

Hedge End, West End and Botley Local Area Committee - Monday 23 July 2018

Application Number: X/18/82986
Case Officer: Liz Harrison
Received Date: Tuesday 10 April 2018
Site Address: Land to the north west of Boorley Green, Winchester Road, Boorley Green, Eastleigh, Hampshire, SO32 2BX
Applicant: Miller Homes Ltd and Gleeson Developments Ltd
Proposal: Variation of Condition 12 of outline planning permission (O/15/75953) to enable foul drainage to be carried out in accordance with either the approved Flood Risk Assessment (Dec 2014) or details set out in the Foul Sewerage Assessment (March 2018 ref M380-Doc 05)

Recommendation:

Subject to:

- i) **Completion of Deed of Variation to ensure requirements of original S106 associated with O/15/75953 still apply**
- ii) **Confirmation from Secretary of State that they do not intend to call the application in**

then PERMIT subject to

CONDITIONS AND REASONS

All conditions originally attached to planning permission O/15/75953 to be reattached with Conditions 4 and 12 reworded as follows and additional conditions 36, 37 and 38:

- (4) Application for all of the remaining phases of the development (subsequent to first reserved matters application RM/17/81628) shall be made to the Local Planning Authority not later than 30 November 2019.
- (12) The development permitted by this planning permission shall be carried out in accordance with the *approved Flood Risk Assessment (FRA) (by FMW Consultancy, FMW1467F, dated December 2014)* and the following mitigation measures detailed within the FRA:
 - All buildings and development must be located within Flood Zone 1 only. The mitigation measures shall be fully implemented prior to occupation and in accordance with the timing / phasing arrangements embodied within the scheme.

With respect to foul drainage, the development shall be carried out in accordance with either the approved FRA or details set out within the Foul Sewerage Assessment, dated March 2018, reference M380-DOC05. If installed, the on-site waste water treatment works shall be operated by an OFWAT regulated operator and the colour of the tanks shall be agreed prior to installation.

- (36) Prior to the installation of any on-site waste water treatment works a detailed implementation plan showing how sewage will be dealt with and how the plant operation shall be implemented up to full operation on site shall be submitted to and approved in writing by the Local Planning Authority. The on-site waste water treatment works shall be installed in accordance with the approved details.

Reason: To enable the noise and odour impacts to be appropriately managed in order to protect residential amenities.

- (37) Any fixed plant or machinery used at the on-site waste water treatment works shall be provided with suitable acoustic attenuation, or sited at agreed locations, to mitigate the effects of noise. The details shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The on-site waste water treatment works shall be installed in accordance with the approved details.

Reason: To enable the noise impacts to be appropriately managed in order to protect residential amenities.

- (38) Prior to commencement of development on any on-site waste water treatment works details of a scheme of works to protect the occupants of the proposed dwellings from odours arising on the sewage treatment works site, shall be submitted to, and approved in writing by, the Local Planning Authority. The development hereby permitted shall not be occupied until verification that the approved scheme has been fully implemented has been submitted to, and approved in writing by, the Local Planning Authority.

Report:

1. This application has been called to Committee by Members.

Description of application

2. The application seeks to vary condition 12 on the outline planning permission O/15/75953 to enable the use of an on-site waste water treatment works for the disposal of foul drainage. When outline planning permission was granted on appeal the Inspector attached various conditions to the permission. Condition 12 reads as follows:

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (by FMW Consultancy, FMW1467F, dated December 2014) and the following mitigation measures detailed within the FRA:

