

Elis Roberts

From: planning_admin
Sent: 11 November 2024 10:17
To: Elis Roberts
Subject: FW: P/2022/1021 (PP) and P/2024/0283 (LBC) - The Barn, Higher Berse
Attachments: A_181_30H_Location Plan.pdf

Importance: High

From: Sharon Holman <Sharon.Holman@wrexham.gov.uk>
Sent: 11 November 2024 09:48
To: planning_admin <planning_admin@wrexham.gov.uk>
Subject: FW: P/2022/1021 (PP) and P/2024/0283 (LBC) - The Barn, Higher Berse
Importance: High

attached 'amended plan web' for civ please
below 'drainage strategy web' PDF version for civ please.

Thanks

From: Rob Lee <rob.201lee@btinternet.com>
Sent: 10 November 2024 08:52 PM
To: Sharon Holman <Sharon.Holman@wrexham.gov.uk>
Cc: David Fitzsimon <David.Fitzsimon@wrexham.gov.uk>
Subject: Re: P/2022/1021 (PP) and P/2024/0283 (LBC) - The Barn, Higher Berse
Importance: High

Hi Sharon,

Following below I have been liaising with Stuart Goulding, a drainage expert at Messrs Tricel to answer your queries.

Their findings are as follows and confirm that a Tricel 10pop or 12pop complies with BS 12566. I attach an extract from Stuarts' email for reference:

"Hello Rob

As we spoke We use flows and loads for our sizing .

2 x 3 beds would require a 10 pop novo minimum.

The binding laws state you are allowed 5k ltrs to water a day without a permit and 2k ltrs a day to ground without a permit .

The 10pop novo can process 1500 ltrs a day

The 12pop novo can process 1800 ltrs a day

Both units comply with the BS 12566

Thanks

Stuart

Sent from [Outlook for Android](#)

Stuart Goulding

Area Sales Manager

M +447851249294 **E** stuartgoulding@trichel.co.uk

In order to more than satisfy your comments can we agree a 12pop Novo unit be installed in lieu of the existing system.

I attach an updated drawing showing this unit along with the position of the culvert. For the avoidance of doubt the culvert in this instance is a simple below ground pipe that runs under the private domestic driveway within the grounds of the property.

Given the above it would appear the existing system, previously approved by the LA, is acceptable.

I await your comments and would respectfully ask that given we now appear close to a positive decision that we agree a realistic, but relatively short, EoT so the drainage team can pass comment as it would appear non-sensical to withdraw and start the entire process over again.

I am largely available all day tomorrow to respond to your reply aside for a short meeting at 10.30.

Regards,

Rob Lee BSc (Hons) MRICS

Director

Portman Surveyors Limited

Chartered Building Surveyors

The Firs, Bunbury Lane, Bunbury, Tarporley, Cheshire. CW6 9QZ.

Mob: 07812 021070

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Directors: R J P Lee & H F Lee

On 6 Nov 2024, at 07:59, Sharon Holman <Sharon.Holman@wrexham.gov.uk> wrote:

Rob,

Thank you for submission of the amended site plan which provides information on the proposed foul drainage arrangements. This does now allow me to give consideration to the aspect of the scheme.

I see from the plan that the foul drainage is to a drain rather than to ground. I'm not a drainage expert and will need to take further advice from NRW as to whether this can be screened out, given that to meet the guidance, the discharge should be to ground via drainage field.

Details of the location of the culvert and drain to which it connects are required for consultation with NRW. If this is not acceptable, maybe consideration to the implementation of a drainage field would be a way forward.

Further, NRW's advice is that the application can be screened out if treatment plant is built to the relevant British Standard (BS 6297:2007+A1:2008) having a maximum daily discharge rate of less than 2 cubic metres (m³). In respect of this, the following information is required:

- specification details of the proposed treatment plant, which would need to be a 10 person system minimum for 2 x 3 bedroom dwellings. These details usually include details of the implementation and future management of the system, and
- the calculated combined daily discharge rate for the proposed dwellings.

I am reluctant to allow further time for submission of this information, given the concerns you have raised with the length of time these applications have been lodged with the LPA. However, I will hold off on determination until Monday 11 November 2024 to allow you to submit a more robust drainage scheme, if this additional time helps you?

Alternatively, you may wish to withdraw these applications until such time as a more detailed drainage scheme can be provided which complies with the screening requirements set out in previous emails below. I have discussed this with the principal planning officer who has agreed that, although we are outside of the 'free go' period for a re-submission of the applications (12 months from the date of submission), a 6 month period will be allowed, from the date of withdrawal, for resubmission without paying a further application fee. In this case I will of course continue to work with you to find a solution prior to re-submission.

Kind regards,
Sharon

From: Rob Lee <rob.201lee@btinternet.com>

Sent: 05 November 2024 05:17 PM

To: Sharon Holman <Sharon.Holman@wrexham.gov.uk>

Cc: David Fitzsimon <David.Fitzsimon@wrexham.gov.uk>

Subject: Re: P/2022/1021 (PP) and P/2024/0283 (LBC) - The Barn, Higher Berse

Importance: High

Sharon,

Following below please find attached amended drawings showing the previously LA approved drainage routes and extended system into the same for foul drainage to enter an approved STP.

For the avoidance of doubt despite not being certain that the STP needs replacing a new tank has been specified anyway to assist in getting this over the line.

Also includes a map illustrating the SAC showing the site is well outside whilst any nearby rivers are not tributaries to the 9No. you list below.

I note you asked for the attached today/tomorrow so would ask you please confirm the attached suffices from your point-of-view before issuing to your colleagues. I am around in the wrong should you require any further clarification.

Regards,

Rob Lee BSc (Hons) MRICS

Director

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Mob: 07812 021070

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Directors: R J P Lee & H F Lee

On 5 Nov 2024, at 09:36, Sharon Holman
<Sharon.Holman@wrexham.gov.uk> wrote:

Rob,

If the drainage submission is adequate, I will consult with NRW and our ecology officer. Should the drainage scheme be considered to be acceptable, I will be able to recommend that planning permission and LBC be granted.

Mine is only a recommendation, and will need to be signed off by the principal officer / head of planning. For this reason, I am unable to confirm that permission and LBC will be forthcoming, as they may not agree. We have both spent a lot of time to bring this submission to a good standard, and to protect the integrity of the listed buildings, so the risk of my recommendation being changed is low.

In terms of timescales, the turnaround for the drainage scheme is between 21 and 28 days, dependent upon NRW's timescales. I will then need 7 – 14 days to make my recommendation dependent upon my work programme at that time. This will

then have to be signed off, as described above, and processed through to issue which will take up to another 7 days.

If I receive the drainage plans today/ tomorrow and they are deemed acceptable, and if the principal / head agrees, I estimate planning permission could be granted in 5 to 7 weeks.

For the LBC application, CADW will have to be notified of our intention to grant LBC. This is a 28 day notification process and will add up 5 weeks to the issuing of the LBC. All being well, I estimate will be LBC in 10 – 12 weeks. CADW are pretty quick these days and so it could be sooner.

Finally, I appreciate that you have read NRW's guidance many times over the last 12 to 18 months. However, please be reminded of the following:

“ Can additional wastewater be discharged to existing private sewage treatment systems?

Development proposals resulting in additional wastewater being discharged to an existing private treatment system are not likely to have a significant effect if:

- the existing discharge is to ground and
- the drainage field is located more than 40m from any surface water feature such as a river, stream, ditch or drain and located more than 50m from a SAC boundary and
- the design of the existing private sewage system (including the drainage field) has the capacity to effectively treat and discharge the additional wastewater and
- increases in effluent discharge to ground can be made where the discharge remains eligible for an existing exemption under the Environmental Permitting Regulations or can operate in compliance with conditions of an extant environmental permit.

Where increases in wastewater to an existing private sewage treatment system are being proposed in association with a development, Planning Authorities are advised to obtain a detailed design of the private drainage system (including an assessment of ground conditions in the drainage field) to demonstrate that it can accommodate increased flow and continue to operate effectively.”

Kind regards,
Sharon

From: Rob Lee <rob.201lee@btinternet.com>
Sent: 05 November 2024 09:10 AM
To: Sharon Holman <Sharon.Holman@wrexham.gov.uk>
Cc: David Fitzsimon <David.Fitzsimon@wrexham.gov.uk>
Subject: Re: P/2022/1021 (PP) and P/2024/0283 (LBC) - The Barn, Higher Berse
Importance: High

Sharon,

Thank you for the prompt reply.

