

Reference: 12/01880/OUT  
Address: Land at Flat Lane, Kelsall, Tarporley, Cheshire  
Proposal: Residential development for up to 90 new dwellings with open space, access and associated infrastructure  
Applicant: Taylor Wimpey

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## Kelsall Parish Council Objections to Taylor Wimpey Flat Lane Planning Application

Kelsall Parish Council (KPC) has objections to the following Planning Application:

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A summary to our objections, in no particular order although the ones in **bold** are of significant importance, are summarised below:

- Objection 1. **Previous refusals and grounds ruling subject site is not suitable for residential development.**
- Objection 2. **Development is against the Kelsall Parish Landscape and Design Statement (a Supplementary Planning Document).**
- Objection 3. **The proposed development is unsustainable.**
- Objection 4. **The proposed development is outside settlement boundary - it is sprawl.**
- Objection 5. **Harmful precedent setting.**
- Objection 6. **Character of proposed development.**
- Objection 7. Design issues.
- Objection 8. **Traffic / pedestrian issues.**
- Objection 9. **Impact on schools, especially primary school.**
- Objection 10. **Affect on public realm.**
- Objection 11. **Removal of sandstone features.**
- Objection 12. **Unacceptable impact on Folk Festival.**
- Objection 13. Lack of playground provision.
- Objection 14. **Removal of 'Best and Most Versatile' agricultural land.**
- Objection 15. **Removal of valued habitat**
- Objection 16. **Services/utilities.**
- Objection 17. Poor community consultation.
- Objection 18. **Development is against an emerging Neighbourhood Development Plan**
- Objection 19. Inappropriate housing supply figures

All of these objections are material considerations. The agreement of CWAC with just one of these objections is grounds for refusal of the planning application. However, since all apply and some relate to extremely significant issues and go against the requirements of the community and would result in unsustainable development, CWAC is urged to rule that the site, and those that surround it (since the most significant objections apply equally to those sites), are not fit for sustainable residential development (unless the community considers otherwise in a Neighbourhood Development Plan).

Further details for each objection follow:

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**Objection 1. Previous refusals and grounds ruling subject site is not suitable for residential development.**

The applicant for the proposed development includes supporting information that states that there are no previous planning applications applicable to the Flat Lane site. However, this is not the case. The following planning history is totally relevant to the site as the lands that made up the applications included the subject site and/or they are close/adjacent to the subject site and are subject to the same considerations. [Note reference to the public house called the ‘Morris Dancer’ is now called the ‘Lord Binning’. Bold items are KPC highlights.]

Year	Applicant and Site	Issues and Outcome (Most relevant points in <b>bold</b> .)
1988	<b>Whelmar – Land South of the Morris Dancer , Chester Rd and between Chester Rd and Flat Lane and South West of Flat Lane - 6/21393 Outline</b>	<ul style="list-style-type: none"> <li>○ Residential Development together with village green and public playing fields and community facilities on ~31.4 acres. Mixed development of single and two storey dwellings totalling some 207 units.</li> <li>○ Concerned Kelsall Residents’ Group formed and significant communication between them and Whelmar, both by mail and in the press.</li> <li>○ Letter to Chester City Council from Whelmar dated 11<sup>th</sup> December, 1989, stated “Further to our discussions regarding the above application, bearing in mind the current uncertainty over the Greater Chester Local Plan we would request that you hold the above application in abeyance until Jan/Feb 1990 when it should be possible to have more productive detailed discussions.”</li> <li>○ Agreed by Chester City Council to “hold the application in abeyance until the end of Feb 1990, but would not want it to drag on beyond that date.</li> <li>○ <b>Application withdrawn.</b></li> </ul>
1992	<b>Ideal Homes, 11 acres opposite the school, Rookery Farm, 48 homes &amp; recreational facilities (football, cricket, hockey pitches) 6/25252 &amp; 6/25806</b>	<ul style="list-style-type: none"> <li>○ Significant local (farm) support (Walker, Blything).</li> <li>○ Newspaper article Chester Chronicle 12/05/1992 “County Highways are objecting to the plan, chairman Nancy Sutton told the meeting”.</li> <li>○ KPC objections included: <ul style="list-style-type: none"> <li>○ <b>Most of site outside village envelope in open countryside.</b></li> <li>○ No overriding need for local housing land to justify exception to planning policy.</li> <li>○ Proposals would destroy character of that part of site within Conservation Area.</li> <li>○ <b>Strong planning presumption against development on good quality agricultural land.</b></li> <li>○ <b>Would lead to encirclement and inevitable development of remaining ‘open countryside’ land adjoining Morris Dancer</b></li> <li>○ Proposed recreation facilities insufficiently central and accessible.</li> <li>○ <b>School governors have said any influx of pupils would cause accommodation problems</b></li> </ul> </li> </ul>

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		<p><b>at the school</b></p> <ul style="list-style-type: none"><li>○ <b>Development on scale inappropriate to size and character of village and contrary to Cheshire 2001 policy on housing in rural areas.</b></li><li>○ Report of the Director of Development and Technical Services to the Planning Sub-Committee 15/07/1992 – Planning Application 6/25252 Ideal Homes – <b>REFUSE</b> – Withdrawn</li><li>○ <b>Reasons for Refusal – Policy, detrimental effect on Conservation Area/Listed Building</b></li><li>○ <b>Refused – listed building, loss of agricultural land, archaeological interest, outside village envelope.</b></li></ul>
1993	Land immediately adjoining Morris Dancer, proposed Compulsory Purchase by KPC	
1995	<b>Greenalls Group Plc - Land to the Rear of the Morris Dancer 95/01140/OUT</b>	<ul style="list-style-type: none"><li>○ Residential Development on 2.2 hectares (5.4 acres) [Approximately the area of the current Kelsall Green].</li><li>○ Objections by Cheshire County Playing Fields Association, CPRE and KPC include:<ul style="list-style-type: none"><li>○ Land designated for recreation in the last Chester Rural Local Plan and KPC has made numerous attempts to buy it for that purpose. It remains strongly committed to acquiring the land and regards it as essential that its designation for recreation be reconfirmed in the new Local Plan now in preparation.</li><li>○ Under the last Local Plan this land falls outside the village envelope and is classified as open countryside. The current 'Structure Plan, 'Cheshire 2001', states that "development in the open countryside will not normally be permitted" (Policy R1).</li><li>○ The covering letter from the Bolton Emery Partnership makes the unjustified assertion that "there is no up-to-date Structure Plan". Both Cheshire County Council and the Department of the Environment have advised that this claim is untrue and that 'Cheshire 2001' remains valid. The letter suggests that there is a shortfall in housing land in Chester and that this needs to be made up in villages. The County Council, in its options for the new Structure Plan looking ahead to 2011, envisages a significant reduction in house building rates in the Chester district from 6,100 houses in 'Cheshire 2001' to only 3,500-4,500.</li></ul></li></ul>

