

Delegation meeting - Minutes

- **Date:** 20 July 2021
- **Time:** 11am to 12:30pm
- **Meeting held:** via Teams
- **Attendees:** Chris Carter (CC), Cllr Pippa Heylings (PH), Michael Sexton
- **Notes and actions:** Jemma Smith

Minutes approved by: Cllr Pippa Heylings (Chair of Planning Committee – Consultee) on 26 July 2021, Chris Carter (Delivery Manager – Strategic Sites) on 26 July 2021

S/1963/15/CONDE Land North and South of Bartlow Road, Linton - Submission of details required by condition 11 (Foul Drainage) of planning permission S/1963/15/OL

Reason for call-in request

1. Linton Parish Council Comments:

Comments from previous condition S/1963/15/COND11 still stand.

Below are the comments previously comments submitted by LPC on application S/1963/15/COND11. These are the initial comments from LPC, additional comments will follow.

The committee also requested that this is referred to Building Control, due to concerns about the levels at which the developer is dropping the sewer, i.e. 1 in 7 and 1 in 12 inclines are too steep and will cause blockages in the system

LPC Decision: Object and refer this to the District Council Full Planning Committee

LPC Comment (additional comments to follow): 8 July 2020

Holding Objection.

Previous comments still stand and Linton Parish Council emphatically object to the discharge of these conditions.

There does not appear to be any material changes from the recently withdrawn application S/4550/19/DC. Further comments will follow.

LPC Decision: Object and refer to the District Council Full Planning Committee

LPC Comment submitted 22 July 2020

These DoC's mainly appear to be re-submitted reports upon which LPC has already

commented. The deficiencies identified in our comments dated 23 January 2020 have not been addressed. Most of the reports are also out of date as they predate the RM scheme of 2019. The data and calculations used for these conditions are therefore inaccurate, incomplete and misleading. This includes noise, flood risk, surface water drainage and foul water drainage, identified in more detail in the full response to DoCs sent separately.

The submissions include further development that was not approved in the OL and RM schemes and would conflict with those approvals and their conditions. The conditions are therefore not fit to be discharged.

LPC Comment:

This condition requires:

- 'a scheme for the provision and implementation of foul water drainage to connect to manhole 7501 via a pumped regime'
- Construction and implementation 'in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority'.

We note that the words 'via a pumped regime' were added after the decision made by planning committee. They were not consulted on and did not form a part of the submission or evidence provided at OL stage. The relevant interested parties, such as neighbours, LPC and those commenting on the landscape, aquifer, flooding, ecology and amenity, were not given the opportunity to comment on the implications.

The requirements have not been complied with:

- Foul water drainage does not go to the specified manhole. This manhole was specified at OL stage because evidence had been provided and accepted that the nearest alternative was likely to result in the flooding of Linton village.
- The scheme does not provide the less harmful connection to manhole 7501 and the newer village main drain specified in the condition.
- A scheme has not been provided to clearly describe the pumped regime and its deliverability and maintenance. The design of the pumping station is not clarified.
- The drawings do not include sufficient levels and sections to show that the pipework, falls and depths are appropriate and compliant. They do not show appropriate methods of dealing with the steep slopes of this site and retaining structures proposed in the RM layout. Drawings indicate that it is likely that the

drains exceed the falls specified in Building Regulations and therefore that the operation of the drainage system is likely to be defective.

- The proposal is not in accordance with approved OL plans and no implementation programme has been provided.

The proposals are inconsistent:

The sewage connection

- The letter from Anglia Water of 23 June 2020, submitted with the application, is inconsistent with the condition. It specifies the wrong manhole and fails to take into account the findings of the OL drainage assessment and the OL decision.
- This was a result of the developer going directly to AW for comments, circumventing the statutory planning consultation process, and providing a selective partial submission and incorrect assumptions on which to base decisions. As a result, the letter fails to take into account the material considerations and reasoning of the condition, and makes assumptions which are factually incorrect.
- The condition is that the sewage from the southern site in particular must join the system at manhole 7501. The submitted plans do not do this.
- The scheme shows only a discharge drain goes from the pumping station to manhole 7501 (the required manhole), and this goes in the opposite direction to the rest of the drainage. The submission does not provide transparent justification for this. If the discharge pipe can go to the specified manhole, there is no clear reason why the main drainage is not doing so.
- The submitted scheme for the discharge drain does not demonstrate that this would be carried out. There is no submitted agreement with the landowners of the land over which this would pass, and that would be needed to demonstrate that this is deliverable so that the discharge is not terminated at the boundary of the site into the Protected chalk stream. The adjoining landowners have confirmed that they have not even been approached by the developer, so at this stage the connection is not deliverable and there is risk to the stream.
- The designated manhole is at a considerable distance from the site and the developer is responsible for the installation and maintenance of this link, through adjoining properties. Yet there is no certainty about the installation and no management scheme to ensure the proposed pipe is maintained. As a result, it is likely that the responsibility is not assured and is likely to impose an unreasonable burden on LPC or third parties.

