



Higher Kinnerton Community Council.

Council Clerk: 13 Deansway, Higher Kinnerton, Phone: 01244 660277
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www.higherkinnerton.org.uk

9th February 2016

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

LOCATION: Land off Kinnerton Lane, Higher Kinnerton, Chester

PROPOSAL: Erection of 56 No. dwellings with associated access, open space and infrastructure

REFERENCE: 054770

PLANNING OFFICER: Mr. D. G. Jones

I refer to the Planning Local Planning Authority's consultation in respect of the above planning application.

There are a number of objections which members of Higher Kinnerton Community Council (HKCC) wish to raise in respect of the Planning Application and a number of issues members consider should be clarified prior to the determination of the Planning Application which are as follows;

1. HIGHWAYS (Transport Statement)

Section 3 – Existing Conditions

It is stated at paragraph 3.2.2.1 / 2 that Main Road is subject to a speed restriction of 20mph. This is incorrect as the 20mph zone outside the primary school is an advisory limit only – The signs are black ringed.

At paragraph 3.2.2.4 it's stated that "the southern side of the main road also has footway along much of its length" but fails to recognise that a considerable section of road does not have a footway along its length and that the footway on the opposing northern side of the road is significantly substandard in terms of its width.

The accident history for Kinnerton Lane has only considered the last 3 years (3.3.1). Had the developer requested 5 years of data they would have found that there was fatal accident on the 23rd July 2011. The nature of the accident demonstrates that there are issues with the vertical alignment of Kinnerton Lane and possibly the speed of traffic approaching the proposed means of access.

Section 4 – Design Considerations - Visibility

At paragraph 4.2.1, it is stated that the speed survey that was undertaken to determine 85th percentile speeds was carried out using pneumatic tubes. This suggests that a detailed database of speeds should be submitted to verify this information, yet it has not been.

Furthermore, the speeds have been assumed to be dry weather speeds and have been adjusted down to reflect assumed wet weather speeds but no weather data has been provided.

HKCC therefore believes that the speed survey and weather data for the referenced time frame should be submitted for scrutiny. In addition, the point at which speeds were measured should be identified, as the junction with Lesters Lane, and the 30mph speed restriction may have influenced the readings to the developer's advantage.

Perhaps unwisely taking the adjusted 85th percentile speeds as being representative of wet weather speeds, paragraph 4.2.1.8 identifies visibility standards and these visibility splays are shown on Ashley Helme Associates drawing ref 1455/01/A. They differ greatly to the visibility splays identified on the site layout plans by Elan Homes.

In order to provide such visibility splays, the impact on the hedgerow will be significant. Far in excess of that which is shown as part of the main submission.

The impact on the street scene and wildlife should be considered on the basis of these drawings that have been hidden away in the Transport Statement rather than those shown on the site plans.

Section 4 – Design Considerations – Pedestrian Links

The Ashley Helme Associates drawing ref 1455/01/A also indicates the provision of a footway linking the site to a narrow footway which runs from the Royal Oak to the Springfield Court development on one side of the road only.

This is the shortest link to the primary school by means of this proposed footway (430m) rather than by means of the footpath from the site which links into Park Avenue (630m) - these measurements were taken from the closest extremities of the application site.

As the footway link from the site past the Royal Oak is 200m shorter, this will clearly be the more heavily employed route to the school and the northern portion of the village.

In addition to which, the difference is evened out if the route from the Royal Oak is extended to the top of Park Avenue, there is around 20m difference between the two routes.

Examining the route from the site to the Royal Oak and the junction with Main Road in more detail has raised the following issues.

- a) Large portions of the proposed footway are of insufficient width to allow the two way movement of pedestrians without forcing a person into the carriageway. Reference is made in para 4.2.3.4 to this link being only 1.2m wide but advertises this as being a major gain. HKCC disagrees.

Currently, there is no significant use of this section of road by pedestrians and by bringing the development forward, the developer will create a need far in excess of what may be safely catered for by means of a 1.2m wide footway.

- b) The point at which the developer proposes to cross pedestrians from the south side of Kinnerton Lane to the north side has been determined and thus compromised by the constrained width of the adopted extents of the highway network. On the assumption that eastbound traffic speeds have reduced to 30mph (which is questionable) forward visibility of pedestrians crossing the road is significantly less than the absolute minimum SSD of 43m dictated in Table B, Annex of B TAN18 “where speeds are known”.
- c) On arriving at the Kinnerton Lane / Main Road junction, pedestrians will be faced with having to cross 20m of live carriageway between the existing footway on the north side of the junction to what is a severely substandard footway on the south side.

This movement takes approximately 15 seconds to undertake at a brisk pace by an unhindered adult. Movements with children or by the elderly will take significantly longer and will be put at even greater risk of conflict with traffic.

There is no footway to speak of around most of the junction radius on the Royal Oak side so this distance may not be reduced and the footway on this side, where it is wide enough to accommodate a pedestrian, because of such limited width leaves the user feeling particularly vulnerable.

If put in this situation, a parent with accompanying children would find it unmanageable in safety terms.

Furthermore, the way in which drivers consistently misuse the junction will further compound the likelihood for vehicular/pedestrian conflict. Drivers travelling south from Chester on Main Road who seek to turn right into Kinnerton Lane do so by regularly cutting or “straight lining” the road junction, crossing the centreline markings. Doing so allows a driver to make the movement without having to slow at all.

Similarly, drivers turning right out of Kinnerton Lane onto Main Road also have a tendency to cross the junction centreline markings by a significant margin. In addition there are peak hour traffic flows which should be considered. The *existing* AM and PM peak traffic flows indicate that around 600 movements occur through the junction over a 1 hour period. This equates to one movement every 6 seconds. Given that it takes a minimum of 15 seconds to walk across the junction, it stands to reason that pedestrian safety will be significantly compromised when demand will be at the highest for pedestrians seeking to cross the junction.

This will likely lead to users walking along the live carriageway, around the Royal Oak, where forward visibility from approaching traffic and road width is severely restricted.

On this basis HKCC considers this arrangement to be contrary to TAN18 policy objectives for safe pedestrian movement.

- d) The footway from the Royal Oak is approximately 1m wide for approximately 115m. There is no alternative footpath on the opposite side of the road and currently results in pedestrians walking in the road. Further development will only exacerbate this issue, which, again, is contrary to the advice in TAN18. This is NOT an attractive route and users already feel like they’re at risk, particularly when it is dark.

There are also issues with the proposal to provide a pedestrian link from the site to Park Avenue along Public Right of Way Number 5.

- a) It seems that the developer is unable to deliver the suggested widening and surfacing of the section of public footpath between the end of Park Avenue and the development site. Consequently they are offering a Section 106 contribution that (unfairly) places the burden of responsibility with the Authority.
- b) Presumably the principle of hard surfacing this section will require further and separate consent and it seems questionable whether this may be provided. The lighting of the footpath should be of particular concern, as it affects the rear of neighbouring properties.
- c) The footpath between the development site and Park Avenue is bounded by a fence line on one side and hedgerows on the other. There is insufficient width between these 2 boundaries to provide for two-way movement of pedestrians let alone parents with a buggy.
- d) Furthermore, the property boundaries of the houses backing onto the footpath run up to the face of the hedgerow and not the hedgerow centreline. Therefore in order to provide any meaningful width improvement, the adjacent field will be encroached upon.
- e) Additionally, the footpath is well used and enjoyed by the Community. In hard surfacing and lighting the route, it's character will be fundamentally and detrimentally changed to the point where it will no longer be enjoyed by the community.

It will therefore prove difficult to make this route up to a suitable standard that will be adequate to accommodate the pedestrian movements the proposed development will generate and consequently put this traffic through the hazardous route from the site around the Royal Oak and along the narrow footways up Main Road.

Section 5 – Traffic Flows

Existing flows along the network have been submitted and the TRICS database has been interrogated to provide estimated traffic generation figures for the proposed development.

It is HKCC's understanding that the comparator sites chosen should be representative of the development site's location. i.e. rural with poor public transport links, no cycle paths, and no sustainable connectivity with other settlements.

This is completely in contrast with the sites that have been selected and used to quantify proposed traffic generation.

A simple Google search has revealed that the selected comparator sites are ones almost within town or city centres. They have far superior sustainable links to amenities and employment zones that are closer and far more diverse than Kinnerton.

Consequently, the traffic generation figures are fundamentally flawed and wholly not representative of the traffic generation a development of this size and location will generate.

