
Appeal Decision

Site visit made on 8 April 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

Appeal Ref: APP/C1625/W/25/3359164

5 Kitesnest Lane, Lightpill, Stroud, Gloucestershire GL5 3NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 James Duggan (Qiani Ltd) against the decision of Stroud District Council.
 - The application Ref S.24/1964/DISCON sought approval of details pursuant to condition No 11 of a planning permission Ref S.23/2551/FUL, granted on 28 February 2024.
 - The application was refused by notice dated 14 January 2025.
 - The development proposed is erection of three dwellings, demolition of shop & renovation of existing dwelling. Resubmission of S.20/1686/FUL.
 - The details for which approval is sought are: Surface water drainage strategy.
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Decision

1. The appeal is allowed and the surface water drainage strategy details submitted pursuant to condition No 11 attached to planning permission Ref S.23/2551/FUL granted on 28 February 2024, in accordance with the application reference number S.24/1964/DISCON and the plans and information submitted with it are approved.

Preliminary Matters

2. Condition 11 attached to planning permission reference number S.23/2551/FUL requires the approval of a detailed design, maintenance and management strategy and timetable of implementation for surface water drainage. The appellant has submitted a surface water drainage strategy dated September 2024 (the SWDS), a regulated water and drainage report as well as a Notice of Acceptance letter from Severn Trent Water Limited dated 11 December 2024 (NoA).
3. The information before me includes details of the proposed surface water drainage system as well as information on how it would be managed and maintained. However, no timetable for the implementation of the scheme has been provided. Nonetheless, condition 11 does not stipulate that all the required information need be submitted for approval at the same time. In the interests of clarity, I confirm my assessment relates solely to the information in the documents referred to above.

Main Issue

4. The main issue is whether the proposed drainage system would be acceptable and appropriate, particularly having regard to the issue of flood risk.

Reasons

5. The appeal site contains a building that was used as a shop with living accommodation. There is an open area to the rear of the site. The parent planning permission allows the partial demolition of the existing building and the provision of 3 dwellinghouses with gardens and vehicular parking and turning areas.
6. The drainage plan included in appendix 4 of the SWDS indicates that downpipes on the houses would discharge rainwater onto new permeable paver surfacing. A drain set within a layer of open graded coarse stone under a bedding course would take surface water to a flow control device located near to the entrance of the site. Controlled outflow from the chamber would lead to an existing inspection chamber and then to the mains drainage system in the road.
7. The SWDS explains the site prior to development consists of 580m² of impermeable surfacing and 620m² of grass. The proposed development would include 300m² of permeable paving as well as 350m² of grass so it would reduce the amount of impermeable surfacing on the site to 550m². This suggests the development would lead to a small decrease in the amount of rainwater that would flow off the site.
8. Moreover, the SWDS claims the permeable paving will provide just over 40m³ of water attenuation volume. Also, it is claimed the proposed flow control chamber would reduce the surface water discharge rate in a 1:100 year flood event to 1 litre per second. This compares to the current drainage system that the appellant claims discharges at 25 litres per second. The Council has not sought to dispute the appellant's claims in these regards. As such, it is fair to expect the proposed system would provide a greater level of surface water attenuation compared to the existing situation. This together with the likely reduction in the amount of surface water that flows from off the site strongly suggest the development would not increase the risk of flooding elsewhere.
9. The Council's refusal reason claims the proposed surface drainage water system would connect to a foul water mains pipe. However, the appellant has established through inspection and discussions with Severn Trent Water Limited that the mains in Kitesnest Lane is a combined foul and surface water system. In light of the NoA, I favour the appellant's submissions in these respects. In any event, the evidence before me indicates the proposed surface water drainage system would connect to the same mains as the drainage serving the existing property. As such, the proposed drainage would not increase the amount of water disposed from the site into the mains system as claimed by the Council.
10. Policy ES4 of the Stroud District Local Plan 2015 (the LP) only allows surface water drainage to a combined sewer where discharge to the ground, to a surface water body or to a surface water sewer is not practicable. The SWDS explains that a soakaway system would be unsuitable as limestone beneath the site could lead to water flow along fissures to an unspecified point off the site. The Council has not sought to dispute this point. Also, there is no suggestion that surface water could be disposed of to a surface water body.
11. There is mention of a surface water mains sewer under the A46 Bath Road. However, to connect the proposed development to this mains would require a new connecting drain within Kitesnest Lane. Given the separation distance, I find no reason to disagree with the appellant's claim that the costs to provide such a

sewer would make the proposed development unviable and so it would be an impracticable solution. Therefore, the proposed connection to the combined foul and surface water mains in Kitesnest Lane would accord with the hierarchy as set out under LP policy ES4.

12. The Council raises no objections to the details on how the proposed drainage system would be managed and maintained. Therefore, for the above reasons, I conclude the proposed drainage strategy details would be acceptable and the proposed system would not increase the risk of flooding. In these regards, the proposal would accord with LP policy ES4.

Other Matters

13. The boundary to a conservation area lies on the opposite side of Kitesnest Lane to the appeal site. However, the drainage system would have no effect on the setting nor the significance of the conservation area.
14. Also, the questionnaire provided by the Council indicates the appeal site is adjacent to or likely to affect a Site of Special Scientific Interest or an internationally designated site. However, no objection is raised over the specific effects of the proposed drainage system on any features of ecological or biodiversity value. Accordingly, I consider the drainage system would be acceptable in these regards.

Conclusion

15. For the reasons given above, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR