



Appeal Decision

Inquiry held on 16, 17 and 18 June 2015

Site visits made on 16 and 18 June 2015

by Karen L Ridge LLB (Hons) MTPL

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 August 2015

Appeal Ref: APP/R0660/A/14/2226935

Land at Clay Lane/The Dingle, Haslington, Crewe, Cheshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by WCE Properties Ltd, Katharine Elaine Kerr, Paul Andrew Kerr and Stephen John Hughes against Cheshire East Council.
 - The application Ref. 14/0009N, dated 14 December 2013 was refused by notice dated 1 September 2014.
 - The development proposed is the erection of 35 dwellinghouses (between 30% and 35% affordable housing) with associated access, internal highways, parking, amenity space and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 35 dwellinghouses (between 30% and 35% affordable housing) with associated access, internal highways, parking, amenity space and landscaping on land at Clay Lane/The Dingle, Haslington, Crewe, Cheshire in accordance with the terms of the application, Ref. 14/0009N, dated 14 December 2013, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. An application for costs was made and is the subject of a separate decision.
3. The planning application which led to this appeal was submitted in the name of WCE Properties Limited (and others). The appeal has proceeded in the same name but I note that WCE Properties Ltd are now trading as Tesni Properties Limited and documentation from Companies House has been submitted to evidence the name change.
4. An agreement made pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted. The agreement secures the payment of financial contributions towards education facilities and a traffic regulation order. It further secures the provision of on-site public open space and an equipped play area and 10 units of affordable housing on the site in the form of four 1 bedroom apartments and six 2-bedroom semi-detached houses. I shall return to the agreement later.

Main Issues

5. Having regard to all of the above, I consider that the main issues between the main parties are as follows:
 - (i) whether the proposal for housing would be in an acceptable location, having regard to development plan and national policies; and
 - (ii) the effect of the proposal on the character and appearance of the surrounding area.
6. I have noted above the concerns of third parties regarding highway issues and, notwithstanding the agreement between the main parties, I shall also examine this matter.

Reasons

The location of development

7. Development plan policies: the relevant development plan is the Borough of Crewe and Nantwich Replacement Local Plan 2011 (CNRLP). Saved policy NE.2 confirms that all land outside settlement boundaries will be treated as open countryside and that, in such areas, only development essential for stated purposes or uses appropriate to a rural area will be permitted. Exceptions in the form of limited infilling may be permitted. The proposal is not one of the stated purposes and does not fall within the exception and as such the proposal, as a matter of principle, is contrary to policy NE.2.
8. CNRLP policy RES.5 concerns housing in the open countryside and sets out limited circumstances where housing will be allowed. Again the proposal does not fit within the stated categories and it is therefore contrary to policy RES.5. Policy BE2 relates to design standards and requires, amongst other things, that new development respects the pattern, character and form of the surroundings.
9. On behalf of the Council it was contended that one house would be a breach of the policies and that 34 houses would represent a significant breach of the relevant development plan policies.
10. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point in this appeal is that policies NE.2 and RES.5 require that permission should be refused unless there are other material considerations to indicate otherwise. These policies are 'in principle' policies which effectively demand a yes or no answer to the question 'is development appropriate in this location?'
11. At this point I consider that it is sufficient to recognise that the proposal is contrary to these policies. Policies such as BE2 require a more qualitative assessment as to the level of harm a development may cause (in the event that harm is caused) and the extent of any breach would be taken account of in such an assessment.
12. Following local government reorganisation Crewe and Nantwich Council became part of Cheshire East Council (the Council). The Council submitted its Local Plan Strategy in May 2014 and the Examination hearings started in September of that year. Following concerns expressed by the Examination Inspector about housing numbers the Examination was suspended for a period of 6 months to

