



CHESHIRE WEST AND CHESTER COUNCIL

LOCAL PLAN PART 2

DETAILED POLICIES

CHESTER COMMUNITY VOICE UK

Members of National Organisation of Resident Associations

**CCV UK considered response to the Schedule of Main Modifications
and supporting Sustainability Appraisal and Habitats Regulations Assessment**

January 2019

Attention of:

planningpolicy@cheshirewestandchester.gov.uk

<http://consult.cheshirewestandchester.gov.uk/portal>

Planning Policy

Cheshire West and Chester Council

4 Civic Way Ellesmere Port CH65 0BE

C/O Gill Smith

Planning Policy Manager

Attention of:

Planning Policy Team and Plan Inspector

Places Strategy CWAC

https://consult.cheshirewestandchester.gov.uk/portal/cwc_ldf/cw_lp_part_two/sub/mm

**Treatment of CCV UK's submission to the evolving plan, consultation
in the process of development, and at the hearings in public.**

OBJECTION:

We object to the way our group has been treated by the LA and Inspector at all stages of this process throughout the four years of the Plan's development and by the Inspector at the hearings and in her following report.

How is it the Plan can have been progressed to this stage when we (CCV UK) have been denied any engagement in the process for the last four years, after which we note the LA has failed to meet us

following the Inspector stating the LA should meet us at the Matter 8 Chester hearing in September of the LP part 2 process after which we note they have not, while we now find Inspector has made no reference to our submitted complaint about lack of engagement in her findings?

CCV UK attended the hearings and submitted our evidence proving we had been denied even one minute of meeting time with the LA over the entire four years of this LP part 2 process. While the Inspector only indicated to the Local Authority they should meet us to discuss our outstanding concerns she has made no reference to these and has taken no appropriate action.

The progressing of the Plan based on the Inspector's remit should have been suspended at the hearings from Day One/Matter 1 until this was resolved; albeit at an already unacceptably late stage? Our reading of the given rules for the hearings inform us it was the Inspector's duty to act in the public interest in this way given the circumstances. We are gravely concerned as to how this matter has been handled contrary to that understanding and against our interests.

The proposed CWaC LP2 - even including the Inspector's proposed amendments - is still deficient (judged in overall terms) in as much as it does not adequately spell out or provide the framework for an overall housing policy to cater for the projected demographic changes in the CWaC Chester area. Further amendments are particularly required to promote the provision of housing for first time buyers, families, the elderly and those with social or specialist needs - and to protect such provision from the usage of scarce land resources from allocation to other sectors - notably PBSAs for students and other commercial developments. Without such further amendment, the overall CWaC planning framework (including LP2) will not provide CWaC with the tools to deliver the key objectives of the One City Plan and guided by such as the advice of the Urban Land Institute Report - where all sectors of the community (residential and commercial) will be able to share and enjoy a healthy, balanced, inclusive and sustainable future.

Responses to published schedule of recommended main modifications

SCREENING OF MAIN MODIFICATIONS 5

Wherever this Plan refers to sustainability implications using this *terminology CCV UK wishes to challenge the use of such wording on the grounds that the Plan has failed to establish either sound sustainability implications or deliver a sound supporting statement and policy with regard to any properly identified sustainability implications; leaving the plan in many section open to application of a do as we like regardless of implications approach to planning and development, this for example proven to us with reference to the EIA statement used in the recent passing of the Wrexham Road housing and mitigation development proposal as embraced in but not yet passed in this emerging Plan.: *"*The modifications are unlikely to have significant sustainability implications"*. This on our understanding meaning the same unsatisfactory level of consideration from the original policy.

PAGE 21: TABLE 5.1 Screening of main modifications.

MM1 / CHI 1 Chester Settlement area:

Proposed amendment to paragraph 2.8 reads as follows *“All development proposals should protect the historic city core (defines the area within the city walls) and its setting.”*

Agree/support this modification, but with the reservation that the amendment only focusses on routes and corridors (failing to identify links with other policies) not addressing wider applicable relevant issues such as delivery of housing within this area; and in particular specialist housing supply such as student accommodation that is already having adverse impact on this area and major development proposals such as for Chester Racecourse that the Inspector seems to have opted to overlook? Counter to the Plan claim in this context we therefore consider that there are sustainability implication.

PAGE 22: 5 Screening of modifications.

MM2/CH2 Chester regeneration areas:

Proposed amendment to noted policy text requests *‘and the city centre’* be deleted. We object and ask this wording is kept due to the particular implication of all regeneration policies including for the city centre in particular which should be made explicit. While the noted sustainability implications for cycling and walking set against traffic as well as implication for climate change, air quality, biodiversity and landscaping is noted, we object to the fact that delivery of new mixed residential housing is omitted along with the adverse potential impact of specialist accommodation on the character and distinctiveness of place. We do so noting current Government consultation on the proposal to build up urban centres to assist resolving the national housing crisis; with this approach having particular implications for the character and distinctiveness of such centres; and especially in growing university towns and cities from impact of delivery of relatively unregulated student accommodation in such centres as this plan seeks to deliver against out not discussed concerns with us by the LA. The lack of city-wide housing policy (as raised with the Inspector but not dealt with in detail by the Inspector in this document/report) exasperates us and enhances this concern.

Page 22: 5 Screening of modifications.

MM3/CH2.A Chester Northern Gateway:

CCV UK agrees with the added commitment as stated to *“where possible, improve the road and pedestrian accessibility into and out of the city”* but we object to the fact that the statement focusses on *“Hoole Road”* without reference to other access points from the north of the city along such as Liverpool Road and Parkgate Road; the latter in particular meriting improved cycle, pedestrian and other public transport access along/from this route given it clearly opens up improved options for aiding expansion of the university and its needs while at the same time serving to help maintaining community balance in the city itself. Regarding the sustainability statement, we are concerned that while it properly focusses on air quality and climate change it is unsound in failing to also include reference to implication for delivery of varying housing/accommodation need in this regard.

Page 29: 5 SA of Modifications.

MM8/CH6 Chester key views, landmarks, and gateways and historic skyline:

CCV UK agrees with the removal of the qualifying word “*significantly*” from the plan statement. In doing this the Inspector strengthens protection of the city skyline and its character which is welcome. We also agree with the reworded statement 4 as this should increase the need to focus on the range of built development in and around Chester city centre and on the urban fringe. Nevertheless, with reference to the sustainability implications statement, CCV UK does not agree that the range of proposed policies adequately protects sustainably the existing character and distinctiveness of the city and its urban fringe or the well being of the community living here. We say this with reference to the current raft of developments applications coming forward and (for example at Chester Racecourse and of student accommodations) taking place in and around the city that would/will be supported/permitted under this policy as stated.

PAGE 75/76: 5 Development Management:

MM 41/DM 2 Impact on residential amenity:

CCV UK supports the introduction to this policy statement, and the removal of statement 1 as recommended by the Inspector as this strengthens the policy in relation to community rights regarding impact on outlook, privacy, light, noise, odour etc. We support reworded statement 2 “*Residential development must include an appropriate quality of outdoor private amenity space having regard to the type and size of the proposed development*” as this improves provision of well-being and supports better quality of life in line with related policies.

PAGE 76/77: 5 Development Management:

MM 42/ DM 3 Design, character and visual amenity:

CCV UK supports all statements including proposed changes or wording of criterion 1,2,4 and 5 as set out in points 1,2,4, 5 and 7. This said in relation to this policy we question the LA and Inspector and LA’s determination of the bearing of the NPPF’s stated greenbelt policy on delivery of development to meet the balance of local need; this not helped by the unsound wording of this NPPF policy leaving it open to inconsistent interpretation as we witness in this policy.

PAGE 82: 19. 5 and other relevant development policies”

DM 46/DM 9 Visitor accommodation:

CCV UK disagrees with the assertion that the policy and modifications are unlikely to have significant sustainability implications.

Regarding the modification we note it states that “*within the settlement areas of Chester, Ellesmere Port, Northwich and Winsford new hotels, guest houses, holiday lets, and bed and breakfast visitor accommodation will be supported, and preference will be given to city and town centre locations*”. In

regard to Chester CCV UK supports this (amended) policy statement notwithstanding balance is achieved in deliver of such accommodation in response to identified need in the city and on its urban fringe taking account of the emerging government determination (which we support should any such policy in that regard be delivered in a balanced and respectful way of our culture and heritage, character and distinctiveness, evolving commercial need and community well-being) to deliver significant mixed residential development within city centres. Care should always be taken of the danger of trying to squeeze quarts into pint pots.

PAGE 82/83: 19. 5 and other relevant development policies”

DM 46/DM 9 Green Belt:

CCV UK Objects to this policy statement (also see response to MM 42/ DM 3 Design, character and visual amenity. Pages 76/77). While we would agree with the stated amendment *“development of land in the greenbelt must accord with Green Belt policy as set out in the National Planning Policy framework (NPPF)”* we actually have to object to it based on the fact that the LA policy this statement states as set out in the LP Part One STRAT 9 is in our estimation an unsound confirmation of Chester’s sustainable medium to long term need with regard to delivery of balanced development in the best interest of all.

This also confirms our objection to the claim that the policy is unlikely to have significant sustainability implications.

We object to the removal of the statement that: *“Within the Green Belt visitor accommodation (whether new build, or material changes of use of land such as static caravan or chalet type development) would only be permissible in cases where other material considerations amounted to very special circumstances sufficient to outweigh the harm to the greenbelt and any other harm arising from the development”*. Given students are also essentially visitors albeit long term to the City we see the value of this statement in being retained should a special need beyond the inner city due to any growing conflict regarding their needs between their accommodation interest and certain others (elderly, families, city workers etc) being identified. And in addition, due to the fact that it would be unacceptably prejudicial against delivery of accommodation to meet students particular need set against any such other in the interest of delivering healthy, balanced, and truly vibrant sustainable development (respectful of the character and distinctiveness of the inner city and its urban fringe and particular interests and needs of those living and trading there).

PAGE 101/102/013/104/105/: 5

MM 54/DM 20: Mix and type of new housing development.

Page 101. CCV UK supports the amended criterion 2 as reworded: *“2. Requirements of an aging population and people wishing to downsize, including where justified the provision of adaptable and accessible homes and/or single storey dwellings; and ...”*

Page 101/102/103. And CCV UK supports the amended reasoning, paragraph 12.15 of the policy explanation: *“The council’s Strategic housing assessment (SHMA) identified that an aging population*

is a significant issue for the borough but also that the majority of elderly people would wish to stay in their own homes”.

(paragraph 12.15 Continued) Page 102/103. CCV UK also recognises and supports this statement but with reservations in objection as follows this modification as quoted: “Policy SOC 3 of the Local Plan (Part One) sought to address this issue through requiring new housing development to take account of the needs of an aging population that could include the provision of Lifetime Homes, bungalows and extra care housing. Local Plan (Part One) policy ENV 6 identifies Lifetime Homes as an appropriate standard to help guide development across the borough. Since adoption of the Local Plan (Part One) the Government no longer supports reference to Lifetime Homes in planning policies, the standard of which are now reflected in the requirements of Building regulations M4(2) (accessible and adaptable dwellings). Homes built to this standard are designed to meet the needs of occupiers throughout their lifetime and the provision of housing that complies with Building Regulations M4(2) as part of major developments may help demonstrate that the needs of an aging population have been addressed in line with policy SOC 3 through high quality design and construction in line with policy ENV 6”.

CCV UK objects to the proposed amended policy due to the fact that in overall context it compromises meeting the need in the City of Chester and at its urban fringe due to the failure to adopted additional policy to control the spread of student HMO and PBSA accommodation on such a restricted basis solely in and around the urban centre; as has proved so damaging to delivery of such a growing need for elderly (as the LA has identified as desirable at urban centres) as well as other family etc housing at what are recognised as competing development sites, the deteriorated situation in the Garden Quarter being an example of such failure of policy to date as is found to be the case in many other university towns and cities. A problem associated with the proposed competing policy intended to manage student housing demand in the city is exasperated by the difficulty of converting any such student accommodation back to other residential use when the opportunity arises as well by the over-supply in scale, massing and density of such student accommodation and increasing delivery of student numbers in residential and commercial areas. This taking them over the tipping points of adverse impact on the character and distinctiveness of locales with mixed residential community in the process alienated, gradually leaving and/or deterred from living in these areas against the intention of current Government strategy to encourage mixed residential community growth in these increasingly adversely affected areas, as is and will increasingly be delivered in the city unless this plan is radically altered. We cannot let pass noting the growing instability of the Higher Education sector regarding its’ increasing debt problem along with the fact that the student housing market is also becoming increasingly unstable as well as being of a far more limited value (impact on loss to rates, filtering out of rents to absentee landlords/investors, and limitations of local student spend compared to the value of the silver surfer and family pound) to local economy than those who promote it claim. CCV UK’s attempts to sit down with the LA have throughout the development of this policy failed to gain any meetings as asked for by us for discussion and lack of adequate response from the Inspector regarding our complaining to her about this unsatisfactory state of affairs. In the process the LA has persisted in evading adoption of perfectly reasonable and sound alternative balancing options in this Plan in this regard in the best interest of all.

