



Appeal Decision

Site Visit made on 17 March 2021

by Chris Baxter BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2021

Appeal Ref: APP/G4240/W/20/3265445

Bridge Louvre Company, Units 1 & 2, Northend Road, Stalybridge SK15 3AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Bridge Louvre Company Ltd against the decision of Tameside Metropolitan Borough Council.
- The application Ref 20/00253/FUL, dated 2 March 2020, was approved on 4 December 2020 and planning permission was granted subject to conditions.
- The development permitted is extension to existing property at both ends and rear elevation.
- The conditions in dispute is No 3 which states that:
Notwithstanding the plans hereby approved, no above ground construction work shall commence unless and until a scheme for providing flood barriers to external access points to the building, and details of finished floor levels, has first been submitted to and approved in writing by the Local Planning Authority. The development proceed in full accordance with the approved scheme and the measures within it shall be retained at all times thereafter.
- The reason given for the condition is:
To ensure that appropriate flood mitigation measure are in place.

Decision

1. The appeal is allowed and the planning permission Ref 20/00253/FUL for extension to existing property at both ends and rear elevation at Bridge Louvre Company, Units 1 & 2, Northend Road, Stalybridge SK15 3AZ granted on 4 December 2020 by Tameside Metropolitan Borough Council, is varied by deleting condition No 3 and substituting for it the following condition:
 - 3) Notwithstanding the plans hereby approved, no above ground construction work shall commence until details of finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Background and Main Issue

2. The proposal seeks to remove condition 3 which would not require details of flood barriers to external access points and finished floor levels to be submitted or subsequently for these measures to be implemented. The main issue is therefore whether this condition provides appropriate flood mitigation measures.

Reasons

3. The proposed extension would wrap around the existing building on the north, south and east elevations. There would be no development to the existing west

elevation which has numerous openings including both vehicle and pedestrian doors.

4. The appeal site lies within a Flood Zone 2 and the Environment Agency have indicated that flood proofing measures, including flood barriers to external openings, should be incorporated into developments. The proposed extension would not be separate from the existing building, as floor plans show that the extension would be directly connected internally by new openings.
5. The site is considered to be in an area of risk of flooding however, I note that the Council have indicated that the existing doors of the building do not have the benefit of flood prevention measures. This would mean that, in the event of flooding at the site, the existing building would not have flood barriers to prevent water penetrating the building. As the existing building would be internally linked to the proposed extension, if flooding does occur in the existing building then it would be likely that the extension would also be flooded. Therefore, flood barriers on the external doors of the extension would not be useful in preventing possible flooding. Condition 3, as detailed on the Council's decision notice, is therefore not necessary or reasonable.
6. Accordingly, I find that condition 3 would not provide appropriate flood mitigation measures. Condition 3 is not necessary or reasonable and fails to comply with paragraph 55 of the National Planning Policy Framework and paragraph 003 of the Planning Practice Guidance.

Other Matters

7. The wording of condition 3 is precise as it refers to the development applied. I also note that the Council have advised that all openings to the building should have flood barriers and that the appellants agent had agreed to the condition prior to a decision being made. These matters however do not alter my findings above.

Conditions

8. It is necessary and reasonable to safeguard the extension from undue flooding and the finished floor level could provide some flooding mitigation. Therefore, I have attached a condition in relation to finished floor levels.

Conclusion

9. I therefore conclude, for the reasons given above, that the planning permission should be varied.

Chris Baxter

INSPECTOR