

Cerys Jones

From: Philip Forster
Sent: 03 December 2018 11:33
To: planning_admin
Subject: FW: FW: FW: Our ref: P/2018/0367 - Your ref: CAS-62635-T8Q1 - replacement dwelling at Gwern y To, Shocklach NRW:03590711

NRW response

From: North Planning [mailto:NorthPlanning@cyfoethnaturiolcymru.gov.uk]
Sent: 03 December 2018 11:04
To: Philip Forster
Subject: RE: FW: FW: Our ref: P/2018/0367 - Your ref: CAS-62635-T8Q1 - replacement dwelling at Gwern y To, Shocklach NRW:03590711

Hi Phil,

I have had the following advice back from the Development and Flood Risk team:

We would reiterate that there are 4 key interlinked issues not 2.

1. Impacts on climate change on the proposed development and its expected 100 year lifetime should be reflected within the FCA.
2. There is a lack of an assessment of flood risks from all sources.
3. The development involves a replacement dwelling and there is, therefore, no increase vulnerability of people to flood risk.
4. Proposals need to integrate flood risk resilience measures including provision of FFL, materials, construction and layout which reflects points (1,2 and 3) within proposed plans and FCA.

Details of all these need to be provided within an FCA (and plans) and demonstrate compliance with TAN 15. If compliance cannot be demonstrated the application should be refused.

These are not matters, which can be dealt with by condition and need to be assessed as part of the determination process by the LPA.

I trust this is of assistance, please let me know if you need clarification on any of the above.

Regards,

Dan

----- Original Message -----

From: Philip Forster
Received: Thu Nov 22 2018 11:52:21 GMT+0000 (GMT Standard Time)
To: North planning; North Planning Mailbox Queue
Subject: FW: FW: Our ref: P/2018/0367 - Your ref: CAS-62635-T8Q1 - replacement dwelling at Gwern y To, Shocklach NRW:03590711

FAO: Dan Davies

Hi Dan,

I'm coming back to you on this one again. I acknowledge the stance of NRW and understand the position. The applicant has provided the following proposal (see email below in *italics*). I am minded to accept this the strategy and work towards a recommendation for approval but before I ask the applicant to provide formal reports and amendments both parties are keen to seek NRW's views as to whether these will adequately seek to mitigate flood risk at the site.

Could I leave this with you for comment.

Thanks

Phil

From: Jonathan Storey [mailto:Jonathan.Storey@pegasusgroup.co.uk]

Sent: 23 October 2018 10:14

To: Philip Forster

Subject: RE: FW: Our ref: P/2018/0367 - Your ref: CAS-62635-T8Q1 - replacement dwelling at Gwern y To, Shocklach NRW:03590711

Hi Philip,

Please find updated comments from Weetwood regarding NRW's objection.

I refer to your email below to Andrew Grime dated 12 October 2018 regarding the recent Natural Resources Wales (NRW) response to our Flood Consequences Assessment (FCA).

NRW appear to have 2 main concerns which are outlined below together with our comments *italicised*:

1. The FCA should consider the latest guidance for climate change from December 2016 by raising the finished floor level further.

We maintain that applying climate change allowances onto an arbitrarily raised finished floor level does not demonstrate compliance with the guidance for climate change, and that raising the finished floor level by 300 mm as currently proposed would provide flood risk betterment over the existing situation. Whilst we could try and rebut this again, based on the comments provided it would appear that increasing the finished floor level by a further 60 mm (total 360 mm) may appease NRW. Therefore, if this is feasible to achieve – a question for the architect – then we could update the FCA on this basis which should afford a 'quick win'.

2. The FCA should demonstrate that sufficient flood resistant and resilient measures within the design to cope with different sources of flood risk.

Within the FCA we have already recommended that flood resistant and resilient measures should be incorporated into the design of the building and we have provided a number of specific examples of this may entail. NRW outline several other specific measures that could also be included and have requested that such further measures are also included within the FCA. Irrespective of what is/is not included within the FCA, this is normally dealt with via a suitably worded pre-commencement planning condition to agree such matters with the LPA.

