

DR/27/17

committee DEVELOPMENT & REGULATION

date 23 June 2017

MINERALS AND WASTE DEVELOPMENT

Proposal: **The erection of two buildings to house electrical control equipment**

Location: **Great Dunmow Water Recycling Centre, Chelmsford Road, CM6 1LL**

Ref: **ESS/15/17/UTT**

Applicant: **Anglian Water Ltd**

Report by Acting Head of County Planning

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The full application can be viewed at www.essex.gov.uk/viewplanning



1. SITE

Great Dunmow Water Recycling Centre (WRC) is located to the south east of the town of Great Dunmow. The WRC is located to the adjacent north of the B1256 (Chelmsford Road). Access to the WRC is directly via the B1256.

The closest residential properties are located 50m to the west of the application site. The residential properties are separated from the site by dense vegetation and the B1256.

The application site is located centrally within the boundary of the existing Great Dunmow WRC site.

The WRC operational site area is circa 14,300 sqm in size and is comprised of tanks and buildings for the treatment of sewage. The application site is approximately 1,420 sqm in size

The WRC currently comprises of tanks and processes required for the treatment of sewage.

The WRC is well screened along all boundaries by dense vegetation.

A tributary of the River Chelmer, Olives Wood Brooke, flows through the north of the WRC and along its boundary, separating the WRC from the plantation woodland to the north.

The majority of the WRC lies within Flood Zone 3.

2. PROPOSAL

The proposal consists of the erection of two buildings (totalling 58.5sqm in size). These proposed buildings (Site Distribution Kiosk and Motor Control Centre (MCC) Kiosk) would be required to house electrical and control equipment. The proposed buildings would be located centrally within the WRC site.

These buildings would be constructed from Glass Reinforced Plastic (GRP) and would be finished in Holly Green (BS14C39). These buildings have been designed so that they are located above the modelled flood level; above the 1 in 100 year (with a +35% climate change allowance).

The Site Distribution Kiosk is 4.06m x 3.08m x 3.03m high, this would sit on a raised base so would be 4.04m above ground level. The MCC kiosk is 15.06m x 3.13m x 3.03m high, this would sit on a raised base so would be 4.8m above ground level.

Great Dunmow WRC has been identified by the Environment Agency (EA) under “no deterioration” and requires additional measures to address the tightening of

ammonia levels in order to sufficiently treat all required flow, meet discharge consents and maintain the quality of receiving water bodies.

The application states that it is considered that the existing process units at Great Dunmow WRC are not capable of consistently treating the incoming flow to the acceptable standard. Much of the development associated with this upgrade is Permitted Development, the two control kiosks subject of this application form part of this upgrade however require express planning permission. The overall upgrading of the WRC would allow the site to meet the required revised consents required by the EA.

The applicant states that the buildings would be delivered by lorry in sections and would require a small number of delivery vehicles for a limited time during construction. The proposal would not result in any net increase to traffic movements to the site in the long term.

3. POLICIES

The following policies of the, Essex and Southend Waste Local Plan (WLP) adopted 2001, Replacement Waste Local Plan Pre-Submission Draft March 2016 and the Uttlesford District Local Plan adopted 2005 provide the development plan framework for this application. The following policies are of relevance to this application:

WASTE LOCAL PLAN (WLP)

W3A - Waste Strategy

W4A – Water Pollution and Flood Control

W4B – Water Pollution and Flood Control

W5C - Sewage Treatment

W10E - Development Control

REPLACEMENT WASTE LOCAL PLAN (RWLP)

Policy 10 - Development Management Criteria

Policy 11 – Mitigating and Adapting to Climate Change

UTTLESFORD DISTRICT LOCAL PLAN

Policy GEN2- Design

Policy GEN4- Good Neighbourliness

Policy ENV12- Protection of water resources

GREAT DUNMOW NEIGHBOURHOOD LOCAL PLAN

Policy LSC3 - The Chelmer Valley

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate

otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole; or specific policies in this NPPF indicate development should be restricted.

Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

The Uttlesford Local Plan was adopted in 2005. In 2012 the Plan was assessed for compliance with NPPF. The timetable for the new Local Plan is currently under review.

