

Application address Land to the rear of the cottage, 34 Keats Lane, Earl Shilton.		Planning ref.	23/00982/OUT
		Our ref.	2023/0982/04/F
Description Outline Planning permission for residential development of up to 10 bungalows (some matters reserved except for scale and access).		Consultation date	19/10/2023
		Response date	09/11/2023
Planning officer	Alex Jelley	Reviewing officer	Martin Coleman
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

Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 0.89 ha largely greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low risk of surface water flooding.

The applicant has not submitted a drainage strategy. It is a requirement for all development to discharge at greenfield rates unless it is adequately demonstrated to be unreasonably practicable. Furthermore, NPPF requires all development to demonstrate that it would not create a flood risk to other; this is demonstrated by providing a surface water drainage strategy.

We would recommend that the applicant fully reviews the details within our guidance on our website linked at the end of this response.

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, a surface water drainage proposal considering flood risk, in line with NPPF requirements should be provided.

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 – Greenfield Development Runoff

For greenfield sites, 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 not exceed the greenfield runoff volume for the same event. Where an increase in discharge volume is unavoidable, the proposals should discharge at QBar or provide alternative mitigation in line with CIRIA C753.

6. Standing Advice – Overland flow routes

Overland flow routes as shown on the 'extent of flooding from surface water' maps 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.

7. 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.

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.