

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H15-0267-20 **Applicant:** Anglian Water

Proposal: Installation of a new water booster pumping station and associated infrastructure including a new layby off Chaintoft Lane (partially retrospective).

Location: Land Adjacent To 1 Chaintoft Lane Quadring Spalding

Terminal Date: 2nd June 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
05	Meeting Physical Infrastructure and Service Needs
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	1	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

RESIDENTS	2	0	0	0
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CASE OFFICER ASSESSMENT

Proposal

Installation of a new water booster pumping station and associated infrastructure including a new layby off Chaintoft Lane. This development has commenced.

The application is therefore supported by a Site Specific Flood Risk Assessment (FRA), Protected Species Report, a Measurement of Environmental Noise and a Design and Access Statement.

The development will comprise the following elements:

- A new above ground pumping station measuring 4.5 metres long and 2.55 metres wide up to a height of 2.515 metres. The kiosk will be finished in holly green;
- The creation of a new gravelled compound area enclosed by post and rail fencing 1.0 metre in height;
- The creation of a new layby off Chaintoft Lane.

The new booster station will only need to operate when demand on the network is at its highest. This will normally be between the hours of 0800 - 2000.

It should be noted that Anglian Water has extensive permitted development rights under Part 13 Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended. This includes above ground development including new booster stations provided that these do not exceed 29 cubic metres, as would be the case here. Planning permission has only been applied for to establish a new operational site. The new layby could also be constructed as permitted development under Part 2 Class B 'Means of Access to a Highway' as Chaintoft Lane is not classified road and the booster station itself is permitted development.

The new booster station will connect into the existing underground water main network via a new section of water main. The water main is permitted development under Part 13 Class A (a).

No new telemetry aerials are proposed. Neither does the scheme include any new external lighting.

As a result of objections raised, the applicant has provided addition explanation in the form of an email.

Site Description

The application site comprises part of an agricultural field located to the west side of and adjacent to Chaintoft Lane, Quadring. It is approximately 100 metres south of the A152 Main Road. The land in question is a verge in the countryside, at Chaintoft lane, which is a narrow road.

The application site is located just outside of but immediately adjacent to the defined village boundary for Quadring.

History

No specific planning history but this proposal is part of the wider delivery of water infrastructure for the District.

Consultation Responses

Quadring Parish Council

Support. It needs the entrance onto the Main Road improving with the extra traffic envisaged.

Cllr S C Walsh

Support. Provided the installation has little impact on nearby properties through good design and installation, this is the type of investment in local service provision that is required.

SHDC Environmental Protection

LCC SUDS

No objection subject to informatives.

Environment Agency

No objection subject to a condition.

Third Parties

Two objections have been received, raising the following concerns:

- the siting of the booster station and lay by approximately 10m from the boundary of a residential property, but approximately 60m from the point that the new water pipe line meets Chaintoft Lane.
- quality of the noise test undertaken
- concerns about cars congregating at all hours in the proposed layby and also adding to the already existing problem of fly tipping in this area.
- additional traffic,
- Chaintoft Lane is very narrow and very quiet you cannot get two vehicles side by side
- lay-by is a concern, it could end up being parked in at night for meetings, if the music is being played in the vehicle that will cause a nuisance.
- It could also end up a site for fly tipping,

Planning Considerations

Principle of Development

This development is part of the delivery of water infrastructure to the District, and is supported by Policies 1 and 5 of the South East Lincs Local Plan 2019 (SELLP); the delivery of infrastructure is part of the key vision of the plan, as set out in *Our Vision* on page 16, and is embedded in the strategic priorities of the plan.

Policy 1 the *Spatial Development Strategy* of the SELLP sets out that development within the countryside will be permitted where it is necessary, and the supporting text of the policy makes specific reference to the provision of plant and equipment required by utility providers.

The proposed pumping station is necessary infrastructure which needs to be installed by Anglian Water to ensure that water supplies are not interrupted by new housing growth within the District. Anglian Water advise that modelling work shows that the pumping station, in order to be effective, needs to be located in the position proposed. Anglian Water's permitted development rights are also a material consideration and the applicant can install new booster stations below 29 cubic metres without the need to obtain planning permission. There are no limitations upon location. Planning permission has only been applied for in this case to establish a new operational site.

The development is therefore considered to be appropriate and to comply with Policy 1, criterion d) of the SELLP.

Policy 4: Approach to Flood Risk deals with development proposed within an area at risk of flooding and clarifies that it will be permitted, where development ensures suitable access is safeguarded for the maintenance of *water resources*, drainage and flood risk management infrastructure. (Part h of the policy).

Policy 5: Meeting Physical Infrastructure and Service Needs, links to the SELLP Infrastructure Delivery Plan and the Whole Plan Viability Assessment. The reasoned justification for this policy is

set out at 3.6.2 of the SELLP, and specifically relates to Water supply and treatment.

The provision of infrastructure is also supported by the provisions of the NPPF 2019.

The applicant has submitted a design and access statement that sets out that Anglian Water Services has a long term strategy for delivering service. The strategy identifies a number of challenges which the region faces. In line with the above strategy, one of Anglian Water's key priorities is to increase the resilience and reliability of its water supply to the existing network and to meet the needs of new development. The applicant goes on to explain that this booster station is required in order to ensure that customers in the Donington area do not experience a drop in water pressure/ loss of supply as a result of new housing growth to the west of the town.

It is considered that in principle the provision of additional and upgraded water supply infrastructure for existing and proposed development in the District is acceptable, subject to the detailed matters discussed below.

Visual impact

The explanatory text of Policy 3: Design of New Development sets out, inter alia, that *...poorly positioned service and infrastructure cabinets and sub stations produce an unsightly impact on the locality, which undermines the overall benefit that the development may achieve.*

The application site is not located within any designated landscape area or close to any heritage asset. By being located adjacent to existing development the visual impact of the development on the surrounding landscape has been minimised.

The proposal will be viewed as a small scale development on the edge of the settlement and is not considered to be such an alien feature that permission could be withheld. The booster station structure and fencing would be viewed from the adjoining dwellings but it is not considered that a loss of visual amenity, loss of light or overbearing impact would result.

The booster station has been designed to be small as possible and it will not be of an inappropriate scale. Its visual impact will be further reduced through the use of a green finish.

The application accords with Policies 2 and 3 of the SELLP.

Impact on adjoining residents

The applicant sets out that the new booster station is required to protect water supplies to residents within the district. The proposal therefore has a significant public amenity benefit.

The new booster station would be located adjacent to an existing dwelling. Given its size and scale it is not considered that it would have any adverse impact upon the amenity of this dwelling in terms of potential for overbearing impact or overshadowing.

The application is supported by a Noise Assessment. This concludes that the new pumping station would not result in any unacceptable impact upon neighbour amenity. As set under section 1.3 the booster station will also only run when demand for water is highest, likely to be between the hours of 0800 and 2000.

Objections have been received as to the usefulness of the noise assessment and the applicant has clarified that the Noise Assessment was carried out in accordance with BS4142. At the time of the survey wind speeds were light and the readings were recorded over a period of time to allow for any variation in conditions. The results clearly show that both during the day and at night the noise levels from the pumping station would be significantly below background noise levels at the nearest neighbouring property. It is also worth noting that the booster will not operate 24/7. It will only operate when demand on the network means that water pressure would start to fall. The applicant is not adverse to a condition to mitigate noise impact and Environmental Protection suggest a noise condition that is set out in the draft decision notice.

As the objector has pointed out the road is narrow so vehicles cannot park on the road whilst they visit the site. The layby may therefore become a 'de-facto' passing place on the road meaning that the neighbour's driveway is not used so much.

The development has been located away from a Willow tree in the garden of No 1 Chaintoft Lane. Protective heras fencing will be installed during construction as a precautionary measure as indicated on the proposed site plan. No materials will be stored beyond this fence line.

The application accords with Policies 2 and 3 of the SELLP.

Highway safety and road conditions

The lay-by this is necessary to ensure safe access into the site and has been designed to accommodate 2 x 6 metre long vans (and space for manoeuvring). Whilst in normal circumstances just a van will visit the site, the additional length is required in the event that the pumps need to be lifted out ie they fail or for maintenance purposes. The applicant advises that there is no other way of safely accommodating this requirement without a huge land take which would impact more upon the landscape and even then would still need to create a new access onto the road itself. It is also worth noting that as the road is not classified the creation of an access is permitted development and there are no restrictions on the width of that access.

The applicant states that layby design is based upon the information supplied by Lincolnshire County Council to Anglian Water.

It is not considered that the proposal would have any adverse impact upon highway safety or upon the satisfactory functioning of the highway network. No objection has been received from LCC. The development therefore complies with Policy 2 of the SELLP.

Flood Risk

The Environment Agency maps show the site as being located in flood zone 2/3. The refined flood risk maps contained within the South East Lincolnshire Strategic Flood Risk Assessment. These show that at the current time and in 2115 the site does not flood. In light of this, it is considered that the Sequential Test has been passed.

The pumping station would not be required to operate in time of flooding as there is sufficient resilience in the network to supply water. As such it would be classed as 'less vulnerable' development (the Environment Agency's flood risk classification refers) and there is no requirement to undertake an Exceptions Test.

The footprint of the development is small and it will not increase flood risk elsewhere.

The development therefore complies with Policy 4 of the SELLP.

Ecology

The site is currently part of an agricultural field and is therefore of limited ecological value. An ecological assessment of the site has been carried out. This concludes that the development would not adversely impact upon any protected species subject to appropriate mitigation measures being put in place. The development would accord with Policy 28 of the SELLP.

Antisocial behaviour

Objection has been raised regarding the potential for the layby to be used for fly tipping and other antisocial behaviours, however the potential for such uses would be controlled under separate legislation or by the police if need be, in the future, and it is not considered that the risk of such uses would justify refusal of permission in this instance. The application accords with Policies 2 and 3 of the SELLP.

Conclusion

In the light of the matters set out above it is considered that the development would add to the provision of infrastructure in the District and would not cause harm to adjoining residents or other interests. This application is therefore recommended for approval as it is in accordance with the policies of the SELLP set out above and the provisions of the NPPF 2019.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.