

Parish: Southbourne	Ward: Southbourne
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**SB/18/03215/DOC**

**Proposal** Discharge of condition 12 (foul drainage) from planning permission SB/14/02800/OUT - erection of 157 dwellings with associated access from Main Road, parking, open space and landscaping.

**Site** The Orchards Main Road Southbourne Emsworth Hampshire PO10 8JH

**Map Ref** (E) 477412 (N) 105632

**Applicant** Seaward Properties Ltd

**RECOMMENDATION TO PERMIT**



**NOT TO  
SCALE**

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## **1.0 Reason for Committee Referral**

- 1.1 Red Card: Cllr Brown. Important information or an opinion which he wishes to raise in debate

This application relates to a major development and the provision of adequate foul water infrastructure is of exceptional public interest.

In addition, this application relates to a condition which has been in breach for many months, although there is no public record of any enforcement action being taken. The application appears to bear little or no connection to the requirements of the condition in question and no request for a variation of condition has been sought. Important supporting documentation appears to be missing from the application.

There is widespread public distrust of the planning and enforcement process so I think it important that this decision be taken in public where the arguments can be made and heard and the evidence publicly scrutinised.

## **2.0 Site and surroundings**

- 2.1 The application site is located to the north of the A259 in Southbourne, west of Inlands Road, and south of the railway line. The site has full planning permission for 159 dwellings and associated works, and is currently under construction. Phase 1 of the build on the A259 frontage is complete and phases 2 and 3 to the rear of the site are underway. Approximately 30 dwellings are occupied.

### Background

- 2.2 Condition 12 of 14/02800/OUT reads as follows:

Development shall not commence until full details of the proposed on site and off site means of foul sewage disposal including details of the scheme's foul sewage disposal system serving the properties of each phase has been submitted and approved in writing by the Local Planning in consultation with Southern Water. No dwelling shall be occupied until the complete off site foul sewerage disposal system upgrades serving all the properties has been implemented in accordance with the agreed terms. No dwelling in any phase shall be occupied until the foul sewage disposal system serving that phase has been implemented in accordance with the agreed terms.

Reason: To ensure satisfactory foul water drainage.

- 2.3 The following upgrades were originally advised by Southern Water as being necessary in a letter to the applicant containing estimated works dated 2 September 2015:
- i) Provide 375m of 150mm diameter gravity sewer from the site to School Lane Wastewater Pumping Station (WPS)
  - ii) Upsize 35m of 450mm diameter sewer to 600mm diameter sewer in Prinsted Lane
  - iii) Install 8 new manholes (6no. Main Road/School Lane, 2no. Prinsted Rd)
  - iv) School Lane WPS pump rate to be increased from 44l/s to 49l/s
- 2.4 The developer made an application for technical approval from Southern Water on that basis. Full on and off-site foul sewerage details were subsequently agreed by the Council under 16/03049/DOC for planning purposes.
- 2.5 In spring 2018, the developer was preparing for the first occupations on the site yet Southern Water had not delivered the required off-site infrastructure. Southern Water reviewed available capacity for a temporary connection and identified that up to 30 new dwellings on the application site could be occupied in advance of the completion of the off-site works. They advised that alternative off-site works were programmed to start in summer 2018.
- 2.6 By this time, Southern Water had adopted a commitment to look more broadly at planned and permitted developments in the area to ensure that network upgrades would be able to accommodate the approved development plus additional demand. This coincided with the change to the procedures for commissioning waste water infrastructure at a national level. Developers of schemes permitted since April 2018 now pay a standing charge to Southern Water for off-site sewerage infrastructure upgrades, rather than fund site-specific works that are agreed on a case by case basis with the sewerage provider. In this case, this led to the progression of an alternative scheme by Southern Water to mitigate the development at 'The Orchards'; comprising a new large off-line sewer pipe in Prinsted, instead of the works in Main Road and School Lane.
- 2.7 By letter dated 30 November 2018, Southern Water has confirmed that the off-site works (specified in what is now the revised discharge of condition application) had been completed and is sufficient to meet the requirements of the additional flow from this development as a whole. The infrastructure has been adopted by Southern Water. This application has been submitted retrospectively and seeks approval for the alternative details for planning purposes and to regularise the breach of condition 12 of the planning permission for the housing development affecting the properties currently occupied.

