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Gwynedd
LL572DW

The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ
By email: wales@planninginspectorate.gov.uk

14/07/2021

Dear Sir/Madam,

RE: APPEAL AGAINST THE DECISION OF WREXHAM CBC TO REFUSE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT COMPRISING CONVERSION OF FIRST AND SECOND FLOORS OF CENTRAL BUILDINGS TO PROVIDE 10 NO. APARTMENTS WITH RELATED ALTERATIONS AT GROUND FLOOR LEVEL AND ERECTION OF 28 NO. APARTMENTS ON ADJACENT LAND WITH ASSOCIATED PARKING

LOCATION: CENTRAL BUILDING AND ADJOINING BROOK STREET, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 18/06/2021.

Flood Risk

Our [previous planning consultation response](#) dated 17/10/2019 (our ref: CAS-99194-Q8M5) explained that, in accordance with TAN15 A3.10, we objected to the proposed development as submitted because it failed to demonstrate that the consequences of flooding could be acceptably managed over the development's lifetime. We therefore recommended that the application be refused.

We have reviewed the documents submitted with this planning appeal, which seeks to convert the first and second floors of 'Central Buildings' to provide 10 apartments and includes the erection of 28 apartments on adjacent land with associated parking on Brook Street. We note that the planning application was refused on flood risk grounds.

Our Flood Risk Map confirms the site to be partially within Zone C2 as defined by the Development Advice Map contained in TAN 15: Development and Flood Risk (July 2004).

We reiterate that the proposal would introduce highly vulnerable development (residential) within Zone C2.

Section 6 of TAN15, and the Chief Planning Officer [letter](#) from Welsh Government dated 9 January 2014, affirm that highly vulnerable development should not be permitted in Zone C2. The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development in Zone C2.

We provide the following comments on this appeal, which are primarily based on a review of the 'Statement of Case – Flood Risk' dated 14/06/2021 prepared by Weetwood.

Matters relating to A1.14 of TAN15

The Statement of Case presents a number of arguments as to why the proposal is considered to be acceptable in flood risk terms.

Firstly, it is argued that Central Buildings has an existing highly vulnerable land use, as the site benefits from a lawful use as a nightclub. The Statement of Case concludes that *'it is reasonable to assume that a nightclub would constitute HV use, in the same way that a leisure centre is'*. We contest this interpretation. Public buildings and leisure centres are primarily considered to be 'highly vulnerable' due to their potential use as emergency evacuation centres during a flood. A nightclub would not be used for such purposes, and we are therefore of the view that this comparison is not appropriate. We consider the existing use of the Central Buildings to be less vulnerable. Irrespective of this point, the proposal also includes development of vacant land adjacent to Central Buildings to apartments and residential car parking. This land does not benefit from an existing highly vulnerable use, and the proposal would therefore introduce a highly vulnerable land use to this location. Whilst the Statement of Case refers to call-in (Paragraph 23, last bullet point) we would direct you to the relevant [Welsh Government Circular \(07/12\)](#).

Paragraph A1.14 of TAN15 explains that there are particular flooding consequences which may not be acceptable for certain types of development. The table within A1.14 provides indicative guidance on the frequency threshold of flooding, below which flooding for each development type should not be allowed. The Statement of Case argues that this 'design event' should be the 1% Annual Exceedance Probability (AEP) event with an allowance for climate change without a consideration for culvert blockage. The consultant argues that culvert blockage should be considered as a 'residual risk' and should therefore not be considered under the requirements of A1.14.

Our interpretation of A1.14 of TAN15 in this case is that the 'design event' should be the 1% AEP event with an allowance for climate change and a culvert blockage. We refer to a previous appeal decision (ref. APP/E6840/V/16/3164287), where the Inspector agreed that consideration of blockage for the design event was consistent with the precautionary approach to development and flood risk promoted through national policy. This is reflected in our guidance for developments to include breach and/or blockages on structures which may influence the flooding regime in the locality: [GN043 Modelling blockage and breach scenarios](#)

We also interpret A1.14 to include all development proposed within the redline planning application boundary. We refer to another appeal decision (ref: APP/A6835/A/15/3136858), where, in the Appeal Determination notice, the Inspector states that the development, which included car and cycle parking at the ground level, would be residential and “thus classified as highly vulnerable”. In light of this decision, we consider that the proposed parking forms an integral part of the residential development and that the entirety of the development should be treated as “highly vulnerable” development. We therefore advise that the proposed buildings and car parking should be designed to be flood free in the 1% AEP event with an allowance for climate change and culvert blockage.

We acknowledge that the conversion of Central Buildings would occur at first and second floor levels (and therefore above expected flood levels) and have no concerns with this element of the proposal. For the new apartment block, the FCA recommends a finished floor level of 76.43 m AOD which would provide a freeboard of 300 mm above the design flood level, which again, we consider to be acceptable. However, the FCA demonstrates that flooding of some of the proposed car parking would be expected and does not identify any mitigation measures for addressing this flood risk. The Statement of Case explains that flood depths are expected to be less than 100 mm; however, Figure 1 of the FCA Addendum suggests flood depths of up to 300 mm could be expected for parts of the car park. We consider the flood risk posed to the car park to be unacceptable, as this should be designed to be flood free in the ‘design event’.

We therefore conclude that the proposal fails to comply with the requirements of A1.14 of TAN15, on the basis that the proposed car parking area would be expected to flood in the 1% AEP event with an allowance for climate change and culvert blockage.

Matters relating to A1.12 of TAN15

The Statement of Case argues that the proposal ‘*would not materially increase flood risk elsewhere, in accordance with TAN15 and PPW*’ and also states, in Paragraph 59, that the detriment identified to the north-west of the site ‘*is an isolated area at the extremity of the flood extent which is indicative of a modelling anomaly rather than actual detriment resulting from the proposals*’.

Appendix F of the FCA identifies some flood risk detriment when considering the 0.1% AEP culvert blockage event; an isolated area of increased flood risk (75 to 150 mm and 150 to 300 mm banding) near the Post Office, north-east of the site, and a much larger area of detriment which surrounds the site to the north-west, north and north-east (5 to 30 mm banding). We assume that the statement in Paragraph 59 should refer to the area of increased detriment to the north-east of the site near the post office. The Statement of Case makes no further comment on the much larger area of detriment, but it is highly unlikely this could be attributed to a modelling anomaly given its location and extent. The FCA explains that the increase in flood depth across this area is 6 mm and in light of the existing flood depths in this area, concludes that this is considered to be ‘negligible’.

Whilst we may agree that the area of higher detriment near the Post Office could be attributed to modelling anomalies, we still have concerns regarding the large area of detriment identified, which covers a number of buildings and roads. Given the extent of the identified area and the fact that this includes a number of buildings, we do not consider it appropriate to dismiss this issue. We are therefore of the view that the proposal fails to comply with the requirements of A1.12 of TAN15, as it has not been demonstrated that flood risk elsewhere can be managed to an acceptable level.

Matters relating to A1.15 of TAN15

The Statement of Case and FCA state that flood depths in the 0.1% AEP blockage event are expected to be less than 600 mm for the proposed buildings, car park and access, with internal flood depths of 0.47 m in the Central Buildings. This complies with the tolerable condition for flood depth outlined in Table A1.15. Site-specific flood velocities for the proposed scenario are not provided within the appeal documents; however, hazard mapping is contained within the FCA Addendum (Figure 2). We would expect the North Wales Councils Regional Emergency Planning Service (NWC-REPS) to comment on matters relating to safe access and egress. The River Gwenfro does not benefit from a flood warning service and blockages are difficult to predict; as such flooding may occur without adequate warnings.

Conclusion

As outlined above, we have considered the Statement of Case submitted dated 14/06/2021 by Weetwood. Our position on this proposal remains unchanged, as the proposal fails to comply with the requirements of A1.14 of TAN15, due to the flooding of the proposed car parking area, and A1.12 of TAN15, as the proposal would result in an unacceptable increase in flood risk elsewhere. We therefore consider that this appeal should be dismissed.

Protected Species

Notwithstanding the above, we note that the Bat Activity Report (Sambrook, R. 2021. Sambrook Associated Ltd. Unpublished) submitted in support of the above application has identified that bats were not using the application site. We note the precautionary reasonable avoidance measures identified in the Bat Activity Report. The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

If you have any queries on the above, please do not hesitate to contact us.

Yours faithfully,

Tristan Williams

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales