



Westminster Park Residents' Association

Planning Application 20/04861/FUL

Comments by Westminster Park Residents' Association

The Westminster Park Residents' Association (WPRA) **objects strongly** to planning application 20/04861/FUL. WPRA is an organisation with over 400 members resident in the Westminster Park and Lache Lane area.

Our reasons are summarised as follows:

1. Winkwell Drive Pond Local Wildlife Site

- This land is a CWaC designated Local Wildlife Site (LWS) and should not be developed at all. The proposed development contravenes CWaC policies ENV4 and DM44 for the protection and enhancement of biodiversity and the natural environment. The pond and surrounding field are a "corridor and stepping stone".
- The remaining pond and wildlife area **should not be accessible** to the public in order to conserve the habitat (English Nature and Pond Conservation).

2. Site extent and layout

- LWS areas should be fenced off and not be accessible to the public. As such, they cannot be classed as open space. **Without adequate open space, the development as planned should not go ahead.**
- Boundary hedges mainly belong to and have been maintained by residents and are not part of the site. The *Site Plan* "red" boundary line strays into surrounding properties so new rear gardens are not as long as represented.
- Residents' hedgerows have been incorrectly credited as belonging to the site in the Biodiversity calculation.
- **We object to these false claims and need to see revised drawings. The comment period should be duly extended.**

3. Surface Water Drainage & Flooding

- This site is subject to flooding and proposals for managing surface water are inadequate.
- Neighbouring properties already flood during wet weather. This development will add more hardstanding area and reduce run off area, increasing flooding in surrounding areas.

4. Highway safety

- Blueoak propose access from Lache Lane as they state: "...Winkwell Drive / Rowcliffe Avenue has been dismissed on ecological grounds", but there is no considered analysis or explanation.
- **The proposed Lache Lane access and its design also has several shortcomings against "the "Manual for Streets" and needs review and revision.**

5. Construction: Damage to LWS, disturbance and noise

- We are very concerned about potential damage to wildlife site as a result of construction.
- Construction will mean more disturbance and noise to add to that already caused by the Wrexham Road development. Should this proceed, lessons learned must be implemented through conditions.

6. Housing requirement

CWaC housing completions are already far in excess of the targets set in the Local Plan (Part 1) for the years 2014 – 2030. There is no requirement to develop this site.

7. Visual impact, overlooking and loss of privacy

This development will have huge visual impact on the outlook from neighbouring properties and, for some, an unacceptable loss of privacy due to the overlooking of their main habitable rooms.

8. Residential amenity and character of neighbourhood

- Density of the actual housing area is circa 30 dwellings per hectare, much higher than that of surrounding properties, and rear garden lengths are less than the CWaC SPD minimum of 10.5 metres.
- Contrary to CWaC planning advice, only six affordable homes are included, concentrated in one area.

9. Future development & Permitted development rights

- Further development of the LWS should be prevented by condition.
- New owners permitted development rights should be restricted by condition.

A more detailed consideration of these reasons is set out below:

1. Local Wildlife Site

1.1. **This development should not be allowed on a CWaC designated Local Wildlife Site (LWS).** The plan contravenes Local Plan (Part 1) policy ENV4 Biodiversity and Geodiversity and Local Plan (Part 2) policy DM44 and will be yet another stepping stone habitat lost.

1.2. The *Landscape Plan* states that the pond will be accessible to the public; this is not recommended for wildlife ponds.

English Nature (2001), Great Crested Newt Mitigation Guidelines. English Nature, Peterborough.

“7.2 Key principles of mitigation

The long-term security of the [great crested newt] population should be assured. Mitigation should aim to ensure that the population will be free from further disturbance, and is subject to adequate management, maintenance and monitoring. Any proposals should be confirmed, ideally by a legal agreement or planning obligation, and not left as open-ended options.

8.2.2 It is generally preferable that mitigation sites have no or minimal public access, since there are many problems associated with interference. Ponds can be screened off with fencing and or hedging (preferably including hawthorn or blackthorn to discourage access). Lockable gates may be required to allow monitoring and management access, or to allow controlled entry by school groups etc.”

Pond Conservation, supplementary Advice Factsheet: Designing Wildlife Ponds in Areas with Public Access states that wildlife ponds should be kept “disturbance free, in areas less used by public with natural barriers to prevent access by people and dogs.”

In addition, this pond get deep quite quickly. From a health and safety perspective, this pond should not be accessible. **The LWS area should be fenced off and not considered to be open space.**

1.3. Cheshire Wildlife Trust (CWT) and CWaC’s Ecologist have both highlighted flaws in the *Biodiversity Report* and thus the *Biometric Diversity Spreadsheet* prepared by Avian Ecology which reduce their claimed +1% gain to a near -40% loss. Other anomalies in habitat areas, as well as hedgerow lengths, type and scoring, have been shared with CWaC’s Ecologist for further scrutiny and may reduce this even further below the minimum +5% needed.

