


Mr Tim Hibbert
Wendlebury Parish Council

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14th February 2017

Dear Tim,

The Lion, Wendlebury, Bicester, Oxon OX25 2PW

Further to your recent instructions I confirm that I have reviewed the documentation issued to us relating to the flood risk assessment and drainage statement and comment as follows:-

History

From your correspondence we understand that the development of the Lion Public House has been undertaken in two phases with the first phase comprising the complete refurbishment of the public house with associated extensions which were completed two years ago.

The second phase of the development of the Lion Public House, which is the subject of current proposals, includes for the construction of an accommodation block to the south east of the site with associated additional car parking.

We have been led to believe that the first phase of the development has not been constructed in accordance with the planning consent. The approved scheme allowed for the use of a porous surface to the existing car park but this material has not been used.

We understand that the planning authority is considering enforcement action due to perceived breaches of the consented scheme relating to surface water drainage.

Committee report dated November 2016

We have received extracts from the Committee report which you state were considered in November 2016. We assume that you mean November 2014.

The first conditions relate to flood warning and dry route of escape and emergency planning prior to occupation of the development.

The second condition relates to full details of a drainage strategy being approved by the planning authority prior to commencement of the development. The condition states that until the works are completed in accordance with the drainage strategy no discharge of foul or surface water from the site shall be accepted into the public system.

We understand from conversations that neither of the planning conditions have been satisfied. The developer appears to be in breach of both the pre and post development conditions and as a result is to be served with an enforcement notice by the planning authority.

There is no indication within the documentation provided that any connections have been made to the foul and surface water public sewer system nor that permissions have been granted by the statutory undertakers to allow connections to take place.

Infrastruct CS Ltd report entitled The Lion, Wendlebury – Flood Risk Assessment and Drainage Statement dated October 2016 reference ICS-2359.07.001 – RevA

We have reviewed the report and comment as follows:-

The report relates to the whole site as if Phase 1 has not occurred. There is no admittance within the report that the Phase 1 works have been constructed in breach of the planning consent. The introduction to the report however states that the report relates to the accommodation block and extension to the car parking only but the report includes the Phase 1 and Phase 2 areas of the site.

The report suggests that it has been compiled to demonstrate that the Phase 2 works can be developed safely without exposing the new development to an unacceptable degree of flood risk or increasing the risk of flooding to third parties.

We believe that the report should have been compiled on the basis of the Phase 2 works only on the assumption that the Phase 1 works will be remediated in accordance with the Phase 1 planning consent.

To this end we would comment as follows:-

Clause 3.3

The topographical survey included within Appendix A relates to the site prior to the Phase 1 development works. An updated topographical survey should be presented which includes the Phase 1 development which has been completed. The out of date topographical survey therefore does not accord with the Site Masterplan included within Appendix B.

Clause 3.4

No site investigation works have been undertaken nor groundwater levels monitored.

Clause 3.5

The report states that the existing car park is conventionally drained to gullies before discharging to a manhole to the north west corner of the site. This is in breach of the Phase 1 planning consent and no indication is given as to where the surface water discharges to; nor as to whether permission has been given to discharge to a public sewer with unattenuated flows. Discharge to the public highway drainage would not be permitted.

The report states that foul drainage is connected to the Thames Water foul sewer running within Wendlebury Road. We believe that this is not the case and would question whether a Section 106 agreement has been entered into with Thames Water to allow a connection of the Phase 1 part of the development to the public sewer which is believed to be over capacity.

Clause 3.6

The report states that Wendlebury Brook has a bed level 1.0m below the pub floor level but negates to mention that the EA flood map indicates flooding due to the brook being over capacity.

Clause 3.7

The report is not compiled on the basis that the Phase 1 works have been completed and will be remediated as a result of enforcement by the planning authority.

Clause 4.0

The report states that the development is within a Flood Zone 3, with the residential development being categorised as 'most vulnerable to flood risk' and thus development should not be permitted.

Clause 5.1

The report states that a small portion of the site is within Flood Zone 3 which is drained by an existing gully. This area is part of the Phase 1 works and in breach of the planning consent. The report suggests that the presence of an existing gully is sufficient to alleviate flood risk whilst accepting that the Wendlebury Brook has a channel capacity which is exceeded. No details are given with regard to the gully connection in terms of where it connects to and whether any permissions have been granted for the connection.

Clause 5.2

The topographical survey indicates that the site falls from east to west and that the land to the east of the site will generate small overland flows. No information is given to substantiate this claim and no indication is given to quantify the flows given the clay subsoil. The cut off drain shown on the drainage drawing appears to be ineffective as it has no discharge point in clay soils.

Clause 5.4

No explanation is given as to how the on site foul drainage is dealt with nor as to how flooding from the local sewerage network, which is known to be over capacity, is dealt with. The report suggests that the development is connected to the existing Thames Water foul sewerage network. We have no evidence to prove that this is the case. A Section 106 agreement is required to allow any discharges from a new development to be outfallen to the public sewer network.

Clause 5.6

The proposed finished floor levels do not appear to take account of the 1 in 100 year storm with a 30% allowance for climate change.

Clause 6.0

New developments should be designed for a 1 in 100 year storm with a 30% allowance for climate change. Rainwater run off should be attenuated to greenfield run off rates.

The drainage system proposed does not allow for the above and ignores the run off from the Phase 1 development.

Run off from hardstanding areas does not appear to have the 3 no. stages of cleaning required to provide water quality required under the CIRIA SuDS Manual. Most of the run off from the hardstanding areas appears to be discharged via a gully with no attenuation or water quality measures.

The drainage calculations are based upon a 1 in 30 year storm and do not include for climate change and therefore are deemed to be unacceptable.

There is no indication as to how the buried crates and hydrobreak are to be maintained and by whom.

Clause 7.0

The escape route does not appear to have been determined for a 1 in 100 year storm with 30% climate change allowance. The report states that the escape route constitutes a danger to children, the elderly and the infirm. Anyone within this category using the proposed accommodation is deemed to

be unable to escape from the proposed development. The emergency services would be required to evacuate the building using emergency vehicles. This would appear to be unacceptable for a new development which will include this category of occupant.

Clause 9.0

The report concludes that the land is appropriate for development. We would dispute this claim.

Appendix A

The topographical survey included within Appendix A does not represent the current site layout and is out of date.

Appendix B

The masterplan is at odds with the topographical survey.

Appendix C

Borehole logs have been included in Appendix C and are entitled 'Local Borehole Logs'. There is no indication as to where the boreholes are located and no indication of long term groundwater level monitoring over summer and winter periods.

Appendix D

Impermeable areas include in Appendix D have been compiled using out of date topographical survey information which does not include the Phase 1 development.

Appendix E

Drainage calculations included within Appendix E for attenuation and storage are based upon a 1 in 30 year return period and not the 1 in 100 year return period with 30% climate change allowance normally required for assessing flood risk.

Appendix F

The EA Flood Data indicates that part of the development is within Flood Zone 3 and that the Wendlebury channel capacity is exceeded.

Indicative Drainage Layout

The indicative drainage layout assumes existing connections to the foul and surface water drainage system. Thames Water need to confirm that Section 106 agreements are in place for the Phase 1 development.

The surface water drainage layout assumes that the attenuated surface water drainage system will be connected to the Thames Water public sewer network. Current indications suggest that the surface water system has no capacity for additional connections and thus a connection would be refused.

A cut off drain is shown on the plan on the high side of the site with a french drain acting as a cut off drain. No indication is given as to how this drain can perform with no outfall in an area with a clay subsoil.

No indication is given as to how foul and surface water discharges are dealt with from the Phase 1 development. This aspect of the site is largely ignored by the indicative drainage layout.

Conclusions

We understand that the Phase 1 works have not been constructed in accordance with the planning consent granted and that remedial works are to be enforced as part of the planning process.

We believe that consideration of the Phase 2 proposed works can only be considered after the remedial works to the Phase 1 works are agreed and implemented. The Phase 2 works should then be considered as if these remedial measures are in place.

We believe that the design of the drainage works should be on the basis of the 1 in 100 year storm with a 30% allowance for climate change and not as currently presented.

A period of groundwater monitoring should take place to determine groundwater levels within the site over a 12 month period.

The cut off drain introduced to prevent water running off from surrounding areas will be ineffective and alternative measures should be proposed to deal with this aspect of flood risk.

The report suggests that agreement has been previously obtained to allow the Phase 1 surface water and foul drainage to be connected to the public sewerage systems. Section 106 consents from Thames Water need to be obtained to prove that this is the case.

The escape route for the proposed use of the accommodation block do not appear to give a safe means of escape in the event of a flood.

Recommendations

We recommend that the local authority be made aware of the concerns raised above and that details of remedial measures for the Phase 1 works be agreed and implemented before any consideration be given to the Phase 2 works.

Yours sincerely,
for Hamill Davies Limited

Brian Hamill