Paragraph 216 of the NPPF states, in summary, that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

The Essex and Southend-on-Sea Replacement Waste Local Plan is currently subject to Examination, with final public consultation on a number of modifications having ended in February 2017. The submitted policies reflect the intention of the Waste Planning Authority towards waste-related development and it is considered that significant weight should now be given to the new Plan in respect of applications of the nature being contemplated in this report.

The WLP 2001 is not considered up-to-date however the overarching principles of the Waste Hierarchy and the Proximity Principle do form part of its core emphasis.

Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). The NPPW promotes sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy. The waste hierarchy promotes, in this order; prevention of waste; re-use of waste; recycling of waste and then any other recovery. It states that the disposal of waste is the least desirable solution and only suitable when none of the above is appropriate. Additionally the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management is a material consideration in planning decisions.

The Great Dunmow Neighbourhood Plan was adopted in 2015. The application site is within the Neighbourhood Plan Area.

4. CONSULTATIONS

UTTLESFORD DISTRICT COUNCIL – No objection;

ENVIRONMENT AGENCY- Objection, based on the principle the proposed development falls into a flood risk vulnerability category that is inappropriate to the flood zone in which the site is located;

LEAD LOCAL FLOOD AUTHORITY- No comments to make:

PLACE SERVICES (URBAN DESIGN) - No comments to make;

PLACE SERVICES (HISTORIC ENVIRONMENT) - No objection;

PLACE SERVICES (ECOLOGY) – No objection;

GREAT DUNMOW TOWN COUNCIL - No comments received;

LOCAL MEMBER- UTTLESFORD- Dunmow - No comments received.

5. REPRESENTATIONS

207 properties were directly notified of the application. One letter of representation has been received covering the following matter:

<u>Observation</u>	<u>Comment</u>
Objection to future noise levels at site impacting nearby residential properties	See appraisal

6. APPRAISAL

A PRINCIPLE AND NEED

The application site is located within an existing WRC and as such, the principle of the site for waste water management is established but the environmental impacts of the development need to be considered further.

Great Dunmow WRC has been identified by the Environmental Agency under “no deterioration” and requires additional measures to address the tightening of ammonia levels in order to sufficiently treat all required flow, meet discharge consents and maintain the quality of receiving water bodies. The existing process units at Great Dunmow WRC are stated to be not capable of consistently treating the incoming flow to the acceptable standard; therefore alternative options have been considered.

The current quality consent limits for all of Anglian Water’s Water Recycling Centres (WRC) are being reviewed, (as required under the Water Framework Directive (WFD)), to prevent deterioration or achieve ‘good status’ of all watercourses. “No deterioration” takes a broad based approach to water quality standards. Receiving water does not currently have to show that there is deterioration but that there is a significant risk that deterioration will occur because of an increase in the volume of effluent discharge.

The proposed scheme would allow the site to meet revised consents and

accommodate forecasted growth within the local area. It has been designed to accommodate a predicted rise to 10,958 population equivalent by 2031 (from a 2015 level of 9,081 population equivalent).

Paragraph 162 of the NPPF states *“Local Planning Authorities should work with other authorities and providers to:*

- Assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands”*

WLP Policy W3A identifies the need for proposals to have regard to the following principles:

- “Consistency with the goals and principles of sustainable development;*
- Whether the proposal represents the best practicable environmental option for the particular waste stream and at that location;*
- Whether the proposal would conflict with other options further up the waste hierarchy;*
- Conformity with the proximity principle”.*

The proposed buildings would be located within the existing WRC site and therefore the proposal is considered acceptable in principle at this location.

The NPPW seeks to ensure that the applicants only demonstrate ‘need’ for enhance waste facilities where proposals are not consistent with an up-to-date Local Plan. Additionally, the likely impact on the environment, amenity and character and quality of the area should be considered.

The applicant has stated that the proposed buildings are needed as part of the new treatment processes to treat effluent to the revised discharge consent to meet current and future growth. It is considered there is a need for the proposal to meet the required standards and it is considered the proposal conforms to WLP Policy W3A, the NPPW and the NPPF.

B FLOOD RISK AND WATER ENVIRONMENT

The site lies adjacent to the River Chelmer. The Environment Agency’s (EA) Flood Map for Planning indicates the majority of the Site lies within Flood Zone 3 (land assessed as having a 1 in 100 or greater annual probability of river flooding).

The Strategic Flood Risk Assessment map identifies the area of the WRC in which the kiosks would be situated is in Flood Zone 3b, the functional flood plain.

The site is located to the west of a relatively steep hill (Bumpsted Hill).

The topography of the WRC is relatively flat with the ground level ranging from 48.75 to 49.04m AOD, with raised areas to the east and south west of the WRC having a ground level of up to 50.98m AOD.

To ensure that the proposed plant remains operational for as long as possible in the event of a flood, resilience and protection measures are included and take into

account a 1 in 100 year flood event (+35% climate change allowance). This includes raising sensitive plant above ground level, locating the inlet works outside of Flood Zone 3 and using appropriate pumps on site which can be submersed.

In addition, to ensure the WRC remains operational during a flooding event, the inlet works are proposed to be raised to a level which exceeds the 1 in 100 year plus climate change flood level. It would also be located on elevated ground. A storm tank is proposed to increase attenuation and reduce catchment flood downstream.

Policy 11 of the RWLP relates to climate change. New waste management proposals should include appropriate measures to mitigate and adapt to climate change. The proposals include flood mitigation measures with climate change allowances incorporated, and as such, are in accordance with Policy 11 of the RWLP.

Paragraph 100 of the NPPF states amongst other matters that *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere”*.

Furthermore Paragraph 103 states that *“When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the*

Exception Test, it can be demonstrated that:

- *within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- *development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems”*.

The [Planning Practice Guidance](#) classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each flood zone.

The EA’s response to the consultation states that the Flood Risk Assessment shows that there is no fluvial flood risk from Olives Wood Brook and the compensatory storage volume more than compensates for the loss of floodplain volume by the proposed structures.

Despite being satisfied in regards to risk and mitigation, the EA has objected to the proposed development, based on the principle that, in their opinion, it falls within a [flood risk vulnerability category](#) ‘Less Vulnerable’ in Table 2: Flood Risk Classification within the PPG under the category ‘*Sewage treatment works, if adequate measures to control pollution and manage sewage during flooding events are in place*’.

Table 3 (Flood Risk Vulnerability and Flood Zone 'compatibility') of the PPG highlights that this classification (Less Vulnerable) of development is not considered compatible within Flood Zone 3b. As such, the EA has objected to the proposed development.

The EA has stated in their response that "*Alternatively, if you consider the site classified as Flood Zone 3a and/or you consider the development to be water compatible, we have no objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility*". These risks include flood resilient construction and emergency flood plan.

The planning application proposes to construct two buildings (kiosks) to house electrical control equipment. This is considered by the WPA to fall within 'Water Compatible development' under 'Sewage transmission infrastructure and pumping stations' in Table 2 of the PPG. This category is considered by the PPG that 'development is appropriate' within Flood Zone 3b.

However, considering the proposed use of the development, it is considered that the proposed development is classified as 'water compatible'. The proposed development is considered to be categorised as 'sewage transmission infrastructure and pumping stations' as opposed to 'sewage treatment works' as the development is intended for the processing and transmission of sewage, not the construction of a complete sewage works site. Therefore the proposed development would, in the opinion of the WPA be classified as 'water compatible' development and therefore is compatible development within Flood Zone 3b.

Additionally WLP Policy W4A states, "*Waste management development will only be permitted where:*

- *there would not be an unacceptable risk of flooding On site or elsewhere as a result of impediment to the flow or storage of surface water;*
- *there would not be an adverse effect on the water environment as a result of surface water runoff;*
- *existing and proposed flood defences are protected and there is no interference with the ability of responsible bodies to carry out flood defence works and maintenance*".

Similarly W4B states that "*Waste management development will only be permitted where there would not be an unacceptable risk to the quality of surface and groundwaters or of impediment to groundwater flow*".

Impacts from flooding would vary dependent on the scale of the flood event. Risk of flooding from groundwater is stated within the application to be considered medium; however there are no historical records.

