

REGULATORY COMMITTEE
11 FEBRUARY 2009

CHRISTIAN MALFORD: PROPOSED CONSTRUCTION OF A SEWAGE PUMPING STATION REQUIRED IN ASSOCIATION WITH THE CHRISTIAN MALFORD FLOOD ALLEVIATION SCHEME, WORKS INCLUDING 'GRASSCRETE' ACCESS TRACK, MOTOR CONTROL CENTRE KIOSK, POST AND RAIL FENCE, TIMBER ACCESS GATE AND ASSOCIATED BELOW GROUND DEVELOPMENT AT LAND ADJACENT TO CHURCH STREET, CHRISTIAN MALFORD FOR WESSEX WATER
(Application No. N/08/07020)

Purpose of Report

1. To consider the above application and to recommend that conditional planning permission be granted.

The Site

2. The application site is to the west of Church Road in the village of Christian Malford. The proposed Sewage Pumping Station (SPS) is located within the south-east corner of an improved pasture which is currently utilised for cattle grazing; with the proposed access track running along the hedge boundary to the north and then turning east to join Church Road. To the south and east lies residential housing, whilst pasture extends to the immediate north and west with the Bristol Avon County Wildlife Site (CWS) approximately 400 metres beyond. The Grade II listed buildings Anchorage, Wayside and Red House stand to the north-east of the proposed development site with definitive footpath 1 running along part of the access track. The application site is predominately flat with a number of established hedgerows and trees.
3. Location and site plans are attached at **Appendices 1 and 2**.

Planning History

4. There is no planning history for this site.

Proposals

5. The applicant is proposing to undertake a programme of works to alleviate a long standing problem of surface water flooding within the Church Road area of Christian Malford. The applicant advises that the flooding within the Church Road area is the result of insufficient capacity within both the existing village sewerage network and the trunk sewer that transports the flows from Christian Malford to the existing Sutton Benger Sewage Treatment Works (STW). Consequently, it is proposed to increase the capacity of the sewerage network within the village by laying a new sewer main from the village to Sutton Benger STW. These works would be carried out under Permitted Development Rights.
6. Due to the topography of the area it is necessary to construct a SPS to pump the flows to the STW. It is the SPS and associated works that require planning permission which are the subject of this application.

7. The proposed SPS will require an above ground Motor Control Centre (MCC) kiosk to house the control panel for the below ground pumps, fencing and a new access track from the field entrance to the compound.
8. The works subject to this proposal are:
 - (i) Sewage Pumping Station compound, comprising:
 - Motor Control Centre Kiosk (3.0m x 0.6m x 1.3m) sited on a partly buried 0.3m concrete plinth to house the control panel for the below ground pumping station.
 - Two 0.30m vent pipes.
 - Below ground pumping chamber (3.6m internal diameter)
 - Below ground valve Chamber (1.8m internal diameter).
 - (ii) Grasscrete access track (185m x 5m) from the SPS compound to the highway.
 - (iii) 1.2 m wooden post and rail fencing surrounding the SPS compound.
 - (iv) 4.5 m x 1.2 m timber access gate.
9. The total area of land within the red line of the planning application is 0.17 hectares.
10. A 'Screening Opinion' under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been issued by the County Council concluding that the proposal does not constitute EIA development.

Planning Policy

11. The following planning policies are considered relevant to this proposal:
 - Policy W4 of the Wiltshire and Swindon Structure Plan 2016 (WSSP)
 - Policies 2, 6 and 24 of the Wiltshire and Swindon Waste Local Plan 2011 (WSWLP)
 - Policies NE9, NE15, NE18, NE22 and HE4 of the North Wiltshire District Plan 2011 (NWDP).
12. All relevant planning policies are set out in the attached **Appendix 3**.

Consultations

13. **Local Member, Mrs. J. Scott** – no comments received.
14. **North Wiltshire District Council** – comments that the works are required in association with a flood alleviation scheme and are proportionate and reasonably necessary.
15. **North Wiltshire District Council Environmental Health (EHO)** - no adverse comments.