In particular, some of the choices made in the biodiversity net gain assessment are questionable, e.g. the existing grassland would sit better as 'other neutral grassland' of poor condition rather than 'modified grassland' of moderate condition due to its species composition. When these are amended in the metric it increases the initial net loss and therefore requires a larger offset contribution for the loss of grassland.

It is extremely important to establish an accurate habitat baseline of the application site given that it has such a significant effect of the biodiversity net-gain calculation.

1.4. The Winkwell Drive Pond LWS is home to protected great crested newts and red-listed house sparrows. Both of these species have already lost their habitat in the nearby Wrexham Road development.

1.5. This project will cause carbon emissions both during and following construction and goes against the objectives of CWaC’s Climate Emergency declaration. The plans will require expensive offsetting, increase flood risk and destroy a connected habitat for wildlife. The foreword to CWaC’s Climate Emergency Response Plan 2020 states: “*We face a climate emergency that will have an impact on all aspects of our lives and, while it is undeniably a global challenge, it can only be solved through concerted action at a local level.*”

Start now and refuse this plan.

1.6. In our view this site should not be developed at all. However, should plans be approved, both CWT and CWaC's Ecologist have recommended the provision of a **buffer zone** along the hedge perimeter to maintain this foraging habitat for protected and priority species such as birds, bats and amphibians. CWT recommends a 10 metre buffer between the hedgerows and the footprint of the development which will also link retained grassland split between the north and south of the site.

1.7. Garden fencing should be permeable to wildlife such as hedgehogs and amphibians, both of which forage in bordering gardens. **Please consider a condition to this effect.**

1.8. Trees proposed for removal next the track leading from Lache Lane were given protection in 2014 as part of the planning application (14/03151/FUL) for 107 and 107A Lache Lane. The Etive Ecology report APP/14/03151, 15 October 2014, found "a large volume of bats", including common pipistrelles and soprano pipistrelles. Trees and hedgerow corridors to the east and west of the site are used by the bats for feeding and foraging. The trees are protected by Arboricultural Method Statement Ref. TRE/107LL". **This condition should remain for the benefit of the bats.**

1.9. We object to the suggestion that levels will be raised to mitigate for flood risk. Although the drainage scheme is supposed to ensure that run-off rates remain the same, it is questionable whether on such a small site the developers can ensure that the hydrological conditions do not change to such an extent that it affects the condition and quality of the retained and enhanced pond and grassland. If this was the case then the projected target conditions for these habitats in the biodiversity net gain assessment would not be achieved.

2. Site extent and layout

2.1. The pond area and remaining grassland should be fenced off and not be accessible to the public. **As such it cannot be classed as open space and the development as planned cannot go ahead as there is no accessible open space.**



Figure 1: 1931 aerial photograph of Winkwell Drive Pond site.

2.2. Significant sections of the boundary hedgerows belong to and have been maintained by residents of existing bordering properties and should not be considered part of the development site:

- For Lache Lane houses: historical maps show plots to be incursions into the original larger field, deeds show boundary T-marks on house sides, and the hedgerows are clearly seen to have been planted on the house sides of the boundary fence – some original posts still exist.
- For Lower Field Road houses: maps suggest rear boundary hedgerows may be original hedgerows between The Field and neighbouring fields to the east. Deeds, original fence posts, old ditches and hedgerow planting line may clarify. The *Landscape Plan, Existing* appears to denote fences as dashed lines and posts as “X”. The aerial photo Figure 1 from 1931 provides a useful benchmark.

2.3. The scale bar on the *Site Plan* is oversized by 150%, because: (a) the map squares on the drawing itself are 100 x 100 metres, and (b) the separation distances marked on the drawing are in accord with the 100 metre dimensions, but (c) the scale bar when checked against the 100 metre dimension is found to be 150% longer than it should be. For the Biodiversity calculator dimension issues, refer to section 1 above.

We object to these false claims and need to see revised drawings. The comment period should be duly extended.

3. Surface Water Drainage & Flooding

3.1. This site includes a pond and has a substrata of 30 feet of clay in common with the surrounding estate. Gardens of neighbouring properties are already subject to flooding in wet weather (see Figures 2 & 3); building on this land will increase hardstanding area and reduce run off area, increasing the likelihood of flooding.



