

Reference: 11/05256/FUL
Address: Land At Willington Lane And Green Lane Kelsall Tarporley Cheshire
Proposal: Erection of 21 no. dwellings with associated garages, car parking, landscaping and means of access
Applicant: Rowland Homes

Kelsall Parish Council Objections

Kelsall Parish Council has the following objections to the following Planning Application:

Reference: 12/01123/FUL
Address: Land at Willington Lane and Green Lane Kelsall Tarporley Cheshire
Proposal: Erection of 20 no. dwellings with associated garages, car parking, landscaping and means of access resubmission of 11/05256/ful
Applicant: Rowland Homes

Our objections are set out below:

Objection 1 – Green Lane Plot is Outside the Settlement Boundary

The Green Lane part of this proposed development is outside the settlement boundary and should not be allowed. This plot is not an “infill” development as stated in the application.

The proposed development is not in agreement with the Kelsall Parish Landscape and Design Statement (July 2007), itself a Supplementary Planning Document (SPD), since it affects the rural nature of the village. The gradual transition of Kelsall into the countryside is one of the most appealing aspects of the village and this part of the proposed development would significantly detract from this.

This part of the proposed development falls within the former Vale Royal District, where the site was not identified as a development site within their Strategic Housing Land Availability Assessment (SHLAA). In addition, the first CWAC SHLAA does not identify the site for residential development.

Considering the National Planning Policy Framework (NPPF), as published recently by Government, this encourages the prevention of greenfield sprawl and to enhance the connection between people and nature. The gradual transition of Kelsall into the countryside would be lost through greenfield sprawl. The intrinsic value of countryside (para 17, one of the Core Planning Principals) is recognised in the NPPF and this will be lost.

Objection 2 – Mixed Tenure Developments Only

Although the Green Lane element of the proposed development is 100% affordable, which KPC considers a devious act done to try to force development outside of settlement boundary, the creation of a “poor estate” and a “posh estate” is not welcomed. Inclusive design forms a key element of “PPS3: Housing”, which aims to discourage the creation of such sole tenure developments.

This proposed development is also at odds with the NPPF, which also has as part of its key objectives (para 17) to “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings” as well as (para 50) “creating sustainable, inclusive and mixed communities”.

Objection 3 – Character of Proposed Development

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The proposed development, by reason of its size, height, mass, materials and bland design, result in it appearing as a prominent and visually disconnected feature when viewed from any angle, but especially the public highways.

In addition, the proposed development will have an unacceptably adverse impact on the amenities of the properties immediately adjacent to the site and the surrounding area by reason of overlooking, loss of privacy and visually overbearing impact.

The proposed development is out of keeping with the design and character of Kelsall as a whole. The Village Design Statement SPD has been paid scant regard. Instead, standard property designs ("Type 1-6 houses") have been incorporated into this scheme. No attempt has been made to try to raise standards to higher C4SH Levels.

Objection 4 – Harmful precedent Setting

There is a real danger that this proposed development would inevitably set a harmful precedent to allow other inappropriate developments within Kelsall and the wider CWAC area as follows:

- The proposed development is at odds to the CWAC priority development areas of Chester, Ellesmere Port and the Salt Towns and only partly on the rural area;
- No exceptional need has been demonstrated for the Green Lane plot;
- The CWAC SHLAA considered the Willington Lane site a Windfall site. Therefore, in line with "PPS3: Housing" it should not be considered for development within the first 10 years of the SHLAA, so at the earliest it would be ready for development at 2020.
- The proposed development is at odds to "Policy TR19: New Developments", which only allows development where additional traffic can be accommodated safely and satisfactorily within the existing or proposed highway network or satisfactory arrangements made to accommodate the additional traffic; and
- Several of the requirements CWAC "Policy HO5: Criteria for Assessing Proposals for Residential Sites not Allocated in Local Plan" are **not** met, namely:
 - *"It is of a scale and type appropriate to its proposed location" (see Objections 1, 3, 4, 5, and 6);*
 - *"That there is sufficient capacity of existing and potential infrastructure to accommodate further development" (see Objection 9);*
 - *"It is of a suitable density and provides a suitable mix of housing types and tenure" (see Objection 2); and*
 - *"It maintains or improves, where possible, the standard of the environment in terms of design, scale, height, mass, density, type of materials, layout and landscaping" (see all Objections).*
- The NPPF also states that local planning should (para 17) "contribute to conserving and enhancing the natural environment and reducing pollution ... development should prefer land of lesser environmental value." This site is not "land of lesser environmental value" since it has apparent amenity, countryside and ecological characteristics.

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Objection 5 – Unacceptable Impact on Business Neighbours

The Green Lane proposed development is adjacent to a large dairy farm that is fully operational all year round and operates on two sites at all times of the day and night. This entails movement of farm vehicles and equipment on a constant basis to sustain the viability of the business. The NPPF states that planning should (para 21) “support existing business sectors”, but by granting planning permission this will not be the case.

Noises arise 24 hours a day from animals as well as the operation of heavy machinery, whilst odours occur from the animal’s effluent and feedstock and nuisance would also be caused by flies and vermin.

Were the proposed development to proceed, we think that CWAC will receive complaints from the new Green Lane residents and will be forced to act and insist on costly mitigation measures at the farm. KPC considers that this could cause hardship to the business, even forcing its eventual closure. This will be a great loss to the farmer, local businesses, local workforce, as well as the rural character of Kelsall and will blight the area.

The Saved Policy of the Chester District Local Plan (2006) has key policies to determine development where no set allocation of land is in existence, such as both of these plots. “GE3: Impact on Residential Amenity” is stated as people living close by should not be adversely impacted by the development. However, there will be adverse impact to the development from the farm.

The proposed development is at odds with the NPPF, which aims to create developments (para 109) to “prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ... noise pollution” and (para 123) “avoid noise from giving rise to significant adverse impacts on health and quality of life”.

Objection 6 – Traffic / Pedestrian Issues

The proposed developments will significantly impact on the health and safety of other road users, but especially pedestrians. This is certainly the case for the Green Lane plot which is particularly affected by the constant movement of farm traffic.

The Green Lane proposed development is situated on a lane that is only wide enough for single file vehicular traffic where there is a blind corner with no pavement provision. The extra vehicle and pedestrian traffic along this road would be a hazard to current and future users. In addition, the proposed widening of the scheme will introduce the temptation to vehicular drivers to increase their speed and so endanger pedestrians further still. Regarding this widening, we do not consider how this can be achieved as presented since the road alignment relies upon using land currently in the ownership of other parties.

There is also a lack of visitor parking on this proposed development and a significant potential for overflow parking on Green Lane which will impact on the safety of road users and pedestrians. The proposed development is not in line with “Policy TR19: New Developments”, which only allows development where additional traffic can be accommodated safely and

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satisfactorily within the existing or proposed highway network or satisfactory arrangements made to accommodate the additional traffic.

The Willington Lane proposed development entrance is at the trough of a blind summit in a chicane and is a dangerous piece of road. Only on 2 November 2011, just before the first submission of this application, there was a serious accident that closed the road and ambulance and police had to attend the scene. In addition, there is no pavement on the side of the proposed development, forcing pedestrians to immediately cross the road where they will be blind to traffic.

There are blind junctions at the crossroads at both ends of Green Lane that are very dangerous, but both proposed developments will introduce more vehicles into a sensitive location. The proposal to make traffic exiting from the Green Lane site to turn down the hill only are not considered to be sufficient and we consider will not stop the majority of vehicles simply ignoring this and inevitably heading up to Willington Lane.

The accompanying Traffic Assessment with the planning application shows that a significant proportion of traffic heading westbound into the village is in excess of the speed limit, which will increase the likelihood of any accident having serious or even fatal consequences.

Green Lane and Willington Lane have poor illumination, so these issues will be worse during the winter time.

No account has been made by the Transport Assessment surrounding the school, which is already a very congested place.

Objection 7 – Relocation of School Bus Stop

The proposed relocation position of the school bus stop is to be close to a blind T junction with Willington Lane and Church Street, but that is laid out so that vehicles can progress from Church Street into Willington Lane at high speed. This would cause vehicles to approach a bus stop at speed but without knowing that a bus is there.

In addition, the pavement runs out just down the road and will force school children to immediately cross the road "en-masse" immediately at the aforementioned T Junction. Although the current position is not ideal, this suggested location is even more dangerous. Church Street has poor illumination, so this will be worse during the winter time.

Objection 8 – Kelsall Primary School at Capacity

The proposed development has 56 bedrooms that could be potentially occupied by children, as below:

Willington Lane Plot:

3 x 4 Bed = 9 children

8 x 5 Bed = 32 children

Sub Total = 41 children

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Green Lane Plot:

3 x 2 Bed = 3 children

6 x 3 Bed = 12 children

Sub Total = 15 children

Grand Total = 56 children

This adds a significant extra demand on a school that is already over-subscribed. This would also have a severe impact on transport issues and pedestrian safety, which have not been considered by the applicant.

The figures used by CWAC are completely out of date and should not be used as it is a discredited policy. The recent development on Rookery Close generated 23 from 14 houses. Therefore, the numbers we present above are more realistic and should be used.

Objection 9 – Effect on Public Utilities

See Planning Statement Para 3.26 with reference to CWAC Policy GE4: Availability of Utility Services. This policy seeks to permit proposals only if utility services are available or can be provided without placing unacceptable pressure on existing capacity, or causing unacceptable environmental harm.

While there may be adequate gas, electric and water supply available, foul drainage as part of the water utility, is identified within the Kelsall SPD as a serious issue. Para 9.4 & 9.5 of that document describes the existing situation and 9.5 in particular states that "the Council has the responsibility to constrain further development until an adequate foul sewer is provided. New buildings should only be permitted where there is effective catchment and use of roof water, effective attenuation for storm water on driveways and where development will not further overburden the existing sewer system"

According to Rowland's Drainage Statement, United Utilities have confirmed to Rowland that they wish to see the site served by a separate system of drainage with no surface water connected to the existing combined sewers. (Previous experience has shown this is not the case – see Photographs supplied) Rowland have therefore proposed that surface water be drained to the ditch along the southern boundary of the Willington Lane site and possibly the north-east boundary of the Green Lane site. They state that flows will have to be restricted to existing run-off rates and appropriate on-site attenuation provided.

We believe that the two ditches mentioned are in fact connected and any run-off into the ditch at the edge of the Green lane site (incidentally this ditch runs through the neighbouring garden) would then run into the ditch on the Willington Lane site. Considering the topography of both sites, we do not see how they could restrict the flow to existing run-off rates. We think the ditch then joins up with what emerges out towards the bottom of Church Street, and we know that overflows already occur.

The Green Lane site does also slope down towards the Lane and the Lane itself slopes downhill towards Common Lane. Run-off in this direction will be exacerbated by the new road entrance down onto the Lane.

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In addition we think there is some doubt about the drainage tests that were undertaken. In the Green Lane site at present there are patches of standing water where the drainage is obviously quite poor.

Previous experience has taught this Parish Council that without major strategic improvements to both the foul sewerage and surface water disposal without attenuation, the problems we have experienced in the past will only be exacerbated. (See Photographs supplied separately.)

Objection 10 – No Play Area Provisions

CWAC “Policy SR5: Play Areas” states that for every 15 dwellings or more at least 100sq.m must be made for toddlers play areas. This is not being met, since the Willington Lane site is on purpose being designed to be for 12 over-large properties so as to be under this development threshold, and no consideration of the Green Land proposed development has been made, although it should as both plots are being considered as one site by the applicant.

The recent addition of the play area at Kelsall Green shows how important the provision of such facilities is to the village as this was delivered solely through community planning, volunteering and donations.

Objection 11 – Design and Sustainability

The proposed development does not push forward the objectives of sustainability far enough to warrant consideration of this development, especially the Green Lane part. All buildings only comply with the minimum requirements of Building Standards, although exactly how this will be achieved is not clear from the application. The developers have failed to consider Code for Sustainable Homes Levels 4-6, which raise standards of up to 100% carbon dioxide emission savings, to try to make this an attractive proposition for the village.

The GL Hearn accompanying document refers extensively to “PPS1: Delivering Sustainable Development” Key Principal IV, paragraph 13, to try to laud the proposed development. However, this is not consistent with the NPPF and PPS1 has been withdrawn. Nevertheless, contrary to the view presented, the proposed development does not (we include reference to the old PPS since the application does, but also address issues that would be at odds with the NPPF):

1. Promote inclusive design. By default, various parts of society are being excluded through two types of development (“posh” and “poor”), but especially the middle-parts of society that Kelsall is in most need of. Kelsall is not actually in most need of affordable housing, since the previous development on Flat Lane resulted in few Kelsall residents living there. Instead, Kelsall is in most need of small family properties for ‘starter’ and ‘second step of ladder’ homes for those that are not able to claim social housing, as well as some form of ‘sheltered’ accommodation into which older people can ‘downsize’, thereby releasing their larger homes to satisfy the demand for such properties, of which there is already adequate supply in the Village. Luxury developments of 5-bedroom properties, as per the Willington Lane development, have recently been built close by, for example, in Tarporley and Utkinton, as well as a similar development that has just started in Mouldsworth. None of these developments assist the most needy part of local

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society or create “inclusive” (as per the now defunct PPS3 and the new NPPF) developments. PPS3 states that LPAs should develop a shared vision with their local communities of the type(s) of residential environments that they wish to see. This has not been done, even with early discussions from the developer with the community, a key part of the Localism Act. The NPPF clearly states very early on that (para 8) “well-designed buildings and places can improve the lives of people and communities”, which is a crucial element of the NPPF’s “achieving sustainable development”. As a result, the development is by default considered to be unsustainable according to the NPPF.

2. Improve the character of Kelsall, since the patchwork of fields and residential development in this part of Kelsall is similar to all other entrances to the village and makes the village blend into the countryside without stark boundaries. This promotes the rural feel of the village, which is promoted within the Landscape and Design Statement (July 2007), which is itself a Supplementary Planning Document. As previously stated about, this is a crucial element of sustainable development according to the NPPF that (para 8) “well-designed buildings and places can improve the lives of people and communities”, which is a crucial element of the NPPF’s “achieving sustainable development”. Further, the NPPF continues under Section 7 “Requiring good design” that (para 28) “good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” The development is blatantly against the instructions within the remainder of Section 7.
3. Provide good design to positively make places better for people (PPS1 para 34) nor provide inclusive and high quality design (PPS1 para 35) as standard development unit types have been used. Design has not been entered into, merely consideration of how to apply these standard units into the most profitable configuration for the developer. As considered in the previous two points, the development is considered unsustainable according to the NPPF.

Objection 12 – Local Development Plan

Kelsall Parish Council is in the process of developing a Local Development Plan in line with the recently enacted Localism Act. At the heart of the Plan is Kelsall Landscape and Design statement that already benefits from approval post consultation.

Key priorities for KPC are affordability and choice of property type, with most need of starter and second step of ladder (small family) homes, as well as ‘downsizing’ properties for elderly people; recreation provision through green space and commercial units; and enhancement of the school.

It is our view that inappropriate developments such as this that do not subscribe to our landscape and design criteria with all the associated benefits (sustainability, visual amenity and sense of wellbeing, ecology, highways and transport, school provision and general needs of the current demographic) will seriously undermine the enthusiastic initiative of this Parish Council.

Objection 13 – Development is not Sustainable

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The NPPF clearly states that developments that are not sustainable should not be granted permission. For all of the above reasons, as well as other factors not addressed by this application that are against the NPPF, KPC do not consider that the development is sustainable. As a result, planning permission should not be granted.