- Anglia Water's letter of 23 June 2020 does not include this overflow drain.
- The drainage plan shows the main drainage pipework heading in the direction of Bartlow Road, and then terminating a short distance from it. As drawn, it goes nowhere, other than dissolving into the casing of the aquifer, and local water supply, which would be unacceptable. Its direction heads towards the old substandard 6" Victorian main drain and is the opposite direction to that required under the condition. As the specialist report demonstrated, that route may be easiest and cheapest, but is the most likely to cause unacceptable flooding elsewhere in the village.

The pumping station

- This condition 11 requires a scheme for the pumped regime. This is not provided.
- A large brick walled enclosure is described in the RM pumping station condition 8, but that too does not include a scheme for the pumping station. LPC has consistently raised concerns about the lack of clarity about this Pumping Station development added since the Outline application. There is insufficient description of this development structure, and it is outside the development area.
- The pumping station is located within a prominent part of the site. Its prominence has been raised as a concern by the Landscape consultee, as well as by ourselves.
- Its position breaches the Outline consent (Condition 4) and extends into the open river valley landscape at a key viewpoint. As it is outside the Outline development area, its principle is not approved under that consent and it risks conditions relating to this structure being unenforceable.
- For this size development, an underground pumping station tank is likely to be 3 metres high and 15 metres long and there is a separate building above ground (LPC4). The brick enclosure submitted for the RM condition 8 is 13 metres by 9 metres by 1.8 metres high. It has a larger footprint than a house, so will potentially have a substantial impact on the landscape. The building and its enclosure are prominent in the foreground in the key view along the valley.
- In addition, the tank typically needs to be excavated 4 metres into the ground, so would breach the aquifer (likely 0.6 -1 metre below this point). If the tank is located above ground to avoid breaching the aquifer, it is likely to be at least of a similar size (3M high x 15M long minimum) and likely to impose substantially into the identified key view.

- The pumping station is within the area of the site that has high water levels, so is likely to require additional concrete structure to resist flotation. This involves more potential impact on the aquifer.
- This area is part of the river valley platform. It is within the area of previous flooding shown on Environment Agency maps (see LPC6 Flood Map). It consists of clay river silts demonstrating it has flooded regularly in the past and is at heightened risk of future flooding. The river is a Protected chalk stream, which would be at risk when this pumping station and the drainage around it floods.
- The replacement of the previous perimeter fence with a brick perimeter wall (in the June 2020 DoC documents submitted for RM condition 8) will exacerbate the risks when this area floods.
- As a result, the pumping station is still an unknown structure, undeliverable in the form anticipated by the Council and undeliverable without risks of significant visual and environmental harm.
- The impact on the landscape, and particularly the noise impact on neighbours is unacceptable. The likely impact of flooding is also unacceptable. There is no mitigation for these nuisances and the condition cannot be discharged.

The proposals are harmful:

- The proposal does not discharge to the specified manhole.
 - There is insufficient demonstration that the foul drainage will be discharged satisfactorily and without risk of pollution. The two proposals indicated are either to discharge into the casing of the aquifer without connection to the public drain, or to divert to the defective Bartlow Road Victorian drain.
 - There is insufficient information to ensure the pumping station and its discharge pipe are appropriately assessed, designed and maintained. The likelihood is that it is not deliverable without risk of pollution and harm to the landscape, Protected aquifer, Protected chalk stream, public drainage system, and the amenity of the neighbours and village.
 - The proposal to site the pump within the aquifer is foolhardy and dangerous to public health, as is the proposal on submitted plans to still direct the drainage towards Bartlow Road manhole, despite the specified condition against this.

