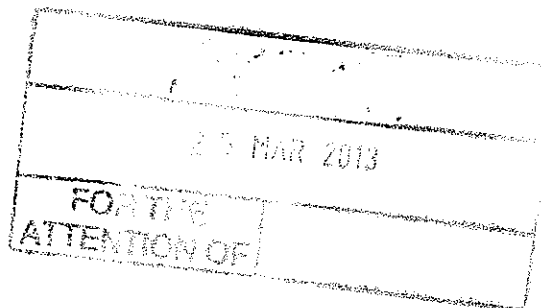




Ribble Valley Borough Council
Development Control
Council Offices Church Walk
Clitheroe
Lancashire
BB7 2RA

Our ref: NO/2012/104629/02-L02
Your ref: 3/2012/1042
Date: 25 March 2013

Dear Sir/Madam

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

I refer to the above application, which we understand has been withdrawn.

For your information, please find attached a copy of a letter we have sent to the applicant's agent.

Yours faithfully

Philip Carter
Planning Officer - Sustainable Places

Direct dial 01772 714219
Direct fax 01772 697032
Direct e-mail nwnorthplanning@environment-agency.gov.uk

Mr Cyril Cambridge
CRC Design
5 Wallhurst Close
Worsthorne
BURNLEY
BB10 3NY

Our ref: NO/2012/104629/02-L01
Your ref: 3/2012/1042
Date: 25 March 2013

Dear Mr Cambridge

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

I refer to the above application (which we understand has been withdrawn), your e-mail dated 6 March 2013 and our telephone conversation earlier today.

As discussed, the site is located in Flood Zone 3, which is defined as having a high probability of flooding. Based on the information you have submitted, the existing ground floor level of the property is 74.93 metres AOD. The predicated 1 in 100 year flood event for the site is 75.57 metres AOD suggesting a potential depth of flooding of up to 600mm within the proposed ground floor apartment during an extreme flood event.

Paragraph 103 of the National Planning Policy Framework requires local planning authorities to only consider development appropriate in areas at risk of flooding where, informed by a site specific Flood Risk Assessment (FRA) and following the application of the Sequential Test and Exception Test (where necessary), the most vulnerable development is in areas of lowest risk and the development is appropriately flood resistant/resilient with safe access and egress routes where required.

Given the nature of the proposed development, we are concerned that any future occupants of the ground floor apartment would be at an unacceptable risk of flooding and they would have no safe point of refuge. We do not feel that the provision of a 600mm step into the apartment would mitigate the risk. If the application was resubmitted in its current form, we would object to the proposal on the grounds that future occupant(s) of the ground floor apartment would be at an unacceptable risk during an extreme flood event.

I enclose a copy of a recent appeal decision for a proposal in Preston where we objected to the conversion of an office/shop to a house of multiple occupancy in Flood Zone 3. We were concerned that occupants of the ground floor of the development would be at an unacceptable risk of flooding and this was reflected in the decision of the Inspector.

To resolve our objection, we would recommend that the applicant considers converting

Cont/d..

the shop to a single dwelling or it may also be possible to consider a pair of duplex style apartments with dining/living accommodation at the ground floor and sleeping accommodation at first floor. This would resolve the flood risks associated with living in a ground floor dwelling while still ensuring this Brownfield site can be brought back into use. Flood proofing of the ground floor would still be recommended as part of any subsequent proposal and should be detailed in a FRA appropriate to the nature and scale of the development.

If you have any further questions or you wish to contact us with a revised scheme in advance of resubmitting a planning application, we would be happy to provide further pre-application guidance/advice.

Yours sincerely

Philip Carter
Planning Officer - Sustainable Places

Direct dial 01772 714219

Direct fax 01772 697032

Direct e-mail nwnorthplanning@environment-agency.gov.uk

(encs)



Appeal Decision

Site visit made on 24 July 2012

by Geoffrey Hill BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 September 2012

Appeal Ref: APP/N2345/A/12/2171569

28-29 Broadgate, Preston PR1 8DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by D & I Rentals against the decision of Preston City Council.
 - The application Ref 06/2011/0613, dated 24 June 2011, was refused by notice dated 18 January 2012.
 - The development proposed is described as "change of use printers work/offices/photographers a 2No Houses in multiple occupation (HMO) alterations & extension at First floor". [sic]
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development noted above is that given on the planning application form. At Part E of the Appeal Form it is stated that the description of development has not changed, but a different wording has been entered. Yet another description of development is given on the Council's Decision Notice. Neither of the parties has provided a letter to show that a revised description of development has been agreed. Accordingly I have used the one given on the original application.
3. At my site visit I noted that work had commenced on alterations to the building. It is not obvious if these works are in association with the appeal scheme or an alternative scheme under reference 06/2012/0166, but all external alterations appear to correspond with those identified on the drawings submitted with the appeal application, with the exception of the removal of the dormer window to the roof of No.28. In which case, I shall regard the appeal as being in respect of an application for retrospective planning permission for development which has already commenced.

Main Issue

4. The main issue in this appeal is whether the occupants of the ground floor units would be adequately protected from flooding.

Reasons

5. The appeal site is in area identified by the Environment Agency as being at risk of flooding. Policy DP3 of the Preston Local Plan allows development in

areas at risk from flooding where appropriate flood alleviation measures exist or would be provided by the developer. Paragraph 103 of the National Planning Policy Framework goes on to say that development in areas at risk of flooding should be avoided unless there are overriding reasons.

6. The Environment Agency states that the Broadgate area does not benefit from flood defences and the appeal premises are at risk of inundation up to a possible depth of 1 metre during an extreme flood event (1 in 100 years fluvial or 1 in 200 years tidal). The appeal scheme places high risk accommodation (bedrooms) at ground floor level, but there would be no associated accommodation within the same individual tenancies at a higher level to serve as a refuge.
7. Although the appellants have put forward flood proofing measures as part of the scheme, these would not offer full protection or mitigation; they would not resist inundation altogether but are designed to minimise damage to the property, rather than protect persons and their possessions. The layout of the scheme would allow residents access to the staircases and upper floors in case of a flood, however these people would seemingly have no right of access to any of the rooms on the upper floor, nor could they take refuge without unreasonably disrupting occupants who would not be directly affected by flooding. There is unlikely to be anywhere above the flood risk level that they could use to store their possessions, and they would probably not have anywhere to sit, sleep or make meals and drinks, even under emergency conditions whilst awaiting rescue.
8. With no reliable, secure access for occupants to accommodation above flood levels this would leave persons at considerable and unreasonable risk both of homelessness and loss of possessions. I do not consider that the balance between the risk of flooding and the degree of protection proposed in this scheme is such that harm to individuals and their property can be seen to be within acceptable limits.
9. I have considered the circumstances of the permission given at 25 Bird Street, and acknowledge that that scheme also has bedrooms at ground floor but, according to the information provided by the Environment Agency, this arrangement represents an improvement on the previous position. At 28-29 Broadgate there are no bedrooms presently at ground floor; that is, the appeal scheme would represent a worsening in conditions of protection from flooding. I also accept that there is little interest in continued use of the property for commercial purposes, but it is clear that alternative and acceptable arrangements for a residential use can be achieved, with a much lower risk of harm from flooding for individuals and their possessions, as evidenced by the Environment Agency's acceptance of scheme 06/2012/0166.
10. Without adequate protection from flooding for the occupants of the ground floor units the appeal scheme would not be in accordance with Policy DP3 and nothing put forward in this appeal can be regarded as overriding reasons to justify allowing the scheme as an exception to the policy. Accordingly the appeal should be dismissed.

Geoffrey Hill

INSPECTOR