The Planning Inspectorate

Appeal Decision

Site visit made on 31 January 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02nd March 2020

Appeal Ref: APP/A3655/W/19/3240512
98-102 Maybury Road, Woking GU21 5HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mrs Debbie Howard (Optichrome Group Ltd) against the decision of Woking Borough Council.
- The application Ref PLAN/2019/0485, dated 10 May 2019, was approved on 16 July 2019 and planning permission was granted subject to conditions.
- The development permitted is the erection of a single storey storage building.
- The condition in dispute is No 12 which states that: *"No development shall commence until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme should demonstrate the surface water run-off generated up to and including the 1 in 100 plus climate change critical storm will not exceed the run-off from the existing site following the corresponding rainfall event. The drainage scheme details to be submitted for approval shall also include: I. Calculations demonstrating no increase in surface water runoff rates and volumes discharged from the site compared to the existing scenario up to the 1 in 100 plus climate change storm event. II. Calculations demonstrating no on site flooding up to the 1 in 30 storm event and any flooding between the 1 in 30 and 1 in 100 plus climate change storm event will be safely stored on site ensuring no overland flow routes. III. Detail drainage plans showing where surface water will be accommodated on site. IV. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. The surface water drainage scheme shall be implemented in accordance with the approved details prior to the first use of the development hereby permitted and thereafter it shall be managed and maintained in accordance with the approved details in perpetuity".*
- The reason given for the condition is: *"To prevent the increased risk of flooding, to improve and protect water quality and to ensure the future maintenance of these in accordance with Policies CS9 and CS16 of the Woking Core Strategy 2012 and the policies in the NPPF".*

Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission has been granted for the erection of a single storey storage building at the appeal site. It is subject to a condition which requires the submission of a surface water drainage scheme. The appellant disputes the acceptability of the condition and seeks its removal from the permission.

3. Therefore, the main issue in this appeal is whether the condition is reasonable and necessary in the interests of preventing an increased risk of flooding from surface water.

Reasons

4. Paragraph 55 of the National Planning Policy Framework (the 'Framework') states that "*Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects".*

5. The storage building would be used by an existing printing business who operate from the appeal site and would be erected on a parcel of land between two existing buildings. Whilst no technical information has been provided, the appellant states that they intend to discharge surface water from the proposed development into the existing surface water sewer.

6. On my site visit I observed that most of the appeal site was laid to hardstanding, but there was a grassed area which would be built over as part of the proposed development.

7. Owing to the existing surface water arrangement at the appeal site, whereby surface water drains into the existing surface water sewer, and the extent of the existing hardstanding within the entire site associated with the printing business, the appellant argues that upon completion of the work, there would be no increase in surface water runoff rates and volumes discharged from the appeal site compared to the existing arrangement.

8. Whilst I acknowledge that most of the appeal site is currently laid to hardstanding, the existing grassed area would allow some surface water to naturally percolate into the ground after a rainfall event. In addition, the evidence before me shows that some surface water ponds on top of the existing hardstanding, as opposed to draining immediately into the existing surface water sewer.

9. The Council explain that the surface water sewer system in the area is already exceeding its capacity and have drawn my attention to a severe flood event in 2016, which damaged 44 properties. The flooding event has not been disputed by the appellant.

10. At present, the surface water runoff rates and volumes will be likely to be slowed/reduced by the ponding effect and grassed area. Whereas the proposed drainage system would allow rainwater to drain uncontrolled into the existing surface water sewer. Although the grassed area is relatively small, it would nonetheless be likely to have a positive effect in reducing peak flows from the site and thus its removal would be likely to increase surface water run-off rates, which cumulatively would increase flood risk in the area. Therefore, I am not persuaded by the appellant's contention that the development would not alter surface water run-off rates and volumes.

11. Given the recent flooding event, and the Council's concerns that the surface water sewer system is already exceeding its capacity, I consider that it is necessary that a surface water drainage scheme is agreed and implemented, including any necessary maintenance, which would mitigate the flood risks associated with the proposed development.

12. For the above reasons, I conclude that the condition is reasonable and necessary to prevent an increased risk of flooding from surface water. The condition accords with Policy CS9 of the Woking Core Strategy (2012) (the 'CS') which states that all significant forms of development should incorporate appropriate sustainable drainage systems as part of any development proposal. In addition, the condition accords with Policy CS16 of the CS which states that the Council will ensure that new developments provide the necessary infrastructure on site required for the development to be acceptable.

13. Furthermore, I find that the condition accords with paragraph 163 of the Framework which advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

14. I have taken into account all other considerations but none outweigh the conclusions I have reached and I dismiss the appeal.

Christopher Miell

INSPECTOR