

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 21 January 2015
Report of: David Malcolm – Principal Planning Manager
Title: 14/1579N - LAND NORTH OF CHOLMONDLEY ROAD,
WRENBURY FRITH.

1.0 Purpose of Report

- 1.1 To consider the withdrawal of the reason for refusal relating to insufficient information in respect of flood risk on planning application 14/1579N for a proposed development of a 200 berth marina basin in Wrenbury.

2.0 Decision Required

- 2.1 To agree to withdraw the reason for refusal in respect of insufficient information in respect of flood risk (reason no 1 attached to decision 14/1579N) and to instruct the Principal Planning Manager not to contest the issue at the forthcoming Informal Hearing.

3.0 Background

- 3.1 Members may recall that on the 17th September 2014, Strategic Planning Board considered an application for a 2.37 hectare, 200 berth marina with pump out facilities, fuel pump and storage, waste pump out; a new canal connection to the Llangollen canal and other associated works including the upgrading of the existing site access (14/1579n refers). The decision notice was issued formally on 19th September 2014.
- 3.2 The Application is the subject of an Appeal and the Strategic Planning Board resolved to contest the Appeal on the following grounds:
1. *There is insufficient information to determine if the proposals would have an adverse impact on flood risk as no suitable flood risk assessment has been supplied. The LPA has a obligation to consider the recommendations of statutory consultees. On that basis the proposals are contrary to policy NE20 within the CNRLP 2011 and guidance within the NPPF.*
 2. *There is insufficient information in respect of the impacts of the development upon highway safety. As such it cannot be demonstrated that this major developemnt would not have a significant adverse impact upon highway safety. The proposals would be contrary to policy BE3*

within the CNRLP 2011 and guidance within the emerging Local Plan and NPPF.

3. *The proposals constitute a major development in a rural location which would have a significant adverse impact upon the open countryside in this location contrary to policy NE2 within the CNRLP 2011, PG5 within the emerging Local Plan and guidance within the NPPF.*
4. *This major development adjacent to the village of Wrenbury would have a significant adverse impact upon the character of the village, conservation area and surrounding countryside contrary to policies BE2, NE2, BE7 within the CNRLP 2011, policies SE1, SE4, SE7 within the emerging Local Plan and guidance within the NPPF.*

- 3.3 Following the submission of a Flood Risk Assessment by the Applicant, the Environment Agency withdrew their objection to the planning application on 26th September 2014 subject to planning conditions.
- 3.4 On the basis of the withdrawal of the Environment Agency objection, the Council cannot reasonably continue to rely upon the first reason for refusal for this appeal.
- 3.5 Accordingly, it is considered that the Council should withdraw the reason for refusal pertaining to lack of information in the form of a Flood Risk Assessment (reason for refusal 1 attached to the decision notice) and agree with the Appellant not to contest the issue at Appeal, subject to the imposition of appropriate conditions and the Appellant agreeing to the necessary Section 106 contributions.

4 Recommendation

- 4.1 That the Committee resolve to withdraw the reason for refusal in respect of insufficient information in respect of flood risk (reason no 1 attached to decision 14/1579N) and to instruct the Principal Planning Manager not to contest the issue at the forthcoming Informal Hearing.

5. Risk Assessment and Financial Implications

- 5.1 There is a risk that if the Council continues to pursue the Appeal, when no objection concerning flood risk has been received from the statutory consultee that a successful claim for appeal costs could be made against the Council on the grounds of unreasonable behaviour.
- 5.2 There would also be an implication in terms of the Council's own costs in defending the reasons for refusal.
- 5.3 There are no risks associated with not pursuing the reason for refusal concerning flood risk at Appeal.

6.0 Consultations

Borough Solicitor

- 6.1** The Borough Solicitor has been consulted and recommends the withdrawal of the reason for refusal pertaining to the lack of information concerning flood risk (reason no 1 attached to the decision notice).

7.0 Reasons for Recommendation

- 7.1** To ensure that the Council does not pursue an appeal on the basis of a matter that the statutory consultee has confirmed is acceptable.

For further information:

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Background Documents:

Applications 14/1579N