



V/2018/0195 - Change of Use of Land From Agricultural to Operational and Installation of Reservoir, Two Valve Houses, Land Re-Profiling and Landscaping Works and Alterations to Access

Diamond Avenue Service Reservoir Diamond Avenue Kirkby in Ashfield

Ashfield District Council **Kingsway**
Urban Road
Kirkby in Ashfield
Nottingham NG17 8DA

16th Aug 2018

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Ordnance Survey 100024849

Map sheet: SK5155



Scale: 1 to 2500

COMMITTEE DATE 16/08/2018 **WARD** Kingsway

APP REF V/2018/0195

APPLICANT Severn Trent Water Ltd

PROPOSAL Change of Use of Land from Agricultural to Operational and Installation of Reservoir, Two Valve Houses, Land Re-Profiling and Landscaping Works and Alterations to Access

LOCATION Diamond Avenue Service Reservoir, Diamond Avenue, Kirkby in Ashfield, Nottingham. NG17 7LW

WEB LINK <https://www.google.co.uk/maps/@53.0959317,-1.2342931,307m/data=!3m1!1e3>

BACKGROUND PAPERS A, B, C, D, E, F, I, K

App Registered 26/03/2018

Expiry Date 20/08/2018

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Councillor Rachel Madden on grounds of the impact on the adjacent residential properties and the wider environment.

THE SITE

The site is situated to the east of Kirkby in Ashfield town centre and on the south eastern fringes of the urban area. It lies south of B6020 Diamond Avenue and is around 350m west of the junction with the A611 Derby Road. Access is taken from Diamond Avenue and there is parking provision within the site for attendant vehicles.

The site is washed over by Green Belt. It lies immediately east of a residential estate, is bordered by allotments gardens to the east, open farmland to the south and larger individual designed dwellings on the north side of Diamond Avenue.

The existing operational District Service Reservoir [DSR] consists of a disused reservoir to the north-west of the access road and an abandoned booster pumping station; two 9.1 megalitre cells in active use; a dosing container, booster pumps and a Motor Control Centre building in the south-east of the existing site; and an area of land to the north previously leased to a private individual(s) for equine

stabling/ grazing purposes. The existing reservoir site is enclosed by a 1.8 metre site security fence.

Positioned slightly above Diamond Avenue, the site is fairly level until close to the southern boundary when the land dips gently to the south into the adjoining farmland. However, there is a more severe slope from the western half of the extended site down towards the boundary with the residential properties on Marshall Avenue.

THE APPLICATION

This is an application for change of use of land from agricultural to operational land for the Water Authority, including the installation of a new 15 megalitre reservoir and also comprising :-

- The extension of the existing operational site to install a new 15 megalitre covered reservoir cell consisting of 3no. equal compartments.
- Two valve houses.
- New security fencing.
- Extension of existing site access road, including turning areas.
- Alteration of access off Diamond Avenue (B6020).
- Re-profiling of land to provide screening for new reservoir.
- Decommissioning of 2no. existing reservoir cells & re-using one for surface water attenuation.
- Temporary working area adjacent to new extended operational land.

The positioning of the proposed new reservoir, south of the existing operational site requires a change in the use of the land from agricultural to operational land. It also represents a further incursion of operational land into what is currently open farmland within the green belt.

The existing site will be extended by around 85m to the south across the full width of the site, equating to around 1.63 hectares. The reservoir will comprise 3No. equal compartments each measuring 42m x 28m. The height of the completed reservoir above existing ground level will vary across the reservoir due to the site's topography but the maximum height at the SW corner will be 3.85m. However, once backfilled, the land is to be re-profiled with the excavated material and, together with the provision of embankments, the visual impact will be significantly mitigated.

The reinforced concrete reservoir will be positioned towards the east of the site, maximizing the distance to the nearest residential properties, Nos 3A & 3B Marshall Avenue, some 70m to the west. It will be secured on the three external sides by a 2m high security fence and hedgerow, as indicated on the submitted drawings.

A temporary working compound will also be required for the duration of the construction works, located immediately adjacent to the newly extended site and this is to be provided as Permitted Development. Once the new reservoir is operational it is proposed to decommission the two existing reservoir cells & re-use one for surface water attenuation from the new reservoir.

The proposed development reduces the potential for disruption to water quality and supply in the area arising from the further deterioration of the existing reservoir cells. The site will allow both the top and bottom water levels of the new DSR to be matched with the existing levels which will further reduce the potential for impact on customer supplies while the supply is switched from the old to the new DSR. It also avoids the potential disruption that would result from the extensive pipeline works that would be required if the new DSR were to be located on another site, not adjacent to the existing site.

CONSULTATIONS

Site Notices have been posted together with individual notification of adjoining residents.

ADC Environmental Protection [Contamination & Land Stability]

Not necessary to require a land contamination condition of any permission issued.

ADC Landscaping

The initial comments from the Landscape Team confirmed that the development would have low to moderate impact upon the landscape character and embraces sustainable development principles. The re-profiling of the land and provision of embankments will soften the reservoir and the inclusion of hedgerows around the peripheral fencing and trees between the reservoir and the housing estate to the west would add to this mitigation.

Further information was received from the applicant to clarify some landscaping concerns and the applicant has also conceded to the use of hydra seeding of the reservoir embankment and provision of a tree buffer between the reservoir and the residents to the west, as suggested.

ADC Policy

Both the existing site and the proposed extension land for the new reservoir are situated in the Green Belt. As such ALPR Policy ST4 will apply, which identifies that permission will only be given for sites allocated for development or development appropriate to the Green Belt under Policy EV1.

Policy EV1 of the ALPR sets out that inappropriate development will not be allowed in the Green Belt unless justified in very special circumstances. The National

Planning Policy Framework (NPPF) advises that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. However, both Policy EV1 and the NPPF in paragraphs 145 and 146 identify exceptions. The Green Belt policy in the emerging Local Plan Publication 2016, (Policy EV1), is reflective of the NPPF and paragraphs 145 and 146.

Under NPPF, paragraph 146 and Policy EV1 of the ALPR, engineering operations are deemed appropriate in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. If development does not preserve the openness of the Green Belt then consideration needs to be given to whether there are very special circumstances that should enable the proposal to proceed. It is for the decision-maker to take a rounded assessment of openness in the context of paragraphs 145 and 146 of the NPPF.

The provision of a quality water supply is a key aspect in terms of infrastructure provision to support the existing and future water requirements for Kirkby-in-Ashfield. In relation to strategic policies, the NPPF para 20 makes it clear that in planning for development there is the need to make sufficient provision for infrastructure including water supply. It is considered that it is important that the future water infrastructure needs for Kirkby-in-Ashfield and the wider area are met to improve water quality and facilitate development in the District.

The proposal is clearly an engineering operation. Therefore while the proposal is within the Green Belt, it is appropriate development under NPPF paragraph 146 and ALPR, Policy EV1.

If the application is not considered to meet the provisions of NPPF paragraph 146 and ALPR Policy EV1, consideration must be given to whether there are very special circumstances to justify granting permission for development. The application also needs to be considered against the impact on the character and amenity of the area under ALPR Policy ST1.

ADC Drainage

No known drainage issues but percolation tests need to be carried out to determine if the use of soakaways are suitable. The LLFA must approve the drainage proposals for the site.

Environment Agency

No comments to make but need to consult the LLFA.

Nottinghamshire County Council Flood Risk Management Team

Initial concerns were raised by the LLFA due to an inadequacy of information. The Drainage Strategy Assessment has been received and the LLFA confirms that this Strategy has addressed all the points previously raised and so have no further objection.

Nottinghamshire County Council Planning Strategy

There are no issues in respect of the Waste Core Strategy but the development should be designed, constructed and implemented to minimise the creation of waste and maximise the use of recycled materials.

The site has low ecological value but recommendations are made that mitigation measures should be secured via condition.

The County Council does not wish to raise any objections to the proposal from a minerals perspective.

Nottinghamshire County Council Highways Authority

The application is a minor proposal where the traffic capacity of the existing highway network will not be a material factor and as such, there are no objections to the development.

Natural England

No objection, unlikely to affect any statutorily protected sites or landscapes.

Community Responses

A total of 8 communications have been received from 2 members of the local community relating to :-

- The potential impact on residential cesspits
- Potential damage to existing drainage systems
- Devaluation of the adjacent houses
- Expected traffic levels and type of vehicles once the development is completed
- What will the structure look like?
- Existing and future surface water run-off into gardens
- Size of development, will they require more reservoirs.
- Impact upon the environment
- Requires tree planting buffer.

A main concern appears to be that of existing surface water run-off into gardens and if and how this may be affected by the development. This element will be discussed, along with the others raised, within the Assessment below.

One of the residents has suggested numerous potential solutions to the problem, including him acquiring land; the creation of a permanent bund / ditch; planting of trees and wildflower meadow etc. However, it must be noted that his property does not directly adjoin the planning application site and so the location for the works he requests would be outside the application boundary and outside the control of STWA. The requests cannot therefore be met and the comments are not therefore relevant to the consideration of this application.

