

CARLISLE CITY COUNCIL

A2

Report to:- Development Control Committee

Date of Meeting:- 25 February 2005

Agenda Item No:-

Public

Information

Delegated: Yes

Accompanying Comments and Statements

Required

Included

Environmental Impact Statement:

No

No

Corporate Management Team Comments:

No

No

Financial Comments:

No

No

Legal Comments:

No

No

Personnel Comments:

No

No

Impact on Customers:

No

No

Title:-

**ACTIONS ARISING FROM FLOODING WITHIN THE
CARLISLE AREA**

Report of:-

Head of Planning Services

Report reference:-

P.06/05

Summary:-

This report updates the Development Control Committee on actions that were taken following the flood of the 7 and 8 of January in respect of both current planning applications and recently approved applications that were within the area that flooded.

Recommendation:-

That the report be noted.

A Eales

Head Of Planning Services

Contact Officer: Alan Eales

Ext: 7170

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

1.0 Introduction

- 1.1 Following the devastating floods that hit the District on the 7 and 8 January 2005 it became apparent after discussion with the Environment Agency, that new information would be available as a result of the severity of the floods.
- 1.2 Accordingly both the City Council and the Environment Agency considered that it would be unwise to consider current planning applications affecting land or property within the Flood Risk Zone on information that was contained within a Flood Risk Assessment carried out prior to the flood. Therefore a detailed review of the flood risk associated with the development would be required. This did not constitute a change to Council policy but formed part of the consultation process with the Environment Agency.
- 1.3 As a matter of courtesy a letter was therefore sent to all applicants/agents with applications falling within the flood risk areas informing them that their application would not be determined until this review had taken place. It was not possible at the time to determine how long the delay would be but already the review on a number of applications has been completed.
- 1.4 In addition following discussion with the Environment Agency it was considered appropriate to write to applicants/agents of recently approved planning applications within the area that flooded suggesting that they consider a review of the flood risk associated with their site.
- 1.5 Once permission had been granted the City Council is unable to prevent development and it is for the developer to assess the risks involved and decide whether to proceed with development as approved. Some developers have followed this advice, reassessed the risks and submitted raised floor heights to bring development above the potential flood level.
- 1.6 In order to keep the Ward Councillors in the flood effected Wards appraised of the situation a letter was written to them dated the 2 February 2005 enclosing a copy of both letters. A copy of these letters are attached at Appendix 1.

**To the Chairman and Members of the
Development Control Committee**

P. 06/05

2.0 Recommendation

2.1 That the report be noted.

Eales
Head Of Planning Services

Contact Officer: Alan Eales

Ext: 7170

**To the Chairman and Members of the
Development Control Committee**

P. 06/05

Appendix 1

Copy of Letters

Case Officer: Alan Taylor
Direct Line: *
Temp Direct Line: 0779 564 1426
E-mail: AlanT@carlisle.gov.uk
Your Ref: *
Our Ref: AMT/VMDS/DC
Date: 2 February 2005

Dear Councillor

Actions Arising From Flooding Within the Carlisle Area

Following the severe flooding that occurred in the Carlisle area over the weekend of the 7th-10th January, a number of discussions have taken place between Planning Services and the Environment Agency relating to current and recently approved planning applications within the Flood Risk Zone or flood affected areas.

Arising from those discussions, it has been agreed that all **current** planning applications i.e. undetermined applications affecting land or buildings within either the Flood Risk Zone or a flood affected area should not be determined until a further review has taken place of the likely flood risk associated with each such site and/or the implications of possible development of that site upon flood risk generally in the Carlisle area has been re-assessed.

That position has been adopted in the knowledge that many current applications in those areas have been supported by a Flood Risk Assessment (FRA) undertaken on the applicant's behalf. However, it is clear that the base information upon which assumptions in these FRA's will have been based is now out of date following the January 2005 floods.

Similarly, there are several sites that have emerged through the planning process over a period of some months and have planning **approvals** (or "authority to issue" approvals after other actions such as a S106 Agreement). These applications incorporate advice given by the Agency on flood risk after the submission of a FRA by the applicants. In a number of instances the approvals given have yet to be implemented.

Even although those site have approvals or will shortly have approvals, it is the joint view of Planning Service Officers and Agency staff that, in the light of the new information that has emerged and continues to emerge about the extent and severity of the January 2005 flooding, prospective developers (and/or their agents) of land or buildings in such situations should re-appraise the Flood Risk Assessment they will have carried out to support their applications and the consequential advice recommended by the Agency for those applications when they were being considered.

Those recommendations will in most instances have included planning conditions attached to approvals but with the benefit of the knowledge gained from the recent flood it would be clearly wise and prudent to affirm that the best possible protection from flood risk can be afforded to individual sites. This could, for example, mean that specific planning conditions dealing with design measures such as the Finished Floor Levels should be re-evaluated to take account of the recent flood levels within or adjoining a particular site.

