

**BRECKLAND COUNCIL**

**PLANNING COMMITTEE – 8<sup>th</sup> MAY 2017**

**PLANNING ENFORCEMENT REPORT**

**DEREHAM: LAND NORTH OF NORWICH ROAD**

**Breach of conditions 12 & 13 on 3PL/2013/0976/F - Foul & waste water**

1. The development at Norwich Road, Dereham is being carried out under planning permissions 3PL/2010/1142/F and 3PL/2013/0976/F. During the course of the development the developer connected to the foul sewerage system in breach of conditions imposed under both permissions. The Council has served a Planning Contravention Notice to gather information regarding the connection and the level of development carried out and the current position in relation to each permission is set out below:

**3PL/2010/1142/F – Phases 1 and 2**

2. Development under this permission is nearing completion. As at November 2016, 86 of 99 dwellings had been completed and occupied and it is anticipated that most if not all of the remaining dwellings will now be nearing completion.
3. Two of the conditions imposed under this permission have been breached. The conditions are:

19 Prior to the commencement of any development, a strategy for the provision and implementation of waste water treatment shall be submitted to and approved in writing by the Local Planning Authority. The agreed works and strategy shall be implemented in full in accordance with a timetable contained therein.

20 Prior to the commencement of any development, a scheme for the provision and implementation of a foul sewerage network shall be submitted to and approved in writing by the Local Planning Authority. The agreed works shall be carried out prior to the first occupation of the development, or such longer period as may be agreed in writing with the Local Planning Authority.

4. Whilst there is a technical breach of these conditions enforcement would not result in the provision of suitable foul drainage because the approved scheme is no longer being progressed by Anglian Water. The scheme is to be replaced by the Dereham East Strategic Scheme which will transfer flows to Swanton Morley Water Recycling Centre.

**3PL/2013/0976/F – Phases 3 to 7**

5. Development under this permission is well underway with 76 of 127 dwellings completed as at November 2016.
6. Two of the conditions imposed under this permission have been breached. The conditions are:

12 Waste water from the development shall be stored in the existing storage tanks on-site until such as a connection is made from the application site to the Mattishall Waste Water Treatment Works (WwTW). Within 28 days of the connection first being made all waste water storage tanks shall be permanently removed from the site.

13 Foul water drainage shall be dealt with in accordance with the details contained within Anglian Water Services (AWS) report "Detailed Sewerage Strategy Assessment Report" (DSSAR) reference 1001/SP87 (008) dated 8<sup>th</sup> March 2012. The agreed works shall be carried out within a timeframe to be agreed in writing with the Local Planning Authority.

7. Whilst there are technical breaches of these conditions enforcement would not result in the provision of suitable foul drainage because the approved scheme is no longer being progressed by Anglian Water.

## **DEFERRED ITEM REPORT**

### **DEREHAM: LAND NORTH OF NORWICH ROAD**

#### **Variation of conditions 12 & 13 on 3PL/2013/0976/F - Foul & waste water**

**Applicant: Taylor-Wimpey**  
**Reference: 3PL/2015/0916/F**

#### **RECOMMENDATION: APPROVAL**

##### Background

8. Members will recall that the application was deferred at the Planning Committee on the 31<sup>st</sup> May 2016 in order for the applicants and Anglian Water to provide further information regarding foul water drainage.
9. Anglian Water have confirmed that the Dereham catchment suffers throughout from foul drainage related issues that result in flooding incidents during storm conditions. In addition, that the foul sewer in Norwich Road, east of the railway line, does not currently have sufficient capacity to accommodate additional foul flows for future development in the area.
10. Since the deferral at Planning Committee on the May 2016 Anglian Water have advised that the strategic management of foul water flows within Dereham will now be addressed through the Dereham East Strategic Scheme (DESS). This solution now proposes to transfer the flows from the existing part of the eastern catchment via the installation of new pipework (to include the proposed development sites which have recently been given planning permission) to Swanton Morley Water Recycling Centre (WRC) located to the north of Dereham. The timescales for the DESS remain as detailed in AWS's of delivery timeline dated September 2016. The DESS is planned to be delivered by 31 December 2018.
11. Anglian Water have also identified a miss-connected surface water connection that currently discharges from the Dereham Maltings Site into the foul sewer on Norwich Road. A Hydraulic Assessment and full investigation

and survey of the surrounding network have been undertaken by Anglian Water which conclude that correcting this connection would provide additional capacity within the existing foul network during storm conditions and also reduce flows being treated at Dereham WRC. They have also confirmed that these works would provide sufficient capacity to accommodate the existing and future flows from the Etling View site.

12. As part of further mitigation works in addition to the wider growth scheme (DESS) Anglian Water have committed to correct this miss-connection at the Maltings Site, Norwich Road and they anticipate that the works to remedy this miss-connection would be completed by the end of July 2017. Anglian Water have subsequently advised that conditions 12 and 13 on the above permission can be varied subject to the works being undertaken to disconnect the surface water flows from the Maltings site.
13. Anglian Water have also undertaken a Development Impact Assessment which has identified a series of alternative mitigation measures that could be undertaken by the applicant to mitigate for the additional flows created by the development until the DESS is complete. These comprise:
  - Reducing the pump forward rate of the existing on-site pumping station; and
  - Construction of an off-line storage tank downstream and install a flow control device at the discharge point into Norwich Road to regulate the discharge into the main sewer.
14. It is noted that the alternative measures suggested are estimated to cost approximately £300,000 and take a significantly longer period to complete than those to be undertaken by Anglian Water.
15. The information submitted has been reviewed on behalf of the Council by an independent engineer who has advised that the proposed interim mitigation works are considered to be a reasonable means of ensuring no increased sewage flood risk in the Norwich Road area in lieu of commissioning the DESS. The long term solution of improvements provided by the DESS also provides a reasonable means of resolving long term sewage flooding issues and accommodating future growth in the Dereham east area.
16. With regard to the delivery of the interim measures, it is noted that the timescale for implementation and commissioning of these interim works are unclear. The report also notes that the improvements from correcting surface water discharges at the Maltings Site would only provide spare capacity up to a specific storm event, and there is no guarantee that a more intense storm event will not continue to cause sewage flooding, and there remains the potential for further unknown surface water connections to contribute to flooding. Therefore, they advise that the mitigation works should include both disconnection of existing surface water connections at the Maltings site, and the proposed balancing tank, flow control, and control of the Etling View pumping station through the RTC.
17. In light of the above, it is considered that all those mitigation measures set out above are necessary in the interim until the wider growth scheme (DESS) is completed. In order to ensure that, existing problems are not exacerbated by further connections it is considered necessary that the amended conditions

prevent further sales and occupations not already under contract until these works are completed to the written satisfaction of the Council.

### Conclusions

18. Having regard to the above, the comments of Anglian Water, their technical assessments, and the scrutiny provided by an independent Engineer, it is considered that a suitably worded condition to prevent any further sales or occupation of units at the site until the works to create additional foul water drainage capacity have been satisfactorily completed, would be sufficient to prevent the increased risk of flooding elsewhere. The Council's solicitors have considered the necessary variations to the conditions that would be required and these are set out in more detail below.

**Recommendation:** Approve subject to the following conditions:

- 1) Not to occupy any dwellings after the date of this Permission until a scheme for increasing drainage capacity incorporating the following mitigation measures has been submitted to and approved in writing by the Local Planning Authority.
  - i. Correction of the surface water discharge at the Maltings Site, Norwich Road, Dereham.
  - ii. Provision of a temporary balancing tank in open space adjacent to 61 Norwich Road;
  - iii. Provision of a flow restriction (orifice plate) in the foul sewer immediately downstream from the temporary balancing tank.
  - iv. Reduction in the Etling View development pump rate.
  - v. Control of the Etling View development pumping station through the Real Time Control (RTC) system to restrict pumping during periods of high flows in the Norwich Road sewer.

Reason for condition:- To provide adequate foul water drainage infrastructure, to prevent flooding and in the interests of the amenity and safety of the future occupants of the development and surrounding population, and secure the satisfactory future management of the foul water drainage system. In accordance with National Planning Policy Framework.

2) Not to allow any dwellings not already under contract at the date of this Permission to be occupied until the scheme agreed pursuant to condition has been implemented to the written satisfaction of the Council.

Reason for condition:- To provide adequate foul water drainage infrastructure, to prevent flooding and in the interests of the amenity and safety of the future occupants of the development and surrounding population, and secure the satisfactory future management of the foul water drainage system. In accordance with National Planning Policy Framework.

