

Your ref:
Our ref: CC/779

13th June 2013

R Charnly Esq
Cheshire West and Chester Council
The Forum
Chester
CH1 2HS

Dear Rob

LAND TO THE REAR OF FOUR WINDS FLAT LANE, KELSALL REFERENCE 12/01880/OUT

Further to our discussion I write to provide you with further information on 2 matters.

The first a detailed response in respect of the treatment of proposals regarding the Flat Lane frontage, this has been prepared by Randall Thorp and appended to this letter. Secondly a detailed response to the 19 objections made by Kelsall Parish Council (The Parish), please find this below, to which the Applicants consultant team of technical experts have each provided a contribution.

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

The Applicant acknowledges the planning history of the site but what The Parish fail to recognise is that Section 38(6) of the Planning and Compulsory Purchase Act 2004 stipulates that all applications must be determined in accordance with the Development Plan (unless there are material considerations which indicate otherwise). The Development Plan is therefore the starting point for the determination of this application not previous planning applications on the land. Importantly said previous planning applications were considered against completely different Development Plans which The Parish also fail to recognise and indeed also determined against a historical national planning policy framework where for example consideration of an immediate 5 year housing land supply was not a requirement.

The point made by The Parish that little regard has been given to cumulative effects of the development with permissions that have already been granted is incorrect.

The Planning System General Principles (2005) stipulates that an application should be determined on its own merits. Notwithstanding this in September 2011 the Applicant requested an Environmental Impact Assessment (EIA) Screening Opinion from Cheshire West and Chester (CWaC) in accordance with the EIA Regulations and Circular 02/99 which 'screens' the proposed development against the criteria of cumulative impacts on the locality and there were considered by be none of a significant nature that would warrant further assessment.

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Notwithstanding this the Applicants technical consultants have investigated matters in relation to technical capacity of the relevant highways and drainage systems to accommodate the development and these such assessments take account of relevant committed developments. This information was submitted with the Application.

There is no requirement on an applicant to consider potential future developments that do not have an allocation nor a planning permission as there is no guarantee that these will be allowed by CWaC nor delivered.

The Parish state the reason for refusal on a scheme in Tarporley is grounds for refusal of this proposed development. The application I understand The Parish are referring to is reference 12/00332/FUL. CWaC refused this application based upon the reliability of the housing supply figures and it being a departure from the Local Plan and the National Planning Policy Framework.

Following this decision you will be aware CWaC updated their housing land monitor (discussed below under Objection 19) which confirms the Council can still only demonstrate a 2.9¹ year supply of housing land. The Parish also fall short of highlighting that this application was 'twin –tracked' with the other the subject of a planning appeal, the Inquiry held in May to which you will be aware CWaC sought not to defend their position by not providing any planning evidence.

However what The Parish do not acknowledge is that there are several permissions for residential development approved in the last 2 years which are too on land of a similar nature and location, these are listed below.

Reference	Location	Description
10/02883/OUT	Nestle UK Limited, The Creamery, Warrington Road, Cuddington, Northwich	Residential-led development (Use Class C3) with public open space, allotments (Use Class sui-generis agriculture) and development ancillary thereto (including community building – Use Class D1) approximately 156 dwellings. Reserved matters subsequently approved 158 dwellings.
11/05906/OUT	Tarpoley Road, Tarvin	Residential development for up to 130 dwellings with open space, access and associated infrastructure (outline).
12/01277/OUT	Barnston Mews, Farndon, Chester	Residential development of 46 dwellings (Outline).
11/01256/FUL	Land Adjacent 122 Rosewood Drive Winsford Cheshire	Proposed erection of 28 two-storey dwellings comprising of 2, 3 and 4 bed units with car parking, access road from St Johns Drive and associated works.
10/02718/FUL	Land At Saltworks Farm Waterside Drive	26 No. 2/3 Bedroom dwellings, new road and all associated works (Amendment to Planning Approval 09/02019/FUL).

¹ CWaC Housing Land Monitor 2011-2012 Interim Report

	Frodsham Cheshire	
10/00586/FUL	Land At Heatherways Tarpoley Cheshire	Erection of a residential development comprising of 33 dwellings, associated highways and landscaping arrangements Location
10/01794/OUT	Lostock Triangle Site Manchester Road Lostock Gralam Northwich Cheshire	Construction of up to 160 dwellings with access, associated parking and infrastructure
11/02007/OUT	Mouldsworth Chester	14 Residential Units and means of access with indicative provision for associated public open space (Resubmission 10/13236/OUT)
08/01323/OUT	Grub Lane, Kelsall	Construction of Dwelling

Despite all these permissions CWaC still cannot demonstrate a 5 year housing land supply and there remains a significant need for sustainable, deliverable housing developments in the Borough to which the land at Flat Lane can contribute to.

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

The Applicant does not state anywhere in the application submission that the Kelsall Parish Landscape and Design Statement is out of date. Far from this the Applicant accepts the Statement is a material consideration in the determination of the application which must be weighed in the balance of all arguments. Consequently the submitted proposals have paid close attention to the Kelsall Parish Landscape and Design Statement – particularly the key planning issues in para 1.9 (page 8) which aim to support ‘local distinctiveness, diversity and infrastructure’. The current application seeks outline permission only and therefore the details of building design are not covered in detail at this stage, if this application is approved the Applicant will consult with The Parish during the preparation of the detailed Reserved Matters proposals, however the Design and Access Statement sets out the basic principles that building styles will complement the local vernacular so that this can be taken forward at the Reserved Matters stage.

Key elements of the design which have been incorporated as a result of the Landscape and Design Statement are:

- The incorporation of key view lines to distinctive local landmarks to provide local distinctiveness;
- Inclusion of landscaped areas with native tree and shrub planting, particularly around the existing PROW and the new proposed route to school, to enhance the immediate environment and to ensure that the development is not intrusive within the settlement;
- Incorporation of SUDS; and,
- Creation of a new safe route to school.

The Parish state there is a *'... need to adopt the aspirations for this site for more sustainable community recreation and amenity uses are greater than ever'*

The Site is in private ownership. The Site currently has limited public access, restricted only to the existing Public Right of Way (PROW). Access to the remainder of the Site is restricted by fencing. The proposed development presents an opportunity to increase the amount of accessible and useable public open space on this piece of land which complements the aspirations for the Site set out within the Landscape and Design Statement.

The Parish state *'The fundamental reasons that the Flat Lane site is enshrined as community, recreation and cultural space within the SPD is because it is the only space left in Kelsall for playing field provision'*

The Kelsall SPD whilst a material consideration in the determination of the application does not form part of the Development Plan. It does not therefore allocate the land for recreational development, as you are aware only the emerging Local Development Framework now has the ability to allocate land.

Unfortunately the land is a private asset, it is therefore not feasible to give the entire site over to the community, however the proposed development presents the opportunity to enable the public to use large parts of the site for recreational purposes which they would otherwise be unable to access. Indeed the Proposed Site Layout submitted with the application illustrates some 25% (0.85ha) of the total site area is proposed as amenity open space that will be available to the local community.

The Parish state '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 Proposed Site Layout is specifically designed to take account of the existing landscape (as advocated by Development Plan policy ENV24) to retain the existing key view lines towards the distant hills and the local landmark church spire. These are the elements which give the area its identity. The design ensures that there is no negative impact upon the Lower Kelsall Conservation Area and that the proposed development will be largely screened by vegetation to ensure that there is no detrimental change in the character of the surrounding rural area.

Objection 3: The proposed development is unsustainable.

The Parish do not consider the site is sustainable. I therefore draw your attention to the National Planning Policy Framework paragraph 7 which stipulates there are 3 dimensions to sustainable development, that being economic, social and environmental, these are considered in turn.

It is an acknowledged fact that housing development is able to contribute to economic development, the Applicants economic consultants predict that the proposed development is likely to generate in the region of 45 new jobs which will be likely to include training and apprentice opportunities during the construction phase. In addition these employees and indeed new residents of the development are likely to use the local shops and businesses thus supporting local economic growth. The development is likely to generate in the region of £800,000 through the New Homes Bonus Initiative, funds that can be further directed to local economic investment.

Of particular relevance is the explanatory text to the social role it states it signifies:
" supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the communities needs and support its health, social and cultural well-being"

The application proposals promote a high quality residential development that meets the needs of the community (as set out in the Strategic Housing Market Assessment) through a mix of different house types including 35% affordable properties. The Site is located within excellent walking distance of local shops and services and the application proposals seek to enhance the connectivity of the local school to the wider community through the provision of the upgraded public footpath to include a cycleway and additional pedestrian and cycle linkages thus supporting health, social and cultural well being.

The application proposals will enable the land to continue to contribute to an environmental role through improving the biodiversity of the land, enhancing the landscaping features to encourage wildlife, the development will promote the controlled storage of water in a variety of sustainable ways including soakaways, infiltration trenches and open areas. The application supports the requirement to minimise waste and pollution as advocated by NPPF, the Construction Waste Management Plan submitted with the application details the procedures that can be undertaken to reduce, reuse and recycle waste and promotes the minimisation of the use of raw materials and increase in construction efficiency. The application will contribute to the promotion of a low carbon economy by seeking to maximise opportunities for the achievement of Code for Sustainable Homes 3.

We therefore consider the proposed development unequivocally meets the requirements of NPPF and is categorised as sustainable development. As you are aware there is a presumption in favour of sustainable development.

In addition to this however we respond to the points made by The Parish who state the scheme does not meet 9 of the 11 sustainable objectives for Kelsall.

1. 'To protect and enhance biodiversity, geodiversity and local environmental quality'.

The proposed development will provide an opportunity to enhance biodiversity and environmental quality. There will be no negative effects upon geodiversity.

2. 'To protect and maintain the quality of inland water resources'.

The proposed development will have no negative impacts upon inland water courses.

4. 'To protect and enhance historic, cultural and archaeological value'.

The proposed development is designed to ensure that there is no negative impact upon the nearby Conservation Area.

5. 'To promote high quality building design'.

The proposed development is outline and therefore the final building design is not detailed or fixed at this stage. The submitted Design and Access Statement sets out the principles that the new buildings will be of a high quality.

6. 'To protect and enhance the quality of landscape and townscape'.

The proposed development will enhance existing landscape features of value such as the existing pond and retained trees and hedgerows. The local townscape will be protected through retention of key view lines towards local landmarks and the restriction of building heights to a maximum of 2.5 storeys within the development site which will ensure that views to distant hills are not obstructed.

7. 'To ensure access to goods, services and amenities'.

The proposed development is located in close proximity to the existing shops and facilities within Kelsall Village Centre, and the site is very close to bus stops to enable convenient access into the wider area. In addition the development will enhance the connectivity of these facilities for existing residents.

8. 'To deliver rural / urban renaissance'.

The proposed development can provide an opportunity to improve Kelsall by providing new accessible and useable public open space, improving the existing road/footpath along Flat Lane, and providing new safe green routes to school.

9. 'To safeguard and improve the viability and vitality of the village'.

The proposed development will provide new and affordable homes within Kelsall to enable young people and families to stay in the local area. These people will support local shops and facilities.

11. 'To protect and improve land quality'.

As detailed above the land is in private ownership. I acknowledge The Parish are a consultee and the Parish SPD is a material consideration but this does not form part of the Development Plan. It is for the Authority to weigh all material considerations in the balance together in determining this application.

The Parish state '...the parish has considered that there is a better use for this site for public recreation, amenity and school expansion'

As addressed above the proposed development site currently has limited public access, restricted to the existing PROW by fencing. The proposed development presents an opportunity to increase the amount of accessible and useable public open space on this piece of land.

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

The Parish state *'The site is outside the settlement boundary'*.

The Chester Local Plan does not define settlement boundaries, Kelsall does not have a defined settlement boundary.

We consider that the application site falls within the perceived extents of the village. It is close to the heart of the village where there are a number of existing shops and facilities.

Flat Lane presents a logical natural boundary to Kelsall; however more recent residential development which has occurred on the southern side of Flat Lane, opposite the Kelsall primary school, now frames the eastern edge of the Site, and extends beyond the Site to the south. The Site appears to be loosely contained by development or recreational space

and therefore falls within the perceived extents of the village rather than constituting 'sprawl' as The Parish state.

The Parish state 'the site is within an area called the 'green village centre'.

The area is called 'present village centre' in the Landscape and Design Statement – not 'green' village centre.

The Parish state *'the proposed development is not in agreement with the landscape and Design Statement SPD since it affects the rural nature of the village'*.

The Site is largely screened from viewpoints to the north of the site. This is due to a combination of existing buildings along Chester Road, topography, well established vegetation at the site boundaries and existing large evergreen trees at the northern boundary to the village green. As such there are no direct views into the field which comprises the application site. Development upon the Site would therefore not affect the rural nature of the village.

The Parish state *'the planning application should be refused by 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...'*

As you know CWaC do not have the ability to advocate such a 'rule'. As stated above S38 (6) of the Planning and Compulsory Purchase Act (2004) stipulates that all applications must be determined in accordance with the Development Plan (unless there are material considerations which indicate otherwise). It is on this basis that this application must be determined.

Objection 5: Harmful precedent setting.

As addressed above (under Objection 1) this application and indeed any other application must be determined on its own merits. Need has been demonstrated through the application submission and CWaC's ultimate deficient 5 year housing land supply required by national policy, this is a material consideration of the NPPF which takes precedence over Development Plan housing supply policies.

The Parish response includes at its second bullet point a reference to Policy TR19 which states that it *'allows developments 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'*.

The Transport Assessment (TA) clearly demonstrates that the additional traffic likely to be generated by the proposed development would only be around an additional vehicle every minute. This can adequately be accommodated on the local highway network. The TA confirms that the junctions in the vicinity of the site including the junctions of Flat Lane/Church Street and Flat Lane/Chester Road operate with substantial reserve capacity even with the traffic generated by the proposed development.

It is also worth noting that paragraph 32 of the National Planning Policy Framework (NPPF) confirms *'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*.

Furthermore, there are off site works proposed to mitigate the impact of the proposed development, namely:

- Improvements to Flat Lane junction with Chester Road to enhance visibility and movement for traffic travelling from Flat Lane onto Chester Road.
- Widening of Flat Lane along site frontage.
- Improvement to formalise movement and slow vehicular speeds along Flat Lane.

As such, we consider there should be no objection to this proposal on traffic impact grounds.

Policy ENV4 is addressed above. Policy H05 is addressed in full in the Supporting Planning Statement. The Councils Spatial Planning response to the planning application similarly advocates that CWaC cannot demonstrate a 5 year housing land supply and *'that housing applications should be considered in the context of the presumption in favour of sustainable development and where local planning authorities cannot display an up-to date five year supply of deliverable sites, relevant policies for the supply of housing should be considered out of date.'*

Objection 6: Character of proposed development.

The Parish state *'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'*

The application is submitted in outline and at this stage it is unreasonable to object to the scheme on the basis of building design which has not yet been finalised and which will be specified at the Reserved Matters stage.

The proposed development includes properties of up to 2.5 storeys, however the overall height of these building is generally not higher than a 2 storey property. It should also be noted that the scheme parameters only states that properties will 'up to 2.5 storeys' and that not all properties across the development will be 2.5 storeys.

The proposals, although outline, include reference to include stone detailing on the facades of new properties. There is also a proposal for a new sandstone faced retaining wall along the frontage to Chester Road. The inclusion of sandstone detailing complements the aims of the Landscape and Design Statement.

As emphasised above, the application is in outline form and, as such objections based upon specific design elements are unreasonable at this stage. However, the Applicant emphasises that the Kelsall Parish Landscape and Design Statement has played a central role even at this outline stage. The Applicant has made clear, via its website and in all consultation materials throughout the public consultation process that the SPD has formed a key part of the application process. Furthermore, the comments forms at the public exhibition sought feedback on this particular issue, asking respondent:

Our proposals have been designed to reflect the Kelsall Parish Landscape and Design Statement (e.g. by creating an open view to the hills and preserving the Eddisbury Way in a green corridor). Have you any comments on the proposals with regard to meeting the vision of the village's design statement?

On the consultation website (<http://www.flatlanekelsall.co.uk/thevision.html>), it clearly lays out:

*In 2007 Kelsall parish and community produced the Kelsall Parish Landscape and Design Statement which has been endorsed and adopted by Cheshire West and Chester Council. The document is intended to act as a guide for new development by providing design objectives for residents and developers which seek to ensure that the distinctive character of the rural community is maintained. The Design Statement sets out a number of principles which are designed to support **local distinctiveness, diversity and infrastructure**. These include:*

New buildings should be individual in design while respecting the character of adjacent buildings. Materials to match with Cheshire brick / sandstone should be predominant in new buildings, walls and gateposts;

Development should respect the valley topography and take advantage of distant views;

Development should incorporate Sustainable Urban Drainage Systems (SUDS);

Development should contribute to local infrastructure, potentially through provision of safer routes to school and increased pedestrian safety.

The Design Statement also describes local landscape character types, placing the Flat Lane site within the 'Scarp Foot'. The key recommendation for this area is to maintain the open aspect of views from the Scarp Foot towards the east and west. This recommendation is strongly followed within our proposed layout for the site.

The Applicant notes that there were very few comments received from the consultation with relation to specific design aspects of the proposals. Those that were received have been referenced in the Consultation Statement and incorporated into the Design and Access Statement. It is not therefore; appropriate to object on these grounds at this stage.

The Parish question the need for affordable homes. As you are aware Policy H03 of the Chester Local Plan requires developments to provide a proportion of affordable homes. Housing strategy are agreeable to the 35% provision promoted.

The Parish go on to state that '*NPPF seeks that plans are market driven. Since little market knowledge has been applied to the subject site, permission should not be granted.*' As no point during our pre-application consultations with the Parish did they request market evidence. As a national housebuilder the Applicant clearly has the market knowledge and prior to embarking upon the planning application process has undertaken its own assessments.

