

Dear Ewan,

Regarding Application 2024/0467/P

11th March 2024

Thank you for your recent and prompt reply. However, with respect, concerning the BIA, flood risk and vulnerable uses etc. there are absolutely no “*slightly different circumstances*” of any material significance to this application that differ from those previously considered at appeal.

With regard to your reference to; “*habitable accommodation in a basement within a local flood risk zone is against policy and even though the inspector viewed this was acceptable we obviously need to be sure*”. This is precisely the same line of argument that the LPA followed in its previous lengthy LLFA/Flood Risk Zone/Vulnerable Uses refusal; arguments which all set aside by the Inspector who made her decision in accordance with NPPF guidance as follows:

<https://www.gov.uk/guidance/flood-risk-and-coastal-change>. Notably, ‘Site-specific flood risk assessment: Checklist’, Paragraph: 080 Reference ID: 7-080-20220825

In fact, flood risk to the site has now been evaluated and determined multiple times:

1. **The 2017 BIA Audit No. 12466-56:** Campbell Reith concluded: "5.7. *In the revised submissions, further assessment is presented, and it is accepted that the proposed development is at very low risk of flooding from all sources.*" "5.9. *The proposed development will not impact the wider hydrogeological environment.*"
2. **In application 2017/0911/P:** The LPA's own Appeal Statement of Case provided to the Inspector stated: "6.3 *Ravenshaw Street is within the designated 'Sumatra Road' Local Flood Risk Zone and within a Critical Drainage Area. In the revised submissions, further assessment was presented, and Campbell Reith accept that the proposed development is at very low risk of flooding from all sources.*" "6.6 *As such, the proposal is considered to comply with the relevant parts of Policy A5, and Campbell Reith advise that the submitted information demonstrates that the proposal would not harm the natural or built environment.*"
3. **Appeal decision APP/X5210/W/19/3225592:** The Inspector found against only the outward appearance of the basement front lightwells. While no explicit reference was made to flood risk, vulnerable uses, or self-contained basement flats, the Inspector accepted the council's own appeal testimony and raised no objection on those grounds, concluding: "12. *In terms of the frontage to the building, the insertion of the basement lightwell would have an adverse impact on the established character of the surrounding area. Therefore, whilst the structural issues regarding the basement reportedly would be satisfactory, the proposal would conflict with Camden Local Plan (CLP) Policy A5 and the CPGB.*"

4. **Appeal Ref: APP/X5210/W/21/3281530:** Fully cognizant of the LPA's detailed arguments concerning the LLFA, flood risk zone, vulnerable uses etc. the inspector concluded: *"24. To conclude, whilst the site lies within a LFRA, a bespoke FRA has been submitted that demonstrates the site is not prone to flooding." "I am satisfied that the site is not prone to flooding and hence would be a suitable location for basement flats. Accordingly, there would be no conflict with Local Plan Policies A5 and CC3, whose aims are outlined above."*
5. **London Borough of Camden Strategic Flood Risk Assessment July 2014** is the evidence base upon which Policy A5 draws. It clearly states: *"6.4.11 It should be noted that the uFMfSW [i.e. Local Flood Risk Zone maps] **should not be used on a site-specific basis due to the limitations of the modelling, but instead should be used as a guide for potential risk.**"*

The Council will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding.

However, wording of Policy A5 ignores this recommendation, leaving officers free to claim that basement bedrooms and therefore self contained habitable units are per se, are not permitted by Policy A5 in Local Flood Risk Zones. This is not the case, was clearly never intend to be the case and is in direct conflict with NPPF's emphasis on site specific FRA's as well as, as shown above, Camden own Strategic Flood Risk Assessment. The issues could have been solved very simply by replacing the word 'areas' with the word 'sites', i.e.

The Council will not permit basement schemes which include habitable rooms and other sensitive uses on sites prone to flooding.

The inspectors determination is clear, specific and based on an evaluation of our Site Specific FRA in line with NPPF Guidance on Flood Risk and Coastal Change.

To reiterate. The material circumstances (basement structure design, layout, materials, NPPF, London Plan, Camden Policy) in previous decisions are identical to those presented in this new application, with regard to flood risk. I urge you to revisit all the documentation submitted with the application and to consider the NPPF which emphasises the importance of the evidence presented in a site-specific flood risk assessment as being the only valid basis for a decision. Please note too that the BIA authors, Croft Structural and Maund Geo-Consulting, have produced numerous Camden BIAs and are very familiar with Campbell Reith's procedures and requirements. They confirm that:

"The amended design has been reviewed for land stability and hydrogeology by MGC and it is concluded that it will have insignificant impact on the findings and recommendations of the previous BIA".

Julian Maund BSc PhD FGS CGeol MIMMM CEng, Registered Ground Engineering Adviser

"We can conclude that the amended basement scheme will have no impact on the findings and recommendations given in the previous BIA."

Philip Henry MEng CEng MICE, Chartered Civil Engineer

Naturally we cannot yet know what the conclusion of your enquiry to Campbell Reith will be. However, please be aware that should the LPA reply insisting on a new BIA, we will respectfully request a detailed explanation and justification for the requirement. It is essential that any such request clearly outlines why the existing information is deemed insufficient and why there is a disagreement with the findings of recognised experts in the field. Without a compelling reason, we would maintain that the request for another BIA is unwarranted and unreasonable.

I trust that you will give careful consideration to the points raised in this letter and look forward to your response. Thank you.

Regards,

Chris Taylor: Applicant

Roger Tym: Planning Consultant