

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7th March 2007

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

**S/0003/07/F - HISTON
Foul Drain to Serve Proposed Retirement Development
At Kay Hitch Way
For Bovis Homes Ltd.**

Recommendation: Delegated Approval

Date for Determination: 6th March 2007

Notes:

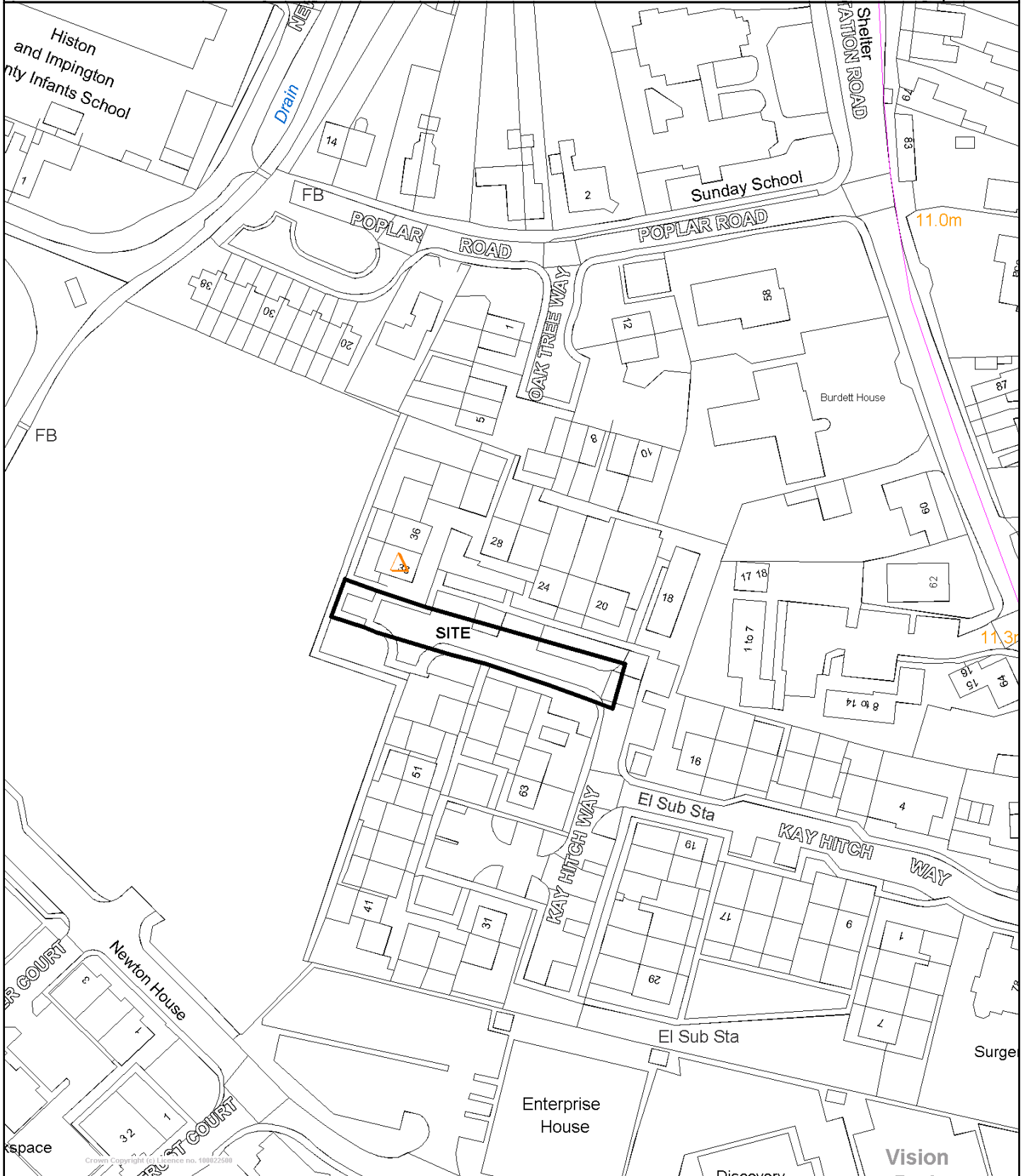
This Application has been reported to the Planning Committee for determination because the Officer's recommendation conflicts with that of the Parish Council.

Site and Proposal

1. Kay Hitch Way is a development of bungalows that are sheltered homes owned by the Council. The application site is the verge, SCDC parking spaces and roadway at western end of Kay Hitch Way, an area measuring 450 square metres. The road terminates at a turning head at the western end of the application site, beyond which is a grassed verge. Beyond this is an area of land that is currently being developed with a scheme of 46-sheltered retirement apartments. There are bungalows on the northern side of the road.
2. This full planning application, received on the 4th January 2007, seeks permission for an alternative foul drainage system to that approved, which would serve the retirement flats under construction. The development will be by a 150mm foul drain that is connected to a foul water pumping station within the site boundary of the retirement flats. From this point it is pumped to the public sewer in Kay Hitch Way. The pumping station is proposed within the development so as to not exacerbate existing problems with the foul drain when there is surcharging of the sewer in wet weather. The pumping station will buffer the outflow from the development if the receiving drain has surcharged.
3. The application is accompanied by a Design and Access Statement, which explains the proposals in full detail. As part of this statement, there is correspondence with Anglian Water that confirms it has approved the design of the foul sewer and agrees that it can be adopted by them.