The Parish state... '*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.*'

The Applicant explained to The Parish at the pre-application state that this application was for up to 90 new homes. As you are aware all the technical supporting documentation has been submitted and considered on this basis. If this application is

approved then any Reserved Matters application must comply with the parameters of the description of the outline application and therefore The Parish Councils assumption that the number of dwellings would increase above 90 is wholly incorrect.

Objection 7: Design issues.

The Parish state *'...it is considered 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'*

The proposed development has been carefully designed to ensure that vegetation will generally screen views towards the built elements of the development, particularly at the sensitive boundary to Flat Lane and the open countryside beyond. Where there are views the vegetation will ensure that these are glimpse views rather than providing a sudden sense of arrival at the new housing. As such the development will not create stark boundaries between the built up area and the countryside beyond.

The Parish state *'Few other details are presented'*

Details regarding the housing styles are limited at this stage as this is an outline application.

The Parish State *'There is no proposals to include a range of property types'*

This is incorrect, the Design and Access Statement provides a range of property types on page 51.

We consider the application proposals are wholly inline with the aspirations of NPPF that seeks the promotion of well designed buildings.

Objection 8: Traffic / pedestrian issues.

The first sentence of this part of the objection suggests that Flat Lane is a 'heavily congested road especially at school starting and closing times'. Whilst some congestion might be experienced for a short period around these times Flat Lane carries 131 two way movements during the AM peak hour period which is the busiest hour of the day. This equates to around two vehicles every minute along Flat Lane in either direction. This cannot be considered as being anything other than lightly trafficked.

The section along the frontage of the site will be widened, to around 5 metres, to allow a wider passage for all vehicles past the site and improvements will also be made between the site and Chester Road as detailed above.

It is also envisaged that the number of vehicles that currently travel to Kelsall Community Primary School will be reduced with the improved pedestrian routes proposed as a result of the development scheme. These include the following improvements:

- Upgrading of the existing 'zebra' crossing on Chester Road to a formal signal controlled 'PUFFIN' crossing;
- Implementation of a formal footway on the western side of Flat Lane between the site and Chester Road;

- Formal 2 metre wide footway along Flat Lane across the frontage of the site;
- The upgrading and improvement of the definitive footpath from the centre of the village on Chester Road through the site and onto Flat Lane; and
- The potential for a further controlled crossing on Chester Road within the centre of the village.

These improvements will ensure that a pedestrian journey from all parts of the village will be more attractive and the potential will exist to reduce existing vehicular trips to the school and thus will reduce the potential congestion around the school for this small period at the start and end of the school day.

Flat Lane will also be formalised with formal kerbing in many areas in particular on the section between the site and the junction with Chester Road where this does not exist at present. This may well lead to some vehicles using the existing verge area of Flat Lane at times to avoid any potential conflict with the odd agricultural vehicle along Flat Lane. This potential issue will be improved with formal kerbing as the edge of carriageway will be defined allowing all the available carriageway width to be utilised.

This section of the Parish Council response also considers that the junction of Flat Lane and Chester Road is 'extremely dangerous'. It has already been demonstrated that this junction does operate well within its theoretical capacity and will be improved as a result of these proposals with kerblin improvements to ease movement onto Chester Road from Flat Lane and also improving the visibility from Flat Lane.

The TA also provides evidence that there has been one recorded personal injury accident at the junction of Flat Lane and Chester Road in the past 5 years. This involved a motor vehicle which collided with a pedal cycle when turning right into Flat Lane and resulted in slight injury. As such, no accidents occurred when vehicles were exiting Flat Lane.

The junction would therefore seem to be negotiated with care by existing drivers as the accident statistics confirm. The geometry of the junction will be improved as a result of the proposals and therefore the operation of the junction should remain safe once the site has been developed.

Traffic flows are considered in the last paragraph of Page 14 of The Parish objection. The first sentence uses an incorrect view of the likely traffic generation during peak hours for predominantly private residential development. The Parish suggest that each house would generate two vehicular movements each during the traditional AM and PM peak hours. This is simply not the case. The trip rates have also been agreed with CWaC, the local highway authority.

These confirm that the trip generation for this type and size of residential development would be in the region of 65 to 70 additional two way trips during each of the traditional peak hour periods.

The response continues by stating that the flow of traffic along Flat Lane was not recorded during the school finishing time. The surveys during the PM peak hour covered the period from 1630 to 1830 hours, as agreed with CWaC, and so didn't cover the school closing time. However, the AM peak period, which is the busier of the two peak hour periods, does cover the school start time and one would expect a similar level of traffic to the period when the school ends.

Furthermore, at this time of day the traffic generated by the proposed residential would be substantially lower than the period between 1700 and 1800 hours.

This section of the response continues by proposing that the TA is 'out of date' and 'inaccurate' as the school wasn't at capacity at the time of the surveys but is now. There is no evidence of this claim in The Parish response but notwithstanding that the timing and extent of the surveys was agreed as being appropriate by the local highway authority, CWaC, and we believe that they are appropriate for the purposes of this planning application.

A number of photographs have been included in the Parish Council response under the title 'Flat Lane traffic chaos on 28th May 2012'. It is difficult to confirm that the validity of these photographs as there was no time or date on any of them. It is acknowledged that the width of Flat Lane is not ideal for its entire length but improvements are being proposed with the planning application to improve the flow of vehicles along this section of Flat Lane.

The existing 'problems' highlighted by the Parish Council are based around the existing 'issues' of the Primary School which will not be materially affected by the proposals and indeed improvements in the pedestrian accessibility of the Site should be able to reduce the overall traffic generation of the school to reduce these 'issues' at the school.

This follows onto the next point made by The Parish which refers to the lack of street lighting along Flat Lane. Improvements in the lighting along Flat Lane and along the pedestrian route through the Site will be proposed to further improve the accessibility of the area by pedestrians and cyclists.

The potential traffic calming along Flat Lane has been offered by the Applicant to slow vehicular speeds and to formalise traffic flows along Flat Lane. If these improvements are not considered to be necessary or inappropriate then the Applicant can offer other potential improvements on Flat Lane which can be discussed and agreed with both the Parish Council and CWaC.

In summary, the proposals include substantial improvements to the local highway and footpath network which will mitigate the impact of the proposals.

Objection 9: Impact on schools, especially primary school.

The Applicant has undertaken several pre-application discussions and meetings with CWaC Education Authority. The Education Authority provided the Applicant with the child yield calculator that CWaC use to calculate how many primary and secondary school children will arise from the development. The Education Authority informed the Applicant that based on the school future projections most years will be at capacity and the Education Authority are likely to seek a financial contribution to enable an extension of 1 class room at Kelsall Primary School. The formal response from the Education Authority is awaited.

Whilst the majority of the transport and highways issues have been considered in earlier sections of the Parish Council response they do make some points regarding these issues in Objection 9 which refer to the potential expansion of the Kelsall Community Primary School.

We can confirm that no additional traffic movements has been specifically considered which relates to any further vehicular trips being made between the proposed development site and the Kelsall Community Primary School as it is inconceivable that these pupils will do anything other than walk to the school given the fact the journey from the centre of the site would be around 200 metres.

Objection 10: Affect on public realm.

The Parish state *'...commanding views of the Cheshire Plain and the Welsh Hills (from Kelsall Green)... would be significantly affected by the complete obstruction of the wonderful views by the excessive height buildings, made even worse by the proximity to the Green boundary'*

The Site Layout Plan has been designed to ensure that new properties are not located excessively close to the boundary of the village green or in areas where the development could become prominent in the views from the village green. 2 – 2.5 storey buildings are therefore considered to be an appropriate size to be located within the areas of the site where housing is proposed. The topography of the site is sloping downwards, away from the level of the village green, which will ensure that houses do not dominate the view from the village green, nor will they obscure the distant views to the Cheshire Plain and Welsh Hills.

The Parish State *'...loss of views would affect the Eddisbury Way... The nature of the footpath would be altered from a rural feel to predominantly urban'*

The views from the Eddisbury Way would inevitably change as a result of the development, however the proposals have carefully provided a broad landscape corridor along the route of the Eddisbury Way which will ensure that houses are not situated excessively close to the route, and to enable new tree planting along the route which will soften the appearance of housing in this area. The layout also retains key viewlines to the distant hills to the east which will ensure that the sense of place provided along the route of the Eddisbury Way will be retained.

Objection 11: Removal of sandstone features.

The Parish State *'...the proposed development plans to removes such features (sandstone wall on Flat Lane) and has no intention of including such features within its design'*

In order to improve the existing situation for pedestrians along Flat Lane the footpath is proposed to be widened. This will result in the requirement to remove the existing sandstone wall along the site frontage and to provide a new sandstone faced retaining wall further back. It is our intention to re-use the existing sandstone to face the new retaining wall, wherever possible, to ensure that the existing character of the lane is retained (full details are provided in the accompanying note).

The existing wall is currently in a poor condition and has been largely encroached upon by vegetation. The wall is bulging in parts and has collapsed in other parts, which gives an indication that the wall is not entirely stable in its current state. The rebuilding of the wall provides an opportunity to ensure that this locally distinctive feature is retained into the future.

Rebuilding the existing wall will also provide the opportunity to improve sections where it has collapsed or where vegetation has encroached upon it to a substantial extent.

From the public consultation process, as outlined in the previous sections of this letter, very few respondents commented on design elements of the scheme, instead focussing on education provision, highways matters and drainage issues. One respondent asked for the sandstone block banks along Flat Lane to be retained.

Furthermore, consultation materials noted the attention paid to the SPD, and emphasised the document's recommendations on materials, with both the consultation boards and the website stating that the application has been influenced by the SPD, citing:

Materials to match with Cheshire brick / sandstone should be predominant in new buildings, walls and gateposts;

The initial invitation leaflet which was sent to residents and businesses in the Parish noted:

Our proposals are designed with the Kelsall Parish Landscape and Design Statement in mind. The development will retain and emphasise valued local views which give Kelsall its distinctive character. New housing will incorporate local materials to ensure that the development complements the surroundings...

These principles have been carried forward in the proposals although it is an outline application. As such, this should not be grounds for objection.

Objection 12: Unacceptable impact on Folk Festival.

The Parish State *'...its [Kelsall Folk Festival] 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 application by those who are new to the village...'*

The Applicant issued the following statement via its website and the local press in response to concerns over the Folk Festival:

"Taylor Wimpey thinks the Folk Festival is a great display of Kelsall's vibrant community life and an event to be treasured. We have been dismayed to hear that some people are concerned that if our application for high quality new family homes in the village goes ahead then this will prevent the Folk Festival from taking place. Far from it, we are fully behind the event and would be happy to offer our assistance to the organisers in any way that we can.

"Our land at Flat Lane hasn't been used for any concerts in the past and isn't earmarked for this in 2012 either. We have put a map on our website to offer some clarification. Moreover, if our application is approved there will be safe public access through the site to the village green and Lord Binning Pub, both venues which are integral parts of the Folk Festival.

"New homes on our site at Flat Lane won't put a stop to this at all. Safe access through the site will enable festival-goers quick passage to their concerts and new residents could even help to sustain the event by attending the shows and showing their support. Our proposals for Flat Lane can be a good thing for the festival and certainly won't prevent it from taking place."

As such, the Applicant sees the proposals as an opportunity rather than a threat for the festival. The Parish Council and festival organisers have not approached the Applicant to discuss this aspect of their concerns and this issue was not raised during the public

consultation period despite the numerous channels by which residents and businesses could provide feedback, but the Applicant maintains it is open to engagement as part of its commitment to meaningful consultation and welcomes discussions with the Parish Council and festival organisers. We consider it is premature to object on these grounds.

Objection 13: Lack of playground provision.

The Parish raise concern that an increased number of residents will put pressure upon existing playground facilities. The Applicant presented the draft proposals at the pre-application stage and no concerns over playground provision were raised. The Applicant has thoroughly considered the CWaC Open Space Assessment (January 2011) and for the former ward for Gowy this stipulates there is a satisfactory provision of formal parks but a deficiency of natural areas. The application proposes some 25% of the Site to be provided as open space and therefore seeks to address this deficiency. The Applicant is more than willing to work with The Parish and CWaC to agree the most appropriate solution for the local area and thus consider a financial contribution to the provision of additional play facilities and maintenance if this deemed necessary and appropriate.

