

PLANNING COMMITTEE – 26 JANUARY, 2005

REPORT OF DEVELOPMENT CONTROL MANAGER

MISCELLANEOUS ITEM

38/2004/521 DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 21 FLATS TOGETHER WITH CAR PARKING AND ASSOCIATED EXTERNAL WORKS, NORMANDY WINDOWS, WILFRED ROAD/GLOUCESTER STREET, TAUNTON

This application was reported to the meeting on 15 December, 2004 when it was resolved to grant permission subject to the observations of the Environment Agency and the County Highway Authority and a S.106 Agreement relating to sport and recreation provision.

A letter has subsequently been received from the Environment Agency making the following comments:-

“The Environment Agency OBJECTS to the proposed development on the grounds that the application has not been accompanied by a flood risk assessment (FRA) as required by PPG 25.

This site is located in Flood Zone 2, which is the medium to low risk zone and is defined for mapping purposes by the Agency's Flood Zone Maps.

This is land where the indicative annual probability of flooding is between 1 in 100 and 1 in 1000 years from river sources (i.e. between 1% and 0.1% chance in any given year). The equivalent probability figure for tidal/coastal sources is between 1 in 200 and 1 in 1000 years (i.e. between 0.5% and 0.1% chance in any given year).

Accordingly, a Flood Risk Assessment (FRA) must be submitted in support of this proposal. To be acceptable as a FRA the applicant must provide as a minimum:-

1. A level survey to Ordnance Datum/GPS showing the known or modelled 1 in 100 year (1% annual probability) river flood level or 1 in 200 year (0.5% annual probability) tidal & coastal flood level, relative to proposed site levels.
2. An assessment of the risks posed to the site including that based on modelled and historic flood data and risks associated with any increase in surface water run off from the site.
3. Proposed mitigation measures to control those risks, e.g. setting appropriate floor levels, providing flood proofing, providing suitable means of surface water disposal.

Further guidance on general FRA requirements for development in Flood Zones 3 & 2 can be found in Appendix F of PPG25 and also in the Agency's FRA note 4, a copy of which has been forwarded to the applicant.

It should not be assumed that the production of a FRA will in itself make a proposed development acceptable in flood risk terms.

The FRA submitted must demonstrate to the Agency's satisfaction that the development can proceed without creating an unacceptable flood risk either to future occupants or elsewhere. If it cannot do this, the Agency will maintain its objection. Where the FRA is acceptable the Agency will advise on flood risk conditions or make recommendations as appropriate.

Should your council be minded to approve the application contrary to the Agency's objection, paragraph 65 of PPG25 advises that you should re-consult the Agency in order to explain why and to give the Agency the opportunity to make further representations.

If your council refuses the planning application on the above grounds, and the applicant lodges an appeal, the Agency would be prepared to support your council and provide evidence at any subsequent public inquiry or informal hearing."

Therefore in the absence of the required flood risk assessment it is recommended that permission be refused for the following reason:-

The site is located within an area identified as at risk from flooding. The proposal is therefore unacceptable in the absence of a flood risk assessment as required by Planning Policy Guidance Note No. 25. The proposal is therefore also contrary to Taunton Deane Local Plan Policy EN30.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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