

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

DATE: **10TH OCTOBER 2012**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY J.T. HEWITT & SON LIMITED AGAINST FLINTSHIRE COUNTY COUNCIL'S DECISION TO REFUSE AN APPLICATION FOR FULL PLANNING PERMISSION FOR 8 NO. DWELLINGS AT A BUILDERS YARD, MAUDE STREET, CONNAH'S QUAY**

1.00 APPLICATION NUMBER

1.01 **048550**

2.00 APPLICANT

2.01 **J.T. HEWITT & SON LIMITED**

3.00 SITE

3.01 **BUILDERS YARD, MAUDE STREET, CONNAH'S QUAY**

4.00 APPLICATION VALID DATE

4.01 **11TH MAY 2011**

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's decision in relation to an appeal into the refusal of full planning permission for 8 No. dwellings at a Builders Yard, Maude Street, Connah's Quay. The proposal was refused planning permission under delegated powers on flooding grounds. The appeal was dealt with by way of informal Hearing and was **DISMISSED**.

6.00 REPORT

6.01 **Issues**

The Inspector considered the main issue was whether the risks and consequences of flooding on the site could be acceptably managed over the lifetime of the development.

- 6.02 The Inspector referred to Appendix 1 of TAN15 which explains how the potential consequences of a flooding event should be assessed and provides guidance on the technical requirements for undertaking such an assessment. TAN15 gives indicative guidance as to the frequency threshold below which flooding of development should not be allowed. For residential development, the appropriate value for tidal flooding is the 0.5% (i.e. 200 to 1 chance in any year) event. The Inspector went on to state that the threshold given in TAN15 did not mention climate change, however, at a previous appeal decision relating to the site, the Inspector indicated that climate change impacts should be considered when assessing whether development would be flood free during this threshold event.
- 6.03 The Inspector referred to the “75 year scenario” where the ground floor of the dwellings would be flooded to a depth that would be within acceptable limits but the depth and velocity of the floodwater on the site/Maude Street would be well above the tolerable conditions given in the guidance (and significantly beyond tolerable levels in the 10 year scenario).
- 6.04 The Inspector explained that neither TAN15, nor the UDP Policy EWP17 defined lifetime of development, however, it was accepted at the hearing that it was reasonable to expect the proposed residential development to have a lifetime well in excess of 50 years. The Inspector referred to the appellant’s argument that the development would be acceptable since it satisfies the 50 year climate change scenario and, since the flood defences protect a significant amount of urban development, the defences would be raised in the future to take account of climate change, however, the Inspector nonetheless, referred to the previous appeal decision which stated there was no guarantee whatsoever that this would be to a standard at best equivalent to the no flooding below the 0.5% probability frequency threshold.
- 6.05 The Inspector was satisfied that in a flooding event, that residents could try to escape through floodwaters, however given the possible depth and velocity of such waters, this would pose an unacceptable risk to these people and to rescuers.
- 6.06 The Inspector explained that Planning Policy Wales and TAN15 advocates a precautionary approach in respect of new development in areas of high flood risk with the overarching aim of the approach to direct new development away from these areas. The Inspector was of the view that the potential depth and velocity of floodwater over the lifetime of the development would not satisfy the criteria set out in TAN15 and it would fail to satisfy national policy and that the risk and

consequences of flooding could not be acceptably managed.

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7.00 CONCLUSION

7.01 For the reasons given above and having regard to all matters raised, the Inspector concluded that the appeal should be **DISMISSED**.

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