POLICY

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

National Planning Policy Framework 2018

- **Part 2** : Sustainable Development
- **Part 11** : Making Effective Use of Land
- **Part 13** : Protecting Green Belt Land
- **Part 15** : Conserving & Enhancing the Natural Environment

Ashfield Local Plan Review 2002 [ALPR]

- **ST1** : Development
- **ST4** : Remainder of the District
- **EV1** : Green Belt
- **EV8** : Trees and Woodlands

Ashfield Publication Local Plan 2016

- **CC2** : Water Resource Management
- **CC3** : Flood risk & Sustainable Drainage Systems [SuDs]
- **EV1** : Green Belt
- **S1** : Sustainable Development Principles
- **SD1** : Good Design Principles for Development
- **SD2** : Amenity
- **SD4** : Infrastructure Provision & Developer Contributions

RELEVANT PLANNING HISTORY

- **V/1998/0427** - Construction of Booster Pumping Station. Conditionally Approved 23/11/1998.

ASSESSMENT

In the determination of the application, the main considerations include, the principle of the development and Green Belt issues; drainage & surface water run-off; and impact on local residential amenity. These are considered below.

Severn Trent Water Authority [STWA]

STWA is a regulated business with statutory responsibilities for the provision of water and sewerage to over 8 million people. STWA are currently implementing their Asset Management Plan to 2020 which is the mechanism by which the regulator, OFWAT defines in a 5 year capital expenditure programme for all water companies. One of the key drivers of this is to ensure a continuous supply of quality water and the new facility is designed to include for growth up to 2034/5.

The existing District Service Reservoir [DSR] structures at Diamond Avenue are subject to water quality risk due to potential contaminant ingress through a deteriorated aluminium roof. There are also issues with leakage, turnover [period of water storage], dosing [inserting additives] & security.

Principle & GB

The site lies within the Green Belt. Both the extant and emerging local plan policies EV1 and Paragraph 143 of the NPPF 2018 stipulate that inappropriate development in the GB is, by definition, deemed harmful and should only be approved in very special circumstances. However, Paragraph 146 b) of the NPPF 2018 confirms that 'engineering operations' [which this proposal is classified] **are not inappropriate providing they preserve the openness of the GB.** The physical presence of development within the GB is not in itself harmful to the openness of the GB within the parameters of Paragraph 146 of the NPPF 2018. Openness should therefore be considered in the round of all other material factors including the type of development proposed.

Whilst the entire reservoir site is within the GB, the proposal entails a further incursion into open farmland beyond the current operational area. Additionally, there are areas of 'redundancy' on the existing site. STWA were therefore requested to confirm why these areas, particularly to the west of the site, could not be re-used for the new reservoir in preference to the extension of land into open countryside.

They confirm that the existing operational reservoir cells must be kept in supply to feed the network demand whilst the new cell is constructed. Hence there is no option to knock them down and replace them in the same location. For similar reasons, the western side of the site is crossed with numerous water supply pipes from the existing cells, providing supplies to the housing to the west and also into the mains along Diamond Avenue. Additionally, there is a Western Power high voltage supply cable entering the site to feed the supply pumps etc and then egressing the site to the west to feed the housing estate.

Additional to the disruption to existing services, the construction of a reservoir on the western side is problematic. With the requisite excavation depth and embankment slope, there is insufficient width of land to site it here. It would also be tight up to the boundary with dwellings on Nest Crescent with potential amenity concerns. Any reservoir in this location would inevitably be excessively elongated. The shape of the cell affects the water circulation in it and thus the overall time the water remains in the tank [turnover period]. Stagnation over time causes deterioration in quality. The three structural cells proposed are at the optimum shape and size of 48m x 28m to maintain water quality and achieve the target turnover time of 36 hours.

It is considered that the impact on the landscape character is likely to be low to moderate, essentially created by the change in the land formation. However concerns over the erection of security fencing have been negated by the agreement to include a native species hedgerow around the site periphery and the embankments to the reservoir will soften the structure.

Visual impact plays an important part in the assessment of the impact on openness and the lessor the visual impact, then there is a reduced impact upon the openness. On balance, given the proposed mitigating embankments and hedgerows, other than a change in the slope gradients, the visual impact will be little changed for the residents to the west. Accordingly, it is considered that the development will not adversely affect the openness of the GB and remains in accordance with Policy ST1 of the ALPR.

