

Cherwell District Council
Planning & Development Services
Bodicote House White Post Road
Bodicote
Banbury
OX15 4AA

Our ref: WA/2021/128671/01-L01
Your ref: 20/03558/O56
Date: 15 January 2021

Dear Bob Neville

Prior Approval for the change of use from office (Use Class B1a) to residential (Use Class C3) to create 30 self-contained flats

Waterperry Court 2-4 Middleton Road, Banbury, OX16 4QG

Thank you for consulting us on the above application, on 16 December 2020. Please accept our sincere apologies for the delay in our response.

Part of the application site lies within Flood Zones 2 and 3 defined by the National Planning Policy Framework (NPPF) and associated Flood risk and coastal change Planning Policy Guidance (PPG) as having a medium and high probability of flooding.

Environment Agency position

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following **planning condition** is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (dated October 2020 and prepared by Innervision Design Ltd.) and the following mitigation measures it details:

1. Finished floor levels of the ground floor habitable area shall be set no lower than 91.16 metres above Ordnance Datum (AOD), in accordance with section 5.3
2. There shall be no raising of existing ground levels on the site
3. The basement will be kept for non-habitable use

This mitigation measure shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons

To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that no flood storage is lost or flood flow impeded.

Cont/d..

Advice to Planning Authority

Safe access and egress

In accordance with paragraph 163 of the National Planning Policy Framework (NPPF), you must ensure that the residual flood risk is safely managed and that safe access and escape routes are included. This is on the understanding that you have concluded that the proposed development has passed the flood risk sequential test.

Within the application documents the applicant should clearly demonstrate to you that a satisfactory route of safe access and egress is achievable. It is for you to assess and determine if this is acceptable.

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 (PPG) 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.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, 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 PPG.

Advice to Applicant

Flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

Final comments

Once again, thank you for contacting us. Our comments are based on our available records and the information as submitted to us. Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Please notify us immediately if you are unable to apply our suggested condition, to allow further consideration and advice.

In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Yours sincerely

Ms Helen Sanderson
Planning Advisor

Direct dial 020 771 40595

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