

Application address Land North of Hill Top Farm Hill Top Earl Shilton Leicestershire	Planning ref. 24/00496/REM
	Our ref. 2024/0496/04/F/R1
Description Approval of reserved matters (appearance, landscaping, layout, scale) for 140 dwellings and associated infrastructure pursuant to 21/00135/OUT.	Consultation date 04/11/2024
	Response date 18/11/2024
Planning officer Emma Baumber	Reviewing officer Andrew Smallwood
Application type Reserved Matters	Extension requested ☐
No concerns ☐	Further information required ☒

Lead Local Flood Authority Key Observations

This application seeks approval of reserved matters for a greenfield totalling 9.45 ha in size with the developable area being circa 3.5ha. It is estimated from the outline application that circa 1.6 ha of the developable area will be impermeable. The site is within Flood Zone 1 (low risk of fluvial flooding) and at a generally very low risk of surface water flooding, although there is a moderate to high risk of surface water flooding in the central and southern parts of the site. The surface water proposals seek to discharge to two onsite attenuation basins before being discharged at a QBar discharge rate of 19.9l/s to an existing ditch on-site.

Our previous comments stated:

Please note that any works on or around the watercourse will require Ordinary Watercourse Consent from the LLFA. The LLFA has an anti-culverting policy and will only accept culverts where absolutely required and must be as short as is possible. Without significant mitigating factors, it is unlikely that these proposals would receive ordinary watercourse consent in its current form. Further information is required in relation to the ordinary watercourse corridor before a substantive response can be given.

The LLFA has reviewed the new information, However there appears to be little alteration to the design of the drainage strategy as per our previous reply. We note that the applicant has submitted a response note in relation to the culverting of the ordinary watercourse. In particular the following quote:

We have reduced the length of culvert as much as possible, the culvert was approved in principle at outline stage within thew approved Flood Risk Assessment and initial drainage strategy.

The LLFA does not accept that statement that the culvert was approved in principle for 21/00135/OUT. At no point in the outline application was the culverting of this watercourse shown or explicitly stated. The FRA submitted as part of the outline application contained an

indicative drainage strategy (Indicative Surface Water Drainage Strategy 10-01 P5). This Drainage strategy showed no indication that the culvert would be present, and only indicates that *“Existing ditch to be made good and retained as a green corridor”*. This is the only relevant reference to this section of watercourse in the application documents.

As such, the outline application was approved by the LLFA with recommended conditions under the expectation that this green corridor would be maintained. The only exception to this currently would be an allowance for culverting underneath the highway access, with an easement either side (of no more than 2 meters unless there is exceptional requirement).

It is also noted that our response asked for further detailed design of the culvert, along with a detailed rationale for the long culvert requirement. The technical note states *“We will work with the LLFA at detailed design stage to ensure the culvert cause minimal issues in terms of water flows/biodiversity...”*. However, this information will be required at this stage for the LLFA to consider whether the Reserved Matters is acceptable. Once the Reserved Matters application is approved and the layout fixed, it may not be possible for the applicant to achieve an acceptable design under the fixed layout, which could make meeting set conditions unachievable.

Note: Reserved matters applications are reviewed by the LLFA in relation to details such as ‘access’, ‘appearance’, ‘landscaping’, ‘layout’ and ‘scale’ only, in line with article 2 of the Town and Country Planning Order 2015.

Leicestershire County Council as the LLFA advises the LPA that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage in relation to the reserved matters. In order to provide a substantive response, more detailed information on the watercourse proposals is required, including compliance with the LCC culverting policy, culvert/bridge length and size, rationale for design, preliminary design drawings and any other supporting evidence.

Note: The LLFA is not a statutory consultee in relation to foul drainage and as such, this response does not consider any foul drainage details submitted

Standing 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.

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.