

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **5TH SEPTEMBER 2018**

REPORT BY: **CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)**

SUBJECT: **GENERAL MATTERS - OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR RESIDENTIAL DEVELOPMENT CONSISTING OF 14 UNITS WITH A MIXTURE OF 2 STOREY SEMI-DETACHED AND 3 STOREY DETACHED DWELLINGS AT SPECTRUM HOME & GARDEN CENTRE, WREXHAM ROAD, CEFN-Y-BEDD.**

1.00 APPLICATION NUMBER

1.01 055430

2.00 APPLICANT

2.01 Mr. P. Williams

3.00 SITE

3.01 Former Spectrum Home & Garden Centre
Wrexham Road
Cefn-y-Bedd
Flintshire
LL12 9UR

4.00 APPLICATION VALID DATE

4.01 12th May 2016

5.00 PURPOSE OF REPORT

5.01 To advise the committee about the decision in relation to this application following the referral of the same for determination to the Welsh Minsters in accordance with Circular 07/12.

6.00 REPORT

- 6.01 Members will recall that this application was considered at the Planning Committee held on 26th July 2017, where it was resolved to grant planning permission subject to conditions and a S.106 planning obligation. As the site is located within a C2 flood zone and the proposal was for residential development of more than 10 dwellings, the application was required to be referred to the Welsh Ministers for determination.
- 6.02 The determination of the Welsh Ministers has had regard to the report undertaken by a Planning Inspector appointed to consider whether the proposals amount to a form of development which, having regard to national and development plan policy in relation to flood risk, would be appropriate in this location.
- 6.03 **Flood Risk**
The Inspector noted the context of the site and the surroundings and the nature of the development proposals. The Inspector identified that the site amounted to Previously Developed Land (PDL), was sustainably located in relation to services and public transport and noted that the site was largely located within C2 flood zone.
- 6.04 PPW and TAN15 set out that caution should be exercised in relation to development in high risk flood areas and identify that residential development is classified as highly vulnerable development. The Inspector sets out that TAN15 is categorical that such development should not be permitted within a C2 flood zone and given this, there is no provision within TAN15 that this position can be offset by mitigation or development benefit.
- 6.05 The Inspector advised the Ministers that as the proposal is highly vulnerable development within a C2 flood zone, further consideration of the scheme is strictly not required. However, it is noted that both the Local Planning Authority and Natural Resources Wales (NRW) have had regard to the justification tests in TAN15 and other mitigation factors.
- 6.06 The provisions of UDP policy EWP17 are noted. However, whilst the Inspector considers that the proposals would accord with this policy, she notes that the policy is not consistent with TAN15 as it makes no distinction in respect of zones C1 or C2 and does not reflect the presumption against highly vulnerable development in these areas.
- 6.07 The Welsh Ministers have concluded that the Inspector is correct in her consideration and concludes that as the proposal is highly vulnerable development with a C2 flood zone, the development should not be permitted. Furthermore, they state that the justification tests in TAN15 do not apply to such situations.

6.08 **Other Matters**

The Minister has noted that the appointed Inspector had regard to the fact that NRW did not raise objection to the proposal. However it is not the role of NRW to determine the acceptability of a proposal. That responsibility rests with the LPA. It has been noted that whilst there are existing dwellings in the surrounding area and the proposed development would have wider beneficial impacts, these do not outweigh the significant harm associated with flood risk.

7.00 **CONCLUSION**

7.01 The Welsh Ministers have noted that whilst the risk from development could be mitigated in accordance with UDP policies, TAN15 is unambiguous and clearly states that highly vulnerable development in C2 flood area should not be permitted. This is a position reiterated to LPA's in the Welsh Government letter of 9th January 2014 and a position which cannot be moderated via mitigation measures.

7.02 Accordingly, the Welsh Ministers have determined that the applications should be **REFUSED** for the reasons set out above.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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