- enable further work to be undertaken. That period of suspension has now ended.
13. Both parties are agreed that policies from the Local Plan Strategy are generally of limited weight. However, one particular policy of relevance is policy PG5 which is framed in identical terms to adopted policy NE.2. It is a continuation of countryside protection policies and it is broadly consistent with national policy objectives but is still to be tested at examination. I therefore agree that a small amount of additional weight can be placed upon it. Reference has also been made to the Council's Interim Housing Policy but the parties are agreed that it is out of date and carries only very limited weight.
 14. The National Planning Policy Framework (the Framework) seeks to boost significantly the supply of housing and sets out a presumption in favour of sustainable development. It also sets out core planning principles, one of which is the recognition of the intrinsic character and beauty of the countryside. To the extent that policies RES.5 and NE.2 seek to protect the countryside from indiscriminate development, they are consistent with the aims set out in the Framework and are relevant.
 15. The Framework requires local authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing (the 5-year HLS). Paragraph 49 confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing will not be considered up-to-date if an authority cannot demonstrate a 5-year HLS.
 16. Housing land supply position: At the time of determination the Council's position was that it had a 5-year HLS and this formed part of the first reason for refusal. Subsequently, the Council acknowledged that it did not have a 5-year HLS and that part of the first refusal reason was withdrawn. Consequently relevant policies for the supply of housing should not be considered up to date.
 17. The submission version of the Local Plan Strategy was based on an objective need for 1,350 additional dwellings per annum. After suspension of the Local Plan Strategy further work was carried out. A draft Housing Development Study has revisited the question of the fully objectively assessed housing need for the district and places it at 36,000 for the Plan period (2010-2030). This equates to an annualised requirement of some 1,800 dwellings, although this figure could be subject to change following further examination.
 18. The Council accept that a 20% buffer should be applied to the 5-year supply figure but the methodology for application of the buffer is open to debate. The appellants' HLS witness put the land supply at 3.17 years supply on the Council's figures and 2.68 years on the basis of the appellants' latest assessment. The appellants' expert estimates that the shortfall amounts to some 7,699 houses which he categorised as 'massive'. Mr Purser further calculated that the appeal proposal would address some 0.5% of this shortfall. The shortfall is substantial but it must be viewed in the context of a large requirement.
 19. The Council neither agrees with nor disputes these figures and accepts that substantial weight should be attributed to the shortfall.

20. There is an acknowledged shortfall of housing land. On the appellants' latest figures the potential difference between the parties in terms of HLS is not, in my view, significant in the context of this appeal. The worst case scenario is a shortfall of some 2.68 years. If this is the position then, contrary to the views of the appellants' witness, I would attach substantial weight to this level of shortfall. A point already accepted by the Council. In these circumstances I do not consider it productive to examine the various arguments and figures which lie behind the appellants' analysis. I conclude that it is sufficient to note the shortfall and its approximate extent; apply substantial weight to it in the planning balance and examine the policy consequences of the lack of a 5-year HLS. I shall proceed on this basis.
21. Conclusions on this issue: The proposal would cause harm to adopted policy objectives which seek to restrict development in the open countryside. I acknowledge that the policies were formulated in light of then national policy which sought to protect the countryside 'for its own sake'. However, the objectives in the two policies remain broadly consistent with those in the Framework which seeks to avoid isolated new homes in the countryside and which requires decision makers to recognise the intrinsic character and beauty of the countryside. To the extent that the policies are concerned with these matters I consider that they continue to attract due weight.
22. However, it is not disputed that policies NE.2 and RES.5 are, in part, policies for the supply of housing. The housing requirement in the adopted local plan was formulated having regard to an evidence base which pre-dated 2003. Since that time Regional Planning Guidance and a Regional Spatial Strategy have come and gone. The adopted settlement boundaries reflected requirements to 2011 which will inevitably have to be reviewed in light of current requirements. There have also been changes to some aspects of national policy. In addition, the Council does not have a 5-year HLS and therefore, to the extent that the policies are concerned with the supply of housing they must be regarded as out-of-date.
23. For the above reasons, the weight given to the harm caused by a breach of policies NE.2 and RES.5 is reduced by the relevant policies being out of date and by virtue of the lack of the five year housing land supply. In coming to this conclusion I have had regard to the numerous appeal decisions and High Court judgments which have been brought to my attention during the Inquiry. I consider that the approach I have taken is broadly consistent with the majority of these cases.

Character and appearance

Effect on the character and appearance of the landscape

24. The appeal site comprises two paddocks which together form an L-shaped parcel of grazing land of around 1.28 hectares located on the northern outskirts of Haslington village. The site has a partial frontage on Clay Lane, with the main frontage and access from The Dingle. It wraps around a large Victorian property, The View, sited on the corner of Clay Lane and The Dingle. The grounds to the Dingle Primary School run along the long southern boundary of the site.
25. The appeal land is within open countryside which has no formal national or local designation. The Council have not sought to persuade me that the site

constitutes a 'valued landscape' within the terms of the Framework but the Parish Council has contended that the landscape contains a valuable historic hedge and a ridge and furrow system which marks it out as part of a medieval farming landscape. However the appellants' consultant and the Council's Archaeologist are agreed that the narrow, regular feature of the ridges indicate that the system is of a later date and the Council is satisfied that adequate consideration has been given to these particular features. I see no reason to disagree.

26. The area is included within the Lower Farms and Woods landscape type in the Cheshire Landscape Character Assessment. The landscape type is characterised as a very gently rolling landscape, with a high density of woodland and medium settlement density, comprising a mix of dispersed farms and nucleated hamlets and villages. The appraisal records that there is a great variety in the range of available views but these are often limited due to the lack of elevated vantage points.
27. The character assessment has a series of sub-categories and the appeal site is within the Barthomley Character Area. Within this character area the landscape is one of strong contrasts with many local variations. The appraisal records that nucleated settlements on the fringes of Crewe, such as Haslington, have undergone modern growth with significant change to landscape character. The background is described as a pattern of dispersed settlements.
28. The appeal site exhibits an attractive rural quality, given its undulating nature and mature green hedgerows containing scattered trees. An established hedgerow boundary separates the two fields which make up the site and the land rises from The Dingle up towards the western boundary. Consequently, from a short stretch along this frontage, much of the site is highly visible as rising land. The site comes into view on this exit out of the village as soon as the corner is turned in front of the Primary School. At this point the fields effectively announce the commencement of open countryside.
29. The eastern field plays a more minor role along Clay Lane where mature field boundaries restrict views to the south when travelling to the junction of Clay Lane and The Dingle. As a whole the site makes a positive contribution to the character of the open countryside and the rural setting of Haslington. Development of the land in the manner proposed would result in the permanent loss of these attractive fields. However, a substantial proportion of the existing field boundaries and trees and the protected oak tree in the northern corner would be retained.
30. The introduction of 34 houses with internal roads, garages and other paraphernalia undoubtedly would result in a significant transformation of the field. This change would mainly be visible from vantage points from The Dingle and in particular on the southern approach travelling out of the village and from vantage points within the school site. School users would look out on a residential development rather than open fields.
31. The View currently has the appearance of a single farmhouse within a rural setting outside the village. It is an attractive feature in its own right and, from the south it is framed by the appeal site in the foreground. The proposed development would link The View with development on the edge of the village and would result in this attractive property becoming subsumed within an area perceived as the village envelope. The Empire Club is located on the northern

side of Clay Lane, opposite The View. I am not as convinced that the club would also appear as part of the village if the development goes ahead. It is located on the other side of the road and the small green areas to the front and rear of The View would remain.

32. Travelling north along The Dingle, the transition to countryside would only really become apparent as the appeal site is passed. Travelling into the village along The Dingle, the change would be less evident. The houses would be visible across the field at the corner of Clay Lane and The Dingle and would be seen as a backdrop on this approach into the village.
33. The appeal scheme also contains an area of public open space along the Clay Lane frontage which would also be home to a play area with play equipment. This part of the site sits within a hollow which, together with the established hedgerow, would mean that the play equipment would be glimpsed from the public highway and seen momentarily when passing the field gate. In addition the open space would act as a buffer between Clay Lane and the new houses, which would be seen in the background, set back from the road frontage.
34. Overall I conclude that there would be limited harm to landscape character due principally to the loss of an attractive field and the limited viewpoints from which it would be seen. Whilst road users travelling along The Dingle would have a different experience and the transition to open countryside would be delayed on northwards journeys, views of this site would be from limited public vantage points and for a short duration. In addition the development would be seen as an extension of the village. As such I conclude that it would not be incongruous. Its location, along with the existing and proposed planting, would assist in satisfactorily assimilating the development into its immediate environment and the wider landscape.

Effect on the character and appearance of the village

35. Haslington is a rural village with historic origins. The village is comprised of a variety of housing in a fairly dense settlement pattern. The housing closest to the appeal site is modern, estate type housing. Expansion of the village has already taken place and is set to continue. Development of up to 250 houses on land off Crewe Road to the south-east of the appeal site is scheduled, together with a smaller development at Vicarage Road located two fields to the east of the appeal site.
36. The proposal would result in an increased sense of suburbanisation, particularly when seen by users of the school site which currently enjoys an open aspect. However this development would be sympathetic to existing housing and would not be out of character with that which already exists within the village. Rather, I consider that it would represent an extension to it.
37. Overall the effect of the new dwellings on the character of the village would primarily be felt in near distance views, because of the existing established planting to its boundaries and the topography of the surrounding land. The site would only be glimpsed in middle and longer distance views and would be seen in the context of the wider village. The development would sit well with existing development in terms of its integration into the village, appearing as a logical extension to the settlement. For all of the above reasons I conclude that the proposal would not cause material harm to the rural character of the village. For these reasons I conclude that the proposal would respect the

pattern, character and form of the village and would consequently be in conformity with policy BE2.

38. Whilst I have found that the proposal would not cause material harm to the rural character and appearance of the village, it would result in the loss of an open field with limited harm to the character and appearance of the open countryside. In this respect it would be contrary to policies RES.5 and NE.2.

Highway considerations

39. Local residents have expressed concerns about the parking situation and highway safety on The Dingle. Vehicular access to the development would be taken from The Dingle. The development would generate a maximum of 27 two-way trips during peak hours. Subject to an agreement to secure a financial contribution towards a Traffic Regulation Order to protect the new junction from parking, the Council's highways engineer was satisfied that the development would be acceptable in highway terms.
40. The development would provide parking at the rate of 200% of the policy requirement and therefore it is unlikely that it would result in additional on-street parking on The Dingle. The morning peak hour would coincide with school opening when parents are dropping children off at the school. I purposely conducted one of my site visits on a Tuesday morning between 0830 hours and 0900 hours. At this time cars were parked on the eastern side of The Dingle for short periods allowing parents to walk their children to school. Other parents used the car park at the cricket club and walked children to school.
41. The traffic situation was busy during the half hour that I observed matters. However, cars were only parked on one side of the road and traffic continued to flow in both directions, subject to drivers waiting for oncoming traffic to pass. The development would remove a short stretch of on-street parking along The Dingle but this would be compensated for by the internal access roads in the development available for parking. Subject to parking at the new junction into the development being restricted, I conclude that the proposal would not cause any material detriment to highway or pedestrian safety.
42. Other objections: The new houses would be located along the southern boundary of The View with some units along the rear boundary. Whilst the outlook from windows and the garden area of The View will inevitably change, the houses would not be so uncomfortably close as to be oppressive in terms of their effect upon the outlook from this existing property. Similarly the separation distances between The View and the new houses and their respective orientation would mean that the privacy of existing and future occupiers would not be materially harmed.
43. Other third parties have commented that local schools are oversubscribed. The appellants' section 106 agreement makes provision for the payment of an education contribution towards local primary schools in accordance with policy requirements. A condition requiring measures to reduce dust emissions during the construction period would satisfactorily address concerns about air quality.
44. Some local residents have expressed concerns that mains drainage and sewerage is a problem in the village. The owners of The View are concerned that a main sewer and field drain run diagonally across the appeal site. I have seen no other substantive evidence to persuade me that sewerage or drainage

capacity issues exist and the appellants have confirmed that the layout has taken account of the location of the main drains across the site. The proposal was accompanied by a flood risk and drainage assessment which concluded that the site was in flood zone 1 and the Environment Agency raised no objections subject to the imposition of conditions relating to drainage.

45. Disruption caused by building works would be of a limited duration and could be adequately controlled by a condition requiring a construction management programme. The planning application was supported by an archaeological desk-based assessment which concluded that the archaeological potential of the site was limited. I am satisfied that condition requiring a scheme of investigation prior to development will address these matters.
46. Councillor Hammond expressed concerns about the imbalance in new housing provision between the north and south of the district but this is a matter for the Local Plan Inspector. I must assess this appeal on the basis of development plan policies and other relevant material considerations.
47. Councillor Hammond also suggested that the proposal is premature but The National Planning Practice Guidance confirms that arguments that an application is premature are unlikely to justify a refusal other than where it is clear that the adverse impacts of development would significantly and demonstrably outweigh the benefits. It confirms that such circumstances are likely to be limited to circumstances where the development is so substantial or its cumulative effect so great that it would undermine the plan making process and the emerging plan is at an advanced stage but not yet formally adopted. Those circumstances do not apply here.

Other Matters

48. The presumption in favour of sustainable development: the Framework confirms that there are three dimensions to sustainable development: economic, social and environmental. Haslington is a large village with a range of facilities which include two primary schools, a village hall, church, dentist and doctor's surgeries, post office, pharmacy, newsagents and two local convenience stores. It is also well served by public transport and well connected to Crewe which has a main line railway station.
49. Having regard to all of the above information, and to the particular location and characteristics of the appeal site, I consider that the site is well served in terms of the range of services and facilities within Haslington and its accessibility to services.
50. Sustainable development includes a range of factors and the development of the site would bring with it certain benefits which would contribute to a social and economic role. In terms of the economic role, it would provide construction work in the form of a number of full time jobs over 2 years. It would also bring new inhabitants to the village, which would support the local facilities.
51. The appeal proposal includes other social benefits, in the form of the provision of a local play area which would contribute to play facilities within the village. In addition it would result in additional affordable housing in the settlement contributing to the tenure mix and it would provide an opportunity for younger members of this village community to take their first steps on the housing ladder. This provision is notable in the context of a significant housing shortfall

and more especially a recognised overall need for affordable housing. All of these matters assist in the performance of a social role by supporting the village community. The Council accepts that they attract significant weight in support of the proposal.

