

TO: PLANNING & REGULATORY COMMITTEE **DATE:** 11 January 2012
BY: PLANNING DEVELOPMENT CONTROL TEAM
MANAGER
DISTRICT(S) TANDRIDGE DISTRICT COUNCIL **ELECTORAL DIVISION(S):**
Oxted
Mr Skellett

PURPOSE: FOR DECISION **GRID REF:** 539851 150233

TITLE: MINERALS AND WASTE APPLICATION TA11/0691

APPLICATION DETAILS

Oxted Wastewater Treatment Works, Warren Lane, Oxted, Surrey RH8 9DB

Erection of four walk-in kiosks within the treatment works together with areas of hardstanding for use in connection with the operation of the site.

Applicant

Southern Water Services Ltd

Date application valid

6 May 2011

Period for Determination

1 July 2011

Amending Documents

None

SUMMARY OF PLANNING ISSUES

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Green Belt	Yes	44 - 54
Flooding	Yes	55 - 58
Environment and Amenity	Yes	59 - 74
Odour and dust	Yes	61 - 64
Noise	Yes	65 - 67
Landscape and Visual Amenity	Yes	68 - 70
Ecology	Yes	71 - 72
Lighting	yes	73 - 74
Highways Traffic and Rights of Way	Yes	75 - 78

ILLUSTRATIVE MATERIAL

Site Plan

AB.5500003.0Z0702 revision B

Site layout Plans

AB.5500003.0Z0703 revision A - Sheet 1 of 2

AB.5500003.0Z0704 revision A - Sheet 2 of 2

Elevations

AB.5500003.0Z0707 revision B - Effluent Monitoring Kiosk Plan and Elevations

AB.5500003.0Z0708 revision B - MCC Kiosk Plan and Elevations

AB.5500003.0Z0709 revision B - Compressor Kiosk Plan and Elevations

AB.5500003.0Z0710 revision B - Ferric Dosing Kiosk Plan and Elevation

BACKGROUND

Site Description

- 1 The wastewater treatment works the subject of this application serves the Town of Oxted and lies in a semi-rural location at the end of Warren Lane to the south of the town. The site lies within the Metropolitan Green Belt and comprises an area of approximately 3.55 hectares which is owned and operated by Southern Water. There are two public footpaths in the vicinity, one to the north runs close to the boundary of the works, whereas the one to the east is 180m from the boundary of the site.
- 2 The River Eden flows north-south just outside of the western boundary of the site and the site lies within the 1 in 100 floodplain of that river (within an area classed as Zone 2). Under normal operating circumstances the treated wastewater discharges from the site

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into the River Eden. During storm flow conditions, where the capacity of the works is exceeded, stormwater by-pass flows are discharged to a soakaway area located in the southern third of the site.

- 3 The site is accessed by a gated access from Warren Lane. The main existing above-ground structures, which are located in the northern two-thirds of the site area include:
 - 5 single storey, small brick buildings (mess room, pump station, sludge tanker garage, laboratory and compressor building),
 - A primary settlement tank (22.5m diameter x 3.4 deep),
 - 8 mineral trickling filters (each 22.5m diameter x 1.9m deep),
 - 2 Humus Tanks (18.5m diameter x 3.5m deep),
 - 6 stainless steel sand filters (2.9m diameter x 6.0m high),
 - Stormwater storage tank,
 - Sludge storage tank.

- 4 Trees border the site on all sides, with small woodland areas at the southern end of the site. The nearest residential dwellings (46 and 48 Warren Lane) are at a distance of approximately 60m to the north east of the main part of the site, but only 20m from the site entrance.

Planning History

- 5 There is no history of relevance to this application.

THE PROPOSAL

- 6 Full planning permission is being sought for additional buildings within the curtilage of the existing Wastewater works. The application relates to the erection of four separate buildings. All of the buildings would be constructed in glass reinforced plastic (GRP) coloured dark green (walls, roof and doors) and would stand on concrete hardstandings. Details of the individual buildings are as follows:

- 7 Effluent Monitoring Kiosk – located on the western boundary of the site this will house monitoring equipment and calibration solutions required to monitor phosphorous and iron in the discharge. This building would measure 1.8m by 1.8m and would be a maximum of 2.5m high under a flat roof.

- 8 Motor Control Centre Kiosk – located towards the western boundary near the site entrance and is required to provide a weatherproof enclosure for electrical control and process monitoring equipment. This building would measure 4.1m wide and 10.6m long and would be a maximum of 3.1m high under a flat roof.

- 9 Compressor Kiosk – again located on the western side of the site this is required to provide weatherproof housing and noise attenuation for the air compressors necessary for the proposed sand filters. The building will be 5.1 m wide by 5.1m deep and a maximum of 3.5m high under a flat roof.

- 10 Ferric Dosing Kiosk – This would be located near the Motor Control Centre Kiosk and near the site entrance. It is required to house elements of a ferric dosing package plant, including a storage tank and dosing equipment. The building would measure 10.9m long by 4.1m wide and would be a maximum of 3.7m high under a flat roof. It would have two external flights of steps leading to its doors and a bunded hard standing would be created adjacent to it to facilitate ferric delivery tankers (this hardstanding element would not require formal planning permission see below).

