

**Open Report on behalf of Richard Wills
Executive Director, Environment & Economy**

Report to:	Planning and Regulation Committee
Date:	8 June 2015
Subject:	County Matter Application - (E)S185/0121/15

Summary:

Planning permission is sought by Anglian Water Services Limited to construct a sewage pumping station and layby at land adjacent to Balderstone Corner, Main Road, Toynton St Peter, Spilsby.

The main issues to be taken into consideration in the determination of this application relate to the proximity of the site to sensitive receptors and whether the development would cause any unacceptable harm to the amenity of the occupants of this property through odour, noise or visual impact.

Recommendation:

Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

Background

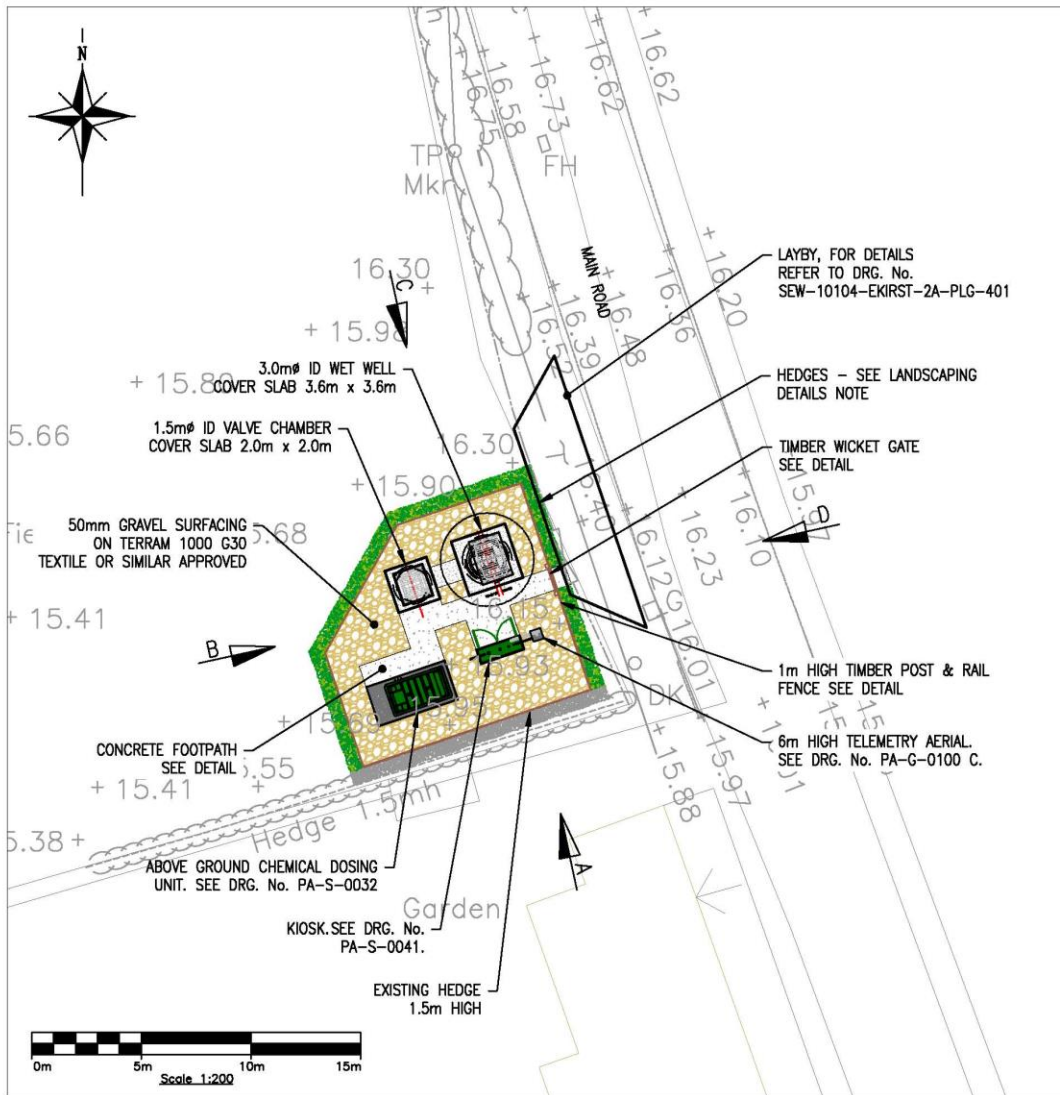
1. An application was made to Anglian Water in July 2009 on behalf of a number of residents in Toynton All Saints, to provide a first time sewerage scheme for the area under Section 101A of the Water Industry Act 1991. The reason stated for the application was that the soil conditions were unsuitable for the existing disposal system. Under the Act Anglian Water, as the sewerage undertaker, has a duty to provide a public sewer for an area where the existing drainage system gives rise to, or has the potential to have adverse effects on the environment and amenity. The most appropriate way of resolving such effects is by the provision of a public sewer.

The Application

2. Planning permission is sought by Anglian Water Services Ltd to construct a sewage pumping station and layby on land adjacent to Balderstone Corner, Main Road, Toynton St Peter, Spilsby.

3. A new sewage pumping station is proposed to serve 61 properties in Toynton All Saints. The system would deal with foul water only and would be located in the adjoining village of Toynton St Peter. The majority of properties within this area of Toynton All Saints are presently served by septic tanks for the disposal of their domestic foul water. Septic tanks are not closed systems and depending on the size and location, these tanks function with varying degrees of efficiency which can result in localised pollution of both the water environment and the soil around the systems.
4. The proposed pumping station would transfer flows from Toynton All Saints to the existing sewerage network at East Keal for onward treatment. The below surface pipelines and equipment would not require planning permission, but some equipment and apparatus would be above ground and it is these elements for which planning permission is now being sought.
5. As part of the process, Anglian Water is required to carry out a technical and economic assessment of the ground conditions, to determine the feasibility of installing a sewerage system. The Environment Agency and the Environmental Health Officer were consulted, who stated that they had no knowledge of any pollution incidents in the area.
6. Once operational, it is expected that one vehicle would visit the site every six weeks and use the proposed layby to park.
7. The proposed development would comprise the following elements:
 - Kiosk - this would house the electrical and telemetry equipment. The approximate maximum dimensions would be 2m x 60cm and 1.75m high. It would be constructed from glass reinforced plastic (GRP) and coloured green, and positioned on a reinforced concrete base.
 - Chemical Dosing System - this would ensure that there would be no septicity and consequently odour or acid corrosion within the network. It would dose a nitrate based product which would change the bacterial population to one which prevents septicity. The approximate maximum dimensions would be 2.8m long, 1.5m wide and 1.6m high and it would be constructed from glass reinforced plastic (GRP) and coloured green.
 - Telemetry Aerial - this would be a 6m high galvanised steel pole, 50mm in diameter, with the aerial on the top.
 - A new layby would be constructed from grasscrete, top soiled and grass seeded, and a footpath would be constructed from the layby into the site and around the equipment. The site would be surrounded by a 1.1m high post and rail fence and hedgerow along the western and northern boundaries. A footpath from the layby into the site and around the assets would be constructed to allow safe access to the pumping station. The rest of the site would be finished in gravel to allow infiltration of groundwater.

- In addition to the above, some underground equipment would be constructed approximately 5m below ground level, including a valve chamber and a wetwell.