52. In terms of the environmental role, the houses would be located in an accessible location close to services and facilities which would reduce the need to travel on a daily basis. The homes would be built to exceed Sustainable Code Level 4 and will meet full 'Lifetime Homes' standards and 'Buildings for Life 12' standard.
53. The development would, however, result in the loss of a green field site and some consequential harm to the rural landscape. Balanced against this, the proposal would bring the social and environmental benefits which I have outlined. When I have regard to all of the above factors and the three dimensions to sustainable development, I am satisfied that the proposal, in its totality, would amount to sustainable development. As such, the presumption in paragraph 14 of the Framework applies.
54. The section 106 contributions: the agreement contains provisions to secure a locally equipped area of play and open space as well as the affordable housing. All of these requirements are supported by local policy provisions and I am satisfied that they are necessary to make the development acceptable. They are directly related to the development and reasonably related in scale and kind. As such the obligations pass the tests set out in the Framework and satisfy the requirements of regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended). I shall therefore take them into account in my final determination.
55. The agreement also contains a mechanism for the payment of a highways contribution of £6,000 and an education contribution of £65,078. The highways contribution is needed for the costs of protecting the new junction at the entrance to the site. As such it is directly related to the development, necessary to make it acceptable and reasonably related in scale and kind. The education contribution is towards primary school education facilities within two miles of the development and to address needs directly arising from the development. It is necessary to make the development acceptable and reasonable in scale and kind. Both of the financial contributions pass the Framework and statutory tests referred to above.
56. In addition it is necessary for me to consider the operation of regulation 123 of The Community Infrastructure Levy Regulations 2010 (as amended) in terms of pooled contributions. This applies only to the education contribution. The Council produced evidence to the Inquiry regarding the nature and number of contributions to local primary schools and I am satisfied that the contribution in this agreement would not take the number of pooled contributions in relation to the same provision over the limit of five obligations. As such I am satisfied that the contribution may be taken into account in my determination.

Overall conclusions

57. I have concluded that the proposal would be contrary to the development plan in terms of its location and the effect on the rural landscape and open countryside. However, policies for the supply of housing land are not up to date and therefore I am going to attribute moderate weight to the harm to

policy objectives in relation to the location of development. I also attribute some weight to the limited harm to the rural landscape.

58. I have concluded that the proposal would represent sustainable development when all three dimensions referred to in the Framework are considered. At the heart of the Framework is a presumption in favour of sustainable development. In circumstances where the development plan is absent, silent or relevant policies are out-of-date, this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies as a whole.
59. The Council does not have a five year housing land supply. Indeed, it has a significant shortfall and this is a factor which adds weight in support of the development. The Council contend that the appeal site would make a very small (0.66%) contribution in terms of addressing the shortfall. This is an argument which could be advanced time and time again to discount the valuable contribution which the appeal site would make in the face of a significant shortfall in housing land.
60. The suspension period of the examination has now ended and a date for resumption is still to be set. It is likely that there will be an interval of time before further land is released for housing via this process. I note at this point that the Council acknowledge that it is likely that some green field sites will have to be lost in the future in order to accommodate the housing need and that these sites are likely to be on the edge of existing sustainable settlements.
61. In the meantime there is a significant shortfall and allowing the appeal would result in the provision of much needed family market housing and affordable housing. There appear to be no impediments to delivery of the site in the short term, which means that the site would make a timely contribution to the shortfall. The Council accept that the provision of housing should be given substantial weight in the final planning balance.
62. In addition, development of the site would bring forward the additional benefits which I have previously set out. These include provision of a local children's play area.
63. Overall, when the factors in support of development are weighed against the factors against, I conclude that the adverse effects of allowing the development do not significantly and demonstrably outweigh the benefits. The appeal should therefore be allowed.