### **3.0 Proposal**

- 3.1 On site, a type 3 adoptable foul water pumping station is located north of Plot 6 and east of Plots 14 and 15, in the southern section of the site. All on-site foul drains feed into this pumping station. A rising foul water main connects the on-site pumping station to a new foul manhole in the far south eastern corner of the development site, then into a 150mm diameter gravity pipe running east along Main Road (A259) which in turn connects into the existing mains network.
- 3.2 The on-site pumping station has a holding capacity of approximately 26,000 litres, equivalent to one day's foul flows from the completed development with a small headroom cushion. The pumping station manages the discharge into the main sewer to avoid peak flow.
- 3.3 Off site, a new 525mm diameter off-line tank sewer has been built parallel to an existing retained section of 450mm diameter sewer across farmland, west of Green Meadows in Prinsted. This is the first long section of pipe after the sewerage networks from both the Inlands Road and Garsons Road sides of Southbourne village combine.

### **4.0 History**

14/02800/OUT	PER106	Erection of 157 dwellings with associated access from Main Road, parking, open space and landscaping.
16/0018/REM	PER	Details of the layout, appearance, scale and landscaping of the proposed development of 157 dwellings approved under the outline planning permission SB/14/02800/OUT.
16/03049/DOC	DOCDEC	Discharge of conditions 4, 7, 8, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20 and 21 from planning permission SB/14/02800/OUT.
17/02776/FUL	PER106	Following planning approvals 14/02800/OUT and 16/03018/REM. Construction of 1no. 2 bed property plot 134a, 1no. 3 bed property plot 40a and a garage to plot 62. Layout adjustments affecting plots 43-45 and 134-136. Additional side windows to plot 45.
18/03215/DOC	PCO	Discharge of condition 12 (foul drainage) from planning permission SB/14/02800/OUT - erection of 157 dwellings with associated access from Main Road, parking, open space and landscaping.

## 5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
EA Flood Zone	NO
Historic Parks and Gardens	NO

## 6.0 Representations and Consultations

### 6.1 Southbourne Parish Council

#### Objection

There is insufficient evidence that the original requirements in Condition 12 have been met. There is no evidence that the alternative work is needed instead. A lack of information has been provided with this application.

### 6.2 Southern Water

18/02/2019

The modelling criteria for the business uses an allowance of 125 litres per person per day for new developments, with the figure of 135 litres per person being for existing dwellings.

The 'as-built' drawings are being finalised with our design team and will be forwarded as soon as they are completed.

13/02/2019

Additional comments in response to officer questions:

1. *What is the difference in flows for this site between the original modelling estimate and the updated modelling?*

Old Criteria: 157 (properties) x 2.4 (pop) x 125l/person/day x 3.4 DWF (inc. 40% infiltration) & x4m<sup>2</sup>/prop creep = 1.85l/s + 0.064ha (creep)

New Criteria: 157 x 2.4 x 125 x 2.5 (decreasing to x2 and x1.4 to reflect storm duration) + 10% infiltration & x1.4m<sup>2</sup>/prop creep = 1.36l/s (x2.5 WW Multiplier) + 0.06 (infiltration) + 0.022ha (creep)

\*With new criteria also reduced loading on the network as a whole due to application of 135l/h/d WW usage rate & reduction in WW multipliers

2. *What modelling was used to identify that only 30 dwellings at Priors Orchard could be connected before the new Prinsted pipe was completed?*

A temporary connection assessment for 45 properties was completed for the Priors Orchard development using the new modelling criteria which indicated that these properties could connect without detriment thresholds being exceeded.

3. *What criteria are used to inform the new modelling? How does this vary from the old criteria?*

See point 1 above

4. *Are the calculations just based on modelling or is there any monitoring of actual flows through the WPS?*

Prior to undertaking the original SL2 (detailed design) analysis for Priors Orchard a drop test was undertaken at School Lane WPS which stated the station had a total output of 95l/s when all pumps operate and this information was included in the base model

5. *How much headroom is left at the School Lane WPS once the flows from Priors Orchard and the Paddocks are added to existing development, using the new modelling?*

This would require re-running the model to complete assessment

The final design was done independently of prior work carried out, apart from including The Paddocks (Nellies Field) in the base model as it was released as a zero detriment scheme. The hydraulic solution looked at a solution for the three developments in a mini growth scheme format and therefore the comparison of performances for individual components with earlier independent schemes based on old criteria as requested is not available or not a direct comparison. The scenarios are not similar and flow routes would be unlikely carry the same proportions of the flow. This independence improves our confidence in the solution.

24/01/2019

We are confident that the modelling that was performed has produced a result that will mitigate the detriment caused by the additional flow into the network from the schemes.

The Schemes that were included were 365 Main Road and Alfrey Close with The Paddocks being included in the base model flow as it was determined to be a zero detriment scheme at detailed design.

The original modelling for all 3 schemes were based independently and with the old modelling criteria that was very conservative and which was updated at the end of 2017. The latest modelling estimates used the new criteria which we have found to give predictable results.

By including the Paddocks in the base model, and combining the remaining schemes to provide one solution it was determined that a large storage volume in the fields upstream of the works did provide the required reduction in detriment. Significant optioneering was conducted on a variety of storage options, considering land ownership, cover depths and disruption to services and the public which resulted in the final design that was implemented.

Following the completion of the initial model runs it was identified that the pump upgrade at School Lane Nutbourne WPS was not required and volume of the storage required could be decreased.

Referring to the points 1-4 in your email, this was the basis of original Budget Estimate Offer to the Developer at the early stage in the process. This is superseded through the detailed design stage and the scheme that Southern Water implemented.

14/01/2019

Southern Water would have no objections to discharge condition 12 relating to foul drainage.

The Council's Building Control officers/technical staff and the Environment Agency should be consulted regarding the discharge condition for surface water disposal.

04/01/2019

Southern Water does not recommend discharge of condition 12 until further details of onsite foul disposal is submitted and approved by Southern Water services. Kindly submit a detailed drainage layout plan, clearly indicating the on-site drainage and their relevant discharge points.

### 6.3 CDC Drainage Engineer

Consult Southern Water.

### 6.4 Third party representations

7 Third Party letters of objection from 6 households have been received concerning:

- a) Without the new pipe to Nutbourne Pumping Station the system will be overloaded and could cause major problems in the future
- b) Not acceptable for the developer not to continue with their original undertaking. The condition was discharged.
- c) The work specified in Condition 12 (16/03049) required a) a new 375-metre sewer down the Main Road (A259) to the Nutbourne Pumping Station, b) the upgrading of the capacity of Nutbourne Pumping Station and c) upsizing of 30 metres of sewer pipework down Prinsted Lane. There is no evidence that any of this work has been completed.

- d) The work specified and carried out in application 18/03215 has absolutely no relevance to the approved works under 16/03049/DOC
- e) When will the work under ref: 16/03049 be carried out
- f) Application makes a nonsense of the planning system and procedures
- g) Health and environmental concerns
- h) If work on sewerage disposal is not undertaken with each development, then the wish by CDC for an additional 1250 dwellings in the parish is going to cause severe problems for residents
- i) The submitted drawings are very poor and do not identify the location clearly
- j) Drawing number SPR023/500/P3 clearly shows the requirement to discharge into a new sewer down the Main Road (A259) (to Nutbourne Pumping Station). This work has not been carried out.
- k) A variation of condition application should have been submitted

*Additional third party comments following the receipt of further information*

- l) Insufficient information provided to evidence the proposals
- m) A rigorous detailed study of eastward flows has not been carried out
- n) The modelling and associated calculations do not accord with Environment Agency criteria
- o) Concerns about capacity remain

Applicant/agent's additional information

On-site surface and foul drainage plans and Foul and Surface Drainage report submitted 09.01.2019 (duplicates of details agreed under 16/03049/DOC)  
Surface water drainage calculations and testing results submitted 10.01.19

## **7.0 Planning Policy**

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. Southbourne Parish Neighbourhood Plan was made on 15 December 2015.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 9: Development and Infrastructure Provision

Southbourne Parish Neighbourhood Plan

Policy 2: Housing Site Allocations (2i)

### National Policy and Guidance

- 7.3 Government planning policy now comprises the 2018 National Planning Policy Framework (NPPF), which identifies that strategic policies should be used to make sufficient provision for wastewater and other infrastructure, in line with the presumption in favour of sustainable development.
- 7.4 Paragraph 55 confirms the role of planning conditions.
- 7.5 Planning Practice Guidance confirms the Plan first approach, and advises that “the timescales for works to be carried out by the sewerage company do not always fit with development needs. In such cases, local planning authorities will want to consider how new development can be phased, for example so it is not occupied until any necessary improvements to public sewage treatment works have been carried out”

### Other Local Policy and Guidance

- 7.6 The following documents are material to the determination of this planning application:

Surface Water and Foul Drainage SPD

### **8.0 Planning Comments**

- 8.1 The main consideration is whether the alternative foul drainage details are satisfactory to meet the requirements of condition 12 of 14/02800/OUT, namely, whether the infrastructure provides sufficient capacity to meet the foul drainage needs of the development as a whole.
- 8.2 Southern Water is the sewerage undertaker responsible for the development site and surrounding area and is a specialist consultee in the planning process. Southern Water has confirmed that the off-site upgrades have been designed, implemented and adopted to an appropriate standard to accommodate the flows from the development and they are satisfied that condition 12 can be discharged using these revised details. The Local Planning Authority's decision on the acceptability of the alternative proposal, the subject of this application needs to take into account the consultation advice of Southern Water as the specialist consultee. Southern Water recommends that the condition is discharged.
- 8.3 Due to the public interest in the sewerage provision for this site and the breach of condition 12 identified, additional information has been sought from Southern Water by officers to provide further explanation for the changes and reassurance of the capability of the alternative infrastructure to serve this development in full.

