



Applicant – by email to agent at  
[cyril@crocdesign.org.uk](mailto:cyril@crocdesign.org.uk)

Our ref: NO/2012/104629/01-L02

LPA ref: 3/2012/1042

Date: 08 January 2013

Dear Cyril

**PROPOSED CHANGE OF USE FROM VACANT SHOP PREMISES AND DWELLING TO FORM 2 NO APARTMENTS 2 WALKER STREET, CLITHEROE, LANCASHIRE, BB7 1NN.**

Further to your telephone call earlier today, I can confirm that the main issues would be the increase in the vulnerability of the property to flooding by virtue of its location within flood zone 3. From our conversation I understand the proposal is to divide an existing property and redundant shop into two separate dwellings. As such, there is a need to ensure that the occupants of the property will be safe for its lifetime, which we take to be not less than 80 years.

With regard to the sequential test - the NPPF Technical Guidance at Table 2 (page 6) states that "Buildings used for dwelling houses" are classed as *more vulnerable*. Table 3 (page 8) indicates that after passing the sequent test, the exceptions test would also need to be passed. In this case, the proposal

The actual wording in paragraph 104 of the NPPF is contrary to the technical guidance and states that "minor development and changes of use should not be subject to the Sequential or Exception Tests." Our reading of the two is that the technical guidance and the NPPF itself appear to be incompatible.

To clarify the point, we have referred back to the PPS25 Development and Flood Risk Practice Guide. In our view, the practice guide remains extant because it was not abolished with the PPS itself in spring 2012 and it is a material consideration in deciding between the two approaches. It is well understood and represents up-to-date best practice guidance on the issues raised. Page 94, Para 4.42 the Practice Guide under the heading „change of use" confirms that "*change of use should not be subject to the sequential and exception tests but will still need to meet the requirements of a site-specific flood risk assessment.*"

In summary, it is best practice to ensure the property is located in the least vulnerable location to flooding but the LPA may choose not to apply the sequential test. If this were the case we would be unlikely to object, if the only grounds were that the sequential test and exceptions test had not been passed. However, a flood risk assessment (FRA) will still be need but none has been provided.

Environment Agency  
 Lutra House Walton Summit, Bamber Bridge, Preston, PR5 8BX.  
 Customer services line: 03708 506 506  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)  
 Cont/d..

### **Would we maintain our objection on flood risk grounds?**

Before approving an such application, the Local Planning Authority would need to be satisfied that any residual risk to the occupants of the building which remains, can be managed through Flood Risk Assessment (FRA) and mitigation measures

A flood risk assessment will aim to tease out all of the details from the site; as we discussed, this might include acknowledging site specific characteristics which reduce the risks of flooding other than in severe flood events. The FRA will need to take account of climate change and include details on the following issues:-

- Assess the hydro-geological and hydrological context of the development based on up-to-date modeling and data. You can make an information request for the data by email to [nwnorthinformationrequests@environment-agency.gov.uk](mailto:nwnorthinformationrequests@environment-agency.gov.uk).
- Evidences that the development is appropriately flood resilient and resistant, including safe access and escape routes. It should show that any residual risk can be safely managed through emergency planning and including a safe place of refuge (usually first flood accommodation).
- Demonstrates that the development will not increase flood risk elsewhere and where possible, reduces the risk of flooding overall.
- Clear plans and drawings should show the precise positions and sectional information of the development and related land. Where possible, finished floor levels for the property should be not less than 600mm above the flood level relative to AOD (and should make further allowance for climate change).

If you would like to submit a preliminary FRA for our informal comments, please contact us by email to [nwnorthplanning@environment-agency.gov.uk](mailto:nwnorthplanning@environment-agency.gov.uk)

I also enclose for your information, a copy of planning appeal decision ref. APP/N2345/A/12/2171569. Whilst we accept that every application must be considered on its merits, the appeal decision is highly illustrative of the issues raised and is persuasive in supporting our objection to the proposal at the present time.

Yours sincerely

**Dan Matthewman**  
**Planning Officer - Sustainable Places**

Direct dial    01772 714065  
E-mail        [nwnorthplanning@environment-agency.gov.uk](mailto:nwnorthplanning@environment-agency.gov.uk)

cc Ribble Valley Borough Council

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