Planning History

4. Planning application **S/1875/05/F** for the erection of 46 sheltered retirement apartments was refused. An appeal was subsequently allowed. This scheme is that to which this application relates and is currently being constructed on site.
5. An earlier planning application (ref. **S/1559/03/F**) was refused and dismissed at appeal for the erection of 57 dwellings on the site accessed from Kay Hitch Way. This was a



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larger site including land now being developed with a separate scheme for a care home (ref. **S/0116/06/F**).

Planning Policy

6. **Policy ST/4 'Rural Centres'** of the South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007 acknowledges that larger villages such as Histon and Impington can accommodate development and re-development provided that adequate service, facilities and infrastructure are available or can be made available as a result of the development.
7. **Policy CS3 'Foul and Surface Water Drainage'** of the South Cambridgeshire Local Plan, adopted 2004 indicates that there is a presumption that new development will be served by connection to a public sewer.
8. **Policy P6/1 'Development-related Provision'** of the Cambridgeshire and Peterborough Structure Plan, adopted 2003 allows development to be permitted only where the additional infrastructure and community requirements generated by the proposals can be secured.
9. **Regional Planning Guidance 6 (Eastern Region) 2000**: contains no policies that are relevant to this proposal.

Consultation

10. **Histon Parish Council** recommends refusal on grounds that "the current system was not fit for purpose, this would make it even worse, regardless of whether it has a holding tank or not. An absolute guaranteed from Anglian water is needed that what is put in place will meet ALL future demands for this area. The original plans were for a sewer to go to the private system. The Parish Council believes that if Bovis Home included this new aspect at the start it is foreseeable that the application would have been rejected".
11. **Environmental Health** conclude that there are no significant impacts from the Environmental Health stand point
12. **Building Control** has no adverse comments.
13. The **Drainage Manager** comments:

"The foul sewer in Kay Hitch Way has been the source of flooding for many years. Anglian Water has been contacted on numerous occasions in the past regarding this problem but has been either unable or unwilling to resolve the difficulties. The sewerage undertaker has indicated that it is prepared to accept the additional flows from the development and does not appear to recognise the problems associated with surcharging of the sewer during periods of heavy rainfall.

The developers have produced a design for foul sewerage that will minimise the impact on the Anglian Water sewer and this design is a reasonable attempt to deal with the problem. Although the proposal will reduce the frequency of the new pipe being surcharged, it is not possible to quantify the level of risk of surcharging in the new pipe. The design will not improve the existing Anglian Water system and the properties in Kay Hitch Way will remain at risk of flooding.

It appears that the key to resolving the flooding problems in the locality lies with Anglian Water."

14. **Housing's Project Manager** comments:

"Although Bovis are proposing to construct a pumping station and wet well as part of the works to minimise the impact of the new development on the existing AWA system the capability of this is a matter for AWA to address and approve.

It has been intimated that surface water ingress into the AWA system contributes to overload and hence causes a back up. I understand that Councilor Mason has been involved with a long running saga relating to this problem within the village and may wish to comment on this matter.

On behalf on this Authority's Housing Services Department **I must stress my concerns** on this proposed work to connect to the existing AWA drain which passes under Kay Hitch Way. This adopted foul drain also serves the existing SCDC development of sheltered bungalows in Kay Hitch Way, some residents of which experience problems with the disposal of their domestic waste due to the backing up of the AWA main drain during / after prolonged periods of rainfall.

This Authority's elderly tenants cannot be expected to endure this situation and the proposed new connection, is considered, will only increase the likelihood of it reoccurring. It is considered that remedial measures need to be undertaken on the existing foul system by AWA prior to any thoughts of further connections.

It trust AWA will insist on the necessary measures which can be incorporated in any planning consent you may deem to issue."

15. The **Lands Officer** has no comments in relation to this proposal.

16. **Anglian Water's** comments will be reported verbally.

Representations

17. **Councillor Mike Mason** comments include:

- (1) The connection now proposed is to an existing foul sewer in Kay Hitch Way which is regularly subject to surface water surcharge with the result that tenants and owners of properties are unable to flush toilets.
- (2) A full and detailed response from Anglian Water Services Ltd is required now.
- (3) Statutory consultees, in particular County Highways and Environment Agency would have been unaware of the current proposals and worked on the assumption that foul drainage would be dealt with in accordance with the original plans submitted for consultation and approved by the Inspector at Appeal that showed foul drainage connected to the private system within the adjoining Vision Park development.
- (4) It is likely that the Highway Authority would want to very carefully assess and place conditions on a new road opening involving very deep trenching into underlying gravels and the necessity for additional works within the adopted highway e.g. manholes, protection of other buried services final re-instatement and surfacing etc.
- (5) With regard to the response from Anglian Water Services Ltd. the Council should ask for a number of assurances:
 - i. That they (Anglian Water Services Ltd.), as the responsible drainage authority, are prepared to adopt and maintain the system from and including the pumping station through to manhole F1. Telemetry, controls, rate of discharge and maintenance should be under the control of the

publicly accountable water body and not left in private ownership which could change. Environment Agency comments about publicly adopted foul drainage should be noted.

- ii. That the design of the package pumping station/holding tank is totally self-contained in respect of emission of odours and noiseless in operation due to the close proximity to existing dwellings in Kay Hitch Way.
- iii. That the design is “fail-safe” to prevent uncontrolled operation during surcharge conditions.
- iv. That the holding capacity of 13900 litres is sufficient for the storage time anticipated under the worst case scenario of flooding and includes allowance for climate change and any other factors.
- v. That full provision is made for emergency pump out in the event of electrical or mechanical failure.
- vi. That they will now carry out a full investigation into the existing deficiency of the main sewer in Kay Hitch Way with a view to carrying out any necessary remedial or repair works to eliminate surface water surcharge.
- vii. Re-assurance that detection of surcharge conditions in manhole F3 to control the “buffering system” will be satisfactory and that calculations are related to historic experience is required.

(6) If this is successful then the matter of planning conditions will need to be addressed i.e. work programme, de-watering, noise from machinery, access to properties etc.

18. **Councillor Jonathon Chatfield** fully supports Councillor Mason’s concerns, noting that “we have all been contacted in recent years, as local members, by concerned residents from Kay Hitch Way. We must ensure that a currently poor situation is not made worse.”

19. Two letters from residents of Kay Hitch Way have been received in response to consultations. They raise the following concerns:

- (1) Existing drains are inadequate for the number of existing inlets.
- (2) After heavy rainfall the drains are full of surface water and there is then back up of the foul water into toilets, with water levels having been up to the rim on a number of occasions over the past few years (one resident noted that this was three times in two years).
- (3) An SCDC Officer had to visit the road on one occasion and, having lifted all the manhole covers, found the drains to be full of foul water. The drains were subsequently rodded but this has not resolved the problem.
- (4) Anglian Water is aware of the problem but has refused to do anything about it. One resident has a letter from Anglian Water to this effect. This is illegal and SCDC should do something about it.
- (5) The approved planning application showed the foul drains going to Chivers Way where they would connect up with a private pumping station.
- (6) Adding more outlets to an inadequate drainage system will cause more problems.

Planning Comments – Key Issues

20. The key planning issue in relation to this proposal is whether or not the foul drainage system proposed will be adequate to serve to serve the retirement apartments development. Responses to consultations also raise the issue of whether this proposal will exacerbate the existing problem of surface water backing up in the foul drain.

21. In terms of this application the applicants can only reasonably be required to provide adequate drainage to serve their own development. The responses of the Council's Drainage Manager and Building Control Officer indicate that this system is adequate to serve the development. Anglian Water has already approved the design and indicated that they will adopt the new drain.
22. To require the developer to address an existing problem is outside of the remit of planning control and would be unreasonable. Notwithstanding, the proposals should not make the situation worse than it currently is. The Council's Drainage Manager acknowledges in his comments that it is not possible to quantify the level of risk of surcharging in the new pipe that will result following the installation of the new foul drain, but this is not a planning matter and is an issue for Anglian Water to resolve.
23. Anglian Water has been consulted and asked to confirm that the storage capacity of the pumping station is adequate. Should any new information be provided, particularly in addressing the points raised by the Housing Department and Councillor Mason, this will be reported verbally to Members of the Committee.
24. The system's design appears to be acceptable in relation to matters that are relevant to planning. The applicant has been asked to address Councillor Mason's points i, ii, v and vii, as set out in paragraph 17 of this report and Members will be updated verbally.
25. Aside from material planning considerations, there is clearly an existing problem with the main foul sewer that the Council could seek to resolve in relation to the existing problems, however the planning system is not the appropriate mechanism by which to secure this. Similarly, the issues raised in point 6 at paragraph 17 relate to the construction and are not planning matters.

Recommendation

26. Delegated approval is sought subject to no objections being raised by Anglian Water and the receipt of further information from the developer.

Conditions

- (1) Standard Condition A – Reason A (Time Limit)
- (2) Any additional conditions required as a consequence of responses from Anglian Water Ltd and the developer.

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **South Cambridgeshire Local Development Framework (LDF) Core Strategy 2007:**
ST/4 (Rural Centres)
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P6/1 (Development-related Provision)
 - **South Cambridgeshire Local Plan 2004:**
CS3 (Foul and Surface Water Drainage)

2. The development is not considered to be significantly detrimental to the following material planning considerations, which have been raised during the consultation exercise: **Foul and surface water drainage**
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Core Strategy 2007
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File Ref: S/0003/07/F, S/1878/05/F and S/0116/06/F
- Documents referred to in the report including appendices on the website only and reports to previous meetings

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