Conditions

64. The Council and appellants agreed a set of conditions which were discussed at the Inquiry. I have considered all of the conditions in light of the advice within the National Planning Policy Guidance. Using the same numeration adopted in the Statement of Common Ground I make the following comments.
65. In the interests of good planning it is necessary to impose conditions setting out time limits for development and to relate development to the submitted plans (1 and 2). It is also necessary to require details of the materials to be used in the dwellings and external surfaces (3). Given the variation in the levels on the site it is necessary to enable the Council to exert control over site levels and finished floor levels (4). In the interests of environmental protection I shall impose a condition relating to ground investigation methods (5).

66. The necessity for a construction management plan was discussed in detail at the Inquiry (6). To protect existing occupiers I have also inserted a requirement for temporary boundary treatments during the construction period and in the interests of highway safety I have inserted a requirement for wheel-washing. I have also inserted a requirement for a traffic management plan to control construction traffic, including the hours of deliveries to the site. As agreed at the Inquiry I consider it necessary to impose a condition controlling the hours of construction.
67. Condition (7) relates to electric vehicle infrastructure to encourage energy efficient means of transport. Condition (8) controls external lighting and is necessary to minimise light pollution. I have already referred to the necessity to control drainage and surface water and shall impose conditions accordingly (9 and 10). I have also, as was agreed, imposed conditions relating to the protection of retained trees and shrubs and requiring implementation of a landscaping scheme (11, 12, 14 and 15). It was agreed that suggested condition 13 was superfluous.
68. I shall impose suggested conditions 16, 17 and 18 to protect ecological interests. Condition 19 requires the internal circulation routes to be laid out prior to first occupation. As discussed at the Inquiry I have also required details of the surfacing and drainage of the first 10 metres of the access road to be approved and provided prior to first occupation. It is also necessary to impose conditions securing the provision and management of the public open space (20 and 21).
69. I shall impose a simplified version of the archaeology condition for the reasons I have already set out (23). I shall impose the condition requiring the provision of broadband access in the interests of encouraging home-working and sustainability (22). Mr Lewis was concerned about boundary treatments between his property and the site and I agree it is necessary to impose a condition controlling all boundary treatments.
70. Finally the development is not constrained and the houses each have private rear gardens and access to these gardens. For these reasons I do not consider it necessary to require bin storage facilities to be provided (24). A condition removing permitted development rights to prevent the installation of new windows was suggested in order to protect the privacy of existing and proposed occupiers. However the separation distances between the dwellings on the development and between the new dwellings and The View are such that I do not consider this to be necessary.

Karen L Ridge

INSPECTOR

DOCUMENTS SUBMITTED DURING THE COURSE OF THE INQUIRY

- 1 Notice of appearances on behalf of the appellants.
- 2 Update to proof of evidence of Richard Purser on the matter of Housing Land Supply (including letter Examination Inspector to Warwick District Council dated 1 June 2015), submitted by the appellants.
- 3 Certified copy of Deed of Agreement under section 106 TCPA 1990 dated 15 June 2015, submitted by the Council.
- 4 Extracts from Cheshire Landscape Character Assessment, submitted by the Council.
- 5 Opening submissions on behalf of the appellants.
- 6 Opening statement on behalf of Cheshire East Council.
- 7 Notification of Inquiry date and list of those notified, submitted by the Council.
- 8 Committee report relating to Weaver Farm, The Green, Wrenbury, submitted by the Council.
- 9 Written statement submitted by Ms Lee Allen.
- 10 Written statement submitted by Mr John Lewis.
- 11 Written statement submitted by Councillor John Hammond.
- 12 Office copy entries in relation to the appeal site, submitted by the appellants.
- 13 Certificate of Incorporation on Change of Name, submitted by the appellants.
- 14 List of planning appeals leading to Inquiry, submitted by the Council.
- 15 Extract of policies from Congleton Borough Local Plan First Review, submitted by the Council.
- 16 Closing submissions on behalf of Cheshire East Council.
- 17 Closing on behalf of the appellant.
- 18 Application for costs on behalf of the appellant.
- 19 Council's response to the appellants' costs application.
- 20 The Community Infrastructure Levy Regulations 2010 Compliance Statement, submitted by the Council.

PLAN SUBMITTED DURING THE COURSE OF THE INQUIRY

- A Plan showing the location of the appeal site and other sites, submitted by the Council.