PAGE 103/104. Regarding the proposed amendment 12.17 of the policy explanation: *“Ensuring that housing design is flexible enough to be easily adapted to meet changing needs over time is a key priority of the council’s Vulnerable and Older People accommodation Plan”.* CCV UK supports this

objective BUT in objection to the overall balance of the plan for accommodation development in and around the urban centre we note the fact that development of student accommodation (PBSA and HMO) in competition and around and about delivery of this policy offers significant social and technical challenges; for example with it being well known that conversion of student housing to alternative uses if that consideration arises is difficult in the extreme and one LAs and private developers are loath and unlikely to tackle (*also noted with reference to policy statement MM 55/DM 21 Development within the curtilage of a dwelling house).

PAGE 104/105. With reference to the proposed amended wording to paragraph 12.20: *“The Council will work with developers to agree on the most appropriate mix and type and it may not always be possible to provide a range of dwellings across all sites. The most up to date evidence of need at borough and local level should be fully taken into account. The council recognises that the most appropriate housing mix may not always be achievable, and account will be taken of any negative impacts on the viability of a scheme and local design considerations when determining the most suitable mix and type. The provision of a proportion of new dwellings built to comply with Building Regulations part M4(2) may also contribute towards meeting the requirements of an aging population in relation to major developments. Whole plan viability testing has identified that in some areas of the Borough, particularly on brownfield sites, development requirements including affordable housing delivery, may be harder to secure. The council will work with developers to ensure that viable schemes can come forward and deliver housing that best suits the need of the local area”*. CCV UK considers this statement flawed in regard to the inner city and urban fringe needs for the balance of housing development in Chester. We note one student PBSA accommodation after another has been delivered in Chester to the detriment of delivery of a range of mixed residential including affordable housing needs on local brownfield sites. In the process while there may have been engagement between the LA and self-seeking developers the community interest has largely been excluded from the consultation process regarding appropriate and inappropriate need towards achieving a truly sustainable community balance harmonised with the full range of commercial interests in partnership supported by appropriate mixed residential housing development across the inner city and at its urban fringe. In this context we object to this policy statement as being inadequate to meet the needs of all in the best interests of all due to lack of commitment to robust control of the range of housing development across the city. In this regard we do not overlook the current Government determination to deliver policy to build up inner urban areas by up to five stories by way of permitted development/use of delegated powers. A significant concern for us; especially given no note of this is being made in this policy statement.

PAGE 101. Regarding the Sustainability implication statement (MM 54/ DM 20 Mix and Type of new housing development) and any requirement for further SA. CCV UK strongly agrees further SA needs to be undertaken. We agree there are as noted ‘implications in terms of improving social inclusion and reducing inequality including provision of additional housing including for specialist groups’ and in addition it is also clear to us for the inner city and urban fringe of Chester it is equally important to consider this matter in terms of economic partnership between commerce and community as well as to in a number of regards to rethink policy on location of such as special housing for students compared to other competing significant needs in the limited space the city has to offer for such development going forward. While the student housing policy states need for location close to services to meet their needs that does not mean such access cannot be more than adequately provided without forcing this development need into the city centre itself as proven by such provision in many other university towns and cities.

MM 5/DM 21: Development within the curtilage of a dwelling house

PAGE 109. CCV UK Objects with reference to this statement: *"In addition, in line with the Local Plan (Part One) policy STRAT 9, Proposals for the development of land in the Green Belt must also accord with the Green Belt policy set out in the National Planning Policy Framework (NPPF)".* We do so because of the inherent unsoundness of the NPPF Green Belt policy in relation to the inconsistent application of this policy in various commitments stated in this Plan AND the failure of the LA to engage with CCV UK in representation of a significant section of the Chester community to discuss any such implication for development in the Green Belt as needed to ensure the Plan serves the best interests of all needs going forward so as to achieve such as sustainable development here serving our future, our well-being, stability of community in partnership with the commercial offer, and the need to preserve the character and distinctiveness of this historic City. *Also see related comment PAGE 76/77: Development Management: MM 42/ DM 3 Design, character and visual amenity.

PAGE 109. CCV UK supports the paragraph as amended 12 .22 of the explanatory text addressing the way an increase in proposed size of an existing dwelling will be dealt with.

PAGE 115/116/117. 5 Modification. Sustainability implications

MM58/DM 26 Specialist accommodation and MM 58.DM 28 Houses in multiple occupation

CCV UK Objects to and takes particular issue with the claim, either based on the original wording or the proposed Inspector's rewording. It is claimed that the policy is unlikely to have significant sustainability implications. Based on our experience and understanding of what we are already seeing happen to the City of Chester (and in line with similar adverse impacts on other places such as Exeter, Durham, Canterbury etc) we recognise this policy does have serious adverse implications for the City of Chester going forward. We do so in face of what is agreed development within the LA and by the Inspector but not by the City community to meet the needs of the student body of the University of Chester. The policy and approach is therefore judged unsound.

PAGE 115/116/117. 5 Modification

MM58/DM 26: Specialist Accommodation.

CCV UK Objects to the original and amended fifth paragraph of the policy text as stated: *"New specialist accommodation must **(be well located in relation)** with good accessibility to a range of existing services and facilities, and with good access to public transport. New facilities, including large scale extra care village developments, outside of settlement boundaries will be resisted in line with Local Plan (Part One) policy STRAT 9."*

CCV UK objects to the original and amended sixth paragraph of the policy text as stated: *"Proposals for hostel accommodation should be **(sympathetically)** located within identified settlements, to provide a suitable location for its residents to access local services and facilities, and to minimise potential conflict or impacts on surrounding uses."*

It has been judged for example that residential development in Chester is perfectly acceptable at the Post House/Wrexham Road, and Clifton Drive/Sealand Basin with reasoning included in support of good accessibility to the range of existing services hence we do not see what the same reasoning

should not apply to delivery of student accommodation; for example at the previously proposed Parkgate Road Student Village location; and this especially due to the fact that such development has been agreed based in part on this justification in other towns and cities, for example York has developed a student village at a green field site at a considerably greater distance from the city centre than that there would be the case here with the Parkgate Road proposal. As is the case with York and other university places like Chester embracing that option frees up rare development sites better employed to meet other more significant needs such as delivering housing need in the city for workers, families and the growing elderly population in partnership with the commercial offer and in recognition of current Government strategy on delivering much needed mixed residential housing in such urban centres. This policy states large scale extra care (*what does the term extra care mean?*) village developments will be resisted outside the settlement boundary. We would agree if by extra care the policy means elderly accommodation given a commitment to deliver that in the urban centre replaces that and swaps its delivery outside the settlement boundary within reasonable distance for such as student accommodation to save the policy from being a victim of quart into pint pot syndrome with all the adverse implications of that. As things stand what is proposed/intended continues to undermine the recommendations of the Urban Land Institute Report and what was actually agreed in terms of locating student accommodation in the consultations on the One City Plan.

PAGE 115/116/117. 5 Modification

MM 59/DM 28: Houses in multiple occupation.

CCV UK objects to the original and amended criterion 3 of the policy text as stated: *“3. the additional HMO (*meets*) has regard to the amenity standards set out in the Physical Property Standards – Shared houses/flats document published by Cheshire West and Chester Council in 2012 and any relevant standards set by national housing legislation and guidance;”*

CCV UK objects to the original and amend last paragraph of the policy text as stated: *“Where a proposal is made in a road/street with an existing very high level of HMO properties, the change of use of the remaining properties will be permitted where (*there is no further*) this would not result in a detrimental change to the overall character of the area, and where the application is supported by evidence that there is no reasonable demand for the existing C3 (dwellinghouse) use.”*

CCV UK objects to the original and amended paragraph 12.64 of the policy explanation as follows: *“The Proposals should have regard to the Houses in Multiple Occupation and Student Accommodation SPD which provides additional guidance including a density calculation and potential exceptions to this. This states that where the vast majority (around 80 percent or more) of existing properties surrounding the application site within the defined area of impact are HMOs, the retention of the remaining C3 dwellings may have little impact on the balance and mix of households”.*

We wish to point out that we have noted to the Inspector that there is very little detailed and actual coordinated housing policy (for category C3 developments) for much of the city centre and the immediately surrounding urban fringe, that the policy of management of student HMO in Chester is weak and costly to the local rates, and that the SPD referred has not been discussed with us before being adopted despite our repeated requests to meet the LA to discuss our outstanding concerns; it having a number of flaws the Inspector has failed to note and comment on the implication of. Those of our signatories who live in the Garden Quarter and suffer from student neighbour HMO behaviour as they have seen increasingly happen in their area do not take kindly and object to the assertions

made in these policy statements about; that is notwithstanding some of the HMO properties of late left standing empty with no effective LA policy in place to destudentify these and reintroduce mixed residential occupation of this area. We have seen the deterioration of quality of life in this area as it has caused health impact; both personal and regarding pressure on accessibility to the local health centre due in large part to so many students now being registered there.

PAGE 117 5 Modifications

MM 60/ DM 29: Health impacts of new development.

CCV UK questions and seeks to have put in a wider context the amended paragraph 13.11: *Hot food takeaways in close proximity to schools have the potential to impact health, especially children. Such applications should be located in a retail centre as set out in the Local Plan (Part One) policy ECON 2 and Local Plan (Part Two) policy DM 15. These applications could give rise to significant adverse impacts on residential amenity in terms of noise, vibrations, odours, traffic disturbance, litter or hours of operation as a result of the proposed premises. Planning conditions may be used to mitigate impacts to protect health and residential amenity*".

It is our observation that in an increasingly studentified area such as the Garden Quarter has experienced a noticeable growth in such fast food takeaway offers as well as other less healthy offers such as cheap booze outlets; this affecting more than children's health and well-being as far as mixed residential community survives in this area. We would like note made of that and policy stated to tackle what we see in this regard as a problem. In this context we note the comparatively adverse findings of the 2011 census in relation to the well-being of other sections of the Chester community.

PAGE 117 to 125. 5 Modifications

MM 61/DM30: Noise.

Page 120. In particular CCV UK notes proposed amended paragraph 13.12: *"The impact of noise is a key consideration for residential amenity as stated in the in Local Plan (Part One) policy SOC 5. This policy covers noise from commercial and industrial uses.....". ".....Consideration should not only be given to potential increases in noise levels but also changes in the acoustic character of the local noise environment. The Council may prepare further guidance to assist in the application of this policy."*

Page 121. In response to Amended paragraph 13.13 CCV UK recognises student occupation of business premises such as PBSAs and HMOs as effectively commercial use and we note in this light various of our signatories/supporters in the Garden Quarter have gained no satisfaction from raising complaint about persistent disturbance by noise from such neighbouring premises over the ten years we now have existed in attempting to be engaged with this Plan process in part to do with this adverse impact, and indeed for some considerable time prior to that. They feel utterly let down by the establishment in all regards concerning the need to have this situation properly managed along with other problems created by accompanying poor habits of waste disposal, obstructive 'on street' parking, occasional damage to property and owned vehicles, and even sometimes threats as it adversely impacts on their lives and places. Much more is needed than just a vague assurance that the 'council MAY prepare further guidance to manage problems with neighbour noise and for that matter a lot else beside. It is more matter of a need to replace the word MAY with WILL and MUST in

line with the LAs Thrive and SCI policies along with need to deliver other policies to secure well-being as set out in this emerging Plan. Note the following:

Page 121. The Inspector notes and seeks to modify Amend paragraph 13.13 of the policy explanation: *“The effective control and management of environmental, neighbour and neighbourhood noise should, within the context of Government policy, on sustainable development, contribute to the improvement of health and quality of life. In considering the impact of noise, regard should be had to the residential development targets are taken from the World Health Organisation Guidelines for Community Noise 1999 and the latest British Standards (or their recognised replacement) for both internal and external noise levels. In line with Local Plan (Part One) policy SOC 5, the protection of health (mental and physiological) and prevention of interference with speech communication is a consideration in assessing the planning applications. As such, the relaxation of indoor criteria is not considered appropriate, and generally internal levels can be achieved through design and insulation measures.”* CCV UK Objects to the suggestion that development applications can simply achieve the desired success without taking full account of the potential impact of type of occupation and impact of lifestyle and activity associated with the proposal; such as for conversion of family homes to use as Student HMO or the development of PBSA in close proximity.

Page 122. With reference to paragraph 13.14 of the amended policy explanation: *“For the purposes of this policy residential development includes uses such as dwellings, care homes (including extra-care/age-restricted) and houses in multiple occupation HMO's). A relaxation of the external standard to a maximum permitted level of 55dB LAeq 16 hours would only may be considered acceptable in noisier environments such as city centres and urban areas adjoining the strategic transport network having regard to the latest British Standard (or its recognised replacement). In such situations development should be designed to achieve the lowest practicable level in external amenity space. No limit will be applied to balconies, but all development should be designed to achieve the lowest practicable level in external amenity space.”* CCV UK questions this proposal as bears on and around the inner city and on the linked urban fringe as adverse impacts are already experienced along various routes to and from student residence in engagement in the nighttime economy and other social events and will increasingly do so in future if this weakened policy is adopted. In this regard as previously noted regarding future type of housing supply in and around the city centre Government is keen to see an increase in mixed residential community living in this inner-city area who will in greater numbers then be adversely affected by implementation of any such weakened policy when actually needing for their comfort and well-being a strengthening of it.

Page 122/123. CCV UK supports proposed amend paragraph 13.15 of the policy explanation as follows: *“Internal noise levels could be conditioned on approval. New residential development should demonstrate the expected noise levels in habitable rooms when they are unoccupied and with a window partially open or otherwise adequate ventilation to meet the standards outlined in the Building Regulations Approved Document. External noise levels will normally need to be demonstrated in principle as part of the application if there is a significant noise source within close proximity. A noise report should be standard for the majority of residential, industrial and possibly commercial developments where noisy external plant is required. The noise report should follow the approach set out in relevant guidance (or its recognised replacement) which includes: the latest British Standards, the Calculation of Road Traffic Noise and, where appropriate, the Professional Practice Guidance on Planning and Noise. In the event that the appropriate level cannot be achieved without mitigation applicants should carry out detailed investigations and submit appropriate levels of mitigation, including details of the noise output, and the provision of purpose designed attenuation for all noise generative plant and equipment”.*

MM62/DM 35 Open space and new development

CCV UK supports this policy and the proposed modifications.

PAGE 128. 5 Modification

MM 66/DM 46 Development in conservation areas

CCV UK supports this policy and the proposed changes except we believe it important to keep “4. The need to retain trees”.

PAGE 134. 5 Modification

MM 68/DM 48 Non-designated heritage assets

Page 134. With reference to the amended text: *“In line with Local Plan (Part 2) ENV 5, development proposals will be encouraged and supported where they are designated to preserve or enhance the significance of non-designated heritage assets”*. CCV UK fully supports the intention as amended of this policy BUT we are greatly concerned that a range of such assets from something as small as street/asset cleaning historic signs and of management of small sites such as front gardens and general aspects of the street scene including tree management to larger concerns including whole areas such as central Handbridge as was built as a fit for heroes estate post the end of WW1 based on Government policy introduced in 1919 or the 7th century battlefield at Heronbridge (MM69/DM 49) have suffered much neglect and poor decision making and policy at planning. We would seek a major review of policy in this regard leading to far more robust management of and investment in sustainable care of such assets.

Page 135 to 138. Only to remind ourselves; the modification statement says that *‘such considerations (as are supported by CCV UK) should be assessed in development proposals against the following criteria, namely’*:

- “1. special qualities of architectural and historic interest;
2. features of interest and the setting of the non-designated historic asset;
3. contribution the non-designated historic asset makes to local distinctiveness;
local townscape; or rural character; and
4. conservation of interesting or unusual features; architectural detail; materials; construction; or historic interest should be assessed in development proposals against
the following criteria, namely the:*
- 1. special qualities of architectural and historic interest;*
 - 2. features of interest and the setting of the non-designated historic asset;*
 - 3. contribution the non-designated historic asset makes to local distinctiveness; local townscape; or rural character; and*
 - 4. conservation of interesting or unusual features; architectural detail; materials; construction; or historic interest. Prior to the loss of the non-designated heritage asset, an appropriate level of survey and recording will be expected including where appropriate archaeological investigation. The results of which should be deposited on the Historic Environment Record. It is recognised that not all buildings, structures or landscapes of significance are captured on either the national lists or local*

lists and these are termed undesignated heritage assets. Where the significance of these buildings, structures or landscapes can be demonstrated, the above policy consideration should be applied."

And with reference to paragraph 17.12 of the proposed amendments: *"The presumption is for the retention of non-designated heritage assets. An assessment of the non-designated heritage asset will be required to consider the asset's architectural and aesthetic quality and its unique contribution to the remaining architectural, historic and townscape and landscape interest of the area."*

SA FINDINGS REPORT 6

Pages 142, 145, 153. 6 CCV UK takes issue with the general findings as reported. In particular, we object to the statement 6.1 given that only landscape, culture and heritage and 6.3 only climate change, biodiversity and air are identified as representing an issue affecting main sustainability implications. Having invested considerable time and effort ourselves in consideration of this Plan and the whole range of planning implications we find a number of good reasons to judge that housing/accommodation supply should also be so considered with regard to both scale and type of varying need; both interns of what the Plan does and does not recognise as significant issues requiring consideration and inclusion to ensure balanced development of Chester going forward.

CCV UK objects to statements made in points 6.27 and 6.28 (ref. Housing) that claim there are relatively few considerations needing to be taken into account at all and only refer to need for no more than some flexibility for replacement of buildings or impact of noise level in reference to the claimed fact that such superficial attention might have some positive effect? Something far more robust is needed in consideration of main changes to this inherently weak Plan, and it is indeed a great shame the Inspector has not recognised the need.