The site is within Flood Zone 3b, and as such mitigating measures (Compensatory storage, raising the plant above ground level, and pumps) have been proposed to ensure the proposed development does not increase flood risk on site or further downstream.

The Lead Local Flood Authority had no comments to make on the planning

application.

It is therefore considered that, whilst the objection by the EA remains, the proposed development would not significantly add to the risks of flooding within the WRC or in the surrounding area and that the proposal conforms to WLP Policy W4A, W4B and the NPPF. The proposed development includes a number of flood mitigation measures and as such, would not have an adverse effect on the water environment.

C LANDSCAPE

Policy LSC3 of the Neighbourhood Local Plan states that *“Planning permission will be refused for proposals that adversely affect the character, the floodplain function and the associated open spaces in the Chelmer Valley as shown on Figure 31. Exceptions may be made for the undertaking of essential utility works and other development related to or compatible with the open space and recreational uses of the valley subject to a clear demonstration of benefits outweighing the harm. All planning applications coming forward in or adjacent to the Chelmer Valley must be accompanied by a Landscape Visual Impact assessment”*.

It is considered the proposed kiosks represent ‘essential utility works’ and would part of the upgrading of the WRC which would deliver improved and expanded waste water treatment capacity. With respect to landscape due to the central location of the kiosks within the existing WRC, it is not considered there would be any additional landscape impact from the control kiosks and would be in accordance with Policy LSC4 of the NLP.

D ECOLOGY AND BIODIVERSITY

The River Chelmer is located immediately to the east of the WRC site and is a Habitat of Principle Importance in England.

An artificial reedbed is located in the east of the WRC and treated effluent from the WRC flows through this before discharging into the River Chelmer. This is outside the application site.

WLP policy W10E is a key consideration and states amongst other matters that *“Waste management development...will be permitted where satisfactory provision is made in respect of the following criteria, provided the development complies with other policies of this plan:...The effect of the development on the landscape and the countryside, particularly in the AONB, the community forest and areas with special landscape designations ... and the effect of the development on nature conservation, particularly on or near SSSI or land with other ecological or wildlife designations”*.

Similarly Policy 10 of the RWLP states *“Proposals for waste management development will be permitted where it can be demonstrated that the development would not have an unacceptable impact (including cumulative impact in combination with other existing or permitted development) on ... the natural and geological environment (including internationally, nationally or locally designated sites and irreplaceable habitats)”*.

UDLP Policy ENV12 states *“development that would be liable to cause contamination of groundwater particularly in the protection zones shown on the proposals map, or contamination of surface water, will not be permitted unless effective safeguards are provided.”*

ECC's Ecological Consultant has raised no objection to the proposal as there would be no direct impacts on the neighbouring habitats, as such, it is considered the proposal is in accordance with UDLP Policy ENV12, RWLP Policy 10 and WLP Policy W10E.

E IMPACT ON RESIDENTIAL AMENITY

The closest residential properties are located 50m to the west of the application site. The properties are separated from the site by dense vegetation and the B1256. The site is considered to be well-screened by the topography and existing vegetation.

By nature, WRC's can cause odour nuisance to the surrounding area. To reduce the odour released by the sludge thickening process a proposed odour control unit would be installed as part of the works under Permitted Development. It was found that, based on 98% of hourly means; the future odour footprint of Great Dunmow WRC would be smaller than the existing site odour footprint. The two kiosks, subject to this planning application, would not have a negative impact on amenity.

It is stated that, wherever possible units would be manufactured away from site and transported to site for placement. This should contribute to reducing the construction phase time, dust and noise impacts, as well as safer working practices.

A neighbour objection has been received regarding increased noise as a result of the development. The noise report states that *“For the proposed plant at the site, for each location the calculated site noise will be equal to or less than the representative background noise levels”*. The report continues to state that *“For the event that a sludge collection is occurring at the site along with the proposed plant operations the calculated site noise levels are well below background during the daytime and range between -6 and +3 dB during the night-time. It should be noted that the sludge collection activity only occurs for around 30 minutes during the night-time, up to 3 times per week”*.