SCHEDULE OF CONDITIONS ATTACHED TO PLANNING PERMISSION

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall not be carried out except in accordance with the following plans:
 - Site location Map PL(00)001 Revision A
 - Site Survey PL(00)002 Revision A
 - Proposed Site Layout- Key PL(00)100 Revision G
 - Proposed Site Layout-Landscaped PL(00)101 Revision E
 - Proposed Site Layout-Transport PL(00)100 Revision B
 - Proposed Elevations AA, BB, CC & DD PL(10)100 Revision E
 - Proposed Elevations EE & FF PL(10)101 Revision C
 - Proposed Elevations GG & HH PL(10)102 Revision D
 - Coloured Elevations AA, BB, CC & DD PL(10)103 Revision E
 - Coloured Elevations EE & FF PL(10)104 Revision D
 - Coloured Elevations GG, HH & II PL(10)105 Revision E
 - House Plans Type 1 PL(20)100 Revision B
 - House Plans Type 2 PL(20)101 Revision B
 - House Plans Type 3 PL(20)102 Revision C
 - House Plans Type 4 PL(20)103 Revision C
 - House Plans Type 5 PL(20)104 Revision B
 - House Plans Type 6 PL(20)105 Revision C
 - House Plans Type 7 PL(20)106 Revision B
 - House Plans Type 8 PL(20)107 Revision C
 - House Plans Apartments 1 of 2 PL(20)108 Revision A
 - House Plans Apartments 2 of 2 PL(20)109 Revision A
 - Landscape Masterplan PDP C-1025-10 Revision B
 - Detailed Landscape Proposals 1 of 5 C-1025-21 Revision A
 - Detailed Landscape Proposals 2 of 5 C-1025-22
 - Detailed Landscape Proposals 3 of 5 C-1025-23
 - Detailed Landscape Proposals 4 of 5 C-1025-24
 - Detailed Landscape Proposals 5 of 5 C-1025-25
 - Visualisations PL(30)101A and 102A
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings and private driveways hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 4) No development shall take place until details of existing and proposed ground levels and the level of proposed floor slabs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) The development shall be undertaken in accordance with recommendations and methodology set out in the Ground Investigation Report (Strata Surveys) dated 25 July 2013.

Should further ground investigations or excavations indicate that remediation is necessary, a Remediation Strategy shall be submitted to and approved in writing by, the local planning authority. The remedial scheme in the approved Remediation Strategy shall be carried out in full.

Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the local planning authority prior to the first occupation of any of the dwellings hereby permitted.

- 6) Prior to the commencement of any development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Such a plan shall include details of the following:-
 - (i) the parking of vehicles of site operatives and visitors;
 - (ii) loading and unloading of plant and materials;
 - (iii) details of the storage of plant and materials used in the construction of the development;
 - (iv) details of any piling required including, method (best practicable means to reduce the impact of noise and vibration on neighbouring noise sensitive properties), hours, duration, prior notification of occupiers of directly affected properties;
 - (v) details of the responsible person (site manager/office) to be contacted in the event of complaint and publicity arrangements;
 - (vi) Mitigation measures in respect of noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, specification of plant and machinery to be used;
 - (vii) a Traffic Management Plan, including details of construction traffic routes and hours of deliveries and construction traffic;
 - (viii) waste management; there shall be no burning of materials on site during construction;
 - (ix) a scheme to minimise dust emissions arising from demolition/construction activities on site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
 - (x) details of temporary boundary treatments/hoardings to be erected on all boundaries and retained throughout the construction period;

- (xi) details of wheel washing facilities or other means to prevent mud being deposited on the highway.

Development shall thereafter only be carried out in accordance with the approved CEMP, unless any variation to it is otherwise first agreed in writing by the Local Planning Authority.

- 7) No demolition, ground works or construction works shall take place outside the following hours: 0800 to 1800 hours on Mondays to Fridays and 0900 to 1400 hours on Saturdays. There shall be no such work on Sundays or Public or Bank Holidays.
- 8) Prior to the first occupation of the development hereby permitted, details of Electric Vehicle Infrastructure to be installed on the site shall be submitted to, and approved in writing by, the local planning authority. No dwelling shall be occupied until the approved infrastructure relating to that property has been fully installed and is operational. The approved infrastructure shall be permanently retained thereafter.
- 9) Prior to its installation, details of the location, height, design and luminance of any proposed external lighting on the common parts of the site (not including residential curtilages and adopted highway) shall be submitted to, and approved in writing by the local planning authority. The details shall ensure the lighting is designed to minimise light spillage. The lighting shall be installed and operated in accordance with the approved details.
- 10) No development shall be commenced until a surface water drainage scheme for the site, which shall be based upon sustainable drainage principles and an assessment of the hydrological and hydrogeological conditions of the site and include timescales for the scheme's implementation and completion, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in full and completed prior to first occupation of any dwelling. The completed approved surface water drainage scheme shall thereafter be retained at all times in the future.
- 11) No development shall be commenced until such time as a scheme to manage the risk of flooding from surface water has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to first occupation of the dwellings hereby permitted.

