



Appeal Decision

Site visit made on 2 April 2025

by Stewart Glassar BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd April 2025

Appeal Ref: APP/C3810/W/24/3357188

Richmond Arms, 224 London Road, Bognor Regis PO21 1AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Counterpoint Properties Ltd against the decision of Arun District Council.
 - The application Ref BR/22/24/DOC sought approval of details pursuant to condition No 5 of planning permission Ref BR/142/18/OUT granted on 16 January 2019.
 - The development proposed is outline application with all matters reserved for the demolition & conversion of existing public house (with residential accommodation to 1st floor) to form up to 10 no. residential flats over a maximum of 3.5 storeys.
 - The details for which approval is sought is a surface water drainage scheme.
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Decision

1. The appeal is allowed and the surface water drainage scheme submitted pursuant to condition No 5 attached to planning permission Ref BR/142/18/OUT granted on 16 January 2019, in accordance with the application reference number BR/22/24/DOC and the plans and information submitted in support are approved.

Preliminary Matters

2. This is an appeal against the refusal of details pursuant to a condition. The question as to whether the substantive permission has been implemented is not a matter before me and so I have not made any comment about it in this decision.
3. Condition 5 attached to planning permission reference number BR/142/18/OUT requires the approval of a scheme for surface water drainage. As part of the application process the appellant submitted a Drainage Design Information Report, a Drainage Maintenance Schedule, Drainage Layout drawing and Drainage Details drawings. In addition, confirmation of Southern Water's approval to connect to the foul and surface water sewers was sent to the Council as were further details in response to queries from the Council's drainage engineers. These documents appear to have been broadly acceptable to the Council subject to there being adequate capacity.
4. Following a capacity check Southern Water agreed that a discharge flow rate of no greater than 0.5l/s was acceptable from the site. The scheme was revised to accommodate this discharge flow rate. However, the low flow rate necessitated introducing on-site attenuation. Furthermore, the revised details included the use of a pump rather than draining to gravity. This was said to be required as services within the road dictated the fall of the pipes which in turn necessitated the need for the pump. The introduction of the pump was not considered by the Council to have been sufficiently justified.

Main Issue

5. The main issue is whether the proposed surface water drainage scheme would be acceptable and appropriate, having regard to the issue of flood risk.

Reasons

6. Condition 5 establishes that the drainage should follow a hierarchy of preference for disposal systems as set out in the Building Regulations and the recommendations of the SUDS Manual produced by CIRA. Monitoring is also required and the approved scheme has to be fully implemented prior to occupation of the building. The reason for the condition is because the site lies in an area of high risk from surface water flooding.
7. In essence, the use of a pump, whilst not prohibited by the terms of the condition, is regarded as something of a last resort. Thus, its use needs to be justified as it uses more energy and introduces a greater risk of power failure during heavy rainfall, when it is most needed.
8. It seems to me that locating the on-site attenuation to beneath the communal area is a sensible approach as it ensures access as necessary. The provision of other services within the building and the need for a manhole in the cycle store has largely dictated where the attenuation could be located. This in turn has influenced the need for a pump.
9. While a 'blue roof' solution was mooted by the Council, the roof of the finished building is a somewhat complex structure. I accept that it would not easily lend itself to such a blue roof approach without compromising the design and appearance of the redeveloped building.
10. The proposal was not accompanied by any survey information or drawings to indicate where the services under the road are located. This would have helped the Council better understand the justification for the pump. However, as part of the appeal submissions, photographs of works within the road were submitted which do show some other services close to the surface. On balance, for the purposes of this appeal, I accept the appellant's contention that there were other services within the road that heavily contributed towards the decision to use a pump.
11. A further contributor to the decision is that a gravity fed system in these conditions would necessitate a small diameter pipe, which in turn would be at risk of becoming blocked. The Council suggest that this can be overcome with design features but offer no further details or explanation.
12. Whilst the Council note that an overflow pipe is not shown on the drawings, they also note that allowing the pump manhole to flood if the system fails would better encourage repair. Given that if one were included it would operate in the same manner as one on a gravity system and prevent the site from flooding but increase flooding elsewhere, it is not an issue that weighs heavily for or against the scheme.
13. The drawings note that the final details of the pump would be provided by the pump supplier. Whilst I acknowledge the Council's observation that they have therefore not been provided with the exact specifications of the pump, the condition requires details of the drainage scheme. Provided the pump as fitted

accords with the overall scheme, there would not appear to be a requirement to necessarily provide the details of exactly which pump would be used.

14. Therefore, taking the above points collectively, I find that the submitted details in respect of condition 5 of BR/142/18/OUT are sufficient to address the requirements of the condition, having regard to the reason for imposing it.

Other Matters

15. I have not had further regard in this decision to how the Council handled the application as this is an administrative matter to be taken up directly with them. I have focused on the planning merits of the scheme in regard to the main issues of the case.

Conclusion

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

Stewart Glassar

INSPECTOR