



Appeal Decision

Site visit made on 29 November 2021

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2021

Appeal Ref: APP/N4720/W/21/3280424

Richmond Garage, Otley Road, Guiseley, Leeds, LS20 8BT

- 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 Mr J P Singleton (New Care (Guiseley) Ltd) against the decision of Leeds City Council.
 - The application Ref 20/08214/FU, dated 8 December 2020, was approved on 9 July 2021 and planning permission was granted subject to conditions.
 - The development permitted is the demolition of existing buildings and erection of up to 72 bedroom, predominantly three storey, care home with associated access, parking and landscaping.
 - The condition in dispute is No 16 which states that: "Before development commences a drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The drainage from the development shall be carried out in line with this drainage strategy".
 - The reason given for the condition is: "To ensure adequate drainage from the site".
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The condition in dispute relates to a condition on a planning permission granted for the erection of a care home following the demolition of the existing buildings on the site. The condition requires the submission and approval of a drainage strategy for the site prior to the commencement of development.
3. The main issue in the appeal is whether the condition is reasonable and necessary to ensure the adequate drainage of the site.

Reasons

4. When considering development proposals it is necessary to ensure that adequate drainage is provided for the site. As drainage can affect the layout of the proposal/site and generally needs to be laid out on the site before the main construction of buildings takes place, it is essential that an adequate drainage strategy is agreed with the local planning authority before development commences on the site.
5. In this case the appellant has stated that a drainage strategy was submitted in March 2021, several months before the application was determined. As such, he considers that the imposition of this condition was unnecessary.
6. As drainage is a technical matter, drainage strategies need to be assessed by various bodies which can include relevant utility companies, the Environment

Agency and the Lead Local Flood Authority as well as the Council's own drainage engineers. The Council have stated that it had not been possible for the submitted drainage strategy to be assessed by the various necessary consultees prior to the application being determined. As a result, they state that it was agreed with the appellant, that rather than delay the decision any further to enable the necessary consultation to take place, the application should be determined with drainage being subject to a pre-commencement condition.

7. I do not know why it had not been possible to consult the necessary consultees before the application was determined but given that this was the case, the local planning authority was not in a position to know whether the submitted drainage strategy would provide a satisfactory drainage solution for the proposal. As such, the condition was necessary and reasonable to ensure that adequate drainage of the site would take place. It therefore meets the test for conditions set out in paragraph 56 of the National Planning Policy Framework.
8. The appellant has suggested that the condition should be varied to read that the development takes place in accordance with the drainage strategy that had been submitted in March 2021. However, whether that drainage strategy provides adequate drainage for the site is not something I can determine, as it needs to be consulted on with technical experts with detailed local knowledge of the drainage in the area.
9. I therefore consider that the condition is reasonable and necessary to ensure the adequate drainage of the site. Without the condition there is no certainty that the development would provide adequate drainage of the site.
10. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR