



# Higher Kinnerton Community Council.

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28th August 2020

Dear Sirs,

## **Application for Planning Permission - Town and Country Planning Act 1990**

**LOCATION:** Land off Kinnerton Lane, Higher Kinnerton, Chester

**PROPOSAL:** Residential development of 95 dwellings (including affordable housing), means of access, open space and all associated works

**PLANNING APPLICATION REFERENCE:** 061530

**PLANNING OFFICER:** Mr. D. McVey

I refer to the Local Planning Authority's ("FCC's") consultation in respect of the above referenced planning application ("the Planning Application") and submit the following response on behalf of Higher Kinnerton Community Council ("HKCC") and the elected member for Higher Kinnerton.

There are several objections which members of HKCC and Cllr. Allport wish to raise in respect of the Planning Application and a number of issues which should be clarified prior to the determination of the Planning Application.

### **1. PLANNING CONTEXT**

In the context of the FCC's planning framework, the planning statement accompanying the Planning Application includes several references to the Unitary Development Plan ("UDP") having expired and to FCC having no development plan which is mis-leading. Although the UDP became time expired at the end of 2015, until the adoption of the Deposit Local Development Plan ("LDP") it remains the adopted development plan and an important material consideration in determining any planning decisions until superseded by the emerging LDP. Furthermore, the Planning Statement refers to FCC not having an LDP which is also misleading insofar as a revised Delivery Agreement has been agreed by the Welsh Government and the LDP is well-progressed.

Planning permission for the first development of Kinnerton Meadows was only granted on appeal on the basis that, in accordance with Technical Advice Note 1 ("TAN 1"), the Planning Inspector attached considerable weight to the lack of a five-year housing land supply as a material consideration in determining the Planning Application for housing. TAN 1 has now been revoked in its entirety. Given that TAN1 and its method of monitoring supply against a 5 year requirement has been revoked, FCC is entitled to give weight to the principle of using the Deposit LDP trajectory to demonstrate its ability to deliver housing and meet housing requirements. While the LDP is not yet adopted, it was placed on deposit in September 2019 and a housing trajectory was prepared which clearly shows there is no shortfall of housing land in Flintshire. In this respect, the applicant's assertion the FCC have zero housing land supply and cannot show a housing land supply is misleading and inaccurate. With the revocation of TAN1 it is not the case that there is any measurable shortfall in housing supply that should warrant a further speculative development in Higher Kinnerton and measured against the LDP housing trajectory there is no shortfall in provision of housing with actual delivery rates matching those planned for in the emerging LDP.

HKCC do not consider the proposed speculative development to be sustainable as the village has already absorbed exceptional development on the adjacent large speculative site and the development proposals would not deliver any positive economic, social or environmental outcomes. Furthermore, the LDP makes adequate provision in the local area for housing via Warren Hall which is a strategic site identified for development in the emerging LDP and which would provide more balanced and sustainable development as compared to the development proposed in the Planning Application. The applicant has questioned the delivery and viability of Warren Hall and stated the proposed development would have comparatively less impact without providing any evidence to support the applicant's conjecture. In this respect, as no indicative evidence has been provided to demonstrate the proposed speculative site is more sustainable than Warren Hall, HKCC consider the applicant's comments and considerations are both subjective and immaterial and should be disregarded in determining the Planning Application.

The applicant's Planning Statement refers to Higher Kinnerton being identified as a category C village for the purposes of the now time expired UDP strategy with an indicative growth band of up to 10% over the lifetime of UDP. However, this classification only applied up to 2015 and FCC did not continue growth bands or percentages into the LDP and so it is not correct to continue to measure growth against the previous growth bands or UDP plan period.

Following publication of Flintshire's Deposit LDP, the proposed site is no longer considered a candidate site and the site is not selected for future development as part of the emerging LDP. The proposed development is located in the open countryside outside the settlement boundary of Higher Kinnerton. In terms of current planning policy, in such locations Policy HSG4 (New Dwellings Outside Settlement Boundaries) states new residential development will only be permitted if it can be established the new dwellings are essential to house farm or forestry workers who must live on the site rather than in a nearby settlement. There is no evidence that the proposal is required for this purpose and as such it conflicts with Policies HSG4 and GEN3 (Development in the Open Countryside) of the UDP. The proposed development also conflicts with Policy STR1 (New Development) of the UDP insofar as the new dwellings would be located outside the settlement boundary of Higher Kinnerton.