Furthermore, the adjusted 2020 flow figures and junction modelling do not appear to have taken into consideration the significant volume that other nearby and committed developments, such as Warren Hall, will place on the network.

2. PLANNING POLICIES AND PROPOSALS

Although the Local Planning Authority's Unitary Development Plan (UDP) expired on December 31st 2015, after that date the Local Planning Authority have confirmed the UPD remains the adopted development plan for the County for Development Management purposes and it will be an important material consideration in any planning decisions until superseded by the adopted Local Development Plan. Furthermore it is noted that the Local Planning Authority's existing Local Planning and Supplementary Planning Guidance Notes will continue to be used.

With reference to planning policies and proposals, HKCC refer to the developer's Planning Statement as follows:

A) The proposed development is located in the open countryside outside the settlement boundary of Higher Kinnerton as defined in the adopted Flintshire Unitary Development Plan. In such locations Policy HSG4 (New Dwellings Outside Settlement Boundaries) states new residential development will only be permitted if it can be established the new dwellings are essential to house farm or forestry workers who must live on the site rather than in a nearby settlement. There is no evidence that the proposal is required for this purpose and as such it conflicts with Policies HSG4 and GEN3 (Development in the Open Countryside) of the Flintshire Unitary Development Plan.

B) The proposed development conflicts with Policy STR1 (New Development) of the Flintshire Unitary Development Plan insofar as the new dwellings would be located outside the settlement boundary of Higher Kinnerton.

C) The proposed development conflicts with Policy HSG11 of the Flintshire Unitary Development Plan (Affordable Housing in Rural Areas) insofar as the proposed development is not an affordable exceptions scheme.

D) It is submitted that the proposed development conflicts with Policy STR4 (Housing) insofar there is insufficient evidence that there is demonstrable need for affordable housing. In this respect, HKCC refer to the Babylon Fields development in Higher Kinnerton where a number of the on-site affordable homes were not purchased as affordable homes. Within the developer's planning statement reference to HSG10 (Affordable Housing within Settlement Boundaries) does not apply to the proposed development which is located outside the settlement boundary.

E) It is submitted that the proposed development conflicts with Policy Gen 1 (General Development Considerations) for the following reasons:

- i. The proposed development would fail to harmonise with the site and surroundings. The scale of the proposed development is overbearing, disproportionate to the size of the existing settlement of Higher Kinnerton and would be detrimental to the character of the village.

- ii. The proposed development would have a significant adverse impact on recognised wildlife species and habitats, woodlands, other landscape features and the general natural environment for the following reasons:
- With regard to the Arboriculture Method Statement, the developer proposes the removal of 8 trees with a further 28 trees identified as being affected by root protection area (RPA) incursions which is a high percentage. If the procedures are not followed as designated in page 16 of the Arboriculture Method Statement they will lead to the potential loss of more trees. The Arboriculture Method Statement also states that no detailed drawing of underground services were available hence it is not possible to identify any specific potential impacts associated with the proposed scheme at this stage. Detailed drawings of proposed underground services are not available at this time
 - Until such a time that underground services can be assessed there is no assurance that the proposed development would not adversely affect the general natural environment more so than the existing proposals would and in this respect it is submitted that the planning application be refused. Furthermore, the loss of trees is detrimental to the biodiversity within the application site and surrounding area which cannot be offset by soft landscaping.
 - With regard to the Preliminary Ecological Appraisal, there is evidence of potential loss of a bat roost with the appraisal concluding “Trees were examined for their roosting potential, T1 has a suitable crevice. A bat emergence survey should be undertaken to confirm bat activity on site and whether they are roosting within the tree” and recommending that “If T1 is due to be removed, then further surveys required: 1 dusk or dawn survey with 2 surveyors” Given that 7 species of British bats are on the Section 42 list of priority species /Biodiversity action Plan and this should be treated with the utmost importance. Lighting on site may adversely affect commuting routes for any bats present on the site therefore if bats are present development of the site would be detrimental to a protected species.
- iii. The development would have a significant adverse impact on the safety and amenity of nearby residents, other users of nearby land/property, and the community in general, through increased hazards as detailed at the Highways section above.
- iv. The development would fail to provide safe and convenient access for pedestrians, cyclists, persons with disabilities, and vehicles for the reasons identified at the Section 1 (Highways) above.
- v. The development would have an unacceptable effect on the highway network as a result of problems arising from traffic generation for the reasons identified at the Section 1 (Highways) above.
- vi. The development would not have convenient access to public transport and would not be well related to pedestrian routes for the reasons identified at the Highways section above. Furthermore, the developer infers that Higher Kinnerton has access to bus services throughout the day. Due to reduction in bus subsidies by Flintshire County Council, the level of service on the DB1 bus route which links the village with Chester and Mold has recently been substantially reduced. Furthermore, Flintshire County Council are proposing further reductions in bus subsidies which will result in a reduction in the level of service on the X9 which links Higher Kinnerton with Wrexham (including Wrexham Hospital), Connah’s Quay and Broughton Retail Park which is the closest shopping and leisure amenity site to the village.

- vii. The development would result in/be susceptible to problems related to drainage, land stability, contamination, or flooding, either on or off site for the reasons set out at Section 3 below relating specifically to drainage and surface water issues.

F) The proposed development does not comply with the Planning Authority's Developer Guidance Note relating to Speculative Housing Development Proposals as there is no evidence that the proposed speculative site is better/more sustainable than other candidate sites such as Warren Hall that have been identified for potential development in the emerging Local Development Plan.

Whilst it was noted that the Local Planning Authority does not have a 5 year land supply, there is no evidence to what extent the proposed development would contribute to meeting the shortfall. In any event, HKCC submit that Warren Hall would be a better site in terms of sustainability and for addressing the housing land supply shortfall.

G) It is submitted that the proposed development fails to comply with paragraph 9.2.8 Planning Policy Wales (Edition 8 January 2016) on the basis that the development around the existing settlement boundary does not have good transport links (as detailed above).

H) It is submitted that the proposed development fails to comply with paragraph 9.2.9 Planning Policy Wales (Edition 8 January 2016) on the basis that the existing infrastructure does not have the capacity to absorb the proposed development and the site is not suitable for development due to the physical and environment constraints associated with development on the proposed site.

I) There is no evidence that the developer has considered the provisions and requirements of Planning Policy Wales Edition 8 January 2016.

3. SURFACE WATER DRAIN COMMENTS

Site Surface Water

The site investigation report provided by the developer clearly identifies underground springs and watercourses, which will be significantly interrupted by the new development, causing surface water and flooding issues within the development boundary and to neighbouring sites.

The number of underground springs has been underestimated by the Ground Investigation Report provided, and spring discharges not sufficiently measured to fully assess the flood risk. However, local knowledge and resident experience provides us with an insight into the impact this development would have on the local surface water infrastructure.

Historically the numerous springs within the proposed development boundary provided drinking water for the village prior to mains water being available. It is noted that there is an extensive land drainage network on the site which may be masking the number and location of potential spring lines. HKCC are aware that an extensive land drain system was installed by the land owner with the assistance of an EU funded grant approximately five years ago. The land drainage system is clearly not working as flooding within the development boundary remains a regular occurrence (please refer to photographic records later within this report).

HKCC assume the developer has considered repayment of this grant as the land drainage benefit will be nullified by this development.

The development proposes to address surface water by using the geo-cellular storage (storm cells) and natural surface water drainage within a specified field area. A potential pond is referred to but not detailed.

Surface Water Strategy Issues

The surface water drainage strategy is the utilisation of natural drainage with storage and percolation areas. The surface water discharge for the development hard paved areas and roof outfalls is via an attenuation system is stated but not fully detailed (HKCC note basic data like connections to roof outfalls are missing on the outline drainage plan). The surface water is then directed to either a new geo-cellular storage system and/or pond (not detailed) and a greenfield percolation area.

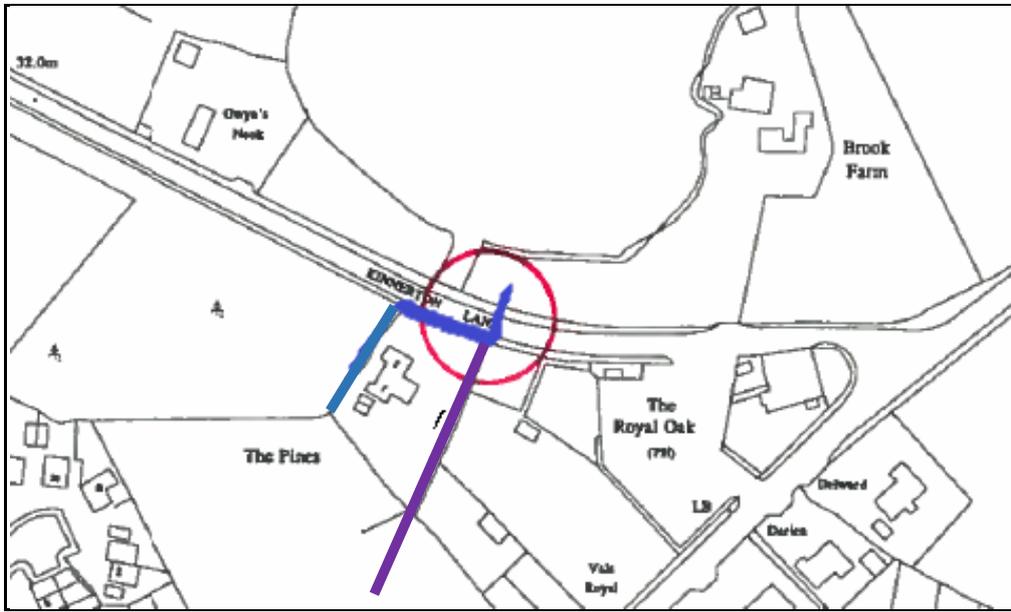
The clay substrate detailed in the Ground Investigation Report is generally of low permeability, providing poor natural drainage and is compounded by three natural springs within the confines of the development. This evidence casts doubt upon the surface water drainage strategy from the outset. Controlled flow percolation is therefore not a viable option taking the sub-soil composition, presence of natural springs and the current experience of localised flooding.

The current surface water drainage system on the proposed development site in its current form as 'agricultural use' is an extensive land drainage system percolating into the lower part of the development site. This system fails due to the land drainage being unable to percolate spring and ground water through the clay subsoils. The result is flooding to the lower section of the site adding pressure to the already overloaded culvert on Kinnerton Lane.

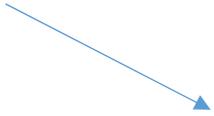
A new surface water lateral is proposed to one side of the site to divert surface run off from higher ground towards the culvert on Kinnerton Lane. This will further increase surface water discharge from the new development and will only add to frequent localised flooding to the culvert on Kinnerton Lane and the surrounding properties/agricultural lands.

Because of the natural spring activity and state of sub soil strata rendering the site to be constantly waterlogged the surface water attenuation detailed will not provide sufficient surface water control. Storm control measures (1/30 year storm) would not be effective. There is a further risk that attenuation tanks will inadvertently be filled with natural spring water from the site.

At present the development site surface water flows into an open drainage ditch towards the development side of 'The Pines' then piped along the front boundary of 'The Pines' and adjoins a second open culvert before running under Kinnerton Lane. This is referred to as 'The Royal Oak Culvert' constructed in 1928 and is illustrated by the dark blue line on the following diagram. The Royal Oak Culvert is also serviced by a second watercourse shown in purple further adding to excessive flood risk in and around this locality.



The Royal Oak Culvert Access Point



Residents of the area have advised that the culvert under Kinnerton Lane is in a poor state of repair and is often overloaded with both spring and surface water.

Flooding to neighbouring properties due to culvert failure



Royal Oak Culvert passing under Kinnerton Lane

Flooding across the proposed development site, despite the installation of land drainage. Note the foreground flooding heading towards the Royal Oak culvert.



