

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

DATE: **WEDNESDAY, 7 SEPTEMBER 2016**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **GENERAL MATTERS - ERECTION OF 56 NO. DWELLINGS WITH ASSOCIATED ACCESS, OPEN SPACE AND INFRASTRUCTURE AT KINNERTON LANE, HIGHER KINNERTON**

1.00 APPLICATION NUMBER

1.01 054770

2.00 APPLICANT

2.01 ELAN HOMES LTD

3.00 SITE

3.01 KINNERTON LANE,
HIGHER KINNERTON

4.00 APPLICATION VALID DATE

4.01 13TH JANUARY 2016

5.00 PURPOSE OF REPORT

5.01 At the Planning and Development Control Committee meeting on the 20th July 2016, members resolved to refuse the above application for two reasons. This report seeks agreement of the wording of the reason which relates to flooding and drainage concerns but also seeks agreement from Members to withdraw the reason for refusal in respect of agricultural land quality, on the basis set out below.

6.00 REPORT

6.01 In coming to the resolution to refuse to grant planning permission for the proposed development, Members expressed concerns in respect of the site drainage proposals and in particular, cited that there were

natural springs upon the site which gave rise to groundwater flowing across the site. There was concern that the submitted information did not demonstrate with sufficient certainty that the proposed drainage solution had addressed the management of this water.

- 6.02 In addition concerns were raised in relation to the proposed storage of water within the confines of the site in underground storage tanks. Whilst it was appreciated that these were required for the purposes of storage to ensure that run off rates from the site could be restricted to the 'greenfield rate', there was concern as to whether these were of a capacity sufficient to accommodate the surface water reasonably expected to arise from this development and whether these served any function in relation to the management of groundwater.
- 6.03 In view of this concern, the weight in favour of a proposal which does not otherwise accord with the Development Plan for reasons associated with a lack of 5 year housing land supply (paragraph 6.2 - TAN1), do not come to bear with such significance as compliance with all other applicable policy matters is not demonstrated.
- 6.04 Accordingly, it is proposed that the following wording be used in the decision notice:

The Local Planning Authority Considers that insufficient information has been provided in respect of the proposed drainage system to demonstrate that the development of this site would not result in an increased risk of flooding arising elsewhere further downstream. Accordingly the Local Planning Authority considers that the proposals are contrary to the provisions of policies STR1, GEN1, GEN3, HSG4 and EWP17 of the Flintshire Unitary Development Plan and fail to satisfy the requirements of Technical Advice Note 15 : Development and Flood Risk, and fails to satisfy Paragraph 6.2 of Technical Advice Note 1 – Joint Housing Land Availability Studies.

- 6.05 Turning to the second reason for refusal, which was based upon the loss of Best and Most Versatile agricultural land. It was suggested that the development of the site would give rise to the loss of agricultural land of such quality as to amount to land which is deemed to be of the Best and Most Versatile (BMV) quality. This was based upon the proposition that part of the site was graded at Agricultural Land Grade 3a.
- 6.06 The agricultural land quality assessment which formed part of the application particulars identifies that the Agricultural Land Classification (ALC) Maps for Wales identify the site and surrounding land to be of Grade 3 standard. However, the maps are only an indication of the classification and assessment of each site is required to establish whether the land is Grade 3. This assessment will identify whether the land is then either sub-grade 3a land or 3b land. 3a land is BMV land whereas 3b is not BMV land.

- 6.07 The evidence submitted to accompany the application on this point formed an assessment of the ALC as part of the wider assessment of ground conditions at the site. It identified that this site is classified as Grade 3b land due to its wetness and the numerous boggy areas across the site. The site does not therefore amount to BMV land. The Council has no evidence to counter this assessment.
- 6.08 Members will recall that where the Council chooses not to follow the professional advice of its officers, it will be required to produce evidence to substantiate its reasons for taking such a view in the event of an appeal. In light of the assessment accompanying the application, the Council has no evidence to support the contention and could not therefore properly defend such a reason for refusal in a subsequent appeal.
- 6.09 Accordingly, Members are invited to withdraw the reason in respect of the loss of BMV as a reason for refusal, and focus the refusal upon the sole drainage reason.

7.00 RECOMMENDATIONS

- 7.01 The suggested reason for refusal as set out in paragraph 6.04 above form the basis of the decision of the Council to refuse application Ref: 054770.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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