- *All buildings and development must be located within Flood Zone 1 only. The mitigation measures shall be fully implemented prior to occupation and in accordance with the timing / phasing arrangements embodied within the scheme.*
3. The original Flood Risk Assessment referred to in condition 12 stated that foul drainage will discharge to nearby public foul sewers owned and operated by Southern Water and that upgrades would be required in order for the required capacity to be provided. The developers have been in discussion with Southern Water but Southern Water have not yet been able to confirm what infrastructure improvement works would be required so this application seeks to amend condition 12 to allow flexibility so that the foul drainage could be via mains infrastructure, as originally proposed, or via an on-site waste water treatment works (WWTW).
 4. The on-site waste water treatment works would be operated by Icosa, an OFWAT registered operator and would be located in the northern corner of the site, with the nearest equipment being at least 18m from Winchester Road. The submitted details show the WWTW to consist of 3 tanks, each with a total height of 6.34m, but set into the ground by 1.5m such that their resultant height about ground level would be 4.84m, with a gantry running above them. In addition the compound would contain a small office unit, and a number of other, smaller pieces of equipment.
 5. The application is accompanied by the following reports, technical assessments and drawings which have been updated as necessary throughout the course of the application:
 - Planning Statement
 - Environmental Statement
 - Foul Sewerage Assessment
 6. When considering the original application for outline planning permission it was concluded that an Appropriate Assessment under the Habitats Directive was not required. Since that time there has been a recent ruling by the Court of Justice of the European Union on the interpretation of the Habitats Directive. It concluded, contrary to previous decisions by the courts in England and Wales, that proposed mitigation measures cannot be considered when screening a proposal to see if an Appropriate Assessment is required. As such an Appropriate Assessment is now required for this revised development proposal as without mitigation it would have a likely significant effect on the Solent Maritime Special Area of Conservation (SAC), Solent and Southampton Water Special Protection Area (SPA) and Ramsar site, and the River Itchen SAC. The Appropriate Assessment concludes that:
 - the financial contributions to the Solent Recreation Mitigation Strategy
 - conditions related to:
 - a Construction Environment Management Plan;
 - a surface water drainage system based on sustainable drainage principles;
 - a 15m wide buffer to Moorgreen Stream/Ford Lake;

- removal of Japanese Knotweed; and
 - Reduced water consumption levels; and
 - the requirement for an Environmental Permit to discharge into Moorgreen Stream,
- would ensure that there is no adverse effect on the integrity of the designated sites identified.

The site and its surroundings

7. The Boorley Gardens development site is located within the parish of Botley and lies to the east of the Borough. The overall site is a large, irregular shaped site that is approximately 45 hectares in size and lies to the west of Winchester Road in Boorley Green and to the north east of the Portsmouth to London Waterloo railway line. The site adjoins Shamblehurst Lane North in the western corner, with Ford Brook/Moorgreen Stream forming the northern boundary of the site. Botley Footpath no. 1 runs through the site from Winchester Road to Shamblehurst Lane North. The village of Boorley Green lies to the east and south east of the site, with Hedge End railway station located to west of the site and the settlement of Hedge End to the west on the other side of the railway line.
8. With the exception of the buildings at Park Farm the site is currently undeveloped and consists of pasture and arable farmland with various hedgerows and tree belts on field boundaries and along the public right of way. The northern part of the site is relatively flat, but it rises up in the southern part of the site
9. The site is not located within a Conservation Area, nor are there any listed buildings or designated sites of nature conservation interest within the site. However the site is located within the 5.6km Solent Mitigation Disturbance Zone associated with the Solent and Southampton Water SPA.

Relevant planning history

10. Relevant planning history is as follows:
 - O/15/75953 - Outline application for up to 680 residential units, mixed use comprising of retail and/or community/healthcare use, land for two-form entry primary school, formal and informal open space and sports pitches. New access off Winchester Road, associated on-site roads, infrastructure and footpaths/cycleways. Detailed matters for determination access (all other matters reserved - scale, appearance, landscaping and layout). This application is the subject of an Environmental Impact Assessment, is a departure from the Development Plan, is Major Development and affects the setting of a Right of Way – allowed on appeal 30.11.16
 - RM/17/81628 - Reserved matters application (pursuant to outline planning permission O/15/75953 which was subject to an Environmental Impact Assessment) for Phase 1 scheme equating to 301 residential dwellings with associated parking, road infrastructure, landscaping, open space,

surface water drainage networks, on-site waste water treatment works, provision of additional vehicular parking for Hedge End Railway Station and bus only connection to Shamblehurst Lane North – resolution to approve reserved matters

Representations received

11. 4 letters of objection have been received from adjoining residents and those living locally in relation to the following matters (summarised):

Impact of Waste Water Treatment Works (WWTW)

