



Higher Kinnerton Community Council.

Council Clerk: 13 Deansway, Higher Kinnerton, Phone: 01244 660277
Mrs Elizabeth Corner Chester, CH4 9DZ. liz@higherkinnerton.org.uk
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06.07.2021

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990

LOCATION: Land adjacent to Kinnerton Meadows, Kinnerton Lane, Higher Kinnerton, Chester, CH4 9FW

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

APPEAL REFERENCE: APP/A6835/A/21/3275487

PLANNING APPLICATION REFERENCE: 061530

I refer to the appeal lodged by Elan Homes following the local Planning Authority's decision to refuse the above referenced planning application.

Higher Kinnerton Community Council wish to object in the strongest terms to the above appeal against the refusal of an application for speculative development.

Since the outset, members have been fundamentally opposed to the proposal on the basis that the development would not only be undesirable and unnecessary but also situated in an inappropriate location.

In addition to the comments made by Higher Kinnerton Community Council (HKCC) in response to the original planning application which the Planning Authority have confirmed will be taken into account in deciding the appeal, members of the Community Council make the following representations:

Para 3.3.3.1 of the submitted Transport Assessment (TA) makes reference to improvements being made to Public Footpath 304/5. This work has since been completed. It is less than 1.8m in width for a significant distance and the width is restricted by a fence on one side and hedgerow on the other. This constrained width does not allow for pedestrians with buggies/ prams and or wheelchair users to pass each other and members of HKCC have received numerous complaints about the path being unusable this year due to the hedges becoming overgrown.

The lack of a highway objection to the PH1 development was contingent on this path being fit for purpose. It is not and the current proposal will result in an increase in use of this path. Furthermore, as it has not been included within the red edged site, any required improvements cannot be conditioned.

The alternative link to the village centre for pedestrians is and has been accepted to be substandard as a result of its restricted width from the Royal Oak Public house up to Vale Royal. Therefore, there is no safe, usable pedestrian link to or from the site that is suitable to accommodate the increase in pedestrian movement the current proposal is likely to generate.

In addition, Para 3.3.1.3 makes reference to a footway link alongside Kinnerton Lane that has been provided as part of the PH1 development. This footway is not included within the red edged site so any improvements presumably cannot be considered as part of the current application.

The footway is not included in the Section 38 road making agreement as an adoptable path and it has not been constructed to an adoptable standard. It is constructed from gravel and its maintenance is the responsibility of the residents of the PH1 development. There has already been issues with the sections of the path been washed away by heavy rainfall (Jan 2021). In addition, as it is not offered as adoptable highway, it is not clear whether it's existence can be assured in perpetuity, raising further questions about the suitability of the pedestrian link to and from the development site.

Section 3 of the TA focuses on an S106 contribution that has been made to Flintshire County Council for the implementation of a 40mph buffer zone on the approach to the site access from Kinnerton Lane. Whilst the contribution may have been provided it has not been implemented despite calls from the residents of Higher Kinnerton and occupiers of the PH1 development for its implementation. HKCC contends that this aspect should be disregarded and the application be determined on the assumption that the derestricted limit shall remain.

In Section 3.7 the TA discusses accident history. The details recorded on crash map only include incidents where a person has been injured, damage only accidents are not. The statistics therefore fail to recognise the issues with the volume of traffic that makes use of Lesters Lane and the minor collisions that result from its constrained width. Higher Kinnerton residents regularly report near misses and damage from being forced off the road by opposing vehicles through the Community Facebook Group. The development will result in an increase in use of Lesters Lane, yet HKCC contends that the impact of this has not been adequately assessed.

This should be considered in light of para 3.7.4 which suggest that there is no issue with accidents in the vicinity of the site. This is factually incorrect. There are regular incidents along Lesters Lane.

Section 4 focuses on the sustainability of the site in the wider context of its setting. Despite the assurances contained within this Section of the TA, HKCC argues otherwise. The pedestrian links from the site are inadequate to access the village centre. There are no dedicated cycle facilities anywhere in vicinity of the site. The road network approaching the site is compromised for cyclists and pedestrians in every direction. Lesters Lane is not wide enough, the vertical alignment of Kinnerton Lane creates issues with forward visibility to allow Drivers to sight and pass pedestrians and Cyclists safely.

Consequently, residents tend to avoid using sustainable modes of transport such as walking and cycling to access employment, retail and leisure facilities outside of the community. i.e. residents are heavily reliant on the motor vehicle which, arguably, makes the site unsustainable.

DRAINAGE

The proposals indicate that most of the surface water run off shall be discharged into the larger of 2 attenuation ponds in the south easterly corner of the site.

The northerly end of Park Avenue, which lies to the south of the application site, experienced significant flooding issues Jan 2021. Given that there is no observable difference in level between the end of Park Ave and the land to be used as an attenuation pond, members of HKCC are concerned that insufficient consideration has been given to the viability of the drainage scheme. They are also of the view that the flooding issues indicate that the attenuation pond will exacerbate the existing issues with flooding.

To summarise, members of Higher Kinnerton Community Council remain emphatically opposed to the proposed development.

Yours faithfully

E A Corner

Liz Corner

(Clerk and Responsible Financial Officer)