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		<ul style="list-style-type: none"><li>○ KPC letter to the Dept. of Development &amp; Leisure Services:<ul style="list-style-type: none"><li>○ Serious lack of outdoor sporting and recreational facilities.</li><li>○ <b>Housing development in recent years has removed many of Kelsall's former areas of green space. The Morris Dancer land forms part of a larger area of vital central green space which divides lower Kelsall from the rest of the village and is crucial to the survival of the village's rural character.</b></li><li>○ <b>No other conceivable suitable (i.e. relatively flat) site could provide the same unique combination of advantages as a recreation area i.e.:</b><ul style="list-style-type: none"><li>○ <b>Size, capable of accommodating full-size and junior football pitches, cricket pitch, children's play area and informal recreation space.</b></li><li>○ <b>Central location.</b></li><li>○ <b>Easy accessibility from all parts of the village, whether on foot, by bicycle (important for older children) or (for adult users and visiting teams) by car.</b></li><li>○ <b>Open aspect (attractive in itself and also a deterrent to vandalism).</b></li><li>○ <b>Safe location away from a busy road, so suitable for children to play.</b></li></ul></li></ul></li><li>○ <b>Refused - 1<sup>st</sup> February, 1996.</b></li><li>○ <b>Contrary to Policies H2 and RT3 of the adopted Chester Rural Area Local Plan, and Policies R1 and TR2 of the Replacement County Structure Plan.</b></li><li>○ <b>To approve the development would be inappropriate in this open countryside location and would result in a significant loss of recreational and amenity open space.</b></li><li>○ It is not considered that there are any exceptional circumstances whereby a departure from the Development Plan could be justified.</li></ul>
<b>1995 (cont)</b>	<b>Cheshire District Local Plan – Inspector's report</b>	<ul style="list-style-type: none"><li>○ DH02: Kelsall: Rookery Farm, the proposed site for the Ideal Homes development above, conclusions:<ul style="list-style-type: none"><li>○ <b>“The site performs an important open space role within the Conservation Area. It thus satisfies the terms set out in the Village Green Space Survey.</b></li></ul></li></ul>

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		<ul style="list-style-type: none"><li>○ DH02: Kelsall: Land adjacent to Morris Dancer conclusions:<ul style="list-style-type: none"><li>○ <b>“Although one is aware of nearby residential property when on the public footpath within the lower part of the site, I regard it as countryside. The several dwellings and the school along Flat Lane do not alter the overall impression. From the junction of Old Coach Road and Chester Road, the visual contribution of the whole objection site is best appreciated. The upper part of the site helps draw the wider countryside vistas into the village. The village character and the setting of the public house benefit from the close relationship between the countryside and the built up elements of the village. These characteristics deserve protection.”</b></li><li>○ <b>“Even though intervening hedgerows might disguise any dwellings on the lower part of the site, their roofs would doubtless still be evident. ... Whilst views close to the public house might not be unduly affected by the development of the lower part, the loose weave of the village’s overall form, which is so characteristic of this part of Kelsall, would be harmed.”</b></li><li>○ <b>“Moreover, other currently undeveloped land in the vicinity would lose its close association with the countryside and become susceptible to development pressure ... I consider it to be unrealistic to assume that increased pressure to develop other adjoining sites would not follow. Effective resistance to such pressure cannot be guaranteed, with the possible result that much of the area contained by Flat Lane and Chester Road could become urbanised. The distinction between the historic part of the village and the built up area extending to the north west, separated by the narrow gap along Chester Road would be similarly weakened.”</b></li><li>○ <b>“I regard this lower land as being so remote from the main built-up area that its development would be sufficiently harmful as to outweigh the benefits arising from the additional housing for this sector. Moreover, nothing convinces me that the existing village shops and services require additional significant residential developments to sustain</b></li></ul></li></ul>

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		<p><b>them. Indeed some suggest that the existing traffic congestion is so intolerable at times that no further development should be allowed. Whilst I may not support that view, it does serve to show a level of activities associated with those facilities.”</b></p> <ul style="list-style-type: none"> <li>○ <b>“I conclude that the allocation of this land for housing would offend the national guidance.”</b></li> <li>○ <b>“In my opinion the site need not be managed as a manicured village green to make a positive contribution to the village scene ... the land nevertheless performs an important visual role in the village fabric.”</b></li> </ul>

Nothing in the National Planning Policy Framework (NPPF) or the consulted on CWAC Issues and Options for the direction of the Core Strategy or the CWAC Local Development Scheme (2009), nor anything else, alters any of these outcomes and/or rulings, especially those from the Inspectors Report. Rather, these are all significant issues that form fundamental considerations as to the suitability and, importantly, sustainability of the site for residential development. As a result, the planning application should be refused, and CWAC should rule that this site (as others in the vicinity, since they are subject to the same issues) should never come forward for residential development (unless the community considers otherwise in a Neighbourhood Development Plan) in the future.

The Parish cannot be accused of NIMBYISM, since significant development has occurred in Kelsall in the recent past and a constant stream of developments have occurred recently adding new residential developments on infill land and also by the demolition of existing buildings and their replacement by several new properties, amounting to some 10-15% expansion of the village, as follows (non-exhaustive):

- Bramley Court.
- Chapel Bank.
- Church Bank.
- Farm Mews.
- Kelsall Barns.
- Next to Royal Oak.
- Next to Coop.
- Old Coach Road.
- Pasture Close.
- Primrose Hill.
- Quarry Lane.
- Quarry Lane.
- Reliance Court.
- Rookery Close.
- Swallow Drive.
- The Commons.

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KPC considers that little regard for the cumulative effects of not only these developments, but also several recent and future anticipated large planning applications, has been considered by CWAC nor any prospective developer. KPC reminds CWAC that these issues simply enhance many of the objections provided here, in particular Objections 2, 3, 4, 5, 6, 8, 9, 10, 15, and importantly Objection 16 (utilities/services especially flooding of raw sewerage, which is a significant human health and environmental issue), and so cause greater detrimental effects.

In addition, other large sites have been identified within the Kelsall Parish Landscape and Design Statement SPD (see Objection 2) that are considered inherently more sustainable than the proposed development, whilst other uses for the site have also been identified that are considered to be a more sustainable and productive use for it.

In addition, the recent refusal of a very similar development in Tarporley is grounds for refusal of this proposed development.

### **Objection 2. Development is against the Kelsall Parish Landscape and Design Statement (a Supplementary Planning Document).**

The proposed development is not in agreement with the Kelsall Parish Landscape and Design Statement (July 2007), itself a Supplementary Planning Document (SPD).