- WWTW would be located very close to neighbouring properties
- Impact on residential amenities due to smell
- Adverse visual impact
- Adverse impact on surface water drainage in area already prone to flooding
- Noise and vibration from lorries removing sludge, exacerbating current issues with construction traffic in the area
- Documents focus on risks to dwellings within new development, rather than to existing community
- Adds to heavy over development of area and destruction of natural environment.
- River Hamble Harbour Authority request failsafe, telemetry and emergency procedures are in place. The Council needs to be reassured of effectiveness of system scaled up to this magnitude to serve unusually high number of properties in this way. Proposed system will be subject to Environmental Permit from Environment Agency.

Principle of overall development

- Impact on traffic, roads, infrastructure and facilities. Additional environmental impact studies required.

Other matters

- Impact on property value and ability to sell in future.

Consultation responses (some of the responses have been summarised)

12. **Landscape** – The screening suggested by the visuals is adequate but it may not be achieved within 5 years without the overseeing of chartered landscape architects or professional landscape management specialists during planting and future maintenance. 10 years would be more certain. There will be significantly less screening during dormant seasons but the planting mix does include some evergreen content. Recommend that the native shrub mix around the sewerage treatment works is revised so that it is planted at an increased density.

13. **Ecology** – Given comments from Environment Agency and Natural England, no objection. Developer should also comply with other statutory regulations outside the planning process.
14. **Environmental Health** - The nearest dwellings are 40m from the treatment plant. Do have concerns re: impact on residential amenity due to odour and noise during plant set up and until it is operating at normal capacity. During this time it will have lower input levels and temporary arrangements such as tankering waste effluent away, or importation to 'dose' the system may be necessary and these activities may give rise to unintended impacts. Therefore suggest a condition requiring a detailed implementation plan showing how sewage will be dealt with and plant operation will be implemented up to full operation on site, so as to manage noise and odour impacts that may arise.

Not all plant appears to be housed in a dedicated plant room, e.g. motors appear to be located on top of mixing/treatment tanks, and background noise levels at night are likely to be low, therefore recommend condition re: acoustic attenuation of plant and machinery on site.

In respect of odour the close proximity of dwellings to the facility will require a high level of odour management and control, therefore suggest a condition requiring details of a scheme to protect occupants from odour to be submitted and agreed.

15. **HCC Highways** – No objection
16. **HCC Countryside Access** – No response
17. **HCC Flood & Water Management** – No comments to make, but would make applicant aware that any structure installed into a watercourse will required consent from Environment Agency or HCC depending on whether it is a Main River or Ordinary Watercourse.
18. **Environment Agency** – No objection to the amendment of this condition provided it refers to the foul drainage being disposed of by an OFWAT appointed undertaker, as the associated documents indicate.
19. **Southern Water** – No objection. The details of the application propose to include alternative means of sewerage disposal in the approved drainage strategy. Given the large scale of the development and significant off site sewerage infrastructure requirements to be provided to allow suitable drainage service provision, Southern Water would have no objections to the above. Southern Water would rely on consultations with Environment Agency to determine suitable permanent and temporary foul sewerage disposal from the development site. Any proposals to offer the surface water drainage network for adoption should be agreed and approved by the sewerage undertaker under S104 of the Water Industry Act before commencement.
20. **Natural England** – No objection

21. **Ramblers** – No comments on technical details of proposed sewerage arrangements. Plans do not show legal route for pedestrians onto Winchester Road in the north eastern corner near proposed WWTW.

22. **Botley Parish Council**

- At the Inquiry much emphasis was placed upon the fact that Southern Water was legally obliged to provide a sewerage connection. This was a factor in the decision made by the Inspector. This application represents a significant and material change which could have affected the outcome of the appeal if the proposal had been known at the time.
- A housing estate is not a suitable location for an industrial plant of the size proposed.
- The developer is asked to provide evidence of where, in the UK, the experimental processing treatment is being used on a housing development of more than 300 homes.
- Members do not want Botley to be used as an experimental site for the processing of sewerage when no evidence has been provided that the proposed processing method is suitable for a housing development of 670 units.
- Concern that the open settlement tanks would attract sea gulls and scavenging birds which would be a nuisance to residents.
- Request information about the containment measures that would prevent the discharge of raw or semi-processed sewage in the event that one of the storage or treatment tanks were damaged.
- Danger of polluting the River Hamble should be taken more seriously because effluent from the plant will be discharged into the Moorgreen Stream which is a tributary of the Hamble.
- Appears to be no information to indicate the size or height of the structures within the treatment works so cannot comment on risk of visual intrusion.
- The supporting documents indicate that the nearest available sewerage connection is 7km from the application site. Developer should be required to issue a Section 68 notice to Southern Water and to make use of conventional sewerage disposal arrangements.
- Original EIA, prepared on the assumption of a sewerage connection into conventional infrastructure, now invalid and should be replaced.
- Members agreed to write to the Secretary of State to request a call-in of the application because the proposal represented a substantial and material change to the terms of the original application and to write to the Planning Inspectorate requesting a review of the decision to grant Outline Planning Permission in the light of the proposed revision of the original permission.

23. **Hedge End Town Council** – Reiterate previous comments on original outline application and are disappointed that there appears to be no significant amendment within the plans that demonstrates any effect on the key issues raised then. It is unclear on the exact variation of the condition specified.

24. **Curdrige Parish Council** – Objection on the grounds that this proposal will add more water to a river which already regularly flows across Wangfield Lane and the ends of Maddoxford Lane and Netherhill Lane during heavy rainfall.
25. **Durley Parish Council** –Condition 12 should remain as the drainage should be installed before any housing is built. Would not wish to see drainage put in after houses are built as this could cause issues for residents living in development and further away from area. Flooding and drainage is an important part of this development.
26. **Botley Parish Action Group** – No response

Policy context: designation applicable to site

- Designated Countryside
- Designated Local Gap
- Solent Mitigation and Disturbance Zone
- Public Right of Way
- Within HRA Screening Area

Development Plan Saved Policies and Emerging Local Plan Policies

27. At the current time the Development Plan for the Borough comprises the Eastleigh Borough Local Plan Review (2001-2011) and the Hampshire Minerals and Waste Plan (October 2013).

Saved Policies of the Adopted Eastleigh Borough Local Plan Review 2001-2011

The relevant policies of the adopted local plan include:

- 1.CO – Development in the countryside
- 3.CO – Development in the Local Gap
- 22.NC – Protection of Sites of Special Scientific Interest (SSSIs)
- 23.NC – Protection of Sites of Importance for Nature Conservation (SINCs)
- 24.NC – Protection of protected species
- 25.NC – Promotion of biodiversity
- 26.NC – Enhancement of habitats of nature conservation importance
- 29.ES – Development adjacent to noise-sensitive development
- 32.ES – Pollution control
- 41.ES – Development affecting water courses
- 42.ES – Development in a catchment of a watercourse
- 43.ES – Protection from flooding
- 45.ES – Sustainable drainage
- 59.BE – Design
- 102.T – Safe Access
- 190.IN – Infrastructure Provision

Hampshire Minerals and Waste Plan 2013

28. The application site does not lie within a Minerals Safeguarding Area.

Submitted Eastleigh Borough Local Plan 2011-2029

29. The Eastleigh Borough Local Plan 2011-2029 was submitted for examination in July 2014 but the Inspector concluded that insufficient housing was being provided for in the Plan and that it was unsound. While this has not been withdrawn and remains a material consideration, it can therefore be considered to have extremely limited weight in the determination of this application.

Emerging Eastleigh Borough Local Plan 2016-2036

30. The Council is at the pre-Submission publication stage (Regulation 19) of the emerging Eastleigh Borough Local Plan for the Period 2016 – 2036. The current consultation stage runs from 25 June until 6 August 2018 with submission to the Secretary of State scheduled for Autumn 2018. The adoption of the Local Plan is anticipated in Summer 2019. Given the status of the emerging Plan, it is considered that limited weight can be attributed to.

Supplementary Planning Guidance

31. The following supplementary planning documents are of relevance to the application:
- Biodiversity (December 2009)

National Planning Policy Framework

32. The National Planning Policy Framework (NPPF) is a material consideration of significant weight in the determination of planning applications.