STWA have also produced convincing technical and operational evidence to demonstrate that developing the new reservoir within their existing areas of redundancy is not feasible and that the proposed incursion into the farmland to the south is their only viable option. Given their operational obligations to maintain a supply of quality water to their customers, together with the circumstances relating to the existing site, it is considered that such justification can reasonably be taken as the very special circumstances required by the 2018 NPPF at Paragraph 143 and that such special circumstances would outweigh any concerns over openness impact.

On balance therefore, the proposal is considered to accord with the requirements of Paragraphs 143, 144 & 146 of the 2018 NPPF and hence meets the requirements of Policy ST1 of the ALPR and Policies EV1 of both the current and emerging ADC local plans.

Drainage & Surface Water Run-off

From community responses, it seems apparent that surface water run-off from the existing farmland is an issue and causes flooding of garden areas. This is worsened when the farmer ploughs in an east-west direction as this funnels run-off along the furrows towards the mutual boundary. This however seems limited to properties on Marshall Avenue since the dwellings on Nest Avenue/Crescent are on higher land and adjoin the operational site of STWA, not the farmland.

Residents were therefore reasonably concerned that the development of the reservoir may worsen this problem.

A Drainage Strategy was received from STWA, prepared in consultation with the Nottinghamshire County Council Lead Local Flood Authority. A temporary drainage system will be installed during construction to capture and discharge surface water run-off to the field to the east of the site, which will be rented for this purpose. Additionally, temporary drainage measures will be put in place during construction to capture and discharge run-off from the site into the eastern part of the temporary working area. A low-level bund will also be installed with a geotextile membrane along the western boundary of the working compound which will protect properties from any surface water run-off arising during the construction of the new reservoir.

Once decommissioned, one of the existing reservoir cells will be used as a soakaway for the run-off from the new reservoir, by perforating the existing base slab to allow infiltration. The cell will also receive additional surface water generated by the new access road and associated facilities. This follows the first choice for sustainable drainage of infiltration.

Given that the reservoir footprint equates to around 42% of the current field area, it can be seen that a similar percentage of the existing run-off will be negated by the development and the drainage treated in a sustainable manner. Whilst the remainder of the field to the west of the reservoir will remain unchanged, the amount of run-off should be significantly reduced and therefore the development will result in benefits for residents currently experiencing surface water run-off issues.

This Drainage Strategy has been vetted by the NCC Lead Local flood authority who confirm that it addresses all of their initial concerns. Accordingly, Part 2 of the NPPF 2018; and Policies CC3, S1 and SD4 of the Emerging Plan 2016 are respected.

Impact on Local Residential Amenity

The proposed reservoir is 70m+ distant from the nearest dwelling to the west taken from the base of the embankment and around 82m at the top of the reservoir. The roof level of the reservoir will be no greater than 3.85m above the existing ground level. This height increase will not however be so noticeable due to the re-grading of the land around the reservoir and the provision of earth embankments all round which will mitigate the visual impact.

The applicant has provided additional pictorial views of the reservoir site to demonstrate the visual impact of the finished installation. In particular, views are taken from the garden level and first floor window level of Nos 5 & 17, Marshall Avenue to the west, representing the nearest dwellings which face onto the development. Two dwellings, 3A & 3B Marshall Avenue are slightly closer but are positioned gable end on to the development.

From these details, it is clear that the impact of the completed works will be marginal and that the re-profiling of the land and embankments created around the reservoir cell will appear little different to the undulations in the rising land .

The proposed fencing around the new works will appear as a utilitarian and stark element in the otherwise open landscape. To soften this effect therefore, the applicant has agreed to planting a hedgerow around the site on the outside of the fencing and the provision of this will be controlled by condition.

Furthermore, community comments have revealed a desire to see some additional tree planting between the reservoir and the western site boundary with the housing estate. The applicant has now agreed to this request and the provision will be assured by condition.

In consideration of all the proposed measures, the scheme is unlikely to create any significant adverse visual impacts for the local residents and their amenity. Accordingly, the proposed development is compliant with Policy ST1 of the ALPR 2002, with Policies S1; SD1 & SD2 of the Emerging Plan 2016 and with the overarching NPPF 2018.

CONCLUSION

STWA has statutory responsibilities for the provision of water and sewerage and are currently implementing a 5 year capital expenditure programme to ensure a continuous supply of quality water.

The NPPF 2018 confirms that engineering operations are not inappropriate development in the Green Belt and that from the evidence submitted with the application and assessment of the landscaping effects, it is, on balance, considered that the proposed development will not materially or adversely affect the openness of the Green Belt.

