

Cherwell District Council
Planning & Development Services
Bodicote House White Post Road
Bodicote
Banbury
OX15 4AA

Our ref: WA/2021/129266/06-L02
Your ref: 21/02286/F
Date: 17 August 2023

Dear Sir/Madam

Construction of a coffee unit with drive-thru facility and indoor seating with associated access, car parking, landscaping and servicing parking

Land north west of Launton Road roundabout adjoining Skimmingdish Lane, Caversfield

Further to our previous response of 9th January 2023, we have been consulted on additional information submitted by the applicant in relation to the above application.

We have reviewed the following details:

- location plan reference 15987-100 rev D. This plan has been amended to include an area of land on which the applicant has proposed flood risk compensation works.
- Additional flood risk information submitted by LDE (reference P680020-FRA L05 and dated 3 April 2023)

To summarise, the applicant has considered flood risk and climate change in accordance with current guidance and flood level data provided in our previous response of 9th January 2023. The climate change flood level (design flood level) as now submitted by the applicant is considered acceptable.

Additional flood compensation storage measures have been proposed by the applicant, some of which is proposed on additional land that has now been included within the revised planning application boundary. These additional measures mean flood water storage within the tanks will not exceed the previously agreed 30 m³.

The finished floor levels of the proposed building have been increased in response to the accepted design flood level to ensure it remains safe from the impact of flooding.

Based on the additional information submitted, we withdraw our objection dated 9

January 2023.

Environment Agency position

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

As you are aware, the discharge and enforcement of planning conditions rests with your authority. You must therefore be satisfied that the proposed conditions meet the requirements of the 6 tests in paragraph 56 of the National Planning Policy Framework.

Please notify us immediately if you are unable to apply our suggested conditions to allow further consideration and advice.

Condition 1

The development shall be carried out in accordance with the submitted flood risk assessment (reference P680020-FRA L05 dated 3 April 2023) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 69.794 metres above Ordnance Datum (AOD)
- Compensatory storage shall be provided in accordance with drawings;
 - 220029/FV100, revision P9, dated 28 March 2023
 - 220029/FV101, revision P11
 - 220029/FB102, revision P11
 - 220029/FV103, revision P11
 - 220029/MX101, revision P1
- The inlet of the flood water storage tanks will be set at a height of 69.59 – 69.69m AOD (10m³ tank) and 69.69 - 69.79 m AOD (20m³ tank)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons

To reduce the risk of flooding to the proposed development and future occupants as well as to prevent an increase in the risk of flooding elsewhere by ensuring that compensatory storage of flood water is provided, in accordance with paragraph 167 of the National Planning Policy Framework and Local Plan policy ESD 6.

Condition 2

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that order with or without modification, no structure or minor operations shall be erected within land identified as at risk of flooding as shown in the Flood Risk Assessment P680020-FRA L05 dated 3 April 2023.

Reasons

To prevent an increased risk of flooding or detrimental impact to flood flow routes in accordance with paragraph 167 of the National Planning Policy Framework and Local Plan policy ESD 6.

Advice to Applicant

Flood resistance and resilience

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

CIRIA Code of Practice for property flood resilience

https://www.ciria.org/Resources/Free_publications/CoP_for_PFR_resource.aspx

British Standard 85500 – Flood resistant and resilient construction

<https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>

Sign up for flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what to do after a flood, visit <https://www.gov.uk/after-flood>.

Closing comments

In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

Miss Sarah Green

Sustainable Places - Planning Advisor

Direct dial 0208 474 9253

Direct e-mail planning_THM@environment-agency.gov.uk