The site shall be drained on a separate system with only foul drainage connected to the foul sewer.

- 12) Prior to the commencement of development or other operations a scheme for the protection of all trees, shrubs and hedgerows shown as being retained on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be produced in accordance with BS 5837 (2012) Trees in Relation to Construction Recommendations, which provides for the protection of trees, shrubs and other hedges growing on or adjacent to the site, including the protection of trees which are the subject of a Tree Preservation Order.

The submitted scheme shall also provide for no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials to

be deposited or stored, lighting of fires or disposal of liquids so as to cause damage or injury to the root structure of the retained trees, shrubs or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any demolition or site clearance work and thereafter retained during building operations until the completion of the development.

The submitted scheme shall contain details of protective fencing which shall remain in place for the duration of the construction period and which shall not be removed or repositioned without the prior written authority of the local planning authority.

- 13) Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed levels survey, which provides for the retention of trees on site, shall be submitted to, and approved in writing by the local planning authority. No alterations in site levels shall take place other than those in accordance with the approved survey. The survey shall include existing and proposed spot levels at the base of and around the crown spreads of all trees specified for retention on the approved plans.
- 14) The approved landscaping scheme shall be completed in accordance with the following:
 - (a) All hard and soft landscaping works shall be carried out in accordance with the approved scheme in the first planting and seeding seasons following completion of the development hereby approved or in accordance with a programme agreed with the local planning authority.
 - (b) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS 3936: Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS 4428 (1989): Code of Practice for General Landscape Operations (excluding hard surfaces).
 - (c) All new tree planting shall be positioned in accordance with the requirements of Table 3 of BS 5837:2012 Trees in Relation to Construction Recommendations.
 - (d) Any trees, shrubs or hedges planted in accordance with this condition which die, are removed or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally planted.
- 15) A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than domestic gardens, shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of any part of the development. The management plan shall be implemented in full in accordance with the approved details.

- 16) No clearance of bird breeding habitat in preparation for (or during the course of) the construction of any part of the development hereby permitted shall take place during the bird nesting season from March to August inclusive. If this cannot be achieved then a report setting out proposed alternative arrangements shall be submitted to and approved in writing by the local planning authority. Any clearance works should then take place in accordance with the approved report.
- 17) The development shall include detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats and breeding birds including house sparrow. The approved features shall be installed prior to the first occupation of the development hereby permitted and permanently retained thereafter.
- 18) No development shall take place other than in complete accordance with the submitted ecological reports (ATMOS) dated 18 October 2013 and 25 April 2014.
- 19) The approved works shown on drawing Proposed Site Layout- Transport Details PL(00)100 Revision B shall be carried out prior to the first occupation of any of the dwellings hereby permitted.
- 20) Prior to commencement of development details of the surfacing and drainage of the first 10 metres of the internal road, measured from its junction with The Dingle, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to first occupation of any of the dwellings hereby permitted.
- 21) Prior to commencement of development hereby permitted, an Open Space Scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall include details of the location, layout, size, timing of provision, proposed planting, location and type of any boundary structures and specification of materials. No site or work compounds shall be located on the open space areas without the prior written consent of the local planning authority. The open space shall be provided in accordance with the approved details and timing approved by the local planning authority.
- 22) Prior to the implementation of any area of public open space identified in the Open Space scheme, a management plan for the future management and maintenance of the open space shall be submitted to, and approved in writing by, the local planning authority. The plan shall identify the maintenance requirements including all ongoing maintenance options and shall be thereafter implemented in perpetuity.
- 23) No part of the development hereby permitted shall be commenced within the site until the applicant or agent or their successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
- 24) Prior to first occupation of the development hereby permitted, details of Broadband access, or an equivalent wide band-width data transmission, that has an ability to simultaneously transmit and receive multiple digital signals and types shall be submitted to the local planning authority. No property shall be occupied until the approved infrastructure relating to

that property has been fully installed and is operational. The approved infrastructure shall be permanently retained thereafter.

- 25) Notwithstanding details shown on the submitted plans, details on any boundary treatments on the boundary of the site and between individual properties shall be submitted to and approved in writing by the local planning authority, prior to the commencement of development. Development shall be carried out in accordance with the approved details.

END OF CONDITIONS