Planning Practice Guidance

33. Where material, this guidance should be afforded weight in consideration of planning applications

Assessment of proposal:

34. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a local planning authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise.
35. As indicated above the Development Plan comprises the Saved Policies of the Eastleigh Borough Local Plan Review 2001-2011 and the NPPF and the Planning Practice Guidance constitute material considerations of significant weight.

The principle of development

36. The application seeks to vary condition 12 on the original outline permission (O/15/75953), which reads as follows:

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (by FMW Consultancy, FMW1467F, dated December 2014) and the following mitigation measures detailed within the FRA:

- *All buildings and development must be located within Flood Zone 1 only. The mitigation measures shall be fully implemented prior to occupation and in accordance with the timing / phasing arrangements embodied within the scheme.*
37. The original Flood Risk Assessment referred to in condition 12 stated that foul drainage will discharge to nearby public foul sewers owned and operated by Southern Water and that upgrades would be required in order for the required capacity to be provided. The developers have been in discussions with Southern Water but Southern Water have not yet been able to tell them what upgrades would be required, how much they would cost or how long it would take for the works to be carried out. As a result the applicants are now seeking an amendment to the condition to allow the foul drainage to be via mains infrastructure, as originally proposed, or via an on-site waste water treatments works. The on-site waste water treatment works would be located in the northern corner of the site and discharge into Moorgreen Stream which flows into Ford Lake and then onto the River Hamble.
38. The principle of residential development on this site accessed off Winchester Road, with a secondary access off Shamblehurst Lane North for additional parking for the railway station and a bus-only connection through to the rest of the development was established when outline planning permission was granted on appeal in November 2016. While the application seeks to vary a condition attached to the outline permission the principle of this site being developed for residential development cannot be reconsidered. The principle of the overall development on this site has therefore been established and cannot be reconsidered as part of this application. Only issues related to the proposed installation of an on-site waste water treatment works should be considered in the determination of this application.

Sustainable development

39. The outline application considered matters of sustainability. The Secretary of State concluded that the development was contrary to the local plan, would harm the landscape and result in the loss of countryside, but there would be a only very limited impact on views outside the site and its immediate surroundings. In addition at the time of the decision, the Council was unable to demonstrate a 5-year housing land supply and the development would bring substantial benefits in terms of additional open market and affordable housing, for which there are substantial shortfalls; green infrastructure; and

improved pedestrian and cycle links and connectivity, including to the railway station. As such the Secretary of State concluded that the proposals would amount to sustainable development.

40. In determining this application it is necessary to consider whether the proposed on-site wastewater treatment works justifies a different conclusion being reached in relation to the sustainability of the proposal. In paragraphs 7, 8, and 14 the NPPF sets out a presumption in favour of sustainable development, indicating that it has an economic, a social and an environmental role. These roles should not be undertaken in isolation as they are mutually dependent and therefore the application is assessed against all three headings. It also states that when determining applications those that accord with the development plan should be approved without delay. Where the development plan is absent, silent or the relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or where specific policies in the NPPF indicate development should be restricted.

Economic sustainability

41. One of the core planning principles of the NPPF (paragraph 17) is to proactively drive and support sustainable economic development to deliver, amongst other things, the homes, businesses, industrial units and infrastructure that the country needs.
42. In order for the 680 dwellings, the primary school and retail/community uses to be delivered appropriate provisions for foul drainage infrastructure needs to be made. As there is insufficient capacity in the current system improvements would be required to enable this development to connect into the mains drainage. As indicated at the outline application stage the applicant had intended to connect into the mains drainage infrastructure operated by Southern Water. They have entered into discussions with Southern Water regarding the extent of the infrastructure improvement works required but Southern Water are unable at present to confirm what works would be required, how much they would cost and how long they would take to complete. While Southern Water have provided a preliminary budget estimate to the applicant Southern Water have said that it may alter considerably upon completion of detailed investigations and have indicated that these investigations and the detailed design work could take 77 weeks and that it could then take 6 months or more to undertake the works, once agreed. Given a timescale of over a year before the nature of the proposed works are confirmed and costed and around 2 years before they would be operational the developer has sought alternative approaches to enable development to come forward at a faster rate.
43. The alternative approach they have chosen is for the provision of an on-site waste water treatment works that would be managed and maintained by a water company, Icosa, which is fully regulated by OFWAT. The foul water will be entirely treated on site with treated water being discharged into Moorgreen

Stream and any residual waste being tankered off-site for disposal once a week by a 32 tonne tanker. It is anticipated that the WWTW could be constructed in 6 months, followed by a 3 month test and commissioning phase before it is operational, ensuring that development could be delivered sooner than if the site was to be connected to the mains drainage once the improvement works had been carried out.

