



Appeal Decision

Hearing held on 7 February 2019

Site visit made on 8 February 2019

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th April 2019

Appeal Ref: APP/A0665/W/18/3212590

White Gables, Plas Newton Lane, Chester CH2 1PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Wright (Vivio Developments Ltd) against the decision of Cheshire West & Chester Council.
 - The application Ref 17/04015/FUL, dated 14 September 2017, was refused by notice dated 6 July 2018.
 - The development proposed is demolition of existing buildings and erection of 13 dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and erection of 13 dwellings at White Gables, Plas Newton Lane, Chester CH2 1PR in accordance with the terms of the application, Ref 17/04015/FUL, dated 14 September 2017, subject to the conditions set out in the attached schedule.

Procedural Matters

2. Two updates have been made to the National Planning Policy Framework (the Framework), one in July 2018 and one in February 2019. Both were published after the Council made its decision. The implications of the updated revised Framework on the determination of the appeal, particularly with regard to paragraph 109, were discussed at the hearing and in reaching my decision I have had regard to the updated revised Framework and to the views of the main parties expressed at the hearing.
3. The Statement of Common Ground (SOCG) refers to the Council's Emerging Plan, the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (EP). At the hearing the Council advised that consultation on the main modifications to the EP had ended and that the examining Inspector's final report was awaited. I was advised that no significant modifications were proposed to the EP policies referred to in the SOCG and both parties consider that the relevant policies in the EP ought to be given significant weight given that the EP is at a relatively advanced stage. I agree and have determined the appeal accordingly.
4. Some concerns have been raised by interested parties about whether the proposal could take place without encroaching onto third party land. I note

that ownership Certificate C was submitted with the application as the appellant was unable to ascertain the ownership of part of the application site. However, no information regarding ownership was received despite investigations including a press advert.

5. At the hearing I was given a copy of the land registry plan for the adjacent site by an interested party, however it was established during the hearing that the application site does not include land on the adjacent site. I heard evidence from the main parties that it seems likely that land within the application site not within the appellant's ownership is highway land. The Council advised at the hearing that it is satisfied that the correct ownership certificates were completed as part of the application. Based on the evidence before me, I have no reason to disagree with the Council's conclusion on this matter.

Main Issue

6. The main issue is the effect of the proposal on highway and pedestrian safety.

Reasons

Background and existing situation

7. The appeal site comprises an existing residential dwelling and associated outbuildings accessed and set some distance back from Plas Newton Lane. The existing vehicular access is located adjacent to the access to The Cheshire County Sports Club and one of the accesses to Upton High School with another access to the school on St James Avenue. Vehicular and pedestrian access to the existing dwelling is via a reasonably narrow and single width access track that runs adjacent to the rear garden boundaries of a number of dwellings on The Beeches.
8. Plas Newton Lane is generally residential in nature and is subject to a 30mph speed limit. The site access is close to the junction of Plas Newton Lane and the A41 which is controlled by traffic lights. A pedestrian crossing is located to the west of the site between it and The Beeches. On street parking is generally unrestricted on Plas Newton Lane close to the site though there are restrictions close to the pedestrian crossing and keep clear signs on the road in front of the sports club/school access and in front of The Beeches. The appellant's evidence on accident records shows that there have been no recorded accidents at or near to the site in recent times though there is anecdotal evidence of an injury to a school pupil, the exact details and circumstances of which are unknown.
9. The proposal includes a number of alterations to the existing site access and access track including the widening of the access, the provision of pedestrian visibility splays, the provision of passing places, the construction of a traffic calming feature near to the site entrance, lighting along the access track and keep clear markings on Plas Newton Lane in front of the access. The application and appeal are supported by a Transport Statement by SCP and a Highway Statement by Curtins, both of which conclude that the proposal is acceptable from a traffic and transportation perspective.
10. Following a number of amendments, no objections were raised to the proposal by the Council's highways advisors at the application stage and the application was recommended for approval by officers. However, it was subsequently refused by the Council's Planning Committee due to concerns regarding

highway and pedestrian safety. In defending its decision, the Council has submitted a technical note written by Atkins which whilst accepting the technical content of the appellant's highway evidence, questions some of the assumptions and data used.