<b>ITEM:</b>		<b>RECOMMENDATION:</b> APPROVAL
<b>REF NO:</b>	3PL/2015/0916/F	<b>CASE OFFICER</b> Chris Hobson
<b>LOCATION:</b>	DEREHAM Land North of Norwich Road	<b>APPNTYPE:</b> Full
		<b>POLICY:</b> In Settlemnt Bndry
		<b>ALLOCATION:</b> N
		<b>CONS AREA:</b> N
<b>APPLICANT:</b>	Taylor Wimpey East Anglia Castle House Kempson Way	<b>LB GRADE:</b> N
<b>AGENT:</b>	Taylor Wimpey East Anglia Castle House Kempson Way	<b>TPO:</b> N
<b>PROPOSAL:</b>	Variation of conditions 12 & 13 on 3PL/2013/0976/F - Foul & waste water	

**REASON FOR COMMITTEE CONSIDERATION**

This application is referred to Committee at the request of the Ward Member.

**KEY ISSUES**

Foul drainage / flooding / pollution.

**DESCRIPTION OF DEVELOPMENT**

The application seeks to vary conditions relating to arrangements for foul drainage for a development of 226 dwellings. The conditions currently require foul water to be stored on site until a new connection is made to the Mattishall Waste Water Treatment Works, (WWTW) and for foul drainage to be dealt with otherwise in accordance with the previously agreed strategy.

Whilst foul water was stored on site during the initial phases of construction of the development, the scheme has more recently been connected to the Dereham sewerage system, which discharges to the Dereham WWTW. This application seeks to vary the existing planning conditions to regularise the position.

**SITE AND LOCATION**

The application site is located on the eastern edge of Dereham, on land to the north of Norwich Road. The site is currently being developed for housing.

**EIA REQUIRED**

No.

**RELEVANT SITE HISTORY**

Planning permission was granted in for a development of 200 dwellings in September 2011, (ref

3PL/2010/1142/F).

Permission for a revised scheme incorporating 226 dwellings was granted in March 2014, (ref 3PL/2013/0976/F).

#### **POLICY CONSIDERATIONS**

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.09	Pollution and Waste
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

#### **OBLIGATIONS/CIL**

Not Applicable.

#### **CONSULTATIONS**

#### **REPRESENTATIONS**

Objections have been received from a number of local residents who are concerned about existing flooding from the foul sewer in Norwich Road and Windmill Avenue.

#### **ASSESSMENT NOTES**

1.0 The application is referred to Committee at the request of the Ward Member.

#### 2.0 Background

2.1 At the time of the 2010 application, the Dereham WWTW did not have capacity to accommodate foul water flows from the development. To address this issue a new sewer connection to the Mattishall WWTW was proposed. On this basis Anglian Water, (AW) and the Environment Agency withdrew their objections to the development. Conditions were attached to the permission requiring a foul drainage strategy to be agreed incorporating the new connection to the Mattishall WWTW. Similar conditions were attached to the 2011 applications, including a requirement to store foul water on site until the connection to the Mattishall WWTW was available.

2.2 The proposed sewer connection to the Mattishall WWTW has not yet been constructed. In the absence of this new connection, sewage from the approved housing development was initially, and as an interim measure, stored on site in underground tanks and removed by tanker. In June 2015, Anglian Water advised the developer that following improvements to the downstream network, foul water from the development could after all be accommodated in the Dereham sewerage network. The development was subsequently connected to the existing Norwich Road sewer. This application seeks to vary the existing planning conditions to reflect this situation.

### 3.0 Drainage implications

3.1 Since the submission of the application it has become apparent that there are capacity issues with parts of the Norwich Road sewer. As a result flooding has occurred during times of heavy rainfall. To address these issues AW has sought to increase available capacity by making improvements to existing pumping stations on Greenfields Road and Bramley Drive. Flow monitors and control devices have been installed to limit flows from these pumping stations into the Norwich Road sewer during times of heavy use.

3.2 Although formal comments from AW are awaited, it is understood from discussions with officers that AW considers that the improvement works undertaken will have created sufficient capacity within the system to accommodate the approved development of 226 dwellings. Detailed monitoring of the system is by AW on-going, together with further investigations in relation to possible surface water ingress into the foul sewer.

3.2 It is understood that AW remains committed to strategic improvements to the sewer network through the provision of a new connection to the Mattishall WWTW, and that this scheme has passed through AW's initial governance procedures. This improvement would enable foul water from both new and existing development in this part of the town to be directed away from the Dereham WWTW. It is currently envisaged that the new sewer would be constructed in 2018.

### 4.0 Conclusion

4.1 Whilst the understandable concerns of local residents are noted, based on technical advice from AW and subject to the formal confirmation of the same, it is considered that there is sufficient capacity in the sewerage system to accommodate foul water from this development. The development should not therefore give rise to additional flooding elsewhere in the locality. It is recommended that the subject planning conditions are varied as requested.

**RECOMMENDATION**

**Planning Permission**

**CONDITIONS**