Figure 2 (left): Rear garden of Lache Lane, January 2021

Figure 3 (right): Rear garden of Rowcliffe Avenue, March 2021



3.2. Plans are to route surface water into pipes on Lache Lane and Circular Drive which are already overloaded and flood in periods of wet weather. They are also due to take up the load from the Wrexham Road development and expansion at the King’s School. **What calculations have been done to ascertain the maximum loading for these systems?**

3.3. Over 100 years ago, clay land drain pipes were installed in the fields in this area and are present on this site. They are directed to ditches and onwards to Balderton Brook. Recently when the Wrexham Road builders started to cut new roads and foundations, these drains were severed and the site - and nearby gardens - were spectacularly flooded.

3.4. One of the ditches that collected water from these drains is the “watercourse” that Blueoak propose to connect to in the track off Lache Lane. It is an overgrown, mostly silted-up ditch that ends at Lache Lane and only fills with water running off the track itself in heavy rain. There are so many unknowns, which Blueoak have said “will be resolved later”.

Developer and Planning must learn from Wrexham Road experiences: the planning application must be paused pending rigorous drainage investigations, discussions with the LLFA and Welsh Water to produce an agreed robust detailed design.



Figure 4: Flooding on Wrexham Road construction site

4. Highway safety

4.1. Blueoak propose access from Lache Lane as they state: “...Winkwell Drive / Rowcliffe Avenue has been dismissed on ecological grounds”, but there is no considered analysis or explanation. The proposed Lache Lane access also has several shortcomings and needs review and revision.

4.2. The table below compares key planning considerations for site access from Lache Lane versus Winkwell Drive. From this it appears that Lache Lane is the worst option for people and trees, but Winkwell Drive is - possibly - less good for wildlife. Blueoak need to provide a more detailed analysis and justification for their proposed access, discuss with CWaC Planners and then make appropriate change(s). It is strongly recommended that Planning Committee members should visit both possible access points to appreciate the unsuitability of both.

Criteria	Access from Winkwell Drive (WD)	Access from Lache Lane (LL)
Approach to development	Attractive open vista, through green space, no bends.	Long narrow corridor, houses close on both sides, blind 90 degree bend.
Connects to	Quiet cul de sac, then local estate road.	Busy main local link road.
Speed limit on main road	30mph, consider extending 20mph limit south from junction with Castle Croft Road to beyond WD.	30mph, reduction to 20mph for this proposal unlikely.
Access point	Established open cul de sac leading onto straight Rowcliffe Avenue.	Between two bends of main road.
Visibility in / out	Good	Poor
Width	Good. 5.5 metres throughout WD and pedestrian pavements both sides 1.6m & 1.8m.	Narrow. 5.5 metres for first 10m, then 4.8m for remainder, no pavements.
Site road design	Full width with turning tee in WD, unconstrained by greenfield site.	Constrained by existing narrow track & 90 deg bend.
Proximity to existing dwellings	Reasonable distance from WD 1 (7m), 3 (7m), 5 (7m).	Very close to LL105 (1m), 107 (1m), 111 (2m).
Overlooking that improves safety & security	Overlooked by WD 1, 3 & 5.	Not overlooked by LL 105, 107, 111.
Disrupted right of way over site access during construction	Affects 5 WD	Affects 107, 107A & 109 LL
Planning precedent & previous condition	01/256/OUT (field) proposed access from WD. 6/21751 plans (5 WD) showed future access into field from WD.	14/03151/FUL for new 107 & 107a in 2014. Bat survey count "large volume of pipistrelle activity was recorded along the tree corridor to the west". CWaC Planning imposed condition 6 to protect trees.
Removal of trees	None	Removes mature trees & hedgerow: Birch, 2x Lime, 2x Sycamore, 13x Cypress, Hawthorn hedgerow.
Proximity to pond	Passes pond, but Blueoak's Biodiversity report and other documents downplay value of pond as compromised by Wrexham Road development.	Not near pond.

4.3. With respect to the design of the site access road, CWaC response to Blueoak's Pre-Application stated: *"The service margins as shown are satisfactory and should be hard paved from Lache Lane until clear of the bend when at a suitable point they can be evenly divided to 1.5m both sides and grassed..."* But only the first 10 metres from Lache Lane have pavement each side – before, not after, the bend - then it immediately narrows to 4.8m and becomes shared surface with grass verges. **This is not safe for pedestrians.**

4.4. The exit onto Lache Lane has a steep gradient and **will not be DDA compliant for wheelchair users.**

4.5. The proposed Lache Lane access and its design has several shortcomings against "the "Manual for Streets" and needs review and revision.

5. Construction: Damage to LWS, disturbance and noise

5.1. Experience of pollution of the wildlife pond at the rear of Meadow House during construction has led to concerns for the conservation of this site during construction.

5.2. Developers seek to optimise their building logistics by using all the resources of their site, e.g. both Lache Lane and Winkwell Drive accesses. This will cause disturbance and inconvenience to both sides of the estate, with overspill parking on surrounding roads for the duration of the construction period. **Access to the site and overspill parking should be strictly controlled by condition for the duration of the construction period.**

5.3. Areas will be required for moving and storing spoil, parking, site offices and the storage of construction machinery, fuel, etc. Where is this to be sited during construction? How will damage to the LWS, its habitat and wildlife be prevented?

5.4. Local residents are already experiencing considerable flooding, disturbance and noise already caused by construction and 24-hour emergency flood water pumping on the Wrexham Road site, and have submitted complaints to CWaC Regulatory Services regarding stress and lost sleep. If this application is approved, all the lessons learnt from that development must be implemented as robust and detailed conditions.

5.5. The Construction Management Plan should be available **before construction starts** and detail how damage and disturbance are to be avoided. **Should plans be approved, please condition this.**

6. Housing requirement

Housing completions in CWaC are already far in excess of the targets in Local Plan (Part 1) 2014 – 2030 (HLM supply summary report 2019.2020). There is no requirement to develop this site.

7. Visual impact, overlooking and loss of privacy

This development will have huge visual impact on the outlook from existing neighbouring properties and, for some, an unacceptable loss of privacy due to the overlooking of their main habitable rooms.

The Building Research Establishment states that, **“Sensitive design should provide sufficient daylight and sunlight to new housing while not obstructing light to existing homes nearby.”**

The impact is exacerbated by overly tall house designs and being sited very close to the boundaries of existing properties, as the following examples illustrate. The ridge height - according to the scale bar on the elevation drawings - is circa 9m.

Numbers 38, 40, 42, 44, 50 and 52 Lower Field Road and 107 and 107A Lache Lane will be affected particularly adversely by overlooking and loss of privacy. It is proposed to site 2 storey flats and houses at the ends of the rear gardens of numbers 38, 40, 42 and 44. Although the distance between the habitable windows is just greater than the 21 metres required, buildings are positioned less than 3 metres from boundary hedges, meaning that windows overlook existing properties to an unacceptable degree. Owners will lose all privacy in rear facing habitable rooms and gardens.



Figure 5:

Existing outlook across field from rear garden of 40 Lower Field Road



Figure 6:
The hedge at the end of the garden is 1 metre high. The new buildings will be less than 3 metres away from the hedge.

Numbers 50 and 52 Lower Field Road will also be affected by the proposal to site a house (Plot 15) within 1 metre of the boundary hedge. Although this will mostly be a blank wall, it will appear overbearing from the habitable windows of the existing property. Figures 7 and 8 show projected alteration of view from 52 Lower Field Road.



Figure 7:

Existing outlook from rear garden of bungalow at 52 Lower Field Road.



Figure 8:
Proposed position of dwelling. The hedge at the end of the garden is 1.5 metres high. New building will be less than 1 metre away from the hedge.

8. Residential amenity and character of neighbourhood

- 8.1. For many owners of neighbouring properties, the view across the site was a key factor in the decision to purchase and is an important part of their residential amenity which they will lose. Although the overall density of the site is low owing to the amount of land included in LWS, the actual build area is high density being circa 30 dwellings per hectare. CWaC "Supplementary Planning Document (SPD) : Design for Residential Development" specifies minimum rear garden length 10.5 metres and area 64 square metres. These were also clearly stated in the CWaC response to Blueoak's Pre-Application. All the proposed plots are less than the minimum length, down to as little as 2 metres for plot 15 - also see Section 7 above.
- This is not in keeping with the lower density of surrounding properties.**

- 8.2. Affordable housing** - Only six affordable homes are included, pushed into the north-west corner. CWaC response to Blueoak's Pre-Application stated: "*...on this proposal the requirement would be 7 affordable homes to be provided on site and dispersed throughout the site...*". **Planning should require Blueoak to disperse affordable housing and ensure minimal impact on surrounding homes.**

9. Future development & Permitted development rights

- 9.1. Residents are concerned that subsequent applications could be made to build on the remaining LWS. **Further loss should be prevented by imposing a robust Planning Condition.**
- 9.2. Aspects of the housing design including flood-elevated two-storey high roofs together with tight layout with very short rear gardens, mean very close proximity to and over-looking of existing properties. It would be even more unacceptable if new residents seek to add extensions, make additions to the roof adding a third-storey, porches, outbuildings and boundary treatments or insertion of windows that face existing properties. **If granted, a Condition removing permitted development rights for the whole site would be appropriate.**