

From: Matthew Phillips
Sent: 08 February 2019 09:02
To: planning_admin
Subject: FW: Bradley Mill - P/2018/0426

Please add as NRW response

From: Davies, Daniel [mailto:Daniel.Davies@cyfoethnaturiolcymru.gov.uk]
Sent: 07 February 2019 15:59
To: Matthew Phillips
Subject: FW: Bradley Mill - P/2018/0426

Hi Matthew,

I have received the following from DFR:

We are in receipt of email correspondence from the Applicant's planning agent which has been produced in response to our latest consultation response.

We note the comments relating to the interpretation of TAN15 and we respectfully set out NRW's position relating to Table A1.14 thresholds below. This approach has come about following a review of how NRW Flood Risk operational teams have been responding to planning applications (ensuring a consistent approach across Wales) and following policy clarifications derived from Planning Appeals.

Advice in paragraph A1.14 of TAN15 explains that there are particular flooding consequences, which may not be acceptable for certain types of development. The table within A1.14 provides indicative guidance on the frequency threshold of flooding, below which flooding for each development type should not be allowed.

"Development" in the context of A1.14 is considered to be everything within the red line site boundary, as detailed by the planning application. To meet the indicative thresholds set out in table A1.14, the entire site defined by the red line boundary should be designed to be flood free for the relevant minimum design threshold frequency. However, for some new development proposals, allowing selective flooding to certain parts of the site may offer a means of mitigating risk, including to third parties off-site. Therefore, in certain circumstances, some limited flooding may be considered acceptable as part of wider flood risk management proposals if it can be demonstrated by a developer that the risks and consequences of flooding can be managed down to a tolerable level.

Flooding within the red line development site boundary will only be considered where:

- All properties and /buildings and adjacent garden areas are designed to be flood free (in accordance with Table A1.14 & climate change over the lifetime of the development, and consideration of breach of flood risk assets **and/or blockage of hydraulic structures where relevant**)*
- All residential buildings, including garden areas and driveways/parking associated with the dwelling should be shown to be flood free in accordance with the thresholds set out in table A1.14 (+climate change and blockage of hydraulic structures).*
- Flood depths to 'ancillary areas' do not exceed **+300mm** for the minimum design threshold frequency in table A1.14 (plus an allowance for climate change over the lifetime of the development).*

- *With the exception of clearly designated 'flood storage/conveyance areas', the flood hazard rating should be no greater than 'very low' in accordance with the established Defra FD2320 hazard guidance (supplementary note) using depth and velocity. Flood hazard greater than this may result in an unacceptable risk (dependant on the type/location of the development proposal).*
- *There is no risk of increased flooding elsewhere.*

These requirements are applied to all development proposals across Wales. As identified in correspondence, although the proposed dwelling is shown to be elevated above the predicted design flood event (i.e. the 1% climate change 25% blockage event), there remains flood risk to the proposed garden and car parking areas within the site. This is contrary to Table A1.14 of TAN15. A larger proportion of the garden area, and the dwelling itself, are shown to be at risk in the extreme 0.1% climate change 25% blockage event.

Notwithstanding the above, we wish to re-iterate that TAN15 is unambiguous that new Highly Vulnerable Development should not be permitted in Zone C2. There is no provision in TAN15 whereby this unequivocal position can be offset by mitigation. Therefore this policy constraint should be a material consideration for the Local Planning Authority and their Planning Committee. This position is re-affirmed by the Welsh Government in their letter to all Chief Planning Officers in Wales:

<https://gov.wales/topics/planning/policy/dear-cpo-letters/flood-risk-and-insurance-changes/?lang=en>

We also wish to draw the Planning Committee to Welsh Government's letter dated 14 May 2014 which urges planning committees across Wales to ensure appropriate scrutiny of those proposals where flood risk is a material planning consideration:

<https://gov.wales/topics/planning/policy/policyclarificationletters/2014/cl-02-14-increasing-flood-risk-and-the-responsibilities-of-members-in-the-planning-system/?lang=en>

I trust this of assistance,.

Regards,
Daniel

From: Matt Gilbert <matt@mattplan.com>
Sent: 05 February 2019 15:53
To: Davies, Daniel <Daniel.Davies@cyfoethnaturiolcymru.gov.uk>
Subject: Bradley Mill - P/2018/0426

Dan

Further to our telephone conversation, I attach the layout plan which forms part of the above application.

The area of flooding that the latest flood assessment has identified (generally consistent with that identified in 2012) lies between the River and the south-western end of the building, if you refer to the plan you will see that this land carries the notation "Pasture lands retained between access track and river bank". Insofar as the concern expressed in your latest consultation response relates to the flooding of this area, then it is clear that it is not intended that this should form part of the residential curtilage.

I acknowledge that the flood outline does encroach a short distance further to the north and south of the property, but, again, by reference to the layout plan, I would make the following points:

1. The garage to the property is proposed to be located within the building immediately beyond the house, it would be easy to impose a condition on the permission to require this garage to have a ground level consistent with the dwelling at 51.42 m AOD, thereby taking it above the predicted flood level.

2. The flood outline also encroaches into a small part of the land to the front of the dwelling. If you refer to the layout plan again, you will see that all of the land across the frontage of the proposed dwelling, along its north-eastern side and wrapping around to the back of the garage is identified as "Private garden area". It is clear, therefore, that only a very small part of this would flood (0.0 to 0.1 metres), the vast majority remains dry.

You have told me that you have a copy of my e-mail to Matthew Phillips of today's date and I hope that you will agree, on the basis of the above, that the curtilage/parking areas associated with the dwelling are substantially outside the modelled flood extent; even in the 1 in 1000 year event the house and garage would be dry, the vast majority of the garden would be dry, and there would be a dry access from both doors to the property out via the curtilage footways on to Hillside Park Road.

I trust that on the basis of the above, and the comments in my e-mail to Matthew Phillips, you will be prepared to reconsider your advice and accept that there is no flood related reason why this development should not be permitted.

Finally, as you know, my analysis above is provided on a 'without prejudice' basis as a means of resolving the matter and, hopefully, it will achieve that. However, if for any reason you are not able to support this proposal then could you please provide me with a copy of the document within which NRW adopted the approach of viewing flood risk as relating to both dwellings and their curtilage areas because such an approach was not mentioned in your consultation response to this application in June 2018 and is contradicted by your approach to the development of this site in 2012.

If you, or your colleagues who provide you with advice on flood risk issues, would like to discuss these matters further, then I would be very pleased to hear from you.

Matt Gilbert B.Sc (Hons) MRTPI

the
Planning
C o n s u l t a n c y

Office: 01948 770620
Mobile: 07768 470941