16. **Christian Malford Parish Council** – confirms its unanimous support for the proposal.
17. **Environment Agency** – confirms that the proposal falls outside the scope of matters on which the Agency is a statutory consultee and therefore has no comments.
18. **County Countryside Section (Landscape)** – no objections in principle but has concerns relating to the width of the grasscrete access track and the possible urbanising impact it may have until greened up.
19. **County Countryside Section (Ecology)** – considers that sufficient survey has been carried out in respect of protected species. Recommends that a Construction Method Statement (CMS) is submitted prior to works commencing on site with regard to the protection of Great Crested Newts.
20. **Local Highway Authority** – no objections subject to a number of conditions relating to surface water discharge, surfacing and entrance gates.
21. **Rights of Way** – confirms that the access road would be constructed along part of the length of footpath 1 and requested that any interruption to public use be kept to a minimum. Any closures for works would have to be carried out under the temporary traffic order procedure.
22. **County Archaeologist** – confirms that there are no known archaeological remains directly affected by the proposal, and therefore is of the opinion that there is no need for any archaeological mitigation work in relation to this scheme.
23. Copies of the consultation replies referred to above are available for inspection in the **Members' Room**.

Publicity

24. The application has been advertised in the local press and by site notice. A neighbour notification exercise has also been undertaken. Letters of representation have been received from two residents and a representing agent, raising the objections and concerns outlined below:
 - Detrimental effect on enjoyment of residents' garden.
 - Exceptional health circumstances and stress caused by the proposal.
 - Potential for odour emissions.
 - Potential for noise nuisance.
 - Visual impact.
 - Affect on adjacent Listed Buildings.
 - Flooding from the SPS.
 - Lack of consideration to alternative sites due to Wessex Water deadline commitments.
 - Devaluation of property.

25. In addition three letters of support have been received stating the need for the proposal in the village due to the current inadequacy of the gravity flow sewage system. The letters outline experiences of effluent discharging into back gardens and the effect of bad weather on day to day household life.
26. Copies of the representations received are available in the **Members' Room**.

Planning Considerations

27. This planning application must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
28. Having regard to the consultation responses, letters of representation and Development Plan policies, it is considered that the main issues in the determination of this application are:
 - Need
 - Impacts on local amenity
 - Impact on the landscape/visual amenity
 - Ecological impact
 - Highway considerations
 - Alternative sites

Need

29. Policy 2 of the WSWLP requires the applicant to demonstrate the need for the proposal, especially where the need for the development may outweigh other material planning objections.
30. The Environmental Supporting Statement (ESS) submitted with the planning application states that there have been a number of both internal and external flooding incidents in the southern half of Christian Malford due to insufficient hydraulic capacity of the existing gravity sewerage system. Flow surveys and sewer modelling have been undertaken and have confirmed that the root cause of the flooding within the Church Road area of Christian Malford is the large volumes of surface and ground water entering the foul sewer network from unknown sources, combined with insufficient capacity within the existing trunk sewer between Christian Malford and the Sutton Benger STW.
31. Consequently, the proposed SPS has been submitted to enable essential works to cater for waste within the catchment area and to alleviate instances of foul water flooding experienced by the village. Officers consider the need for the development has been adequately demonstrated and that the improvements this project would bring to the management of surface water flooding in this part of the village can be afforded some weight in the determination of this application.

Impacts on local amenity

32. However, the benefits of the proposed development must be weighed against the potential the SPS has to impact on local amenity both during the construction and the operational phases. These issues are considered below.

Dust

33. During the construction phase particularly when excavations are taking place there is a potential for dust generation. However, the compound area is relatively limited and with good site management and the adoption of suitable dust control measures, as outlined in the Environmental Supporting Statement, it is considered that no significant adverse impacts from dust will result from the proposal. Such controls can be secured by planning condition.

Noise

34. The proposed SPS is located at the south-eastern boundary of a pasture field. The nearest residential property (receptor) is approximately 24 metres to the south-east of the site. Objections have been received to the application detailing noise as a concern.
35. Planning Policy Guidance Note 24: Planning and Noise (PPG24) states that the impact of noise can be a material consideration in the determination of planning applications. Policy NE 18 of the NWDP states that development will only be permitted where it would not generate harm upon human health by the emission of excessive noise.
36. There is potential for noise impact both during construction and operation. Construction noise will be relatively short lived due to the small scale development of the pumping station. Impacts can be limited by the specification of working hours for construction and these can be made subject to condition.
37. Operational noise needs particular consideration due to the 24 hour operation of the SPS. A noise risk assessment has been undertaken which identifies the submersible pumps as the only potential source of operational noise. The risk assessment concludes that the proposals are unlikely to cause a noise nuisance at the nearest property as the pumps would be submerged and enclosed inside the wet well chamber that is sealed by a close fitting metal cover.
38. Whilst officers understand the concerns raised by the objectors, the risk of noise nuisance is reported as minimal. The EHO has reviewed the technical data provided by the applicant and considers that there is no evidence that the unit would cause a noise nuisance. The risk of noise nuisance from the proposal is therefore considered to be sufficiently minimal that a refusal of permission could not be justified on this basis. The proposal is considered to be in accordance with planning policy.

Odour

39. It is reported in the ESS that a SPS of the proposed size proposed do not normally release foul odours or create an odour nuisance as the volume of sewage and air within the chambers are generally too small to create odourous vapour. However, it is possible that a small volume of air could be released from the chamber during routine operational practices. The apparatus would be remotely monitored and visited for manual inspection 12 times a year. Whilst the applicant states that it would be unlikely that the development would result in an odour nuisance, objections have been received to the application detailing odour as a concern.

40. Policy 6 of the WSWLP states that new waste management facilities will only be permitted where it can be demonstrated that there will be no significant adverse impact on the environment, human health or amenity. Sub section (d) of the policy relates specifically to odour.
41. The applicant has stated that through apparatus design, experience, good management and monitoring regimes, the proposal is unlikely to result in an odour nuisance. The EHO has reviewed the technical data provided by the applicant and considers that there is no evidence that the unit would cause an odour nuisance.
42. The risk of odour nuisance from the proposal is considered to be sufficiently minimal that a refusal of permission could not be justified on this basis. However, in light of concerns from adjacent residents, safeguarding conditions can be applied to require the adoption of an appropriate Odour Management Plan to further minimise any risk.

Flooding from the SPS

43. An objection has been received raising the concern of flooding from the proposed SPS. As a result, officers requested further information to obtain an understanding of the potential risk of a flood event. The applicant confirmed that there were several layers of protection from flooding, these include:
 - Two sets of pumps on site. A duty pump and a standby pump that takes over if there is failure of the duty pump.
 - The SPS would be linked by telemetry to Wessex Water Control Centre which operates 24 hours. Should both pumps fail, the Control Centre would be alerted and the problem dealt with as an emergency situation.
 - The chambers are designed to cope with 12 hours of flow (in the event of a pump failure) without reaching full capacity.
 - The chamber is fitted with an emergency overflow that would take flows directly to the STW if the chamber reached full capacity.
44. The proposal has not received adverse comments from the Environment Agency. Officers consider that the risk of flooding from the SPS is minimal due to the design of the proposed apparatus and the operational safeguards that will be in place.

Exceptional health circumstances

45. Policy 6 of the WSWLP requires that there be no significant impact on human health or amenity.
46. One of the objectors is an adjacent resident who suffers from dermatomyositis, a condition that causes the immune system to attack muscles and skin. The resident's medical consultant has advised that medication for the condition does have a slight immunosuppressive affect and therefore the risk of infections is slightly higher and unnecessary exposure to infective organisms should be avoided.

47. The information submitted by the applicant indicates that risk to human health would be minimal due in large part to the design and specification of the SPS. This position is supported by the EHO and no concerns have been raised by the Environment Agency. The perception of health risks can be a material consideration and the weight to be attached to such issues has to be determined in each case. In this case, whilst officers are sympathetic to the objector's concern, there is no evidence to suggest that the SPS would significantly impact on human health and therefore such concern would not be a sufficient basis for withholding permission. A further consideration is that the SPS is part of a scheme that would alleviate flooding (possibly contaminated with effluent) in the vicinity of the objector's property.

Impact on the landscape/visual amenity

48. The application site does not lie within a sensitive landscape designation but is located outside the development boundary of the village, in countryside protected under Policy NE15 of the NWDP. The Policy states that the landscape of North Wiltshire shall be conserved and enhanced and that development will only be permitted where it does not adversely affect the character of the area.
49. A Landscape and Visual Amenity Report was undertaken by the applicant to provide an appraisal of the potential SPS site. The report states that the visibility of the proposal has been reduced as far as possible by designing the kiosk to be shorter than the Wessex Water standard so that only the top 0.1 metres of the kiosk would be visible from the property 'The Brambles'. The development would also only be visible to the residents of 'Pipers Ash' from the bottom of the property's garden. The development would also be visible to users of the public footpath that crosses the field. This would only be during the winter months when foliage cover is reduced. During the summer months this impact would be greatly reduced when vegetation is in full foliage.
50. Wessex Water consulted with residents on the use of mitigation measures to reduce visibility prior to the submission of the application. It was decided that, due to the open landscape of the local area, no landscape planting would be added as this may draw the eye to the development. The kiosk would be green in colour and a timber gate is proposed to further reduce the visual impact of the proposal. The visual assessment concludes that with the mitigation measures discussed, the development would have a low scale visual impact on the smallest number of receptors.
51. The County Landscape Officer does not object in principle to the proposal. It is accepted that the grasscrete access track needs to be of a certain width so as to affectively carry out its function and will green up over time, consequently any urbanising affect would be temporary. Officers consider the development would not have an adverse visual affect on the landscape or adjacent listed buildings due to its small scale nature, design and location.

Ecological impact

52. The application has been supported by a Phase 1 habitat survey which confirmed that the proposal site is suitable terrestrial habitat for Great Crested Newts (GCN). Further ecological surveys of several ponds in the area were carried out to ascertain the size of the GCN population present and what mitigation would be suitable. Surveys undertaken indicated a medium sized breeding population of GCN within a single large pond and a low sized population of GCN in two small ponds in the vicinity. The potential affects of the proposal on the GCN population would be appropriately mitigated through the installation of newt fencing and trapping. The mitigation would be carried out under a protected species licence granted by Natural England.

53. Policy 6 of the WSWLP requires that proposals should not have an adverse impact on protected species. This is further reiterated in Policy NE9 of the NWDP. The County Ecologist considers that sufficient survey has been carried out in respect of protected species and recommends that a CMS is submitted prior to works commencing on site with regard to the protection of GCN. The CMS would include specific timelines and be drawn up to ensure that the most sensitive time of year for GCN's can be taken into account and avoided if possible.
54. To minimise the impact of the development on the trees and hedgerows, there would be no excavation within tree canopies and the grasscrete surfacing will not impact on the root structure. The root protection area of the trees would be fenced off during construction. This approach is endorsed by the County Landscape Officer.

Highway Considerations

55. Whilst there would be some increased traffic in the area associated with the construction period, this would be for a limited time and once completed the site would only be visited periodically. The Local Highway Authority has no objections to the proposal, subject to a number of conditions relating to surface water discharge, surfacing and entrance gates. Consequently, it is considered that there are no significant highways or traffic issues.
56. The proposal includes an access road which would be constructed along part of the length of footpath 1. The County Rights of Way Section has requested that any interruption to public use be kept to a minimum. Any closures for works would have to be carried out under the temporary traffic order procedure. Officers understand that Wessex Water has applied for an order to close the footpath during construction hours and then re-open the footpath outside of these hours, including weekends. This approach is in accordance with Policy 6 of the WSWLP.

Alternative Sites

57. One of the objectors suggests an alternative site and considers that there has been a lack of thorough consideration of alternative sites due to Wessex Water deadline commitments for delivering the project.
58. The applicant states that the proposed site is the low point of the Church Road area of the village and therefore all flows naturally gravitate to this point. The existing sewerage infrastructure within the area also enters the field at the south-east corner of the field. Therefore locating the development at this point within the field would allow the SPS to connect easily to the existing sewerage network. The applicant considered alternative sites, but concluded that this scheme be pursued.
59. Officers are sympathetic with the objector's pleas for further investigation into an alternative site for the SPS. However, the fact that another location may be more acceptable would not itself justify the refusal of permission on this application site. The Council must consider the application before it.

