

Somerset County Council

Regulation Committee – 2 March 2017

Report by Service Manager –

Planning Control, Enforcement & Compliance: Philip Higginbottom

Application Number: 1/12/16/026
Date Registered: 6 December 2016
Parish: Burnham Without
District: Sedgemoor
Member Division: Brent
Local Member: Cllr John Denbee
Case Officer: Bob Mills
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Description of Application: **ERECTION OF VENT STACK, LOVE LANE, BURNHAM-ON-SEA**
Grid Reference: 331487-14918
Applicant: Wessex Water
Location: The Love Lane site is located on the edge of the Burnham-on-Sea built up area, and to the north of the B3140.

1. Summary of Key Issues and Recommendation(s)

- 1.1 The application seeks to amend a previously approved site restoration scheme. The main issue to be taken into account is:
 - Odour impact.
- 1.2 It is recommended that planning permission is GRANTED subject to the conditions set out in section 8 of this report and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager, Planning Control Enforcement & Compliance.

2. Description of the Site

- 2.1 The B3140 connects with a roundabout on the A38 that also connects with M5 junction 22. At its western end, approximately 2.1km distant, the B3140 enters the built-up area of Burnham-on-Sea via a roundabout. Love Lane heads northward and westward from the roundabout.
- 2.2 The proposed vent stack location is approximately 80m north of the B3140 and roundabout, on the approximately 3m wide roadside verge on the east side of Love Lane. A hedgerow is located alongside the verge. The land

further eastward is in agricultural use with a rail line approximately 850m away, on the far side of which is a caravan park.

- 2.3 On the opposite (west) side of Love Lane is an approximately 10m wide roadside verge, beyond which are residential properties facing onto Cunningham Road.
- 2.4 The application is located within Flood Zone 3.
- 2.5 The application site is not regarded as of ecological or archaeological importance.

3. Site History

- 3.1 In the late 19th century Manor Farm and Rosewood Farm were located alongside the bend in Love Lane where it headed northward. Little other development was alongside the lane at its western end. By the 1930s a number of residential properties had been constructed alongside the western part of the lane.
- 3.2 In the 1960s further residential properties were constructed at the western end of the lane, and by the mid-1970s considerably more residential properties were constructed to the south. The B3140 was also constructed and a roundabout built at the bend in the lane. By the early 1990s the development to the west of the application site had also been constructed.

4. The Proposal

- 4.1 The proposed ventilation stack would be 6m high and constructed of glass reinforced plastic, coloured grey.
- 4.2 The proposed development is a part of a wider scheme to construct 5.67 km of new sewer pipework, split between two new rising mains that would be provided using permitted development rights. The development would increase the capacity of the local sewer network to reduce the risk of flooding to a number of properties in Brent Knoll and East Brent.
- 4.3 The first section of sewer pipework runs between Wessex Water's Brent Knoll Forge House Sewage Pumping Station (SPS) and the existing sewer network on Love Lane, Burnham-on-Sea. The second rising main runs from the proposed Brent Street SPS, which was recently permitted and is under construction on a site behind the Brent Knoll primary school. The rising main would run across various fields before feeding into the same location on Love Lane. The proposed vent stack would be located within the highway verge on Love Lane connecting into the proposed rising mains.
- 4.4 The development is required in order to release pressure and gases from within the sewer network to allow the rising main to function correctly.

- 4.5 The development is proposed to commence in early 2017. It was noted in mid-February that Love Lane was closed to allow for the installation of the rising main within the highway. Wessex Water has proposed that the vent stack is installed at the same time to avoid further disruptions to local residents.
- 4.6 **Application Documents:** The application comprises;
- Application form, etc.;
 - Documents (Wessex Water):
 - C9714 Brent Knoll Flooding Love Lane Vent Stack Environmental Supporting Statement
 - Drawings:
 - Brent Knoll Vent Stack Environmental Constraints Plan (Wessex Water Environmental Services Team, drg.no. C9714/ENV/100/REV a, scale 1:750@A3);
 - New Vent Stack Planning Application Existing & Proposed Site Plan (Atkins, drg.no. C9714/771 rev A, scale 1:500 @A2)
- 4.7 **Screening Opinion:** The proposed works are not Schedule 1 or Schedule 2 development as defined within the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 2011 (as amended). As such they do not require an Environmental Impact Assessment.

5. Consultation Responses Received

5.1 **Sedgemoor District Council:** NO OBJECTION.

5.2 **Burnham Without Parish Council:** NO OBJECTION.

5.3 **Environment Agency:** No comments received.

5.4 **Southwest Heritage Trust:** NO OBJECTION.

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

5.5 **Local Highway Authority:** NO OBJECTION.

- The site lies along Love Lane a classified un-numbered road that is subject to a 30mph speed restriction at this point.
- There appear to be no recorded Personal Injury Accidents within the vicinity of the site.
- The proposal is to erect a vent stack at the back of the highway verge that runs along the eastern side of Love Lane. Its location is not within a visibility splay and is located away from the kerb edge.
- There are no highway safety concerns.
- A licence may be required to work within the highway therefore the applicant should therefore liaise with the Area Highway Office at Dunball if permission is granted.

- 5.6 **Other Internal Consultees:**
Scientific Services (Air Quality Advisor): NO OBJECTION.
- 5.7 **Public Comments:** Comments have been received from two local residents.
- One queries whether the vent stack would cause odour locally, and whether there is any long term health implications from toxic waste gases released.
 - The other objector also referred to the likelihood of odour issues, particularly in the summer when occupying the garden area.

6. Comments of the Service Manager

- 6.1 The planning application relates to the erection of a vent stack alongside Love Lane, Burnham-on-Sea.
- 6.2 **Development Plan:** Regard is to be had to the development plan for the purpose of this determination, which must be made in accordance with the plan unless material considerations indicate otherwise. Relevant policies may be found in the Sedgemoor Core Strategy (SCS, adopted May 2013) and the Somerset Waste Core Strategy (SWCS, adopted February 2013). Also taken into account are the National Planning Policy Framework (NPPF, published March 2012) and the National Planning Policy for Waste (NPPW, published October 2014).
- 6.3 **National Policy:** The NPPW states that when determining waste planning applications, waste planning authorities should consider the likely impact on the local environment and on amenity, and the locational implications of any advice on health from the relevant health bodies. Proposals should also ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located.
- 6.4 Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.
- 6.5 **Local Policy – Location:** SWCS policy DM1 (Basic Location Principles) states that planning permission will be granted for waste management development at locations that are well connected to the strategic transport network, which adhere to the principles of sustainable development and which support delivery of strategic policies. Waste management development will normally be located on sites including:
- existing waste management sites, sites with planning permission for waste management facilities and sites allocated for waste-related uses;
 - land in existing general industrial use (B2 use class) or in existing storage and distribution use (B8 use class);
 - land allocated for B2 and B8 purposes; or
 - previously developed land.
- The use of unallocated greenfield land will be strictly controlled and limited in accordance with the Development Plan.
- Policy DM2 (Sustainable Construction and Design) states that planning

permission will be granted for waste management development subject to the applicant demonstrating a commitment to sustainable construction and design. Proposals will be considered favourably where they incorporate measures to (amongst other things):

- contribute positively to the character and quality of the area; and
- prioritise the use of sustainable urban drainage systems.

In this case, the vent stack would not be located in accordance with policy DM1. In addition, it would not add to the area's character or quality; however, the proposed development is of minimal scale and would assist in reducing flooding in Brent Knoll and East Brent.

- 6.6 In this case, the application site does not meet the above-mentioned requirements; however, the siting of the vent stack is dependent on the location of the junction between the existing and proposed sewage mains. It is therefore regarded as acceptable subject to the development not causing significant adverse impacts in the local area.
- 6.7 **Odour Impact:** SCS policy D16 (Pollution Impacts of Development and Protecting Residential Amenity) states (amongst other things) that development proposals that are likely to result in levels of air contamination that would be harmful to other land uses or the built and natural environment will not be supported. Where there are reasonable grounds to suggest that a development proposal may result in a significant adverse environmental impact, the Council will require planning applications to be supported by assessments relating to (amongst other things) air pollution and odour. Development proposals that would result in the loss of land of recreational and/or amenity value or unacceptably impact upon the residential amenity of occupants of nearby dwellings and any potential future occupants will not be supported. Particular consideration will be given to the extent that the proposal could result in unacceptable noise and disturbance, overshadowing, overlooking and/or visual dominance.
- 6.8 SWCS policy DM3 (Impacts on the Environment and Local Communities) states that planning permission will be granted for waste management development subject to the applicant demonstrating that the proposed development will not generate significant adverse impacts from (amongst other things) odour, emissions, or visual intrusion to adjoining land uses and those in close proximity to the development. Policy DM8 (Waste Water Treatment) states that planning permission for waste water storage, pumping and treatment development will be granted subject to the applicant demonstrating that proposals (amongst other things) avoids the unnecessary use of areas at risk from flooding, and establish links to existing sewerage infrastructure..
- 6.9 A sewer pipe is normally at neutral air pressure compared to the surrounding atmosphere. When a column of waste water flows through a pipe, it compresses air ahead of it in the pipe, creating a positive pressure that must be released so it does not push back on the waste stream. As the column of water passes, air must freely flow in behind the waste stream, or negative pressure results. The extent of these pressure fluctuations is determined by

the fluid volume of the waste discharges in the sewer pipe.

- 6.10 The applicant has stated that the proposed development is not expected to give rise to an odour nuisance. Wessex Water's Odour Management Co-ordinator has reviewed the proposed development and has outlined that there is a low risk of an odour nuisance due to the height of the proposed vent stack. At six metres above ground level, the odour from the sewage network would be expected to disperse, avoiding any significant odour nuisance at the nearby properties. The SCC Air Quality Advisor has not objected to the proposal.
- 6.11 **Visual Impact** – The 6m vent stack would be taller than the hedgerow alongside making its upper part visually distinctive from some viewpoints to the west, as are the street lamps and the pole mounted electricity sub-stations. However, the vent stack would be coloured grey and slender in design and would be expected to have a limited impact on the view eastward from the residential properties on Cunningham Road.
- 6.12 The visual impact of the proposed vent stack is regarded as acceptable.
- 6.13 **Other Impacts: Flooding** – The vent stack would be located within a Flood Zone 3 area. However, the limited footprint of the stack would have a minimal impact on any increase in flood depth in the surrounding area.
- 6.14 **Noise** - The installation of the rising main would generate a period of works within the highway at Love Lane that would generate noise levels that may disturb nearby residential properties. However, it would be a short-lived event and is not expected to give rise to noise nuisance once completed.
- 6.15 **Ecological Impact** - An ecological survey of the site was carried out in May 2014. The vent stack is proposed on a mown grass verge, comprising common grass species, and is of low conservation interest. The boundary behind the proposed stack to the east is a dense bramble bank with occasional hawthorn and dogwood. A few ruderal plants grow at the base of the hedge including spear thistle and ragwort. The proposal would not impact on any protected species. Overall, the proposal is not expected to have any effects on features of conservation interest.
- 6.16 **Archaeological Impact** - The County Archaeologist has been consulted and has confirmed that no mitigation is required. There is unlikely to be an effect on archaeology.

7. Conclusion

- 7.1 The planning application relates to the erection of a vent stack alongside Love Lane, Burnham-on-Sea. The proposed works is part of a wider scheme to construct 5.67 km of new sewer pipework, split between two new rising mains, to reduce flooding at Brent Knoll and East Brent. The vent stack

would be located within the highway verge at Love Lane connecting into the proposed rising mains.

- 7.2 In this case, the vent stack would not add to the area's character or quality; however, the proposed development would assist in reducing flooding in Brent Knoll and East Brent.
- 7.3 A sewer pipe is normally at neutral air pressure compared to the surrounding atmosphere. However, when a column of waste water flows through a pipe, it compresses air ahead of it creating a positive pressure that must be released via the vent stack. Wessex Water's Odour Management Co-ordinator has reviewed the proposed development and has outlined that there is a low risk of an odour nuisance due to the height of the proposed vent stack. At six metres above ground level, the odour from the sewage network would be expected to disperse, avoiding any significant odour nuisance at the nearby properties. The SCC Air Quality Advisor has not objected to the proposal.
- 7.4 The vent stack would likely be taller than the hedgerow alongside, as are the street lamps and the pole mounted electricity sub-stations, making its upper part visually distinctive from the west. However, the vent stack would be coloured grey and expected to have a limited impact on the overall view from the residential properties on Cunningham Road.
- 7.5 The limited footprint of the vent stack would have a minimal impact on any increase in flood depth in the surrounding Flood Zone 3 area.
- 7.6 Whilst the installation of the rising main will generate noise levels that may disturb the nearby residential area, it would be a short-lived event. The vent stack is not expected to give rise to noise nuisance.
- 7.7 The proposed vent stack site is located on a mown grass verge and is of low conservation interest. The boundary behind the proposed stack to the east is a dense bramble bank with occasional hawthorn and dogwood. The proposal would not impact on any protected species and is not expected to have any effects on features of conservation interest.
- 7.8 There are no identified sites of archaeological interest at the proposed vent stack site. The County Archaeologist has not objected to the proposal.
- 7.9 There are no other material considerations and my recommendation is that planning permission is granted.

8. Recommendation

- 8.1 **It is recommended that planning permission be GRANTED subject to the imposition of the following conditions and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager, Planning Control Enforcement & Compliance:**

1. Time Limit

The development hereby permitted shall be commenced within 3 years of the date of this permission.

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Completion of Development

The development hereby permitted shall be carried out in strict accordance with the approved plans and specifications [as listed below].

- Documents (Wessex Water):
 - C9714 Brent Knoll Flooding Love Lane Vent Stack Environmental Supporting Statement
- Drawings:
 - Brent Knoll Vent Stack Environmental Constraints Plan (Wessex Water Environmental Services Team, drg.no. C9714/ENV/100/REV a, scale 1:750@A3);
 - New Vent Stack Planning Application Existing & Proposed Site Plan (Atkins, drg.no. C9714/771 rev A, scale 1:500 @A2).

Reason: To enable the Waste Planning Authority to deal promptly with any development not in accordance with the approved plans.

3. Construction Working Hours

There shall be no construction activity except between the hours of:

- Mondays to Fridays 0800 - 1800

There shall be no working on Saturdays, Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

Relevant Development Plan Policies

1. The following is a summary of the reasons for the County Council's decision to grant planning permission.
2. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise. The decision has been taken having regard to the policies and proposals in:

- Sedgemoor Core Strategy, adopted in May 2013; and
- Somerset Waste Core Strategy, adopted in February 2013.

The policies in those Plans particularly relevant to the proposed development are:

Sedgemoor Core Strategy –

Policy D16 (Pollution Impacts of Development and Protecting Residential Amenity) – The proposed development is not expected to result in local levels of odour.

Somerset Waste Core Strategy –

Policy DM1 (Basic Location Principles) - The siting of the vent stack is dependent on the location of the junction between the existing and proposed sewage mains

Policy DM2 ((Sustainable Construction and Design) - The vent stack would not add to the area's character or quality; however, the proposed development would assist in reducing flooding in Brent Knoll and East Brent.

Policy DM3 (Impacts on the Environment and Local Communities) - The proposed development is not expected to generate significant adverse impacts from odour or visual intrusion to adjoining land uses and those in close proximity to the development.

Policy DM8 (Waste Water Treatment) – Although the site is within Flood Zone 3 it would have minimal impact on flooding within the area. It would provide a link between existing and proposed sewerage infrastructure.

3. The County Council has also had regard to all other material considerations.

4. **Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012.**

In dealing with this planning application the Waste Planning Authority has adopted a positive and proactive manner. The Council offers a pre-application advice service for minor and major applications, and applicants are encouraged to take up this service. This proposal has been assessed against the National Planning Policy Framework and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason for approval or reason(s) for refusal. The Planning Authority has sought solutions to problems arising by considering the representations received, and liaising with consultees and the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

Background Papers

Planning Application file no. 1/12/16/026

Sedgemoor Core Strategy (2013)

Somerset Waste Core Strategy (2013)

National Planning Policy Framework (2012)

National Planning Policy for Waste (2014).