
Appeal Decision

Inquiry opened on 28 June 2016

Site visit carried out on 30 June 2016

by Jennifer A Vyse DipTP DipPBM MRTPI

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

Decision date: 18 August 2016

Appeal Ref: APP/R0660/W/15/3132073

Land off East Avenue, Weston, Cheshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Limited against the decision of Cheshire East Council.
 - The application No 15/1552N, dated 24 March 2015, was refused by a notice dated 29 July 2015.
 - The development proposed comprises residential development for up to 99 dwellings (Use Class C3) with public open space, vehicular access, and associated infrastructure.
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Decision

1. For the reasons that follow the appeal is allowed and planning permission is granted for the erection of up to 99 dwellings (Use Class C3) with public open space, vehicular access, and associated infrastructure on land off East Avenue, Weston, in accordance with the terms of the application, No 15/1552N, dated 24 March 2015, subject to the conditions set out in the attached schedule.

Preliminary and Procedural Matters

2. The Inquiry sat for three days (28, 29, 30 June 2016) with the accompanied site visit being undertaken on the morning of the last day.
 3. During the discussion on the submitted planning obligation, the appellant took issue with the education contribution sought by the Council. However, the education officer who had been called in to assist with the discussion was not in a position to address all the issues raised. Accordingly, after hearing closing submissions on the afternoon of last day of the Inquiry, I then adjourned proceedings, with the agreement of the parties, to allow for further written submissions on the matter. The Inquiry was closed in writing on 20 July 2016.
 4. The planning obligation comprises a deed of agreement between the appellant and the Council. It is a material consideration in this case, securing the provision of public open space within the appeal site, including a Local Equipped Area for Play and arrangements for its management and maintenance, together with the payment of an education contribution.
 5. The planning application was refused on 29 July 2015 with four reasons for refusal cited on the Decision Notice. The fourth refers to concerns about potential contamination from the migration of ground gas from a nearby landfill site. However, following consideration of the results of further intrusive investigation and monitoring carried out for the appellant, the Council is now satisfied that its concerns in this regard can be addressed by conditions were
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the appeal to succeed. As a consequence, that reason for refusal was not pursued. That position is confirmed in the first of the three statements of common ground before me.

6. The third of the reasons for refusal read as follows:

The scale of this development would exceed the spatial distribution for Weston and would not respect the scale of Weston which is at the lowest tier of the settlement hierarchy. The development would be contrary to policies PG2 and PG6 of the Cheshire East Local Plan Strategy Submission Version.

7. Subsequent to determining the application, and prior to the submission of proofs in relation to this appeal, the Local Plan Strategy Proposed Changes (Consultation Draft)(March 2016) was published. Among other things, it sets out revised wording for policy PG2. Originally, in relation to the category of 'Other Settlements and Rural Areas', which includes Weston, it stated that, in the interests of sustainable development and in order to sustain local services, growth and investment in the other settlements should be confined to small-scale infill and the change of use or conversion of existing buildings. The revised version states that, in the interests of sustainable development and the maintenance of local services, growth and investment in the other settlements should be confined to proportionate development at a scale commensurate with the function and character of the settlement and confined to locations well related to the existing built-up extent of the settlement. As a consequence, the Strategic Planning Board agreed to 'amend' the third reason for refusal thus:

The scale of this development would be disproportionate to the function and character of Weston and would not respect the scale of Weston which is at the lowest tier of the settlement hierarchy. The development would be contrary to policies PG2 and PG6 of the Cheshire East Local Plan Strategy Submission Version. [sic]¹

8. The appellant was aware of the Consultation version of the emerging Plan, being fully involved in the Examination process, and had sufficient time in which to prepare relevant proofs in light of the Council's revised position. I am satisfied that no parties' interests are prejudiced by the amendment and the Inquiry proceeded on the basis of the revised wording of the third reason for refusal.
9. I referred above to three statements of common ground, the first of which relates to contaminated land (SoCG1). The second (SoCG2) is between the Council and Ashley Helme Associates Limited on behalf of the appellant. It sets out agreement that the traffic impact of the development scheme would be acceptable in terms of the safety and free flow of traffic on the local highway network. None of the reasons for refusal relates to highway matters and the Council presented no highways evidence to the Inquiry on this matter.
10. The third relates to planning matters agreed between the appellant and the Council (SoCG3).² It sets out the policies in the development plan considered relevant to this appeal and confirms that the application is not premature in the context of the emerging Local Plan Strategy. Among other things, it is agreed

¹ The Submission version of the Plan has been replaced by the Local Plan Strategy – Proposed Changes (Consultation Draft) March 2016. It is that version which sets out the revised policy wording referred to.

² A finalised version was submitted at the Inquiry (Doc 7)

that: the appeal site comprises open countryside located adjacent to the existing built form of Weston and is not the subject of any specific planning policy, environmental or landscape designation; mitigation with appropriate design and landscaping could be secured at reserved matters stage; the site is not a valued landscape and there would be no adverse impact on the wider landscape; the development includes 30% on-site affordable housing provision; flood mitigation measures would reduce the risk of flooding to the surrounding area and the scheme is acceptable in terms of flood risk and drainage, subject to conditions; the Council cannot currently demonstrate a five year housing land supply, the shortfall being substantial, and thus policies relating to the supply of housing are not up to date; the site is within walking distance of a variety of local services with a local bus service providing a sustainable transport link to a greater number of services and facilities in Crewe and the surrounding area; the proposed access could be accommodated safely, and the surrounding highway network has sufficient capacity to accommodate traffic arising from the scheme.

11. Areas where there is no agreement include the weight to be given to the emerging Plan; whether, given its position outside the development boundary, the scheme is proportionate development at a scale commensurate with the function and character of the settlement; whether the site possesses the intrinsic character and beauty of the countryside, and the weight to be attributed to the loss of best and most versatile agricultural land.
12. This is an outline application with all matters other than access reserved for future consideration. Whilst not formally part of the scheme, I have treated the Development Framework Plan (No GLA-14-DF Rev 9) as a guide to how the site might be developed. I have also had regard to the parameters set out in the Design and Access Statement.
13. I was advised that a Neighbourhood Plan is currently being prepared for Weston and Basford. However, it was confirmed by the Council that the Plan is at a very early stage of preparation and attracts no material weight. That said, it was accepted for the Parish Council that, whilst there was nothing in the public domain currently to indicate what the Neighbourhood Plan might have to say in terms of the quantum or location of new residential development, it was expected that some residential development would be accommodated in Weston, although that was anticipated as comprising small-scale infilling.³

Main Issue

14. In light of the above, the main issue in this case relates to whether, in the overall planning balance, the appeal scheme can be considered as sustainable development in the terms of the National Planning Policy Framework, having particular regard to:
 - whether the planning policies and guidance relevant to the appeal scheme are up-to-date and, if not, the weight they should be afforded in the planning balance;
 - the countryside;
 - the scale of development proposed in relation to the function and character of Weston;

³ Mr Thomson in answer to questions from the appellant.

- the effect of the development on the safety and free flow of traffic on East Avenue and surrounding roads; and,
- any implications of the scheme for best and most versatile agricultural land.

Reasons for the Decision

15. The appeal relates to some 5.21 hectares of agricultural land adjacent to the southern edge of the village of Weston. The site slopes downward from a high point in the east, to its lowest point in the west, where the site boundary is off-set from Basford Brook. A small watercourse also runs along the southern site boundary. The site abuts the rear gardens of residential properties to the north (Fairview Avenue, Meadow Avenue and East Avenue) with open fields to the east, south and west. By and large, the site boundaries comprise hedgerows and hedgerow trees.
16. The application proposes up to 99 dwellings on a net developable area of 3.85 hectares within the larger site. Vehicular access would be taken from the end of East Avenue, a residential cul-de-sac that adjoins the north-eastern end of the site. A new pedestrian only access is also proposed from the end of a short spur off Mere Road, to the north. Two public rights of way cross the eastern end of the site: one from the end of East Avenue, 310/FP7/2, which is part of the Crewe and Nantwich Circular Walk; the other, 310/FP8/1, which leads from West Avenue, is part of the South Cheshire Way and a long-distance route. Both paths merge on the south-eastern site boundary before crossing adjacent fields as 310/FP7/1.
17. The Development Framework plan shows an extensive public open space/ landscape buffer, including an attenuation pond, along much of the southern site boundary. The buffer would wrap around the eastern end of the site. A Local Equipped Area of Play is shown within that part of the open space, adjacent to the public rights of way which would be retained within the open space on their existing alignment.

Planning Policy

18. At the present time, the development plan for the area includes the Borough of Crewe and Nantwich Replacement Local Plan, which was adopted in 2005 (the Local Plan). The appeal site lies adjacent to, but outside the settlement boundary for Weston as defined by the Local Plan and thus, for the purposes of planning policy, is within the open countryside. Saved Local Plan policies NE.2 and RES.5 seek to resist development outside the defined settlement boundaries other than in particular circumstances, none of which are relevant here. It was a matter of agreement that the appeal scheme would be contrary to the development plan.
19. However, the Council cannot currently demonstrate a five year housing land supply when assessed against the evidence base for the emerging Local Plan Strategy. Whilst there is disagreement between the parties as to the extent of the shortfall, SoCG3 confirms agreement that, however calculated, it can be considered as substantial. In light of the provisions of the National Planning Policy Framework (the Framework) the current housing land supply position renders the development boundary, and those policies restricting development to within those boundaries, including NE.2 and RES.5, as out of date, since they are relevant to the supply of housing. However, that is not to say that the

policies are to be disregarded. Rather, they are to be given the weight they are due in all the circumstances of the case.

20. Policies NE.2 and RES.5 are generic in nature, covering wide swathes of the Borough, with the justificatory text to policy NE.2 making specific reference to it seeking to 'safeguard' the countryside for its own sake and to 'protecting' its character and amenity. Moreover, neither policy allows for a balancing of harm against any benefit. Accordingly, and contrary to the view of the Council, it seems to me that there is an inconsistency with the Framework which, although recognising the intrinsic character and beauty of the countryside, does not seek to protect it as such, with protection being a term now applied only to designated areas and other valued landscapes. Rather, Framework paragraph 17 requires that account be taken of the different roles and character of different areas. Noting the justificatory text supporting policy NE.2, and the absence of any scope for account to be taken of the different roles and character of the countryside, I find a tension between the policies and the Framework. As a consequence, I consider that the policies can be afforded only limited weight in the overall planning balance.
21. A considerable raft of appeal decisions ranging from 2012 to 2016 were put before me by the respective parties, demonstrating that Inspectors had come to differing views as to the weight that might be afforded to policies such as, and including, RES.5 and NE.2, on the basis of evidence put to them at separate events. However, I do not find them particularly helpful in this instance, particularly as case law has moved on since a number of those appeals were determined. I confirm that I have considered the respective arguments in this case on their own particular merits. In any event, and irrespective of any weight afforded to the policies, I go on to take account of the role and character of this part of the countryside later in this Decision.
22. I recognise that action is being taken by the Council to address its housing shortfall, in as much as progress is being made on the emerging Cheshire East Local Plan Strategy. However, progress is slow: the Submission Version of the emerging Plan was submitted to the Secretary of State in May 2014, with the Examination commencing in September 2014. As a consequence of the matters raised in the Inspector's Interim Views (November 2014) the Examination was paused to allow for further work. The Examination resumed in July 2015, with Further Interim Views issued in December 2015. The Council has since prepared the Local Plan Strategy – Proposed Changes (Consultation Draft) March 2016, consultation on which was carried out during March/April 2016, within the context of the Examination. A further round of Hearings is due to take place in September this year.
23. Whilst the Further Interim Views of December 2015 indicate that the Inspector may be broadly content with the Council's objective assessment of its housing need, he also noted that final decisions on the supply side of the equation had not been made. He notes that whilst there may well be a large pool of potential sites, they have not yet been fully examined, assessed or subjected to the anticipated site selection process. Until that is established, he cannot take a firm or final view on the most appropriate housing requirement figure. Although the latest Housing Topic Paper (February 2016) suggests significant movement towards meeting supply, that has not been tested at Examination. Moreover, the Council accepted that, for the Plan to be found sound, the Inspector would need to agree with what is referred to in the Topic Paper as

the 'Sedgepool' method of calculating supply. All in all, I am not persuaded that there is convincing evidence at this time that the Council's efforts to address the shortfall are proving effective to the extent that the weight to be afforded to policies RES.5 and NE.2 should be considerable, as argued by the Council.

24. The Council's case relies in part on policies PG2 and PG6 of the emerging Local Plan Strategy – Proposed Changes (Consultation Draft) March 2016. PG2 sets out the settlement hierarchy. PG6 deals with the spatial distribution of development, setting out indicative levels of development for each settlement type. It was put to me that those policies should be afforded at least moderate, if not considerable weight in light of the Inspector's Further Interim Views of December 2015.
25. As noted above, the wording of PG2 as set out in the Consultation Draft has changed significantly from the earlier wording and the first full consultation on the proposed changes has only recently been completed. The revised policies have not been tested - the Examination is expected to resume in September and strategic issues will be reconsidered then. I fully appreciate that the changes to policy PG2 may well have evolved following discussions during the earlier Examination hearings, and note that the Inspector directly references the policy, supporting refinements to its text. Be that as it may, the policy has not been through Examination and may still change, with some way to go before possible adoption. As such, I afford it only limited weight.
26. Whilst PG6 seeks to concentrate the vast majority of new residential development in the settlements at the upper end of the settlement hierarchy, it also sets out that the settlements in the lowest tier, the 'Other Settlements and Rural Areas' (which includes Weston) are expected to accommodate in the order of 2,950 new homes over the period of the emerging Plan. I recognise that the numbers set out in the policy may yet change, since housing need and supply are the subject of substantial unresolved objections. As a general principle though, I have no reason to suppose that the approach of allowing some residential development in the lowest tier settlements is likely to change. Moreover, the Council confirmed that it is significantly dependent on greenfield land releases outside currently defined settlement boundaries to meet its current and future housing need. I therefore afford this policy some weight.
27. Policy PG5 of the emerging Plan defines open countryside as all land outwith defined settlement boundaries, only permitting new development therein in particular circumstances, none of which are relevant in this case. Until such time as the housing need and requirement and settlement boundaries are defined by the emerging Plan, this policy can only attract very little weight.
28. The appeal site comprises best and most versatile agricultural land (BMV). Since saved Local Plan policy NE.12 resists development on such land other than in specified circumstances, there was some discussion at the Inquiry as to whether it is relevant to the supply of housing. It seems to me that it is such a policy, since it bears upon the principle of the site in question being developed for housing. I recognise that my finding in this regard is contrary to the view of the Inspector who dealt with an appeal relating to residential development in Winterley, also in Cheshire East.⁴ However, a court judgement relevant to this

⁴ APP/R0660/A/14/2216767 (CD11.5)

matter post-dates that decision⁵. With that judgement in mind, and given the current housing land supply situation in Cheshire East, I consider that policy NE.12 is to be considered as out of date.

29. As to the weight the policy might attract, although prohibitive on its face, it does allow for development of BMV where, among other things, other sustainability considerations suggest that the use of higher quality land is preferable to the use of poorer quality land. Although the justificatory text to the policy suggests examples of such considerations, the list is open ended rather than definitive. The Framework does not place a bar on development of BMV. Rather, at paragraph 112, it requires that account be taken of the economic and other benefits of BMV, advocating the use of poorer quality land in preference to that of a higher quality where significant development of agricultural land is demonstrated to be necessary. On balance, therefore, I agree with the comments of my colleague in the Winterley appeal that, although policy NE.12 starts off with a prohibition on the use of BMV, it is broadly consistent with the objectives of the Framework inasmuch as it allows for the assessment of other material considerations. As such, I afford it due weight.

The Countryside

30. There is no mention in the reasons for refusal to any harm in relation to character and appearance *per se*. Indeed, it was confirmed by the Council at the start of the Inquiry that it had no objection to the proposal on landscape or visual amenity grounds and that it was not pursuing a case on this basis. That is consistent with the advice of the Council's landscape officer, whose response to the planning application expressed broad agreement with the appellant's Landscape and Visual Impact Assessment (LVIA). Indeed, having regard to the extent of soft landscaping proposed, which extends to some 26% of the total site area, together with retention and reinforcement of existing hedgerows and trees, the landscape officer confirmed that '*any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals.*' Rather, the Council's concerns relate to harm to the intrinsic character and beauty of the countryside.
31. Whilst the Framework seeks to boost significantly the supply of housing, one of its core principles requires that account be taken of the different roles and character of areas, recognising the intrinsic character and beauty of the countryside. As set out above, it does not offer blanket protection for all parts of the countryside. Rather, an assessment is required of harm and benefit.
32. An Appendix to the Council's statement, comprising what is described as a self-contained note written by Mr I Dale (Environmental Planning Manager with the Council's Development Management Services)⁶ maintains that the development proposed would largely remove the intrinsic countryside character of the site.
33. There clearly would be a change to the site as a consequence of the development proposed, with the built development removing its countryside character in large part. However, the same would be true of any greenfield development. That is not an argument therefore, that necessarily tells against the appeal scheme since, change of itself is not necessarily inherently harmful

⁵ Suffolk Coastal District Council and Hopkins Homes Limited and SSGLG/Richborough Estates Partnership LLP and Cheshire East Borough Council and SSCLG 17 March 2016 [2016] EWCA Civ 168 (CD12.3)

⁶ Mr Dale was not called as a witness by the Council.

in the scheme of things. Moreover, as set out earlier, the Council is significantly dependent on greenfield land releases outside currently defined settlement boundaries to meet its current and future housing need. Indeed, permission has been granted by the Council, and on appeal, for residential development schemes elsewhere in the Borough which lie outside settlement boundaries as currently defined by the Local Plan.⁷

