

**Hampshire County Council  
Director of Economy, Transport & Environment**

**Applicant: Southern Water Limited**

**Construction of a wastewater pumping station, associated access and associated work on below ground sewer infrastructure at Swallow Drive Wastewater Pumping Station, Land to the South of No 23 Swallow Drive, Milford On Sea, Hampshire SO41 0TG (Application No. 11/98049 )**

**(Received: 1 December 2011)**

## **General**

### *Site*

The proposed site is located in the south western corner of an open piece of land which is defined as public open space to the south of Swallow Drive. The site is in the countryside and within the Green Belt. The nearest residential properties are located to the west of the site at a distance of approximately 10.6m from the boundary of their garden and approximately 17.25m from the house itself. The site is situated approximately 6m from the Hurst Castle & Lymington River Estuary Site of Special Scientific Interest (SSSI), Solent & Southampton Water Special Protection Area (SPA) and Ramsar site.

### *Proposal*

Planning permission is sought for the construction of a wastewater pumping station (WPS) with associated access and work on below ground sewer infrastructure at Swallow Drive, Milford-on-Sea. Ofwat have identified in a report that there are properties in the Milford-on-Sea area that are at risk of being internally flooded. It is intended that this scheme will alleviate flooding at two domestic properties; it will also reduce the risk of sewer overflow into the ecologically sensitive Danes Stream Marsh in Milford-on-Sea, as well as surface flooding in parts of Keyhaven which lie at low points in the existing sewer system. The proposed site has been chosen for its proximity to the existing sewer pipelines along Keyhaven Road and crossing the Danes Stream, as well as the space in adjacent land for installation of the underground infrastructure.

The proposed works would involve the erection of a 2.4m black palisade fenced compound housing a stand-by generator (1.1m x 2.8m x 1.6m high), kiosk (1m x 3.5m x 1.5m high) and 4m high vent pipe with a 150mm diameter. The kiosk and generator are to be coloured Dark Green to BS4800 ref.14-C-39 and the vent stack will be galvanised steel. Access to the site would require the formation of an access off Swallow Drive and the laying of a new Cell-Web structurally reinforced, grass access road.

The proposed pumping station will operate during periods of heavy rainfall and sustained rainfall if the volume of flow is such that pumping is required to 'peak lop' storm flows. Only when this scenario coincides with a power outage will the generators operate. The generators will be operated for testing purposes up to four times per year. Testing will take approximately 1 hour and will occur during the working day only. Analysis and predictions of the likelihood of the scenario occurring have demonstrated that such simultaneous occurrences have not occurred over the last 5 years. A noise assessment has been carried out to British Standard 4142: 1997 and British Standard 8233: 1999. The

worst case presented by the BS 4142 assessment is that generator noise levels are predicted to be up to 31 dB(A) above the existing lowest measured background noise levels at the nearest residential property. The suitability of the BS 4142 assessment method was questioned and justification was provided to support the statement. The assessment stated that a BS 8233 assessment could be considered more appropriate as it assesses the potential for noise intrusion. The results of the BS 8233 demonstrate that internal noise levels within the nearest residential property are predicted to be within 'reasonable' target levels with windows open and when windows are closed be within 'good' target level. Garden noise intrusion levels at the nearest property are predicted to be within upper limit for private outdoor areas.

No planting is proposed by the applicant as the land which would need to be planted is outside the development area and therefore outside their control.

### **Development Plan**

The appropriate development plans for consideration are the Hampshire Minerals and Waste Core Strategy (2007) and the New Forest District Council Core Strategy (2009).

The relevant policies for consideration:

DC2 (Sites with International and National Designations), DC3 (Impact on Landscape and Townscape), DC5 (Green Belt), DC6 (Highways), DC8 (Pollution, health, quality of life and amenity) and DC13 (Waste Management and Recycling (including Aggregate Recycling Facilities) of the Hampshire Minerals and Waste Core Strategy).

and

CS7 (Open spaces, sport and recreation) and Policy CS8 (Community services and infrastructure) of the New Forest District Council Core Strategy.