In addition, CCV UK objects to statement 6.29 which claims relatively few modifications would impact on the objective of community safety, or to put it another way there are in our estimation no robust policy statements in the Plan to secure a suitably high standard of service to and protection of community safety, including securing good standards of health and well-being.

Further CCV UK objects to statement 6.38 (mitigation) as IT fails to address the need for such measures as are generally absent from the Plan's consideration of housing supply and community balance and well-being. We find it incredible and alarming that the statement concludes: *"No further mitigation measures have been identified and no further ways to improve the positive impacts on the policies beyond the previously identified through the SA process"*.

Appraisal of modified policies A

General comment in response to statements in objection and support

Table A.1 CH 2 Chester regeneration areas (incl. CH 2.A Chester Northern Gateway)

PAGE 158. Population and human health.

Objection. The impact of the propose Local Plan will not help to improve health and social inclusion in and around the inner-city fringe due to what we judge to be an inappropriate and damaging policy to force all student accommodation development and other amenity to cater for the needs of this specialist group into the city centre while resisting other viable possibilities beyond the urban centre. In not taking note of health facilities we note the Plan fails for example to consider the overwhelming number of students registered with the Garden Quarter Health centre, the long neglected need to deliver a new health centre in Handbridge to cater for a growing elderly and family community as well as the emergence of the large new housing estate nearby on the Wrexham Road, and Government determination to expand mixed residential occupation of urban centres.

PAGE 158. Housing.

Objection. Despite claims to the contrary, as CCV UK drew attention to in its submission to the Inspector at the recent hearings, the LA does not have in place a comprehensive housing policy for the inner city and its urban fringe taken as a whole. We support the regeneration areas policy statement as written BUT do not accept this covers all needs and note it fails to deliver student accommodation need across the city in the right places at the right density and scale of occupation; as we go forward undermining other objectives for the city to deliver needed mixed residential housing for such as the elderly in the process taking increasing areas over the tipping point of adverse impact on community quality of life and the character and distinctiveness of place.

PAGE 158. Community safety.

Objection. We appreciate the management of motor vehicle in and around the city centre is a challenging problem for the LA and we are supportive for example of the intention to improve access to park and ride as part of future development of the Hoole Corridor BUT the problem of none resident parking in residential streets and area has not been tackled over the years to any effect by the LA and this is not helped by the failure of this policy to resolve that issue (in terms of local impact of obstruction, nuisance and pollution). We also object to the fact that the proposed policy only serves to generate increased conflict between pedestrians and cyclists (also with reference to Economic development statement page 158) in the city given the lax way that issue is currently managed with the new proposed policy only set to exasperate that situation.

Table A.15 DM 14 City and town centres

PAGE 201. Culture, heritage and landscape

Objection. CCV UK takes issue with the suggestion that the way the character and distinctiveness of the city will be positively protected by implementation of the stated Plan policies as we read them when adopted and based on the way we have witnessed development taking place for example at and around the Roodee/racecourse and of student accommodations in and around the city centre.

PAGE 202. Population and human health

Objection. The appraisal (extract) states: “The policy supports residential development in town centres, subject to specific criteria”. Of course CCV UK supports such an intention with regard to mixed residential need but not special student accommodation BUT we note that as stated to the inspector in our submission to the hearings significant areas of the city have not had explained for them any specific development policy for housing development and it is a concern that much such development in and around the city centre goes on piecemeal and dealt with mostly by way of delegated powers and questionable permitted development regulations.

PAGE 202. Housing

Objection as stated in response to the Population and health appraisal. In addition, we appreciate the need as identified by the LA for the building in and around the city of visitor accommodation BUT we are concerned that a combination of this and student accommodation will severely undermine any attempt to deliver the much needed mixed residential accommodation as noted by the Government for city centres, the LA and ourselves along with others from our commercial sector. Again, we refer to the impossibility of trying to squeeze quarts into pint pots, and to the adverse consequences on health and well-being and community balance in trying to so do.

PAGE 202. Community safety

Question. We do not understand what the advantage is of pursuing a policy (as stated) for the city centre that reduces pedestrian footfall?

PAGE 202. Economic development

Qualified support. CCV UK approves of the policy to support economic development of the Chester City centre, but only where in combination with bringing back a grown mixed residential community into the city in support of the sort of business that serve the day to day needs of residential community members (city workers, families, and the growing elderly population). Care must be taken to ensure such residential development is affordable, accessible and subject of manageable rates.

Table A.17 DM 19 Proposals for residential development

PAGE 205. Climate change and energy

Objection. CCV UK objects to the decision made as part of this policy regarding decision to direct residential development to particular locations (inappropriate location of special housing to meet student need in taking residential areas over the tipping point of adverse impact in a number of regards in conflict with other current and evolving mixed residential need in and around the city centre and due to perceived neglect of and refusal of other viable options in the best interest of all, and in addition the failure to state a complete housing policy to cover the entire inner city and its urban fringe. This raised by us as a concern in our written submission to the Inspector for the hearings but not addressed at those hearings in response to us. The reference to use and determination not to use greenfield sites to ameliorate any adverse impact in regard to housing supply is confused when we compare the various pertinent policy statements.

PAGE 206. Waste

Objection. The waste collection policy is comparatively poorly delivered in the more studentified areas and with higher densities of HMO and PBSAs in general to the detriment of settled residential community living there (Garden Quarter etc) and we see no determination in this policy to put this right. We therefore disagree with the claim that proposals for residential development such as they are in this Plan are unlikely to significantly or directly impact on waste management.

PAGE 206. Cultural heritage and landscape

Objection. As said we consider the policy to allow or not allow residential development at greenfield locations to be inconsistent and confused; with such as a particular determination to keep all student accommodation development out of any such areas to be unacceptably prejudicial to the interest of the established and intended future inner city mixed residential community and its commercial offer, and on the need to properly manage sustainably the City's character and distinctiveness set against this generally unsupported by the community other interest to force studentification on the city centre.

PAGE 206. Population and human health

Objection. In our estimation the policy judged overall fails to promote sustainable settlement in the best interest of all in the City of Chester and in the surrounding urban fringe. Access to facilities and transport are well capable of serving the need of students living at any development site within reasonable distance of identified greenfield location sites (and nearer than those that operate perfectly well to serve such interest in places like York) should they have been chosen. This while securing opportunity to develop for other more pressing needs in the city such as for the needs of a growing elderly population in west Cheshire.

PAGE 206. Housing

Objection. It is stated that: *"The policy supports housing development in specific circumstances and restricts development within the countryside and Green Belt. However, it does support housing development within settlements, and also outside identified settlements, where necessary to meet minimum housing requirements. It should also help to provide greater flexibility for housing in sustainable locations, close to services facilities"*. This statement fails Chester regarding what the LA has confirmed as its studentification policy which is clearly in conflict with it. We again note greenfield development to meet student accommodation needs has been provided in other comparable places such as York; making this CWAC policy in our estimation unsound and causing conflict between certain of its key aims in regard to meeting the raft of agreed requirements for housing development in the City going forward. We have already stated that the student housing SPD (that the LA has persisted over the last four years in refusing to meet us to discuss despite our persistent request for such meetings) contains an utterly unacceptable claim regarding the minimal distance the LA judges students can travel from bed to desk; yet this against our advice on findings from other places that show students can and do travel perfectly reasonable distances from residence to work having access to good transport and to all other amenity and facility with the creation of no hardship. We note when we raised this assertion with the Inspector in the hearing of Matter 16 she did not comment on it.

PAGE 206. Community safety

Objection. If the Census findings and LA and police records for a heavily studentified area such as the Garden quarter are compared to those of other city wards the evidence shows heavily studentified

areas sees higher levels of crime and deprivation, in part in comparison to population imbalances in terms of age, employment, and property density, type and use; yet this is not acknowledged?

PAGE 207. Economic development

Objection. It is all very well to suggest requiring residential development in identified settlement areas will encourage local people to use the services and facilities but the statement is found unsound when it is made without reference to the adverse impact such as studentification of an area has on community balance and the local commercial offer as we see in case in the Garden Quarter compared to other better balanced locations.

Table A.18 DM 20 Mix and type of new housing development

PAGE 208/209.

CCV UK questions the limited recognition noted in appraisal statements of impact of new housing development **in terms of statements on Climate change and energy, Biodiversity, flora and fauna, Water, Air, Land and resources, Waste, Cultural heritage and landscape, Population and human health, Housing, Community and safety, and Economic development**. It concerns us that in each statement the LA claim there is no direct or significant impact on these key consideration regarding delivery of mix and type of new housing development. We find this quite baffling.

PAGE 209. Regarding statements concerning Population and human health and Housing

CCV UK has in other statements objected to and have questioned key adverse effect delivery of specialist student housing accommodation in the city to the exclusion of all other identified needs/growing demands; and in this regard we judge that inequality is more likely to be accentuated and adequate provision reduced rather than as the LA claim inequality of provision itself will be reduced, with for example desire by a growing elderly population to come to live in the city centre as desired by the Policy over time ever more deterred by the expansion of provision for and practice of student life to the exclusion of all other options for provision for their needs resisted.

Table A.19 DM 22 Change of use to dwellinghouses and residential conversions

PAGES 2011/2012/2013.

CCV UK in general supports this policy as outlined in the appraisal comments notwithstanding our outstanding concerns about the management of HMO and PBSA delivery causing over supply and increased adverse impact on community balance and local commercial offer along with worries about increased impact from crime, noise, parking, littering and adverse impact on verges and pavements (lack of traffic enforcement measures such as use of restrictive signage in many residential areas) and so on, and related matters such as perceived weakness of registration and monitoring as well as loss to rates from such owned properties. We also wonder what impact any new Government statutory guidance on delivery of inner city and urban fringe development to meet a growing demand for accommodation will have in this context?

Table A.20 DM 30 Noise

PAGES 214/215/216.

Objection. CCV UK supporters, and in particular those living in student areas such as the Garden Quarter, are unconvinced by the potential effectiveness of this policy as set out in the appraisal

notes. Their experience over time has been of the authorities failing them when they complain about the impact of noise on their lives and even sometimes abuse resulting when they have pursued the matter. With reference to your statement on housing *“the restrictions on noise levels may reduce the amount of housing that comes forward, or may make it more expensive to develop”* has set alarm bells ringing regarding protection of their quality of life and well-being; this despite the assurance that the policy should help to protect the amenity of future occupiers. Our supporters being concerned about what they may currently suffer as existing occupiers in such locations with so little effective intervention from the authorities experienced to secure their interests. This response is not so much a reaction to a policy statement concerned with regulating and aiding developers and development but rather consequential rights and care of the well-being of existing residential community.

APPRAISAL OF MODIFICATIONS D
Quality assurance check list
SUMMARY COMMENT

PAGES 247/248/249/250/251: CCV UK does not agree that the plan’s purpose and objectives for Chester has been made entirely clear; and we note in this regard that it concerns us so few in representation of the community were engaged in the process over the whole ten years of development of this Local Plan, as we remain concerned about our treatment in attempting to become engaged in meeting the LA to discuss our outstanding issues given over the last four years we have been allowed not one minute of such meeting time for discussion about those concerns. A problem the Inspector judging this plan has failed to resolve. We have raised concerns as repeated in this response to the consultation on these modified proposals that conflicting needs and objectives have not been identified, or at least if they have that is not itemised in the comment found in this document reading the concerns we have raised. We therefore say that rather than the appraisal focussing on significant issues (page 248) it has only focussed on selected significant issues to the exclusion of some we are sure should have been considered in context of our representations. As a result, realistic alternatives such as we have raised have been set aside and certain sustainability issues have not been wholly investigated. Some inconsistencies remain outstanding and convincing reasons for certain decision taken, in particular on delivery of student accommodation, remain unconvincing. Social impacts and considerations are not wholly dealt with including standards of management of residential areas in and around the city as well as matters to do with the impact of studentification. That of course leads to questions remaining to be dealt with and answered in terms of adequate mitigation measures and monitoring (E Page 252 -269) needed to deal with certain of these outstanding concerns.