Although prospective developers are arguing that the Local Development Framework of CWAC could be considered “absent, silent, inadequate or out of date” according to the NPPF, the Kelsall Parish Landscape and Design Statement SPD is none of these things. Rather, it is a comprehensive and totally up-to-date document that clearly expresses the needs of the Parish and what proposed development should be and bring. The proposed development pays scant regard to the Statement and consequently does not address the vast majority of issues contained within it. In addition, clear and achievable aspirations of the Parish for this site were made and there is no evidence that these have changed; rather, due to the ongoing growth of Kelsall and the area, as well as the superb achievements of the Community Primary School, the need to adopt the aspirations for this site for more sustainable community recreation and amenity uses are greater than ever. The use of this site for such uses is enshrined within the NPPF (para 55) as “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.” The proposed development will not “enhance or maintain the vitality”, but do exactly the opposite.

The fundamental reasons that the Flat Lane site is enshrined as community, recreation and cultural space within the Landscape and Design Statement SPD is because it is the only space left in Kelsall for playing field provision (i.e. relatively flat) and the site provides the same unique combination of advantages as a recreation area i.e.:

- Size, capable of accommodating full-size and junior football pitches, cricket pitch, children’s play area and informal recreation space;
- Central location;
- Easy accessibility from all parts of the village, whether on foot, by bicycle (important for older children) or (for adult users and visiting teams) by car;
- Open aspect (attractive in itself and also a deterrent to vandalism);
- Adjacent to informal recreation space in the form of Kelsall Green;

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- Adjacent to the school so provides opportunities for expansion and also pupils to easily use any facilities; and
- Safe location away from a busy road, so suitable for children to play.

The scheme also goes against the wider CWAC Local Development Scheme Policy ENV 24 “Development in the rural area will only be permitted where it would respect the key features of the landscape and not be detrimental to its character.”

As a result, the planning application should be refused.

### **Objection 3. The proposed development is unsustainable.**

The developer has put forward their reasons for considering why they think the proposed development is sustainable. However, this is not a robust sustainability assessment and is, of course, led principally by them seeking to maximise their profits and improve their attractiveness to the investment market, since they are floated on the London Stock Exchange. Instead, to consider the apparent sustainability or not of this site the NPPF and other sources, including fundamentally other stakeholder’s views, such as the local community, need to be considered. This is because sustainability is the even balance between the three ‘pillars’ of the community, the environment and the economy. The developer has focused almost entirely on the economic aspects, which is against the NPPF definition of sustainability.

The NPPF has at its core two principal documents; firstly, Resolution 42/187 of the United Nations General Assembly, which defined sustainable development as “meeting the needs of the present without compromising the ability of future generations to meet their own needs”. Secondly is the UK Sustainable Development Strategy ‘*Securing the Future*’, which set out five ‘guiding principles’ of sustainable development: i) living within the planet’s environmental limits; ii) ensuring a strong, healthy and just society; iii) achieving a sustainable economy; iv) promoting good governance; v) and using sound science responsibly. The NPPF expands on these ideas to define what ‘sustainable development’ is for England as a balance of the previously mentioned ‘pillars of sustainability (i.e. the total and even balance of community, environment and economy) and then clearly states that developments that are not sustainable (i.e. against the NPPF) should not be granted permission.

Residential development on Flat Lane has long been considered inappropriate (see Objection 1), whilst the Parish has considered that there is a better use for this site for public recreation, amenity and school expansion (see Objection 2 and Objection 18). Therefore, the proposed development is at odds with Resolution 42/187 since the development of this site for residential development “compromises future generations” since valuable land is taken away from other, more productive and sustainable uses. In addition, many aspects from ‘*Securing the Future*’ are not met. For these reasons, the NPPF sustainability considerations are, by default, not met.

In addition to the above, the Landscape and Design Statement SPD (see Objection 2) had a sustainability assessment within it to further define what ‘sustainable development’ is for Kelsall (see Appendix 7 within the document). This was based upon the same principles that have been used to define the NPPF and so is considered to be sound and must be considered over and above the considerations of the NPPF. The document was adopted after lengthy involvement with the community (including statutory and other consultation, which hasn’t been

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done for the proposed development, see Objection 17). The proposed development does not meet nine of the eleven sustainability considerations judged to be so important for sustainable development in Kelsall, as follows:

1. To protect and enhance biodiversity, geodiversity and local environmental quality.
2. To protect and maintain the quality of inland water resources.
4. To protect and enhance historic, cultural and archaeological value.
5. To promote high quality building design.
6. To protect and enhance the quality of landscape and townscape.
7. To ensure access to goods, services and amenities.
8. To deliver rural / urban renaissance.
9. To safeguard and improve the viability and vitality of the village.
11. To protect and improve land quality.

The reasons why these crucial sustainability considerations for Kelsall are not met are expanded upon in detail elsewhere within this objection.

Of crucial importance to the UK is food production. This is also a significant issue for rural Cheshire, where many farms are becoming uneconomic. The Agricultural Land Classification system forms part of the NPPF. It classifies agricultural land in five categories according to versatility and suitability for growing crops. The top three grades, Grade 1, 2 and 3a, are referred to as 'Best and Most Versatile' land, and enjoy significant protection from development. The site is Grade 2 land, which is lacking within both Kelsall Parish as well as this part of Cheshire, so should be protected from such built development (see Objections 1 and 14).

Other uses for the site are inherently more sustainable. The fundamental reasons that the Flat Lane site is desired as community, recreation and cultural space within the Landscape and Design Statement SPD is because it is the only space left in Kelsall for playing field provision (i.e. relatively flat) and the site provides the same unique combination of advantages as a recreation area i.e.:

- Size, capable of accommodating full-size and junior football pitches, cricket pitch, children's play area and informal recreation space;
- Central location;
- Easy accessibility from all parts of the village, whether on foot, by bicycle (important for older children) or (for adult users and visiting teams) by car;
- Open aspect (attractive in itself and also a deterrent to vandalism);
- Adjacent to informal recreation space in the form of Kelsall Green;
- Adjacent to the school so provides opportunities for expansion and also pupils to easily use any facilities; and
- Safe location away from a busy road, so suitable for children to play.

If such a use for the site were to occur, more of the Landscape and Design Statement SPD sustainability considerations would be met, which, by default, makes it a more sustainable use and hence the proposed development an unsustainable use.

Since the proposed development cannot be considered sustainable, either by the United Nations, UK, NPPF or the Landscape and Design Statement definitions, planning permission should not be granted.

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#### **Objection 4. The proposed development is outside settlement boundary - it is sprawl.**

The site is outside the settlement boundary and should not be allowed. This plot is not an “infill” development as stated in the application, nor is it within the “present village centre”. This was reflected in the previous refusals of planning permission for this and surrounding sites (see Objection 1). The site is within an area called the “green village centre” within the Landscape and Design Statement SPD, but this is very different from that argued by the prospective developer and shows a fundamental misunderstanding of Kelsall, its make-up and its needs. The Landscape and Design Statement SPD has as its fundamentals for Kelsall that the land between the Lord Binning and the Community Primary School should remain as open space, protected from building development and not subject to gradual erosion. Land near the school (i.e. the subject site) should be allocated for sport use.

