

From: Tony Franklin [mailto:Tony.Franklin@RBWM.gov.uk]
Sent: 29 March 2018 11:04
To: Cllr Hunt <linden.place@btinternet.com>
Cc: Jenifer Jackson <Jenifer.Jackson@RBWM.gov.uk>
Subject: RE: from Cllr Hunt - re: 17/02922 Waltham St Lawrence Nurseries

Dear Cllr Hunt,

Thank you for your e-mails on this matter. Please accept my apologies for the delay in responding. As I am sure you are aware, both applications were submitted under Class Q of the General Permitted Development Order to establish whether prior approval was required for the proposed developments and, if so, whether approval was granted or refused. Prior approval was granted for the former application (15/03064) but was refused for the latter application (17/02922).

Both applications were (correctly) assessed, amongst other matters, against the flooding risks on the site. Both applications relied upon a Flood Risk Assessment (ref: RAB 1033B version 1 dated 16th March 2015) to support their flooding case. The report on 17/02922 makes it clear that climate change allowances for planning were updated on 19th February 2016 and that these allowances should be used to assess proposed development within flood risk areas. As such, the Flood Risk Assessment, which pre-dates these updates, did not show how the latter proposed development would comply with the NPPF by demonstrating that the development would be 'safe' over its lifetime.

Both decisions are 'stand-alone' documents and, as far as I am aware, there are no reasons under relevant planning legislation that the decision issued under 15/03064 could not still be relied upon. Notwithstanding this, having looked at the details submitted with both applications, it is worth noting that the dimensions of the barn to be converted are not consistent with the latter submission, showing a larger building than the former. There are also other differences in terms of internal layout and fenestration details.

I trust my reply will be of assistance. Please do not hesitate to contact me again if you have any further queries.

Kind Regards,

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From: Cllr Hunt
Sent: 06 March 2018 23:22
To: Jenifer Jackson <Jenifer.Jackson@RBWM.gov.uk>
Cc: Cllr D Evans <cldr.d.evans@rbwm.gov.uk>; Cllr Coppinger <cldr.Coppinger@RBWM.gov.uk>; Cllr Cox <cldr.Cox@RBWM.gov.uk>; mike kay <mike.kay@mhllp.co.uk>
Subject: from Cllr Hunt - re: 17/02922 Waltham St Lawrence Nurseries

Dear Jenifer

I attended the Waltham St Lawrence Parish Council meeting this evening and one of the Parish Cllrs brought up the ambiguity of the decision of 15/03064 for Class Q change of use to dwelling and 17/02922 – same property but for a **variation in the internal layout**. 15/03064 was permitted however, the variation was refused on 17/02922 due to recommendation of refusal by EA – flood risk.

I have copied below comments by the EA for both applications and it can be seen they are not in alignment. The question now arises – has the approval granted in 15/03064 been nullified due to the latest comments from the EA.

I look forward to clarification on this as also the Parish Council and would appreciate if you can assist.

Kind regards
Maureen
Cllr Hunt

EA 17/02922 - refused

The submitted Flood Risk Assessment reference RAB 1033B version 1.0 dated 16th March 2015 does not adequately demonstrate the level of flood risk at this location. Therefore the proposal has the potential to increase flood risk because;

- it fails to show how the development will comply with the National Planning Policy Framework by demonstrating that the development is 'safe' over its lifetime. It does not demonstrate how people and property will be kept safe from flood hazards considering a range of flooding events up to and including a 1 in 100 year event with an appropriate allowance for the impacts of climate change.

We have no detailed flood modelling for this area and the applicant has undertaken detailed modelling to determine the level of risk at this site. However, having carried out a basic review of the submitted model we have found some deficiencies and at present we not able to agree with their conclusions that the site is within Flood Zone 3a.

15/03064

EA Comment 15/03064 –

The submitted flood risk assessment (FRA) and accompanying plans indicate that the site is located outside of the 1% annual exceedance probability with a 20% allowance for climate change flood extent. However, based on our best available data the site area is entirely surrounded by flood zone 3.

Environment Agency Position

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure as detailed in the Flood Risk Assessment submitted with this application is implemented and secured by way of a planning condition on any planning permission. Without this condition the proposed development poses an unacceptable risk to people and the environment and we would object to the scheme as submitted.

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference number 1033B, version 1, dated 17 March 2015, prepared by RAB Consultants and the following mitigation including ensuring that finished floor levels will be set no lower than the existing level of 37.28 metres Above Ordnance Datum (AoD).

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.