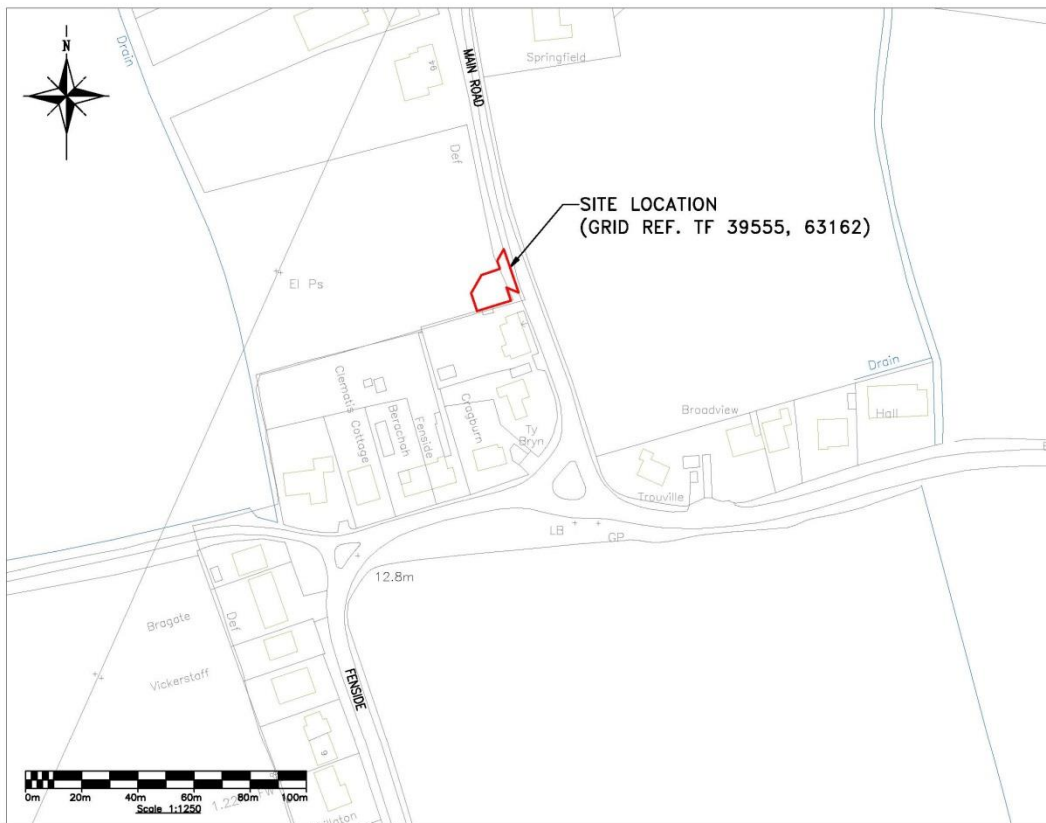


SITE PLAN

8. An ecological assessment was undertaken which concluded that, in view of the scale and nature of the site, any adverse impacts would be extremely unlikely. The report makes recommendations as to how to protect any potential species which may be affected, mainly reptiles and amphibians, badgers and breeding birds, during the construction phase.

Site and Surroundings

9. Toynton St Peter is approximately 2.5km south of Spilsby town centre. The proposed site is at the corner of an existing field located on the western edge of Toynton St Peter and approximately 600m to the south of Toynton All Saints. The area proposed for the sewerage pumping station is a maximum of approximately 12.5m x 11m with a maximum area of approximately 165sq.m. It fronts directly onto Main Street, which is the principal route through the village. There are residential properties to the south, and at a distance to the north, and open fields to the east and west. Fencing and hedging are positioned along the eastern and southern boundaries of the site, with the eastern boundary fronting onto Main Street.



LOCATION PLAN



Main Planning Considerations

National Guidance

10. National Planning Policy Framework (NPPF) – March 2012

Paragraph 120 seeks to ensure that consideration is given to the potential impacts on the amenities of local residents and other land users as a result of pollution.

Paragraph 123 - developments should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life.

Paragraphs 131 to 135 - the effect of a development on designated and non-designated heritage assets should be taken into account.

Paragraphs 186 and 187 – decision-taking should be approached in a positive way to foster the delivery of sustainable development and where possible planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions in the area.

Paragraph 215 states that 12 months after the publication of the NPPF(2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, the closer the policies in the plan to the policies in the Framework, the greater

the weight that may be given. This is of relevance with regard to the East Lindsey Local Plan and the Lincolnshire Waste Local Plan.

National Planning Policy for Waste (October 2014)

11. The Government is seeking a more sustainable and efficient approach to resource use and management and identifies positive planning as playing a pivotal role in achieving this. Waste Planning Authorities should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B - Locational Criteria. Of relevance to this application are considerations relating to conserving the historic environment and the potential effects on the significance of heritage assets whether or not they are designated and; odours, and consideration of the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment.

Local Plan Context

12. The following policies of the Lincolnshire Waste Local Plan 2006 (WLP) are of relevance to this application:

WLP18 (Sewage and Water Treatment) states that proposals for new development relating to the treatment and disposal of sewage, or for an extension to existing facilities will be permitted if:

- (i) it can not be accommodated on an existing site;
- (ii) the development is in accordance with the proximity principle;
- (iii) suitable transport access can be provided;
- (iv) it meets the criteria set out in WLP21.

Policy WLP21 (Environmental Considerations) states that planning permission will be granted for waste management facilities according to a number of criteria, the most relevant of which are set out below:

- (i) Agricultural Land - where previously agricultural land, or land of a lower agricultural grade is not available to accommodate the proposed development and the proposal is on land of the lowest possible grade in that locality;
- (viii) Archaeology - where the development would not adversely affect:
 - a scheduled ancient monument or other nationally important archaeological site or its setting;
 - the integrity or setting of an historic landscape or potential significant archaeological remains, and in relation to archaeological remains the approach will be dependent upon the significance of the potential remains;
- (xi) Dust, Odour etc - where the development including its associated traffic movements, visual impact, noise, dust, odour, litter and

emission, and its potential to attract scavenging birds, other vermin and insects would not have an adverse effect on local residential amenity including air quality; and/or other local land uses;

- (xii) Transport System - where sufficient capacity is available on the local or wider road system for the traffic that is expected to be generated. Improvements or alternative modes of transport can be implemented and/or where there would not be an adverse effect on road safety.

East Lindsey Local Plan 1999

13. Policy A4 – Protection of General Amenities: development which unacceptably harms the general amenities of people living or working nearby will not be permitted. The supporting text of this policy lists a number of criteria which should be considered including excessive noise, disturbance by movements to and from the premises, reduced accessibility to open space.

Policy A5 – Quality and Design of Development: development which, by its design, improves the quality of the environment will be permitted provided it does not conflict with other policies of the Plan. Otherwise, development will be permitted only where:

- (a) its design- including its layout, density, scale, appearance or choice of materials does not detract from the distinctive character of the locality;
- (c) it is integrated within a landscaping scheme appropriate to its setting.

Policy ENV24 - Protection of Open Spaces and Frontages: development will only be permitted on the open spaces and frontages which are identified on the Inset Maps as being protected, provided significant harm will not be caused to their appearance, character or the role they play in meeting one or more of the criteria set out below:

- (a) Preventing the coalescence of settlements.

14. On 5 January 2015 the Core Strategy and Development Management Policies (pre-submission draft) of the emerging Lincolnshire Minerals and Waste Local Plan was published for a period of public consultation. As this plan is still in its early stages of preparation, in line with paragraph 216 of the NPPF, the policies contained within this document currently carry very little weight in the determination of planning applications. The key policies of relevance in this case are:

- Policy W9 - Waste Water and Sewage Treatment Works
- Policy DM3 - Quality of Life and Amenity

Results of Consultation and Publicity

15. (a) East Lindsey District Council - has no objections to the application but question, if in the interests of odour, the plant could be re-sited at a further distance from residential property.
 - (b) Toynton St Peter Parish Council – has no observations, but would prefer that the fence surrounding the site is no lower than the existing boundary fence. Further comments were made regarding the difficulty in trying to obtain information from Anglian Water and that no public consultation exercise took place and consequently questions could not be asked by either the residents or Parish Council, so as to give a precise consultation response.
 - (c) Toynton All Saints Parish Council - has no objections to the application.
 - (d) Environment Agency - does not wish to make any comments on the application.
 - (e) Environmental Health Officer (East Lindsey District Council) – comments that although it is understood that efforts will be made to control odour from the site, it is considered that the plant is in such close proximity to the neighbouring property that it is likely to cause odour on occasion, and question whether the plant could be re-sited at a further distance from residential property.
 - (f) Historic Environment Officer (Lincolnshire County Council) - the site has been subject to a field evaluation. Historic Environment has confirmed that the application would be acceptable provided that conditions are imposed requiring a scheme of archaeological investigation, prior to the commencement of development which should include an assessment of the proposed mitigation strategy.
 - (g) Highways (Lincolnshire County Council) - requests that any planning permission should have a condition stating that no development shall be commenced until the works to construct the layby, have been submitted to and approved in writing by the Waste Planning Authority.
16. Local County Council Member, Councillor Mrs Ayling, the Lincolnshire Wildlife Trust and the Pipelines Agency were consulted on 21 January 2015.
 17. The application was publicised by site notice and a press notice appeared in the Horncastle News on 4 February 2015, and individual properties were also notified.
 18. Three letters of objection were received as a result of this publicity, and the points raised are summarised below:
 - the site is located where two medieval kilns are supposed to be sited. In the past all new properties in Toynton must have archaeological studies

and any kilns not be disturbed. The proposed scheme will destroy these historic kilns, which is not considered to be appropriate as they are of great historical value for the area. Toynton was a producer of fine pottery that was exported to an overseas market as well as across Britain;

- odour - the documents on the planning website suggest that odour may at times be offensive to neighbouring properties. There is odour from a nearby pig farm and they do not want odour from human effluent;
- noise and vibration - the pumps will be noisy and cause pollution for local properties. Vibration will cause damage over time to local properties;
- disruption to water flow - concerns by one of the residents that their ground source heat pump, which requires water to work, would be affected. Flood water into the road at the bottom of the hill is already significant after rain and any disruption to the water flow could render the ground source heat system inoperable or flood the road;
- mobile phone reception in the village, particularly where the pump is proposed, is extremely poor and it is possible that additional signals from the station could make this worse. Additional commercial communications could be detrimental to human health;
- the sewage pump station is proposed to facilitate Toynton All Saints, yet the station is to be located next to residences in Toynton St Peters which appears to be inequitable;
- all new residences have had to put in their own system and there are very few plots identified in the villages 10 year plan that are left to be built on, therefore there is not a need for the station. The village is small and thus the risk of any significant contamination from individual sewage tanks is small;
- concerns relating to the status of the site having a protected frontage and designated an area of open space;
- the application should be declined on the basis that it is too close to residences and may destroy significant archaeology.

The applicant responded to these concerns as follows:

- in relation to the possible siting of two medieval kilns, an Archaeological Evaluation is currently ongoing;
- there would be no odour issues associated with this type of installation. A chemical dosing system is being installed to ensure there would be no septicity, and consequently odour and acid corrosion within the network.

This changes the bacterial population to one which prevents septicity and therefore associated issues;

- noise - pumps would be located at the bottom of the wet well, nearly 5m below ground level. The pumps would not be operational at all times, however the exact number of starts per pump cannot be accurately stated as this would vary during peak times compared to off peak times. Noise measurements were made at a pumping station having the same characteristics as the one proposed. When the pumps were in operation, at a distance of approximately 7-8 metres, the noise levels were 48dB, however this measurement was affected by extraneous noise such as road traffic, birdsong and breeze in trees, therefore noise from the pumps would be lower than this. At 15m, noise from the pumps was not audible. The pumping station proposed is designed for far fewer properties and therefore would be smaller than that at which the measurements were taken. It is therefore considered that the pumping station would have no noise impacts on the surrounding area;
- vibration - there would be no vibration issues from the pumping station;
- disruption to water flow- the pumping station would not affect ground source heating systems and the sewerage system would not affect the existing surface water flow paths on the Highway;
- radio waves and other signals- many of the public's concerns regarding telecommunication development relate to health issues. As such, the International Commission for Non Ionising Radiation or ICNIRP produced guidelines (adopted by Government) to ensure any community is not exposed to high levels of non-ionising radiation. Therefore, as part of an application to erect a telemetry aerial there is a requirement to provide a signed declaration of conformity to ICNIRP. The signed declaration has been provided with the planning application and can be viewed with all the other submitted information;
- location - this has been determined by various factors, two of which are the location of existing utility services and land availability. The pumping station location is within Toynton All Saints Parish boundary;
- Anglian Water has agreed to provide a new sewerage system as a result of an application that came from the community, under Section 101a of the Water Industry Act 1991. The Act places a statutory obligation on a sewerage undertaker to provide a public sewer for an area where existing private systems are having or have the potential to have adverse effects on the environment, providing the provision of a public sewer is the most appropriate solution and therefore provision of a sewer is now a statutory obligation. It was determined in 2011 that the most appropriate solution, was to provide a public sewerage system to the area. Prior to the submission of the application Anglian Water wrote directly to those properties directly affected by the work and to Toynton All Saints and Toynton St Peter Parish Councils.