CONSULTATION ON THE LOCAL PLAN
PAGE 273

CWAC state: *“As well as the content of the Local Plan, it is important that the protected characteristics of the Equalities Act are taken into consideration when preparing and consulting on the Plan, in particular ensuring that all groups of people have the opportunity to access and participate in consultations. Consultation on the Local Plan (Part Two) Publication Draft was undertaken from 11 December 2017 to 29 January 2018. Consultees on the planning policy database were contacted by email or letter to inform them about the consultation process and period. Copies of the Local Plan (Part Two) Publication Draft and supporting documents were made available on the council website and paper copies were available at customer contact centres in the borough and in the Council’s mobile library. Comments were invited by email, post or online. At Submission stage,*

the Submission version of the Local Plan (Part Two) and supporting documents (including the SA of the Publication Draft Plan dated March 2018) were published on the website and consultees were notified. Consultation on the modifications will include the SA of the modifications and will include publishing them on the Council website and informing relevant consultees. As such, all groups of people had the opportunity to access and participate in consultations”.

CCCV UK's experience over the four years (not simply from December 2017 to January 2018) of development of the Local Plan Part 2 has been that despite making submissions to the council accompanied by requests for meetings with the LA to discuss our outstanding concerns about this policy, and in particular those parts concerned with studentification and related housing issues we have not been given one minute of meeting time over those four years up to the conclusion of this process to discuss our remaining concerns. What the LA claim in stating all groups had the opportunity to access and participate in the consultations is not correct in regard to what standard of engagement the LAs THRIVE and SCI policies as well as published Government Guidance promises to deliver. We therefore consider we have been seriously disadvantaged in the process throughout to its conclusion, and by the Local Plan Working group badly treated. A complaint was registered with the Inspector for Matter 1 hearing with supporting evidence issued to her but based on our understanding of her remit no effective action was and has been taken to resolve this situation and at this very late stage we find it hard to see what could be done? At the Matter 8 Chester hearing in mid-September the Inspector did indicate to the LA they should meet us for discussion, but that is all that was said and done by her; and on submission of this response to this final consultation no such meeting has been delivered and we have had no opportunity to effect in any way the delivery of this Plan; which we note does have considerable opposition from those in the community we know who are aware of it.

Updated equalities Impact Assessment F

PAGES 274,275,276,277,278. Protected characteristics and justifications

Page 274. Policy DM 14: City and town centres. CCV UK notes this policy supports the promotion of the evening economy in city and town centres, particularly family activities. To overheat this aim threatens to alienate one stated group from the other, and we have over the last few years had reports of unacceptable raucous behaviour in restaurants, hotels and the street that have disturbed and upset families out for a pleasant quiet time in the City of Chester. Some alienated from going to town on such as race days and a nighttime, especially at weekends preferring to go out of Chester if they have transport to socialise elsewhere. In addition, the increasing cramming of student living into the City centre added to the increasing impact of such as Hen and Stag parties here does not help the situation. We therefore raise an objection to the intentions of this policy as it raises conflict not in itself but rather in context of the overall implication of the range of policies in the Plan and poor standard of policing affecting the City of Chester.

Page 274. Policy DM 20: Mix and type of new housing development. CCV UK supports the stated intentions of this updated policy proposal for the City centre and its urban fringe; notwithstanding our objection to the determination to cram special student housing development into the city to the exclusion of all other viable options, that we judge to be detrimental to the successful delivery of this policy.

Page 274/275. Policy DM 26. Specialist accommodation. CCV UK supports the intention to deliver special accommodation suited to the needs of a growing elderly population and of others with

special and additional needs BUT we continue to strongly object to the biased and damaging intention to cater for student accommodation to the exclusion of all other viable possibilities outside the urban fringe given it is clear based on nationally recognised academic research/evidence and recognition of the character of the city and needs of its residential and commercial community as this undermines the intentions in all other respects to successfully deliver this policy in the interests of all.

Page 275. Student accommodation. CCV UK objects to this policy as stated in our response to policy DM 26. It has baffled us throughout that the LA has persisted in embracing this policy in defiance of certain better options, and we have been persistently frustrated by the refusal of the LA to meet with us to discuss our concerns and stated reasonable needs that might if adopted help make this unsound policy to cram all student accommodation development into the city sound. As stated in our written submissions it is ridiculous to claim that for students to have access to amenity/facilities they should not be expected to travel no more than just less than a mile to the city centre. It does not equate with evidence found from many other university places. The policy compromises so many other intentions of the Plan.

Page 275. Houses in Multiple Occupancy. CCV UK has stated concerns about the weakness of the LA system of management of HMOs in a number of respects and we object to the local plan being adopted without this policy being reviewed and made robust identification and in its management of these properties.

PAGES 274,275,276,277,278. Responses to other of the statements found in this section are noted elsewhere in our submission.

Updated health Impact assessment G

PAGES 281, 284, 285, 287. Intro and Appraisal criteria and sub-objective

Introduction. Paragraphs 1, 2, 3. CCV UK is unconvinced that for large areas of Chester the HIA offers a positive way forward in developing better policy and care for the residential community of Chester. Intended expansion of such as the nighttime economy and exclusive increasing student occupation of the city along with a range of increasing environmental impacts and increasing neglect of management of city and urban fringe areas (streetscene etc) can only all serve to have a negative rather than positive impact on community life in the city and on its urban fringe. Taking the plan as it stands on balance that will only be further exasperated by way of following emerging Government policy to promote a policy of growing city centre buildings up (up to five levels) to accommodate increasing demand for residential accommodation.

Pages 284, 285, 287. Appraisal criteria/sub objectives. CCV UK questions the viability of sustainability objectives 10 (sustainable waste management), 11 to preserve and enhance sites of archaeological and cultural heritage importance), 12 (to protect the character and appearance of land and town scape and sense of place), 13 (to improve health and social inclusion), 14 (to provide sufficient housing in an appropriate way), 15 (to reduce a safe environment), and 19 (to promote an appropriate inner city physical, social environment and vibrant economy suited to needs of all) in context of the objections and concerns we have raised in response to this emerging Local Plan. Our experiences and reading of the Plan as set out fails to convince us the LA will meet its more positive aspirations as set out for the City of Chester and its urban fringe.

In conclusion, we note we are disappointed with the process, the outcome and our treatment regarding the development of this plan and what it does and not deliver for Chester and its community going forward.

Submitted by;
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Ann Charlton Vice Chairperson
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