The proposed development is not in agreement with the Landscape and Design Statement 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. In addition, the views from other parts of Kelsall, including most importantly the well-loved public realm of Kelsall Green, would significantly affect community wellbeing as these are widely considered to be what makes Kelsall ‘special’ (i.e. to have a local distinctiveness, as encouraged by the NPPF (para 60)).

The scheme also goes against the wider CWAC Local Development Scheme Policy ENV 24 “Development in the rural area will only be permitted where it would respect the key features of the landscape and not be detrimental to its character.”

The NPPF encourages the prevention of greenfield sprawl and to enhance the connection between people and nature. The gradual transition of Kelsall into the countryside, so loved by Kelsall residents, would be lost through greenfield sprawl. The intrinsic value of countryside (para 17) is one of the Core Planning Principles within the NPPF.

As a result, the planning application should be refused, and CWAC should rule that this site (as others in the vicinity, since they are subject to the same issues) should never come forward for residential development (unless the community considers otherwise in a Neighbourhood Development Plan) in the future.

#### **Objection 5. 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 site;
- 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;

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- The scheme also goes against the wider CWAC Local Development Scheme Policy ENV 24 “Development in the rural area will only be permitted where it would respect the key features of the landscape and not be detrimental to its character” since little, if any, of the following is met:
  - *“Development should respect the key features of landscape character areas, as set out in the Chester District Landscape Assessment and Guidelines, and should contribute to the appropriate conservation, restoration and/or enhancement of these features and the public's enjoyment of them. In considering proposals for buildings in the rural area the Council will require developers to give attention to setting, scale, density, height, massing, layout, use of vernacular materials, design and detailing, landscape treatment, access and the Council's design guidance. In considering proposals for the change of use of land the Council will require developers to clearly demonstrate any effect which the development, associated works or operations might have on the landscape, access, features of nature conservation, historic or archaeological value and local amenity.”*
- 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, agricultural and ecological characteristics.
- Although development on agricultural land is allowed according to the NPPF, para 112 states that the site 'Best and Most Versatile' agricultural land (see Objection 14) is protected and CWAC should allow development on land of lesser agricultural quality first. This is not being done. As a result, should CWAC allow development on this land, it is setting a precedent to allow further damage to an already marginal agricultural industry (especially non-dairy) in Cheshire.

As a result, the planning application should be refused and CWAC should rule that this site (as others in the vicinity, since they are subject to the same issues) should never come forward for residential development (unless the community considers otherwise in a Neighbourhood Development Plan) in the future.

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## **Objection 6. Character of proposed development.**

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 from the celebrated public realm of Kelsall Green. The development of this land with houses of this scale is at odds with the proposed location as the “scarp foot” (as defined by the Landscape and Design Statement SPD), should not be subjected to such development. This is particularly an issue with the proposed development since the planning application seeks to build 2 ½ storey houses, which by default (and in line with modern building practices) have very steep and high roof pitches/lines.

In addition, the proposed development will have an unacceptably adverse impact on the amenities of the properties immediately adjacent to the site, especially the school, 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 Landscape and Design Statement SPD has been paid scant regard (see Objection 2). Instead, standard bland and locally unsympathetic property designs that result from a national volume house builder will be incorporated into this scheme. No attempt has been made to try to raise standards to incorporate local building materials nor to higher Code for Sustainable Homes levels other than the bare minimum of Level 3. The Landscape and Design Statement SPD gives support for more energy efficient properties and has at its basis the protection and use of local sandstone features and building materials but this has been ignored by the prospective developer.

The scheme also goes against the wider CWAC Local Development Scheme Policy ENV 24 “Development in the rural area will only be permitted where it would respect the key features of the landscape and not be detrimental to its character.”

Although the development does include some “second step of the ladder” family homes, which is welcomed by KPC, the inclusion of a significant proportion of “luxury” and “affordable” properties is not required in Kelsall and shows motives only of profit:

- There are numerous “luxury” properties for sale at the moment within Kelsall and most have been on the market for a considerable time period, including several new-build properties. If such mature and individualistic properties cannot sell, then copycat, immature and unsympathetic properties are also not going to sell. This is also emphasised by numerous other developments around Kelsall, such as Ashton Hayes, Utkinon, Tarporley, Tarvin and Mouldsworth, where properties are not selling.
- The poor uptake of properties from the recent Rookery Close development shows that there is no need for affordable properties in Kelsall. No sale/let of the properties was made to Kelsall residents or those from Kelsall who have not been able to previously find properties in the village. In addition, it has not gone unnoticed that the affordable properties of the proposed development will only be offered for six months before they are released onto the open market. This is considered a cynical attempt by the applicant to exploit both Kelsall and CWAC and is simply a ploy to maximise profits, whilst minimising Planning Contributions, as it is obvious that the developers themselves recognise there is no affordable demand within this area.

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Both of the above highlight that 90 odd properties developed in one go are not needed in Kelsall and such a development has no demand (see Objection 5) and is not sustainable (see Objection 2). In addition, the NPPF seeks that plans are "market driven". Since little market knowledge has been applied to the subject site, permission should not be granted.

Numerous villages within CWAC have been subjected to sudden significant expansions, including Kelsall. There is a clear understanding of the significant detrimental effects that this influx of people, traffic and other related issues can have on village life, as exemplified by Councillor Mike Jones in his Chester Chronicle article (4 February 2010) and repeated at a meeting organised by Stephen O'Brien MP on 18 May 2012. The Councillor went on to state that rural communities should only grow at a rate of some 5-10% over the life of the Local Development Framework and not instantly as this is unsustainable. It, of course, must be noted that later on in the development plan other developers will be interested in the areas and further development will happen, so causing much greater increases in village sizes. KPC agree that a slow but steady expansion of Kelsall is needed, not the immediate growth of nearly 10% that will be brought by this development. KPC are aware that many outline planning applications are enlarged with the detailed planning application and there is no reason to consider otherwise for this site. As a result, the number of houses that will actually be built will be more than the 90 and so will amount to a greater sudden percentage increase in the village. Several other large planning applications are also pending or being proposed for Kelsall, so this effect will be amplified.

As a result, the planning application should be refused.

### **Objection 7. Design issues.**

The proposed development does not push forward the objectives of sustainability far enough to warrant consideration of this development. 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.

Few other details are presented. However, as this application is by a national volume house builder, it is considered highly unlikely that any development will 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 SPD. The NPPF states 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 will only form stock housing from the developer's portfolio not including locally source building materials. There is no proposals to include a range of property types, so enhancing the 'higgledy-piggledy' nature of Kelsall where no one vernacular or building type dominates, which again provides local distinctiveness and so is against the NPPF (para 60).

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As a result, the planning application should be refused.

### **Objection 8. Traffic / pedestrian issues.**

Flat Lane is a heavily congested road, especially at school starting and closing times. However, it is well used all day by a variety of vehicles, including large heavy articulated agricultural vehicles. Notwithstanding this, it is a very narrow road along most of the length surrounding the proposed development. Along most of this length, it is difficult for two medium to large sized family cars to pass each other, especially if there are pedestrians using the very narrow footway. This is exacerbated in a place like Kelsall (and would be expected in the proposed development) where a large proportion of vehicles are larger than the average, such as 4x4s, which are especially prevalent during the school drop-off and pick-up times. The length of Flat Lane from the proposed site entrance to Chester Road is the narrowest section, although this will be the length most used.

Flat Lane from the school to beyond the proposed entrance location is effectively a one-lane road during school drop-off and pick-up. As a result, congestion is very bad. There is already a good path leading down from parking areas near the Co-Op/Kelsall Green, but even after repeated actions by the school for parents to use this facility, the majority does not. The introduction of a proposed link through the proposed development will only shorten the distance by a few hundred metres and will have negligible impact on the traffic issues surrounding the school. The photos taken on 28 May 2012 show the normal chaos around the school area that extends the length of Flat Lane. The weather was good on this date, but traffic can be even worse when it rains as parents try to drop their children off as close as possible to the school. The photos illustrate how even a simple issue, such as a bike, can totally stop all vehicles. The area where the bike was is where the proposed applicant wants to build a pavement and it is obvious of the illogical and dangerous nature of this proposal.

The actual Flat Lane/Chester Road junction is extremely dangerous as it is a blind corner, where it is impossible to see clearly cars coming down the hill. As a result, there is a Stop sign at this junction for Flat Lane. The Transport Assessment accompanying the application states that the local highway network, and in particular this junction, does not have a poor safety record. However, users will completely disagree with this assessment and near misses are commonplace. KPC considers it pure luck that nothing significant has happened in this locale.

An increase in traffic associated with 90 properties (conservatively 180 vehicles, but likely to be more as a result of many luxury properties) all using this length during the rush hours will exacerbate the issues further. The quoted trip movements within the accompanying documentation of 66 (between 08:00-09:00) and 69 (between 17:00 and 18:00) are woefully understated. There is no record of traffic during the afternoon school pick up time. The surveyed flows on the day showed a total of 131 morning peak trips in both directions along Flat Lane. The Assessment forecasts that this would be increased by an additional 66 trips from their development. This is an increase of about 50%, yet the conclusion of their Transport Assessment is that the proposed development would have a "negligible" impact on the local highway network. It is not seen how a 50% increase in the capacity of an already congested road is negligible.

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Typical chaotic parking outside school causing the length of Flat Lane to become a single lane.



Inconsiderate users can block the road entirely. Issues are amplified in worse weather.



Close to the Chester Road junction, a bike stops the flow of traffic as the road is so narrow. Traffic backs up to the Chester Road junction.



To aid progress vehicles have to mount the pavement. This is where the proposed applicant wants to build a pavement, which will obviously make matters worse.



To overtake the bike the car has to cross the central line. This would be the standard position if the pavement the proposed applicant is built, preventing two way traffic flow.



Road positioning near the Chester Road junction is often like this, with vehicles over the central lines. The existence of a pavement will make safe travel impossible.

Flat Lane traffic chaos on 28 May 2012

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However, the Transport Assessment ignored the Rookery Close development, the school wasn't at capacity as it is now, or considering other development in Kelsall, nor the fact that the Morris Dancer was closed and its car park effectively became a village asset. As a result, the results of this assessment are considered to be totally inaccurate and out of date. The Rookery Close development itself generates some 30 car movements from 14 houses at its peak, which also shows how inappropriate the predictions of the development are for a rural area with infrequent bus routes to Chester and Northwich (of course, not everyone will be going to these two places) nor Tarporley, where a lot of secondary school children go.

In addition, providing widened footpaths along Flat Lane will enhance congestion problems and will lead to regular mounting of the pavement by vehicles (already common practice now). The proposal to include a footway near the Chester Road junction shows a complete disregard to the traffic issues in this location and would prevent two vehicles of all but the smallest size passing each other. The area where the bike was on the photographs taken on 28 May 2012 is where the proposed pavement extension is and shows the obvious illogical and dangerous nature of this proposal, which will totally prevent the safe and efficient passing of two way traffic, so causing significant issues.

The proposal to push out the Flat Lane entrance/exit on Chester Road with some white markings shows a shocking disregard for all road users. Chester Road is a very heavily used road, even with the by-pass, with many heavy goods vehicles and buses. The restriction of width of Chester Road will exacerbate traffic issues. However, since Flat Lane is effectively a blind corner for Chester Road users, causing cars to stick out further will increase the likelihood of a potentially significant accident. Although Chester Road is subject to a 30mph speed limit, this is known to be exceeded by a significant proportion of road users, as highlighted to CWAC many times by a concerned KPC.

As a result, the proposed developments will significantly impact on the health and safety of all road users, but especially pedestrians and cyclists. Flat Lane also has very poor illumination, so these issues will be worse during the winter time. The impact of cyclists is considered extremely important, since the school is currently pushing an initiative for children to cycle to/from school. With a significant increase in vehicle numbers, this essential and deserved initiative will have to cease.

The applicant does propose that there are alterations along Flat Lane. This includes additional signage to warn "Slow – School", which will have no effect, whilst the kerb build outs with give ways to oncoming traffic (one in each direction, either side of the school entrance) will merely cause increased congestion as they will further restrict the area of kerbside parking along Flat Lane and may indeed encourage drivers to park in the access road to the proposed development causing further congestion. Backing up of queues of traffic will extend further than they do now, so impacting more local roads and residents.

In addition to all of the above, the proposed development fails to consider the amount of children that will be within the houses at the proposed development who will have to go to schools elsewhere (see Objection 9). As a result, the traffic on Flat Lane will increase, so causing more congestion as a result of the proposed development that has not been taken into consideration.

As a result, the planning application should be refused, and CWAC should rule that this site (as others in the vicinity, since they are subject to the same issues) should never come forward for

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residential development (unless the community considers otherwise in a Neighbourhood Development Plan) in the future.

### **Objection 9. Impact on schools, especially primary school.**

Kelsall Community Primary School is currently at capacity and is likely to be so for the foreseeable future. It is already proving difficult for some local residents within the Parish boundary to get their children into the school. The proposed development will shrink the catchment area.

The proposed development is for outline permission for 90 residential properties. However, as CWAC will be aware, many detailed planning applications are made for more residential properties than the associated outline applications. An extra 20% more properties could realistically be expected.

The make-up of home types is presently unknown, although the proposed development will comply with the 35% affordable homes requirement. However, the following is not considered to be an unrealistic assumption from KPCs recent previous experience of planned development in Kelsall:

<b>Residential property type</b>	<b>Number</b>	<b>Total number bedrooms</b>
2 bedroom properties	10	20
3 bedroom properties	30	90
4 bedroom properties	30	120
5 bedroom properties	20	100
<b>TOTAL</b>	<b>90</b>	<b>330</b>

Taking one bedroom away for each house for adults, this leaves some 240 bedrooms for children to occupy, so some 240 children. Of course, the number could be higher due to younger children sharing bedrooms. However, the numbers calculated above are realistic for the proposed development, since the recent development on Rookery Close generated 23 children from 14 houses, many of primary school age. Therefore, it is considered that Kelsall Community Primary School could not handle an intake this high even if split over several years. As a result, two things could happen immediately:

- Priority would be given to those closest to the school, so those children in other parts of Kelsall whom have lived here all their lives (and possibly their parents and wider families) wouldn't be able to go to their local school; or
- Priority would be given to those with siblings already at the school, so those children living closest to the school on the proposed development wouldn't be able to go to their local school;

Both of these scenarios have the same result, which is an increase in traffic, which means that the traffic assessment is wholly inadequate and this strengthens our Objection 8. Significant extra demand on a school that is already over-subscribed would also have a severe impact on transport issues and pedestrian safety, which have not been considered by the applicant.

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In addition, and more importantly, the school is considered to be outstanding. The proposed applicant has provided an illogical expansion of one extra classroom, showing a fundamental disregard and misunderstanding for the operation and make-up of the school (see attached letter), which if was carried out would cause standards to worsen, so affecting future prospects for the children. However, such an expansion would also mean that the traffic assessments are inadequate, since the school would have to double in size since no other means of accommodating the increase in pupils is possible. The attached letter from the School states the troubles that they would face from the proposed development.

The CWAC formula (Number of houses in development x 0.026 x Number of year groups in school) is significantly out of date and should not be used. For example, for this proposed development, only 17 additional school places would be generated for Kelsall Primary School. However, these have been discredited since the recent development on Rookery Close in Kelsall generated 23 children from 14 houses!

Of course, other significant impacts will occur at Tarporley High School, where Kelsall students subsequently go. This is a relatively small secondary school that is very successful being ranked within the top 10% of schools nationally. Cumulative effects of a substantial amount of large developments within the catchment are especially prevalent, which will significantly affect future achievements and inevitably affect future prospects of the children.

Little consideration of cumulative effects seems to be made by CWAC or the proposed developers, and CWAC should amended their policy to reflect children in actual developments, so at least the right contribution from developers should be made. This will mean for rural areas where schools are over capacity, such as Kelsall, developments should provide more money to provide the obvious substantial expansion needed. This will reduce the viability of rural sites and bring them more into line with the apparent 'unviable sites' in other CWAC areas, which, it is noted, would improve CWACs housing supply figures.

The applicants Planning Statement states that as the school is currently full their development will result in 16.3 unavailable spaces at the school (already shown to be wholly unrealistic). Under the Section 106 contributions this would mean a contribution of £189,000. This amount would be payable in three stages of £63,000 starting with the first payment on occupation of the first dwelling and on the anniversary of that date for the two following years. However, this is too late, as the infrastructure of the school needs to be in place before the significant influx of new students from the proposed development. If the money is not spent on Kelsall Community Primary School within five years from payment it shall be returned to the developer with interest. With the difficulties already facing an at-capacity school, and the further difficulties with the expansion needed at the school (see the previously mentioned attached letter from school), it is not seen how the school could expand sufficiently enough on a restricted site within such a timescale. Notwithstanding all of this, any piecemeal expansion will affect learning standards.

As a result, the proposed development should be refused.

#### **Objection 10. Affect on public realm.**

Kelsall Green is a much-loved and well-used asset for the community. The development of the play area through a voluntary committee and donations shows how important the Green is for the village. Part of the local distinctiveness of Kelsall is the unique Green with commanding

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views of the Cheshire Plain and the Welsh Hills. This local asset would be significantly affected by the complete obstruction of the wonderful views by the excessive height (2 ½ storey buildings with high pitched roofs, made even worse by the proximity to the Green boundary). The views afforded to Kelsall residents are a crucial foundation in the Landscape and Design Statement SPD and the proposed development has not considered these issues. Such removal of local distinctiveness is at odds with the NPPF (para 60) and this will affect future generations so is not considered to be sustainable.

In addition, the loss of views would also affect the Eddisbury Way, which is a long distance footpath running through the proposed development, and would affect the joy of users. The nature of the footpath would be altered from a rural feel in this locality to predominantly urban.

Views are a significant element considered by the community to make Kelsall a special place. As a result, it by default would form a significant element of any sustainability consideration. As a result, the proposed development would not be considered sustainable according to the NPPF.

The scheme also goes against the wider CWAC Local Development Scheme Policy ENV 24 “Development in the rural area will only be permitted where it would respect the key features of the landscape and not be detrimental to its character.”

As a result, the proposed development should be refused.

#### **Objection 11. Removal of sandstone features.**

Flat Lane benefits from some historical elements through sandstone wall construction. These are considered a striking attribute to be celebrated as part of the local distinctiveness of Kelsall. The retention and restoration of these items, as well as new developments incorporating significant sandstone features, is a crucial element of the Landscape and Design Statement SPD. However, the proposed development plans to remove such features and has no intention of including such features within its design. The NPPF encourages local distinctiveness in para 60 and this will be lost. The scheme also goes against the wider CWAC Local Development Scheme Policy ENV 24 “Development in the rural area will only be permitted where it would respect the key features of the landscape and not be detrimental to its character.”

As a result, the proposed development should be refused.

#### **Objection 12. Unacceptable impact on Folk Festival.**

The Folk Festival is an annual event that has been held in the village for more than 30 years. It is a much loved event by the ‘folk community’, as well as the Kelsall community, since it brings a lively weekend of fun that is not restricted to the paying attendees; locals can enjoy various street acts, novel shopping opportunities and further entertainment laid on at village venues such as the pubs and clubs. This influx of revellers also brings a significant amount of business to the pubs and local shops. However, its organisers have informed KPC that if the proposed development were to occur, its future may be in jeopardy due to the close proximity of a significant amount of new residential properties and a rise in objections to their annual planning

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application by those who are new to the village. As a result, the organisers would reluctantly have to seek alternative sites and to withdraw from Kelsall.

This would be unsustainable for Kelsall and would affect village life. Causing the cessation of the Folk Festival is against the NPPF, since this seeks to deliver thriving communities as part of its Core Principles as well as prosperous rural economy (Section 3).

As a result, the proposed development should be refused.

### **Objection 13. Lack of playground provision.**

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 by the proposed development.

