



Planning Committee Date	10 August 2022
Report to	South Cambridgeshire District Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	Appeal reference: APP/W/0530/W/21/3287502 Planning reference: 21/00629/S73
Site	Land To The North And South Of Bartlow Road, Linton
Ward / Parish	Linton
Proposal	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
Applicant	Abbey Developments Limited
Presenting Officer	Michael Sexton
Reason Reported to Committee	Appeal Process Update
Member Site Visit Date	n/a
Key Issues	n/a
Recommendation	FOR INFORMATION ONLY

1.0 Executive Summary

- 1.1 A Section 73 application to vary condition 11 (foul water drainage) of outline consent S/1963/15/OL at Land To The North And South Of Bartlow Road, Linton was reported to the Council's Planning Committee on 08 September 2021.
- 1.2 The application sought to vary condition 11 such that foul drainage connection to serve the development connects for the southern site between manholes 1501 and 2501 and a connection for the northern site at manhole 2503 (i.e., connection at Bartlow Road), or via connection to manhole 7501 via a pumped regime.
- 1.3 The application was reported to the Council's Planning Committee with an officer recommendation of approval. There were no objections from statutory consultees, including Anglian Water as the sewerage undertaker and specialist advisors consulted by the Council.
- 1.4 The Planning Committee resolved to refuse the application on the grounds that the information submitted failed to demonstrate that the proposed connection would provide a suitable alternative connection to the existing foul water drainage system.
- 1.5 The applicant appealed the decision, and the Planning Inspectorate has recently confirmed that the appeal procedure is to be altered from Written Representations to a Hearing.
- 1.6 In providing a Statement of Case for the Written Representation procedure the Council approached drainage consultants to support the Council in defending the appeal, however it has not been possible to secure any drainage consultant to support the Council's reason for refusal.
- 1.7 In the absence of any expert evidence to present to the forthcoming hearing, Council Officers will be writing to the Planning Inspectorate to advise that the Council will attend the Appeal Hearing to assist the Inspector with any questions they may have for the Council as the Local Planning Authority but will not be in a position to offer any technical evidence to in defence of the appeal.

2.0 Appeal Process

- 2.1 The refused Section 73 application at Land To The North And South Of Bartlow Road, Linton was appealed in November 2021. The appeal was scheduled to run via the Written Representations procedure following receipt of an appeal start letter in April 2022.
- 2.2 The Council received notification from The Planning Inspectorate on 21 July 2022 that the appeal procedure was to be altered to a Hearing.

2.3 The Planning Inspectorate set out that, following a request from Linton Parish Council that the appeal should run via a hearing, The Planning Inspectorate reviewed the procedure, taking into account the evidence received from the main and interested parties and took the view that the most appropriate procedure to resolve outstanding questions would be via a Hearing.

2.4 The appeal timeline is set out in summary below:

- i. Section 73 application refused September 2021
- ii. Appeal Lodged November 2021
- iii. Start Letter received dated 07 April 2022, confirming Written Representation procedure (as requested by the Appellant)
- iv. Council's Statement of Case due 12 May 2022 (submitted 12 May 2022)
- v. Appellant's Final Comments due 26 May 2022
- vi. Email from PINS 21 July 2022 detailing an alteration to the procedure from Written Representations to an Appeal Hearing
- vii. Email from PINS 29 July 2022 confirming Appeal Hearing (following Appellant and Council comments)
- viii. Statement of Common Ground due by 26 August 2022
- ix. Hearing date(s) to be confirmed

2.5 The Planning Committee is also asked to note that the Appellant has submitted an application for costs which the Council have responded to. However, there may be a further application given that the planning inspectorate have changed the process from written representations to a hearing.