As submitted, the submission does not demonstrate compliance with CC/4, CC/9, NPPF 8, 156, 163 and 170. It does not satisfy the requirements and reason for the condition and therefore fails to 'reduce the risk of pollution to the water environment and to ensure

a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007". It should therefore not be discharged.
LPC Decision: Object and do refer this to the District Council Full Planning Committee
Please refer to the complete response to condition, sent by e-mail to the Planning Officer
LPC comments submitted on 20 November 2020:

As the development started unlawfully, without complying with all the pre-commencement conditions, the Meisel's case and 'Whitley Principle' applies, making the whole development unlawful. Access (adjacent the A1307), drainage (on a site subject to river and surface water flooding), landscaping (on this key prominent site), and works carried out that affect the amenity of the neighbours, would all 'go to the heart of the permission'. All the reserved matters should have been applied for by 1 September 2019 in order for the timescale not to lapse. It is therefore even more questionable whether these other DC's should have been accepted.

The submissions include development that was not approved and would conflict with those approvals and their conditions.

LPC Comments:

There is a clear and explicit condition that "Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage to connect to manhole 7501 via a pumped regime shall be submitted to and approved in writing by the Local Planning Authority".

The submitted scheme fails to do that and MUST therefore be rejected.

LPC does not appreciate the way that the developer has attempted to circumvent the planning process, the wording of conditions, and proper procedure by going direct to such bodies as Anglian Water to attempt to discharge a condition in a way that is specifically excluded for reason; such as the connection of the foul drainage system to the manhole on Bartlow Road. The correct drain must be used, as the OL statutory response, and the condition and its reasoning states.

- There is a clear condition that the foul water connection must be made to manhole 7501 which links to the newer sewage pipe/drain. This submission again has the link to the manhole2503 on Bartlow Road, which links to the 6inch Victorian sewer, which is already over-used and leads to back-up and overflow overflow into gardens and homes near the village centre especially after adverse weather.
- This condition is not being met nor is the confirmation of the developer. The minutes of South Cambridgeshire District Council (SCDC) Planning Committee held on the 7th



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September 2016, Page 2 paragraph 3 confirms that the sewage pipe would not go to the Bartlow Road manhole due to the issues identified by the independent consultant.

- “Linton Parish Council had submitted a report by an independent drainage consultant that advised that a connection to manhole 1502 that was not acceptable. It was confirmed that the applicants would connect to manhole 7501 via a pumped connection at an agreed flow rate of 3.8 l/s. This manhole is on a system that has been agreed to have sufficient capacity by Anglian Water and the independent drainage consultant. A foul water drainage condition was suggested to address this matter.

- This refers to another planning application, which wanted to connect to manhole 2503 on Bartlow Road. The conclusion was that "it is considered that the extant sewer system should not be stressed by additional connections"
- In our appeal documents, LPC submitted that: Linton Parish Council commissioned an independent report on the state of the drains on the Linton Parish Council comments from Ex-Ord Planning Committee meeting held on 12th Nov 2020 Western side of the village. In order to maintain the patency of the existing drain network in the village of Linton. the historic core of the village will have to be dismantled (most houses in the Special Conservation Area have cellars and fragile foundations or base-plates) in order to accommodate larger pipes to carry the foul waste generated by the development. The sewage treatment works does have capacity but is situated in Cow Gallery Wood at site TL549 476. The pipework from this site does not just lie under the modern developments of the 1970's but also under the Historic core of the village which is an Outstanding Conservation Area with the highest density of listed buildings in Cambridgeshire and also its narrowest High Street. The discrepancy seems to be that both the Appellant's 'cursory' study and the Anglian Water basis does not assess the capacity of the main village drainage, only the local capacity close to the point of connection. Our expert assesses beyond this, where the old village main drain is undersized and defective.
- The letter submitted by the developer from Anglian Water does not recognise that there is a specific planning condition against this scheme, so cannot be accepted as an informed decision. This condition requires "a scheme for the provision and implementation of foul water drainage to connect to manhole 7501 via a pumped regime" (Please note LPC previous comments on this matter - May 2019).
- Anglian Water should refer to a copy of their revised response to S/1963/15/OL which acknowledges the professional report provided by Mr Sinclair, of Create Consulting, and explains the reasoning for the refusal to connect to the manhole being proposed. Otherwise, they are providing inconsistent advice.
- The revised response from AW should also be posted on the website
- The developer is providing partial and mis-leading information.
- In designing the site sewerage and layout, developers should demonstrate flow paths and the potential effects of flooding resulting from blockages, pumping station failure or surcharging in downstream combined sewers, by checking the ground levels around the likely points that flow would flood from the system to



identify the flood routes. This is not seen. Given that the pumping station is sited in an area known by residents to be subject to flooding, detail about the effect of pumping station failure is critical to ensure protection of the River Granta, especially in light of the three 90 degree turns followed by the 1 in 10 uphill gradient for it to reach the sewer on Bartlow Rd.

- Please verify that the private foul sewers with gradients of 1 in 7 (for plots 5 to 9), 1 in 10 (plots 1 to 3, 4, 31 to 33), 1 in 12 (plots 41 to 43), 1 in 14 (plots 16 and 17 and 18 to 23) and 1 in 27 (plots 24 and 25) are acceptable to Building Regs. It is our understanding that gradients greater than 1 in 40 can cause liquids to run much faster than solids leading to blockages.
- The “adoptable” SW pipe running from N to S on the extreme western edge of the southern site plan (starting at SW7) passes within 3m of 6 dwellings, under 3 retaining walls and down a flight of steps of just under 1m in height (1 in 1 gradient?). Notes are made in 2 locations about specific permissions for this – please verify that this is possible with Building Regs, especially between plots 7 and 8 where it passes within 1m of both buildings having just dropped down the flight of steps. The drop from SW7 to SW6 is more than 4m over a distance of approx. 35m (1 in 8.75). The pipe then takes a 90-degree bend. This is also a questionable “design feature” – or maybe an intended intermittent water feature in the garden of plot 9?

- The location of the wording “archaeological excavation containing broken pipe” does not align with the location of the trial pits, nor the location of the easement on the deed of grant. It should also be questioned why a pipe laid in 1991 would be broken, Linton Parish Council comments from Ex-Ord Planning Committee meeting held on 12 November 2020 given the life expectancy of a surface water pipe should have been at least 50 (clay), 75 (cast iron) or 100+ years (PVC or ABS).
- The foul water sewage should not be pumped at this uphill inclination - massively uphill, so
- on this on this factor alone the scheme should be rejected.
- The details of the pumping station are not included, but it will be within the aquifer
- and a water protection zone - any leaks here will seriously affect our drinking water
- On the Northern site SA16 is within 5m of a highway, SA27 also appears to be within
- 5m when measured from a screen.
- If, as it might appear, the conditions for Foul Water between s/1963/15/OL and s/2501/19/RM are in conflict, the OL approval takes precedence and the RM scheme is not deliverable and must also be rejected.
- The condition has not been met and is therefore not fit to be discharged. (Please also see LPC comments regarding condition 8 - Pumping station submitted July 2020)

Previous comments from LPC still stand

LPC Decision: Object and refer this to the District Council Full Planning Committee

LPC comments submitted on 6 January 2021:

LPC Comments:

These pseudo revisions are an attempt to evade rather than comply with planning conditions, and show contempt for SCDC, its staff and the residents of Linton.

Previous comments stand.

- The drawings are inconsistent with the RM approval.
- The plans still show the sewer linking to manhole 2503 on the Bartlow Road, contrary to explicit conditioning, and the developers own confirmation to use manhole 7501.
- Anglian Water does not appear to be aware of or to recognise the significance of this specific planning condition against this scheme. Hence their letter of



acceptance cannot be considered as an informed decision. The condition requires "a scheme for the provision and implementation of foul water drainage to connect to manhole 7501 via a pumped regime" (Please note LPC previous comments on this matter - May 2019).

- Like the letter from Anglia Water of 23rd June 2020, submitted with that application, this letter of acceptance is inconsistent with the condition. It specifies the wrong manhole and fails to take into account the findings of the OL drainage assessment and the OL decision.
- The developer had gone directly to AW for comments, circumventing the statutory planning consultation process. As a result, AW fails to take into account the material considerations and reasoning of the planning condition.
- Reasons have previously been given why the site sewer should not be connected at manhole 2503 (LPC comments including those of 20th November and July 2020). The additional stress on the already inadequate 6inch Victorian sewer would pose unacceptable risk of flooding and sewage overflow to the village centre. This is already a known hazard and further input of foul water and sewage will be an additional health and safety risk.
- The report submitted by LPC in 2016, from AE Designs Ltd, Flood Defence and Drainage Engineers, is relevant to the situation. This refers to the Horseheath Road application, which wanted to connect to manhole 2503 on Bartlow Road. The conclusion was that "it is considered that the extant sewer system should not be stressed by additional connections"
- Since then, at least 3 infill houses and numerous extensions on or near Bartlow Road add to the system, along with 42 houses from the Horseheath Road development (these will be added via manhole 1801 on Lonsdale). Also, around 10 houses have been (or soon to be) added near the Hoseheath/Bartlow Road junction, which also feed to this sewer. The pipe is already at capacity, which is why this site must link to the newer pipes at manhole 7501.

- The developers 'cursory' study and the Anglian Water basis does not assess the capacity of the main village drainage, only the local capacity close to the point of connection. Our expert assesses beyond this, where the old village main drain is undersized and defective.
- The acceptance of Anglia Water without consideration of the wider situation, the cumulative effects of development and the specific condition against this connection, makes their letter irrelevant and inappropriate to the situation.
- We understand the pressure place upon officers and utilities by developers, but this should not be allowed to over-ride specific and well considered planning decisions.
- This condition is not being met nor is the confirmation of the developer to use manhole 7501 (minutes of SCDC Planning Committee 7th September 2016, Page 2 paragraph 3 confirms that the sewage pipe would not go to the Bartlow Road manhole due to the issues identified by the independent consultant).
- This application demonstrates wilful ignoring of specific conditioning and evasion of proper consultation and planning processes.

The condition has not been met and is therefore not fit to be discharged.

(Please also see LPC comments regarding condition 8 - Pumping station submitted July 2020)

Further comments:

- The proposals are still to connect to the old defective 6" main drain, and not to the manhole number 7501 required under condition 11.
- The submission also includes drawings referring to surface water drainage which should not be part of this condition. It includes documents that are superseded by later variants and should be marked superseded.
- The Anglian Water letter dated 31 March confirms the approval is only based on the public sewer records. It therefore does not take into account the specialist drainage report commissioned by LPC, the reasoning from Anglia Water for objecting in 2016, nor the age and condition of the pipe.
- The 31 March letter confirms it does not agree the design scheme provided, that it does not include septic sewage and that it does not deal with Building Regulations issues.
- The adoption offer letter of 28 October 2020 is abridged and does not include the areas to be adopted.

- The email from Anglian Water dated 22 December 2020 does not refer to the report, nor the basis they have approved the developer making the connection.
- The submission does not include any means of managing and maintaining the system including the pumping station.
- The drawings show a pumping station which would be high maintenance and does not remove septic sewage.
- Buildings and structures intrude into the 3m public sewer easement strip and the 'relocated drain'
- The design of the pump chamber is still not included in section and its size is still not clarified.
- The 'pump station' drawing still shows a road gully instead of the pump station. It is underground so likely to be within the casing of the aquifer and within 1M of groundwater.
- All these are reasons for the system to break down prematurely and create unacceptable risk to the health and wellbeing of residents, the aquifer, the chalk stream and the environment as a whole.
- The design still includes falls that are substantially too shallow and too steep, and does not comply with Building Regulations.
- The submission does not comply with the condition. It also does not comply with the requirement in HQ/1 to protect the health and amenity of occupiers and surrounding uses from development that would create unacceptable impacts, and of NPPF 163 to ensure that flood risk is not increased elsewhere.

2. S/1963/15/CONDE - Submission of details required by condition 11 (Foul Water Drainage) of planning permission S/1963/15/OL. 76 documents submitted for this.

Additional Comments from Linton Parish Councils (LPC) Planning Consultant under instruction from LPC

LPC has provided a copy of the independent report that provided the basis of the 2016 LPC and Anglia Water objections and the reason for Planning Committee having imposed this condition.

We note the objection from Anglian Water because there are no pumped water rates.

There are additional omissions and inconsistencies:

The plan shows the proposed pipe from the pumping station crossing the neighbouring garden and the adjacent field. There is no evidence yet that an agreement is in place to

ensure this is practical and that it is to be appropriately maintained for the life of the development.