Reference is made within the Planning Statement to the Higher Kinnerton Village Plan. HKCC are of the opinion that the applicant is referring to the original document and not the revised Village Plan document updated in November 2019 following the publication of the Deposit LDP. It is evident from the Planning Pre-Application Consultation Report which states "The proposal meets the aspirations of the village plan to deliver sustainable growth and housing to meet local needs" that the applicant neither read or understood the revised plan which states "The Community Council and the village community itself recognise the need for new housing in the county and accepts that Higher Kinnerton may accommodate some of this growth over the life of the LDP. However, the community feels that development should not come at the cost of a continuing decline in local infrastructure (road, transport, access to health provision, education) and local village amenities (post office, shops, pubs)". The proposed development does not meet that aspiration and whilst the Village Plan is a non-statutory document, the applicant has failed to properly consider or set out the relevant aspects of the Plan which has been developed with the support of FCC. Whilst the applicant acknowledges the Village Plan, there is no acknowledgment that the Plan aligns to the Welsh Government's Wellbeing Act and Flintshire's own Wellbeing Plan nor the fact that every community in Wales is now encouraged to produce such a document.

In terms of FCC's current planning policy generally, it is submitted that the proposed development conflicts with Policy Gen 1 (General Development Considerations) as the scale of the proposed development is overbearing, disproportionate to the size of the existing settlement of Higher Kinnerton and would be detrimental to the character of the village.

## **2. HIGHWAYS, ACCESS & FOOTPATHS**

An analysis of existing conditions has been undertaken in respect of Main Road and Kinnerton Lane. Speed and traffic volume surveys have been carried on Kinnerton Lane and a survey to assess visibility around the proposed development entrance/exit. These surveys will not reflect the true volume of traffic passing the site entrance /exit as a significant number of vehicles use Lesters Lane as their main thoroughfare to and from the village despite the lane being unsuitable for the volume of traffic it currently carries as acknowledged by FCC.

As noted above, the applicant's transport analysis omits traffic management along Lesters Lane, either current or predicted. It does show projected traffic levels entering or leaving the lane and ignores the existing issues of traffic management on Lesters Lane itself and how this will be adversely affected post-development. Also, there is no reference to numerous traffic incidents on Lesters Lane. FCC have acknowledged there are issues with traffic flow on Lesters Lane and as such surely the applicant should have included analysis to address these problems. HKCC are concerned that by simply stating in the Transport Statement that Lesters Lane provides connectivity to the A55, that the applicant has failed to investigate or properly address any of the issues with Lesters Lane which is a material consideration and serious oversight.

The proposed access to the development site is via a new road opening onto Kinnerton Lane adjacent to the entrance to Kinnerton Lodge and within a sharp dip in the road. This was the site of a fatal accident in recent years which the applicant has acknowledged. Kinnerton Lane is a busy road particularly at commuter times and the projected increase in the number of vehicles either accessing or leaving the estate would create an unacceptable risk which cannot be mitigated.

It is unclear how access to the local footpath network is guaranteed to meet the Welsh Government Active Travel aims. There is no designated cycle lane provision and cyclists are expected to use the main highway. It is unclear what provision is made for disabled access along the footpaths -currently there is a gate at the Park Avenue end of the footpath which would be completely inaccessible to a wheelchair user for example. Additionally, no detailed cycle audit has been undertaken, apparently due to the lack of an existing Sustrans or other designated cycle route in the village. This does not seem to meet the Welsh Government Active Travel objective of promoting and encouraging safe cycle travel for all communities.