Putting aside the drainage issues that I will provide today as agreed below can you please confirm that subject to receipt of this and its' compliance that the application will be approved in the immediate future.

Regards,

Rob Lee BSc (Hons) MRICS

Director

Portman Surveyors Limited

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Directors: R J P Lee & H F Lee

On 5 Nov 2024, at 08:09, Sharon Holman
<Sharon.Holman@wrexham.gov.uk> wrote:

Rob,

Further to your email, I confirm that the advice I have provided is correct.

Thank you for committing again to providing the drainage strategy and plans. I have attached the guidance for flows and loads which is freely available on the web.

The distance to the neighbouring authority is not relevant. It is the distance to the SAC itself that is relevant, being at least 50 metres away from the boundary of the SAC itself.

I will wait until the end of the day for the full drainage submission. I will then determine the applications on the basis of this the information I have at that time.

Kind regards,
Sharon

From: Rob Lee <rob.201lee@btinternet.com>
Sent: 04 November 2024 04:40 PM
To: Sharon Holman <Sharon.Holman@wrexham.gov.uk>
Cc: David Fitzsimon <David.Fitzsimon@wrexham.gov.uk>
Subject: Re: P/2022/1021 (PP) and P/2024/0283 (LBC) - The Barn, Higher Berse

Sharon,

Further to your email below.

I can pick numerous holes in the points raised, most noticeably the nonsensical point that we are lowering the number of users but the policies you refer to relate to number of dwellings. Surely this is the wrong.

I have spoken at length again with the applicant and under duress we will provide a specification of a STP not exceeding 2m3 of effluent if indeed the existing system does not already comply

The plan will also shows the existing drainage routes as previously approved by Wrexham CBC.

In terms of the distance from SAC you advise the entire borough is located within such a zone hence can we agree from the outset that the site is more the 50m from the next neighbouring Local Authority.

Shall be in touch in the next 24 hours to expedite this matter.

Regards,

Rob Lee BSc (Hons) MRICS
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Directors: R J P Lee & H F Lee

On 4 Nov 2024, at 10:12, Sharon Holman
<Sharon.Holman@wrexham.gov.uk> wrote:

Rob,

Thank you for your email. I will summarise the position below.

Application Process

As set out in my email to you dated 31/01/2023:
The Dee forms part of the River Dee and Bala Lake Special Area of Conservation (SAC) and in January 2021, Natural Resources Wales (NRW) introduced stringent standards on the discharge of phosphorus into the SAC. This development will be served by a private foul drainage system and has the potential to result in an increase in phosphate discharges into the SAC, and so cannot be approved in its present form. Further advice on this matter can be found here:

Natural Resources Wales / Advice to planning authorities for planning applications affecting phosphorus sensitive river Special Areas of Conservation

In light of the above, we agreed that this application be held in abeyance so that this matter (and others) could be resolved. I reminded you of this requirement on 24/07/2024, and requested submission of the awaited drainage information, to include a detailed strategy and plans.

You responded in full on 29/09/2024, however you did not provide the information that I requested, instead stating:

‘Sorry for delay whilst the client has been away but the existing STP is a Biofilter that adheres to the necessary specification below.’

I responded the next day (30/09/2024) to confirm that you would need to submit a detailed drainage strategy and drainage plans in order to demonstrate compliance of the Biofilter, as mentioned above, with NRW’s standards.

You responded the same day (30/09/2024) to confirm that you would draft the drainage plans and agreed to submit these by 5/11/2024. However, no such plans have been submitted and you have instead confirmed that you have reviewed the guidance and advised: ‘I’ve reviewed this and note from the link to NRW that the issue relates to number of occupants on an existing system, see section ***‘Can additional wastewater be discharged to existing private sewage treatment systems?’***

- The existing, approved STP is to a ground system and is in excess of 40m from any water course and greater than 50m from the SAC boundary.
- It can cope with 10No occupants and prior to the application the household served 9No. people.
- Following the conversion the number of occupants will reduce to 5No.
- In conclusion therefore the discharge is to be reduced by 44%.

Based on this I understand the requirements of NRW are met hence no further information is required to satisfy this element.’

No plans were submitted in support of the above statements.

The Drainage Issue

There are nine rivers in Wales that are designated as SACs under the Habitats Regulations. They are the Afonydd Cleddau, Eden, Gwyrfa, Teifi, Tywi, Glaslyn, Dee, Usk and Wye. These river ecosystems support some of Wales’s rarest and most important wildlife including Atlantic salmon, freshwater pearl mussel, white-clawed crayfish, and floating water-plantain. The application site is within the buffer of the River Dee SAC.

Phosphorus is naturally present in river environments but at very low levels. Human activities such as agriculture and discharge of treated wastewater elevate levels of phosphorus in river flow. High concentrations of phosphorus lead

to the process of nutrient enrichment, also known as eutrophication, and can alter the balance of plant species in our rivers causing significant ecological damage.

Some new developments including housing or agricultural enterprises can lead to increased amounts of nutrients entering the river environment from additional wastewater or land management. Under the Habitats Regulations, Planning Authorities must consider the nutrient impacts of proposed developments on water quality within SAC river catchments.

Habitat Regulations Assessment (HRA) - The Test of Likely Significant Effect

This is a screening assessment to determine whether a development has the potential to affect an SAC. Where a likely significant effect can be ruled out, no further assessment under the Habitats Regulations is required.

The following developments can be screened out as not likely to have a significant effect on a river SAC in relation to nutrient inputs, as there is unlikely to be a source of additional nutrients or pathway for impacts:

- any development that does not increase the volume and concentration of nutrients in wastewater
- any development that improves existing water quality discharges by reducing the nutrient concentration of wastewater without increasing volume or by decreasing the volume of wastewater produced without increasing the concentration of nutrients
- developments intended to provide services, facilities, commercial sites, or places of employment (e.g., community buildings, schools etc.) for a local population already served by residential connections to existing public or private sewers discharging within the SAC river catchment.
- any development that reduces the frequency, or volume of irregular nutrient discharges within a SAC river catchment such as the erection of agricultural structures and drainage schemes to separate rainwater from manures and slurries by covering yards and existing manure/slurry stores. Note that any such development must

not be linked to an increase in livestock numbers or the capacity for an increase in livestock numbers through provision of additional infrastructure. Further information on agricultural developments is provided in the next section.

- private sewage treatment systems discharging domestic wastewater to ground, built to the relevant British Standard (BS 6297:2007+A1:2008) having a maximum daily discharge rate of less than 2 cubic metres (m³) and where the drainage field is located more than 40m from any surface water feature such as a river, stream, ditch or drain and located more than 50m from a SAC boundary and at least 50m from any other known discharge to ground.

Private Sewage Treatment System

You have advised that the existing, approved STP is to a ground system. However no plan / specification details of the STP have been submitted to demonstrate this.

You have advised that the STP is in excess of 40m from any water course and greater than 50m from the SAC boundary, but you have not provided any plan details of the STP and drainage field to demonstrate this.

You have advised that 'the STP can cope with 10No occupants and prior to the application the household served 9No. people. Following the conversion the number of occupants will reduce to 5No. In conclusion therefore the discharge is to be reduced by 44%. This is not the relevant test for the screening out process, set out above.' The relevant provision is that it is built to the relevant British Standard (BS 6297:2007+A1:2008) having a maximum daily discharge rate of less than 2 cubic metres (m³). It is a question of an increase in the number of dwellings and not one of increase/reduction in numbers of people/occupants within.

In the absence of the submission of a full drainage scheme, the development cannot be screened out as not likely to have a significant effect on a river SAC in relation to nutrient inputs.

To conclude, I have advised you on numerous occasions that full drainage plans are required so that I can determine compliance with the screening out process. I cannot hold these applications

indefinitely and we are not moving forward despite my best efforts. I have been as fair and reasonable as possible and spent a lot of time trying to move forward however, I must now determine the applications based upon the submitted documentation on file. For the avoidance of doubt, I am not requesting the submission of any further information prior to determination.

Kind regards,
Sharon

From: Rob Lee <rob.201lee@btinternet.com>
Sent: 01 November 2024 05:06 PM
To: Sharon Holman
<Sharon.Holman@wrexham.gov.uk>
Cc: David Fitzsimon
<David.Fitzsimon@wrexham.gov.uk>
Subject: Re: P/2022/1021 (PP) and P/2024/0283
(LBC) - The Barn, Higher Berse
Importance: High

Sharon,

I've just had a very long and difficult conversation with the applicant who is as mystified as myself as to why the drainage is an issue.

Without overly repeating ourselves the design for foul drainage system was accepted by your colleagues when The Barn was first converted and the proposed scheme has less occupants and no change in sanitaryware levels.

