

Rother District Council
Development Control
Town Hall
London Road
Bexhill-on-Sea
East Sussex
TN39 3JX

Our ref: KT/2017/122684/01-L01

Your ref: RR/2017/382/P

Date: 19 June 2017

Dear Sir/Madam

98 NO. RESIDENTIAL DWELLINGS (USE CLASS C3), NON-RESIDENTIAL FLOORSPACE COMPRISING 280 SQM (USE CLASS A3) AND 920 SQM (USE CLASS B1), AND ASSOCIATED ACCESS, CAR/CYCLE PARKING, OPEN AMENITY SPACE, STRATEGIC LANDSCAPING AND GREEN INFRASTRUCTURE AND RESTORATION WORKS TO THE MILL BUILDING AND OAST HOUSE. HODSON'S MILL, NORTHBRIDGE STREET, SALEHURST/ROBERTSBRIDGE TN32 5NY

Thank you for consulting us on the above application and apologies for the delay in responding.

We **object** to this application in the absence of any evidence to demonstrate that the flood risk Sequential Test has been applied. We recommend that until then the application should not be determined for the following reasons.

Part of the application site lies within Flood Zone 3a defined by the Environment Agency Flood Map as having a high probability of flooding. Paragraph 101 of the National Planning Policy Framework requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'. In this instance no evidence has been provided to indicate that this test has been carried out. Although the site is defended to a standard of protection of 75 years (up to the 1.33% Annual Exceedance Probability (AEP) event), the residual risk from flooding during larger events is high with flood water depths in excess of 1m during the 100 year (1% AEP) event.

You can overcome our objection by providing evidence that the Sequential Test has been completed and demonstrates that there are no reasonably available alternative sites in areas with a lower probability of flooding that would be appropriate for the type of development proposed. Whilst we do not generally get involved with the details of the ST, given the low standard of protection on the site and the depths of flooding that could be experienced we do not feel we have seen the evidence required to demonstrate that the development, as proposed, passes the ST. If the LPA confirms that they are

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Cont/d..

satisfied the ST has been passed, we would wish to be reconsulted to comment further on the detailed aspect of the design

NPPF requires developers to sequentially test a development site both in the context of other available sites in lower flood risk areas and the site itself to ensure that the more vulnerable form of development is placed in the areas of lower risk. Whilst we accept that the conversion of the mill building is not subject to these tests, as the majority of the site lies within FZ1 we are disappointed to see that new residential units are to be placed in FZ3. The extension to the Mill Building, units 40 and 41 and Rother Court all lie within FZ3. Whilst the residential floor levels proposed are as previously agreed and are sufficiently above design flood level, we do not think the proposal as stands has followed the sequential approach. In a 1% AEP event residential units in FZ3 could potentially have depths of over 1m surrounding the buildings and flooding garages.

Access and Egress

The FRA confirms that living and sleeping accommodation will be set a minimum of 600mm and 900mm above the design flood level as agreed with us in pre-planning discussions. This aspect of the design is therefore acceptable. We are however concerned with the access and egress arrangements for the site. The Retirement Flats, Rother Court and units 40 and 41 all have their access in FZ3. NPPF Planning Practice Guidance states that access requirements should include voluntary and free movement of people during a design flood event (1% annual probability). It goes on to state that the acceptable flood depth for safe access will vary depending on flood velocities and the risk of debris within the flood water. Even low levels of flooding can pose a risk to people in situ (Para 39). Given the potential depth of flooding here it is clear that a flood event could pose a significant risk to the safety of people and property. There has been no attempt to assess the hazard posed by the depth of flooding in the FRA other than to confirm that it will not be possible to provide a safe escape route.

We have not specifically objected on the grounds of access and egress as it is your own Authority's decision as to whether the flood warning and evacuation plan is acceptable for the development as a whole. You may consider that the risk is manageable for the majority of the site that is above the flood level in FZ1. However, we do think this is a serious consideration for the new development proposed within FZ3. Ideally all of the residential 'More Vulnerable' element would be in FZ1, with the commercial 'Less Vulnerable' development being placed in FZ3. As a minimum we would wish to see an attempt to provide safe access for all new residential units (for example both the retirement flats and Rother Court are on the edge of FZ1 but the access has been placed within FZ3).

Main River and Flood Risk Activity Permits (FRAPs)

The submitted FRA hasn't specifically indicated what, if any, works will take place within 8m of Main Rivers both the River Rother and the Mill Lease. From the plans submitted it appears that the required 8m Byelaw margin has been left clear. Prior to any permission being granted we would want confirmation that our 8m Byelaw Margin (from the top of bank or toe of defence) will be kept clear. This is essential both for maintenance reasons and for potential improvements to the defences in the future. We will also need assurance that access to our control structure on the Mill Lease is fully maintained.

Applications for a FRAP will need to demonstrate

- There is no increase in flood risk either upstream or downstream
- Access to the main river network for maintenance and improvement is not

- prejudiced
- Works are carried out in such a way to avoid unnecessary environmental damage

Please Note:

If you are minded to approve the application contrary to our objection, we would be grateful if you could re-consult us as we have comments of interest regarding Groundwater Contaminated Land and Fisheries, Biodiversity & Geomorphology.

Yours faithfully

p.p. Randeep Dhanjal

Mrs Sophie Page
Planning Advisor

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