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

The Parish state the Site is grade 2 agricultural land; this is not qualified by any evidence. The application submission (Supporting Planning Statement paragraph 8.9) clearly identified the land is in fact grade 3 as confirmed by the Multi Agency Geographical Information for the Countryside- MAGIC, managed by Defra.

Objection 15: Removal of valued habitat

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

The area referred to is covered by Target Note 1 within the Ecological Survey (August 2010) submitted with the application. This is an area of dense bramble, willow and blackthorn scrub with colonising tree saplings mainly ash. The habitat appears to originate from former use as a garden which has subsequently been abandoned and colonised through natural succession. There are very few mature trees other than Scot's pine on the northern boundary and several ash trees along the hedge line on the north eastern boundary (*Target Note 2*).

The area of scrub and scattered trees is small and supports a low diversity of common grassland, herb, tree and scrub species. There are no Biodiversity Action Plan, are or locally uncommon habitats or species present.

The hedgerow on the north eastern boundary of the area of scrub and scattered trees (*Target Note 2*) lacks the required species diversity and associated features to be protected by the Hedgerow Regulations (1997). However all hedgerows have some wildlife value, this is recognised by the revised classification of Hedgerows as a UK Priority BAP (*Biodiversity Action Plan*) Habitat. Hedgerows are also protected under

Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 - Habitats and Species of Principal Importance in England.

Hedgerows are also a Cheshire Biodiversity Action Plan habitat.

The area referred to will undoubtedly support breeding birds, invertebrates and small mammals but is not regarded as unusual or special in this respect.

The trees present have no potential bat roosts, although the margins of the area may support bat foraging habitat. Bat surveys are on-going at present.

The habitat present is regarded as typical of abandoned land and processes of natural succession. The habitats present have no statutory or non-statutory wildlife designation and are regarded as of local (site) value only in respect of wildlife. The habitats present are easily replicated.

The Parish state '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 pond on the site (*Target Note 5*) is at an advanced state of natural succession and is heavily shaded by willow scrub. A limited number and extent of aquatic plants are present. Ponds are relatively valuable wildlife features and some ponds can be of very high ecological value. This is reflected in the recent re-classification of certain ponds as UK Priority BAP Habitats. This includes ponds supporting certain protected species. Based on the completed surveys this pond would not qualify as a BAP habitat. Ponds are also protected (*if they meet UK BAP status*) under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 - Habitats and Species of Principal Importance in England.

All ponds are classified as Cheshire Biodiversity Action Plan habitats.

The pond has had extensive ecological surveys since 2009 including three separate great crested newt (GCN hereafter) Presence and Absence Surveys in 2009, 2010 & again in 2012: (*24 separate site visits in total*). In addition an aquatic invertebrate survey (*1 site visit*) has been undertaken. These surveys have failed to detect the presence of GCN. Just one GCN Presence and Absence Survey within the last 3 years would be sufficient to satisfy Natural England survey requirements to determine presence or absence of the species beyond reasonable doubt. It is therefore clear that following 3 such surveys totalling 24 separate site visits over the last 3 years, it can be stated with confidence that GCN are absent from the pond beyond reasonable doubt. There are no historic records of

GCN from this pond. The nearest known great crested newt record to the site is within National Grid square SJ 5669 (*Thieves Moss (pool)*) the nearest point to the site this is approximately 4.5km to the north east within Delamere Parish.

The aquatic invertebrate surveys that have been undertaken including surveys for the protected lesser silver water beetle have revealed a relatively low diversity of common widespread invertebrate species.

Although no specific reptile survey has been undertaken there have been no sightings or evidence of any reptile species including snakes. This is despite numerous visits (25) to the pond over the last 3 years in addition to multiple site visits by highly experienced ecologists totalling over 30 in last three years.

The pond suffers from excessive scrub colonisation and is heavily shaded throughout. This creates anaerobic conditions and is detrimental to amphibians and invertebrate diversity. The level of scrub colonisation is also reducing water levels resulting in absence of water over dry periods. If left unmanaged the pond is likely to completely dry out over the next 10 years.

The pond will undoubtedly support breeding birds and small mammals but is not regarded as unusual or special in this respect.

The pond is regarded as a poor example of its type and is at an advance state of natural succession to scrub habitat.

The Parish state '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.'

Pollution to the pond can be prevented by interceptors and silt traps. More importantly the pond is threatened through natural succession as detailed above and is in drastic need of appropriate conservation restoration. The proposed development will enable the ability for long term conservation and management.

The Parish state '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.'

There is no evidence that the site has been left fallow since 2009. If land is left fallow this in itself does not necessarily mean that it can form valuable habitat. The field is species-poor improved pasture and has very little intrinsic botanical interest being dominated by perennial rye-grass.

The Parish state '...(the pond) is considered to be a wildlife haven being used by a variety of species'.

The existing pond will be retained and enhanced to ensure that there will be no loss of habitat. Sensitive enhancement can increase the habitat value around the pond which will benefit local wildlife.

The Parish state *'...the use of the pond within... a SUDS scheme, will remove the natural makeup of the pond and reduce its potential for nature'*

The pond can be kept separate from the proposed SUDS scheme to ensure that any potential pollutants do not have a negative impact upon the pond.

The Parish state *'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.'*

The ecological study is robust, detailed and thorough. The surveys have been undertaken by highly experienced ecologists including national experts and a Cheshire Biodiversity Action Plan co-ordinator. These individuals have worked for both the private sector, voluntary sector and charitable conservation bodies (*The Wildlife Trusts*).

The Parish state *'...the proposed development seeks the complete removal of the lovely woodland feature along Flat Lane'*.

The area referred to is an overgrown former garden, rather than a woodland. The tree species in this area are not of a high quality and will not provide a long term, high quality frontage to Flat Lane. The trees are not classed as excellent examples and long term contribution in this area is considered as low potential. The proposed development allows for a new area of planting along the site frontage to Flat Lane which will include new tree and hedgerow planting which can enhance the character of Flat Lane in the long term.

The area was considered during the access design process and a sensible option was chosen to retain a number of adjacent mature trees, which offer a much higher arboricultural contribution to the area.