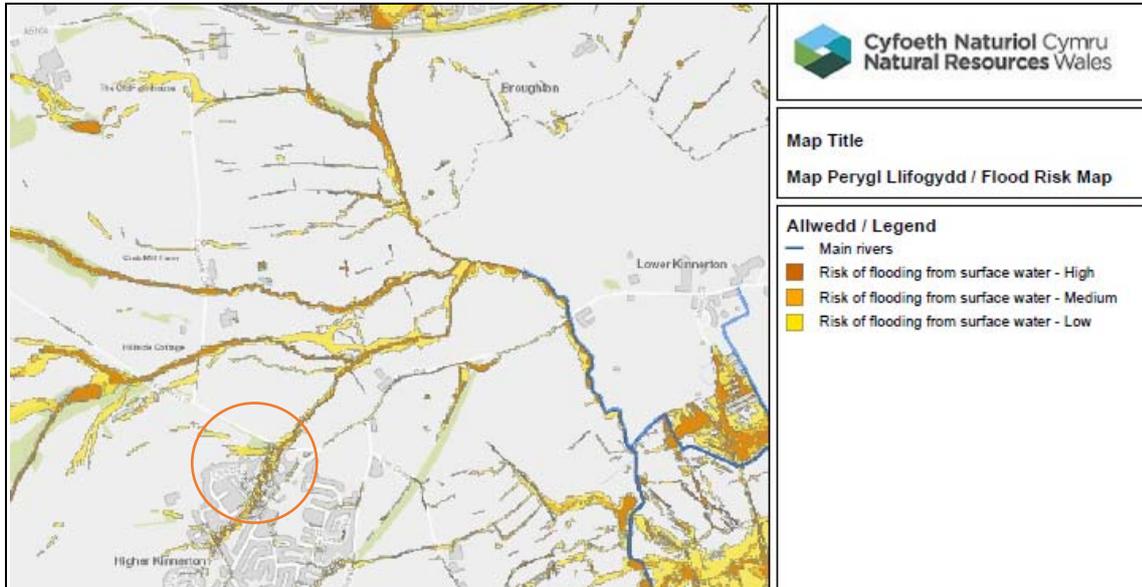
HKCC can only assume an increase in surface water discharge due to the development will add to localised flooding to the culvert on Kinnerton Lane and the surrounding properties/agricultural lands. In recent years Natural Resources Wales have not sought to clear drainage watercourses and this continues to cause flooding issues downstream of the development site. The clay substrate detailed in the Ground Investigation Report is generally of low permeability, providing poor natural drainage is also prevalent to the areas surrounding the development site.

Surface water shown on the cultivated land is unable to percolate into the substrata and is running freely across the development site towards the overloaded Royal Oak culvert.



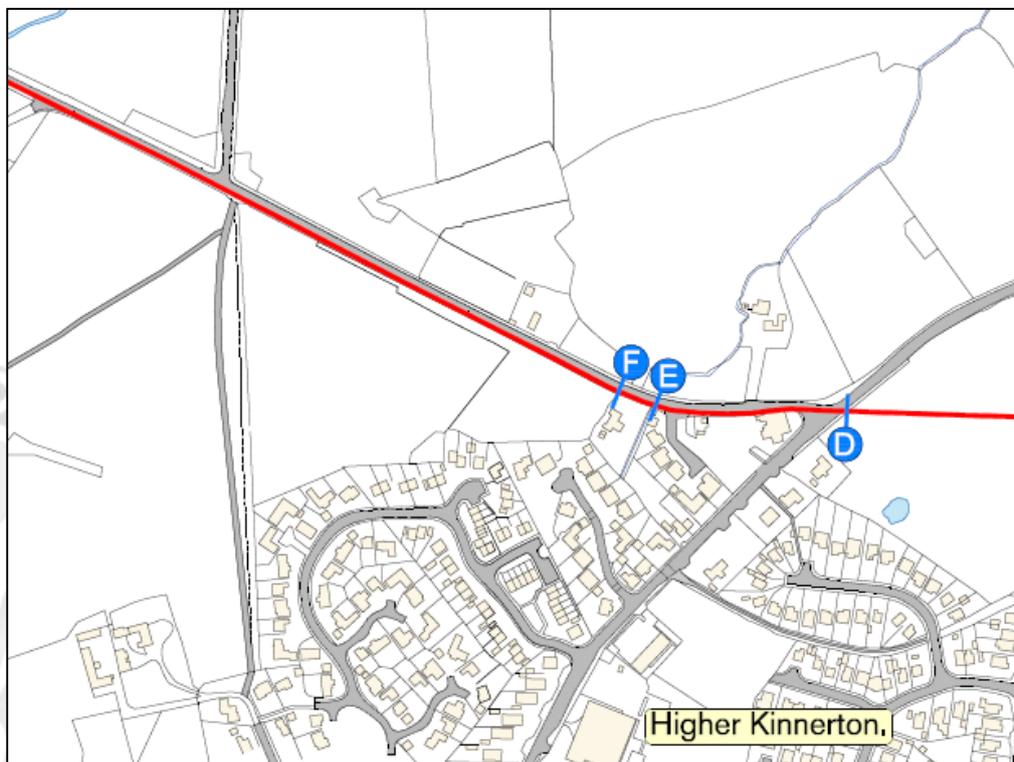
The current surface water flood risk within the development boundary is low risk in higher areas and medium risk in the lower areas towards the culvert and adjacent residential properties (Natural Resources Wales Flood Risk Plan 16/01/16 as shown below). An increase in surface water load would increase this risk further possibly to a high risk category. The risk of surface water flooding outside the development boundaries will also increase adding risk to property and loss of use of land to agricultural businesses.

