

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

14 January 2015

AUTHOR/S: Planning and New Communities Director

Application Number:	S/1463/14/VC
Parish(es):	Foxton
Proposal:	Variation of conditions 2 and 3 of application S/0589/14/VC for amended foul drainage layout and materials
Site address:	14 Fowlmere Road, Foxton, Cambridge, Cambridgeshire, CB22 6RT
Applicant(s):	Mr G Ward
Recommendation:	Approve with conditions
Key material considerations:	Impact upon the Setting of the Adjacent Listed Building, Residential Amenity Impact and Other Matters
Committee Site Visit:	No
Departure Application:	No
Presenting Officer:	Michael Sexton
Application brought to Committee because:	The officer recommendation is contrary to the views of the Parish Council
Date by which decision due:	18 August 2014

Planning History

1. **S/0589/14/VC** – Variation of condition 2 of application S/2608/12/FL for amended design – approved with conditions at Planning Committee
2. **S/2608/12/FL** – Construction of two dwellings following demolition of existing two dwellings – approved with conditions at Planning Committee
3. **S/0745/12/FL** – Construction of 1 no.2 bed dwelling and 1 no. 3 bed dwelling following demolition of existing – refused

Planning Policies

National Planning Policy Framework

4. National Planning Policy Framework (NPPF)

South Cambridgeshire LDF Core Strategy DPD 2007

5. ST/6 Group Villages (Foxton)

Local Development Framework Development Control Policies 2007

6. DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
HG/1 Housing Density
NE/1 Energy Efficiency
NE/6 Biodiversity
NE/10 Foul Drainage – Alternative Drainage Systems
NE/15 Noise Pollution
CH/4 Development Within the Curtilage or Setting of a Listed Building
TR/2 Car and Cycle Parking Standards

Local Plan Proposed Submission (July 2013)

7. S/3 Presumption in Favour of Sustainable Development
S/10 Group Villages
HQ/1 Design Principles
CC/1 Mitigation and Adaption to Climate Change
CC/4 Sustainable Design and Construction
CC/7 Water Quality
CC/8 Sustainable Drainage Systems
NH/4 Biodiversity
NH/14 Heritage Assets
H/7 Housing Density
SC/11 Noise Pollution
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision

Supplementary Planning Document(s)

8. District Design Guide SPD – adopted March 2010
Listed Buildings SPD – adopted July 2009

Consultations

Foxton Parish Council

9. Condition 3 (Materials) – Recommend Approval

Condition 2 (Foul Drainage Layout) – Recommend Refusal. Reasons:

The Parish Council's view is that this application should be refused, and that the foul drainage layout should be changed to be as per the original approved application. The original application, in which diagram P1 shows a connection directly to the mains sewer, was approved by neighbouring householders as well as by Foxton Parish Council and South Cambridgeshire District Council.

In recent years there have been problems with blockage and overflow in the system, and this occurred when there was only a single occupant at 14 Fowlmere Road. Additional residents in the new dwellings will only exacerbate the problems. The flow

from the connection from the new dwellings directly opposes the flow from 8 Fowlmere Road, and, should there be problems with the drainage in the future, some of the pipes run under the garage of number 8 and would make access difficult.

Development Control Planning Policy NE/9 states "Planning permission will not be granted where there is inadequate water supply, sewerage or land drainage systems (including water sources, water and sewage treatment works) available to meet the demands of the development". It is the Parish Council's view that the existing system is inadequate to deal with the demands of the two new dwellings at 14 Fowlmere Road in addition to the existing properties at 5 and 8 Fowlmere Road, and therefore the foul drainage should be connected directly to the mains sewer.

10. **Building Control** – Condition 2 (Foul Drainage Layout). The layout appears satisfactory. On 1 October 2011 ownership of shared drainage was transferred to Anglian Water Authority. The development therefore connects to a public sewer. Providing the drain is in good repair and operating effectively a 100mm (assumed) diameter drain is adequate for 4 No. dwellings. Any problems with the drain as stated in the Parish Council comments will require investigation/repair by the Anglian Water Authority.
11. **Drainage Manager** – Condition 2 (Foul Drainage Layout). The two new properties are proposing to connect to the sewer at the existing manhole. Under the Flood and Water Management Act, this is where the Anglian Water public sewer commences. Advises to confirm the existence of the public sewer as indicated.
12. **Anglian Water** – Condition 2 (Foul Drainage Layout). Confirms that the public sewer along Fowlmere Road has capacity to cater for the proposed development. Investigation into whether the connection is a public sewer (and legislation surrounding it) is still on-going – last communication by telephone on 19 December 2014.

Representations

13. Owner/Occupier of 8 Fowlmere Road, Foxton, CB22 6RT raised the following objections:
 - The old arrangement has insufficient capacity to cope with the new potential increase in waste volumes;
 - The manhole in the garden of 8 Fowlmere Road would be a junction for 4 properties (8, 14, 18, Fowlmere Road & 5 Barons Lane) if left in place;
 - The proposed system is not an adequate system of drainage;
 - Should the drainage system require maintenance, this could prove very difficult on the basis that part of the pipe leading from 14 Fowlmere Road to the junction will travel under our garage;
 - The public sewer is directly in front of the property and it would be absolutely practicable to connect to it.

The occupier of 8 Fowlmere Road has expressed concern that the works are not being carried out in accordance with approved plans.

Planning Comments

14. The application site is located within Foxton village framework. The construction of the pair of semi-detached properties set back from the road frontage granted under the original planning consent S/2608/12/FL has been completed. This followed demolition of the existing two dwellings which also consisted of a pair of semi-

detached properties set back from the road frontage. There is double access to the front serving the parking areas of the new dwellings and they are set at a higher level than the road.

15. The dwellings have rear gardens which back onto the rear gardens of the two storey properties to the east side of St Laurence Road. The land slopes down northwards, giving a visible change of level between the site and adjacent properties. To the north the boundary is shared with no. 8 Fowlmere Road's garage which is set back from the street scene and the dwelling itself is situated adjacent to the footpath on the corner. On the north west side the boundary is also shared with the rear garden of 5 Barons Lane, a two storey property set on lower ground than the application site.
16. To the south of the site is the grade II listed building of 20 Fowlmere Road. This property is set approximately 11m from the site frontage, and sits with its gable facing the road. The shared boundary is a combination of a low brick wall with hedge above, a large brick wall and a 1.8m high panel fence to the rear of the site.
17. This application seeks permission for the variation of condition 2 (approved plans – foul drainage layout) and condition 3 (materials) of application S/0589/14/VC.

Materials (Condition 3)

18. The current application seeks to alter the approved materials to be used in the construction of the new dwellings under condition 3 of the original planning consent S/2608/12/FL. The materials are considered to be appropriate and no issues have been raised through consultation. Foxton Parish Council recommends approval in regards to the details of materials.

Foul Drainage Layout (Condition 2)

19. The application seeks to amend the foul drainage layout previously approved under planning consent S/2608/12/FL. The original layout saw the creation of a new sewer connecting directly to the main sewer along Fowlmere Road, Foxton.
20. Concern has been raised by Foxton Parish Council and the neighbouring property of 8 Fowlmere Road into the suitability of the scheme. It has been stated that the sewer does not have capacity to cope with the development as there are existing issues and that it is a private sewer of 8 Fowlmere Road rather than a public sewer. It is noted that Foxton Parish Council have highlighted that the layout approved under the original consent (S/2608/12/FL) was supported by neighbouring householders as well as by the Parish Council and South Cambridgeshire District Council.
21. Consultation with the Council's Drainage Manager and Building Control Team has not led either to raise concerns with the proposed layout. The Building Control Officer has stated that the layout appears satisfactory and, providing that the drain is in good repair, that it is adequate for 4 dwellings. The officer has advised that any problems with the drain as stated in the Parish Council comments will require investigation/repair by the Anglian Water Authority.
22. Anglian Water has confirmed that the public sewer along Fowlmere Road has capacity to cater for the proposed development. Investigation work by Anglian Water is still on going into the status of the sewers within the property boundaries, as to whether the sewer is a private or public sewer.

Conclusion

23. Having regard to the technical advice provided, and having taken the objections raised into account, it is evident that the existing sewer has sufficient capacity to cope with the demands of an additional dwelling house. The objections raised appear to mainly concern the maintenance of the sewer. This is essentially a private matter between the parties involved and Anglian Water may yet confirm it has the long-term responsibility for the sewer.
24. In the light of the above, it is considered that there are no valid planning reasons to object to the revised foul drainage layout. Planning permission should be granted in this instance subject to re-imposing the conditions attached to the original planning permission where appropriate.

Recommendation

25. Approve, subject to the following conditions –

Conditions

- (i) **The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
- (ii) **The development hereby permitted shall be carried out in accordance with the following approved plans: PL04 Rev A date stamped amended 02 August 2014, PL02 Rev A date stamped amended 14 April 2014, PL03 date stamped 13 March 2014 and, P.1, P.7 and P.10 date stamped 21 December 2012.**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- (iii) **The materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall either be as described in the additional information stamped 11 July 2014 of planning application S/1463/14/VC, or shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Where materials are approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.**
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policies DP/2 and CH/4 of the adopted Local Development Framework 2007.)
- (iv) **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the side or rear elevations of the dwellings at and above first floor level unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.**
(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

- (v) **Apart from any top hung vent, the proposed first floor window in the northwest side elevation of the dwelling (14 Fowlmere Road), hereby permitted, shall be fitted and permanently glazed with obscure glass.**
(Reason - To prevent overlooking of the adjoining property in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (vi) **Bedroom 2 of 18 Fowlmere Road shall not be occupied until the brise soleil shown on approved plan PL02 Rev A date stamped amended 14 April 2014 is in place to the window to the room. The brise soleil shall thereafter be permanently retained on the window.**
(Reason - To prevent overlooking of the adjoining property in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (vii) **The new access arrangement shall be constructed in a manner that would prevent water discharging onto the public highway.**
(Reason - To prevent surface water discharging to the public highway, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (viii) **The access shall not be constructed from any loose bound materials within 6m of the public highway.**
(Reason - To prevent displacement of materials onto the public highway that may affect public safety, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- National Planning Policy Framework
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Local Development Framework, Development Control Policies, Adopted July 2007
<http://www.scambs.gov.uk/content/local-development-framework>
- South Cambridgeshire Local Plan, Proposed Submission July 2013
<http://www.scambs.gov.uk/localplan>
- Planning File Ref: S/1463/14/VC, S/0589/14/VC & S/2608/12/FL

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