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- 11 Other works will be carried out at the same time as this development but these constitute Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995. These works are as follows (for information only):
- Three new sand filters
 - Hardstanding to Ferric Delivery Area
 - Recirculation Pumping station
 - Manholes and Chambers
 - Above and below ground pipelines
 - Cable Ducts
 - Permanent roads and footpaths
 - Refurbishment of existing plant
 - Contractors temporary compound

- 12 The applicant has submitted several documents in support of the application as follows:

Supporting Statement

- 13 **Scope of works** – It is outlined that the Ferric Dosing Kiosk is required to house a ferric dosing system including storage tanks which addresses the Environment Agency requirements for a reduction in phosphorous concentration in the discharge from the site. The three new sand filters are required to increase capacity and the Compressor Kiosk will provide weather proofing and sound attenuation for the compressors needed for the sand filtration process. The MCC kiosk is required to house electrical and control equipment for the new processes and the Effluent Monitoring Kiosk will house monitoring equipment and calibration solutions.
- 14 **Construction Programme** – construction activities will be limited to between 07.30 to 18.00 Mondays to Fridays and 07.30 to 13.00 Saturdays with no works on Sundays. The scheme will take 66 weeks to construct with a further 12 weeks for remedial works. The site must remain operational during the course of the works.
- 15 **Traffic Management** – During the *site set up and peak mobilisation period* (4 week programme) traffic to the site will increase by 20 non-articulated heavy goods vehicle movements per week (one vehicle to site being counted as two movements), with up to 12 light vehicle movements such as cars and vans with site workers per day. During the *main construction period* there would be only around 2 heavy goods vehicle movements per week but up to 40 light vehicle movements per day. Parking for all vehicles will be within the site. There will be no construction traffic on Sundays or bank holidays. During *operation* of the approved development the only additional traffic above that which takes place at the current time will be ferric delivery tankers which will be once every three months.
- 16 **Spoil Management** – Excavations of subsoil during the construction will as much as possible be used as backfill for excavations. Surplus material will be taken off site and disposed of in a licensed waste facility. It is estimated that up to 210 cubic metres of waste soil will require removal from the site.
- 17 **Hazardous Materials** – During construction it is not proposed to store any hazardous materials on site apart from diesel fuel which will be stored in double skinned tanks on bunded areas of hardstanding in the site compound. Ferric sulphate will be stored on site during normal operation as it is the active chemical used to remove phosphorous from wastewater. This will be stored in tanks in the Ferric Dosing Kiosk.

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- 18 **Manning levels** – The site is not permanently manned but is visited on a daily basis there will be no change to this.
- 19 **Site lighting** – Fixed lighting towers will be used in the temporary compound these will not be left on overnight and will be removed upon completion of the construction. Task lighting will be provided within the new structures however as at present the site will not normally be illuminated at night.
- 20 **Site restoration** – All areas temporarily impacted upon by the proposed development will be reinstated upon completion.
- 21 **Ecology** - A description of the ecological implications of the proposal is set out in detail (see paragraphs 69 and 70 below)
- 22 **Archaeology and Cultural Heritage** - There are no Scheduled Ancient Monuments or Archeologically Sensitive Areas within 1 km of the WTW, indicating that the area is quiet in terms of archaeology. The construction of the existing works means the site has been heavily disturbed and the likelihood of encountering archaeological artifacts is minimal. The deepest excavations for the development will be approximately 5m for the installation of the new recirculation chamber, adjacent to the existing Humus Tanks and the internal access road. The Surrey County Council Archaeology Officer Gary Jackson has confirmed that no special mitigation for archaeology is required for this scheme as previous construction work on the site is likely to have disturbed any archaeological deposits. There are no Listed Buildings that will be affected by the development.
- 23 **Visual Assessment** - A detailed assessment of the visual impact of the proposal is given (summarized in paragraph 51 below).
- 24 **Odour and Dust** - The proposed development represents an upgrade to the existing treatment system with treatment processes aimed at fine filtration (Sand Filters) and the reduction of phosphorus (Ferric Dosing Kiosk). These processes are not odiferous.
- 25 **Noise** – a detailed assessment of the noise implications of the proposal is provided (see paragraphs 63 – 65 below).
- 26 **Water Resource Issues** – The report concludes that the site is not located within any groundwater source protection zone, as defined by the Environment Agency Groundwater Maps. The WTW is partially situated above a Secondary 'A' Superficial aquifer, as classified by the Environment Agency. There is also a groundwater Source Protection Zone located approximately 2km north of the site. The deepest excavations required for the development are approximately 5.5m, for the installation of the Recirculation Pumping Chamber. All other excavations will be less than 2.0m. Careful site management guided by the HASEMP will be carried out to ensure pollutants are not allowed to enter the ground during construction.
- 27 **Local Disturbance** - As all work is to be undertaken within the WTW there are not expected to be any disruptions to nearby businesses or residents. As discussed elsewhere in this report, traffic to the WTW will be managed to minimise disruption to road users and in particular, careful timing of large load transport, and possible tree trimming will ensure disruption is minimised.
- 28 A site specific **Traffic Management Plan** is being developed, and the necessary measures to minimize disruption during construction will be implemented. However, due to the nature of work being carried out and the available site access, no significant disturbance to local road users is expected during construction within the wastewater treatment works site.

- 29 **Rights of Way** - There are no designated rights of way that will be affected or that will require change as a result of this development. The existing access from Warren Lane will be maintained throughout the development works.
- 30 **Planning policies** - A detailed assessment of the planning policies pertaining to the application is provided.
- 31 **Conclusion** - The sections of this supporting statement and submitted documentation accompanying the application put forward the argument that given the need for the works to improve wastewater treatment, the proposed development is proportionate to the need, is appropriately located within the existing site, and will benefit the community. There are no significant impacts associated with operation of the development, and any adverse impacts associated with the construction period will be minor, and of a temporary nature.