Has Natural Resources Wales been approached for the appropriate discharge consents? Furthermore, will the development be compliant with the associated discharge flow rate requirement bearing in mind the natural spring activity? HKCC's investigation shows that there are three (3 No) discharge consents within 500m of site; however all of these have either been revoked or expired.



Castle Cement Water Supply

The development plans do not make reference to the water supply infrastructure running along Kinnerton Lane. This pipeline provides water to the Castle Cement facility at Padeswood. It is understood from local knowledge that this water is supplied by several water extraction points within the locality. The pipeline position is on the boundary of the proposed development and will be affected by the proposed pedestrian access should access be required for repair/renewal. The drawing below has been provided by Hanson Group, to which Castle Cement is a subsidiary company. HKCC believe the pipeline is less than 1m below ground directly below the proposed pedestrian access. This is not show on the planning application details.



4. SUMMMARY

Higher Kinnerton Community Council therefore objects to Planning Application Reference 054770 for the reasons detailed above and recommends that the Application be refused. In summary:

- 1) The development, by reason of the inadequate pedestrian links will result in conflict between vulnerable road users and vehicular traffic. It is strongly recommended that members of the planning committee visit the vicinity of the Kinnerton Lane / Main Road junction to appraise the pavement widths and traffic situation at first hand.
- 2) The developer has failed to take into account and comply with all relevant planning policies and proposals and as a consequence of the failure to meet these requirements the application should be refused as there are are no other overriding material considerations to indicate otherwise.
- 3) The development site has numerous natural springs and was previously the source of drinking water for the wider village. These springs coupled with rainfall cause the development site to flood on a regular basis. The site substrata is clay based which retains surface water above ground level. The proposed surface water drainage strategy is based upon the premise of natural drainage, cellular storage, ponds and run off into fields. This strategy will not work due to the clay sub strata and natural spring activity identified within the Ground Investigation Report. The developer has accepted that infiltration is not an acceptable solution on his outline drainage plan and the proposal is reliant upon run off of surface water on to watercourses which are already beyond capacity both within and outside the development boundary
- 4) Any new development surface water proposal will be likely to place extreme pressure upon adjoining local water courses and existing culverts. The current surface water infrastructure surrounding the development lacks capacity and is in a poor state of repair. This infrastructure will not be sufficient to service the development and evidence of existing infrastructure failure has been provided within this report.
- 5) The issue is further compounded by the lack of regular maintenance to drainage ditches, brooks and watercourses by Natural Resources Wales. The development of this will therefore add to the risk of surface water flooding within the local area currently measured as medium risk by Natural Resources Wales. These local areas may move into a high risk category should the development proceed with the current surface water drainage strategy
- 6) The development plans do not specify how access will be provided to the Castle Cement water supply pipeline. Details provided by Hanson Group indicate this will be under the pedestrian access to the proposed development.

Members of Higher Kinnerton Community Council are emphatically opposed to the proposed development and would be grateful for acknowledgement of receipt of this letter.

Kind Regards

Liz Corner

(Clerk to Higher Kinnerton Community Council)

Cllr. Robert Springett (Chairman)

Cllr. Gareth Evans (Vice Chairman)

Cllr. Mike Allport (Chairman)

Cllr. Steve Jessop

Cllr. Anjela Jones

Cllr. Paul Jones

Cllr. Phil Lightfoot

Cllr. Chris Upton