In terms of FCC's current planning policies, it is submitted the proposed development conflicts with Policy Gen 1 (General Development Considerations) as the development would have a significant adverse impact on the safety and amenity of nearby residents and the community in general through increased hazards as detailed at the Highways section above. Furthermore, the development would fail to provide safe and convenient access for pedestrians, cyclists, persons with disabilities, and vehicles for the reasons identified at the Highways section above.

## **3. SERVICES AND AMENITIES**

The information provided by the applicant regarding village amenities and services is both out of date and misleading.

The applicant refers to the provision of a bus service. Whilst the village has retained a minimal service connecting with Chester, the number of journeys is extremely limited, operates only from Monday to Friday and would not accommodate commuters working non-standard working hours. The service does not have capacity to transport residents to work and is mainly used by residents not able to drive.

In terms of FCC's current planning policy, it is submitted that the proposed development conflicts with Policy Gen 1 (General Development Considerations) as the development would not have convenient access to public transport.

The applicant refers to the provision of a post office service but fails to mention this is a pop-up service provided for only 2 hours a week in the village hall. The applicant does not appear to be proposing the provision of any additional on-site services or elsewhere in the village for the proposed additional 95 dwellings. In a village where services are already struggling to meet current population needs this seems deficient. In a growing community with a school with limited capacity, one small shop, no permanent post office, no GP surgery or other health facilities etc, the applicant has not addressed how additional strain on the local amenities and services will be resolved and HKCC do not consider the proposed provision of S106 monies in this regard will mitigate the impact of the proposed development. Whilst reference is made to the provision of on-site open space, the applicant does not appear to include any additional play facilities within the new development in an estate which would include a high percentage of family homes.

HKCC consider that in determining the Planning Application, a recognition needs to be made that the assessment of local amenities is both inaccurate and mis-leading. Despite recent development there has been a decline in local service provision and the existing amenities and services to not have the capacity to accommodate the additional development.

#### **4. ECONOMIC & COMMUNITY BENEFITS**

Reference to the "significant economic benefits" arising from the proposed development is not substantiated. Apart from offering to use a local civil engineering company during the development stage, the proposal does not offer any long-term sustainable employment, infrastructure, or economic proposals to the residents of Higher Kinnerton. The economic benefit from this proposal is primarily for the developer and its subcontractors.

The applicant repeatedly advises the development would benefit Higher Kinnerton as a community although HKCC consider the only proposed public/community facility post development would be the provision of public open space. The community already benefits from considerable public open space and losing an area of open countryside would adversely impact on village residents wishing to live in a semi-rural environment. HKCC consider the vast majority of existing residents of Higher Kinnerton do not stand to benefit from this proposed development and would gain nothing other than increased traffic, noise, pollution and pressure on local amenities and services resulting the village becoming a less desirable place to live.

Apart from 95 additional dwellings, the proposed development would not provide any additional long-term benefits as aspired to and detailed in the Higher Kinnerton Village Plan.

#### **5. HISTORIC BUILDINGS**

Planning Policy Wales, in TAN 24 states that there should be a general presumption in favour of preservation or enhancement of a listed building and its setting. Kinnerton Lodge, Stable Range at rear of Kinnerton Lodge, Crompton Hall and Little Farm are all buildings which would be blighted by the proposed development. In terms of FCC's current planning policies, it is submitted that the proposed development conflicts with Policy HE2 (Development Affecting Listed Buildings and their Settings) as the proposed development would fail to preserve the settings of the aforementioned listed buildings.

## **6. DRAINAGE**

There are comprehensive plans for drainage from this site, but there is no evidence of work being carried out to assess the effect downstream. Lower Kinnerton is already subject to periodic flooding and the additional flow from this site has not been properly considered. HKCC can only assume an increase in water discharge due to the proposed development will add to localised flooding.

## **7. SUMMARY**

In summary, HKCC and Cllr. Allport consider the above to be material considerations to which considerable importance and weight must be attached and furthermore the objections raised are good planning reasons for refusal of the Planning Application.

Yours sincerely,

*E A Corner*

E A Corner – Clerk to Higher Kinnerton Community Council

CC Andy Farrow – Chief Officer (Planning, Environment & Economy) Flintshire County Council

