

FLINTSHIRE COUNTY COUNCIL
PLANNING COMMITTEE
LATE OBSERVATIONS
COMMITTEE DATE: 3rd March 2021

Agenda No.	Application Number	Location	Consultee / Date Received	Observations
6.4	061530	Land Adj To Kinnerton Meadows, Kinnerton Lane, Higher Kinnerton, Chester	Pete Lloyd (Agent acting on behalf of the applicant, Elan Homes Ltd) received 01/03/2021	<p><i>My Client, Elan Homes Ltd, sets out the following brief observations and requests Planning Committee members attention be drawn to them. The committee should give full weight to all material considerations including:</i></p> <ul style="list-style-type: none"> • <i>Provision of 28 no affordable homes (including 7 no affordable bungalows) and 67 market dwellings.</i> • <i>Agreement to pay commuted sums of £313,973.00 towards provision of a new astro-turf pitch at Castell Alun High School and £281,911.00 towards improvements at Ysgol Derwen, Higher Kinnerton.</i> • <i>In addition to providing community Public Open Space, internal footpaths and Active travel connectivity for residents and wider community, to contribute a further £80,000.00 towards further external Active Travel linkages to employment areas in the locality via an off site cycle-route.</i> <p><i>The Heritage refusal reasons express officer opinion, subjectively, on Heritage Assets. The applicant's Heritage Assessment objectively assesses those Assets and settings to inform the site layout and form and ensure the proposals do not disregard Policy HE2. The Assessment concludes whilst you should balance any harms if they occur with other benefits, there is "no</i></p>

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				<p><i>axiomatic reason to refuse the application on the grounds of harms to heritage assets”</i></p> <p><i>The undoubted success of the neighbouring Kinnerton Meadows development -, mixing market and affordable housing, a high quality environment, play space and highways improvements for the village - is an absolute sign of the confidence of Elan Homes Ltd in Higher Kinnerton as a sustainable village where people want to live. This is clearly demonstrated by the Council proposal to allocate 300 homes less than 200 metres away along Kinnerton Lane.</i></p> <p><i>The clear evidence that this site has no constraints and can be delivered in a timely manner to meet housing needs.</i></p> <p><i>Elan Homes Ltd fully supports the plan led system and the certainty it should provide to secure sustainable development. Inspectors continue to set out the position of Welsh Government in respect of Development Plans consistently and clearly and their decisions are a material considerations in their own right. As recently as 23 February 2021 in Flintshire, an Inspector stated: The housing requirement, housing trajectory and LDP strategy are yet to be tested at examination, as a result, I cannot be certain that they are sound, and I afford the Council’s arguments little weight. Even if the Council is right the ability to demonstrate an adequate supply of housing does not mean that planning permission should be withheld, it would just not be a material consideration that weighed in favour.</i></p>

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				<p><i>A development designed to deliver the strategic placemaking outcomes of Future Wales 2040 and Planning Policy Wales. My client strongly hopes you accept that the scheme benefits and other material considerations strongly weigh in favour of supporting this application and that it would, in fact, compliment not compete with the Councils aspirations and duties to carry out sustainable development.</i></p> <p><u>OFFICER RESPONSE</u></p> <p>The position expressed by the Inspector at the Plas Ifan appeal, quoted above, was on a specific speculative application and not primarily on the Development Plan. In that case the Inspector struggled with is the lack of definitive guidance in Planning Policy Wales or the Development Plans Manual, in relation to how to assess housing land supply in the absence of the now deleted TAN1, and where an LDP is not yet adopted. The Council is entitled to give material weight to the LDP housing trajectory which has been confirmed by the Welsh Government. In terms of what the trajectory shows, it is an undisputed fact that cannot change at the Examination, that the plan has delivered housing over its first five years at the rate required and in line with its trajectory. It is the Council's position that there is sufficient housing provision in the plan for this to continue.</p> <p>Even if it is not possible to agree the weight to apply to the land supply position, and as with the Plas Ifan speculative application, there are other valid and material reasons to refuse this speculative application as set out in the committee report. Those reasons are</p>

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			Third Party Comment received 03/03/2021	<p>not only supported by the view of Council's conservation officer and CPAT, but also reflect recent consideration of the conservation value of the application site by the Lead Inspector for Wales who in determining the appeal on the neighbouring land, appeared to set the position of Welsh Government in relation to heritage impact, that this application now challenges.</p> <p>One further letter of objection has been received in the form of a heritage impact assessment setting out the proposals impact upon the Listed Buildings and the Llwydcoed Royal Park. The report concludes that:</p> <p>The construction of the proposed development Would set a precedent for the area of the medieval royal park to be encroached upon without a full and comprehensive understanding of its historical and archaeological potential.</p> <p>It is a contextual response to its setting in relation to the medieval royal park of Llwydcoed and has a range of impacts.</p> <p>Although the royal park of Llwydcoed and the associated archaeology within it is currently an undesignated heritage asset, the detailed historic data relating to its establishment and use, in addition to the archaeological potential of a park unique in Flintshire should be protected and advice sought from Cadw to place the landscape under statutory protection, preserving it for future generations and providing a valuable and valued open space to the west of the village of Higher Kinnerton.</p>

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				<p>It is therefore recommended that the proposed development be refused planning permission.</p> <p><u>OFFICER RESPONSE</u> The objections raised within above Heritage Impact Assessment form the second and third reasons for refusal as set out in the committee report.</p>