

Planning Policies

On the 18th December 2014, DCLG published a **written statement to parliament** explaining changes to the planning system which took effect on the 6th April 2015. The written statement represents government planning policy with similar weight to the National Planning Policy Framework (NPPF) and so is capable of being a significant material consideration in determining planning applications.

Local planning policies and decisions on planning applications relating to major development (developments of 10 homes or more and to major commercial development) should ensure that sustainable drainage systems (SuDS) for the management of run-off are put in place, unless demonstrated to be inappropriate.

Local planning authorities should **consult the lead local flood authority (LLFA)** on the management of surface water; satisfy themselves that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. The sustainable drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate. The LLFA became a statutory consultee in April 2015.

The **National Planning Policy Framework (NPPF)** explains that sustainable development should not increase flood risk elsewhere and give priority of the use of sustainable drainage systems (paragraph 103)

The **National Planning Practice Guidance (NPPG)** on Flood Risk and Coastal Change has been updated (March 2015) to include information about involving the LLFA (chapter 16) and the importance of SuDS (chapter 21).

Policy 5.13 of the **London Plan** (2011, as consolidated 2015) states that:

“Development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible in line with the following drainage hierarchy:

1. Store rainwater for later use
2. Use infiltration techniques, such as porous surfaces in non-clay areas
3. Attenuate rainwater in ponds or open water features for gradual release
4. Attenuate rainwater by storing in tanks or sealed water features for gradual release
5. Discharge rainwater direct to a watercourse
6. Discharge rainwater to a surface water sewer/drain
7. Discharge rainwater to the combined sewer

Drainage should be designed and implemented in ways that deliver other policy objectives of the Plan including water use efficiency and quality, biodiversity, amenity and recreation.”

The **GLA's Sustainable Design and Construction SPG (April 2014)** aims to maximise the opportunities to achieve Greenfield run-off rates in the development proposals. If greenfield runoff rates are not proposed, developers will be expected to clearly demonstrate how all opportunities to minimise final site runoff, as close to greenfield rate as practical, have been taken. This should be done using calculations and drawings appropriate to the scale of the application. In order to achieve this, applicants should:

- consider the permeability of all existing and proposed surfaces on the application site;
- assess the existing surface water and foul drainage networks and their discharges; and
- assess a range of return periods (the probability of a rainfall event of a particular size occurring and resulting in flooding) up to and including the 1 in 100 year plus climate change critical storms (an additional 20-30%).

To achieve at least 50% attenuation of the site's (prior to re-development) surface water runoff at peak times is the minimum expectation from development proposals.

There may be situations where it is not appropriate to discharge at Greenfield runoff rates. These include, for example, sites where the calculated Greenfield runoff rate is extremely low and the final outfall of a piped system required to achieve this would be prone to blockage. An appropriate minimum discharge rate would be 5 litres per second per outfall.

Policy CE2 Flooding of the Consolidated Local Plan 2015 states that the Council will:

b. require a site-specific Flood Risk Assessment, including an 'Exception Test' for all development in Flood Risk Zone 2 and 3 as defined in the Strategic Flood Risk Assessment, for sites in areas with critical drainage problems and for all sites greater than 1 hectare;

d. require development at risk from flooding in Flood Risk Zones 2 and 3, in areas with critical drainage problems, or sites greater than 1ha to incorporate suitable flood defence or flood mitigation measures in accordance with the recommendations of the site specific Flood Risk Assessment;

e. require sustainable urban drainage (SUDS), or other measures, to reduce both the volume and the speed of water run-off to the drainage system ensuring that surface water run-off is managed as close to its source as possible in line with the hierarchy in the London Plan. In particular, major development must make a significant reduction in the current volume and speed of water run-off to the drainage system.

Policy CL7 The Council will require all basement development to:

i. include a sustainable drainage system (SuDS), to be retained thereafter;

j. include a minimum of one metre of soil above any part of the basement beneath a garden;

n. be protected from sewer flooding through the installation of a suitable pumped device.

Key Issues

Flood Risk

The site lies in Flood Risk Zone 1 (low flood risk from the river) but it is also in the North Kensington Critical Drainage Area (designated as such due to the high risk of surface and sewer water flooding). A Flood Risk Assessment (FRA) is required with the planning application and has been submitted for review.

Groundwater

The proposal does not include basement levels. However, if during demolition and excavation groundwater is found and the developer proposes to discharge groundwater to a public sewer, prior approval from Thames Water Developer Services will be required. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Surface water flooding

It seems that, although the site falls within a Critical Drainage Area, the risk of surface water flooding is low. However, as the site is located at the lower end of a slope, flood risk from surface water conveyed in the road from the top of the street should be considered. The FRA explains that flooding could happen, not on the site but further east in Lancaster Road. Mitigation measures for the site are not proposed as the Strategic Flood Risk Assessment for the site shows that flood depths on the site would be under 0.1m for the 1 in 100yr event plus 30% climate change.

Sustainable Drainage Systems (SuDS)

Policy CE2e of the Consolidated Local Plan 2015 aims to reduce the amount and speed of surface water run-off in all development. The aim is to provide an overall betterment. Following the ministerial statement, all applications relating to major development should ensure that sustainable drainage systems (SuDS) for the management of run-off are put in place, unless demonstrated to be inappropriate.

The proposals should aim to achieve greenfield run-off and a minimum of 50% attenuation of the site's (prior to re-development) surface water runoff at peak times. An appropriate minimum discharge rate would be 5 litres per second per outfall (taken from the GLA's Sustainable Design and Construction SPG). SuDS should provide attenuation for all rainfall events.

The proposed SuDS include grey water harvesting used for the toilets, brown/blue roofs and landscaping/external porous paving at ground level. It is understood that the water drainage will be designed for a 1:100yr event with 25% climate change allowance. Previous comments explained that the climate change allowance should be reviewed to reflect the latest Environment Agency figures.

The proposal is for surface water discharge to be restricted to peak greenfield run-off (0.6l/s) for all rainfall events This is welcome. The proposed attenuation volume is 77m³ with 42m³ of blue roof storage and 35m³ of porous paving (with granular build-up). It should be noted that the plan showing the proposed SuDS site drainage layout and details shows a total 52m³ of blue roof storage.

Information on SuDS maintenance is included in page 5 and should be followed to ensure proper functioning of the SuDS.

Conclusion

For the proposal to be fully compliant with the Council's policies it will need to integrate the proposed SuDS. Providing these SuDS measures are implemented and maintained, I do not raise an objection to the scheme.

Signed off: Patricia Cuervo
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