stacks in terms of limiting visual impact would be on the cliff path, however it is recognised that this may not be the best solution in terms of practicalities of operation. It is considered that the colouring of the vent stacks and MCC kiosk to match existing street furniture would be appropriate.

Jacobs (noise and air quality): Have no concerns with the operational phase of the MCC kiosks or the vent stacks in terms of noise or odour. In particular regard to the vent stacks during normal circumstances, there would be no quantifiable flow through the vent pipe as sewerage will flow through the existing sewer. At times of heavy rainfall (storm events), the highest rates of flow through the vent stacks will occur in order to release air pressure from the system as water fills the sewer and tank. Given the above, the location of the vent stacks near the cliff edge and the height of the vent stacks (4 metres), the vent stacks are unlikely to cause detriment to the nearest residential receptors and users of The Leas promenade.

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

Local Member

22. The Local County Member for Folkestone South, Mr Roland Tolputt was notified of the application on 7 September 2009. No comments have been received to date.

Representations

23. The application was advertised in a local paper, a site notice was posted and 79 local residents were consulted. 2 letters of **objection** from members of the public have been received. The main reasons for objection can be summarised under the following points;

- Visual Impact
- Odour

Discussion

24. 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 the context of this application, the policies outlined in

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paragraphs 16 – 20 are of greatest relevance.

25. Until the Kent Waste Development Framework has been adopted as a replacement for the Kent Waste Local Plan (1998), and any identified sites and location criteria have been subjected to a Sustainability Appraisal and Strategic Environmental Assessment as part of that process, PPS10 requires that planning authorities should ensure proposals are consistent with its policies.
26. The key issues for determination of this application, in my opinion, are the need for the proposals balanced against the impact both temporary and permanent upon the amenity of the area.

Need for Proposal

27. 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. Currently the residential properties of Flat 3, 25a Clifton Crescent; Flat 1, 27 Clifton Crescent; Flat 1, 29 Clifton Crescent; Flat 1, 31 Clifton Crescent are known to be affected by sewer flooding. The applicant also notes that there are other properties at risk of sewer flooding within Clifton Crescent. The network of proposed infrastructure (pumping station, tanks, new sewer etc) is designed to address these flows.
28. 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.

Amenity impacts

29. It is considered that the greatest impact upon the amenity of the area 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 area of concern in turn.
30. Saved Policies BE3, BE4, BE5, and LR9 of the Shepway District Local (2006) plan serve to protect the conservation area, listed buildings and amenity open space around the site as such regard should be had to these policies. 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. Development where mitigation would not afford adequate protection should not be supported.

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Location of development and visual impact

31. Local residents have raised objection to the location of the two vent stacks, which are proposed to be located along The Leas promenade. The area forms part of The Bayle and The Leas Conservation Area, and is typified by a number of listed buildings, manicured lawns and flower beds. The promenade on which the vent stacks are proposed to be located consists of a wide asphalt pedestrian footpath along the seafront. The promenade is characterised by regularly spaced ornate cast iron lamp posts with interspersed litter bins and benches. The lamp posts are coloured ash grey at the bases with white columns; similarly the litter bins are coloured ash grey with the benches finished in dark stained wood. There are some modern fixtures along the promenade including a CCTV column, which is coloured in the same fashion as the lamp posts.
32. The vent stacks would be formed from cast iron and painted ash grey at the base with white columns to match the existing street furniture. Shepway District Council and the County Council landscape advisor agree that these are both an appropriate colour scheme and material for the vent stacks in this location. I share this view.
33. The Applicant proposes the first of the vent stacks to be located adjacent to the CCTV column to the east of Clifton Crescent and the second would be located adjacent to a Victorian lamp post approximately 25m to the South of Madeira Court. KCC's landscape advisor is of the opinion that locating the vent stacks further away from the lamp posts and CCTV column would reduce the visual impact and maintains the uncluttered appearance of the promenade, and has suggested they be better located on the cliff path below the promenade. However she also acknowledges this may not be practical.
34. The Applicant considered a number of alternative locations for the vent stacks prior to submission of this application. For practical reasons the location of the vent stacks on the promenade would result in less permanent construction activity, such as maintenance areas and steps into the Cliffside. Furthermore placing the vent stacks below the cliff path would still result in the structures protruding above the promenade and the associated visual intrusion. Lowering the height of the vent stacks would reduce the effectiveness of the dispersion required and is not a reasonable option.
35. The simplistic functional design is proposed to not compete with the ornate lamp posts which would continue to draw the eye. The location of the vent stacks is not contested by Shepway District Council, who have considered the impact of the proposals upon the conservation area and nearby listed buildings. Given there is no objection to the stacks being located within the conservation area on balance I consider that relocating them elsewhere would cause practical problems and would not necessarily result in less visual impact.
36. Further specific concerns have been raised by local residents about the impact of the positioning of the vent stacks on views across The Leas and out to sea from the properties of Clifton Crescent and Madeira Court. KCC's landscape advisor has been consulted on

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the impact of the vent stacks from these properties and has come to the conclusion that the vent stacks being of maximum diameter of 0.35m at the base and 0.15m through the column would only be viewed as a minor part of the wider sea view. The landscape advisor concludes that due to the scale and location of the proposed vent stacks they would not be particularly intrusive. As such I am satisfied that the location and design of the vent stacks and design would not have any detrimental visual impact on the views from residential properties.

37. This application seeks to locate the MCC kiosk in a purpose built alcove on the downward slope of the cliff path. The alcove would be designed in similar fashion to existing alcoves in the cliff path which house benches. The alcove would be cut into the cliff slope, lined with concrete or block wall reinforcement then faced and capped in stone to match the existing alcoves. This design solution ultimately would not restrict the use of the footpath and is not considered to have an unacceptable impact on the setting of the conservation area or listed buildings.

Odour

38. Concerns have been raised by local residents over the odour impacts from the vent stacks location. The vent stacks would be located approximately 25 meters away from the nearest residential property of Madeira Court. The vent stack would have a carbon filter odour control system, which would be maintained and replaced periodically. Regular maintenance of the site would ensure that this is done as and when it is required. This is a standard design solution used by Southern Water on sites across the County. The County Council's odour and air quality advisors did not raise any concerns over potential odour issues. As such I am satisfied that subject to a condition requiring regular maintenance of the carbon filter any odour impacts upon the residents of Madeira Court would be satisfactorily mitigated.

Noise

39. Noise impact will mainly occur through disturbance during the temporary construction. 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 and raised no concern in regards to noise during the construction or operational phases and does not object to the proposals. I am satisfied that any potential noise impacts could be appropriately mitigated by the use of planning conditions and best working practices to ensure that disturbance is minimised.

Access

40. It is accepted that there would inevitably be minor disruption to local roads during construction, and as such the applicant has proposed that a transport management plan to

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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.

- 41. Once the construction phase of the proposal would be completed there would not be any long term traffic impacts from the proposal. Routine maintenance via infrequent visits to site via light van would not pose any significant impact on highway safety or capacity.

Dust

- 42. Dust impacts which may arise during construction would be minimised through the adoption of best practice measures.
- 43. Concern has been raised by a local resident 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 Planning Authority.

Conclusion

- 44. 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 those minor elements above ground 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. The site is within a Conservation Area and near to Listed Buildings; the applicant has had regard to these in working up a sympathetic yet practical solution to the problem at hand. I am satisfied that thorough exploration of alternatives to location and design has been explored and the most appropriate solution proposed. 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

- 45. I RECOMMEND that PERMISSION BE GRANTED subject to appropriate conditions including standard time condition, maintenance of carbon filter, noise controls, construction hours and measures to prevent mud or debris on the highway, contamination, disposal of soil, drainage and fuel, oil and chemical storage and design.

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