

Application address Land off Sketchley Lane, Burbage.	Planning ref. 24/00327/DISCON
	Our ref. 2024/0327/04/Fdis/R2
Description Application to discharge Conditions 9 (materials), 11 (land contamination), 15 (surface water drainage scheme), 16 (surface water drainage), 18 (Construction Environmental Management Plan) on Appeal Decision APP/K2420/W/22/3301735 relating to planning application 21/01131/OUT.	Consultation date 08/07/2024
	Response date 15/07/2024
Planning officer Lesley Keal	Reviewing officer Harvey Speed
Application type Discharge of Conditions	Extension requested ☐
No concerns ☐	Further consultation required ☒

Lead Local Flood Authority Key Observations

This application seeks to discharge Conditions 15 and 16 set as part of Appeal Decision APP/K2420/W/22/3301735 relating to planning application 21/01131/OUT. These conditions read:

15. No development shall commence until details of a sustainable surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The submitted scheme should include infiltration testing to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element and should ensure that surface water does not drain into the Public Highway. The submitted scheme should also include details of the management of surface water on site during construction of the development. Development shall be carried out in accordance with the approved details.

16. No development shall commence on site until details of the long term maintenance of the sustainable surface water drainage system within the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

All other conditions sought for discharge under this application do not relate to surface water and as such are not considered as part of this response.

The approved development is for the demolition of existing poultry and cattle buildings and a residential development of up to 150 dwellings with vehicular access from Sketchley Lane.

Leicestershire County Council as the Lead Local Flood Authority (LLFA) has twice responded to consultations on the discharge of Conditions 15 and 16, in which further information was requested. The applicant has now submitted substantial drainage proposals.

The submitted drainage layout plan shows the site drains to a large attenuation pond to the south of the site, before discharging into an ordinary watercourse at a controlled rate of 13.5l/s using a Hydro-Brake vortex flow control.

The following comments are provided following a detailed review by the LLFA.

- There is a discrepancy between the modelled cover levels and the surface water manhole schedule cover levels (Dwg no. 310, Rev D). Please ensure the two documents are consistent with one another. Invert levels have also been checked and these are consistent.
- The hydraulic calculations should be supported by a catchment area plan, showing the areas contributing to each manhole within the model.
- There are significant volumes of flooding from manholes during the 1 in 100 year (plus 40%) scenario. Please provide a flood-flow routing plan which demonstrates that water will be contained safely within the highway or public open space. It should be demonstrated that water does not leave the site uncontrolled during this scenario.
- The design top water level of the attenuation basin is above the existing and proposed ground level, meaning the embankments of the basin need to be constructed appropriately to retain water. Please provide additional basin construction details ensuring its core is designed to serve as a water retaining structure.

The applicant has submitted a 'Landscape & SUDS Maintenance Plan', pursuant of the discharge of Condition 16. The piped drainage system is to be adopted by Leep Utilities under Section 104 of the Water Industry Act 1991. This includes Manhole S15 which is the flow-control chamber. The attenuation pond will be maintained by a management company, with Charles Church in the interim period. The detailed submitted are sufficient for the LLFA to support the discharge of Condition 16.

The LLFA advises the Local Planning Authority (LPA) that the application documents as submitted are sufficient for the LLFA to support the discharge of Condition 16.

However:

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 Condition 15. In order to provide a substantive response, the following information is required:

- Correct discrepancies in manhole cover levels.
 - Catchment area plan to support the hydraulic calculations.
 - Flood-flow routing plan.
 - Further construction details of the proposed attenuation basin.
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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.