



Appeal Decision

Site visit made on 22 October 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2020

Appeal Ref: APP/G4240/W/19/3232854

Fairbottom Methodist Church, Alt Hill Lane, Ashton-under-Lyme OL6 8AB

- 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 Mr Paul Cooper against the decision of Tameside Metropolitan Borough Council.
- The application Ref 19/0034/PLCOND, dated 8 March 2019, sought approval of details pursuant to condition 2 of planning permission Ref 18/00652/FUL granted on 21 February 2019.
- The application was refused by notice dated 5 June 2019.
- The development proposed is conversion and extension of existing former Methodist chapel to 2 No. residential dwellings and new septic tank – part retrospective.
- The details for which approval is sought is Condition 2 which states that : Foul and surface water emanating from the development hereby approved shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer. Within six weeks of the date of this permission full details and specification of the proposed septic tank, as illustrated on the approved Proposed Drainage Plan, shall be submitted to, and approved in writing by, the local planning authority. The septic tank shall be provided in accordance with the approved details prior to the first occupation of the development hereby approved.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Tameside Metropolitan Borough Council against Mr Paul Cooper. This application is the subject of a separate Decision.

Background and Main Issue

3. Conditional planning permission was granted for the conversion of the Methodist Chapel to two dwellings on the site in February 2019. An application to discharge the condition subject to this appeal was made in March 2019. The details submitted in relation to the discharge of the condition were not approved.
4. In light of the above, the main issue in this case is whether the details are acceptable in terms of foul drainage arrangements.

Reasons

5. There appears to have been some confusion as to the means of how foul and surface water were to be dealt with as part of the development. With regard to the discharge of foul sewage, it would appear that the appellant initially stated that the development would discharge to the main sewer. However, from the representations made by local residents, it would appear that the church building had historically drained to a septic tank shared with other residents, a situation that appears to have been confirmed by the utilities provider, who stated that there were no water assets in the area.
6. Based on the evidence in front of me, I find that the appellant has not clearly demonstrated that the existing septic tank is capable of accepting additional flows, nor has the final outfall from the septic tank been identified. The inspection report does not justify the discharge into the septic tank, and the appellant simply states that the substitution of the use by the church for the two dwellings would not give any additional loads, without any evidence to support this statement.
7. Therefore, on this issue, I cannot conclude with any certainty that the details provided to discharge Condition 2 are suitable to satisfy that condition, and as such could give rise to an unacceptable risk of pollution and harm to the natural environment, as well as the health and well-being of future occupiers of the development. I find that the proposals are in conflict with Policies 1.10, 1.12 and H10(a) of the Tameside Unitary Development Plan (2004), which when taken as a whole, state that development should not allow forms of pollution from new development to exceed acceptable levels, and create a safe environment for the local community, as well as conflicting with the safe and sustainable drainage aspects of the National Planning Policy Framework.

Other Matters

8. I have noted the concerns of the appellant in relation to the time taken by the Council to determine the proposals, and the lack of guidance given to the appellant. However, it is the responsibility of the appellant to obtain the correct levels of technical evidence, and if there are concerns with the conduct of the Council in this application, then it should be taken up with the appropriate complaints procedure of the Council.

Conclusion

9. For the above reasons, and having regard to all other matters raised, I dismiss this appeal.

Paul Cooper

INSPECTOR