We have, accordingly, agreed the text of two letters (copies attached) covering both "current" and "approved" planning applications for which the above situations are applicable and these have been issued to relevant applicants and agents. As a Councillor for a flood affected Ward, I am advising your of those actions so you are aware of the stance being adopted and can field any enquiries you may get from either land owners or prospective developers (who may have concerns about "delays") or local residents (who may be concerned about increased flood risk from additional development in the area).

Finally, can I also advise that we are receiving requests from homeowners affected by flooding to site mobile homes within their curtilages for the duration of remediation works to their homes. Our stance is that we are not asking for planning applications (and Approval under the Building Regulations is not needed) in view of the circumstances of the residents concerned but are happy to deal with these requests via a letter from homeowners giving undertakings that the mobile home will be removed as soon as their home is fit to be occupied after flood damage is rectified.

I trust the above is acceptable but if you need to clarify any of the above please contact me.

Yours sincerely

A M Taylor
Development Control Manager

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Case Officer: *
Direct Line: *
Temp Direct Line: 0779 564 1426
E-mail: *
Your Ref: *
Our Ref: *

Dear Sir/Madam

Proposal: *
Location: *
Appn Ref: *

I refer to the above planning application, which relates to land or property situated within a Flood Risk Zone or flood affected area.

Following the flooding which occurred in Carlisle over the week-end of 7th-8th January, and after discussions with the Environment Agency, it is clear that new information will be available as a result of the severity of the floods that took place over much of the city centre, its fringes and other parts of the River Eden floodplain in the Carlisle area.

Accordingly, both the City Council and the Environment Agency consider that it would be unwise to consider current planning applications affecting land or property within the Flood Risk Zone or a flood affected area on information that is contained within Flood Risk Assessments carried out prior to last week-end's floods. Therefore a detailed review of the flood risk associated with your particular site will be required.

It is, accordingly, the Council's intentions not to determine the planning application that you have made until such times as the Council and the Environment Agency have been able to review the scope and extent of each Flood Risk Assessment currently supporting outstanding planning applications in the flood affected areas or Flood Risk Zone generally.

At the present time, I cannot give a timetable when that review will be completed but I'm sure that you will appreciate the reasons behind the precautionary approach that both the Council and the Environment Agency believes is appropriate.

I will, of course, endeavour to keep you informed of the progress of the review and of any additional information that you may be able to provide to assist in that task, for example photographs or recorded flood levels. In the meantime, I would be grateful if you would confirm, in writing, your agreement to an extension of time for the period within which a decision should be made on this application until 30th April 2005.

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Case Officer: *
Direct Line: *
Temp Direct Line: 0779 564 1426
E-mail: *
Your Ref: *
Our Ref: *

Dear Sir/Madam

Proposal: *
Location: *
Appn Ref: *

The above planning application relates to land or property that is situated within a Flood Risk Zone or flood affected area and, as you are aware, has been considered by the City Council. Planning permission has, accordingly, either been issued or has been "Authorised for Issue" following further action such as completion of a S106 Agreement.

However, following the flooding which occurred in Carlisle over the week-end of 7th-8th January, and after discussions with the Environment Agency, it is clear that new information will be available as a result of the severity of the floods that took place over much of the city centre, its fringes and other parts of the River Eden floodplain in the Carlisle area.

Accordingly, and notwithstanding that a Flood Risk Assessment may previously have been carried out to support the application, it is the view of the Council and the Environment Agency that before acting on the implementation of any approval, applicants and their advisors should seriously consider a detailed review of the flood risk associated with any site that is within either the Flood Risk Zone or flood affected area.

That action should be undertaken in close consultation with the Environment Agency but it is advised that you should review the scope and extent of the Flood Risk Assessment that you or your advisors may have previously provided. The review should take into account the implications for development of the site itself, and its impact elsewhere, as a result of the January 2005 floods.

I'm sure you will appreciate the reasons behind the precautionary approach that the Council and the Environment Agency believes is appropriate in this instance. Any help you can give in supplementing information already available concerning the Carlisle floods, such as photographic material or flood levels that you may have been able to take of the extent of flooding within your site, would be appreciated. That information will also assist in

formulating any further recommendations that might specifically arise for your own site, such as modification to any planning conditions that the Agency may have recommended.

Finally I wish to reassure you that the actions we intend to take will be carried out as quickly as possible. However a significant number of permissions will need to be revised and all of these cannot be done at once. Therefore I would ask for your patient support for members of my planning team and staff at the Environment Agency who will be supporting the review of your Flood Risk Assessment.

Yours faithfully

A M Taylor
Development Control Manager