WLP Policy W5C identifies amongst other matters the need for extended sewage treatment works to make provision for odour control, an acceptable standard of visual appearance, landscaping and appropriate access.

Policy W10E states, waste management development would be permitted where satisfactory provision is made in respect of the effect of the development on the amenity of neighbouring occupiers, landscape and the countryside.

Furthermore, Policy 10 of the RWLP highlights various development management criteria and states amongst other matters that *“Proposals for waste management development will be permitted where it can be demonstrated that the development*

would not have an unacceptable impact (including cumulative impact in combination with other existing or permitted development) on: a. local amenity (including noise levels, odour, air quality, dust, litter, light pollution and vibration)”.

UDLP policy GEN4 states “*Development and uses, whether they involve the installation of plant or machinery or not, will not be permitted where:*

- a) noise or vibrations generated, or*
- b) smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants;*

would cause material disturbance or nuisance to occupiers of surrounding properties”. Similarly policy GEN2 identifies the need for good design and other similar objectives.

NPPW states that waste planning authorities should “*consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B*”. This includes noise, light, vibration, odours, traffic and visual impacts. It is considered that the two kiosks would not result in any adverse impacts to neighbouring residential properties or local amenity.

It is considered that the proposed development would not have an unacceptable impact on residential amenity, including noise and odour, and therefore the proposals are in accordance with WLP policies W5C and W10E, RWLP Policy 10 and UDLP policies GEN4 and GEN2.

7. CONCLUSION

It is considered appropriate to grant planning permission for the erection of two buildings (Site Distribution Kiosk and MCC Kiosk) at Great Dunmow WRC as they are required as part of the new treatment processes needed to treat effluent to the revised discharge consent and to meet current and future growth. The principle of the buildings is considered to have been established by the existing WRC.

The site is located within Flood Zone 3b. It is considered by the WPA that the proposed kiosks represent ‘water compatible development’ due to their classification as “sewage transmission infrastructure and pumping stations” and as such is considered to be compatible development in Flood Zone 3b. The EA has objected to the scheme based on an alternative classification. The LLFA had no comments to make on the application.

The impact of the two buildings on nearby residential amenity is considered to be negligible. The location of the proposed building within the existing WRC would not lead to any adverse impacts on visual amenity and the kiosks would not lead to any adverse impacts on odour or noise.

The proposed new buildings are considered to be in accordance with WLP policies W3A, W4A, W5C, W10E, RWLP policy 10, UDLP policies GEN2, GEN4 and ENV12, NLP Policy LSC3, the NPPF and the NPPW

8. RECOMMENDED

That planning permission be **granted** subject to conditions covering the following

matters:

- 1 The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.
- 2 The development hereby permitted shall be implemented in accordance with the details of the application dated 12th April 2017 together with;
 - Covering letter dated 11th April 2017;
 - Biodiversity Validation Checklist dated 28th February 2017;
 - Landowner/Tenant notification letter dated 11th April 2017;
 - Proposed Development Landowner noticed dated 11th April 2017;
 - Planning Statement dated April 2017;
 - Preliminary Ecological Appraisal dated November 2016;
 - Drawing Geographical Location Plan and Site Layout Reference: SEW-10340-GDUNST-SS-PLG-0001 dated 10th April 17;
 - Flood Risk Assessment dated 2nd February 2017;
 - Drawing Site Distribution Kiosk and MCC Kiosk Reference: SEW-10340-GDUNST-SS-PLG-0021 dated 10th April 2017;
 - Email dated 12th June 2017 (Sent 12:58) entitled RE: Gt Dunmow FRA.

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following condition:

- 3 All vehicular access and egress to and from the site shall be from Chelmsford Road as indicated on Drawing Geographical Location Plan and Site Layout Reference: SEW-10340-GDUNST-SS-PLG-0001 dated 10th April 2017. No other access shall be used by vehicles entering or exiting the site.

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)

The proposed development would not be located adjacent to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of the Conservation of Habitats and Species Regulation 2010 is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance,

representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure)(England) Order 2015.

LOCAL MEMBER NOTIFICATION

UTTLESFORD- Dunmow