



Appeal Decision

Site visit made on 10 December 2024

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2025

Appeal Ref: APP/Q3630/W/24/3344747

Swan Court Watermans Business Park, The Causeway, Staines-Upon-Thames, Surrey TW18 3BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Praveen Karadiguddi against the decision of Runnymede Borough Council.
 - The application Ref is RU.24/0295.
 - The development proposed is the change of use of upper floors to form 16 dwellings. Prior approval application for Change of use from Commercial, Business and Service (Use Class E) to form 16 residential units (Use Class C3) under the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended Schedule 2, Part 3, Class MA.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council refers to Policy EE13 of the Runnymede 2030 Local Plan (RLP). A copy was not provided, I have therefore viewed the online version of the RLP.

Background and Main Issue

3. Class MA of the GPDO permits a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses).
4. Paragraph MA.1 of Class MA sets out requirements that the proposal must satisfy to qualify for prior approval. The Council considers that the development complies with the requirements set out in this paragraph. Based on the evidence before me, I see no reason to disagree.
5. However, Paragraph MA.2 details that development under Class MA is permitted subject to an application to the local planning authority for a determination as to whether prior approval is required in relation to the conditions set out in Paragraph MA.2(2). One of these conditions MA.2(2)(c) relates to flooding risks in relation to the building. The prior approval was refused on the basis that the proposal introduces a more vulnerable use to the site, and it was not demonstrated that there would be an acceptable safe access and egress route in the event of a flood.
6. The Council considered that the development complied with the other conditions set out in Paragraph MA.2(2) and based on the evidence before me, there is no

reason to disagree. As such, there is no need to give them further consideration in this decision.

7. Accordingly, the main issue is whether the proposal would be permitted development under Class MA, with regard to whether the proposal would satisfy condition MA.2(2)(c), with reference to flooding risks in relation to the building.

Reasons

8. The appeal site relates to the first and second floor of a three-storey office building. It is located within Flood Zones 2 and 3. For changes of use within Flood Zones 2 and 3, the Councils Strategic Flood Risk Assessment¹ (SFRA) requires a Flood Risk Assessment (FRA) to demonstrate how the flood risk to the development will be managed, so that it remains safe through its lifetime including provision of a safe access and egress, and preparation of Flood Warning and Evacuation Plans where necessary.
9. The need for a safe access and escape route, as part of an agreed emergency plan is set out at paragraph 181e) of the National Planning Policy Framework (the Framework), which is applicable so far as it is relevant to the subject matter of the prior approval as if considering a planning application. In addition, the Planning Practice Guidance (PPG) advises that the FRA should show how mitigation measures can be safeguarded and maintained effectively throughout the lifetime of the development.
10. The proposed evacuation route is detailed on the Maps from the Environment Agency Model in Appendix A of the appellants Flood Evacuation Plan. This map illustrates that the proposed route has five points along it which either fall within the 'Hazard to Most' or 'Hazard to Some' categories. At these points flood water depth would be at a minimum of 0.30m. Whilst the access to Staines Bridge is elevated above surrounding areas and the points either side of the bridge would be safe to cross, this does not address the points further along the route either side of the railway line.
11. The appellant has assessed the flood levels at various times from the trigger point at the site. These illustrate that flood waters are likely to originate in the west and propagate eastwards, with the eastern areas experiencing flooding towards the end of a flood event. The appellant advises that the flood level and hazard time-series have been extracted from the TUFLOW Thames model for the 1 in 100 +35% climate change events. However, the SFRA refers to the classifications that are calculated by combining the depth outputs with flow velocity outputs, taking account of potential debris within the flood water to provide a hazard rating across flood zones. The SFRA is clear that a safe access and egress route must have a Very Low Hazard- Caution using these classifications along the full length of the route (Appendix 5 of the SFRA). The proposed route fails to achieve this.
12. Further to the above, the SFRA advises that limited hazard mapping is available in Runnymede and until the River Thames Scheme modelling is issued with its associated hazard mapping, the Council will take the approach that where the velocity of flow is likely to be low, then the depth should not exceed 250mm. Given that the minimum depth across multiple points along the route would be 0.30m, the vulnerability for future occupiers is apparent. I note that the updated modelling

¹ Adopted March 2018

from the EA does not alter the conclusion in the FRA upon which I have based my decision.

13. Despite the provision of a flood risk warning and evacuation plan, it has not been demonstrated that a safe access and egress route required for the safety of future occupants would be created. Therefore, the proposal would not satisfy condition MA.2(2)(c) of Class MA in regard to the flooding risks in relation to the building, and prior approval should not be given. The proposal would conflict with Policy EE13 of the RLP and the SFRA which, in combination, require development proposals to demonstrate the ability of the site to operate an effective flood evacuation procedure and provide a safe access and egress in a flood event. Granting prior approval would also be inconsistent with the Framework and the PPG. On the evidence before me, this is a matter which could not be mitigated by conditions because it has not been demonstrated that a safe alternative access and egress route is possible.

Conclusion

14. For the reasons given above and taking into account all matters raised, the appeal is dismissed.

V Goldberg

INSPECTOR