44. As it would assist with the earlier delivery of development on site it is considered to be economically sustainable.

Social Sustainability

45. As indicated above the proposed on-site WWTW would provide essential infrastructure for the new Boorley Gardens development, which cannot rely on the existing sewer network in the locality without significant upgrades, the extent of which are currently unknown. Therefore the WWTW would enable future residents and occupiers to be provided with the necessary facilities and ensure that the existing foul drainage infrastructure in Boorley Green is not adversely affected by the foul drainage requirements of the new development.
46. As such it is considered that the proposed development is socially sustainable.

Environmental Sustainability

47. The environmental sustainability of this proposal is a key consideration, with the nature of the proposal having potential to impact on a number of environmental factors, including:
- Land within the countryside and gap
 - Landscape and Visual Impact
 - Pollution, Water Quality and Drainage
 - Ecology
 - Noise and Odour
48. Countryside & Local Gap – the site is located within the Countryside and Local Gap under the adopted Local Plan, covered by policies 1.CO and 3.CO; however the site is located within the wider development of Boorley Gardens for which outline planning permission has been granted and it would be unreasonable to refuse the application on the grounds of the impact on the Countryside and Local Gap given that it would be surrounded by existing or proposed development in due course.
49. Landscape & Visual Impact – the WWTW would be located in the north-eastern corner of the site, adjacent to Winchester Road. As described above it would consist of 3 tanks, each with a total height of 6.34m, but set into the ground by 1.5m such that their resultant height about ground level would be 4.84m, with a gantry running above them. In addition the compound would contain a small office unit, and a number of other, smaller pieces of equipment. The tanks cannot be set any further into the ground due to the ground water levels. The compound would be enclosed by a 1.8m high

palisade fence with a hedge of species chosen to provide screening and a defensible barrier running around it. Outside of this will be a tree belt to provide further screening. Landscape visuals of key views have been prepared and illustrate that the new trees to be planted will grow to be taller than the tanks and that the WWTW will be generally screened from view, with only filtered views through the trees and undergrowth depending on the time of year. It is noted that the visuals are said to represent growth after 5 years but the Council's Landscape Specialist considers that it is more likely to be representative of growth after 10 years. It is accepted that whilst the new landscaping is establishing itself the WWTW will be more visible, but the existing trees and vegetation along Winchester Road will provide some screening from the outset. The protection of these trees has been considered during the determination of the reserved matters application for Phase 1, which includes the land for the WWTW, and it has been demonstrated that these trees can be protected during construction.

50. It is accepted that a WWTW is not a feature regularly viewed in the area and that it will be visible at times from certain viewpoints. However, due to its height, which would be less than the height of the nearest house, and the proposed landscape screening it is not considered that it would have a significantly detrimental impact on the character of the surrounding area such as to warrant refusing the application.
51. Pollution, Water Quality and Drainage – As noted above Natural England and the Environment Agency have raised no objection to the proposed use of a WWTW on this site. The WWTW will be run by an OFWAT regulated water operator and an Environmental Permit will be required from the Environment Agency to enable the treated water to discharge into the nearby Moorgreen Stream. The Environmental Permit will require certain standards to be met to ensure that the water quality is maintained and does not have an adverse impact on the Solent Waters. As these issues are covered by other legislation the Local Planning Authority are not able to duplicate these controls and therefore, while the concerns expressed in the representations are noted, it would not be reasonable to refuse the application on the grounds of impact on water quality when we are advised by the statutory bodies that the proposed works and the technology used are acceptable.
52. As the WWTW feeds into Moorgreen Stream this will have to be taken into account in the design of the surface water drainage strategy for the site to ensure that there is no increase above the greenfield run-off rate from the site. Both the surface water drainage system and the WWTW can be designed to control the outflow of water at an appropriate rate so that it does not increase the future run-off rates above the existing rates. Details of the proposed surface water strategy are required by condition and as such the proposed WWTW would not have an adverse impact on surface water and it would be unreasonable to refuse the application on those grounds.
53. The previous requirement that all buildings and development must be located within Flood Zone 1 only and mitigation measures set out in the Flood Risk

Assessment fully implemented will remain to ensure no increase in flood risk to the site or wider area.

54. The proposed on-site WWTW does need a minimum input before it can be operational and the occupation of approximately 70 dwellings should provide sufficient input for the system to be operational. Prior to that the foul sewage will be tankered off site for disposal with the frequency of the tanker increasing from once a week for 10 dwellings to once a day for 60-70 dwellings. While it would be beneficial if the WWTW could operate from 1st occupation it is considered to be a relatively short length of time and is an approach that has been used elsewhere as an interim measure while permanent drainage facilities are installed.
55. Ecology – In addition to the impact on water quality it is also necessary to consider the impact of the proposals on the other local ecological interests. The parameter plans for the original outline permission showed this area to be part of the built-up part of the site and the reserved matters application for Phase 1 showed the WWTW in this corner of the site. It is considered that the siting of the WWTW retains the required buffer from Moorgreen Stream and would not have a significantly detrimental impact on any other ecological interests.
56. Noise and Odour – the nearest dwellings are new dwellings and are a minimum of 40m from the WWTW. Environmental Health has raised concerns that not all plant is contained within a plant room and that noise could be perceptible to residents. As such an additional condition is proposed requiring details of acoustic attenuation of all plant and machinery to be submitted so that suitable mitigation can be provided.
57. Similarly Environmental Health has raised some concern about the impact of odour on residential amenity. This concern does not relate to the general operation of the WWTW but rather in the interim stages before the WWTW has reached its optimum capacity and also during tankering. As such Environmental Health have requested conditions requiring a detailed implementation plan showing how sewage will be dealt with and plant operation will be implemented up to full operation on site, so as to manage noise and odour issues that may arise, and a condition to secure a scheme to protect occupants from odour.

Access and Highway Safety

58. HCC Highway has raised no objection to the proposal. The road layout leading to the site was assessed during the consideration of the reserved matters application for the 1st phase and shown to be able to accommodate vehicles accessing the WWTW site. Consideration is being given to using the existing access immediately to the north of the WWTW as a separate access so that vehicles do not need to access the WWTW through the residential area, but this would need planning permission in any event is not considered necessary from a highway safety perspective.

Residential Amenity

59. As set out above Environmental Health has expressed some concerns about possible impact on residential amenity from noise and odour but have recommended additional conditions to control these issues.
60. The comments regarding visual impact are noted and addressed above in relation to the wider area. The nearest dwellings are a minimum of 40m from the WWTW with significant landscaping and tree planting in between. While the WWTW will be visible to these residents initially and glimpsed views through the landscaping as it matures it is considered that the separation distance is such that it would not have an overbearing impact.
61. As such it is considered that it would not be reasonable to refuse the application on the grounds of the WWTW housing a significantly detrimental impact on residential amenities.

