



Appeal Decision

Site visit made on 14 February 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 20 March 2017

Appeal Ref: APP/R0660/W/16/3163461

Land south of Hassall Road, Winterley, Sandbach CW11 4RJ

- 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 Himor (Land) Limited against the decision of Cheshire East Council.
 - The application Ref 16/3387N, dated 11 July 2016, was refused by notice dated 29 September 2016.
 - The development proposed is Outline application for the erection of 29 dwellings with associated works. (Re-submission of 15/2844N).
-

Decision

1. The appeal is allowed and planning permission is granted for Outline application for the erection of 29 dwellings with associated works. (Re-submission of 15/2844N) at Land south of Hassall Road, Winterley, Sandbach CW11 4RJ in accordance with the terms of the application, Ref 16/3387N, dated 11 July 2016, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Himor (Land) Limited against Cheshire East Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was submitted in outline with all matters, except for access reserved for future consideration. Indicative plans have been submitted which have formed part of my consideration of this appeal. While on my site visit, I inspected, as requested, the appeal site from 26, 29 and 32 Pool Lane.

Main Issues

4. The main issues are: (i) whether, having regard to the requirements of local and national planning policy for the delivery of housing, the appeal site is an appropriate location for the development proposed; and (ii) the effect of the proposed development on the safety of vehicular and pedestrian traffic in Hassall Road, Pool Lane and Coppice Road.

Reasons

Approach to the decision

5. The Crewe and Nantwich Replacement Local Plan (CNRLP) is the current development plan for the administrative area of Cheshire East. The Council,
-

despite not referring to saved CNRLP Policies RES.5 and NE.2 in the first reason for refusal, consider them to be relevant to the first main issue. Policies BE.3, TRAN.1 and TRAN.3 of the CNRLP are also relied upon by the Council in respect of the second main issue.

6. Saved CNRLP Policy RES.5 sets out that outside settlement boundaries all land will be treated as open countryside; new dwellings will be restricted to those that meet the criteria for infilling contained in saved CNRLP Policy NE.2 which explains that development in the open countryside will only be permitted if it can satisfy certain criteria.
7. The second reason for refusal relies upon Policies PG2 and PG6 of the emerging Local Plan Strategy Submission Version, March 2014 (Local Plan). The Local Plan will in time replace, once adopted, the CNRLP. The Council is of the opinion that a greater degree of weight should be attached to emerging Policies PG2 and PG6 now that the examining Inspector has issued some further interim views¹ in December 2016. Despite these, the Local Plan is not yet part of the Development Plan, nor has it been found to be 'sound' as the proposed Main Modifications are currently being consulted upon (6 February to 20 March 2017), even if policies PG2 and PG6 may not be subject to change in respect of the 'other settlements and rural areas' category.
8. The Council are currently unable to demonstrate a five-year supply of deliverable housing sites as required by paragraph 47 of the National Planning Policy Framework (the Framework). Thus, paragraph 49 of the Framework is engaged. Therefore relevant policies relating to the supply of housing should be considered to be out-of-date, however, it is a matter of judgement for the decision maker as to the amount of weight to be attached rather than simply carry no weight or be disregarded².
9. Despite the Council's contrary view, I consider that CNRLP Policies RES.5 and NE.2 are relevant to the supply of housing, as both policies do seek to restrict new housing. As a result they have a significant effect on the supply of housing which is a view expressed in the Audlem Road/Broad Lane appeal decision³ which post-dates the decision at The Gables⁴. Even so I appreciate both policies seek to protect the open countryside from development, which is consistent with the Framework. Notwithstanding the various appeal decisions⁵ cited by the Council, I consider that CNRLP Policies NE.2 and RES.5 are not up-to-date and I attach a limited weight to them. Saved CNRLP Policies BE.3, TRAN.1 and TRAN.3 are not policies relevant to the supply of housing. I therefore afford them full weight in my decision.

Whether an appropriate location

10. It is put by the Council that the proposed development, when considered cumulatively with other approved developments would have an unacceptable harmful effect on the spatial distribution for Winterley. Within the second reason for refusal, specific reference is given to an outline scheme for 79 dwellings on land off Pool Lane which was refused by the Council⁶ and later

¹ Appeal Statement of the Local Planning Authority, Appendix 4

² Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East, SCLG [2016] EWCA Civ 168

³ Appeal Statement of the Local Planning Authority, Appendix 9

⁴ Appeal Decision Ref: APP/R0660/A/14/2218286

⁵ Appeal Statement of the Local Planning Authority, Appendices 6 and 8

⁶ Council Application Ref: 14/3962N

dismissed at appeal in February 2016⁷. This site is adjacent to the appeal site to the south west. The Council suggest that the proposed development subject of this appeal, together with other developments that have been approved since the Pool Lane appeal decision in February 2016 would exceed the spatial distribution for Winterley. As a result, the Council consider further housing in Winterley would no longer be sustainable.

11. In reaching his decision in February 2016, Inspector Schofield expressed that *"a view will need to be taken as to when incremental development is such that further housing in Winterley is no longer 'sustainable'. This will largely be a matter of judgment."* He continued to say, in relation to the appeal site that *"I am not persuaded that the level of development proposed, which is only 34 extra dwellings above those already permitted on a large proportion of the site, would give rise to an unsustainable pattern of development. Nor would it be of such a scale, or the emerging plan so far advanced, that it could reasonably be regarded as undermining or prejudicing the plan making process."*⁸
12. Since February 2016, the Council have determined a handful of applications. Furthermore, part of the Pool Lane site considered by Inspector Schofield, has recently been subject of a separate appeal⁹ for outline planning permission for up to 33 dwellings. This is a marginal reduction, in terms of this part of the Pool Lane site, known as 'phase 2', of one dwelling compared to the decision reached in February 2016.
13. Other applications have been considered by the Council since February 2016. Evidence suggests that as a result there has been a net reduction in the number of dwellings benefitting from a stage of planning permission since this time. The appellant suggests that this could be up to nine units compared to February 2016¹⁰. Despite this, the proposal would, in simple numeric terms result roughly in 20 extra dwellings above and beyond the scale considered to be acceptable by Inspector Schofield, in terms of a sustainable pattern of development in Winterley. So, it remains the case that it will be a matter of judgement as to incremental development such as new housing in Winterley is no longer sustainable.
14. Local Plan Policy PG2 sets out the settlement hierarchy. In relation to sites in *Other Settlements and Rural Areas* it explains that *in the interests of sustainable development, growth and investment in the other settlements should be confined to small scale infill and the change of use or conversion of existing buildings in order to sustain local services. Affordable housing development of an appropriate scale on the edge of a rural settlement to meet a particular local need may be justified, although local needs can also be met within larger settlements, dependent on location.*
15. Local Plan Policy PG6 outlines the spatial distribution of development with *other settlements and rural areas are expected to accommodate in the order of 5 hectares of employment land and 2,000 new homes.*
16. The appeal site lies between Hassall Road and the rear boundaries of properties on Pool Lane. Along the southern side of Hassall Road adjacent to the appeal site there is ribbon development which extends from the junction of Hassall

⁷ Appeal Decision Ref: APP/R0660/W/15/3130803

⁸ Appeal Decision Ref: APP/R0660/W/15/3130803, Paragraph 22

⁹ Appeal Ref: APP/R0660/W/16/3161426

¹⁰ Table 1, Appellant's Appeal Statement

Lane and Pool Lane and the junction of Hassall Lane and Coppice Road. This includes Wheelock Heath Baptist Church. Opposite the site are agricultural fields that extend to the north and east. Adjacent to the rear boundary of the site is a dense line of residential dwellings on Pool Lane, while to the south west lies phase 2 of the Pool Lane scheme. To the south of Pool Lane is an existing ribbon development that extends along Pool Lane from its junction with Crewe Road. To the north of Pool Lane and east of Crewe Road is a housing development of 45 dwellings that is currently being built out, following the Council's decision to grant a reserved matters permission in June 2016¹¹. Returning northwards from Pool Lane, next to part of the western boundary of the site is a field used for agriculture and 36 Hassall Road. Between Coppice Road and Crewe Road is a relatively dense form of development, mainly consisting of dwellings.

17. Although the ribbon development along Hassall Road near the site is set within more spacious grounds and the fields adjacent and opposite are being used for agriculture, nevertheless I consider that there is a sense of already being within the village of Winterley rather than the open countryside. I appreciate the site stretches between Hassall Road and the rear gardens of properties on Pool Lane, however this only re-affirms my view, especially given the section of Hassall Road to the north, between Alsager Road and Sandy Lane is largely free from development. This represents a marked difference compared to the south of Hassall Road.
18. I appreciate the Council's points that development should be proportionate and commensurate with the function and character of Winterley. The proposed dwellings would change the site's current character and appearance, even accounting for the greenhouse near the western boundary. The proposal would introduce dwellings in place of an open grass field. However due to the layout of the access, the bulk of the development would be contained in the wider rear section. This would therefore in part, mean that the more spacious pattern of development fronting Hassall Road would be retained. Nevertheless, views through to the rear of the site would be evident from the rear elevations of dwellings on the northern side of Pool Lane, from parts of Pool Lane itself and intermittently on approach along Hassall Road from the east. Although the appeal site may be of particular visual value to residents in the area, I share the view expressed by the Council's landscape architect, in that the proposal would not have any significant effects on the character of the wider landscape near to the site or have any significant visual effects.
19. While, various planning permissions or proposals are likely to result in the growth of Winterley over the next few years, the housing figures in Policy PG6 of the Local Plan are not a maximum threshold for the spatial distribution of development. This would in itself run counter to the Framework's objective in paragraph 47 *to boost significantly the supply of housing*. Added to this, work on the Site Allocations Development Plan Document (SADPD) will follow the adoption of the Local Plan. As part of the SADPD the Council, I am informed, will review the borough's settlement boundaries.
20. Aside to this, I appreciate and agree with the concerns of residents in terms of the facilities and services that are on offer in Winterley. I noted two public houses and two places of worship. However, I am also mindful of nearby

¹¹ Council Application Ref: 16/1487N

Hasslington which does offer a wider variety of facilities and services. I also understand from the Council that there is sufficient capacity in existing medical practices for example to accommodate potential future occupants. In addition, Winterley is served by a regular and frequent bus service that offers links to Crewe and Sandbach. These two settlements contain a greater range of facilities and services still. Given these points, I am also mindful that Winterley in the February 2016 was considered to be a sustainable location for new residential development.

21. The proposal would result in the population of the village of Winterley, increasing roughly in the order of 10%. I am also conscious that the proposal would infill an area between Hassall Road and Pool Lane. Although I have also been directed to a number of developments, these I am informed are in Sandbach and in any event I do not have specific details of them. While the proposal would result in new homes, I do not, even with progress being made with the emerging Local Plan, consider that the proposal would be an unsustainable pattern of development.
22. For these reasons, I therefore conclude that the appeal proposal would comply with emerging Local Plan Policies PG2 and PG6, notwithstanding the parties' respective views as the degree of weight that I should attach. I also note colleague Inspectors have attached substantial weight to different emerging Local Plan policies¹², but they do not have a bearing on my decision as they are not before me and I consider that there is no conflict with Policies PG2 and PG6 of the Local Plan in any event. Local Plan Policies PG2 and PG6 together seek to distribute development in accordance with the settlement hierarchy in the interests of sustainable development, growth and investment.
23. Although not specifically cited by the Council in the second reason for refusal or in subsequent documents, I am mindful of the need for consistent decision-making and the conclusions I reached in the Pool Lane decision¹³. Thus, I conclude on this issue that the proposal would result in a limited harm though its conflict with CNRLP Policies NE.2 and RES.5 as the site lies in the open countryside and would not meet the criteria for infilling.

Safety of vehicular and pedestrian traffic

24. The first part of the Council's first reason for refusal sets out their position in respect of the site's location. It is put that the site lies in the open countryside. In this regard, I have set out my view that there is already a sense of being within the village of Winterley rather than the open countryside. However this does not alter the proposal's conflict with CNRLP Policies NE.2 and RES.5 due to its location. A limited weight is attached to this for the reasons set out earlier.
25. Turning now to the second part of this reason for refusal. Access to and from the site would be via Hassall Road which links to Crewe Road by either a combination of Hassall Road and Coppice Road or by Pool Lane. I note the parties agree that the design of the access and visibility splay in either direction is suitable and would provide for a safe means of access to and from the site for the proposed number of dwellings.

¹² Appeal Decision Refs: APP/R0660/W/16/3147420 (Policies SC5 and PG4a) and APP/R0660/W/16/3156959 (Policy SC4)

¹³ Appeal Decision Ref: APP/R0660/W/16/3161426, Paragraphs 18 and 24

26. Hassall Road between the site and Crewe Road comprises of two distinct parts. The first, between Coppice Road and Pool Lane, is a relatively straight unmarked carriageway that is lit. It does not contain a pedestrian footway. The second is a narrower section that twists and turns. It is partly one way between Crewe Road and Cross Lane. It also contains no pedestrian footway and is intermittently lit. Similarly Coppice Road contains no pedestrian footway or street lighting until after its junction with Cross Lane. In terms of Pool Lane, there is a footway roughly a metre wide part way along Pool Lane from its junction with Hassall Road. Pool Lane is also lit through to Crewe Road. The local road network, from the evidence and my own observations, is likely to be used by a combination of vehicles including farm traffic, pedestrians, horse riders and cyclists.
27. Although the Council question the reliability of the appellant's Transport Statement on the basis of the time spent surveying, it does still document how the roads are used. Undoubtedly a survey over a longer period of time would ensure that results have an increased reliability. However given the nature of the roads and in the absence of any evidence from the Council in this regard, I am satisfied that the appellant's evidence in this respect is credible.
28. The proposed dwellings would inevitably result in an increase in vehicular and pedestrian movements to and from the site. However, roads in the vicinity of the site are only used by low volumes of vehicular traffic at relatively slow speeds, despite suggestions otherwise. The proposal, would roughly lead to an extra 146 vehicle trips per day, together with delivery vehicles. While this would be an increase compared to the current number of trips, I do not consider that this would result in capacity issues on the highway network.
29. In terms of pedestrian movements, residents confirm that Hassall Road is used by children and adults to access residential properties and Wheelock Heath Baptist Church. Even with very few current pedestrian trips along Hassall Road currently on a daily basis, as there is no footway along Hassall Road and Coppice Road near to the site, all users of the highway do need to share the road. This does present an opportunity for potential conflict to arise as vehicles and pedestrians are brought closer to one another. Both Hassall Road and Coppice Road would offer occupants with a reasonable walking distance to bus services on Crewe Road and to the facilities and services available on Crewe Road. I recognise Pool Lane could be used also and to access Winterley Pool.
30. Some of the potential conflict would be alleviated by the good visibility and the street lighting in front of the site, along Pool Lane and by the narrowness of Hassall Road between Crewe Road and Cross Lane. However given the higher number of trips I consider that the proposal would increase the potential of conflict occurring on shared surfaces, in particular on Coppice Road. Coppice road only partially segregates road users and would likely be well used by potential future occupants, due to its width and direct link to Crewe Road.
31. However, potential conflict does not necessarily mean that the access arrangements for vehicles and pedestrians are not safe or suitable. While there has been a conflict at the junction of Hassall Road and Pool Lane, I do not know the full details of this or the cause for the conflict. Nevertheless, the appellant proposes a number of measures, which include a 1.8 metre footway along Hassall Road, enhanced street lighting and the introduction of Quiet

Lanes along Hassall Road between the site at the Coppice Road junction and the junction of Hassall Road with Crewe Road.

32. Although current traffic levels using Hassall Road have not necessitated mitigation measures, the proposed measures are aimed to improving local infrastructure and mitigating for the increased levels of traffic. In particular, the proposed footway would ensure pedestrian and vehicular traffic is segregated between the site and the junction of Hassall Road and Coppice Road. Also, the combination of the street lighting and the introduction of Quiet Lane would enhance visibility at night along Hassall Road and promote and remind road users that Hassall Road, in particular, is likely to be used on a shared basis by various modes of transport. This would encourage pedestrians to avoid using the section of Coppice Road which doesn't have a footway. Although there would not be a footway leading all the way to Crewe Road from the site, the combination of measures proposed, would ensure that any potential conflict between vehicular and pedestrian traffic is not severe. I therefore consider that these measures would mitigate for the introduction of increased vehicular and pedestrian movements.
33. I therefore conclude, on this issue that the proposed development would not severely affect the safety of vehicular and pedestrian traffic in Hassall Road, Pool Lane and Coppice Road. The proposal accords with saved Policies BE.3, TRAN.1 and TRAN.3 of the CNRLP as the development would be well served by public transport, provide safe and improved conditions for pedestrians and a safe vehicular access and egress arrangement. Conflict would nevertheless arise in respect of CNRLP Policies NE.2 and RES.5, due to the site's location, in terms of the requirements of the development plan, in the open countryside.

Planning Balance

34. CNRLP Policies relevant to housing supply are not considered to be up-to-date, due to the absence of a five-year supply of deliverable housing sites. In such circumstances paragraph 14 of the Framework explains: *where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.*
35. Paragraph 7 of the Framework explains there are three dimensions to sustainable development: economic, social and environmental. In economic terms, the provision of 29 new homes would contribute towards economic growth through jobs directly and indirectly associated with its construction. This attracts moderate positive weight. Future occupants would also be likely to spend in the local economy on household goods and services. I attach this matter a limited positive weight. Although the scheme would generate Council tax and New Homes Bonus (NHB) for the Council, no evidence is before me that proves a direct beneficial link between monies from the NHB and or Council tax and Winterley. As a result, these matters do not attract any weight as benefits in the planning balance.
36. In social terms, the appeal scheme would provide a mix of additional market and affordable housing in an area where there is currently a need for such provision. While I am mindful of the Council's intentions through the Local Plan

to address this, and the view expressed in the Shavington¹⁴ decision compared to the recently made at Pool Lane¹⁵ decision, I nevertheless attach considerable weight to this, given the Framework seeks to boost significantly the supply of housing and deliver a wide choice of high quality homes.

37. Aside to this, the provision of on-site public open space and a LEAP containing play equipment attract a moderate positive weight given the current deficiency of play equipment locally. Despite residents' concerns regarding their living conditions, and the privacy and outlook of people paying their respects in the graveyard adjacent to the site, the indicative layout suggests that the dwellings could be arranged form a high quality built environment. This attracts a neutral weight as the proposal seeks outline planning permission with only matters of access before me. Lastly, in terms of the social role, the financial contribution towards secondary education would only mitigate for the proposal rather than act as a benefit that weighs in favour of it.
38. The proposal in environmental terms would use a greenfield site used for agriculture and result in the loss of a section of 'important' hedgerow. Even with the proposed provision of a footway and the intended planting of a replacement hedgerow, I attach these matters a limited negative weight. A limited negative weight is attached to the scheme's conflict with the CNRLP in respect of the site's location in the open countryside. I also note that there are no implications subject to conditions in respect of drainage, ecology, quality management, contaminated land and trees. Furthermore, I do not consider that the dwellings would affect the historic environment of the graveyard. These matters all attract a neutral weight along with my findings on the second main issue.

Other Matters

39. Although concerns are raised in terms of property values, the courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be a material consideration. I also appreciate concerns relating to privacy in the graveyard, however this is an outline application with only access matters before me. Still, the appellant should note residents' concerns on this matter.
40. I acknowledge that a separate outline scheme was granted planning permission at appeal for up to 33 dwellings on land off Pool Lane¹⁶ to the south west of the appeal site and that a considerable number of planning permissions seem to have been granted in recent years. Nevertheless, I have determined this appeal on its own merits, having regard to the matters at hand.
41. On my site visit I observed a drain in the rear garden of No 32 which allows waters to drain into Winterley Pool. I appreciate residents' concerns in respect of allowing unchecked waters to drain into the pool, given its ecological status. However, as it is recognised by residents, there is a lack of knowledge and therefore evidence which is before me to directly link the proposal to pollution of the water body. Still, planning conditions would ensure further detail of how the site could be drained is brought forward and given due consideration.

¹⁴ Appeal Decision Ref: APP/R0660/W/16/3147420

¹⁵ Appeal Decision Ref: APP/R0660/W/16/3161426

¹⁶ Appeal Decision Ref: APP/R0660/W/16/3161426

42. The appellant has submitted a Section 106 agreement as a Unilateral Undertaking (UU). This aims to provide 30% of the development as affordable dwellings, split as 65% social rented dwellings and or affordable rented dwellings and 35% intermediate dwellings. The UU also seeks to provide public open space; a LEAP and financial contributions of £65,370.76 and £33,750.00 respectively towards secondary education places nearby and Quiet Lanes.
43. The planning obligations in the UU have to meet the tests in Community Infrastructure Levy Regulations (CIL) Regulation 122 in order for them to be taken into account in my determination of this appeal. These tests are that the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and, fairly and reasonable related in scale and kind to the development. These three tests are the same as those found in paragraph 204 of the Framework.
44. The Council has provided a CIL Compliance Statement which sets out the background to each of the obligations given, aside to affordable housing. However I have taken into account the Council's comments found in their consultation responses and other submissions, together with The Interim Planning Statement: Affordable Housing (2011) (IPS).
45. In terms of the monies for the Quiet Lanes, neither party has explained to me why the figure in the UU is higher than the estimate. Similarly the contributions towards secondary education places does not identically match the figure in the Council's CIL Compliance Statement. However, the differences are only a small fraction of the total amounts and they do not alter my view that, overall, the amounts in the undertaking are reasonably related in scale and kind to the development. Furthermore, I appreciate the UU is not binding on the Council to undertake the Quiet Lanes works, but there is no evidence from the Highway Authority to suggest that the monies for the Quiet Lanes scheme would not be used to deliver the mitigation measures proposed.
46. Based on the evidence before me, I am satisfied that the planning obligations meet the tests in CIL Regulation 122 and paragraph 204 of the Framework. I am also satisfied that there would be no breach of the requirements of CIL Regulation 123 in terms of the pooling of contributions. As such, I consider that this obligation would comply with the requirements of the CIL Regulations 2010 and with the tests set out in paragraph 204 of the Framework and with the advice of the Planning Practice Guidance. The obligation can be fully taken into account in support of the appeal proposal.

Conditions

47. I have had regard to suggested conditions provided by the Council. A condition in respect of the approved plans is necessary in the interest of certainty. Conditions are necessary, in the interests of the character and appearance of the area and the living conditions of neighbouring residents, in terms of ground levels and flood slab levels; provision of replacement hedgerow planting and an Arboricultural Impact Assessment.
48. Given the current use of the land and of land near to the appeal site, I have imposed a condition requiring investigation of the ground conditions and any remedial action if necessary is required. In the interests of flood prevention and biodiversity, I have imposed a condition regarding surface water drainage

rather than the two suggested by the Council, as the details required in these conditions are essentially the same.

49. I have imposed conditions, in the interests of highway safety, to ensure the approved access, footpath and visibility splays are constructed. I note the parties' points in terms of conditioning the introduction of Quiet Lanes, however there is no evidence to suggest that Quiet Lanes scheme would, in its entirety, be completed within the time limits linked to this type of permission. As the appellant has no control over this, a condition would fail the tests of reasonableness and enforceability.
50. Conditions are necessary to secure a travel plan and electric vehicle charging points to promote sustainable forms of transport. A condition requiring an Environmental Management Plan is necessary in the interests of ensuring highway safety and the living conditions of the neighbouring residents.
51. In the interests of safeguarding protected species, conditions are necessary requiring detailed proposals for the incorporation of features suitable for use by breeding birds and updated surveys for the presence of badgers.

Conclusion

52. In conclusion, the proposal would lead to tension between the different roles. I found that limited harm would stem from the scheme's conflict with adopted development plan policies, in terms of the site's open countryside location, use of greenfield land and the loss of an established important hedgerow. However, I do not consider that these would significantly and demonstrably outweigh the benefits, assessed against the policies in the Framework taken as a whole. For the reasons set out above, having regard to the evidence before me, I conclude that the appeal should succeed.

Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 2) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans, HG002/02 Rev A (Location Plan and VN60638-D100 (Proposed Access Arrangement and Footway Provision) but only in respect of those matters not reserved for later approval.
- 5) No development shall commence until details of existing ground levels, proposed ground levels and the level of proposed floor slabs for the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage system has been submitted to and approved in writing by the local planning authority. This shall include:
 - a) Information about the design storm period and intensity (1 in 30 and 1 in 100 (+30% allowance for Climate Change)), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharge from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface water.
 - b) Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution
 - c) Flood water exceedance routes, both on and off site
 - d) A timetable for implementation
 - e) Site investigation and tests results to confirm infiltration rates.

The approved scheme shall be implemented in accordance with the approved timetable.
- 7) The development shall not be occupied until the visibility splays as shown on plan Ref VN60638-D100 have been provided at each side of the vehicular access point onto Hassall Road. The splays shall be kept clear of any object, vegetation or other obstruction of a height exceeding 0.6m above the level of the adjacent footway / access at all times thereafter.
- 8) Prior to the first occupation of the development hereby approved the pedestrian footway on the frontage of the site as shown on plan Ref: VN60638-D100 shall be provided.
- 9) The reserved matters shall make provision for replacement hedge planting for any hedgerows to be removed as part of the development hereby permitted.
- 10) Prior to the commencement of development detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds

including house sparrow and swift shall be submitted to and approved in writing by the local planning authority. The approved features shall be permanently installed prior to the first occupation of the development hereby approved.

- 11) The developer shall install suitable wiring for 16amp "fast" electric vehicle recharging on all residential properties with more than two off street parking spaces prior to the first occupation of each dwelling hereby approved.
- 12) The development hereby approved shall not commence until:
 - a) A Phase II ground investigation and risk assessment has been completed. A Phase II report shall be submitted to, and approved in writing, by the local planning authority; and
 - b) If Phase II ground investigations indicate that remediation is necessary, a Remediation Strategy shall be submitted to, and approved in writing, by the local planning authority;Prior to the occupation of the development:
 - c) The remedial scheme in the approved Remediation Strategy shall be carried out;
 - d) A Verification Report prepared in accordance with the approved Remediation Strategy, shall be submitted to, and approved in writing by, the local planning authority;
 - e) Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping shall be tested for contamination and suitability for use prior to importation to site.
 - f) Prior to occupation, evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the local planning authority.
- 13) The first reserved matters application shall include a detailed Arboricultural Method Statement and Arboricultural Impact Assessment. No development shall take place except in complete accordance with the approved Arboricultural Method Statement and Arboricultural Impact Assessment. The statements shall include details of the following:-
 - a) A scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site including trees which are the subject of a Tree Preservation Order currently in force, or are shown to be retained on the approved layout, which shall be in place prior to the commencement of work.
 - b) Implementation, supervision and monitoring of the approved Protection Scheme. The approved protection scheme shall be retained intact for the full duration of the development hereby permitted and shall not be removed without the prior written permission of the local planning authority.
 - c) A detailed Tree work Specification.
 - d) Implementation, supervision and monitoring of the approved Tree work Specification.
 - e) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as

- being fenced off or otherwise protected in the approved protection scheme.
- f) Timing and phasing of Arboricultural works in relation to the approved development.
- 14) Prior to the development commencing, an Environmental Management Plan for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. In particular the plan shall include:-
- a) The hours of construction work and deliveries;
 - b) The parking of vehicles of site operatives and visitors;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development;
 - e) Wheel washing facilities;
 - f) Details of any piling required including, method (best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties), hours, duration, prior notification to the occupiers of potentially affected properties;
 - g) Details of the responsible person (e.g. site manager/office) who could be contacted in the event of complaint;
 - h) Mitigation measures in respect of noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
 - i) Waste Management: There shall be no burning of materials on site during demolition/construction; and
 - j) A scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.

No development shall take place except in accordance with the approved Environmental Management Plan.

- 15) Prior to the first occupation of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include a timetable for implementation and provision for monitoring and review. No part of the development hereby permitted shall be occupied until those parts of the approved Travel Plan that are identified as being capable of implementation after occupation have been carried out. All other measures contained within the approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented, in accordance with the approved scheme of monitoring and review, as long as any part of the development is occupied.
- 16) No development shall commence until an updated survey for the presence of any Badger at the site has been carried out, submitted to and approved in writing by the Local Planning Authority. The survey shall be carried out by a suitably qualified person and approved in writing by the Local Planning Authority. If any evidence of any Badger is found, then the report shall include measures for their protection during development and for the retention of existing or provision of alternative Badger Sett. These approved measures shall be implemented in strict accordance with the approved details.