Design and Access Statement

- 32 **Design** - The applicants confirm again that the proposed modifications to the wastewater treatment works are required in order to meet new Environment Agency discharge consent requirements for the process, primarily regarding new limits for phosphorus, ammonia and suspended solids in the discharge. The design is controlled by Southern Water's requirement to the Office of Water Services (Ofwat) to provide value for money, and the existing sewer system. The location chosen for the development is within the existing treatment works boundary and has been chosen with consideration of neighbouring land-uses. The design, scale, layout and appearance of the proposed developments and relationship to established features in the landscape and the WTW will ensure that the character of the area will not be adversely affected by the proposed development. The development will not have a dominating presence, and will not have a significant visual impact on the surrounding area. The finish of the kiosks has been selected to blend in with existing views and structures within the WTW. The finish and location of the new Sand Filters is directly adjacent to, and in keeping with the existing Sand Filters.
- 33 **Access** - The applicants confirm that the existing access to the treatment works from Warren Lane will be used throughout the construction and continued operation at the WTW. A Traffic Management Plan will be prepared as part of the works to manage construction traffic and minimise disruption to other road users, particularly those residents and businesses along Warren Lane. The WTW is visited daily by operational staff, and twice daily by a sludge tanker. Following the development, the current arrangements will continue with maintenance and operation staff attending the WTW in light vans. Additional traffic following the development will be limited to delivery of ferric solution approximately four times per year. Public transport arrangements will not alter but are largely irrelevant as staff need to carry equipment with them and visit multiple remote sites, so tend to be forced by practicality to travel in light vans.

Flood Risk Assessment

- 34 A detailed Flood risk assessment is provided – see paragraphs 55 – 58 below.

CONSULTATIONS AND PUBLICITY***District Council*****35 Tandridge District Council**

No objections provided that Surrey County Council imposes any mitigating conditions should planning permission be granted.

Consultees (Statutory and Non-Statutory)**36 Tandridge District Council Environmental Health**

No comments

37 The Environment Agency South East

No objection

38 Environmental Noise Consultant

Requested further information and with this has advised that there would be no noise intrusion caused by the development.

39 RPS Planning & Development Ltd (Env Consultant for Dust and Air Quality)

The supporting statement submitted with the application includes an odour and dust assessment. In respect of dust this states that normal preventative measures will be undertaken and specified in the site's Health and Safety Management Plan. RPS notes that the nearest receptor is 60m away to the north-east and is therefore within the 100m radius within which effects may occur. RPS however concludes that no significant dust nuisance impacts are anticipated following the application of best practice measures to control construction dust as the development is small and those measures will mitigate against any adverse effects.

40 Transportation Development Control

The only area of concern relates to the construction phase of development and in particular the point at which public footpath 225 meets the access road and the requirement to trim highway trees along Warren Lane. In order to protect users of the public footpath and to ensure that any tree trimming follows the correct procedure, it is recommended that a condition is attached to any planning permission to ensure the production of a construction management plan, to manage the trimming of highway trees on Warren Lane, site deliveries and also to include warning signs for pedestrians and drivers and to ensure that each is aware of the other. (Officer comment: A suitable condition has been attached)

Parish/Town Council and Amenity Groups**41 Oxted Parish Council**

No comment

Summary of publicity undertaken and key issues raised by public

- 42 The application was publicised by the posting of 1 site notice and an advert was placed in the local newspaper. 3 neighbouring properties were directly notified of the application by letter. No responses were received as a result of this publicity/consultation.

PLANNING CONSIDERATIONS

- 43 The site is situated within the Metropolitan Green Belt so it is essential to consider whether very special circumstances exist that justify this development, and clearly outweigh any harm to the Green Belt and any other harm. The site also lies within a Flood Zone and the flooding implications of the proposal have to be considered. It is also necessary to consider the impact of the proposals on the amenity of neighbouring properties and the highways implications of the proposal.

GREEN BELT

National Guidance

Planning Policy Guidance 2 (PPG2) – Green Belts

Surrey Waste Plan 2008

Policy CW6 – Green Belt

Policy WD6 – Waste Water and Sewage Treatment Plants

Policy DC1 – Safeguarded sites

Tandridge District Local Plan Saved Policies 2007/2008

Policy RE 1 – Green Belt Boundary

Policy RE2 – Development in the Green Belt outside settlements

- 44 Oxted Wastewater Treatment Works is located within the Metropolitan Green Belt. Government policy on Green Belts is set out in Planning Policy Guidance Note 2 (PPG2) 'Green Belts'. PPG2 states that 'when redevelopment of land occurs in the Green Belt, it should as far as possible contribute to the achievement of the objectives for the use of land in Green Belts'. The use of land should accord with the objectives set out in PPG2, that is, to maintain openness by keeping land permanently open, the enhancement and retention of attractive landscapes, access to the open countryside and to secure nature conservation interests. Careful consideration will therefore need to be given to the visual impact of projects, and developers will need to demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm in order to secure permission for development.
- 45 Policy CW6 of the Surrey Waste Plan 2008 states that there will be a presumption against inappropriate waste-related development in the Green Belt except in very special circumstances. However, it does recognise that particular locational needs for some types of waste management facilities, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight.
- 46 Policy WD6 of the Surrey Waste Plan 2008 states that planning permission will be granted for new waste water and sewage treatment plants, extensions to existing works, or facilities for the co-disposal of sewage with other wastes, where development is needed to treat Surrey's arisings. Policy DC1 states that existing sites in waste use including waste water and sewage treatment works will be safeguarded.
- 47 Saved Policy RE2 of the Tandridge District Local Plan 2001 states that there is a presumption against inappropriate development within the Green Belt. The policy does operations and making a material change in the use of land are inappropriate unless

they maintain openness and do not conflict with the purposes of including land in the Green Belt.