Planning Obligations

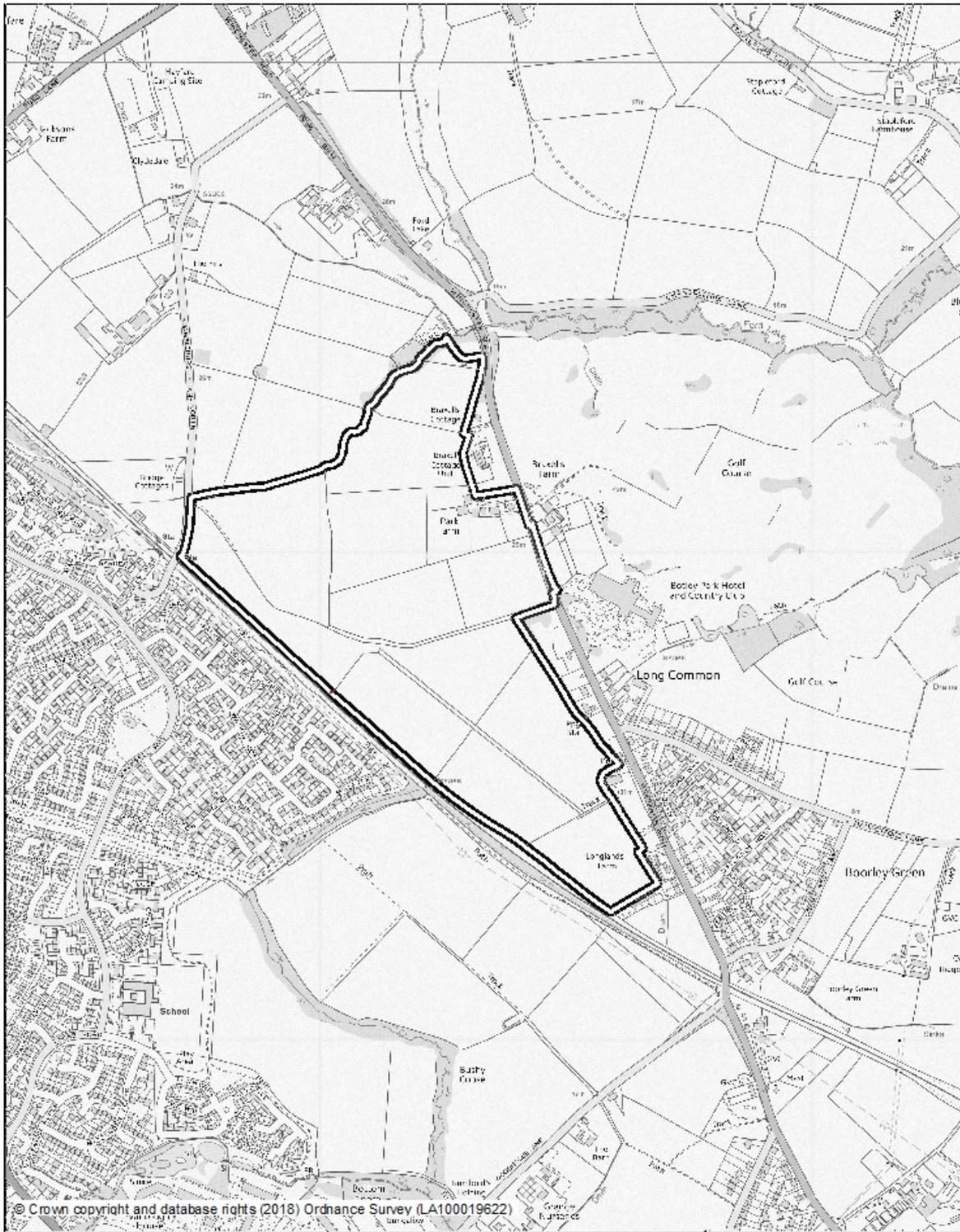
62. To ensure that the S106 associated with the original outline planning permission still applies to this revised development proposal a Deed of Variation will need to be completed prior to any permission being granted. No new or varied obligations are required.

Other matters

63. The Parish Council has recently written to the Secretary of State for Housing, Communities and Local Government asking the Secretary of State to give a direction restricting the grant of the variation of the condition by Eastleigh Borough Council.
64. This request does not prevent the Local Area Committee considering this application at this committee; however the Council cannot issue any decision until the Secretary of State has fully assessed the request to call in the application. The recommendation to Members reflects this position.

Conclusion

65. For the reasons outlined above the proposed variation to Condition 12 to provide a flexible approach to the provision of foul drainage is considered to be acceptable and the recommendation is to permit the variation, subject to a Deed of Variation for the existing S106 legal agreement, the recommended conditions and the Secretary of State not calling the application in.



EASTLEIGH
BOROUGH COUNCIL

Title:

Scale:
1:10000

Map Ref.
SU5014

Date:
12/07/2018