Conclusions

19. The application is to construct a sewerage pumping station and layby at Toynton St Peter. It would be located in the corner of an agricultural field, adjacent to a residential property and fronting onto Main Street. Policy WLP18 of the Lincolnshire Waste Local Plan states that where possible new sewage and water treatment should be at/within existing sites, but acknowledges that this is not always possible. Where developments have to be located elsewhere they should meet the proximity principle and accord with the criteria set out at Policy WLP21 of the Lincolnshire Waste Local Plan. In this case, the pumping station is new and has to be located within proximity of the village and properties it has been designed to serve, and the location has been determined by the existing utility services and land availability.
20. The site has a Protected Frontage, as defined by Policy ENV24 of the East Lindsey Local Plan. Amongst other criteria, this Policy seeks to protect sites by preventing the coalescence of settlements and providing a well-defined visual relief, particularly in the case of ribbon development. It is considered that the size and scale of the development in this location, and the fact that the built elements have been positioned nearest to the existing house means that it does not break up the open frontage along this part of Main Street. There would still continue to be a significant frontage of field along the street frontage. For these reasons it is not considered to be contrary to the aims and objectives of this policy.
21. In terms of the archaeological implications, an Archaeological Assessment and evaluation of the site is currently underway and the Historic Environment Officer (LCC) has raised no objection to the application, stating that provided a condition is imposed to ensure an archaeological scheme of works is carried out, they would have no objection. It is therefore considered that the proposal would not contravene the aims and objectives of Policy WLP21 (viii) of the Lincolnshire Waste Local Plan, which aims to protect archaeological interests.
22. In relation to odour the District Council EHO has suggested that consideration should be given to siting the pumping station further away from residential property because of the potential odour risk. The applicant asserts that there is no odour issues associated with this type of installation. This is because a chemical dosing system would be installed which would change the bacterial population to one which prevents septicity and the associated issues, including odour. The pumping station would also comprise a wet well and valve chamber incorporating cover frames. These covers contain a seal to prevent the ingress of surface water and emissions of odour, which if present would be extremely low/negligible. The normal operation of the pumping station ensures that the sewage is not retained in the wet well for any length of time preventing the build-up of odour issues within the structure. The applicant also notes that a number of pumping stations like this one have been built in other village locations in the County

in close proximity to residential properties and have not resulted in odour issues at these sites.

23. The pumps are considered to be the main source of noise associated with the site. However, these would be located almost 5m below ground level and would not be in operation all of the time. Noise measurements have been made at a similar type of pumping station, and at 15m distance noise from the pumps was not audible. It is therefore concluded that the proposal would not contravene the aims and objectives of Policy A4, of the East Lindsey Local Plan, or Policy WLP21 (xi) of the Lincolnshire Waste Local Plan.
24. In relation to visual amenity, the site would be at the corner of an agricultural field. Although fronting onto the main route through the village, the site would be set back from the road and would be adjacent to a residential property which would screen views into the site from the south, and also result in the continuation of the building line. The site would be further screened by fencing and existing hedging on the southern boundary. There would be new fencing and hedging planted along the other boundaries. In response to the comments made by the Parish Council in relation to the proposed fencing being a minimum of the height of the existing fencing at the site, the applicant has since submitted an amended drawing to increase the height of the fencing to 1.1m. The above ground elements of the site would be positioned closest to the southern boundary, which is adjacent to the residential property and the most screened side of the site. In summary, it is considered that the site would not have a significant adverse impact on the neighbouring properties, and would not be contrary to Policy WLP21 of the Lincolnshire Waste Local Plan or Policy A4 of the East Lindsey Local Plan.
25. In relation to highway issues, the application states that post the construction period, one van every six weeks is expected to visit the site and it is considered that in relation to Highways issues there would be negligible impact on the area. It is therefore considered that the application would not be contrary to Policy WLP21 (xi) and (xii) of the Lincolnshire Waste Local Plan or Policy A4 of the East Lindsey Local Plan.
26. The applicant has stated that there would not be any disruption to either surface water or groundwater flow as a result of the development. Furthermore, the Environment Agency have not objected or made any comments in relation to either groundwater or surface water.
27. In conclusion, it is considered that the proposed pumping station would not have a negative impact on the amenity of the site and surrounding area and for these reasons the application is considered to be acceptable, and would not be contrary to the aims and objectives of the Lincolnshire Waste Local Plan and the East Lindsey Local Plan.
28. The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for private

and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well – being of the community within these rights and the Council has had due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall only be carried out in accordance with the following documents and plans, unless modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions:
 - Planning application form, Supporting Statement, Ecological Appraisal, (all date stamped received 16 January 2015)
 - Drawing No. SEW- 10104-EKIRST-2A-PLG-400 (Rev C)
 - Drawing No. SEW- 10104-EKIRST-2A-PLG-401 (Rev B)
 - Drawing No. PA-S-0032 (Rev C)
 - Drawing No. PA-S-0041 (Rev F)
 - Drawing No. PA-G-0100 (Rev 2)
3. Site clearance operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to August inclusive unless previously approved in writing by the Waste Planning Authority.
4. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation shall be submitted to and approved in writing by the Waste Planning Authority. This scheme should include the following:
 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 2. A methodology and timetable of site investigation and recording.
 3. Provision for site analysis.
 4. Provision for publication and dissemination of analysis and records.
 5. Provision for archive deposition.
 6. Nomination of a competent person/organisation to undertake the work.

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.
5. The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to Condition 5. The applicant will notify the Waste Planning Authority of the intention to commence at least

fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Waste Planning Authority.

6. A report of the archaeologist's findings shall be submitted to the Waste Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council within three months of the works hereby given consent being commenced unless otherwise agreed in writing by the Waste Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.
7. Notwithstanding the details submitted, prior to the commencement of any development, details of the works to the highway (by means of a layby) shall be submitted to and approved in writing by the Waste Planning Authority. Thereafter, such works shall proceed in accordance with the approved details.
8. The development shall be carried out in accordance with Section 5 - 'Potential Constraints and Recommendations' of the Ecological Survey, dated December 2014 and received by the Waste Planning Authority on 16 January 2015.

Reasons

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved details.
3. To avoid disturbance to birds during the breeding season.
- 4 - 6 To ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site.
7. In the interests of highway safety.
8. To protect the ecology of the area.

Informatives

Attention is drawn to:

- (i). All works within the limit of public highway shall be arranged in liaison with Lincolnshire County Council Highways Division.

Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information; and

- (ii). Under the terms of the Water Resources Act 1991, and the Anglian land drainage byelaw, our prior written consent is required for any proposed works or structures, in, under, over or within nine metres of the top of the bank of the River Glen or River East Glen, designated as 'main rivers'. The applicant should contact us by email at PSOWN@environment-agency.gov.uk

If the pumping station requires an emergency overflow, an environmental permit will be needed from The Environment Agency. Further details are available on our website or by calling the National Permitting Service on 03708 506 506.

- (iii) The Waste Planning Authority has worked with the applicant in a positive and proactive manner by providing advice to the applicant during the assessment of the application and also processing the application effectively so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development consistent with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework.