### **Consultations**

Councillor Rice	Has been consulted, no comments have been received.
Milford on Sea Parish Council	Raise no objection to the proposed pumping station in this location.
Environmental Health	Raise no objection subject to the inclusion of a condition to ensure that the proposed development accords with the noise levels set out in the noise assessment.
New Forest District Council	Raise no objection to the proposed development.
Environment Agency	Has no objection to the proposed development.
Natural England	Is of the opinion that this proposal is unlikely to have a significant effect on the interest features of the SPA/Ramsar sites and therefore does not require appropriate assessment. Conditions are recommended if planning permission is granted. It is also considered that the proposed development is unlikely to adversely affect the SSSI.
Highway Authority	Raise no objection to the proposed development subject to the full implementation of the Construction Traffic Management Plan for the duration of the proposed development, obtaining a

## Rights of Way

section 171 licence to carry out the access works. Additional conditions are also recommended.

Milford on Sea Footpaths 502 and 795 will be affected by the proposal. A new Cell Web, grass access road is proposed across the small section of open space south of Swallow Drive will cross Footpath 795 and it is stated within the planning application that the footpath will be “temporarily diverted”, and that “...it is not anticipated that this footpath will require closure”. RoW state that it should be noted that if it will not be possible for the public to follow the legal line of this footpath throughout the duration of the works, then a temporary closure will indeed be required, alongwith the provision of a suitable alternative route. It is stated that there must be no alterations to either path, nor any works carried out which affect their surface, without prior permission of Hampshire County Council, as Highway Authority. For the purposes of this proposal that permission would be required from the RoW department of the County Council.

## Representations

17 objection letters have been received in response to this planning application. The main issues raised are:

- Noise
- Odour from the vent stack
- Close proximity to designated sites
- Visual impact
- Dropped curb would encourage parking on the pavement/roadside

## Commentary

When considering land use policy DC13, the proposed development is seen to be a minor departure from policy as the site is not previously developed land. However, due to the special circumstances it is important to consider policy CS8 of the New Forest Core Strategy which supports the delivery of adequate infrastructure and services to serve existing and proposed development. Due to the proposed development being necessary to reduce the likelihood of internal flooding of domestic properties, surface flooding and sewer overflow into ecologically sensitive areas it is considered that it is supported by policy CS8. A core principle of the National Planning Policy Framework (NPPF) is to *‘enhance and improve the places in which people live their lives’*, it is considered that this proposed development seeks to achieve this.

Whilst the proposed development is located in close proximity to the Internationally and Nationally Designated Sites it is considered unlikely that the proposed development would prejudice the purpose of the sites and their settings. In addition to this the reason for the development is to improve the existing flooding situation and reduce the likelihood of sewer overflowing into the ecologically sensitive sites. The proposed development accords with policy DC2.

Whilst the proposed development will not positively contribute to the character of the area, it is considered that due to the scale of the development, the proposed finish of the structures and its

location to the rear of the area of informal open space adjacent to vegetation, it will not have a detrimental impact on the surroundings.

Policy DC5 seeks to prevent development within the Green Belt except in special circumstances. It has been appropriately demonstrated that there are special circumstances relating to this development which is necessary to overcome existing issues in the area and due to the size of the development, the purpose of the Green Belt would not be prejudiced. Consequently the development in the proposed location is supported.

It has been identified that there are routes nearby the site which are inappropriate for the construction vehicles to use when travelling to and from the site. Therefore it is necessary to condition the submission of a Construction Traffic Management Plan which should include details of the proposed route for written approval. There will be an increase in vehicle movements when construction is taking place but it is considered that the proposed vehicle movements will not represent a significant impact upon the highway, bearing in mind the temporary nature of the works. It is necessary that a section 171 licence is sought prior to works to the access taking place. It is noted that there are concerns in the area that the creation of an access will encourage parking on the roadside. It is therefore proposed that on completion of the construction works the access should be removed and the highway verge should be reinstated. It is recommended that this is secured through condition requiring completion of the works within 6 months. The proposed development accords with policy DC6.

The concerns relating to noise were noted and consequently a noise assessment was completed which concluded that the noise generated will be at a level that is not considered likely to impact upon those of nearby dwellings. This therefore alleviates the original concerns. It is necessary that the proposed development is monitored to ensure the noise levels emanating from the development is not greater than predicted and therefore a condition is recommended. The concerns surrounding the potential for odour to be emitted from the vent have been taken into consideration but due to the height of the proposed vent stack and the small volumes of air which will be released from the vent stack it is considered unlikely that odour will be generated by this development. The proposed development is therefore in accordance with policy DC8.

In conclusion the proposed development is recommended for approval as the need for the development and benefits to the local community and environment significantly outweighs the minor departure from the waste land use policy and the siting of the development on public open space.

### **Recommendation**

That permission be granted subject to the following reason for approval and conditions:

### **Reason for Approval**

1. It is considered that the proposal is a minor departure from policy DC13 but the need for the development is supported by policy CS8 of the New Forest District Council Core Strategy (2009) (summary attached). It would not materially harm the character of the area (DC3) or the amenity of local residents (DC8). It would not impact on the nearby environmentally sensitive areas (DC2) and would be acceptable in terms of highway safety and convenience (DC6).

## Conditions

### Commencement

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(as amended) of the Town and Country Planning Act 1990.

### Hours of Working

2. Unless otherwise agreed in writing by the Waste Planning Authority no heavy goods vehicles shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 0730-1800 Monday to Friday and 0730-1300 Saturday. There shall be no working on Sundays or recognised public holidays.

Reason: In the interests of local amenity.

### Noise and Dust

3. The proposed development should be constructed in accordance with the details submitted and should operate within the noise limits prescribed within the report dated 18<sup>th</sup> April 2012 completed by H&H Acoustic Consultancy Division.

Reason: To ensure that there is no detriment to the amenity of local residents in accordance with policy DC8 of the Hampshire Minerals and Waste Core Strategy.

4. Preventative measures such as wetting dust generating activities or areas must be undertaken if dust is generated when constructions works are being undertaken on site.

Reason: To prevent dust levels creating an impact on the amenity of local residents in accordance with policy DC8 of the Hampshire Minerals and Waste Core Strategy.

### Highways

5. A Construction Traffic Management Plan shall be submitted to and approved by the Waste Planning Authority in writing before development commences. This should include details on; lorry routes, parking, provision to reduce mud on the highway and spoil being deposited on the highway and a programme for construction. These measures shall be implemented before the development commences and thereafter maintained for the duration of the construction works.

Reason: In the interests of highway safety to ensure compliance with policy DC6 of the Hampshire Minerals and Waste Core Strategy.

6. Prior to implementation of development full details of the access works should be approved in writing by the Waste Planning Authority. The approved works shall be constructed prior to commencement of construction on site.

Reason: In the interest of highway safety to ensure compliance with policy DC6 of the Hampshire Minerals and Waste Core Strategy.

7. Upon completion of the works the access should be removed and the highway verge reinstated to the requirements of the Waste Planning Authority no later than 6 months post completion.

Reason: In the interest of highway safety to ensure compliance with policy DC6 of the Hampshire Minerals and Waste Core Strategy.

#### Nature Conservation

8. If works have not commenced within 12 months of the date of this planning permission a pre-commencement badger survey shall be carried out by an appropriately trained ecologist and the details should be submitted to the Waste Planning Authority for written approval.

Reason: To protect badgers and their setts.

#### Materials

9. The proposed development shall be finished in accordance with the details stated below and shall remain in perpetuity.
  - Fencing shall be coloured black,
  - Generator and kiosk shall be coloured Dark Green to BS4800 ref.14-C-39
  - Vent stack shall be galvanised steel.

Reason: To minimise the visual impact of the development.

#### Informative

1. Given the bird sensitivities in the area, we would recommend that works with heavy machinery avoid the overwintering period (October to March inclusive). This is in order to avoid disturbance to overwintering birds on the nearby SPA and upon the SINC.
2. Due to the proposed works impacting upon Milford on Sea Footpaths 502 and 795 Hampshire County Council Rights of Way department should be contacted to ensure the correct permissions are sought.

Case Officer .....  
**Kristina King**

Date.....

Authorised on behalf of the Director of the Economy, Transport & Environment

..... **Richard Read**

Date.....

**Annexe to Reasons for Conditions**  
**(as required by Article 22 of the Town and Country Planning**  
**(General Procedure) Order 1995 – as amended)**

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**Hampshire Minerals and Waste Core Strategy DPD 2007**

**Policy DC2 – Sites with International and National designations**

Minerals and waste development, which is likely to prejudice the purpose of the following designated sites and their settings, will not be permitted unless the reasons for development outweigh the likely adverse impact, taking into account the requirements of relevant legislation and guidance.

*Internationally Designated Sites:*

European Sites (Special Protection Areas, proposed Special Protection Areas, Special Areas of Conservation, proposed Special Areas of Conservation) and Ramsar sites (Wetlands of International Importance);

*Nationally Designated Sites*

The New Forest National Park, the proposed South Downs National Park and Areas of Outstanding Natural Beauty; National Nature Reserves, Sites of Special Scientific Interest; Scheduled Ancient Monuments; Listed Buildings, and sites on the National Register of Parks and Gardens of Special Historic Interest; Registered Battlefields.

In all cases, applications will be subject to the most rigorous examination.

**Policy DC3 – Impact on Landscape and Townscape**

Minerals and waste development will only be permitted if due regard is given to the likely visual impact of the proposed development and its impact on, and the need to maintain and enhance, the distinctive character of the landscape or townscape. If necessary, additional design, landscaping, planting and screening, including planting in advance of the commencement of the development, should be proposed.

**Policy DC5 – Green Belt**

Minerals and waste development, other than for time-limited minerals and waste operations and ancillary development, will not be permitted, in the South West Hampshire Green Belt unless there are special circumstances which may make a location in these areas appropriate and the highest standards area applied.

**Policy DC6 – Highways**

Major mineral extractions, landfills and ‘strategic’ recycling, aggregate processing and recovery and treatment facilities, will be permitted provided they have a suitable access to and/or route to the minerals and waste lorry route as illustrated on the Key Diagram.

In all cases, minerals and waste development will only be permitted if it pays due regard to the likely volume and nature of traffic that would be generated by the proposal and the suitability of the proposed

access to the site and of the road network that would be affected. Consideration should be given to highway capacity, road and pedestrian safety, congestion and environmental impact, and whether any highway improvements are required and whether these could be carried out satisfactorily without causing unacceptable environmental impact.

### **Policy DC8 – Pollution, health, quality of life and amenity**

Minerals and waste development will only be permitted if due regard is given to the pollution and amenity impacts on the residents and users of the locality and there is unlikely to be an unacceptable impact on health and/or the quality of life of occupants of nearby dwellings and other sensitive properties. Where necessary minerals and waste developments should include mitigation measures, such as buffer zones between the site and such properties.

### **Policy DC13 – Waste Management and Recycling (including Aggregate Recycling Facilities)**

Waste management developments (excluding landfill) will be permitted provided that the site:

- a) Is identified as a site, or within an area suitable for waste management uses, in the Hampshire Waste Management Plan or Minerals Plans, or
- b) Re-uses/redevelops previously developed land and/or redundant agricultural and forestry buildings (including their curtilages), or
- c) Is within a planned area of large-scale development, or
- d) Is on employment land, preferably co-located with complementary activities, and
- e) Has good access to, the minerals and waste lorry route as shown on the Key Diagram, and where possible, the site enables the use of water-bourne and rail freight, and
- f) In the case of recovery and treatment sites, incoming waste shall be subject to pre-treatment, either on or off site to maximise the potential for recycling, and where technically possible, energy will be generated and used and the by-products, including heat, will be reused or recycled, and
- g) In the case of sites providing public access, the site shall be accessible for use by disabled people.

### **New Forest District Core Strategy (2009)**

#### **Policy CS8 – Community services and infrastructure**

New Forest District Council will work with service and infrastructure providers with the aim of ensuring the delivery of adequate infrastructure and services, (Chapter 10 and the Delivery Plan) to serve existing and proposed development in the Plan Area and support the local economy, ensuring that any adverse impacts arising are minimised, and that decisions on the provision of such infrastructure are taken on the basis of environmental sustainability as well as cost. Attention will be given to addressing the needs of area of particular social deprivation.

Proposals for new and improved health care, education and social facilities that result in improvements in meeting the needs of the Plan Area's population will be supported. These facilities should be well related to public transport infrastructure, and should provide high standards of accessibility to all sectors of the community. In rural communities and other areas with poor public transport, support will be given to innovative schemes to secure the local delivery of public services. Delivery of some services through the use of mobile services and technology will be encouraged where this results in better local provision.

There will be a presumption against any development that involves the loss of education, health, social and other publicly provided community services, except where it is part of a service provider's plan to provide improved local services in equally accessible locations.

Suitable alternative uses, and environmental improvements, will be sought for major built infrastructure that has reached the end of its useful life (including Fawley Power Station if it should be decommissioned).