The proposals offer a significant opportunity to ensure through careful and selective replacement planting that long term arboricultural, amenity and habitat contribution is achieved.

Objection 16: Services/Utilities.

In preparing the planning application pre-development enquiries were issued to all principle service utility companies including United Utilities and the Environment Agency. As part of these enquiries requests were made to identify suitable points of connection for both surface water and foul water. All service utility companies and the Environment Agency have been asked to confirm if any constraints exist which would either prevent or require reinforcement before a connection could be made to their respective utility or service.

The Environment Agency and United Utilities have both stated no objection in principle to discharging surface water in to Salters Brook which is located to the south east of the application site. The Environment Agency has restricted surface water flows to the mean annual run-off rate for the existing undeveloped site as well as requiring attenuation of surface water on-site for up to a 1 in 100 year storm event including allowance for

climate change. Both these requirements will be met by the development through infiltration, where possible, and storage ensuring effective catchment and attenuation of surface water within the site.

Surface water will discharge in to Salters Brook via an existing United Utilities surface water sewer and at no stage will discharge in to an existing combined sewer system. United Utilities has provided the surface water sewer connection based on the restricted flow rate leaving the site and its knowledge and understanding of the existing surface water network capacities and constraints in the local area. Therefore, no overburden of the existing sewer system will occur.

As with the surface water, foul water points of connection have been discussed with United Utilities and suitable connections identified based on the water authority's knowledge and understanding of the existing foul sewer network capacities and constraints local to the site.

The Applicant is aware of the recent flooding experienced in Kelsall as shown in the Parish Council's letter of objection. However, we would like to take the opportunity to emphasise that the flooding identified; in Green Lane, Willington Lane and Church Street, are all on sewer systems which are upstream of the connection points proposed for the application site and will not receive additional foul or surface water flows emanating from the proposed development. The development will not discharge surface water or foul water upstream of the areas which have experienced local flooding and will not further overburden the existing sewer systems.

The proposed development will be served by separate foul and surface water sewer systems. These systems will not at any point converge to form a single combined system. In providing these new networks between the proposed development and the identified points of connection an opportunity to improve the local drainage is presented. Where existing combined flows currently discharge in to Flat Lane, depending on their point of convergence, these may be separated and diverted in to the respective new foul and/or surface water sewer systems. In addition, surface water flows which currently discharge in to the combined sewer in Flat Lane may be removed and diverted in to the proposed surface water sewer. In both cases, removing surface water from the existing combined sewer will release capacity in the existing combined sewer system and assist in preventing associated flooding in the future.

This note has considered all the services and utilities issues raised in the Parish Council response and the following can be concluded:

- The development will provide potential to improve the local drainage through a combination of restricting flows leaving the site and attenuating surface water on site during storm events as well as diverting existing surface water flows away from the combined sewer system;
- No additional foul or surface water flows will be discharged upstream of the sewer systems serving Green Lane, Willington Lane and Church Street; and,
- The proposals have been supported by a site specific flood risk assessment and drainage strategy, of which the flows and connection points stated have been agreed in principle with United Utilities and the Environment Agency.

In summary, there should be no objection to the proposed development on services and utilities grounds.

Objection 17: Poor community consultation.

The Parish state *'The applicant has conducted a poor and inappropriate consultation over such a substantial proposed development. An uninformative letter drop (that did not go to all local residents, (including many within 250m of the development) and a poorly advertised public exhibition lasting only a few hours...'*

The Applicant takes public consultation seriously and invests heavily in this area of the planning process. Prior to embarking on public consultation in Kelsall, the Applicant ensured that its programme was in accordance with the CWaC's Statement of Community Involvement, which sets out in Chapter 9:

'The Council encourages developers involved in 'significant' planning applications to carry out independent public consultations prior to the submission of schemes, providing the community with an early opportunity to become involved in proposals for their area. This could take the form of public exhibitions, meetings, workshops or media coverage etc. The involvement of Parish, Town or Community Councils at this early stage is also greatly welcomed...Results from any public consultation exercise should form part of the application.'

Furthermore, the approach to consultation was agreed with CWaC prior to commencing the programme. The full detail of the process is contained in the submitted Statement of Community Involvement but the Applicant considers that the engagement was meaningful and comprehensive. The programme included:

- A highly detailed website with feedback mechanism: www.flatlanekelsall.co.uk
- A community information line for questions and comments: 0161 247 8417;
- A public exhibition from 2pm until 7:30pm (with a preview for Councillors from 1pm until 2pm) at Kelsall Social Club. This was staffed by a multi-disciplinary team and had a display of ten exhibition boards containing a detailed overview of all elements of the proposals;
- A leaflet drop to all households and businesses in Kelsall (1,326 properties). The leaflet served as an invitation to the exhibition and provided an overview of the plans alongside details of how to find out more information via the website and community information line;
- Meetings with Kelsall Community Primary School;
- A meeting with Kelsall Parish Council, involving a presentation and question and answer session; and,
- Written letters to Parish Councillors, Ward Councillors, the Kelsall and District Rural Amenities Society and the Member of Parliament; and,
- Meeting with The Parish Council.

With regards the leaflet drop, this was carried out by a local firm and was hand delivered door-to-door. Once the leaflet delivery is completed, a list of properties which were unobtainable or where delivery was not possible is compiled. In Kelsall the delivery report noted that all properties received a leaflet. The area to which leaflets were sent is included as an addendum to this note.

The Parish state *'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.'*

The questions that the feedback form posed can be found below:

- Do you agree that there is a need to provide high quality new family homes in Kelsall, including properties for first time buyers and growing families?
- Our proposals have been designed to reflect the Kelsall Parish Landscape and Design Statement (e.g. by creating an open view to the hills and preserving the Eddisbury Way in a green corridor). Have you any comments on the proposals with regard to meeting the vision of the village's design statement?
- There is the potential to enable an extension of Kelsall Community Primary School as part of the Flat Lane proposals. Do you think this would benefit Kelsall?
- Do you think the creation of a more direct and off road footpath between the village green and school (as indicated on the plan) would be desirable within the development?
- Taylor Wimpey is interested in residents' ideas for a name for the proposals which reflects Kelsall's local heritage. If the proposals were approved, what would your suggestion be?
- Would you add or change anything about the proposals to improve our design for Flat Lane?
- Would you be interested in buying a new home at Flat Lane? What are your requirements?
- Comments: Please use the space below for any additional comments you may have:

The applicant sought to gather views from residents on a range of issues in order to constructively influence the application, from the need for new homes and the design of the development through to the a name for the site and potential improvements to the School. The questionnaire was designed to gather views on elements of the proposals that could be actively used in the preparation of a planning application. If residents were only given the option to *'oppose the question being asked'* this would be unlikely to provide comments which could then be incorporated into the design of the scheme.