8.4 The calculations and explanation received are set out in section 6 above. A summary of the relevant details is as follows:

#### Modelling

- 8.5 The original modelling gave a flow of 1.85litres per second for 157 dwellings. The latest modelling has revised this down to 1.36litres per second. Southern Water has confirmed that the current modelling criteria relies upon 135litres per person water usage per day, using the national average of 2.4 people per dwelling. New dwellings are modelled at 125litres per person per day.
- 8.6 There are differences between the previous and current modelling in relation to the calculation of the dry weather flow (DWF), the amount of infiltration taken into account, and creep calculations. Dry weather flow (DWF) is the average daily flow to a waste water treatment works (WWTW) during a period without rain. DWF was previously a fixed multiplier of 3.4, whereas now a range between 1.4 and 2.5 is used. The allowance for infiltration has reduced from 40% to 10%. 'Creep' represents the loss of permeable surfacing leading to increased runoff although recent increased use of SUDS and permeable surfacing has reduced the impact of creep. The allowance for non-permeable hard surfacing per property in the calculations has reduced from 4m<sup>2</sup> to 1.4m<sup>2</sup>, which reduces the overall site creep figure (the allowance for surface water entering the foul system) by around two thirds. Applying the new criteria to the existing network also identifies increased capacity, through reduced loading. Southern Water has identified that the new modelling gives predictable and robust results that can be relied upon in assessing capacity within the network.

#### Monitoring

- 8.7 The original estimate of works proposed to upgrade the School Lane WPS from 44l/s to 49l/s. A drop test was undertaken at the School Lane WPS before undertaking the detailed design. This identified that the WPS had an existing total output of 95l/s when all pumps were operational (the capacity), therefore it did not require upgrading to service this development.

### Cumulative growth

- 8.8 The final solution delivered by Southern Water was designed to take account of flows from Priors Orchard (157 dwellings), land west of Garsons Road (125 dwellings, 15/02505/OUT and 17/01599/REM) and The Paddocks, Nutbourne (55 dwellings, 16/03803/FUL). These three sites all feed into the same network around Southbourne and are currently under construction. The development at The Paddocks enabled the removal of sufficient surface water from the network to compensate for the additional foul flows so was counted as zero impact. Flows from Priors Orchard enter the network from the east, while the Garsons Road dwellings enter from the west. The final upgrade solution accommodates both to provide additional capacity in the Prinsted part of the network once all the feeds from Southbourne village combine. This combined sites approach accords with the new national infrastructure charging scheme for wastewater that came into effect on 1 April 2018.
- 8.9 It should be noted that the revised waste water infrastructure works have already been implemented by Southern Water and so this discharge of condition application seeks retrospective approval. This is not in itself a material planning consideration and the proposals must be considered solely on their individual planning merits, having regard to the supporting information and details provided by the applicant and Southern Water. This confirms that whilst the scheme now proposed differs from that originally approved, the network as upgraded is capable of dealing with the sewerage requirements of the development on this site and therefore the discharge of the submitted condition details can be recommended for approval.

### Other matters

- 8.10 There remain concerns raised by the local community about the reliability of Southern Water's adopted modelling criteria. Whilst these concerns are noted, details of the methodology applied have been provided by Southern Water which appears appropriate. As the specialist consultee and responsible body for foul wastewater infrastructure within the locality, their views are material to the planning application process. Concern has also been raised as to whether more generally Southern Water is complying with Environment Agency requirements. These concerns have been passed to the Environment Agency for their consideration and any investigation outside of the planning application process. There is no technical evidence or justification to determine this application other than in accordance with Southern Water's advice.
- 8.11 The foul drainage arrangements to serve two further dwellings on site, permitted under 17/02776/FUL, will be dealt with through the discharge of the relevant condition on that subsequent application.

## **Conclusion**

8.12 Based on the above assessment, it is considered that the revised details are sufficient to meet the foul sewerage needs of this development and. therefore it is recommended that condition 12 of 14/02800/OUT is discharged with the alternative details submitted under this application.

## **Human Rights**

8.13 In reaching this conclusion the Human Rights of all affected individuals have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

## **RECOMMENDATION to PERMIT**

1) The details submitted under application 18/03215/DOC are considered acceptable for planning purposes and condition 12 of 14/02800/OUT is hereby discharged. The developer is reminded that to fully comply with the requirements of this condition, the approved works must be implemented in accordance with the approved details. Technical consents may also apply.

For further information on this application please contact Naomi Langford on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PJ5S24ERMMY00>