Harm to the Green Belt by virtue of inappropriateness

- 48 The proposal represents inappropriate development in the Green Belt and therefore it will, by definition, cause harm to the Green Belt by virtue of its inappropriateness. It is for the applicant to demonstrate why *very special circumstances* exist which clearly outweigh the harm caused both by reason of the proposal's inappropriateness and any other harm to the Green Belt caused by the proposal.
- 49 The *very special circumstances* put forward by the applicant in this case are that the proposed improvements to this facility are essential to upgrade the existing treatment process to meet the requirements of the new Environment Agency Discharge Consent for the plant nutrient phosphate Water Framework Directive. As a sewerage undertaker, Southern Water is obligated to provide the appropriate facilities for the treatment of wastewater to the standard required by the Water Resources Acts 1991 and the Urban Wastewater Treatment Regulations 1994. Compliance with the consent is legally necessary and will further protect the environment and receiving waters, particularly the River Eden. The new Ferric Dosing Kiosk will have the effect of reducing concentration of phosphorus in the final effluent to the new standard specified by the Environment Agency in the AMP5 National Environment Programme (NEP). The three other kiosks will house monitoring equipment to measure levels of compliance with the new standard, act as an enclosure for electrical equipment required as part of the development and provide noise attenuation for compressors required in connection with the development.
- 50 It is accepted by officers that the factors put forward by the applicant do represent *very special circumstances* that clearly outweigh the harm caused by the proposal in respect of its inappropriateness. They are circumstances unique to this site and development which could not be repeated elsewhere and do not set any undesirable precedent. The proposed facilities are considered to be proportionate to the needs to improve pollution control measures and are ancillary to the extent that they cannot be located elsewhere.

Other harm caused to the Green Belt

- 51 PPG2 states that the aim of land within the Green Belt is to maintain openness by keeping land permanently open to prevent urban sprawl. The applicants address the issue of visual impact in detail in their supporting statement. They state that there are 2 public footpaths leading from Warren Lane, with the closest to the WTW running from the WTW entrance, along the northern boundary of the site and then continuing west past Stockett's Manor and meeting up with Gibbs Brook Lane. A second footpath leaves from Warren Lane, approximately 150m east of the WTW entrance and heads in a southerly direction, initially through a large field bordering the WTW then on to a small woodland before terminating at Popes Lane. Views into the WTW are obscured on all sides by the mature trees established around the WTW boundary. The footpath on the northern boundary of the WTW is the closest public vantage point (excluding the site entrance at Warren Lane) and views into the WTW are possible between the trees and through the site security fence. The proposed Ferric Dosing and MCC Kiosk will be visible from the path through the trees, however these buildings will be seen amongst the existing structures on the site and therefore, with their dark green finish, are not expected to have any detrimental effect on the existing views. The Sand Filters are further from the path, and glimpsed views will be of the three new filters against the backdrop of the six existing filters and other structures on the site. Views from the north beyond the path are not possible due to the trees along the northern boundary of the WTW. Views from the west are limited to the footpath that runs through the open field bordering the WTW. The distance between the path and the WTW of approximately 150m, and the trees along the western boundary of the WTW mean that at best, views into the WTW are glimpsed through the trees, and there will be negligible impact on these views from the proposed

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development. There are no public views into the WTW from the south or the east due the established trees and lack of close vantage points. The location of the new structures within the existing works, proposed finished to new buildings, and the established trees surrounding the site mean that the overall impact on views towards the WTW will be minimal.

- 52 Having regard to the applicant's analysis, Officers concur that the location and design of the buildings is acceptable and they will not have a significantly greater impact than the existing use on the openness of the Green Belt. The kiosks are of appropriate size in comparison to the scale of the site and will be contained well within the boundary. There are other similar kiosks already on the site. The site is well screened and is not prominent to neighbouring properties to the north-east and east, nor from the public footpath to the north. In conclusion the visual impact of the development is not considered to be significant. Officers are satisfied that the proposal is proportionate to the operational requirements of the site and that the harm to the Green Belt and openness has been minimised.
- 53 Turning to traffic movements to and from the site these have the potential to cause harm to the Green Belt. In this case there will be an increase in vehicles to the site during the construction period, and the applicant states this will comprise 2 articulated vehicle movements per week, plus up to 40 small vehicle movements per day. Following completion of the development, there will be an increase of only a single tanker once every three months. This increase in traffic will have some impact on the openness of the Green Belt. However, Officers consider that this impact will not be significant, considering also that most of the increase will be of a temporary nature during the construction period only, and that the amount of increased traffic is not, overall, significant.

Conclusion on Green Belt

- 54 Officers consider that the applicant has demonstrated a clear need for the proposed buildings given that they are a necessary part of the operations at the site, they would be ancillary to the existing site, and the development cannot be located elsewhere. Officers consider that *very special circumstances* therefore do exist in this case which clearly outweigh the objections to the proposal by virtue of its inappropriateness in the Green Belt. Further the scale of the development is such that it would have a very limited impact on the openness of the Green Belt, and it will not give rise to any significant increase in traffic. Subject to the issues considered below, Officers therefore consider that the proposal will not give rise to any other harm to the Green Belt and may be permitted as an exception to policy.

FLOODING

Tandridge District Local Plan Saved Policies 2007/2008

Policy EV3 – Development in Flood Plains

Surrey Waste Plan 2008

Policy DC2 – Planning Designations

Policy DC3 – General Considerations

- 55 Saved Policy EV3 of the Tandridge District Local Plan states that in areas liable to flood, development will not be permitted unless it can be demonstrated to the satisfaction of the Council, in consultation with the Environment Agency that, by itself or cumulatively with other development, it will not (i) impede the flow of flood water; or (ii) reduce the capacity of the flood plain to store water; or (iii) increase the number of people or properties at risk from flooding. Policies DC2 and DC3 of the Surrey Waste Plan resist developments which would have an adverse impact on any flood plain.

- 56 In this case the applicant identifies that a small extent of the construction and operational area of the works is within a Zone 2 area with a 1 in 100 year risk of tidal flooding. To mitigate the risk of flood damage to the new equipment it is proposed that all non-submersible equipment is located above the 1 in 100 year flood level (at 69.045m AOD). The detailed topographical survey data of the site gives existing ground levels at the Final Effluent Monitoring Kiosk at 69.63m AOD and the Sand Filter Compressor Kiosk at 69.75m AOD. All proposed non-submersible equipment and kiosks will therefore be raised up by a minimum of 0.15m above existing ground level which will be above the 1 in 100 year flood level. A small extent of the proposed buildings and installations are sited within a Zone 2 flooding area with a 1 in 100 year risk of tidal flooding. The applicants have submitted a detailed Flood Risk Assessment (summarised in paragraphs 34 and 35 above) with this application and this has been considered by the Environment Agency.
- 57 Turning to impact on the Flood Plain: On this issue the applicant states that based on best available information, flood levels for the site are 69.065m AOD and the ground level within the area of development within the flood plain is at least 69.630m AOD. Therefore there will be no impact on flood storage volume from new ground structures. The majority of the development will be constructed at or below the existing ground level and outside of the flood plain. The developments within the flood plain are the Final Effluent Monitoring Kiosk (above ground), 3 new sand filters (set 1-2m below existing ground level and elevated on steel support legs, the (below ground) recirculation pumping station and the Sandfilter compressor kiosk. The non-submersible electrical equipment i.e. the Sandfilter blower kiosk and FE sampling equipment, will be raised on concrete slabs approximately 0.15m above the existing ground level (which based on the best available information appears to be higher than the design flood levels). The below ground pumping station and the below ground founding of the new Sandfilter will not impact on flood plain storage. Based on the best available information, raising the listed structures, and associated access provisions are not expected to reduce the floodplain storage volume and the proposed development is therefore likely to have negligible effects on flood levels elsewhere. Provision of floodplain compensation is therefore not considered necessary.
- 58 In summary the applicant contends that flood levels for the site are 69.065m AOD and the ground level within the area of development within the flood plain is at least 69.630m AOD. Therefore there will be no impact on flood storage volume from the proposed new ground structures. The Environment Agency has confirmed that it has no objection to the proposal and officers are satisfied that the proposal will not have any undue detrimental impact on flooding.

ENVIRONMENT AND AMENITY**Surrey Waste Plan 2008**

Policy DC3 – General Considerations

Tandridge District Local Plan Saved Policies 2007/2008

Policy BE1 – General Policy for New Development

Policy EV9 – Light Pollution

Policy EV10 - Noise

- 59 Policy DC3 of the Surrey Waste Plan 2008 states that planning permission for waste related development will be granted provided that it can be demonstrated by provision of appropriate information to support the application that the impacts of the development can be controlled to achieve levels that will not significantly affect people, land, infrastructure or resources. Matters including the adverse effects on neighbouring amenity such as noise and odour, traffic generation and access, visual and landscape impacts and loss or damage to habitats must be assessed, and where necessary

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appropriate mitigation identified so as to minimise or avoid any material adverse impact and compensate for any loss.

- 60 Policy BE1 of the Tandridge District Local Plan Saved Policies 2007/2008 – General Policy for New Development also states, inter alia, that the council will seek to ensure development is of a high quality design which integrates well with the site and complements its surroundings and in particular, development should be appropriate to the site in terms of its scale, height, form and appearance. Development should also not significantly harm the amenities of occupiers of neighbouring properties. Policies EV9 and EV10 seek to ensure that developments do not give rise to light pollution or noise to residential dwellings. The issues raised by the development in respect of these policies are discussed under the various headings in paragraphs 61 to 74 below.

Odour and Dust

- 61 The applicant states that there is a low potential for significant dust emissions during construction and the handling of materials, however normal preventative measures such as wetting dust-generating activities or areas will be undertaken and specified in the Health and Safety Environmental Management Plan. The County Air Quality Consultant agrees that the potential for nuisance dust effects is low, and that it is common practice to use a distance of 100m as the radius within which significant effects may occur. In this case, the nearest sensitive receptor is 60m away however the consultant agrees that, as stated by the applicant, no significant dust nuisance impacts are likely following the application of best practice measures to control construction dust as the development is small and those measures will mitigate against any adverse effects.
- 62 The Environmental Protection UK Development Control: Planning for Air Quality document states that an air quality assessment is unlikely to be considered necessary for a construction site generating fewer than 200 Heavy Goods Vehicle (HGV) movements over a year. In this case, the number of vehicle movements will be below this threshold and the County Air Quality consultant therefore considers that the air quality effects associated with construction vehicle movements will not be significant.
- 63 The applicant states also that the new processes will not increase odour at the site because they are not inherently odorous, and that there will be no noticeable change in odour at the site following completion of the development. The County Air Quality consultant agrees that ferric chloride solution is essentially non-odorous, so odour should not pose a problem.
- 64 Officers therefore consider that there will be no significant adverse impacts at the site as a result of odour or dust.

Noise

- 65 Tandridge District Council Environmental Health Officer has raised no objections to the proposal. The applicant states that following completion of the development, no increase in operational noise is anticipated. However, construction of the development could result in increased noise levels on a temporary basis. The applicants have confirmed in their supporting statement that construction activities will be limited to between the hours of 07.30 and 18.00 Mondays to Fridays and 07.30 to 13.00 Saturdays with none at all on Sundays or Bank Holidays. Construction will involve the use of a variety of normal construction machinery, such as trucks, excavators and cranes. The nearest sensitive receptor is approximately 60m away from the proposed development, giving some distance attenuation. However, in view of the proximity of residential dwellings it is considered reasonable and appropriate to attach a condition which limits the hours that construction can take place on the site to the hours put forward by the applicants.

- 66 In terms of the proposed buildings the County Noise Consultant initially had concerns about the proposed compressor in its housing. He stated that a compressor has the potential to be noisy and this was acknowledged in the application as an enclosure was proposed to reduce noise. The County Noise Consultant requested additional information from the applicant on the noise implications of the compressor and the applicant advised that the manufacturers information shows the compressor to produce 68dB(A) measured in accordance with ISO 2151. The kiosk in which the compressor will be placed would be Glass Reinforced Plastic around a heavy plywood core and will provide at least 25dB(A) attenuation. In addition it would be expected for there to be some barrier attenuation from landform and intervening structures. The nearest receptor is in excess of 145m from the nearest point of the kiosk (as the compressor would be sited on the western side of the site furthest away from residential dwellings). The access doors face away from the receptor and would normally be closed except for maintenance. The County Noise Consultant concluded on this matter that this is a reasonably small unit which would typically operate within an industrial building without causing undue noise. Once within an enclosure (doors closed) no noise intrusion will be caused at the nearest houses even at night and it is therefore acceptable.
- 67 In conclusion officers have considered the noise implications of the proposal and subject to the construction hours of use condition, find them to be acceptable such that the proposal will not have adverse impact on adjacent residential dwellings by virtue of noise disturbance.

Landscape and Visual Amenity

- 68 The applicants have undertaken a detailed assessment of the visual amenity implications of the proposal in their supporting statement. The site is in a predominantly rural area (notwithstanding that it is accessed along a residential road) and is well screened. The new kiosks are similar to those already on the site, and will be constructed of glass-reinforced plastic which will be green in colour, as are those already on site. The effluent monitoring kiosk, sand filters and sandfilter compressor kiosk are all sited on the western part of the site and given their size will not be visible or prominent from any public vantage point.
- 69 The ferric storage and dosing kiosk and MCC kiosk are larger buildings sited closer to the site entrance on the north east of the site and will be more visible from the site entrance and possibly to those dwellings sited just to the north of the site entrance. However it is still considered that there will only be very localised views of these buildings, to the north and to a limited extent to east of the site.
- 70 In conclusion officers have considered the visual amenity implications of the proposal and find them to be acceptable such that the proposal will not have adverse impact on the landscape or visual amenity of the area.

Ecology

- 71 The applicants have undertaken a detailed assessment of the ecological implications of the proposal. They state that the site is not located within, and will not impact on any sites designated for ecological value or importance. The southern half of the WTW contains areas of woodland, and the soakaway area with tall ruderal habitat. The soakaway area has been assessed as having some potential to support reptiles, however due to the wet nature of the soakaway area the likelihood of reptiles being present is low. Construction is to be undertaken at the northern end of the site, well away from the soakaway area and therefore there will be no impacts on any potential habitat. In the south west tip of the site there is an active badger sett. Construction work will be undertaken sufficiently far from the sett to ensure there are no direct impacts, or disturbance of the badger sett. Temporary deep excavations required in connection with the development will be covered outside of

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working hours to prevent badgers from falling in. The northern half of the WTW currently consists of hardstand, brick and concrete structures and regularly mown grassed areas, all of which do not support habitats of ecological significance. As all work will be contained within this northern end of the WTW, and within the site boundary, there will be minimal ecological impacts from the development. The River Eden runs along the western boundary of the site. The closest work to the stream will be the installation of the Effluent Monitoring Kiosk, approximately 10m away. The installation of the kiosk, and associated electrical cables are relatively minor works, and it will be ensured that there are no adverse impacts on the stream from this or any other work to be undertaken as part of the development. This will be managed through implementation of the site Health, Safety and Environmental Management Plan (HASEMP). Trees located along the boundaries of the site have been identified as having potential to support nesting birds. The development does not require any works affecting trees around the WTW and therefore no impacts are expected. Following the site HASEMP during the construction process will ensure that any ecological impacts will be minimised.

- 72 The main concern to officers is the presence of an active badger sett within the very south west tip of the site. Whilst the proposed development work is well away from this part of the site (which is largely undeveloped and wooded) it is recommended, in accordance with Standing Advice from Natural England, that an appropriate informative is attached reminding the applicant of the protected nature of this species and the legislative requirements arising from this.

Lighting

- 73 It is proposed that lighting towers will be used at the site during construction within the temporary Construction Compound during winter mornings and afternoons. The lighting will be angled downwards and shaded to minimise light spill. This element of the proposal (the Compound and the moveable plant stored within it) does not require planning permission as it is Permitted Development under Class A of Parts 4 and Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 which allows development by a Sewerage Undertaker. The lights would not be on overnight and would only be activated when needed. In addition, the proposed kiosks will be fitted with task lighting which will only be lit when required by operators and not normally at night.
- 74 The nearest sensitive receptors are the two dwellings near the entrance of the site (46 and 48 Warren Lane) approximately 60m to the north-east. Given this distance, the boundary tree screening and the manner and times that the lighting would be used, officers do not consider that the use of lighting at the site will give rise to any significant adverse impact on amenity.

HIGHWAYS, TRAFFIC AND RIGHTS OF WAY

Surrey Waste Plan 2008

Policy DC3 – General Considerations

Tandridge District Core Strategy Adopted October 2008 (TDCS 2008)

Policy CSP 11 – Infrastructure and Services

Tandridge District Local Plan Saved Policies 2007/2008

Policy RT12 Rights of Way

- 75 Policy DC3 of the Surrey Waste Plan 2008 states that assessment of traffic generation, site access, the suitability of the highway network within the vicinity of the site and impacts

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on public Rights of Way must take place and where necessary appropriate mitigation should be identified so as to minimise or avoid any material adverse impact and compensate for any loss. Policy RT12 of the Tandridge District Local Plan (Saved Policies 2007/2008) seeks to maintain existing rights of way and Policy CSP 11 of the Tandridge District Core Strategy reconfirms that planning permission will only be granted for developments which can be accommodated within the existing infrastructure capacity unless contributions to improve it are secured.

- 76 The site is accessed via Warren lane, which is a partly residential road to the south of Oxted. The applicant has stated that during the *site set up and peak mobilisation period* (4 week programme) traffic to the site will increase by 20 non-articulated heavy goods vehicle movements per week (one vehicle to site being counted as two movements), with up to 12 light vehicle movements such as cars and vans with site workers per day. During the *main construction period* there would be only around 2 heavy goods vehicle movements per week but up to 40 light vehicle movements per day. Parking for all vehicles will be within the site. There will be no construction traffic on Sundays or Bank Holidays. During *operation* of the approved development the only additional traffic above that which takes place at the current time will be ferric delivery tankers which will be once every three months. It is not considered that this temporary amount of additional traffic during the construction period will give rise to significant harm to the amenity of neighbouring properties or road users.
- 77 The County Highway Authority has stated that the only area of concern with relation to traffic is the construction phase of the development and in particular the point at which public footpath 225 (to the north of the site) meets the access road and the requirement to trim highway trees along Warren Lane. They state that in order to protect users of the public footpath and to ensure that any tree trimming follows the correct procedure, a condition should be attached to any planning permission to ensure the production and submission of a Construction Management Plan. Amongst other things this will set out in detail the works required to the highway trees on Warren Lane to ensure visibility and sightlines are achieved, it will detail site deliveries and it will also be required to address pedestrian safety where the public footpath meets the access to the site (by including measures such as warning signs in that location for pedestrians and drivers and to ensure that each is aware of the other).
- 78 Officers therefore consider that while there may be an impact on highway users and users of the footpath during the construction phase of the development, this impact will be temporary in nature and will not be significant. Officers consider that the condition proposed above will ensure that the development will not prejudice highway safety and will minimise inconvenience to other highway users and pedestrians.

HUMAN RIGHTS IMPLICATIONS

- 79 The Human Rights Act Guidance for Interpretation, found at the end of this report, is expressly incorporated into this report and must be read in conjunction with the following paragraph.
- 80 Officers consider that the proposal would not give rise to adverse impacts in terms of residential amenity subject to the suggested planning conditions. The proposal is not considered to engage Article 8 or Article 1 of Protocol 1.

CONCLUSION

- 81 The proposed development is located within the Green Belt where it must be demonstrated that very special circumstances exist, which clearly outweigh the harm

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caused by a development if planning permission is to be granted. This Waste Water Treatment Works is a well established facility which serves the Oxted area. The construction and subsequent operation of the various kiosks and Sand Filters would ensure that the necessary equipment is installed to meet current regulations as set out in paragraph 51 above. The proposed development has to be located at the site and is reasonable and necessary for qualitative reasons. Officers therefore consider that *Very Special Circumstances* exist in terms of need and the development should be permitted as an exception to Green Belt Policy. Due to the scale of the development and the relative isolation, Officers consider that the proposal would not give rise to any harm or adverse impact on the environment or amenity.

