

Report to Planning applications committee
Date 15 August 2013
Report of Head of planning services
Subject 13/01163/F Maybank 8 Poplar Avenue Norwich NR4 7LB

Item
5(4)

SUMMARY

Description:	Installation of mini treatment drainage system (retrospective application to amend position of previous permission 12/01873/F).
Reason for consideration at Committee:	Previous committee item
Recommendation:	Approve
Ward:	Eaton
Contact Officer:	Jo Hobbs Planner 01603 212526
Valid Date:	13th July 2013
Applicant:	Mr E Strachan
Agent:	Mr Kevin Cole

INTRODUCTION

Reason for application at committee

1. At the time of writing the committee report no objections had been received. However, this application was previously approved at planning committee on 6th December 2012 due to neighbour objections. This revised application seeks retrospective permission for the revised siting of the mini treatment plant.

The Site

Location and Context

2. The site is located on Poplar Avenue and the area is predominantly residential. The site is located at the end of a cul-de-sac off Newmarket Road.
3. The dwelling is a detached two storey dwelling set in a fairly spacious garden. There are mature trees and vegetation along the SW and NE boundaries, although some adjacent to the house on the SW boundary has been removed to enable installation of the mini treatment tank.
4. The site slopes down significantly from the south east to the north west of the site, as the site is on the edge of the River Wensum valley.

Planning History

5. Planning permission was granted for a rear two storey extension in 2010 and with a revised design in 2011 (11/01132/F). The two storey extension was being built at the time of the site visit for this application. The only other relevant application is 12/01873/F which this application seeks to formally amend as described in the

proposal section below.

Equality and Diversity Issues

6. There are no significant equality or diversity issues.

The Proposal

7. The application is to regularise the installed mini treatment plant previously permitted under application 12/01873/F. The position of the mini treatment plant in the rear garden has moved further south east of the previously approved scheme. This is to enable easier servicing of the tank from the road adjacent to the south west boundary.
8. The mini treatment plant would treat all foul water drainage from the site. Surface water from drains is dealt with through existing soakaways on the site. It is entirely underground and sealed, with only an inspection cover visible on the surface. The plant produces clear water which drains into the surrounding soil through perforated underground pipes.
9. The plant was required to address an existing sewerage problem that was created when the dwelling was first built. The existing sewer pipes were located above ground. This was most likely due to the fact when the development was built in the 1930s plots of land were purchased and built out in a form of ribbon development along the road.
10. The main sewer pipe runs through the front gardens of dwellings along Poplar Avenue. This most likely would have been set down in the ground deep enough for the development at 1 Poplar Avenue or earlier development along Poplar Avenue. However due to the required fall of 1:80 in the sewer pipe, the pipe would be at a shallower point in the land by 8 Poplar Avenue. In this instance the invert for the sewer connection was above the ground floor level of 8 Poplar Avenue.
11. Due to the pipes being out of the ground and above the ground floor level, in winter months pipes have frozen, become blocked and flowed back down the site and into the kitchen of the dwelling. Application 12/01873/F sought to rectify this existing issue.

Representations Received

12. Adjacent and neighbouring properties have been notified in writing. No letters of representation had been received at the time of writing the committee report.

Issues Raised	Response
Smell	Paragraphs 23-27
Health concerns	As above
Contamination	Paragraphs 23-24
Justification for treatment plant	Paragraph 16-21
Maintenance	Paragraph 31

Consultation Responses

13. Environment Agency – no response received.

14. Environmental Health – no comments.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Statement 7 – Requiring good design

Statement 10 – Meeting the challenge of climate change, flooding and coastal change

Statement 11 – Conserving and enhancing the natural environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

NE8 – Management of features of wildlife importance

HBE12 - High quality of design

EP22 – Protection of residential amenity

Supplementary Planning Documents and Guidance

Trees and Development (Adopted September 2007)

Other Material Considerations

Planning Circular 03/1999 – Planning requirement in respect of the use of non-mains sewerage

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

Emerging DM Policies

(Please note that these policies were submitted to the Planning Inspectorate on 17th April 2013. After this time some weight can be applied to these policies. Some policies subject to objections have not been included in this list as these issues are unlikely to be resolved within the time frame of the application, and therefore should not be given much weight.)

DM2 Ensuring satisfactory living and working conditions

- DM3** Delivering high quality design
- DM6** Protecting and enhancing the natural environment
- DM7** Trees and development
- DM11** Protecting against environmental hazards

Principle of Development

Policy Considerations

15. There are two key considerations for the proposed mini treatment plant. The first is the justification for disconnecting from the main sewers and secondly the impact the plant would have on the surrounding environment from smell and water drainage.

Principle

16. There is a general direction for new development to be served by mains sewers under planning circular 03/99. Although this circular relates to new development and this application is for the sewage treatment to an existing dwelling, the principles of justifying the disconnection are relevant to this case.
17. Under paragraph 6 of the circular requires a justification to be given for the proposal, and lists the grounds that may be acceptable. Ground c) identifies if there is a risk to public health or is likely to cause a nuisance then it may be justified.
18. The existing situation as seen on site has shown the current sewage disposal pipes and routes. There is potential for pipes to freeze, as has happened leading to subsequent back-ups into the house which would be of nuisance and danger to public health of the occupants of the dwelling.
19. The feasibility of connecting to the main sewer must therefore now be considered. As outlined in paragraphs 9 to 11 of this report the existing sewer connection is above the level of the ground floor rooms. To sink these pipes and sewer connection to beneath ground level would not be feasible as the main sewer in the front gardens of Poplar Avenue is already not that far beneath the ground surface.
20. To sink this down to a depth that would enable all sewer pipes to be underground and to create the correct slope of the pipe to enable sewage to drain down into the main sewer, a significant number of properties would have to have the existing sewer pipe excavated and re-laid at a deeper depth along Poplar Avenue. This would be an extremely extensive undertaking and be reliant on all landowners agreeing to the works.
21. It is therefore considered acceptable in principle to accept the provision of non-mains sewage disposal, provided that there are no adverse impacts on neighbours or the environment.

Impact of development

22. The waste products and smell from the treatment plant must be considered in relation to the surrounding environment and neighbouring amenity.

Disturbance to neighbours

23. The unit is sealed with only an inspection chamber cover visible on the ground surface. Within the unit a settlement tank enables the accumulation of sludge which is removed periodically. The only other by-product from the system is filtered waste water that drains into underground soakaway pipes. The unit is hermetically sealed preventing any odours from the unit.
24. The existing sewerage situation is a key consideration in the determination of this planning application. There is an existing problem that leads to sewage backing up into the residential dwelling. The over-ground installation of the sewage pipes already leads to a potential for odours.
25. The proposed mini treatment plant would provide an improved longer term sewage

disposal system for the house, which is considered to be the only feasible option given the topography of the existing house and sewer connections.

26. The revised location of the plant has been considered for impact on amenity. The previously approved location was 25m from the back of the dwelling at 8 Poplar Avenue. The new distance is 4m. This brings the plant closer to both 7 Poplar Avenue to the east and 8C to the south west of the site.
27. The plant however is fully enclosed and if maintained would not lead to any smell or pollution. The reason for the revised location was to ensure easier yearly removal of sludge from the plant. Given that the impacts of the unit through smell are minimal as the unit is sealed the revised siting is therefore still considered to be acceptable.

Water drainage

28. Building Control were involved in the pre-application discussions for the proposals. It was suggested that only 8m of perforated soakaway pipes are required for adequate dispersal of the waste water from the plant. The rear garden is of a significant size to enable adequate water dispersal without this water entering the adjoining neighbouring gardens.
29. Following ground condition investigations it has been determined that the soil in the rear garden is predominantly sandy gravel which enables the adequate water drainage. The water logging of the ground or neighbouring properties is therefore not considered to be likely.
30. Rainwater is already disposed via soakaways on the site. The mini treatment plant would not be required to deal with rainwater, only foul sewage from the dwelling. Therefore at times of adverse weather conditions the treatment plant would not be inundated.

Maintenance

31. The maintenance of the mini treatment plant is recommended to be conditioned to ensure the unit remains in good working order.

Conclusions

32. The general provisions of planning circular 03/99 are for mains sewer connections to be used where possible. In this instance however an unacceptable sewer arrangement was installed in the original property in the 1930s. This application seeks to rectify this issue with no adverse impacts to the amenity of the surrounding neighbours or natural environment. A condition is recommended that the unit is maintained in accordance with the manufacturer guidelines.
33. It is considered that the mini treatment plant would improve the existing sewage disposal from 8 Poplar Avenue, which on balance is considered to be acceptable. The proposal will not have a significant adverse impact on the amenities of the immediate neighbours or the wider area, by virtue of the fact the plant would lead to minimal odours with waste water dispersing into the existing large rear garden adequately. As such the proposal accords with the criteria set out within policies HBE12, NE8 and EP22 of the City of Norwich Replacement Local Plan, policies 1 and 2 of the Joint Core Strategy and sections 7, 10 and 11 of the National Planning Policy Framework.

RECOMMENDATIONS

To approve Application No 13/01163/F at 8 Poplar Avenue and grant planning permission, subject to the following conditions:-

- 1) Maintenance in accordance with manufacturer guidelines

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined above.