Conclusion and Recommended Reasons for Granting Approval

60. The development forms part of a programme of works to alleviate a long standing problem of surface water flooding in the area and is considered proportionate and reasonably necessary.

- 61. The proposal has been carefully considered for potentially damaging effects on the environment and amenity and it is considered that subject to conditions requiring the safeguards and mitigation measures outlined the development is acceptable.
- 62. The development can be appropriately controlled by good site management and conditions can be imposed to protect local amenity, particularly in regard to odour control.
- 63. Whilst parts of the pumping station would be visible, it is considered that the development would not cause significant impacts on the landscape, the setting of listed buildings or on visual amenity.
- 64. Subject to appropriate mitigation in respect of ecological matters it is considered that there are no adverse impacts on protected species.
- 65. Subject to appropriate conditions and safeguards in respect of highway matters it is considered that there is no adverse impact on highway safety.

Recommendation

- 66. That permission be granted subject to the following conditions:

Commencement

- 1. The development hereby permitted shall be commenced within three years from the date of the permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

Adherence to the approved plans

- 2. Unless required by conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the submitted planning application N/08/07020, the accompanying documentation and Drawing Numbers: C9135/913/RevD, C9135/914/RevD, C9135/933/RevC.

Reason: To ensure the development is carried out in accordance with the submitted details and for the avoidance of doubt.

Working Hours (Construction Period)

- 3. No construction work related to this application shall be carried out at the site except between the following times:

07.30 – 19.30	Mondays to Fridays
08.00 – 13.00	Saturdays

No construction work related to this application shall take place on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenity of local residents and land users.

Access and highway matters

4. Provision shall be made within the site for the disposal or surface water so as to prevent its discharge onto the highway, details of which shall be submitted to and approved in writing by the Waste Planning Authority. Development shall be carried out in accordance with the approved scheme.

Reason: In the interests of highway safety.

5. Prior to the development being brought into use, the first 10 metres of the access shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall be first submitted to, and approved in writing by, the Waste Planning Authority.

Reason: In the interests of highway safety.

6. Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 10 metres from the carriageway edge.

Reason: In the interests of highway safety.

Amenity protection

7. Prior to the commissioning or use of any of the development hereby approved, an Odour Management Plan for the containment of potential odours from the facility hereby approved shall be submitted to, and approved in writing by, the Waste Planning Authority.

The Odour Management Plan shall include details of the following:

- A description of the sewage pumping process.
- Operational management procedures which shall identify and assess the risk of any areas of potential odour generation.
- Identify measures for minimising areas of risk and provide details of maintenance.
- Monitoring, record keeping and emergency response time.

The Odour Management Plan shall be fully implemented for the duration of operations. In the event that modifications or additions are made to the installations or in the written opinion of the Waste Planning Authority, the existing Odour Management Plan fails to contain odour, a revised Odour Management Plan shall be submitted to the Waste Planning Authority within 2 months for written agreement.

Reason: To minimise the potential for pollution and disturbance to local amenity.

Protection of existing trees

8. All existing trees and shrubs shall be retained, unless shown on the approved drawings as being removed. All trees and shrubs on and immediately adjoining the site shall be protected from damage during the course of works on the site. This shall be in accordance with the relevant British Standards (BS 5837:2005). In the event that trees become damaged or otherwise defective during such period, the Waste Planning Authority shall be notified within 7 days and a programme of remedial action shall be submitted for approval and thereafter implemented as approved.

Reason: In the interests of visual amenity and wildlife conservation.

Protection of ecological interests

9. The clearance of vegetation from the application site shall only occur between the end of August and the beginning of March or following a search for active bird nests within the site by an appropriately qualified person that confirms no nests are present.

Reason: In the interests of wildlife conservation.

10. Prior to the commencement of development, a Construction Method Statement must be submitted to and approved by the Waste Planning Authority. The Construction Method Statement should outline how Great Crested Newts will be protected during the construction and operation of the development and include specific timelines to ensure that the most sensitive time of year for the Great Crested Newts can be taken into account. The development will be carried out in accordance with the approved details.

Reason: In the interests of wildlife conservation.

GEORGE BATTEN

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Report Author

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The following unpublished documents have been relied on in the preparation of this Report:

Consultation replies and correspondence.