However, people completing the forms were provided the opportunity to state their views on any aspect of the proposals in the final question. Certain residents chose to state their opposition to the proposals in this section of the form and these comments were lodged and recorded, as detailed in the submitted Statement of Community Involvement.

Furthermore, the project website contained a feedback form which consisted of one open-ended question whereby people visiting the website could register any views on the plans. In addition, all calls to the community information line were logged and used as part of the consultation process. This provided residents with a further method by which they could inform the applicant of their views.

The Parish state *'...little, if any, of the feedback (which was overwhelmingly negative) has been shown to be incorporated into the proposed development.'*

Throughout the public consultation process the Applicant sought feedback from residents and stakeholders on the design of the proposals. Very few responses commented on the design of the scheme and those that did have been incorporated into the proposals where possible, for example on the use of 'standard trees' to punctuate the Eddisbury Way, retaining the 'valley and slopes' feel of the village and ensuring the Eddisbury Way is retained.

The Parish state *'A real consultation starts with a 'blank canvass' 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.'

Consultation is a process of evolution, presenting a proposed design and working with the community to understand the needs and requests of residents and stakeholders before proposing an application. This is grounded in national and local policy, as outlined in the Statement of Community Involvement.

Furthermore, it is not practical nor is it constructive at the pre-application stage to begin with a 'blank canvas' in order to bring forward development. Indeed, this is more than likely to halt development. This runs contrary to the Government's recognised requirement for new sustainable development, the 'golden thread' which runs through the National Planning Policy Framework. CWaC's own Core Strategy consultation process does not begin with a blank canvas but seeks comments on proposed options for future development in the area.

Through invitation letters and leaflets and via the dedicated website, community information line, public exhibition and meetings the Applicant ensured that the consultation process was widely advertised and that several methods and opportunities for engagement were available to residents and stakeholders in Kelsall.

The Statement of Community Involvement and Design and Access Statement demonstrates further how feedback has been gathered and taken on board for the application.

The Parish state *'Since an appropriate consultation is now at the heart of the NPPF and Localism Act...and this cannot be shown to have occurred...'*

The Applicant has respected the Localism Act and the NPPF in its approach to consultation in Kelsall and has provided a range of methods by which residents and stakeholders could feed back, engaged with the community prior to an application being submitted and made clear the response of the community and how this has impacted upon the proposals in its Statement of Community Involvement and Design and Access Statement. Moreover, the NPPF also contains a clear message that sustainable development is vital to the social and economic success of the country. The Applicant has consciously sought to satisfy the Localism principles by involving the community in order to bring forward much needed sustainable development.

Objection 18: Development is against an emerging Neighbourhood Development Plan

The CWaC Local Development Scheme (LDS) (2009) does not list a proposed Neighbourhood Plan for Kelsall as forming part of the LDS. As you will be aware there are a number conditions that must be met, including:

1. They must have regard to national planning policy
2. They must be in general conformity with strategic policies in the development plan for the local area (i.e. such as in a core strategy)
3. They must be compatible with EU obligations and human rights requirements.

Notably a Neighbourhood Plan cannot be prepared until the Core strategy is in place. As you will be aware CWaC's Core Strategy is not anticipated to be adopted until late 2013 /early 2014. Following compliance with these conditions a local referendum must take

place to demonstrate there is a majority support for a Neighbourhood Plan. We are aware one has taken place. In our discussions with Local Development Framework Officers at CWaC they have confirmed that only initial discussions have taken place with The Parish and a Neighbourhood Plan for Kelsall has not been confirmed by CWaC.

It remains therefore that the application must be determined against the current Development Plan and other material considerations such as the NPPF.

Objection 19: Inappropriate housing supply figures

The Parish seek to discredit CWaC's assessment of the currently 5 year housing land supply. The approach to the assessment of the calculation of the annual housing requirement was called into question by an independent Inspector sitting on the appeal in Cuddington² similarly the annual target of 1317 dwellings across the Borough has been agreed by CWaC are the target in a post Regional Spatial Strategy planning framework.

The Parish appear to have written their response prior to the issue of CWaC updated housing monitor. As you are aware at the request of Members CWaC were asked to review their annual housing supply assessment. This was completed recently and the Housing Land Monitor (Interim report) 2011-2012 was published in May 2012. This is the most up to date housing evidence that identifies CWaC can still only identify 2.9 years of housing land.

Summary

I trust the information provided in this letter (and attached) addresses the points raised by The Parish sufficiently.

As always the Applicant remains committed to open consultation and would be happy to meet with the Parish to discuss any of these matters in further detail should they wish.

The application seeks a highly sustainable development in line with the key elements of NPPF which it should be assessed against. The application meets the terms of sustainable development and as such the presumption in favour of development should be applied and permission granted. There are also without question significant material considerations (as expressed in this letter and the submission material) which the LPA must weigh against the determination of the application in its favour.

Without the right amount and type of housing further pressures will be placed on house prices, people will be forced to move away from an area and new investment and growth could ultimately be stifled.

New residential development has a critical role to play in all aspects of social, economic and environmental needs of an area and as demonstrated these proposals will contribute to all.

Should you require anything further please do not hesitate to contact me.

² Appeal APP/A0665/A/11/2159006

Yours sincerely

A handwritten signature in black ink, appearing to read 'C Clarke', written in a cursive style.

**CAROL CLARKE
ASSOCIATE**

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Enc Further details regarding proposals for treatment of Flat Lane, June 2012

CC A Thorley Esq.- Taylor Wimpey