34. The appeal site lies immediately adjacent to the existing built form of Weston and, whilst not unattractive, it is of generally unremarkable landscape quality. It is not the subject of any specific planning policy, environmental or landscape designation and, as confirmed in SoCG3, the site is not part of a 'valued landscape' as referred to at paragraph 109 of the Framework. As confirmed in SoCG3, it is also a matter of agreement that there would be no adverse impact on the wider landscape.
35. During the extensive site visit, which took in views from a number of the local public footpaths, I saw that the site is visually well contained by boundary hedgerows and hedgerow trees, as well as by blocks of adjoining woodland. Intervisibility with the surrounding countryside is further restricted due to the undulating topography. In that context, there would be no obvious impact on how the edge of the settlement is perceived on those wider approaches to the village along the various public footpaths. I am not persuaded therefore, that the role and character of the appeal site makes a material contribution to the intrinsic character and beauty of the wider countryside.
36. The Development Framework Plan indicates that it is intended to keep the eastern end of the appeal site, namely that part of the site that is readily open to public view, free from built development, retaining it as public open space. The two public footpaths that cross that end of the site would lie within that open space. I recognise that the open space would not necessarily have the same 'feel' as open countryside. However, the built up edge of the village is already clearly seen from these sections of the footpaths. That would not change. Whilst the development proposed would be seen from those short sections of the footpaths, the sense of arrival in open countryside proper on heading south would only be deferred by 50-100 metres or so. In addition, views from the southern end of East Avenue across the eastern end of the site would be largely across the proposed open space. Although the development would be seen off to the side in those views, its impact would be mitigated to a large extent by the falling ground levels to the west.
37. The LVIA details the landscape changes to the site as a result of the development proposed. Overall, a moderate adverse impact is identified over the short term, mainly on views from East Avenue and the public footpaths. The longer term impact, once mitigation planting is established, is identified as minor adverse. From my own observations, I have no reason to disagree with those findings.
38. All in all, I consider that whilst the development proposed would result in the loss of a parcel of what is currently open countryside, I find no material harm to the intrinsic character and beauty of the wider countryside.

Effect on the Scale and Function of Weston

39. The development proposed would represent approximately a 27% increase

⁷ Proof of Ms Fitzgerald paragraphs 5.3.23– 5.3.25

over and above the existing number of dwellings in the village. I am not persuaded, however that, as a number, that is particularly helpful – it is the potential impact of that increase that needs to be examined.

40. As already noted, the site is visually well contained. A consequence of that is that the scale of development would not be readily perceived on any of the approaches to the village. Moreover, it would be located behind existing residential development and so the scale of development would not be readily perceived from within the village itself. I recognise that vehicular and pedestrian activity in the village would increase, but the Council produced no substantiated evidence to demonstrate how that would adversely affect the scale or function of the settlement. There is no suggestion either, that the development proposed would necessitate an increase, for example, in healthcare provision in the village, or would require additional infrastructure (other than a primary school contribution which is addressed below) such that there would be harm to its scale or function.
41. The village of Weston is identified as a fourth tier settlement within the 'Other Settlements and Rural Areas' category, the lowest tier in the settlement hierarchy as defined by saved Local Plan policy RES.4. I am mindful, in this regard, that the settlement hierarchy and spatial distribution of development as set out in both the development plan and the emerging Plan does not advocate a 'trickle-down' approach to locating new development. Rather, they simply allow for a varying quantum of development in each tier.
42. During preparatory work on the emerging Plan, Weston was reassessed and, based on the fact that it contains only two 'essential' services, namely a primary school and a shop, it was not taken forward for consideration as a higher tier settlement.⁸ The settlement hierarchy in the emerging Plan, as reflected in policy PG6, still includes Weston in the lowest tier. During the Inquiry the Council confirmed that, were the appeal scheme to go ahead, the status of Weston as a rural settlement within the lowest tier of the hierarchy of both the development plan and the emerging Plan, would not change. Moreover, policy PG6 specifically anticipates that settlements within this lowest tier of the hierarchy will accommodate somewhere in the order of 2,950 new homes over the Plan period. That does not tell against the principle of the development proposed and I find no conflict with the policy in this regard.
43. Whilst an earlier iteration of the emerging Plan included an additional 'Sustainable Villages' tier in the hierarchy, which tier included Weston (between Local Service Centres and Rural Villages) this was not taken forward.⁹ Nevertheless, it is an indication that Weston could perhaps be considered as more sustainable in terms of the facilities it has to offer than might be the case with some other villages in the rural area. I am aware that, in addition to the primary school and store/post office, Weston has a public house, a church and church hall and a nursery/pre-school, all of which are within easy walking distance of the appeal site. Shavington secondary school lies just over 3 kilometres from the site. The village is connected to Crewe and Hanley by bus, which operates on an hourly service Monday – Saturday. The nearest railway station is at Crewe, some 4 kilometres from the site, with connections to major conurbations. Crewe town centre lies some 6 kilometres from the site. Whilst Weston is not as accessible as might be a more central or urban location, it

⁸ LDF Background Report: Determining the Settlement Hierarchy (November 2010) CD9.1

⁹ Cheshire East Local Plan Development Strategy for Jobs and Communities (2013) CD9.6

does offer opportunities for walking, cycling or using public transport instead of future occupiers being wholly reliant on the private car, with any such journeys being relatively short, given the proximity of Crewe. As such, Weston is not an unacceptably remote location, with future occupiers having what I consider to be reasonable access to shops and services.

44. The historic linear core of the settlement lies at the eastern edge of the present village. The village has expanded over time to the west of that original settlement. The appeal site lies immediately to the south of that westward extension. In that context, I find the appeal site to be well related to the settlement. Moreover, SoCG3 confirms that mitigation with appropriate design details and landscaping could be secured.
45. As set out earlier, policy PG6 suggests that around 2,950 new homes are expected to be accommodated within the lowest tier of the settlement hierarchy. The Council's closing submissions refer to that equating to an average of around 148 units a year, to be delivered across 89 parishes, including 27 identified settlements.¹⁰ In that context, even allowing for the fact that not all settlements are equal, the Council maintained that the quantum of development proposed was disproportionate.
46. Once housing completions and commitments are taken into account (some 1692 dwellings¹¹) a requirement would remain for 1258 homes across the lowest tier over the remaining 14 year¹² Plan period. In my experience, it might be expected that a development of the size proposed would be built out over a three year period – an average of 33 dwellings a year on the appeal site. In the scheme of things, even on the Council's figures, I do not agree that the development proposed could be considered as disproportionate.
47. To conclude on this issue, I find the scale of development proposed to be commensurate with the function and character of the village of Weston and consider it to be well related to the existing settlement. There would be no conflict, therefore with policies PG2 or PG6 of the emerging Plan. In coming to that view, I have taken account of the role and character of this part of the countryside and find no conflict with the Framework on this matter.

Safety and Free Flow of Traffic

48. East Avenue serves approximately 30 dwellings as well as Poppy Close, another residential cul-de-sac that leads off East Avenue close to its junction with Cemetery Road. Access to the local primary school is also taken off Poppy Close. East Avenue is an unmarked single carriageway, approximately 6 metres wide, with grass verges and footways on both sides.
49. The evidence of the appellant shows that there is sufficient capacity on the local highway network to accommodate the traffic associated with the development proposed. However, the only vehicular access to the appeal site would be taken from the southern end of East Avenue. Local residents have significant reservations as to its suitability for the additional traffic that would be generated, given existing problems particularly with on-street parking at school drop off and collection times, with cars parking around the junction of

¹⁰ I calculate the average to be higher. For the purpose of this part of my decision however, I shall take the lower figure referred to by the Council.

¹¹ CD8.2 Appendix A Table A.5

¹² CD8.2 paragraph 1.52

Poppy Close with East Avenue, close to the junction with Cemetery Road. I observed this first hand during the accompanied site visit, which was timed to include the morning drop-off period. That morning congestion occurred between around 08.40 -09.00. There was considerable concern that the localised congestion associated with the school was not picked up in the various highways/parking surveys carried on behalf of the appellant, either as part of the original Transport Assessment, or as part of the additional work carried out by Mr Helme who presented highways evidence for the appellant at the Inquiry.

50. I have looked carefully at the breakdown of the traffic figures submitted. The figures for the junction of East Avenue with Cemetery Road do show a morning peak between 08.00-9.00.¹³ That includes the activity generated by the school. However, the overlap with the peak hour traffic movements identified on the local highway network more generally (confirmed at paragraph 2.3.3 of the Transport Assessment which accompanied the planning application as 07.30-08.30 and 17.00-18.00)¹⁴ is between 08.00-08.30 which would be outside the localised 'spike' of activity associated with the school drop-off (i.e. 08.40-09.00). I see no reason therefore, why peak hour traffic movements associated with the development proposed would, necessarily, exacerbate existing problems at school drop-off time to any material degree.
51. To assist the Inquiry, Mr Helme also undertook a survey of parked vehicles on East Avenue. The survey consisted of spot counts at half hour intervals during a school term weekday. They included a count at 08.30 and another at 09.00. That would have missed the parking activity associated with the school drop-off time. Nevertheless, it does show that during the general morning peak (07.30-08.30) a maximum of 20 vehicles were parked on the road, taking up approximately half of the theoretical parking capacity, with sufficient gaps existing (due to bar markings and private driveways) to ensure that the passage of vehicles was not hindered unduly. There is no reason to believe that the development proposed would increase the demand for on-street parking on East Avenue. Whilst traffic movement on the road would clearly increase, I have no reason to suppose, in the absence of any substantiated evidence to the contrary, that this would be a problem of itself, with the highway authority confirming that East Avenue is technically suitable to serve the development proposed.
52. To conclude on this matter, whilst I do understand the concerns of local residents I consider, based on the objective evidence that is before me, that the development proposed would not have material adverse implications for the safety and free flow of traffic on East Avenue. I find no conflict, in this regard, with Local Plan policy BE.3, which requires the provision of safe vehicular access and egress arrangements. There would be no conflict either with paragraph 32 of the Framework which, among other things, advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development would be severe.

Best and Most Versatile Agricultural Land

53. As set out in the Soils and Agricultural Use and Quality Report that accompanied the planning application¹⁵, the whole of the appeal site comprises

¹³ Appendix B of CD1.11

¹⁴ CD1.11

¹⁵ CD2.6

grade 3a and grade 2 agricultural land which is classed as Best and Most Versatile Agricultural Land (BMV). Saved Local Plan policy NE.12 allows for development of BMV where, among other things, other sustainability considerations suggest that the use of higher quality land is preferable to the use of poorer quality land. In addition, paragraph 112 of the Framework requires that account be taken of the economic and other benefits of BMV. It goes on to advise that, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be used in preference to that of higher quality. However, the Framework does not define what might comprise significant in this context.

54. Cheshire has a substantial agricultural reputation and its agriculture makes a material contribution to the local, regional and national economy. However, it was confirmed at the Inquiry that the development proposed would not result in the severance of an agricultural unit. Neither would there be any adverse economic impact to an agricultural unit. The loss of this tranche of BMV would not, therefore, be significant in that context. My attention was also drawn to the need to consult DEFRA on applications that involve the loss of more than 20 hectares of BMV, the implication being that the 5.21 hectare appeal site would not be considered significant in that context either. Moreover, at just over 5 hectares, the site is small in comparison to the large swathe of agricultural land to the south of Crewe, with the Council accepting that building on such land would be an inevitable consequence of meeting the Authority's housing needs. All things considered, I am of the view that the proposal does not involve a significant loss of the best and most versatile agricultural land.
55. Even were I to have found to the contrary, neither policy NE.12 nor the Framework indicate that permission should necessarily be refused. The development plan looks at sustainability considerations and the Framework requires that account be taken of the economic and other benefits that BMV makes. I deal with this as part of the overall planning balance below.

Other Matters

56. Weston Conservation Area lies at the eastern edge of the present village. As already noted, the village has expanded over time to the west of the original settlement. From what I saw during the site visit, the generally inward looking rural Conservation Area is based on the original linear settlement along Main Road, and the junction of Cemetery Road where All Saints church sits on a triangular site in the middle of the road junction, to the south of which is the black and white, half timbered C17 White Lion Inn. The church and the White Lion, both of which are listed, form an important entrance feature and focal point to the Conservation Area. The mix of domestic buildings, together with the pub, the church and a handful of other listed buildings reflect the rural history of the settlement. On that basis, I consider that the heritage significance of the Conservation Area derives from its identifiable rural village character and its historic core.
57. The appeal site lies to the south-west of the Conservation Area, separated from it by the main part of the village which extends west from the historic core. There is no intervisibility between the appeal site and the Conservation Area and, as noted above, the site is well screened by existing vegetation and undulating ground levels when approached along the public footpath from the south. As a consequence, it is not conspicuous in the wider countryside. In

that context, the appeal site does not afford any experience of the Conservation Area as a heritage asset, nor does its current undeveloped state assist in understanding or appreciating the heritage significance of the Conservation Area. Neither can the appeal site be said to lie within the setting of the listed buildings in the Conservation Area. Moreover, development on the site would not impinge upon any sensitive views into or out of the Conservation Area. There would be no harm therefore, to the heritage interest of the Conservation Area or the special architectural or historic interest of the listed buildings.

58. Local residents whose properties back on to the northern boundary of the appeal site were particularly concerned in terms of the impact of the development proposed on their outlook and privacy. During the site visit, I visited a number of those properties, as well as viewing them from within the appeal site itself. The outlook from the nearest dwellings would, without doubt, change significantly as a consequence of the development proposed. Whilst that change is not welcomed by local residents, change does not necessarily equate to material harm. I have no reason to suppose that the development proposed could not be accommodated on the developable part of the appeal site in a layout that would afford adequate protection for the living conditions of adjoining residents in terms of outlook and privacy, even noting the lower adjacent ground levels in places, layout being a matter that is reserved for subsequent approval. I find no conflict, in this regard, with paragraph 17 of the Framework, which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
59. Concerns related to noise and air quality are not substantiated with any objective evidence and I note that the appeal site is not within or adjacent to a designated Air Quality Management Area. I have no reason to suppose either that, as a residential scheme, the development would give rise to noise pollution. Conditions controlling hours of operation during the construction period would mitigate nuisance in relation to noise and disturbance during that time. Concerns in relation to light pollution can be dealt with by condition.
60. The appellant has carried out wildlife and ecological surveys. Whilst the site lies close to the Mere Gutter with Basford Brook Local Wildlife Site, the report confirms that, subject to mitigation measures that can be secured by condition, there would be no materially adverse impact on wildlife or the local ecology. Similarly, trees within and adjoining the site can be protected by condition.
61. Implications for surface water are dealt with in a specialist Flood Risk Assessment and Surface Water Drainage Strategy report. Although the site lies within Flood Zone 1, the report identifies problems with surface water flooding on parts of the site and high ground water levels in part. It is confirmed, however, that mitigation measures, including the use of a sustainable drainage system which would restrict run-off rates to greenfield levels, directing storm water to the existing watercourse along the southern site boundary, and a scheme to manage overland surface water flows, all of which can be secured by conditions, would address those issues. No substantiated evidence was before me to suggest otherwise.
62. I note concerns about increased pressure on local services. However, other than in relation to the local primary school, which matter is dealt with in more detail below, there is no suggestion from, for example, local health care

providers, the emergency services, the highways authority etc, to the effect that there is insufficient capacity in terms of local infrastructure to accommodate increased demand as a consequence of the development proposed.

Planning Obligation

63. As set out above, the application is accompanied by a planning obligation.¹⁶ Consideration of planning obligations is to be undertaken in the light of the advice at paragraph 204 of the Framework and the statutory requirements of Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). These require that planning obligations may only constitute a reason for granting planning permission where they are necessary to make the development acceptable in planning terms; are directly related to the development; are fairly and reasonably related in scale and kind to it; and, since April 2015, must not be a pooled contribution where more than five such pooled contributions have already been collected.
64. The obligation includes a provision whereby, should I determine that any obligation provided for does not comply with Community Infrastructure (CIL) Regulations 122 or 123, that obligation would not be enforceable and would cease to have effect save as set out in the Appeal Decision.
65. All of the obligations were explored in detail at the Inquiry, informed by the Council's CIL compliance statements¹⁷ and other correspondence¹⁸. I have also had regard to the subsequent written submissions on the requested education contribution.¹⁹
66. Open Space: The development proposed includes a substantial area of open space, including landscaping, surface water attenuation and a Local Equipped Area of Play (LEAP). The planning obligation secures the submission of an Open Space Scheme detailing the size, location and type of open space and details of the specifications for associated works, together with details of the design and layout of the LEAP and the construction of play equipment within it. It also secures a Management Plan for the future management and ongoing maintenance of the open space and LEAP, including arrangements for ongoing funding. The open space would be transferred to a Management Company which would be required to maintain, manage and renew the open space in accordance with the Management Plan. Given the size of the scheme proposed, the obligation also includes provisions to deal with arrangements for the provision and management of the open space were the development to come forward in phases.
67. The arrangements secured are necessary to ensure that the required open space is provided and thereafter maintained in order to provide a necessary amenity for future occupiers of the development and in the interest of visual amenity. As confirmed by the Council, there would be no conflict with the CIL regulations and I am satisfied that the relevant tests are met in relation to this element of the obligation.

¹⁶ Doc 20

¹⁷ Docs 16 and 17

¹⁸ Doc 15

¹⁹ Docs 21 and 22

68. Education: The planning obligation secures the payment of a contribution towards education provision. The figure would be calculated through the application of an accepted DfE formula which is set out in the obligation, the final amount depending on the eventual number and type of dwellings that would be provided at reserved matters stage were the appeal to succeed. It was confirmed that the contribution would go towards the cost of providing one classroom and associated ancillary building areas, plus any required external works at either Weston Primary School or Shavington Primary School, both of which are within 2 miles of the appeal site.
69. There is no dispute that the development proposed would generate a need for up to 19 primary school places. For the Council, it was maintained that, from 2018/19 onwards, and taking account of approved developments, there will be a shortfall of places at the two nearby schools. It was confirmed, in this regard, that the contribution would be pooled with a contribution already secured in association with an approved residential development at Basford West²⁰ towards the provision of a total of three classrooms at Weston and/or Shavington Primary Schools. There would be no conflict therefore, with the pooling restrictions imposed by CIL Regulation 123 - whilst other approved developments also secure additional classroom provision at those schools, the contributions relate to different classrooms.²¹
70. For the appellant, it was maintained that the contribution sought was not justified on the basis that, were the appeal scheme to go ahead, primary school pupils from the development would, in essence, gain a place at either Weston or Shavington School by 'pushing' pupils from outside the catchment into other schools with capacity elsewhere. I was advised, in this regard, that a number of pupils attending the schools are currently from outside the related catchment area. It was also argued that pupils from the development proposed could take advantage of places elsewhere.
71. The Council's Children's Services Department confirms that, when considering school capacity against a planning application, all primary school capacity within a radius of 2 miles of the site is assessed, the distance reflecting the statutory duty on the Authority to provide a primary school place within 2 miles, the alternative being to incur home to school transport costs. The process also involves projecting the numbers on roll over a five year rolling period using October School Census data. Whilst the appellant refers to the appeal scheme generating approximately seven primary aged pupils per year over a three year build out period, the Children's Services Department takes the final output number (19 in this case) on the basis that, if approved, the development is likely to be built out during the current forecast period, which shows a shortfall of places.
72. I fully recognise that admission arrangements can afford a level of priority for catchment area resident children but, as confirmed by the Council, admission on that basis cannot be guaranteed. Neither can parents be required to apply for admission to their catchment school. In relation to Weston school, which is within a few hundred metres of the appeal site, I am advised that, after children with special educational needs or education, health and care plans, the

²⁰ Application No 13/0336N

²¹ Contributions from Gresty Green Farm (No 11/2212N), Rope Lane (No 11/4549N) and 414 Newcastle Road (No 13/4675N) relate to the provision of a single classroom; the contribution from development on land east of Crewe Road (No 13/2069N) relates to the provision of three classrooms.

current arrangements afford priority at the normal point of entry (reception class) to 'looked after' children and then siblings. As a consequence, residence in the school's catchment area has a lower priority. That will, in turn, impact on intake from year to year. I have no reason to suppose that arrangements are any different at Shavington Primary School.

73. There is no dispute that both schools currently accommodate children from outwith the catchment. However, there is a statutory requirement allowing parents a right to choose where they send their children to school. Section 86 of the School Standards and Framework Act 1998 not only requires that arrangements be made to enable the parent of a child in the area of the authority to express a preference as to the school they wish their child to be educated, it also requires that a local education authority, and the governing body of a maintained school, shall comply with any preference expressed.²²
74. So, whilst the appellant appears to take issue with the way in which primary school places are allocated in the Cheshire East area, it is clear that it is a pattern of parental preference and admission arrangements that inform pupil forecasts, as opposed to the characteristics of the pupils on roll at the schools. It cannot be assumed, therefore, that the children applying for places in the future will be resident within the same areas as those currently on roll.
75. The Council confirms that, if all the children currently resident in Shavington and Weston sought to attend the respective local schools, both schools would be oversubscribed. That does not include the expected pupil yield from the development proposed. Whether or not there may be capacity at the primary school in Haslington, that is more than 2 miles from the appeal site and so is not considered for capacity in this case.
76. To conclude, the only two primary schools within 2 miles of the appeal site would not be able to accommodate the 19 pupils that might be expected to be generated by the development proposed. A contribution is, therefore required to make the development acceptable. Whilst the Authority does not incur transportation costs as a result of parental preference, it would do so in the event that it is unable to find a school place for a pupil within 2 miles. Given that the schools within 2 miles of the appeal site are cumulatively oversubscribed, allowing the development to proceed absent the required contribution would have potential implications for transport costs for the Authority, undermining the sustainability of the scheme. I am in no doubt therefore, that the contribution is directly related to the appeal scheme and, since it is based on a multiplier provided by the DfE would be fairly and reasonably related in scale and kind.

Benefits of the Development Proposed

77. The Framework advises that significant weight should be placed on the need to support economic growth through the planning system. The Socio-Economic Impact of New Housing Development (December 2014) which accompanied the planning application, calculates that the development proposed could generate an associated spend of around £10 million and that construction requiring that expenditure would support approximately 89 full-time equivalent jobs over a three year build out period. In addition, future occupiers would generate additional spend, estimated to be in the region of some £1.7 million in the

²² Other than where to do so would prejudice the provision of efficient education or the efficient use of resources.

Cheshire East area, with the Council also benefitting from approximately £1.1 million in New Homes Bonus. These economic benefits carry significant positive weight in the planning balance.

78. The provision of up to 69 market dwellings at a time when the Council cannot demonstrate a five year supply of housing land is a significant benefit. In providing up to 30 of the homes on the appeal site as affordable dwellings (a 30% provision) the scheme would be policy compliant. In considering whether this can be weighed as a benefit of the scheme, I note that the Council's SHMAA identifies an acute need for affordable housing in the Borough. The provision of affordable housing as part of the appeal scheme would leave the community better off in this regard and thus is a major benefit of the scheme.
79. The development would provide some 1.36 hectares of open space, including a LEAP. Whilst intended as a necessary facility for future residents of the scheme, existing residents would also be able to use that space. I am not persuaded however, that this is a consideration that should attract any more than very limited weight, given that there are already areas of open space and a play area for existing residents in the village. It was also agreed for the Council, in cross examination that, compared to agricultural use of the land, there would be a net gain to biodiversity which would be a benefit of the scheme.

Overall Planning Balance and Conclusion

80. I have found that the Council cannot demonstrate a five year supply of housing land. In those circumstances, policies for the supply of housing cannot be considered as up-to-date, with paragraph 14 of the Framework advising that permission should be granted unless any adverse impact of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole, or where specific policies in the Framework indicate that development should be restricted. What does not follow from paragraph 14 is that the mere presence of a housing shortfall means that housing developments must automatically be allowed. Rather, the development needs to be considered in the context of the presumption in favour of sustainable development, defined by the Framework as encompassing economic, social and environmental dimensions which give rise to corresponding roles for the planning system.
81. There are also benefits that would accrue from the proposal. In total they are substantial and would resonate with the economic, social and environmental dimensions of sustainable development. The combination of those benefits accords with the principal thrusts of the Framework of securing economic growth and boosting significantly the supply of housing, and are sound arguments carrying considerable weight in favour of the proposal.
82. Whilst there would be conflict with the housing land supply policies of the development plan, those policies attract very little weight in light of the Council's current housing land supply circumstances. Moreover, this is a settlement where some new development is anticipated by the emerging Plan and, it would seem, by the embryonic Neighbourhood Plan. There is also a realistic prospect that modes of transport other than the private car could be used to access the services and facilities likely to be required by future occupiers on an everyday basis. There would be some conflict with the development plan as a consequence of the localised harm arising from the loss

of open countryside and the loss of BMV. However, when account is taken of the weight that can be ascribed to the relevant policies in the light of the Council's housing land supply position and their consistency with Framework, I am satisfied that the adverse impacts of the development, such as they are, would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken in the round. On balance, the proposal can be considered as comprising sustainable development and thus benefits from the presumption in favour of such as set out in the Framework. Thus, for the reasons set out above I conclude that the appeal should succeed.

83. I recognise that this decision will be disappointing for local residents and their representatives, and am mindful, in this regard, of the role that local people have to play in shaping their surroundings. However, the views of local residents, very important though they are, must be balanced against other considerations. In coming to my conclusions on the issues that have been raised, I have taken full and careful account of all the representations that have been made, which I have balanced against the provisions of the development plan and the National Planning Policy Framework, as well as relevant case law. For the reasons set out above, the evidence in this case leads me to conclude, on balance, that the appeal should be allowed.

Conditions

84. Possible conditions²³ were discussed in detail at the Inquiry in the light of related advice in the Framework and the planning guidance. During that discussion, some conditions were deleted on the basis that they were unnecessary, or that the provisions were covered elsewhere. Additional conditions were also discussed in the light of consultation responses and recommendations with the various reports that accompanied the planning application. The conditions set out in the attached schedule, including amended wording, reflect the discussion.
85. In addition to the standard conditions relating to the submission of reserved matters (1, 2, 3), it was agreed that the possibility of the development coming forward in phases should be accommodated. Were the scheme to proceed on a phased basis, a condition is necessary to ensure that key aspects of the scheme, including open space, access, affordable housing, contamination remediation etc are delivered at an appropriate stage of development. Whilst the planning obligation includes provision for a phased development, that is only in relation to the open space provision. (4) It is also necessary for the outline permission to define the maximum capacity of development and to ensure that any reserved matters applications are informed by the principles, objectives and parameters set out in the Design and Access Statement (DAS), since the DAS informed the decision making process. (5, 6) It is necessary to ensure that the development is carried out in accordance with the approved plans, as this provides certainty. (7)
86. As referred to earlier, on-site provision of affordable housing is proposed to be secured by condition rather than through the planning obligation. The planning guidance advises that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement is in place is unlikely to be appropriate in the majority of cases. However, it goes on to add that they may be appropriate in relation to more complex and strategically

²³ Based on a draft listed submitted during the Inquiry (Doc 12)

important development. I consider that the scale of development proposed could be considered as strategic in terms of the Council's current housing land supply position and the number of homes expected to be provided. I find no inherent conflict with the advice in the planning guidance in this regard and am satisfied that the condition suggested is necessary to secure delivery of a major benefit of the scheme (8).

87. To date, Phase II site investigation works have concentrated on the western area of the site, due to ground gas risks associated with an adjacent landfill site. The specialist reports on this recommend further Phase II investigation of the rest of the site. Conditions are therefore needed in order to ensure that the development can be carried out safely without unacceptable risk to human health. (9-11)
88. In the interest of visual amenity, it is necessary to ensure that retained trees within the site, and trees on adjoining land, are protected during the construction period. The Arboricultural Assessment submitted with the planning application sets out detailed recommendations, which are largely repeated in the suggested condition(s). The condition I have imposed simply requires compliance with recommendations in the Assessment. (12) Conditions requiring habitat protection and badger and nesting bird surveys are necessary in the interests of biodiversity and wildlife protection. (13-15)
89. A condition requiring a Construction Management Plan was suggested. Since the appeal site itself is not especially constrained by other built development, I am not persuaded of the need to control potential pile driving operations. However, given the relatively constrained access to the site I agree, in the interests of amenity and highway safety, that it would be appropriate to control hours of operation, the provision of on-site parking for operatives as well as arrangements for on-site loading/unloading and storage of materials, and to ensure that wheel washing facilities for exiting vehicles are provided. In the interest of sustainable development, details of measures for the recovery and recycling of construction waste are also required. It is also necessary to protect the adjacent water courses from pollution during the construction process. I have added reference to a silt barrier, as recommended by the FCPR Ecological Appraisal (December 2014). (16)
90. Although the developable area of the site lies within Flood Zone 1, parts of the appeal site are prone to surface water flooding. In order to avoid pollution, to protect future residents from flooding and to prevent increased risk from flooding, it is necessary to ensure compliance with the recommendations in the Flood Risk Assessment and Drainage Strategy, including the implementation of a scheme of sustainable drainage on the site together with details for ongoing management, which is essential to ensure that the scheme continues to perform as intended. It is also necessary to secure a scheme to control overland flows across the site. (17-19)
91. Access is not reserved for future consideration. Whilst the submitted plans show details of access points to the site, the access arrangements within the site for vehicles, cycles and pedestrians are not fully detailed and will depend on the final layout. A condition requiring details of those arrangements is necessary in the interests of accessibility and highway safety. (20)
92. In the interest of highway safety, it is necessary to ensure that the estate roads and associated drainage infrastructure are provided. (21) Off-road car

parking is required for each dwelling in the interest of highway safety, together with cycle parking/storage in order to encourage sustainable travel. (22) To help mitigate and adapt to climate change, a condition securing the provision and operation of electric car charging points within the development is justified. That is supported by policy CO2 of the emerging Plan. (23) Whilst a Framework Travel Plan was submitted with the planning application²⁴, an Interim Travel Plan and eventually a Final Travel Plan are required in order to promote more sustainable travel choices in accordance with national guidance and development plan policies (24).

93. Given the undulating topography of the site, and being mindful that a number of the adjacent dwellings are at a lower level than the appeal site, details of ground levels and finished floor levels are necessary in the interest of visual amenity and in order to protect the living conditions of adjoining occupiers. (25).
94. In the interest of visual amenity and in order to ensure acceptable living conditions for future occupiers, it is necessary to ensure that the properties are provided with adequate bin storage facilities. (26)
95. As noted earlier, the appeal site comprises BMV. Recognising that BMV is a finite resource, a condition requiring a scheme for the treatment and handling of sub-soil and topsoil is required, pursuant to the recommendations in the specialist study that accompanied the planning application.²⁵ (27)
96. A condition relating to external lighting is necessary in the interest of visual amenity and to mitigate disturbance to wildlife. (28)

Jennifer A Vyse

INSPECTOR

Schedule of Conditions
Appeal APP/R0660/W/15/3132073
Land off East Avenue, Weston

Reserved Matters

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') relating to any and each phase of development shall be submitted to and approved in writing by the local planning authority before any development begins in respect of that phase. Development shall be carried out in accordance with the approved details.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Phasing

- 4) Should the development hereby permitted proceed in phases, a phasing programme shall be submitted to and approved by the local planning authority prior to commencement of development, with the conditions below applying to any and each phase. The development shall be carried out in full accordance with the approved programme.

²⁴ CD1.13

²⁵ CD2.6 page 7

Development Parameters

- 5) No more than 99 dwellings shall be constructed on the site.
- 6) The reserved matters to be submitted pursuant to condition 1 above shall accord with the Development Framework Plan (No GLA-14-DF Rev 9) and the design principles, objectives and parameters set out in the Design and Access Statement prepared by Node Urban Design Limited (December 2014).

Plans

- 7) The development hereby permitted shall be carried out in accordance with approved plan No C14254-001A dated 10 December 2014, but only insofar as it relates to access to the site.

Affordable Housing

- 8) The development hereby permitted shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the Glossary at Annex 2 of the National Planning Policy Framework or any future guidance that may replace it. The scheme shall include:
 - (i) the numbers, type, tenure and location on the site of the on-site affordable housing provision to be made, which shall consist of not less than 30% of housing units/bed spaces to be provided;
 - (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider;
 - (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained thereafter in accordance with the approved scheme.

Contamination

- 9) Other than as may be required by an approved scheme of remediation, no development shall take place, including any works of site clearance and preparation (other than as required to be carried out as part of an approved scheme of remediation) until the following components of a scheme to deal with the risks associated with contamination have each been submitted to and approved in writing by the local planning authority:
 - i) a further Phase II site investigation scheme, as recommended in the 'Assessment of Gas Risk Associated with Adjacent Landfill Site' prepared by Hydrock (dated 6 August 2015) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - ii) the site investigation results and detailed risk assessment and, based on those, a detailed scheme of remediation.
- 10) Before occupation of any dwelling on the site, the approved remediation scheme required by condition 9 above shall be carried out and, upon completion, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.
- 11) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing as soon as is reasonably practicable. No further development shall be carried out until an investigation and risk assessment has been undertaken in accordance with the requirements of conditions 9 above and, where remediation is necessary, a remediation scheme must be prepared, also in accordance with the requirements of condition 9 above, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme, a verification

report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with condition 10 above.

Trees/Ecology

- 12) No development, including works of site clearance and ground preparation, shall take place until an Arboricultural Method Statement, based on the recommendations set out at Section 5 of the FCPR Arboricultural Assessment Rev A (December 2014) detailing the measures to be put in place during the construction period for the protection of those trees and hedgerows to be retained, and those trees and hedgerows adjacent to the site, including a timetable for implementation, has been submitted to and approved in writing by the local planning authority. The Method Statement shall be prepared in accordance with the principles set out in BS 5837:2012 – *Trees in relation to design, demolition and construction: Recommendations*. Development shall be carried out in accordance with the approved Method Statement.
- 13) No development, including works of site clearance and ground preparation, shall begin until a detailed scheme for the protection, during the construction period, of retained habitats on/adjacent to the site, based on the recommendations set out at section 4 of the FCPR Ecological Appraisal (December 2014) has been submitted to and approved in writing by the local planning authority, together with a timetable for implementation. Development shall be carried out in accordance with the approved details and timetable.
- 14) No development, including works of site clearance and ground preparation, shall take place until the results of further monitoring surveys for the presence of badgers, carried out by a suitably qualified person at an appropriate time, have been submitted to and approved in writing by the local planning authority. Should the surveys indicate the presence of badgers, no development shall take place until details of measures for their protection during the period of construction, including a timetable for implementation, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 15) No development, including any works of site clearance and ground preparation, shall commence during the bird nesting season (1 March – 31 August inclusive) unless it has been demonstrated through the submission of a method statement that shall previously have been submitted to and approved in writing by the local planning authority, that nesting birds can be adequately protected. Development shall be carried out only in accordance with the approved details which may include, but are not confined to, the timing of work, pre-work checks, avoidance of nesting areas, and protection zones around nesting areas.

Construction

- 16) No development shall commence, including works of site clearance and ground preparation, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Construction Management Plan shall thereafter be adhered to throughout the construction period. The Construction Management Plan shall include, but is not limited to, the following matters:
 - the hours during which construction work, including works of site clearance, and deliveries to/from the site can take place;
 - site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities; on-site parking and turning provision for site operatives, visitors and construction vehicles; and provision for the loading/unloading of plant and materials within the site;
 - wheel washing facilities to ensure that any vehicle, plant or equipment leaving the site does not carry mud or deposit other materials onto the public highway;
 - measures to minimise the emission of dust during the construction period and a scheme to monitor dust emissions and details of the responsible person who could be contacted in the event of a complaint;
 - measures to minimise potential contamination of the adjacent water courses during the construction process, including a silt barrier along the southern boundary of the site; and,
 - a construction waste management plan that identifies the main waste materials expected to be generated by the development during construction, together with

measures for dealing with such materials so as to minimise waste and to maximise re-use, recycling and recovery.

Flooding/Drainage

- 17) The development hereby permitted shall be carried out in accordance with the recommendations set out at Section 7 of the Flood Risk Assessment and Surface Water Drainage Strategy prepared by Hydrock (December 2014) (Hydrock Ref: R/14254/F002).
- 18) No development shall take place, including works of site clearance and ground preparation, until details of a sustainable surface water drainage scheme, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details and timetable. The scheme to be submitted shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for implementation of the scheme; and,
 - iii) provide a management and maintenance plan for the scheme, for the lifetime of the development, which shall include the arrangements for adoption of the scheme by any public authority or statutory undertaker, and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 19) No development shall commence, including works of site clearance and ground preparation, until a scheme for the management of overland surface water flows has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details with the required measures retained thereafter.

Highways/Parking/Travel Plan

- 20) The reserved matters to be submitted pursuant to condition 1 above shall, in relation to layout, include details of access arrangements within the site. Development shall be carried out in accordance with the approved details.
- 21) No development in relation to the provision of roads and related drainage infrastructure shall take place until details of the engineering and specification of the roads and highway drains have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the roads and drainage infrastructure have been provided in full accordance with the approved details.
- 22) No dwelling shall be occupied unless and until related provision for off-road car and cycle parking/storage has been provided in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. Once provided, such facilities shall be retained thereafter for their intended use.
- 23) No dwelling shall be occupied unless and until an electric vehicle charging point within that dwelling has been installed and is operational in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.
- 24) No dwelling shall be occupied until an Interim Travel Plan, based on the Framework Travel Plan prepared by Hydrock (December 2014)(Hydrock Ref: R/C14254/004) has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with approved Plan. Subsequently, and prior to occupation of the 50th dwelling, a Final Travel Plan shall be submitted to and approved in writing by the local planning authority. The Final Travel Plan shall include arrangements for the appointment of a Travel Plan coordinator for a period to be agreed, objectives, targets, mechanisms and measures to achieve the targets and timescales for implementation, together with monitoring and review provisions and an enforcement mechanism for failure to meet the Travel Plan targets. The approved Final Travel Plan shall be implemented as approved.

Site Levels

- 25) Development shall not begin, including any works of site clearance and ground preparation, until details of existing and proposed ground and finished floor levels have

been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Bin Stores

- 26) No dwelling hereby permitted shall be occupied until associated facilities for the storage of refuse and waste, including recyclables, have been provided in accordance with details that shall previously have been submitted to and approved in the writing by the local planning authority.

Soil Treatment/Handling

- 27) Prior to commencement of development, including works of site clearance and ground preparation, a scheme for the treatment and handling of sub-soil and topsoil on the site is to be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.

External Lighting

- 28) Prior to commencement of development, details of a wildlife sensitive lighting scheme for roads and footpaths within the site, and any lighting for the areas of public open space, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out only in accordance with the approved details.

-----END OF SCHEDULE-----

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr S Lyness of Counsel

Instructed by Ms P Evans, Planning Lawyer
with Cheshire East Council

He called

Mr R Taylor

BA(Hons), BTP, MRTPI

Principal Planning Officer with the Council

Mr S Hodgkiss (Education Officer with the Council) and Ms Evans also appeared on Day 3 of the Inquiry to assist with the discussion on the planning obligation.

FOR THE APPELLANT:

Mr J Barrett of Counsel

Instructed by Gladman Developments
Limited

He called

Mr K Nye

BA(Hons), MA, DipLA, CMLI

Mr S Helme*

BEng(Hons), MSc, MCIHT

Miss K Fitzgerald

BA(Hons), MPlan, MRTPI

Dr S Elliott**

BEng(Hons) MWCIWEM, PhD

Director of FPCR Environment and Design
Limited

Director of Ashley Helme Associates Limited

Senior Planner with Gladman Developments
Limited

Regional Director with Hydrock Consultants
Limited

*Mr Helme's proof is provided at Appendix 2 to the proof of Miss Fitzgerald

**Dr Elliott submitted a written proof of evidence dealing with contamination in response to one of the Council's reasons for refusal (attached as Appendix 3 to the proof of Miss Fitzgerald). However, based on further investigative work undertaken following refusal of the application, the Council did not pursue this reason for refusal at the Inquiry. No interested parties present took issue on this matter either. As a consequence, Dr Elliott was not called to present his evidence, which was taken as read and was not subject to cross-examination.

INTERESTED PERSONS:

Councillor J Hammond

Mr A Thomson

Mr J Cornell

Ms H Smith

Mr R Eden

Ms C Holdcroft

Mrs A Kiddie

Mrs R Croot

Mr B Cull

Mr P Hargreaves

Ms E Sewell

Mr R Armstrong

Mr R Davis

Ms E Trohear

Mr K Pearce

Mr P Grant

Mr I Leech

Ward Councillor

Representing Weston and Basford Parish Council

Vice chair of the Parish Council and local resident

Local resident

Local resident

Local resident

Local resident

Local resident

Local resident

Local resident

Local resident

Local resident

Local resident

Local resident

Local resident

Local resident

Local resident

DOCUMENTS HANDED UP DURING THE INQUIRY

- Doc 1 Appearances for the appellant
- Doc 2 Opening submissions for the appellant
- Doc 3 Opening submissions for the Council
- Doc 4 Statement of Mr Thomson on behalf of the Parish Council
- Doc 5 Statement of Councillor Hammond
- Doc 6 Statement of Mr Cornell
- Doc 7 Statement of Common Ground (Planning) between the appellant and the Council
- Doc 8 Note to the Inquiry from the Council in relation to housing sites
- Doc 9 Statement of Mrs A Kiddie
- Doc 10 Statement of Mrs K Winter, read out by Mrs Smith
- Doc 11 Statement of Mrs Smith
- Doc 12 Suggested conditions
- Doc 13 Route for the site visit
- Doc 14 Unsigned planning obligation
- Doc 15 Email from the Education Authority to Miss Fitzgerald relating to pupils on roll at local schools (23 June 2016)
- Doc 16 CIL compliance statement (Education)
- Doc 17 CIL compliance statement (Open Space)
- Doc 18 Closing submissions for the Council
- Doc 19 Closing submissions for the appellant

DOCUMENTS SUBMITTED AFTER THE INQUIRY

- Doc 20 Completed planning obligation
- Doc 21 Supplementary Statement of Cheshire East Council in relation to requested education contribution
- Doc 22 Appellant's response to Council's Supplementary Statement re education contribution
- Doc 23 Council's response to appellant's comments ²⁶
- Doc 24 Office copy entries in relation to S106 signatories

CORE DOCUMENTS

FOLDER 1

CD1 Application Documents

- 1.1 Application Covering Letter, Application Form and Certificates
- 1.2 Location Plan (drawing referenced GLA-14-SB)
- 1.3 Development Framework Plan (drawing referenced GLA-14-DF)
- 1.4 Planning Statement (December 2014)
- 1.5 Objectively Assessed Housing Requirement (February 2014)
- 1.6 Assessment of Current and Future Sustainability (November 2014)
- 1.7 Socio-Economic Impact Report December 2014)
- 1.8 Statement of Community Involvement (December 2014)
- 1.9 Design and Access Statement (December 2014)
- 1.10 Landscape and Visual Impact Appraisal (December 2014)
- 1.11 Transport Assessment (December 2014)
- 1.12 Proposed Access Arrangement (drawing referenced 001A)

FOLDER 2

- 1.13 Framework Travel Plan (December 2014)
- 1.14 Ecological Appraisal (December 2014)
- 1.15 Arboricultural Report (December 2014)

²⁶ By email dated 27 July, the appellant confirmed that they had no further comments to make.

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|------------|--|-----------------|
| 1.16 | Phase 1 Site Investigation Report (April 2014) | |
| 1.17 | Flood Risk Assessment and Surface Water Report (April 2014) | |
| CD2 | Additional & amended Reports submitted after validation | |
| 2.1 | Great Crested Newt Survey Report (June 2015) | |
| 2.2 | Revised Draft S106 (June 2015) | |
| 2.3 | Revised Draft S106 (July 2015) | |
| 2.4 | Otter and Vole Survey Report (June 2015) | |
| 2.5 | Development Framework Plan (drawing referenced GLA-14-DF REV 9) | |
| 2.6 | Soils and Agricultural Use and Quality Report (July 2015) | |
| CD3 | Correspondence with Local Planning Authority | Page Nos |
| 3.1 | EIA Screening Opinion Request (17 November 2014) | 1-6 |
| 3.2 | EIA Acknowledgement Letter (24 November 2014) | 7-8 |
| 3.3 | EIA - Cheshire East Response (27 November 2014) | 9-12 |
| 3.4 | CE Letter to GDL Application Acknowledgement (1 April 2015) | 13-14 |
| 3.5 | CE Letter to GDL Case Officer Confirmation (9 April 2015) | 15-16 |
| 3.6 | CE Email to Hydrock | 17-18 |
| 3.7 | GDL Letter to CE Outstanding Consultation Responses (7 May 2015) | 19-22 |
| 3.8 | GDL Email to CE Outstanding Consultation Responses (19 May 2015) | 23-24 |
| 3.9 | GDL Email to CE Affordable Housing (16 June 2015) | 25-26 |
| 3.10 | GDL Email to CE Confirmation of Extension of Time (30 June 2015) | 27-28 |
| 3.11 | GDL Email to CE Great Crested Newt Survey Results (30 June 2015) | 29-30 |
| 3.12 | GDL Email to CE Water Vole and Otter Survey Results (1 July 2015) | 31-32 |
| 3.13 | GDL Email to CE Greenspace and Affordable Housing (6 July 2015) | 33-34 |
| 3.14 | GDL Email to CE Agricultural Land Assessment Report (13 July 2015) | 35-36 |
| 3.15 | GDL Update Letter to CE Planning Balance (14 July 2015) | 37-46 |
| 3.16 | CE Letter to GDL Regarding Committee Details (21 July 2015) | 47-50 |
| 3.17 | CE Email Committee Site Visit (22 July 2015) | 51-52 |
| 3.18 | CE Email Correspondence to Hydrock | 53-56 |
| CD4 | Consultation Responses | |
| 4.1 | Consultation Response from CEC Heritage & Design - Forestry (9 April 2015) | 1-2 |
| 4.2 | Consultation Response from CEC Housing Strategy and Needs Manager (9 April 2015) | 3-6 |
| 4.3 | Consultation Response from CE Flood Risk Officer (15 April 2015) | 7-10 |
| 4.4 | Consultation Response from Environment Agency (15 April 2015) | 11-12 |
| 4.5 | Consultation Response from CEC Countryside and Rights of Way and PRoW definitive map (20 April 2015) | 13-18 |
| 4.6 | Consultation Response from CEC Contaminated Land (21 April 2015) | 19-20 |
| 4.7 | Consultation Response from Weston and Basford Parish Council and photos (27 April 2015) | 21-26 |
| 4.8 | Consultation Response from Cheshire Archaeology (28 April 2015) | 27-28 |
| 4.9 | Consultation Response from CEC Environmental Health (28 April 2015) | 29-32 |
| 4.10 | Consultation Response from Natural England (29 April 2015) | 33-36 |
| 4.11 | Consultation Response from United Utilities (30 April 2015) | 37-38 |
| 4.12 | Consultation Response from CEC Heritage and Design - Nature Conservation Officer (6 May 2015) | 39-40 |
| 4.13 | Consultation Response from CEC Heritage and Design - Landscape (18 May 2015) | 41-42 |
| 4.14 | Consultation Response from CEC Highways (12 June 2015) | 43-60 |
| 4.15 | Consultation Response from CEC Education (19 June 2015) | 61-62 |
| 4.16 | Consultation Response from CEC Greenspace (1 July 2015) | 63-66 |
| 4.17 | Consultation Response from CEC Environmental Health (24 July 2015) | 67-68 |
| CD5 | Committee Report and Decision Notice | |
| 5.1 | Committee Report (21 July 2015) | |
| 5.2 | Committee Report Update (Gas Monitoring) (29 July 2015) | |
| 5.3 | Decision Notice (29 July 2015) | |

FOLDER 3

CD6 Relevant Post Appeal Correspondence

- 6.1 Appeal Cover Letter to PINS (15 August 2015)
- 6.2 Appeal Cover Letter to CEC (15 August 2015)
- 6.3 Appeal Form (15 August 2015)
- 6.4 PINS Appeal Start Letter (25 August 2015)
- 6.5 PINS Bespoke Programme Letter (10 December 2015)
- 6.6 PINS Latest Bespoke Programme (24 May 2016)
- 6.7 PINS Advise of Inspector Letter (19 May 2016)
- 6.8 PINS Site Notice Letter (16 May 2016)
- 6.9 Weston and Basford PC Letter to PINS (13 May 2016)
- 6.10 GDL to CEC email - Core Documents (20 May 2016)
- 6.11 GDL to PINS re: Weston and Basford PC Letter (20 May 2016)
- 6.12 Length on Inquiry and Procedure (Chain) (20 May 2016)
- 6.13 GDL to CEC email - S106 (23 May 2016)
- 6.14 GDL to CEC email - Chase Conditions, SoCG and CDs (25 May 2016)
- 6.15 GDL to CEC email - S106 (26 May 2016)

CD7 The Development Plan

- 7.1 Crewe and Nantwich Replacement Local Plan 2005 Written Statement
- 7.2 Extract of the Proposals Map
- 7.3 Secretary of State's Saving Direction
- 7.4 Crewe and Nantwich Replacement Local Plan Inspector's Report (Extract)

CD8 Emerging Development Plan

- 8.1 Cheshire East Local Plan Strategy Submission Version (2014) (Extract)
- 8.2 Cheshire East Local Plan Strategy Proposed Changes (2016) (Extract)

CD9 Evidence Base for the Development Plan

- 9.1 Determining the Settlement Hierarchy Background Paper (2010)
- 9.2 Cheshire East Strategic Housing Market Assessment Update (2013)
- 9.3 ORS Cheshire East Housing Development Study (2015)
- 9.4 SHLAA Update 2013 (Extract)
- 9.5 Housing Supply and Delivery Topic Paper 2016 (Extract)
- 9.6 Cheshire East Local Plan Development Strategy for Jobs and Communities (2013)(Extract)

CD10 Emerging Plan EIP Documents

- CD10.1 Inspector's Interim Views (November 2014)
- CD10.2 GDL resumed Hearing Statement - Matter 6
- CD10.3 3rd July 2015 Inspector's Response to May Update
- CD10.4 14th August 2015 Inspector's Response to CELPS Resumption of the EIP
- CD10.5 Inspector's Further Interim Views (December 2015)
- CD10.6 GDL Hearing Statement - Matter 1
- CD10.7 Homework Item No 12 – Policy PG12 – Settlement Hierarchy

FOLDER 4

CD11 Appeal Decisions

- CD11.1 Land off Crewe Road, Haslington
APP/R0660/A/14/2213304 15 August 2014
- CD11.2 Kents Green Farm, Kents Green Lane, Haslington, Crewe
APP/R0660/A/14/2225591 7 September 2015
- CD11.3 Land north of Congleton Road, Sandbach, Cheshire
APP/R0660/A/13/2189733 18 November 2013
- CD11.4 Land west of Audlem Road, Audlem, Cheshire
APP/R0660/A/13/2204723 7 January 2015
- CD11.5 Land north of Pool Lane, Winterley, Cheshire
APP/R0660/A/14/2216767 14 January 2015

- CD11.6 Land off Chapel Lane, Norton in Hales, Market Drayton
APP/L3245/W/15/3004618 13 August 2015
- CD11.7 Rusper Road, Ifield, West Sussex
APP/Z3825/W/15/3019480 10 September 2015
- CD11.8 Land Off Banady Lane, Stoke Orchard, near Tewkesbury, Gloucestershire
APP/G1630/A/14/2223858 22 January 2015
- CD11.9 Land off Sandbach Road North, Alsager , Cheshire
APP/R0660/A/13/2195201 20 February 2015
- CD11.10 Land east of Rope Lane, Shavington, Crewe, Cheshire
APP/R0660/A/14/2227068 6 August 2015
- CD11.11 Land off Hind Heath Road, Sandbach
APP/R0660/A/14/2212992 1 August 2014
- CD11.12 Loachbrook Farm, Sandbach Road, Congleton, Cheshire
APP/R0660/A/11/2158727 16 August 2016
- CD11.13 Land off Abbey Road and Middlewich Road, Sandbach, Cheshire
APP/R0660/A/10/2141564 17 October 2013
- CD11.14 Land beside The Gables, Peckforton Hall Lane, Spurstow, Cheshire
APP/R0660/A/14/2218286 7 January 2015
- CD11.15 Land to the south of Park Road, Willaston, Cheshire
APP/R0660/W/15/3011872 23 March 2016

CD12 Court of Appeal and High Court Judgements

- CD12.1 South Northamptonshire v SSCLG and Barwood Land and Estates Ltd [10 March 2014],
EWHC 573 (Admin)
- CD12.2 Phides Estates (Overseas) Limited v SSCLG [2015] EWHC 827 (Admin)
- CD12.3 Suffolk Coastal District Council and Hopkins Homes Ltd and SSCLG / Richborough Estates and
Cheshire East Borough Council and SSCLG ([2016] EWCA Civ 168)
- CD12.4 Cheshire East Borough Council v SSCLG and Renew Land Developments Ltd [16 March 2014],
EWHC 571 (Admin)

CD13 Landscape Documents

- 13.1 National Character Area Profile - 61: Shropshire, Cheshire and Staffordshire Plain (Extracts)
- 13.2 Cheshire Landscape Character Assessment (November 2008) Landscape Character Type 10:
Lower Farms and Woods (Extracts)
- 13.3 The Cheshire East Borough Design Guide SPD (January 2016) Market Towns & Estate
Villages (Extracts)
- 13.4 Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3), Landscape
Institute and the Institute of Environmental Management and Assessment, 2013 (Extracts)

CD14 Contamination Documents

- CD14.1 Assessment of Gas Risk associated with Adjacent Landfill Site (6 August 2015)
- CD14.2 Updated Assessment of Gas Risk associated with Adjacent Landfill Site (22 March 2016)
- CD14.3 Additional Ground Gas Investigation and Risk Assessment Report (21 April 2016 and referenced
R/14254/008v2)
- CD14.4 Consultation Response from CEC Environmental Health (5 March 2016)
- CD14.5 Strategic Planning Board Report (18 May 2016)

CD15 Other General Planning Documents

- CD15.1 GDL letter to CEC - FOI Request - Council Housing Supply and Delivery Topic Paper (dated
16 March 2016)
- CD15.2 CEC letter to GDL - FOI Response - Council Housing Supply and Delivery Topic Paper (dated
14 April 2016)
- CD15.3 Cheshire Structure Plan 1999 (extract)
- CD15.4 RPG13 for the North West (extract)
- CD15.5 Cheshire 2016: Structure Plan Alteration (extract)
- CD15.6 North West Regional Spatial Strategy (extract)
- CD15.7 Draft RSS Technical Appendix (January 2006)
- CD15.8 CEC Interim Statement on Affordable Housing (2011)

CD15.9 CO/8377/2013 Sandbach Road North, Alsager Consent Order
CD15.10 SPB Report - Sydney Road, Crewe (15/0184N) (Dated 18 May 2016)
CD15.11 SPB Report - Weaver Farm, Wrenbury (14/5615N) (5 March 2015)
CD15.12 SPB Report - Queens Drive, Nantwich (14/5841N) (24 March 2015)

Richborough Estates