There is no clarity regarding the slope and distance of the proposed pipe between the pumping station and manhole 7501. The lowest point of the pipe does not correspond with the invert level on the Anglia Water Wastewater plan. MH 7501 is likely to be approx. 295 metres away from the pumping station. At 1:80, this potentially entails a difference in height level of 3.7 metres and the effect of this on the proposed pumping station and land profile should be shown. A section is shown, but this has the structure that is probably the pumping station at the 43-metre contour and a pipe that is deficient with a number of backfalls. It shows the possible pumping structure approximately 3 metres in height, possibly projecting into the ground by 1.5 metres and out of the ground by nearly 2 metres. This is likely to damage both the views and the aquifer casing.

The proposed route is likely to cross a series of surface water drains across Flemings Field. These should have been located and proposals made for remediation. As proposed, it is likely to cause risk of flooding elsewhere. The part of the condition regarding maintenance is not addressed.

There is still no clarity about the pumping station and its plan should have been revised to show the revised location of the pump for the new pipe direction. The manhole depths are still not clarified and it should be demonstrated that these do not breach groundwater and casing of the aquifer.

There is no clarity about the effect on the root protection zone of the adjacent tree and the impact of further growth of the tree on the future of the pipe in this location. If the large structure on the Sewer Long section is the pumping station, the tree and roots next to it are likely to be damaged by the excavation and the build-up of the slope.

Sheet 2 of the Long Sewer and the plan of proposed pipework from the Northern Site and to the pumping station include numerous falls that would not comply with Building Regulations and are unlikely to be adoptable. The note regarding an “adoptable” pipe on the run in Bartlow Road is therefore unlikely to be deliverable as this pipe is annotated as 1:129 and is likely to repeatedly block. There is no obvious reason why this pipe is designed at this deficient slope, unless it is still being designed to connect to the inlet of the defective 6” sewer. It should be designed to Building Regulation falls and to avoid that sewer.

The plan E17-084-400 shows the swale which is not part of the OL and the RM approved scheme and therefore cannot be approved under this condition.

LPC Decision: Object and (unless minded to refuse under delegated powers), refer this to the District Council Full Planning Committee.

3. Linton Parish Council Comments:

Response to Foul Water Sewage Facilities by Graham Eves.

The report submitted by LPC from AE Design refers to the general state of the sewage system at the eastern end of the village, which it notes was "parlous" even at the time of commissioning. Since then several extensions and infill houses have been added, so the situation has worsened in those few years. The report includes the potential harm of adding any extra load to the 6-inch Victorian sewer on Bartlow Road - the one to which the developer proposes to link. It is irrelevant which development this was originally commission for, any extra loading will have the same effect. Indeed, the proposed link by the developer would be in addition to the burden imposed by that of the Croudace homes development, which itself would exceed the capacity of the sewer and is being opposed. The report is additional information that indicates that linking the development site to an already overburdened system is not feasible. The main point is that the state of the drains was understood by SDCDC and was the reason for the specific condition that the sewage link should be by manhole 7501. The arguments presented by Mr Eves are spurious and irrelevant to the weight that should be given to the report.

Response to Parish Objections - no new information has been submitted on the planning portal. Previous comments stand.

Previous decision from LPC still stand. Linton Parish Council Decision: Object and do refer this to the District Council Full Planning Committee.

Key considerations

The detailed comments of the Parish Council were noted by the group. The case officer provided an update on the consultation responses received from statutory consultees.

The comments of the Parish Council do raise material planning considerations related to the discharge of the condition. These concerns, whilst clearly of significance to the Parish Council, are not considered to be so significant as to warrant referral to the planning committee. Further, they relate to detailed technical matters on which the Council rely on the expert advice of the relevant statutory consultee

This discharge of condition application is not considered to have significant implications for adopted policy, nor to be of a nature scale or complexity to warrant committee consideration.

Whilst the planning history of the site is clearly of relevance, it does not justify the referral of this application to committee for decision.

Following the decision of the meeting to determine the application under delegated powers, there has been a specific surface water flooding incident that prompted the LLFA to write to the Council to request that it pauses consideration of the application until a further review of the circumstances surrounding that event by the LLFA. The Council is awaiting further responses from the LLFA and will be reviewing the earlier conclusions of the panel in respect of this matter before proceeding to determine the application.

Decision

Delegated decision

21/00629/S73 Land North and South of Bartlow Road, Linton - S73 Variation of condition 11 (Foul water drainage) of outline planning permission S/1963/15/OL (Residential development for up to 55 dwellings with landscape buffer and new vehicular accesses from Bartlow Road) for revised wording to refer to the foul drainage design.

Reason for call-in request

Linton Parish Council Comments:

The adjustment of the condition seeks to link back to the system at Bartlow Road. LPCs Planning Consultant, CN Historic, commented on behalf of LPC stating that the requested S73 variation of the condition is potentially invalid.

Comments from CN Historic on behalf of LPC;

In principle:

1. As the S73 is a new application that would run alongside the existing consent, the policies that apply are those of the current Local Plan (see Daniel Fultons explanation in his response on the Bartlow application below). Under the current

Local Plan, the development, including drainage, would be unacceptable as it is outside the Development Area.

2. A S73 application can only be made for a development which is not substantially different to that approved. By varying the conditions, the published Reasons for those conditions are no longer complied with. The reasons for the conditions of S/1963/15/OL were stated within the relevant Planning Committee Meeting and the Minutes of that meeting of Meeting of 2 August 2017. Therefore, the nature and impact of the development would be substantially different.
3. The Drainage and Flood conditions were imposed because of the independent drainage report and flood evidence that were provided to Planning Committee. A development that does not comply with their recommendations would be substantially different. The proposed new foul manhole is within the same drainage sections that the Drainage report concluded were unsound and the report and Planning Committee concluded was likely to put the village at risk. The submission does not provide evidence that justifies that risk.
4. A S73 application can only be made if the time limit within which the development was required to begin has not expired without the development commencing. Because the timescale for the outstanding Access Reserved Matters has expired, the S73 application would not be valid.

LPC Decision: Object and refer this to the District Council Full Planning Committee

Key considerations

The comments of the Parish Council were noted by the group and the case officer explained the purpose of the application, particularly having regard to the previous agenda item, from which this application seeks to deviate.

It was considered that the comments of the Parish Council do raise material planning considerations of significant concern to the Parish. Combined with this, it was noted that the original condition was imposed by the District Council planning committee at the time of the original determination meaning that the history of the site is also of relevance. It is for these reasons that it was considered that there is justification for this matter to be referred to the planning committee.

It was noted by the group that it is likely that statutory consultees will not be objecting to the proposal, and that this is a technical matter. However, having regard to the above, it was considered that a decision should be made by the planning committee in this case.

Decision

Refer to planning committee. See above

S/1963/15/CONDH Land North and South of Bartlow Road, Linton - S/1963/15/CONDH - Land South Of 69 To 89 Bartlow Road, Linton - Submission of details required by condition 19 part(iii) (Post Excavation Assessment) of planning permission S/1963/15/OL

Reason for call-in request

Linton Parish Council Comments:

- The report documents were not on the website when it was proposed to sign-off parts i- iii. Only now can we see if those parts of the condition have been fulfilled.
- The practical work of the archaeological team has been completed but a full and complete fieldwork report from the site investigators should have been completed and submitted within 2 years of the completion of fieldwork. This is long overdue.
- As such this DoC does not comply with the condition and the archaeological stage reached.
- The report should accurately describe the finds, including the buildings, flint tools, hearth, bone comb, the well and Roman roads that were known to be there.
- The significance of the site and the finds needs to be recorded and commemorated on site e.g. Para B.4.39 - The very large assemblage of worked flint from Bartlow Road is of considerable regional importance.
- Information boards and street/site names should reflect the significance of the site - not imported names with no local connection.
- The site layout should have been sensitive to the routes of the old roads/routes and the historic surface water flooding.
- Note the height of the contours and the gravel terrace deposits - this is where the river will flood - and the flow marks showing the course of the surface water 2 flooding.



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- Although part of the condition has been completed, the full planning condition has not been complied with and as such cannot be signed off.

Linton Parish Council Decision:

Object and do refer this to the District Council Full Planning Committee.

Key considerations

The comments of the Parish Council were noted by the group. The case officer provided an update on the consultation responses received from statutory consultees. It was also noted that this application seeks to discharge the post excavation assessment stage.

The comments of the Parish Council do include some material considerations related to the discharge of the condition. These concerns, are not considered to be so significant as to warrant referral to the planning committee. Further, they relate to detailed technical matters on which the Council rely on the expert advice of the the County Council Archaeology officer.

This discharge of condition application is not considered to have significant implications for adopted policy, nor to be of a nature scale or complexity to warrant committee consideration.

Whilst the planning history of the site is clearly of relevance, it does not justify the referral of the application to committee for decision.

Decision

Delegated decision