



North Lincolnshire Council
Development Control
Civic Centre Ashby Road
Scunthorpe
DN16 1AB

Our ref: AN/2023/134930/03-L01
Your ref: PA/2023/1034
Date: 12 March 2024

FAO Tanya Coggon

Dear Tanya

**Outline planning application, with all matters reserved, for a change of use of existing vacant brownfield commercial land to residential housing land and erect 38 dwellings and associated roads, driveways, gardens, landscaping and boundary treatments – amended plan and amended description: reduction of 2 dwellings (overall scheme 36 dwellings)
51-55 Waterside Road (former Osgerby Haulage and Warehousing), Barton upon Humber, DN18 5BH**

Thank you for your email of 28 February 2024 regarding the above application.

We have now reviewed the revised flood risk assessment (FRA) uploaded to your website on 23 January 2024.

Environment Agency position

The revised FRA satisfactorily addresses the concerns set out in our consultation response of 2 November 2023. Subject to the imposition of the conditions below, we therefore **withdraw** our previous objection.

Condition 1

The development shall be carried out in accordance with the approved flood risk assessment (20 December 2023, ref. JAG/AD/JF/49096-Rp001-Rev A by Alan Wood and Partners) and the following mitigation measures it details:

- Finished first floor levels to be set no lower than 6.25 metres above Ordnance Datum
- All habitable accommodation to be at first floor level or above
- Flood resilience measures to be incorporated into the proposed development as stated

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants, in accordance with Policy CS19 of the North Lincolnshire Core Strategy 2011.

Condition 2

The ground floors of the dwellings hereby approved shall be used for garages, storage, WCs, utility rooms, bath/shower rooms only and for no other, habitable, accommodation.

Reason

To ensure that there is no sleeping or vulnerable living accommodation on the ground floor, to protect the inhabitants of the property from the risk of flooding in accordance with Policy CS19 of the North Lincolnshire Core Strategy 2011.

Condition 3

Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to the dwellings to provide additional habitable/living accommodation shall be erected.

Reason

To reduce the risk of flooding to the proposed development and future occupants, in accordance with Policy CS19 of the North Lincolnshire Core Strategy 2011.

Advice to the local planning authority**Flood warning and emergency response**

Although safe refuge will be available within the dwellings, owing to the potential for those dwellings to become isolated by surrounding flood waters at this site, we advise that a flood warning and evacuation plan is produced for the development to address the residual risks of flooding and to confirm the approach that would be taken for safe evacuation of the area.

Planning practice guidance (PPG) to the National Planning Policy Framework (NPPF) 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.

We note that the application is not supported by a flood warning and evacuation plan (FWEP). In this instance we consider that warning and emergency response is an important element of managing flood risk. We therefore recommend you refer to ['Flood risk emergency plans for new development'](#), obtain a FWEP prior to determining the applicant and undertake appropriate consultation with your emergency planners to determine whether the proposals are safe.

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.

Sequential test

We have withdrawn our objection to this application on flood risk grounds, but this does not remove the need for you to apply the sequential test and to consider whether it has been satisfied. Where an FRA shows the development can be made safe throughout its lifetime without increasing risk elsewhere, there will always be some remaining risk that the development will be affected either directly or indirectly by flooding. A failure to satisfy the sequential test can be grounds alone to refuse planning permission.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

Nicola Farr
Sustainable Places - Planning Advisor

