



Appeal Decisions

Site Visit made on 21 September 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th November 2021

Ref: APP/W0530/W/21/3267791

Land to the North and South of Bartlow Road, Linton CB21 4LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application.
 - The appeal is made by Abbey Developments Ltd against South Cambridgeshire District Council.
 - The application Ref S/1963/15/COND10, is dated 19 May 2020, sought approval of details pursuant to condition No 10 of planning permission Ref: S/1963/15/OL granted on 1 September 2017.
 - The development proposed is a residential development for up to 55 dwellings with landscape buffer and new vehicular accesses from Bartlow Road.
 - The details for which approval is sought are described as No. 10 (drainage).
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Decision

1. The appeal is allowed and details Ref: S/1963/15/COND10 pursuant to condition No. 10 of a planning permission Ref: S/1963/15/OL are approved.

Application for costs

2. An application for costs was made by Abbey Developments Ltd against South Cambridgeshire District Council. This application is the subject of a separate decision.

Procedural Matters

3. I am considering three other appeals on the same site. Whilst these have been made by the same appellant, they raise differing issues. In consequence, I have made separate decisions.
4. Following the submission of this appeal, a revised version of the National Planning Policy Framework (the Framework) has been published. I have considered the proposals in the light of this revised document, having first given the parties an opportunity to comment on its content.

Main Issue

5. The main issue is whether the submitted details would secure a planning policy compliant development, with regards to flood risk.

Reasons

6. The appeal site consists of an undeveloped area of land located on both sides of Bartlow Road. The general topography of the area is such that the land slopes downwards towards Bartlow Road and then towards the rear boundary

of the appeal site. Therefore, the topography of the appeal site features significant variation.

7. The evidence before me indicates that a drainage scheme was submitted to the Council for consideration. The information submitted to the Council was assessed by the Lead Local Flood Authority (the LLFA), who did not raise any concerns subject to the drainage system being appraised by the Environment Agency (the EA).
8. Following the submission of this appeal, the appellant undertook testing into the potential for boreholes to be installed on part of the site. This has demonstrated that the ground conditions within the northern portion of the appeal site allows for the infiltration of surface water into soakaways.
9. This therefore demonstrates that the ground conditions allow for the absorption of surface water run-off, without it being discharged into the surrounding road network, or neighbouring sites including the remainder of the appeal site.
10. In addition, the submitted appeal documentation states that this additional information has been considered by the EA. The EA have not objected to this information.
11. The borehole testing did not cover the remainder of the appeal site. However, the submissions before me indicate that this will be served by a different drainage system and that this has been found to be technically sound. Therefore, I find that the absence of borehole testing on the remainder of the site would not create a greater level of flood risk.
12. Therefore, it has been demonstrated that adequate clearance for the proposed soakaways above peak seasonal groundwater levels has been demonstrated.
13. In result, the proposed drainage system has been assessed by both the EA and LLFA and, in consequence, it has been demonstrated that the proposed drainage system would not result in an increase in flood risk. In addition, as the drainage system would be installed on land that is within the control of the appellant, this is a deliverable system. In consequence, I have some certainty that this scheme can be installed.
14. I have noted the concerns raised from interested parties regarding previous flooding events. I have not been provided with the full information regarding these events and, specifically, their causes. However, a scheme has been provided through the appeal process that demonstrates that an appropriate drainage system can be installed within the development. This means that the development would not result in an increase in flood risk either on the site, or elsewhere.
15. I am aware of concerns regarding the number of dwellings within the proposed development that would require drainage. However, this appeal pertains to the agreement of details reserved by condition, rather than the actual quantum of development. The submitted details have demonstrated that there is an adequate drainage solution for the number of homes proposed.
16. The appellant has, through a separate process, sought to amend a condition regarding foul water drainage. However, given that the details before me pertain solely to surface water drainage, this does not amend my previous observations.

17. I therefore conclude that the proposed development would not have an adverse effect upon flood risk either on-site, or elsewhere in the vicinity. The details, in this regard, would comply with Policies HQ/1; CC/7; CC/8; and CC/9 of the South Cambridgeshire Local Plan (2018). Amongst other matters, these seek to ensure that developments provide adequate land drainage; incorporate sustainable surface water drainage systems; do not increase flood risk elsewhere; and adapt to the impacts of climate change.

Conclusion

18. I have identified that the submitted details in respect of drainage are consistent with the requirements of the Development Plan and are therefore acceptable. I therefore conclude that the appeal should be allowed.

Benjamin Clarke

INSPECTOR