11. In addition, a significant number of representations have been made by local residents and other interested parties regarding highway and pedestrian safety and the nature of vehicular and pedestrian traffic on Plas Newton Lane and surrounding roads and a number of people were present at and gave evidence to the hearing. It is clear that there is significant local concern about the impact of the proposal on highway and pedestrian safety and in particular concern about the safety of pupils at Upton High School. In reaching my decision I have had regard to these concerns.
12. There was much discussion at the hearing about the existing conditions at and around the site access, particularly at school opening and closing times. I observed road conditions and the number of vehicles and pedestrians on Plas Newton Lane near to the site on 6 February 2019 between 14:15 and 15:30, on 7 February 2019 between 08:10 and 08:55 and during the afternoon of 8 February 2019. At the hearing all parties confirmed that there was nothing unusual about these dates which would mean that the conditions that I observed were not typical.
13. There was some discussion at the hearing about the exact numbers of pedestrians and vehicles with reference made to surveys carried out by the appellant in July 2018 and previously by the school. The appellant accepted that the July survey is likely to have resulted in lower recorded numbers due to the fact that some pupils would not be in school at that time of year.
14. The appellant acknowledges that the use of the sports club/school access increases at school opening and closing times and that vehicle and pedestrian traffic on Plas Newton Lane also increases at these times with queuing traffic at the junction with the A41 and this is what I observed at my site visits. I also noted that not all pupils utilise the pedestrian crossing and that some congregate on the area of footpath located between the site access and the sports club/school access until a gap in traffic occurs allowing them to cross Plas Newton Lane before walking in the direction of Long Lane. I observed that the number of pupils entering/exiting the school builds up/dissipates gradually except for a peak period of approximately 10 minutes duration at school opening/closing times when large numbers of children are entering/exiting the school.
15. At the time of my visits the existing keep clear road markings were well observed by queuing drivers; there was only occasional and very limited on street parking along Plas Newton Lane and any queues quickly dissipated once the A41 traffic lights changed and once waiting vehicles had turned right into the sports club/school. However, I also heard evidence from interested parties that at times on street parking and queuing traffic can be more significant and problematic.

Access

16. As part of the proposal the existing access to the site would be widened to enable two vehicles, including service vehicles, to occupy the bell mouth, removing the need for waiting vehicles to remain on Plas Newton Lane. An

overrun area would be provided adjacent to the sports club/school access and as a result the area of pavement between the two accesses would be reduced in size. The Council and interested parties expressed concern about the impact of this on pedestrian safety given that this area is used by pupils waiting to cross Plas Newton Lane. Pupils would consequently have a greater distance to cross the road and it is stated that they would be likely to stand within the overrun area potentially leading to increased conflict between vehicles and pedestrians, particularly if vehicles turning left into the sports club/school cut the corner across the overrun area.

17. At the hearing the appellant's highway consultant provided evidence regarding the likely surface and edging material that could be used for the overrun area in order to make it less likely to be used by vehicles accessing the adjacent site, thereby reducing conflict with pedestrians.
18. I acknowledge that the proposed changes to the access would be likely to affect how pedestrians, and in particular pupils cross this part of Plas Newton Lane and access the pedestrian crossing. Pupils would have a slightly greater distance to cross the road at the sports club/school access and would be more likely to encounter vehicles using the site access but there is no substantive evidence to show that this would be likely to materially affect pedestrian safety. As stated, the increase in distance is relatively small. Pupil numbers are at their highest in the area for a relatively short period of time throughout the day and any vehicles accessing/exiting the site at the same time would be likely to be travelling at slow speeds and would have good visibility of pedestrians near or within the site access when entering/exiting the site from either direction.
19. The appellant's evidence shows that the proposal is estimated to generate an additional 7 two-way vehicle movements per hour during weekday am and pm peaks. This equates to an additional two-way vehicle movement every 10 minutes or so in each direction. Whilst the am peak (08:00 to 09:00) would include the school opening time, the pm peak (17:00 to 18:00) would be later, though at the hearing the appellant's highway consultant confirmed that trip rates would be similar at school closing time. These figures were not disputed by the Council which accepts that they have been generated using industry standards and show that the increase in traffic movements to/from the site would not be significant. Though some concerns were raised about the impact of refuse and delivery vehicles, including the timing and frequency of these, I am satisfied that these are likely to be relatively infrequent and that the design of the access could safely accommodate such vehicles. The Council confirmed at the hearing that the proposed access meets the required technical standards.
20. Whilst it is clear from the evidence that at peak school times there are a large amount of pupils and vehicle and pedestrian movements near to the site access, there is no evidence to suggest that the existing situation is dangerous or that the changes to the site access or the increase in the number of vehicles using it at peak times would be likely to be materially harmful to either pedestrian or highway safety. Though it was suggested that the enlarged site access would be likely to be used as a drop off/pick up point for pupils, there is no evidence to suggest that this would be the case or that such parking would be significantly harmful to highway or pedestrian safety. Nor is there any substantive evidence to show that it is likely that there would be a frequent

need for vehicles entering the site to have to reverse at speed over the traffic calming feature near the site entrance or that this would be likely to be materially harmful to pedestrian safety.

Access Road

21. The existing access road would be altered to provide three passing places within the site. I observed the position of these at my site visit. Some concerns have been raised by interested parties about whether the width of the appeal site would enable the proposed passing places to be provided without encroachment onto third party land and discussions took place regarding this issue at the hearing. I heard evidence from the Council that officers have taken measurements on site and are satisfied that there is sufficient width within the site edged red to accommodate the passing places and I have seen no evidence to lead me to a different conclusion on this issue. The Council is satisfied that the layout and spacing of the passing places meets the required standards.
22. I acknowledge that the use of the access road by future residents and visitors would require attention to be paid to oncoming vehicles and a certain amount of manoeuvring should another vehicle be encountered. However, from the evidence and from my observations on site I am satisfied that the proposed access road arrangements are acceptable and would allow safe access for vehicles, particularly given the evidence regarding the likely number of vehicles to be using the track at any one time and the likely infrequency of vehicles simultaneously travelling along it in each direction.
23. No pavement would be provided along the access road, but low-level lighting is proposed. The relatively low level of estimated vehicular movements at the site together with likely low vehicle speeds and the alignment of the access track which generally allows for good forward visibility, means that I consider a shared surface for use by vehicles and pedestrians would not be harmful to the safety of pedestrians using the access road.

Conclusion on main issue

24. Taking the above matters into consideration and for the reasons stated, I conclude that there is no substantive evidence to suggest that the proposal would result in an increase in the occurrence of unsafe vehicle movements during the peak network hours and/or an increased risk of conflict between vehicles and pedestrians and other road users. I consider that it has been satisfactorily demonstrated that the additional traffic which would be generated by the proposal could be accommodated safely and satisfactorily within the existing highway network and that the residual cumulative impacts of the development would not be severe. In any event, it was agreed at the hearing by the main parties that the relevant test in paragraph 109 of the Framework is now whether there would be an unacceptable impact on highway safety.
25. The proposal would be unlikely to have an unacceptable impact on highway and pedestrian safety. It therefore accords with Policy STRAT10 of the Cheshire West and Chester Local Plan (Part One) Strategic Policies adopted 29 January 2015 and with relevant paragraphs of the Framework including paragraph 109. These policies require additional traffic to be accommodated safely and satisfactorily within the highway network and that development does not have an unacceptable impact on highway safety.

Other Matters

26. In reaching my decision I have had regard to a number of other matters raised in relation to the proposal.
27. Firstly, concerns have been raised regarding the demolition of the existing building which is stated to be of historic interest and the removal of cobbles from the site. A Heritage Statement was submitted with the application and this concluded that the existing building is a non-designated heritage asset and that its significance stems from its association with Plas Newton Hall (now demolished) rather than from the fabric of the building itself which is much altered. No objections are raised by the Council to its demolition subject to the imposition of a condition requiring the building to be recorded prior to its demolition. Subject to this and having regard to the submitted evidence, I agree that the demolition of the building and the removal of cobbles from the site would be acceptable.
28. Ecological reports were submitted with the application and confirmed that the site supports a bat roost and a number of compensatory mitigation measures are proposed. As a European protected species would be affected by the proposal, I am required to have regard to the Habitats Directive and whether a licence is reasonably likely to be granted for the proposed works by Natural England. I note that the Council considers that the three tests of the Habitats Directive have been met and I can see no reason to disagree with the Council on this issue and consider that the relevant tests have been met by the proposal.
29. Concerns regarding drainage have been raised and were discussed briefly at the hearing. Whilst it seems that some local residents do experience drainage problems, no objections were raised to the proposal by either Welsh Water or the Lead Local Flood Authority subject to the imposition of suitably worded conditions regarding drainage, I am satisfied that sufficient drainage could be provided for the proposal and that it would not lead to an adverse impact on the drainage of the surrounding area. There is no evidence that the proposal would affect the water pressure of the area.
30. A number of concerns have been raised regarding the impact of the proposal on the living conditions of nearby residents having regard to loss of outlook, privacy, loss of light and noise and disturbance. I note that the amended plans amended the layout and design of some of the proposed dwellings in an attempt to overcome some of the concerns raised and that the Council raised no concerns in respect of the amended plans noting that separation distances were met and considered that any noise and disturbance associated with the proposed dwellings would be minimal and not unduly harmful. I have seen no evidence to lead me to a different conclusion on this issue. No evidence has been submitted regarding air pollution.
31. The immediate surrounding area comprises a mixture of dwelling types, designs and densities and I do not consider the proposal to be overdevelopment or that it would be harmful to the character and appearance of the area, particularly given that the proposed dwellings would be set back from the site entrance and not prominent.
32. The proposal would affect a number of trees and there are a number of protected trees in the vicinity of the site. However, no objections have been

raised by the Council's tree officer subject to adherence to the submitted arboricultural impact assessment. Subject to this I am satisfied that the impact on trees would be acceptable.

33. Off road parking would be provided as part of the proposal, the level of which is deemed acceptable by the Council and having regard to the accessible location of the site, I have no reason to disagree with the Council on this issue. There is no substantive evidence that the access road surface is unsuitable for and would be harmed by the proposal and no substantive evidence regarding any likely harm to the existing boundary wall. The fact that the Highway Authority has previously objected to developments on the site is not a reason to withhold planning permission now.
34. Concern has been expressed regarding the effect of the proposal on local services including health and education. I note that no objections were raised to the proposal by the Council's education department which stated that there was sufficient capacity in local schools. Whilst this has been questioned by interested parties who state that the advice given by the department was incorrect, I have seen no significant evidence to the contrary and no evidence regarding healthcare facilities and the impact that the proposal would have on them.
35. Finally, there is no evidence that the proposal would result in an increased crime risk in the area or that there would be any adverse impact on house values which is not a material planning consideration in any event. A number of local residents cited a lack of consultation and co-operation from the appellant and if this is indeed the case this is unfortunate. However, any lack of consultation with neighbours is not determinative.

Conditions

36. I have had regard to the conditions suggested by the Council and interested parties. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed a number of pre-commencement conditions requiring a scheme for affordable housing, various construction management details, works to the access and access track, contamination identification and management and surface water drainage. These conditions are required in order to secure affordable housing on the site, in the interests of highway and pedestrian safety, to protect the living conditions of nearby residents, to adequately manage any contamination on the site and to secure suitable drainage and the nature of the requirements of these conditions means that they require details to be submitted prior to works taking place on site. The appellant does not object to the imposition of any of the conditions suggested by the Council, including those which require the submission of details before development commences.
37. In addition, I have imposed the suggested conditions regarding materials samples and landscaping as these are necessary in the interests of the character and appearance of the area. I have imposed conditions regarding compliance with the submitted bat report and swallow provision drawings and requiring details of bat boxes and swallow cups. These are necessary in the interests of biodiversity and to ensure no harm to protected species. I have imposed a condition restricting working hours on the site in the interests of the living conditions of nearby residents. A number of highways related conditions have been imposed, including one requiring lighting along the access track.

These are in the interests of highway and pedestrian safety. Finally, I have imposed a condition requiring the existing building to be recorded prior to demolition in the interests of heritage protection.

38. The wording of a number of the suggested conditions has been amended slightly in the interests of clarity and necessity.
39. I do not consider that any of the other conditions suggested by interested parties are reasonable or necessary having regard to the scale and nature of the proposal and to the site location.

Planning Obligation

40. The appellant has submitted a Planning Obligation with the appeal dated 18 September 2018. I have considered the Planning Obligation in light of the Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 56 of the Framework.
41. Within the Obligation the owner undertakes to pay a commuted sum of £20,660.90 to the Council towards the cost of improving open space in the locality of the appeal site. This amount is the amount requested by the Council's play and open space team who have identified a requirement for contributions towards facilities at Wealston Lane and Kingsway in order to comply with the Council's latest open space audit information.
42. From the evidence I am satisfied that future residents of the proposal would be likely to place additional demands on existing open space and play provision and that in the absence of a suitable mechanism seeking improvements to these facilities that there would be harm to them.
43. I am therefore satisfied that the Planning Obligation is fairly and reasonably related to the development proposed and that it meets the tests set out in CIL Regulation 122 and as such I have taken it into account in determining the appeal.

Conclusion

44. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: L(70)001 Rev P6 – Location Plan; L(81)002 Rev P9 – Proposed Site Plan; L(91)001 Rev P4 – Floor Plans Type A; L(91)002 Rev P5 – Floor Plans Type B; L(91)005 Rev P6 – Floor Plans Type D; L(91)007 Rev P1 – Proposed Elevations Type D; L(91)008 Rev P1 – Floor Plans Type B1; L(91)008 Rev P1 – Floor Plans Type A1; L(91)010 Rev P5 – Elevations Type A; L(91)011 Rev P5 – Elevations Type B; L(91)014 Rev P1 – Elevations Type A1; L(91)015 Rev P1 – Elevations Type B1; L(91)016 Rev P1 – Elevations Type F; L(91)017 Rev P1 – Elevations Type F1; L(91)018 Rev P1 – Garage Plans and Elevations; L(91)101 Rev P1 – Floor Plans Type F; L(91)102 Rev P1 – Floor Plans Type F1; 68086-CUR-00-XX-DR-TP-75001-P04 – Access Arrangements and 68086-CUR-00-XX-DR-TP-75003-P01 – Access Details.
- 3) Prior to the commencement of development to demolish the existing buildings on site or to erect the dwellings hereby approved, the works to improve the site access and driveway width shall be carried out in accordance with the approved drawings and for the avoidance of doubt shall include works to ensure that two vehicles may pass at the site entrance and at passing places along the length of the track.
- 4) No development shall commence 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 National Planning Policy Framework or any future definition that replaces it. The scheme shall include:
 - a) The numbers, types, tenure and location of the affordable housing provision to be made which shall consist of not less than 30% of housing units (four units);
 - b) The timing of the conversion/construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - c) The arrangements for the transfer of the affordable housing to an affordable housing provider, or the management of the affordable housing if no Registered Social Landlord is involved;
 - d) The arrangements to ensure that such provision is affordable both for first and subsequent occupiers of the housing concerned; and
 - e) 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.
- 5) No development shall commence until details of the following have been submitted to and approved in writing by the local planning authority:

- a) The proposed hours during which deliveries will be taken at the site (during demolition and construction), which shall avoid school pickup and drop off times;
- b) Details of the provision of suitable off-highway parking for construction related vehicles;
- c) Vehicle cleaning/wheel washing facilities and road cleaning methodology;
- d) The location of any site office and welfare structures;
- e) The provision of an area for loading/unloading materials;
- f) A dust control scheme;
- g) Details of any generators to be used within 50m of an existing residential property (including proposed location, the hours of use, the duration of use, the sound power level, a qualitative noise assessment; and if appropriate proposed noise mitigation measures);
- h) Details of any piling or subsurface vibration ground improvement techniques proposed (including details of the work, monitoring and environmental controls proposed).

The approved details shall be adhered to throughout the demolition and construction period.

- 6) No development shall commence until a structured scheme to identify and remediate any risks associated with actual or potential contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include:

A preliminary risk assessment (component A) which identifies:

- a) All previous uses on or within influencing distance of the site;
- b) Potential contaminants associated with those uses;
- c) A conceptual model indicating the sources, pathways and receptors of contamination
- d) Actual or potentially unacceptable risks arising from contamination
- e) Initial remediation options

As necessary having regard to the findings of component A, a detailed scheme of site investigation (component B) based on component A from which a detailed assessment of risk to all current and future receptors that may be affected, including those off site, will be derived.

As necessary having regard to the findings of component B, remediation options appraisal and implementation strategy (component C), based on the detailed results of component B, giving full details of the remediation measures required and how they are to be undertaken.

As necessary having regard to component C, a verification plan providing details of the data that will be collected in order to demonstrate that the remediation works set out in component C are complete and effective and

identifying any requirements for longer term:- monitoring of pollutant linkages; maintenance, contingency actions and reporting.

The pre-development structured scheme shall be implemented wholly as approved.

If during site preparation, demolition or development works contamination is encountered or suspected in areas where it had not been anticipated, is from a different source or contains a new contaminative substance or affects a new pathway or receptor, then no further works than those necessary to secure the area and control pollution risks shall be carried out until a revised risk assessment and remediation and verification strategy are submitted to and approved in writing by the local planning authority.

