

Application address Cadent Brick Kiln Street, Hinckley.		Planning ref.	24/00610/OUT
		Our ref.	2024/0610/04/F/R2
Description Outline planning application for the provision of up to 195 dwellings including affordable housing, landscaping, drainage, and associated infrastructure (All matters reserved except for access).		Consultation date	06/12/2024
		Response date	20/12/2024
Planning officer	Sullivan Archer	Reviewing officer	Michael Warner Jess Nobbs
Application type	Outline	Extension requested	☐
Refer to standing advice ☐	Conditions ☐	Further consultation required ☒	Concerns ☐

Consultation checklist

No.	Description	Check
1	Location plan	☒
2	Proposed layout plan	☒
3	Evidence that the site can be drained	☒
4	Topographic and ground investigation details	☒
5	The total impermeable area pre and post development	☒
6	All potential flood risk sources have been identified and assessed	☒
7	Existing and proposed peak discharge rates	☐
8	Consideration of sustainable drainage systems	☒
9	Attenuation volume calculations	☒
10	Consideration of the maintenance and management of all drainage elements	☒

LLFA Key Observations and Advice

Subsequent to our previous response, the applicant has submitted additional detail and clarification.

The LLFA seeks to clarify that whilst it was stated in previous responses the proposals appear suitable in principle, this would relate to the development type and existing flood risk being suitable. i.e. the LLFA believe that the site is suitable in flood risk terms for residential development. This statement is not intended to imply that all elements of the proposals are in line

with surface water policy and relevant guidance, and the LLFA apologises for any confusion this statement has caused.

While it is agreed that an outline application does not commit to a specific layout, NPPF requires applications to demonstrate that the proposals will not create flood risk to the development and surrounding catchment. To demonstrate this, the LLFA requests an indicative drainage strategy plan which shows that the proposals can be adequately drained.

In lieu of a drainage strategy drawing, the additional clarification along with the details within the previously submitted documents provided the LLFA with sufficient evidence that allows the LLFA to be satisfied that there is a suitable solution to drain the proposals.

It is noted that a plan showing an indicative development layout has been submitted which shows 3 no. ponds. Additionally, another plan shows 3 no. indicative proposed catchments which are also discussed in the report. While any approval of this application would not fix the layout of pond locations, it is commonplace and the experience of the LLFA for these indicative layouts form the basis of the layout that will be brought forward at reserved matters application stage. The location of the ponds within the indicative layout have not been fully substantiated and the LLFA is conscious that supporting proposals which includes plans (indicative or otherwise) which show potentially undeliverable SuDS, could lead to issues at detailed design, resulting in significant costs in redesign work. As such, the LLFA would seek to condition any approval with the need for a detailed surface water drainage strategy to be submitted against any future reserved matters application.

In relation to discharge rates and volumes for brownfield sites, the Non-statutory technical standards for sustainable drainage systems states:

S3 For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event.

S5 Where reasonably practicable, for developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but should never exceed the runoff volume from the development site prior to redevelopment for that event.

S6 Where it is not reasonably practicable to constrain the volume of runoff to any drain, sewer or surface water body in accordance with S4 or S5 above, the runoff volume must be discharged at a rate that does not adversely affect flood risk.

As the proposals will discharge additional volume over the greenfield scenario, industry guidance (e.g. CIRIA C753, BS 8582:2013 and DEFRA SC030219) suggests proposals should discharge at QBar.

The LLFA stated in their previous response that where it is not practicable to meet these requirements, the applicant must demonstrate why and ensure the discharge rate are as close as reasonably possible to greenfield QBar rates. If the applicant believes that it is not reasonably practicable to discharge at the greenfield rate, then such a case should be put to the LPA and

LLFA for consideration. It should however be noted that it is the opinion of the LLFA that a development of this type should be designed in a manner which ensures that the greenfield discharge rate can be achieved and as such it is believed that the applicant would not have valid reason for not achieving this. We would therefore request the proposals be amended to suit.

Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage. In order to provide a substantive response, the applicant should amend the proposals to discharge at the greenfield rate unless it can be fully substantiated (and accepted by the LPA and LLFA) that this would not be reasonably practicable.

Advice to the Local Planning Authority

1. Standing Advice – National Planning Policy Framework

When determining planning applications, the local planning authority should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site-specific Flood Risk Assessment (FRA) confirming it will not put the users of the development at risk. Where an FRA is applicable this should be undertaken in accordance with the requirements of the National Planning Policy Framework and accompanying Planning Practice Guidance.

2. Standing Advice – Consent

Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/flood-risk-management>

Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

This consent does not consider local watercourse bylaws. It is the responsibility of the applicant to check if the local borough or district council has their own bylaws which the proposals will also need to consider.

3. Standing Advice – Maintenance

Note that it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.

Additional information and guidance is available here:

<https://www.leicestershire.gov.uk/environment-and-planning/flooding-and-drainage/>

Note: Response provided by the Lead Local Flood Authority under the delegated authority of the Director of Environment and Transport.