Appendix

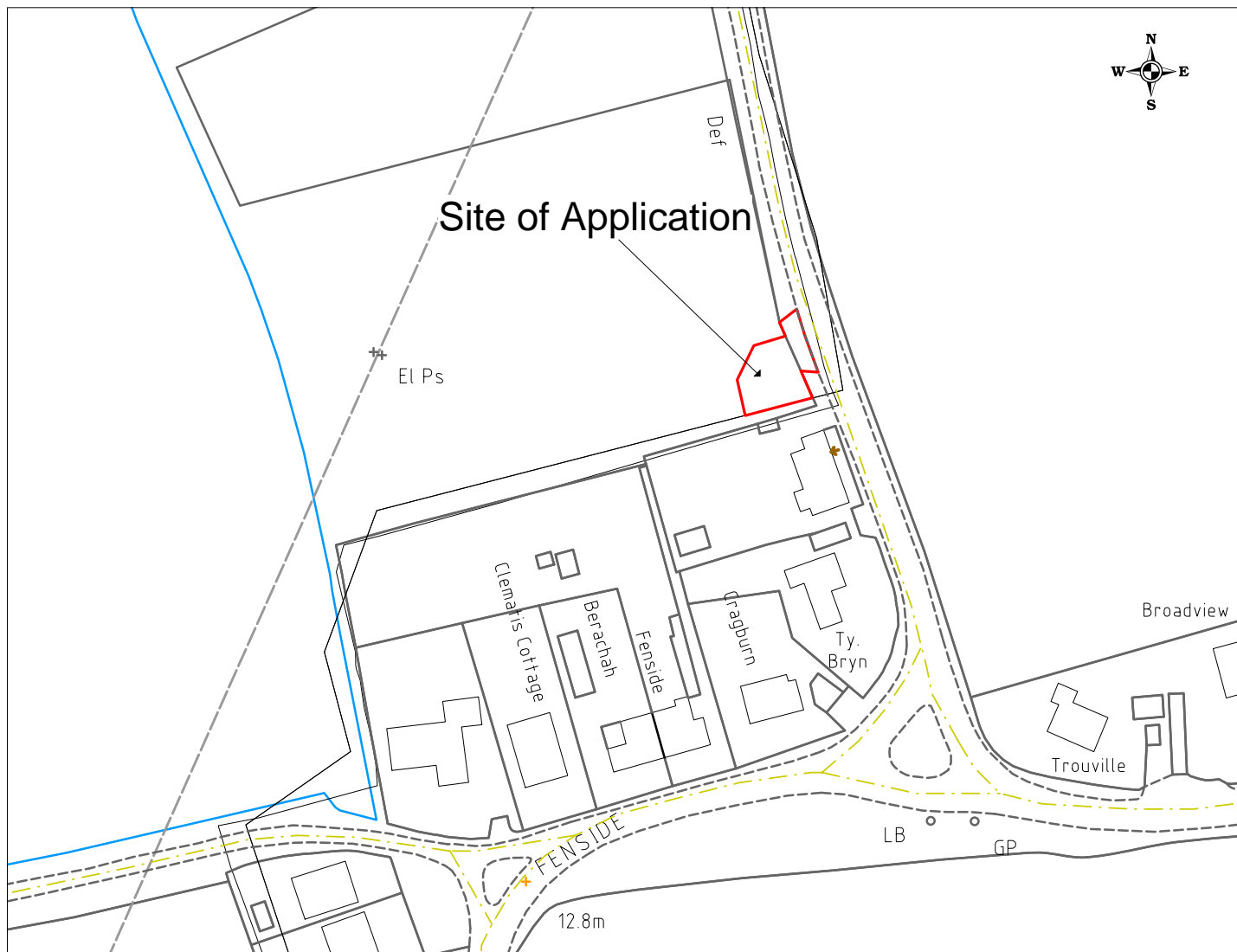
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File (E)S185/0121/15	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012)	Communities and Local Government website www.gov.uk
Lincolnshire Waste Local Plan (2006)	Lincolnshire County Council website www.lincolnshire.gov.uk
East Lindsey Local Plan (1999)	East Lindsey District Council website www.e-lindsey.gov.uk

This report was written by Sandra Barron, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk



Prevailing Wind Direction from the south-west ➔



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OS LICENCE 100025370

Location:
Land adjacent to Balderstone Corner
Main Road
Toynnton St Peter

Description:
To construct a sewage pumping station and layby

Application No: (E)S185/0121/15

Scale: 1:1250

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