If during site preparation, demolition or development works contamination is encountered or suspected in areas where it had not been anticipated being from an existing risk assessed source, containing comparable risk assessed substances and affecting an already risk assessed pathway or receptor which could be addressed by a simple extension of the approved measures to a larger area, then the local planning authority shall be notified in writing as soon as is reasonably possible confirming the areas affected, the approved investigation, remediation and validation measures to be applied and the anticipated completion timescale.

- 7) The development hereby approved shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles, and method of implementation and maintenance have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and maintained in accordance with the approved details and timetable.
- 8) The building known as White Gables shall not be demolished until a programme of historic building recording and analysis in respect of that building has been carried out in accordance with details which shall first have been submitted for the written approval of the local planning authority.
- 9) The development hereby approved shall not be erected above ground level until details/samples of external facing materials to be used in the buildings have been submitted to and approved in writing by the local planning authority. The development shall be accrued out wholly in accordance with the agreed details.
- 10) The development hereby approved shall not be erected above ground level until a scheme for the provision of bat boxes and swallow cups within the proposed development has been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented prior to first occupation of the buildings hereby proved, and all bat boxes and swallow cups shall thereafter be retained.
- 11) Prior to first occupation of any dwelling hereby approved details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and shall include:
 - a) Means of enclosure, including provision of hedgehog holes;
 - b) Hard surfacing materials and layout;

- c) Planting schemes for communal areas including replacement tree planting and incorporating native species;
- d) A timetable for implementation.

If within a period of 5 years from the date of planting any tree planted in accordance with the approved scheme (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree.

- 12) The development hereby approved shall not be occupied until all works within the public highway are submitted to and approved in writing by the local planning authority. The works shall be carried out wholly in accordance with approved drawings prior to the first occupation of the development or otherwise in accordance with a timetable for completion which shall have been submitted to and approved in writing by the local planning authority.
- 13) The plot accesses, parking and turning areas shall be laid out and made available for use prior to the first occupation of the development hereby approved or otherwise in accordance with a timetable for completion which shall have been submitted to and approved in writing by the local planning authority.
- 14) Lighting shall be provided along the access road in accordance with details (including a timetable for implementation) which shall be submitted to and approved in writing by the local planning authority prior to first occupation of any dwelling hereby approved.
- 15) Development shall only be carried out in accordance with the Bat Mitigation and compensation proposals as detailed in the Leigh Ecology Ltd. Whitegables Bat Activity Report and Mitigation Strategy document dated 6 September 2017 and White Gables – Proposed Swallow Nestbox Positions drawing.
- 16) Development shall only be carried out in accordance with the submitted Arboricultural Impact Assessment & Method Statement ref. 17/AIA/A/CHE(W)269 (Rev C) prepared by Tree Solutions.
- 17) No development, including demolition and/or construction, shall be carried out other than between:

0800 hours and 1800 hours Monday to Friday

0800 hours and 1300 hours on Saturday

For the avoidance of doubt, no development shall be carried out at any time on Sundays or Bank Holidays.

APPEARANCES

FOR THE APPELLANT:

Steve Goodwin	Goodwin Planning Services
Lee Kendall	Axis
Christopher Taylor	RADM Architects
Ellie Park	RADM Architects
Andrea Morris	Vivio Developments

FOR THE LOCAL PLANNING AUTHORITY:

Nick Smith	Cheshire West and Chester Council
Graham Foulkes	Atkins

INTERESTED PARTIES:

Maurice Townley	Local resident
David Richards	On behalf of residents of The Beeches
David Ashton	On behalf of residents of St James Avenue
Ann Hughes	Local resident
Peter Upton	Local resident
Cllr Adrian Walmsley	On behalf of Upton Parish Council and Upton High School
Alison Pavia	Local resident
Joseph Pavia	Local resident & Stagecoach Chester employee
Sarah Brocklehurst	Local resident
Cllr Jill Houlbrook	Borough Councillor
Paul Murphy	Local resident
Linda Webb	Local resident

DOCUMENTS SUMMITTED AT THE HEARING

1. Copies of emerging plan policies.
2. Copy of consultation response from Play and Open Space.
3. Copy of consultation response from housing.
4. Copy of all consultation comments received by the Council.
5. Photographs provided by Alison Pavia taken at the junction of St James Avenue and Plas Newton Lane at 16:30 on a day in November 2018.
6. Copy of a land registry plan relating to Beechwood.
7. Copies of Chester West & Chester Council Local Plan (Part One) Strategic Policies.

Richborough Estates