It is noted that NRW has also made reference to case precedents and policy relating to new highly vulnerable development in Zone C2; however, this is not wholly relevant in this instance given that the proposals are for 'like for like' development which would not increase the existing use of the site, nor its intensification, and provide flood risk betterment over the existing situation. Irrespective, it appears that NRW has just flagged this up and is not likely to be a reason for objection.

In light of the above, our recommendation would therefore be to concede point 1 and suggest a planning condition is implemented to deal with point 2.

We would be grateful if you could confirm with the architect whether the proposed increased finished floor level is feasible in the first instance and then we will be able to advise on the best way to proceed.

If you have any queries please don't hesitate to contact me.

Kind regards

Adam Edgerley

Technical Director

adam.edgerley@weetwood.net

Would it also be possible to arrange a meeting to discuss the application in further detail? Ideally we would like to do this next week. In the meantime we will look to produce updated plans and an updated FCA to adhere to the comments made by NRW.

Kind regards,

Jonathan Storey

Planner

Pegasus Group

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

No. 4 | St Pauls Square | Liverpool | L3 9SJ

T 0151 317 5220 | E Jonathan.Storey@pegasusgroup.co.uk

DD 0151 317 5222 | EXT 8212

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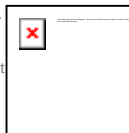
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From: Philip Forster <Philip.Forster@wrexham.gov.uk>

Sent: Friday, October 5, 2018 1:59 PM

To: Jonathan Storey <Jonathan.Storey@pegasusgroup.co.uk>

Subject: FW: FW: Our ref: P/2018/0367 - Your ref: CAS-62635-T8Q1 - replacement dwelling at Gwern y To, Shocklach NRW:03590711

Jonathan,

As discussed. Let me know what you/your consultants think about this and we'll have a chat about it in due course.

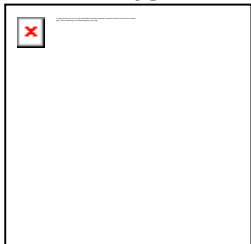
Regards

Phil

Philip Forster

Swyddog Cynllunio/Planning Officer

Rheoli Datblygu /Development Control



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Wrexham County Borough Council, Guildhall, Wrexham LL11 1AY



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From: North Planning [mailto:NorthPlanning@cyfoethnaturiolcymru.gov.uk]
Sent: 04 October 2018 08:59
To: Philip Forster
Subject: RE: FW: Our ref: P/2018/0367 - Your ref: CAS-62635-T8Q1 - replacement dwelling at Gwern y To, Shocklach NRW:03590711

Dear Phil,

Thank you for your email seeking clarification following the NRW response (dated 26th July), and apologies for the delay in responding. We note that the 2015 permission imposed a condition (condition 5) requiring the FFL of the replacement dwelling to be set no lower than 51.38 AOD (300mm above the existing FFL), and for flood resistant and resilient construction techniques to be incorporated. We note that the FCA produced in support of the current application (Weetwood - April 2018) has indicated that the FFL would be set at the same level as proposed under the 2015 permission.

In relation to your query with regards to material changes since permission was granted in 2015 we would refer you to WG guidance CL-03-16 - Climate change allowances for Planning purposes which came into effect on the 1st December 2016.

<https://gov.wales/topics/planning/policy/policyclarificationletters/2016/cl-03-16-climate-change-allowances-for-planning-purposes/?lang=en>

This current proposal and supporting FCA should take into account this guidance as it is relevant in these circumstances. We note that in the letter from Weetwood to yourself (dated 13 July Ref: 2845/2018-07-13/OA/WCBC/01) they state that a lack of data creates issues with regards to the ability to numerically assess the impacts of climate change. However, demonstrating some allowance in the new floor levels for climate change is still necessary in line with the above guidance (for example the applicant could consider a 20% increase on top of the 300mm proposed increase on the FFL, resulting in a proposed FFL of 360mm). The FCA should also demonstrate sufficient resistant and resilient measures within the design to cope with different sources of flood risk (for example ground levels will remain a per, permeable materials will be used within landscaping, limited hard surfacing/no hard surfacing, appropriate foundations, floors will be hard surfacing, sockets will be raised, non-return valves on drainage will be installed, etc. This would demonstrate betterment in comparison to the existing dwelling (taking into account the relevant national policy and guidance).

This advice has been provided on the basis that the proposal is seeking to replace an existing habitable dwelling and there are no additional or new habitable dwellings proposed.

We would also refer you to the current standing advice pilot with WBCB on proposals for new highly vulnerable development (HVD) in C2 flood risk areas, and recent appeal decisions inspectors which underlines HVD should not be permitted in flood risk areas.

Planning Policy Wales PPW (Edition 9) 2016 paragraphs 13.2.3 and 13.4.1 on flood risk supports this policy stance. Paragraph 13.2.3 expresses the basic principle of the policy "meeting the Welsh Government's objectives for sustainable development requires action through the planning system to move away from flood defence and the mitigation of the consequences of new development in areas of flood hazard

towards a more positive avoidance of development in areas defined as being flood hazard.” Paragraph 13.4.1 states that development proposals in areas defined as being of high flood hazard should only be considered where: new development can be justified in that location, even though it is likely to be at risk of flooding; the development proposed would not result in the intensification of existing development which may itself be at risk; new development would not increase the potential adverse impacts of the flood event.

I trust this is of assistance. If you need any further advice please don't hesitate to contact me.

Best regards,

Daniel

----- Original Message -----

From: Philip Forster

Received: Tue Sep 18 2018 15:13:54 GMT+0100 (GMT Summer Time)

To: North planning; North Planning Mailbox Queue

Subject: FW: Our ref: P/2018/0367 - Your ref: CAS-62635-T8Q1 - replacement dwelling at Gwern y To, Shocklach

FAO: Ruth Prichard

Hi,

I'm just wondering if you have had the opportunity to look at the comments below on this?

Phil

From: Philip Forster

Sent: 23 August 2018 10:10

To: 'North Planning'

Subject: Our ref: P/2018/0367 - Your ref: CAS-62635-T8Q1 - replacement dwelling at Gwern y To, Shocklach

FAO: Ruth Prichard

Hi Ruth,

I've received correspondence from you regarding the above mentioned consultation. The application was submitted with an FCA and then further clarification was sent following on from your subsequent response.

I'd like to query a few points as I am struggling to understand the stance that NRW are taking regarding the flood risk situation. Planning permission was granted in 2015 following consultation with NRW. The principle of the replacement dwelling was accepted because of the existing lawful residential use on site and the increase in height of the floor level of the dwelling (subject to planning condition) of 300mm. Normally we would impose a 5 year commencement date on such schemes, however due to the presence of bats and the survey data, we imposed a 2 year commencement condition.

I am struggling to understand what was changed in this short time to prompt NRW to change their stance on the acceptability of this scheme. I accept that the Welsh Government have issued guidance on what detail should be submitted with an FCA in relation to climate change – but is this being required as a catch all rather than taking on board the existing lawful use of the site and the physical site circumstances.

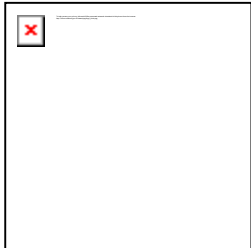
The conclusion of the applicant will be that there is betterment achieved in this instance by the overall increase in the height of the dwelling – the fall back position being that the dwelling is retained in the current position, renovated and occupied without any form of planning control or ability to impose any flood mitigation measures. If NRW do keep to their stance that the requested information should be submitted, are there any cases elsewhere that you are aware of that would support this stance?

Thanks

Phil

Philip Forster

Swyddog Cynllunio/Planning Officer
Rheoli Datblygu /Development Control



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