RECOMMENDATION

Approve, subject to conditions

Conditions:

1. The development shall be carried out in accordance with the following approved plans

Drawings

AB.5500003.0Z0701 revision A - Area Location Plan

AB.5500003.0Z0702 revision B - Site Location Plan

AB.5500003.0Z0703 revision A - Site Layout Plan Sheet 1 of 2

AB.5500003.0Z0704 revision A - Site Layout Plan Sheet 2 of 2

AB.5500003.0Z0707 revision B - Effluent Monitoring Kiosk Plan and Elevations

AB.5500003.0Z0708 revision B - MCC Kiosk Plan and Elevations

AB.5500003.0Z0709 revision B - Compressor Kiosk Plan and Elevations

AB.5500003.0Z0710 revision B - Ferric Dosing Kiosk Plan and Elevation

2. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
3. Prior to the commencement of development a Construction Management Plan, to include details of:
 - (a) Programme of works (including any measures for traffic management)
 - (b) HGV deliveries and hours of operation
 - (c) Signage to warn pedestrians and construction traffic of each others presence at the point at which Public Footpath 225 meets the access road
 - (d) Assessment of the highway tree trimming/clearance required and a method statement for the carrying out of the works

shall be submitted to and approved in writing by the County Planning Authority. Only the approved details shall be implemented during the construction period.

4. No activities related to the construction of the development authorised by this Planning Permission shall be carried out except between the hours of:

0730 - 1800 hours Monday to Friday

0730 - 1300 hours on Saturday

There shall be no workings on Saturdays after 1300, on Sundays or Bank Holidays

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5. The development shall be carried out in all respects in accordance with the additional operational details provided in the following documents:

Planning Application Supporting Statement April 2011
Flood Risk Assessment Version 002 dated 29/03/2011
Design and Access Statement April 2011

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. To comply with Section 91 (1)(a) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.
3. The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.
4. To enable the County Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area in accordance with Surrey Waste Plan 2008 Policy DC3
5. For the avoidance of doubt and in the interests of the amenity of nearby residential dwellings

Informatives:

1. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Control Division of Surrey County Council. The tree trimming assessment shall be documented with photographs and annotation. The tree trimming method statement shall have details of the highway signing of the works (Chapter 8 is required), there may be a need for advance notice boards and diversion if required, and the contractor carrying out the works, who shall be an Arboricultural Association approved contractor.
2. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
Policy: Surrey Waste Plan 2008 Policy DC3
3. The watercourse to the west of the site, known as the river Eden, would be classed as an 'ordinary watercourse' and comes under the terms of the Land Drainage Act 1991, whereupon any culvert, diversion, weir dam or like obstruction to the flow of the watercourse requires the consent of the Upper Medway Internal Drainage Board, under the Land Drainage Act 1991. For nature conservation reasons, the Environment Agency seeks to avoid culverting and will not normally consent such works except for access. In absence of any agreement to the contrary, maintenance of the watercourse is the responsibility of the riparian owner. Application for consent should be made to the Upper Medway Internal Drainage Board (Tel: 01622 758345; www.medwayidb.co.uk; enquiries@medwayidb.demon.co.uk).
4. The applicant is reminded that badgers are a Protected Species under the 1992 Protection of Badgers Act and that the provisions of that Act must be complied with should any part of

the development in any way interfere with a badger sett. Detailed information on this matter can be obtained from Natural England at www.Naturalengland.org.uk.

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

Reasons for the grant of planning permission and development plan policies/proposals relevant to the decision.

The development

- 1 The development is inappropriate development and does not accord with development plan policies controlling the types of development normally permitted in the Green Belt. However the following factors together amount to very special circumstances which outweigh the policy constraint in the development plan and there are no other material considerations which indicate otherwise. The proposed improvements to this facility are essential to upgrade the existing treatment process to meet the requirements of the new Environment Agency Discharge Consent for the plant nutrient phosphate Water Framework Directive. Compliance with the consent is legally necessary
- 2 Any other potential harm to residential amenity can be adequately mitigated by the measures proposed in the application and the conditions subject to which planning permission is granted.

The proposal has been considered against the following development plan policies/ provisions:

National Guidance

Planning Policy Guidance 2 (PPG2) – Green Belts

The South East Plan 2009

Policy W2 Sustainable Design, Construction and Demolition

Policy W3 Regional Self Sufficiency

Policy W4 Sub-Regional Self Sufficiency

Surrey Waste Plan 2008

Policy CW6 – Green Belt

Policy DC1 – Safeguarded sites

Policy DC2 – Planning Designations

Policy DC3 - General Considerations

Policy WD6 – Waste Water and Sewage Treatment Plants

Tandridge District Core Strategy Adopted October 2008 (TDCS 2008)

Policy CSP1 – Location of Development

Policy CSP 11 – Infrastructure and Services

Policy CSP 15 – Environmental Quality

Policy CSP 18 Character and Design

Policy CSP 22 The Economy

Tandridge District Local Plan Saved Policies 2007/2008

Policy BE1 – General Policy for New Development

Policy RE 1 – Green Belt Boundary

Policy RE2 – Development in the Green Belt outside settlements

Policy EV 3 – Development in Flood Plains

Policy EV6 – Water Quality

Policy EV9 – Light pollution

Policy EV10 – Noise
Policy RT12 – Rights of Way

**HUMAN RIGHTS ACT 1998
GUIDANCE FOR INTERPRETATION**

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights into English law. It does, however, impose an obligation on public authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.

Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report.

Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one's personal life without unjustified interference. Officers must judge whether the development proposed would constitute such an interference and thus engage Article 8.

Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions and possibly other rights. Officers will wish to consider whether the impact of the proposed development will affect the peaceful enjoyment of such possessions.

These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.

European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.

CONTACT

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BACKGROUND PAPERS

The deposited application documents and plans, including those amending or clarifying the proposal, responses to consultations and representations received as referred to in the report and included in the application file and the following:
