

Planning Committee: 04/10/2017

Report of Head of Regulation and Economic Development Service (NJ)

Recommendation:

Permit and Refuse.

Reason for Reporting to Committee:

The application is made on land in the Council's ownership.

At its meeting held on 26th July 2017 the Committee resolved to defer determination of the application in order to give the applicant a further opportunity to address flood risk concerns with Natural Resources Wales. Additional submissions were made on behalf of the applicant and NRW's formal response remained unchanged in advising refusal of the car park and access proposal although no objection was raised to the approval of the extension to the pavilion building.

At its meeting held on 6th September 2017 the Committee resolved to approve the proposal for extension to the pavilion building but also, contrary to the officers' recommendation, to approve development of the car park and access. The reason given for a contrary decision was that a car park exists opposite the proposed development site and that the proposed scheme at the pavilion building is no different to this.

In response, it should be noted that each application ought to be considered on its own individual planning merits. The existence of another car park in the locality does not overcome the objection to development of the application site contrary to established national planning policy.

The applicant's own flood consequences assessment states clearly that:

"It should be noted here that the surveyed floor level at the site is 4.05 m AOD and the ground level outside is around 3.5 m AOD so there is a real risk in the key tidal event (200 year return period in 2117) of external flooding and impaired access to half a metre deep. As the development is not residential a shorter lifespan of 75 years (i.e. 2092) may be more appropriate, although this would still flood to a depth of 12 cm. However it must be noted that the risk described above is still water only and it is known that the site has previously flooded from wave overtopping. Although the bay provides some shelter, waves do overtop the existing defences and flood the playing fields behind (in which the pavilion is situated). Given the finished floor level is only half a metre above the external ground levels it is expected to be at significant risk of flooding from wave action or from water ponding behind the defences from overtopping. Given an external water depth of a metre (2117, only 2 foot in 2092) then despite the relatively sheltered location foot high waves are conceivable and an additional allowance of at least 450 mm freeboard should ideally be applied. Therefore, water ingress is feasible and although the risk may be reduced in the future via the SMP policy, this cannot be relied upon.

Calculations for this report suggest that the site would be above still water levels in a 50 year return period event in 2092 but would flood more frequently from wave action (estimated approx. > 10 year event – 164 mm above a 386 mm external water depth. For the 2117 event however, the pavilion would be predicted to flood more than once every 2 years from still water tide".

Unless technical evidence can be provided to demonstrate that the applicant's own assessment is erroneous, the application should be determined in accordance with national planning policy.

1. Conclusion

The applicant's own assessment confirms the level of flood risk at this site. The statutory consultee recommends refusal of the car park and access on grounds of flood risk, as the application is contrary to the advice contained within Technical Advice Note 15.

2. Recommendation

That the application in relation to the extensions to the pavilion building is **permitted** subject to the following conditions:

(01) The development in the extension of the existing pavilion building hereby approved shall be begun not later than the expiration of 5 years from the date of this permission.

Reason: To comply with the requirements of the Town and Country Planning Act 1990.

(02) The development shall be undertaken in accordance with the following drawings and plans:

**WM Design Project number SH1578 Planning Proposals Plans drawing number A.02.02;
WM Design Project number SH1578 Planning Proposals Elevations drawing number A.02.03.**

Reason: To define the scope of this permission.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

That the planning application in relation to the creation of a new access and car parking area shown on WM Design Project number SH1578 Site Proposals drawing number A.01.03 is **refused** for the following reason:

(01) The site is located within zone C2 but the flood consequences assessment has not demonstrated that the risks of flooding can be adequately managed within the site. The proposal is therefore contrary to Policy 28 of the Ynys Mon Local Plan, Policy SG2 of the Stopped Unitary Development Plan, emerging Strategic Policy PS6 of the Joint Local Development Plan and the advice contained within Technical Advice Note 15: Development and Flood Risk.