

FAO: Khuram Amin
4 Foundry Street,
Dewsbury,,
West Yorkshire,
WF13 1QQ

20th March 2017

Scheme : w10322-170320: **360 Lees Hall Road, Dewsbury**
Subject : **Sequential Test**

Dear Khuram,

Waterco Consultants have been commissioned to produce a letter to demonstrate that the residential planning application at 360 Lees Hall Road, Dewsbury, Kirklee, WF12 9EW, passes the Sequential and Exception Tests. Consultation with Jonathan Fletcher from Kirklees Council, included as Appendix A, indicated that the Sequential Test would need to be performed to identify if there are any other sites in Flood Zone 1 within the Kirklees District which would be appropriate to accommodate the development.

The site at 360 Lees Hall Road, Dewsbury, Kirklee is located at grid reference 423650E, 419640N and totals an area of 0.24ha. The proposed development is to include the demolition of the four existing residential dwellings located on-site and erect ten residential dwellings. The site is predominantly located within Flood Zone 1 with the northern extent of the site located within Flood Zone 2.

Sequential Test

The NPPF requires the Local Authority to apply the Sequential Test in consideration of new development. The aim of the test is to steer new development to areas at the lowest probability of flooding. Paragraph: 033 of the NPPF states:

'For individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments, this may be clear, for example, the catchment area for a school. In other cases, it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or specific area identified for regeneration. For example, where there are large areas in Flood Zone 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives.'

The existing site is brownfield land with the site currently comprising four semi-detached dwellings. The proposed development is for the replacement of the four existing units with ten residential dwellings. The

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A decorative graphic at the bottom of the page featuring a blue wave with several realistic water droplets and bubbles of varying sizes.

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development will enable the reuse of an existing brownfield site and is located in a Kirklees Council defined regeneration area, as stated by Jonathan Fletcher of Kirklees Council in Appendix A.

The current Environment Agency 'Flood Map for Planning (Rivers and Sea)' indicates the site is predominantly located within Flood Zone 1, whereby the annual probability of flooding is less than 1 in 1000 (0.1%). A portion of the northern extent of the site is situated in Flood Zone 2, whereby the annual probability of flooding is between 1 in 100 (1%) and 1 in 1000 (0.1%). No portion of the site is situated in Flood Zone 3.

Consultation with the Environment Agency, included as Appendix B, has been undertaken and a minimum finished floor level of 40.1m above Ordinance Datum (AOD) has been agreed for plots 8, 9 and 10, without having to provide flood storage compensation. The proposed mitigation measures are to sufficiently raise the development above the modelled flood levels and allow for any uncertainties in the historic flood level data. Therefore, the proposed residential element of the proposed development will be raised and sequentially located above the modelled flood extent and is considered to be located within Flood Zone 1 and at low risk of flooding. Table 3 of the NPPG Flood Risk and Coastal Change states that 'more vulnerable' residential development is considered appropriate within Flood Zones 1 and 2.

Given the wider sustainability benefits, the reuse of brownfield land within a regeneration area and the sequential allocation of residential development outside of the flood zone it is of our opinion that the site passes the sequential test.

The Exception Test

In accordance with Table 2 of the NPPG: Flood Risk and Coastal Change, residential developments are considered to be 'more vulnerable'. Table 3 of the NPPG: Flood Risk and Coastal Change, states that 'more vulnerable' development is considered appropriate within Flood Zones 1 and 2 and the Exception Test does not need to be applied.

It is therefore our opinion that the local planning authority can be sufficiently satisfied that the relevant tests in the NPPF have been met.

We hope the above is of assistance as you progress this planning application, should you require any further clarification in this respect please don't hesitate to get in contact.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Josh Rigby', with a long horizontal stroke extending to the right.

Josh Rigby
Josh.rigby@waterco.co.uk

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Appendix A – Kirklees Council Correspondence

File Ref: w10322-170306

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Steve Nicoll

From: Jonathan Fletcher [Jonathan.Fletcher@kirklees.gov.uk]
Sent: 21 February 2017 14:44
To: Steve Nicoll
Subject: RE: Lees Hall Road FRA & Sequential Test.

Hi Steve,

These are the comments I previously sent to Cathy Brotherton:

Sequential test: Parts of the site fall within flood zone 2 and consequently the sequential test as set out in the NPPF will need to be passed to justify residential development in this location. This is also referred to in the consultation response from the EA. Further information is therefore required to demonstrate whether there are any other available sites within flood zone 1, with the area of search being across the North Kirklees District.

In addition to the above, the NPPF technical guidance on flood risk confirms that an Exception Test is not required for more vulnerable uses in flood zone 2, so this is not required in this case. The location of the site within the regeneration area may have come into play in relation to the Exception Test but is not relevant to the Sequential Test.

In order to satisfy the Sequential test, the report would need to show that the requirements of paragraph 101 of the NPPF have been met i.e. are there any other sites in flood zone 1 in the North Kirklees District which would be appropriate to accommodate the development and if so, are they reasonably available?

I hope this helps.

Jon

From: Steve Nicoll [mailto:steve.nicoll@cdsconsulting.co.uk]
Sent: 20 February 2017 08:03
To: Jonathan Fletcher
Cc: Mark Brotherton
Subject: Lees Hall Road FRA & Sequential Test.

Good Morning Jonathan

Thanks for your email on Friday. We've always shown in our report that the lower portion of the site ownership lies within an area of potential flooding, but have ensure that all 'developed' area will lie within Zone 1.

Notwithstanding this, can you let us know the parameters you would require for a full sequential test for the development?

I.e. the area of consideration? be that District wide or Thornhill Lees itself.
 Also, is the area within an LPA regeneration zone? We understand that assists with such applications.

We will need to get a third party specialist consultant to carry this out for us, so if you feel that there is any further information or constraints we need to clarify, please let us know.

Kind regards

Steve

23/02/2017

Steve Nicoll

Associate Director

Construction Design Solutions



78 Wollaton Road, Beeston, Nottingham, NG9 2NZ

Tel : 0115 922 9491 **Fax :** 0115 922 7451

Mobile: 07772 425711

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Appendix B – Environment Agency Correspondence

File Ref: w10322-170306

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Eden Court, Lôn Parcwr Business Park, Ruthin, Denbighshire, LL15 1NJ

Mr Jonathan Fletcher
Kirklees Metropolitan Borough Council
Development Management
PO Box B93
Huddersfield
West Yorkshire
HD1 2JR

Our ref: RA/2016/135724/01-L01
Your ref: 2016/93659
Date: 30 November 2016

Dear Mr Fletcher

**DEMOLITION OF EXISTING DWELLINGS AND ERECTION OF 9NO. DWELLINGS –
360 LEES HALL ROAD, DEWSBURY, KIRKLEES, WF12 9EW**

Thank you for consulting us on this application which we received on 8 November 2016.

Environment Agency position

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure as detailed in the Flood Risk Assessment submitted with this application is implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2016, reference 2016.6503, by Construction Design Solutions and the following mitigation measures detailed within the appended FRA (correspondence from Steve Nicoll dated 29/11/2016):

- Finished floor levels are a minimum of 40.1m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

Note to Applicant and LPA

The land to the North of the proposed development site flooded in December 2015. It would appear however that this information was not available at the time of preparing the submitted FRA. It is recommended therefore that finished floor levels for plots 8, 9 and 10 are set as high as is practicable above 40.1mAOD to allow for any uncertainties in the historic flood level data.

Sequential Test

You must also satisfy yourselves that the flood risk Sequential Test has been undertaken in an open and transparent way, in full accordance with the National Planning Policy Framework and the National Planning Practice Guidance, and that it has been passed. Evidence to support the Sequential Test should also be added to the planning file for the public record.

Flood Warning and Evacuation Plan

The NPPF places responsibilities on local authorities to consult their Emergency Planners and the Emergency Services with regard to specific emergency planning issues relating to new development.

It is not our role to comment on or approve the adequacy of these plans and we would expect local planning authorities, through their Emergency Planners, to formally consider the implication of this in making their decision.

Please note that the Local Planning Authority must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.

We recommend that the future occupants of the site fully sign up to Floodline Warnings Direct.

Flood Resilient Construction

We recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Please refer to the following document for information on flood resilience and resistance techniques to be included: 'Improving Flood Performance of New Buildings - Flood Resilient Construction' (DCLG 2007).

Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Additional guidance can be found in our Flood line Publications. A free copy of these is available by telephoning 0345 988 1188 or can be found on our website <https://www.gov.uk/topic/environmental-management/flooding-coastal-change>.

Reference should also be made to the Department for communities and local Government publication 'Prepare your property for flooding' please go to: <https://www.gov.uk/government/publications/prepare-your-property-for-flooding> as well as the communities and local Government publication 'Improving the flood performance of new buildings' which can be viewed at: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>.

Yours sincerely

Mrs Beverley Lambert
Sustainable Places - Planning Advisor

Direct dial 020 302 57982

Direct e-mail bev.lambert@environment-agency.gov.uk