

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **4th SEPTEMBER 2019**

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

SUBJECT: **APPEAL BY DR. N. SHAMAS AGAINST THE DECISION BY FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGE OF USE TO RESIDENTIAL FROM COMMERCIAL AT THE NOOK, 1 CHAPEL TERRACE, HIGH STREET, BAGILLT – DISMISSED.**

1.00 **APPLICATION NUMBER**

1.01 59380

2.00 **SITE**

2.01 The Nook
1 Chapel Terrace
High Street
Bagillt
CH6 6ED

3.00 **APPLICATION VALID DATE**

3.01 5th February 2019

4.00 **PURPOSE OF REPORT**

4.01 To inform Members of a decision in respect of an appeal, following the decision of the Local Planning Authority, under delegated powers, to refuse to grant planning permission for the change of use to residential from commercial at The Nook, 1 Chapel Terrace, High Street, Bagillt.

4.02 The appointed Planning Inspector was Claire MacFarlane. The appeal was determined via written representations and was **DISMISSED**.

5.00 **REPORT**

5.01 The appeal site is an end-terrace property set within an area of residential, commercial and retail premises. It is close to the River Dee estuary and falls within Zone C2 flood area, as defined by the Development Advice

Maps (DAMs) referred to in Welsh Government Technical Advice Note 15 'Development and Flood Risk' (TAN 15). Flood zone C2 is defined as areas of the floodplain without significant flood defence infrastructure.

- 5.02 Planning Policy Wales, Edition 10 (PPW), aims to minimise and manage environmental risks and pollution and contains relevant policies on flood risk. Paragraph 6.6.22 states that "Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers." TAN 15 categorises residential uses as 'highly vulnerable development' and paragraph 6.2 of the TAN is clear that such development should not be permitted within Zone C2. Paragraph goes on to state that all other types of development within Zone C1 and C2 will be subject to meeting the justification and consequences tests set out therein, and the Council's Officer Report provided an assessment of the proposed development against these tests.
- 5.03 The appellant's argued that the property had previously been in residential use and is now surplus to requirements as a doctor's surgery. However, the inspector found that there is no tangible evidence that the proposal would meet the tests of TAN 15, and in particular there is no assessment or evidence to demonstrate that the consequences of a flooding event have been considered and found to be acceptable. Similarly, the proposal would make a very limited contribution to housing supply which would not outweigh the risk of flooding and its consequences for life and property.

6.00 CONCLUSION

- 6.01 The Inspector concluded that the proposed development would conflict with national planning policy regarding flood risk, and with Policy EWP17 of the Flintshire Unitary Development Plan which seeks to restrict development within areas of flood risk. The appeal was **DISMISSED**.

LIST OF BACKGROUND DOCUMENTS

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

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