The recent addition of the play area at Kelsall Green shows how important the provision of such facilities are to the village as this was delivered solely through community planning, volunteering and donations. Subsequent maintenance and repair of defects is done by KPC. However, the existence of this facility does not mean that the proposed development should be immune from this Policy. Rather, the close nature of the proposed development makes it look like an 'ownership' for the proposed future occupants. This will increase the use of the facility, which was only designed with the present levels of children in the village in mind plus a reasonable increase (not the 230 plus anticipated from this proposed development, see Objection 9). This would also significantly increase maintenance and repair costs for KPC.

As a result, the proposed development should be refused.

### **Objection 14. Removal of 'Best and Most Versatile' agricultural land.**

Of crucial importance to the UK is food production, since we import a large proportion of our requirements. This is also a significant issue for rural Cheshire, where many farms are becoming uneconomic. The Agricultural Land Classification system forms part of the NPPF (para 112). It classifies agricultural land in five categories according to versatility and suitability for growing crops. The top three grades, Grade 1, 2 and 3a, are referred to as 'Best and Most Versatile' land, and enjoy significant protection from development. The site is Grade 2 land, which is lacking within Kelsall Parish and this part of Cheshire, so should be protected from 'hard' development (see Objection 1) When such land is in a 'fallow' period, it can form a valuable habitat and resource for nature (see Objection 15).

As a result, the proposed development should be refused.

### **Objection 15. Removal of valued habitat.**

Woodland features form a key component of the local distinctiveness and are named as a crucial element to retain within the Landscape and Design Statement SPD. However, the proposed development seeks the complete removal of the lovely woodland feature along Flat Lane. This woodland, although not large in size, adds to the local distinctiveness and rural feel so lacking in this part of Kelsall. It also forms a dense and, hence, undisturbed habitat for

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nature. Many wild flowers are present, whilst birds, bats, ground based mammals, and insects and other invertebrates are known to use this habitat.

The pond is also a crucial element to retain within the Landscape and Design Statement SPD and comes from historical land uses and should not be lost or damaged. Although surrounded by valuable 'Best and Most Versatile' agricultural land, which is in very short supply in this part of Cheshire (see Objection 14), and is adjacent to a well-used footpath (Eddisbury Way, see Objection 10) it is not affected either by the agricultural practices nor can it be easily accessed by the public. As a result, it is in a much unaltered natural state, which is rare within Kelsall. Therefore, it is considered to be a wildlife haven being used by a variety of species. Anecdotal evidence suggests that it is well used by a variety of wildlife, including newts, snakes, birds, dragonflies, bats and ground based mammals, as well as a very wide range of insects and other invertebrates. All are seen on a regular basis by users of the path and the local community. According to the ecological information accompanying the application, Smooth Newts have been identified at the site but no Great Crested Newts have apparently been identified. However, KPC does not consider this correct and KPC Councillors have seen such newts present.

The introduction of a large housing estate next to the pond, as well as the use of the pond within a new landscape area and potentially within a SUDS scheme, will remove the "natural" make-up of the pond and reduce its potential for nature. In addition, due to the incorporation of the pond into a SUDS scheme, pollution is likely to occur as runoff with contaminated water containing hydrocarbons (i.e. fuels, oils, lubricants, etc) as well as particulates (i.e. from tyres and brake pads, etc) is likely to occur polluting the pond and, hence, diminishing the important habitat. The use of the pond within SUDS, nor the SUDS themselves, form adequate mitigation for newts.

Although the site is classed as 'Best and Most Versatile' agricultural land (see Objection 14), when such land is in a 'fallow' period, it can form a valuable habitat and resource for nature.

The ecological study accompanying the proposed development was poor and was not sufficiently detailed to either identify these issues or, as a result, consider the impacts of the prospective development, or consider how they can be mitigated.

As a result, the proposed development should be refused.

#### **Objection 16. Services/utilities.**

CWAC Policy GE4 "Availability of Utility Services" 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 and is not met.

While there may be adequate gas, electric and water supply available, foul drainage as part of the water utility, is identified within the Landscape and Design Statement SPD as a serious issue and describes the existing situation. In particular it 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

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overburden the existing sewer system." This is still the case and is even more important due to the recent significant expansion of Kelsall (see Objection 1) and future issues of climate change.

Previous experience has taught KPC 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, as shown in the photographs taken very recently on 19/20 April 2012. These are not just surface / runoff waters, but due to the combined sewerage system, are made up of both runoff and raw sewerage. This underlines the extent of the problem and reinforces the urgent need to deal with the drains, both foul and surface, before considering any further developments, especially of such significance as the proposed development, in Kelsall. The flooding of raw sewerage is a significant human health and environmental issue and is anticipated to worsen due to the effects of climate change.

As a result, the proposed development should be refused.



#### **Objection 17. Poor community consultation.**

The applicant has conducted a poor and inappropriate public consultation over such a substantial proposed development. An uninformative letter drop (that did not go to all local

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residents, including many within 250m of the development) and a poorly advertised public exhibition lasting only a few hours does not make a satisfactory public consultation. Several of the questions were leading questions where it was difficult to actually oppose the question being asked, although this had little to do with the actual proposed development. Other questions look to be obtaining the views of residents (e.g. to come up with a name for the site), but have absolutely nothing to do with the need for the proposed development or not. Regardless of the glossing up of this 'consultation', little, if any, of the feedback (which was overwhelmingly negative) has been shown to be incorporated into the proposed development.

A real consultation starts with a 'blank canvas' and a starting point of 'what do most stakeholders want?', is then widely advertised and conducted over several events and methods, takes on all the views submitted to reach the end point that most stakeholders are happy with. This has not been done. The 'consultation' was merely a developer 'going through the motions' and really seems to have been a developer saying "this is what we're doing; now we'd better consult on it".

Since an appropriate public consultation is now at the heart of the NPPF and Localism Act, especially of developments of this magnitude (instantly creating an expansion of the village of approximately 10%), and this cannot be shown to have occurred, the proposed development should be refused.

#### **Objection 18. Development is against an emerging Neighbourhood Development Plan**

KPC is in the process of developing a Neighbourhood Development Plan in line with the recently enacted Localism Act as at the heart of the NPPF. A core starting point of the NDP will be the Landscape and Design Statement that already benefits from approval post consultation and has been formally adopted into a Supplementary Planning Statement.

Key priorities outlined in the Landscape and Design Statement SPD are affordability and choice of property type, with most need of starter and second step of ladder (small family) homes, as well as 'downsizing' and sheltered properties for elderly people; recreation provision through green space and commercial units; and enhancement of the school. These are already backed up by a sustainability assessment within the Landscape and Design Statement SPD.

In addition, if any re-use of the site were to occur, the site of the proposed development has already been earmarked by the local community as further recreation, amenity and green uses, together with potential for school enlargement. It is considered that these views are unlikely to alter in any Neighbourhood Development Plan. This use must be made of the site since it is unique within Kelsall to offer a combination of advantages as a recreation area i.e.:

- The only remaining site close to the built-up part of Kelsall Parish that is relatively flat so could accommodate recreation uses;
- Size, capable of accommodating full-size and junior football pitches, cricket pitch, children's play area and informal recreation space;
- Central location;
- Easy accessibility from all parts of the village, whether on foot, by bicycle (important for older children) or (for adult users and visiting teams) by car;
- Open aspect (attractive in itself and also a deterrent to vandalism);
- Adjacent to informal recreation space in the form of Kelsall Green;

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- Adjacent to the school so provides opportunities for expansion and also pupils to easily use any facilities; and
- Safe location away from a busy road, so suitable for children to play.

It is our view that inappropriate developments such as this that do not subscribe to our adopted 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.

The Parish cannot be accused of NIMBYISM, since significant development has occurred in Kelsall in the past and a constant stream of developments have occurred recently adding new residential developments on infill land and also by the demolition of existing buildings and their replacement by several new properties (see Objection 1). In addition, other large sites have been identified within the Landscape and Design Statement SPD that are considered more sustainable than the proposed development. It is considered that these views are unlikely to alter in any Neighbourhood Development Plan.

Since the direction of any 'hard' development in Kelsall, as well as community recreation, amenity, and cultural enhancement, including for this site, are already widely known the proposed development should be refused. Such 'intent' is widely used in planning (e.g. the way the NPPF was referred to substantially before its introduction by both Government, local authorities and in particular developers). However, this intent and the views of the community have been ignored by the prospective developer.

As a result, the planning application should be refused.

### **Objection 19. Inappropriate housing supply figures**

Much is made by prospective developers of the CWAC housing supply figures, and this is the case with the applicant for this proposed development. CWAC can apparently only show 2.3 years of housing supply, when they should show between five to six years. This is a point that developers have not missed, including the applicant, and all are continually emphasising. In addition, the Cuddington Appeal heavily relied upon this fact.

However, the way in which the CWAC housing target has been developed has been discredited by Government as wrong since it still relies upon the Regional Spatial Strategy (RSS) and Growth Point (GP) provisions. Although the RSS has not yet been revoked through an Act of Parliament, this is a mere technicality and even Government has said that neither of these sources should be used to decide what a local authority's housing supply should be. Indeed, when discovering that the RSS figures were to be abolished, many local authority's up and down the country immediately announced that the housing figures were not to be used and that they would revert to their old requirements. CWAC should immediately do the same, but for some unknown reason has chosen not to grasp this opportunity to prevent unsustainable and inappropriate development affecting its paying and voting citizens.

Considering the former areas of Chester District, Ellesmere Port and Vale Royal, housing targets were robustly developed and approved (since all had Adopted strategies) as follows:

Reference: 12/01880/OUT  
 Address: Land at Flat Lane, Kelsall, Tarporley, Cheshire  
 Proposal: Residential development for up to 90 new dwellings with open space, access and associated infrastructure  
 Applicant: Taylor Wimpey

Former area	Housing Numbers (period)
Chester District	3,800 (1996-2011)
Ellesmere Port	3,100 (1996-2011)
Vale Royal	5,500 (2002-2016)
<b>TOTAL</b>	<b>12,400</b>

Although from previous years, they are all sound and based upon strong evidence, so could still be used. Even allowing for enhanced development of a further 10% growth, this would only be approximately 15,400 units. CWAC did not mysteriously grow in area size, or prosperity, nor population make-up from that contained in the former three local authorities. Only the RSS mysteriously and undemocratically emphasised growth.

However, instead of the 12,400 units, CWAC are still using the discredited RSS figure of 19,448 units plus GP (covering 9 years, but based on the RSS, so is also discredited and has been dropped by Government as it was a 'Labour Government invention' so has absolutely no basis in the current planning regime) to generate a housing supply of approximately 22,000 units. This is nearly 10,000 units more than that that was considered robustly necessary and no reasons other than proposed growth in the RSS considered this necessary undemocratically.

A five year land supply is required, so 7,480 units from the RSS and Growth Point figures. As of April 2009, the considered supply was only 6,852 units, giving a land supply of 4.5 years. However, the economy has worsened and this has dropped to the 2.3 year supply now used. If a five year supply was taken from 12,400 units from the old Local Plans (but still robust and could be used as a guide until the CWAC Core Strategy is fully adopted) would mean that only 4,133 units are needed.

Looking at present supply (Housing Land Monitor Report 2010 – 2011) some 654 houses were built 2010-11, which would mean a supply of 3,270 units can be assumed. Therefore, CWAC should be considering that the actual supply is four years, so is not far off target. Further, there are sites with planning permission in CWAC amounting to some 3,471 units with 2,825 units expected to be delivered within five years. Adopting the old but robust numbers, as well as considering those already with planning permission (as other local authority's do), would immediately make the targets more achievable and would deter developers speculatively considering more profitable sites.

In addition, many developers are spreading themselves thinly over many sites and, hence, cannot credibly bring forward sites. A focus on fewer sites, and fewer houses, would be in the best interests of CWAC, developers and local residents, since market prices, or at least desirability, would increase which would mean that the viability of existing sites would be improved, which would allow sites that are blighting communities to be developed first, as supported by the NPPF. This would mean that the five to six year supply would be probably on target if not completely achievable. This would remove the argument made by developers that the CWACs housing supply is "inadequate".

Exactly what makes these sites already with planning permission 'unviable' to CWAC appears to be 'whatever the developer tells us'. Little robust assessment appears to be made. Often, it is the same developers arguing sites are unviable often because they want to develop more profitable sites down the road, such as the proposed development that is the concern of this set of objections, or they have spread themselves too thinly. It is true that a lot of brownfield sites

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are apparently unviable due to contamination issues, but this is often due to poorly planned developments that could be redesigned and CWAC could work with developers to ensure that the developments still fitted the current planning permissions. In addition, DEFRA through the changes to Part 2A of the Environmental Protection Act 1990, have reduced the requirements on the level of clean up required whilst still being protective of human health and the environment. This makes sites much more viable by reducing remediation costs. CWAC should work with developers to reassess their sites to improve viability.

As a result of the above, the CWAC housing numbers are considered to be inappropriate and unrealistically – and undemocratically – high since they are based upon an unfounded and unsustainable basis (i.e. the RSS and GP) that now has no part in local planning or local government and hasn't for some time. As a result, more realistic, robust and locally representative numbers previously used by the previous CWAC local authorities should be used. This would cause housing supply to be on-target. In addition, since the viability of sites is not as bad as what the developer says they is, this would also improve the housing supply still further. Therefore, the proposed development should be refused as demand cannot be shown within CWAC, and certainly not within Kelsall, and an existing supply of sites can be met.