

Application address Horiba Mira Ltd Mira Drive Lindley Nuneaton.		Planning ref. 23/00303/FUL	
		Our ref. 2023/0303/04/F/R2	
Description Extension to existing workshop		Consultation date 11/07/2023	
		Response date 12/07/2023	
Planning officer Matt Jedruch		Reviewing officer Amy Jackson	
Application type Full		Extension requested ☐	
Refer to standing advice ☐	Conditions ☐	Further consultation required ☒	Concerns ☐

LLFA Key Observations and Advice

Leicestershire County Council finds the extension proposed unacceptable due to the proposals severing an existing high risk surface water flow route which may result in significant risk to the extension and potential to deflect flows to other parts of the development and further increasing risk off-site. The documents show an ordinary watercourse that is proposed to be culverted beneath the proposed extension. Culverting of ordinary watercourses is subject to ordinary watercourse consent as mentioned in paragraph 2 of the standing advice below. LCC culverting policy requires all development to fully consider maintaining existing ditches as open. In this case, as there appears to be a flood risk associated with the ditch, culverting this will likely increase flood risk. Calculations provided within the Flood Risk Assessment propose the use of a box culvert (2m wide x 1m height) to accommodate a flow of 9.48m³/s, however no exceedance routing of the culvert has been provided. Drawings provided also suggest there would be limited space to achieve the required cover levels due to the levels of the existing ordinary watercourse.

Further to this the Council require that an easement of approximately 3m for a watercourse less than 2m in width and 4.5m for watercourses over 2m in width. Whilst this is not stipulated within any legal byelaw the Council require this in order to safeguard access to the watercourse for essential maintenance and inspection purposes. If there are any potential culverts in the developable area, then the Council would require an easement of 3m or greater to ensure no loading in the 45 degree zone from invert.

As such, the LLFA request consideration of flood risk be submitted which addresses this risk and proposes adequate mitigation (i.e. rerouting flows around the extension or other suitable mitigation). The LLFA notes that a 600mm surface water sewer currently exists where the extension is proposed, if the ditch is to be rerouted around the proposed extension there may be the opportunity to integrate this existing culvert. This assessment should also demonstrate how the proposals will drain within increasing existing flood risk.

The LLFA also notes that the red line boundary of the proposed development extends over the blue line boundary.

In order for the LLFA to consider such a proposal we would require extensive surface water modelling and a survey of the existing drainage to ensure all connections to the watercourse are captured.

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 for the LLFA to support the proposals, the following should be provided:

- Consideration of flood risk with particular attention paid to the surface water flood risk discussed above.

Note: Where an existing ditch is present which requires diversion, refer to standing advice note 2 below.

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.

4. Standing Advice – Minor works

If a proposed building/wall or other construction appears to sit astride an indicated surface water flow route, the new build may deflect floodwater onto another person's property or raise flood levels by a significant amount locally. In these circumstances, the planning officer should

contact the County Council to discuss whether consultation is necessary in that particular case.

5. Standing Advice – Ground floor levels

For developments in Flood Zone 2 or in 1:100 year Updated Flood Map for Surface Water outline, ground floor levels to be set at a minimum of whichever is higher;

- 300mm above the general ground level of the site OR
- 600mm above the Flood Zone 2 water level.
- Basement rooms to have unimpeded access internally to an upper level

In order to deliver safe development we advise that single storey buildings or ground floor subdivisions with no access to higher floors, should have access to a refuge set above the 1 in 1000 annual probability (0.1%) in any year flood level including an allowance for climate change.

6. Standing Advice – Major development under 1 hectare (Greenfield)

For greenfield developments, 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 should never exceed the peak greenfield runoff rate for the same event.

The runoff volume from the development in the 1 in 100 year, 6 hour rainfall event should never exceed the greenfield runoff volume for the same event.

7. Standing Advice – Drainage and waste disposal

Where a drainage or waste disposal system is to be constructed or altered that is not proposed to be adopted by either the WASC (Water and Sewerage Company) or the County Council as highway authority then the system should be constructed in accordance with Part H of Building Regulations 2010.

8. Standing Advice – Overland flow routes

Overland flow routes as shown on the update map for surface water should be considered such that buildings are not placed directly at risk of surface water flooding. Such flow routes should be utilised for roads and green infrastructure

9. Standing Advice – Ditches

Where a drainage ditch adjoins or flows through a development, provision should be made such that the ditch can be made throughout the life of the development. The ownership and responsibility for maintenance of the ditch should also be clearly identified and conveyed to the relevant parties.

10. Standing Advice – External surfaces

To prevent an increase in the discharge rate or volume due to development of external surfaces, permeable surface material should be utilised where possible, without an impermeable lining unless required to prevent mobilisation of contaminants or groundwater flooding.

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.