STWA have also produced convincing technical and operational justification for the choice of site which can reasonably be taken as the very special circumstances required by the 2018 NPPF. Such special circumstances are considered sufficient to outweigh any concerns over the openness impact and potential harm to the Green Belt.

RECOMMENDATION : Conditional Approval

CONDITIONS:

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby approved shall only be carried out in accordance with the details and specifications shown on the drawings and documents submitted, as follows :- :-
 - Site Location Plan No. A6W11902-XA00000, Rev.A, received 23/3/18
 - Existing Site Plan No. A6W11902-PA00100, Rev.B, received 23/3/18
 - Proposed Site Layout Plan No. A6W11902-XA00020, Rev.B, received 23/3/18
 - Proposed Site Access No. A6W11902-XA00021, Rev.B, received 23/3/18
 - Site Layout CDM Plan No. A6W11902-XA00022, Rev.A, received 6/8/18.
 - Reservoir Elevations Sheet 1 of 2, No. A6W11902-PA00110, Rev.B, received 18/6/18
 - Reservoir Elevations Sheet 2 of 2, No. A6W11902-PA00111, Rev.B, received 18/6/18
 - Landscape Plan No. A6W11902-PA00112, Rev.B, received 18/6/18
 - Additional Views & Sections No. A6W11902-PA00113, Rev.A, received 12/4/18
 - Pictorial Views of Site No. A6W11902-PA00114, Rev.A, received 12/4/18

- Topographic Survey Plan received 23/3/18
 - Justification for Location & Configuration of Reservoir, including details of subterranean pipework and power cables, received by email dated 6/7/18.
 - Traffic Management Plan Ref. PH23-DOC-007, dated January 2018
 - Planning, Design & Access Statement, Rev.001, dated March 2018, received 27/3/18
 - Archaeological Desk Study, received 23/3/18
 - Drainage Strategy, dated June 2018, received with email dated 15/6/18
 - Flood Risk Assessment dated January 2018, received 23/3/18
 - Preliminary Ecological Appraisal dated 16/1/18, received 23/3/18.
3. Prior to the completion of the development a scheme of hard and soft landscaping, shall be submitted to and approved by the Local Planning Authority. All planting, seeding or turfing, to include the hydra seeding of the reservoir embankments and tree planting between the reservoir and the western site boundary, indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the commissioning of the reservoir or the completion of the development whichever is the sooner; and any trees, hedgerows or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
4. All preparatory work on site and activities carried out throughout the duration of the construction period shall be carried out in accordance with the recommendations contained within Table 7 of the Preliminary Ecological Appraisal.
5. Unless in the event of an emergency or as otherwise may be previously agreed in writing with the Local Planning Authority, site deliveries and construction work shall only take place during the following hours:
1. 07.30 hrs to 18.00 hrs Monday to Fridays
 2. 09.00 hrs to 13.00 hrs Saturdays
 3. No earth moving operations or use of mechanical equipment shall be carried out before 08.00 hrs Monday to Friday and 09.00 hrs on Saturday.
 4. No work on site whatsoever shall take place on Sundays, Bank or Public Holidays.

6. No development shall commence on site until the arrangements for construction, design and management, as detailed on the Site Layout CDM Plan No. A6W11902-XA00022, Rev.A, received 6/8/18, are in place and are thereafter maintained throughout the construction period.
7. There shall be no storage of any items; parking of machinery; raising or lowering of ground levels; or disturbance of soil under the crowns of the existing trees and in advance of works commencing on site, fencing in accordance with BS5837 shall be erected around all existing trees within the CDM Plan zone and thereafter retained for the duration of the construction period.

REASONS:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
4. In order to protect the ecology of the area.
5. To safeguard the amenities of residents living in the vicinity of the application site.
6. In the interests of the amenities of local residents and the wider environment and in the interests of highway safety.
7. To ensure that the existing trees are adequately protected during the period when construction works take place on the site.

INFORMATIVES

1. The applicant is advised to contact Ashfield District Council's Environmental Health Section to discuss the proposal prior to the commencement of the decommissioning of the redundant reservoir cell [s]
2. The development makes it necessary to construct/improve a vehicular crossing over a verge/footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at: <http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>.

3. Landowners, individual property owners and users are responsible for managing the drainage of their own land. The applicant must satisfy themselves that drainage is managed in such a way as to prevent adverse impacts of neighbouring land. The Council take no responsibility for incorrect information or interpretations made by the applicant or their representatives. The responsibility for the checking of the design, calculations and details remain with the developer, or agent acting on their behalf. For further detail on the decision please see the application report by contacting the Development Section on 01623 457388.