Their current situation is they have three generations of family living in a single building (Higher Barn Hall) and given the timeframe this is having serious issues on their mental well-being. While myself and the applicant maintain the STP is sufficient they will be prepared to spend even more money and increase the size of the tank to whatever you as LA insists in order to get this approval the line.

Aside from the above I note the separate planning application that was submitted on 30/8/24 has yet to receive an officer, case number or even be listed on the LA's website.

There is also the threat from Enforcement to submit an application for a menage despite this

element being present for many years and before the applicant acquired the site.

The culmination of the above is an extremely strong feeling that the applicant is being treated unfairly by the LA.

As a final chance to avoid Appeal please can you confirm without ambiguity what the LA require in drainage terms to enable an approval for the conversion of the Barn into two. I do not consider it sufficient for you to simply quote NRW regulations when their document that you provided suggests the existing system is acceptable.

I am available all day Monday & Tuesday to respond to your answers to my queries above to avoid matters escalating.

Regards,

Rob Lee BSc (Hons) MRICS
Director
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Chartered Building Surveyors
The Firs, Bunbury Lane,
Bunbury, Tarporley, Cheshire. CW6 9QZ.

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Directors: R J P Lee & H F Lee

On 1 Nov 2024, at 11:43, Sharon
Holman
<Sharon.Holman@wrexham.gov.uk> wrote:

Hi Rob,

Thank you for your email, which I
will record this on the planning file.

Kind regards,
Sharon

From: Rob Lee
<rob.201lee@btinternet.com>
Sent: 01 November 2024 11:33 AM
To: Sharon Holman
<Sharon.Holman@wrexham.gov.uk>
>
Cc: David Fitzsimon
<David.Fitzsimon@wrexham.gov.uk>
>
Subject: Re: P/2022/1021 (PP) and
P/2024/0283 (LBC) - The Barn,
Higher Berse
Importance: High

Hi Sharon,

Further to your response after me
sending two requests for an
update.

For the avoidance of doubt the
number of sanitary ware is to
remain as existing and the
number of occupants is to be
reduced. Therefore it can be
clearly seen there will be a
reduction in the amount of
discharge entering a previously
LA approved design.

Moreover the NRW guidance
even goes as far as to
state 'Development proposals
resulting in additional
wastewater being discharged

to an existing private
treatment system are not
likely to have a significant
effect'

It seems the NRW requirements are either being incorrectly interpreted by the LA and/or used as a means to refuse an application that has been with the LA for a significant period of time.

I strongly suspect the applicant will forego the resubmission as they have no faith in the LA's ability to fairly consider their applications. They have spent a considerable amount of time & money in improving the site from its previous anti-social, overgrown and unsympathetically developed buildings since they acquired it. The LA have however proved obstructive at every opportunity.

I anticipate they will instead proceed to Appeal with costs.

Regards

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Director
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Directors: R J P Lee & H F Lee

On 1 Nov 2024, at 09:53, Sharon Holman <Sharon.Holman@wrexham.gov.uk> wrote:

Hi Rob,

The information you have submitted does not comply with NRW guidance. The guidance does not refer to numbers of occupants, but daily discharge rates from dwellings. You haven't submitted any drainage plans

and we are no further forward.

I intend now to recommend that permission is refused on the basis of the current submission. You will of course have the option to lodge an appeal against this decision or re-submit the application under the 'free-go' regime. I will progress the applications on Monday.

Kind regards,
Sharon

From: Rob Lee
<rob.201lee@btinternet.com>
Sent: 01 November 2024 09:48 AM
To: Sharon Holman
<Sharon.Holman@wrexham.gov.uk>
Subject: Re: P/2022/1021 (PP) and P/2024/0283 (LBC) - The Barn, Higher Berse
Importance: High

Morning Sharon,

Please can you provide an update by return. I have a very fraught applicant who is desperate to move on with the conversion works but obviously needs the LPA approval first.

Can you please confirm you have

everything you
need, that the
approval will be
forthcoming, and
when we can
expect it.

Kind regards,

Rob Lee BSc
(Hons) MRICS
Director
Portman
Surveyors
Limited
Chartered
Building
Surveyors
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Lee & H F Lee

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From:

Rob Lee <[r.lee@rob.co.uk](#)>

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Ewch i weld - mi

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