Mr Simon Mounce
Kingston Upon Hull City Council
Development Management
Kingston House Bond Street
Hull
North Humberside
HU1 3ER

Our ref: RA/2019/139982/01-L01
Your ref: 19/00333/FULL

Date: 26 April 2019

Dear Mr Mounce

APPLICATION FOR FULL PLANNING PERMISSION FOR THE DEMOLITION AND PARTIAL REBUILDING OF THE EARL DE GREY PUBLIC HOUSE; ERECTION OF LINK EXTENSION TO CASTLE BUILDINGS AND THE EARL DE GREY; EXTERNAL ALTERATIONS TO CASTLE BUILDINGS; USE OF RELOCATED EARL DE GREY, CASTLE BUILDINGS AND LINK EXTENSION FOR CAFÉ OR RESTAURANT (A3) AND/OR DRINKING ESTABLISHMENT (A4) AND/OR OFFICE (B1A); THE ERECTION OF A NINE-STOREY HOTEL; NEW PUBLIC REALM AND ASSOCIATED WORKS, INCLUDING LANDSCAPING, CAR PARKING AND SERVICING, AND ASSOCIATED INFRASTRUCTURE. LAND TO THE NORTH OF CASTLE STREET AND SOUTH-EAST OF WATERHOUSE LANE, INCLUDING CASTLE BUILDINGS AND THE EARL DE GREY PUBLIC HOUSE KINGSTON UPON HULL HU1 2DA

Thank you for consulting us on the above development. We have the following comments to make.

Flood Risk

Environment Agency position

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

Reason

The submitted FRA (Ref: JAG/AD/JF/39388- Rp001, dated March 2019) does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the development's flood risks. In particular, the FRA fails to:

1. Accurately predict the flood risk on site and provide sufficient flood risk mitigation measures to ensure the safety of occupants

The applicant has inaccurately assessed the flood risk on site to be 3.97m AOD (Above Ordnance Datum) by using the lowest flood risk depth from the highest flood risk category present on site (600mm) and adding this to the highest existing ground level (3.37m AOD).

Where a development site encapsulates a range of different depth categories, the applicant should assume the greatest depth present and add this to the average site level or road frontage level, whichever is highest. The average site level should be calculated based on a representative range of spot heights across the site. The road frontage level is calculated as the average between the gutter and crown of the road. Where there is a choice of adjacent roads, the highest should be chosen. The resulting value should be added to the highest predicted flood depth on this site, which according to figure 13 of the Hull Strategic Flood Risk Assessment (SFRA) 2016 is 900mm.

Once the flood depth has been accurately predicted, the applicant should raise finished floor levels to exclude the predicted flood water. Where it can be demonstrated that finished floor levels cannot be sufficiently raised, other passive resistance measures may be considered to exclude water up to the predicted flood depth. This is a requirement for all new and change of use developments proposed on this site including the Earl De Grey relocation.

We are aware the FRA states finished floor levels cannot be raised due to the Disability Discrimination Act 2005 (DDA). However, there are alternative options available which are both compliant with the DDA and our requirement to exclude flood water from the proposed and existing buildings. The applicant should assess all potential options available to exclude flood water including raising floor levels and using access ramps.

In addition, the applicant has incorrectly assessed the flood risk mitigation required by assuming the development must be raised 600mm above the predicted flood depth. For this development, flood resistance measures are required up to 900mm above the average site level or adjacent road frontage level, whichever is highest. Further flood resilience measures should be included to a minimum of 300mm above finished floor levels. There is no requirement for an additional 600mm of raised floor levels as incorrectly stated in the submitted FRA.

For reference, the term 'flood resistance measures' refers to techniques which attempt to exclude water – i.e. to prevent it entering a building. In contrast, the term 'flood resilience measures' refers to techniques which allow the water in, but which minimise the impacts on property and speed the rate of recovery following a flood. Active flood resistance measures should only be considered where it can be demonstrated that passive resistance measures are unachievable and that the speed of onset in a flood event would allow sufficient time for these measures to be implemented.

Where water exclusion is required above 600mm, we draw the applicant's attention to the document titled "Improving the Flood Performance of New Buildings – Flood Resilient Construction". Further information can be found here. The applicant should ensure the building is structurally sound to withstand the depths and hazard of flooding predicted.

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

Cont/d..

If this cannot be achieved, we are likely to maintain our objection. Please consult us on any revised FRA and we will respond within 21 days of receiving it.

Informatives

Flood proofing

We strongly recommend the use of flood proofing 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. In the meantime, 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. The following documents may also be useful:
Department for Communities and Local Government: Preparing for floods
http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf
Department for Communities and Local Government: Improving the flood performance of new buildings:
http://www.communities.gov.uk/publications/planningandbuilding/improvingflood

Flood warning and emergency response

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The planning practice guidance to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

We recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

If you have any questions, please do not hesitate to contact me.

Yours sincerely

Rachel Clarke-Wood
Planning Advisor

Direct dial 020 847 48365
Team dial 020 302 56862
e-mail rachel.clarke-wood@environment-agency.gov.uk

End