



## Appeal Decision

Site visit made on 22 August 2019

**by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH**

**an Inspector appointed by the Secretary of State**

**Decision date: 26<sup>th</sup> September 2019**

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**Appeal Ref: APP/W0530/W/19/3224708**

**Land off New Road, Melbourn SG8 6BY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by Mrs Sharon Levell (Hopkins Homes Ltd) against the decision of South Cambridgeshire District Council.
  - The application Ref S/4241/18/DC, dated 1 November 2018, sought approval of details pursuant to condition No 9 of a planning permission Ref S/2791/14/OL, granted on 8 August 2016 (the planning permission).
  - The application was refused by notice dated 5 March 2018.
  - The development proposed is residential development of up to 199 dwellings plus a care home of up to 75 beds, new vehicular and pedestrian accesses from New Road, public open space and a landscape buffer.
  - The details for which approval is sought are: *Scheme for the improvement of foul sewage capacity.*
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mrs Sharon Levell (Hopkins Homes Ltd) against South Cambridgeshire District Council. This application is the subject of a separate Decision.

### Procedural Matters

3. A typographical error was made in the Council's decision notice, with the correct date of issue being 5 March 2019 and not 5 March 2018.
4. The postcode of the appeal site provided in the application for approval of details is different to that of the planning permission. I have used the former in the banner heading above for the purposes of this appeal.

### Main Issue

5. The main issue in this appeal is whether the submitted scheme would improve foul sewage capacity.

### Reasons

6. A development of up to 199 dwellings plus a care home of up to 75 beds would discharge a significant amount of foul sewage into Melbourn's sewerage network. However, I seen no substantive evidence quantifying, or estimating, the amount of foul sewage that such occupancy would produce.

7. I have seen multiple representations from local residents and the Parish Council referring to sewage overflow incidences within the village. This leads me to a view that there are problems with the capacity of the system at times.
8. There is a history of agreement as to the capability of the existing sewerage network to receive foul water from the development without detriment. Indeed, at the Inquiry giving rise to planning permission, the statement of common ground referred to the need for off-site improvement works. After consideration of all issues, the Inspector conditioned the permission by requiring approval of a scheme for the improvement of foul sewage capacity, to prevent pollution of the water environment.
9. Following modelling of network capacity, the scheme put forward by the appellant has been endorsed by Anglian Water as the most effective and efficient of mitigation options considered. I note that the measures include a pump rate restriction of 5 litres per second as a maximum discharge and, in addition, a Real Time Control (RTC) that in the event of surcharge on the foul water network would trigger temporary shutdown of the pumps. On-site storage facilities of 80m<sup>3</sup> would provide temporary storage of sewage from the development until, according to telemetric controls, it could be discharged into the network without incident or detriment.
10. The appellant has submitted that the volume of storage facilities would be sufficient, based on modelling by Anglian Water and taking into account flow restriction into the network and shutdown events. However, concerns have been raised by the Council and interested third parties as to the reliability of modelling put forward to support the appeal. Other than stated summaries and conclusions of the modelling, very limited details of it have been submitted with the appeal for consideration.
11. In the absence of adequate substantive evidence as regards the predicted rate of effluent from the development and the extent and frequency of flow restrictions and shutdowns into the receiving network, and bearing in mind that there are known capacity issues of concern on the receiving network which have led to incidents in the village, I am not satisfied that the proposed storage arrangements would be of a sufficient capacity to hold foul water without overflow, surcharge or leakage before being able to be discharged to the network without detriment. This would be contrary to the purpose of the condition to prevent pollution of the water environment. Accordingly, based on the submitted information, I do not find that foul sewage capacity would be improved.

## **Conclusion**

12. For the above reasons, and taking all issues raised into account, the appeal is dismissed and approval of the details is refused, namely: Scheme for the improvement of foul sewage capacity in pursuance of condition 9 attached to planning condition Ref S/2791/14/OL dated 8 August 2016.

*Andrew Walker*

INSPECTOR