



Appeal Decision

Inquiry held on 12-15 February, and 21-22 May 2019

Site visits made on 11 February, 20 March and 22 May 2019

by John Felgate BA(Hons) MA MRTPI

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

Decision date: 24 June 2019

Appeal Ref: APP/M3455/W/18/3204828

Land off Meadow Lane/ Chessington Crescent, Trentham, Stoke-on-Trent

- 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 Ascalon Properties Ltd against the decision of Stoke-on-Trent Council.
 - The application Ref 57901, dated 9 January 2015, was refused by notice dated 14 December 2017.
 - The development proposed is the erection of 227 dwellings with associated landscaping and access.
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Decision

1. The appeal is allowed and planning permission is granted, for the erection of 227 dwellings with associated landscaping and access, on land off Meadow Lane/ Chessington Crescent, Trentham, Stoke-on-Trent, in accordance with the terms of the application, Ref 57901, dated 9 January 2015, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. When the application was originally submitted, it was for "276 dwellings, together with open space, landscaping and new site access". Subsequently, the application was amended, with the Council's agreement, first to 245 dwellings, and then to 227. The Council's decision to refuse permission was based on the revised description set out in the headings above. The application seeks full planning permission for the development thus described.
3. The appellants, Ascalon Properties Limited, have entered into a Section 106 Agreement with the Council. The Agreement requires 57 of the proposed dwellings to be affordable housing, with further provisions as to the tenure mix, location, and timing of those units. The Agreement also secures a financial contribution to local school provision, and sets out the arrangements for the management and maintenance of the proposed on-site public open space.
4. In addition, the appellants have entered into a Unilateral Undertaking, also under S.106, to pay a contribution to the costs of providing a pedestrian bridge over the Trent & Mersey Canal. Alongside this, they have submitted a further planning application, for the construction of such a bridge, adjacent to the appeal site. At the time of the present inquiry, that application was still under consideration by the Council. For the avoidance of doubt, the application for the new bridge is a separate matter from this appeal, and is not before me for determination.

5. As well as the Council, other parties appearing at the inquiry in opposition to the appeal proposal included local residents and representatives of 'Keep Our Meadow Green' (KOMG), a local amenity group. KOMG was designated as a 'Rule 6' party.

Other Procedural Matters

6. Shortly before the opening of the inquiry, and after the deadline for submission of evidence, the Council sought to submit proofs of evidence from Mr Terry Wang and Mr Charles Hutchinson, both in rebuttal of the appellants' evidence on highway matters. The Council had already submitted a proof of evidence on highway matters from Mr Chris Oakley. At the same time, the Council also submitted a further rebuttal proof from Mr Oakley himself. The submission of these rebuttal proofs was not objected to by the appellants, but the need for them was questioned by me, having regard for the need to make proper use of inquiry time and avoid duplication. Following further correspondence, the Council was permitted to table all of its highway rebuttal proofs, but was required to present its oral evidence on these matters through a single witness. The Council chose to call Mr Oakley for this purpose, and subsequently, he was also permitted to submit a further rebuttal on 3 May 2019, while the inquiry was adjourned. I am satisfied that neither the Council nor any other party was prejudiced by the procedure adopted with regard to the highway evidence.
7. Also during the adjournment period, on 14 and 15 May 2019, the appellants submitted further rebuttal documents of their own, on highway matters and ecology. These were accepted because the submissions covered matters which were pertinent to the inquiry, and on which the relevant witnesses were yet to give evidence. KOMG had previously submitted rebuttals in relation to both of these topics, but were refused permission to make further written submissions in response to the appellants' further rebuttals. This was because KOMG's witnesses had already given evidence, and I considered that their position was clear. Nevertheless, KOMG were permitted to recall their ecology witness to present further oral evidence, and were given the opportunity to cross examine the appellants' witnesses on both ecology and highway matters. Again I consider that this procedure ensured fairness to all parties.

Relevant Development Plan Policies

8. In the Core Spatial Strategy¹ (the CSS) adopted in 2009, the appeal site comprises unallocated land, lying within the Outer Urban Area (the OUA).
9. For the purposes of this appeal, the Council's refusal reason relies on Policy SP3, which sets out 'spatial principles for movement and access', for the city as a whole. Principle 1 seeks to improve accessibility and social inclusion, through providing for sustainable and well-connected communities. Principle 2 aims to maximise the accessibility of new residential developments, by walking, cycling and public transport. Principle 5 promotes safer travel and safer environments, including by delivering infrastructure improvements with new development, where appropriate. In the present appeal, the Council argues that there is conflict with these three principles.
10. Also of some relevance is Policy ASP3, which relates to development in the OUA area. In this outer area, the policy seeks to provide 5,100 dwellings over the period 2006-26, of which 1,200 are to be in areas designated for housing

¹ The Newcastle-under-Lyme and Stoke-on-Trent Joint Core Spatial Strategy, adopted October 2009,

intervention, under the Government's former 'Pathfinder' housing market renewal programme. Elsewhere in the OUA, Policy ASP3 requires new housing to be located to support market renewal, communities and town centres. The appeal site is not within any of the identified areas. However, the Pathfinder programme was brought to an end by the Government in 2011, and since then, the Council has regarded Policy ASP3 as out-of-date, in so far as it relates to matters concerning dwelling numbers and their location within the OUA. In the present appeal it is agreed between the parties that no weight should be given to these elements of Policy ASP3.

11. In addition to these matters, Policy ASP3 also seeks to ensure that development in the OUA addresses imbalances in tenure, improves the quality of the housing stock, meets local needs, and complements regeneration in the Inner Core. In the present appeal, no conflict is alleged by the Council in relation to any of these elements of the policy.
12. An emerging new Local Plan is at an early stage. It is common ground that this carries little weight in the present appeal.

Main Issues

13. Having regard to all the submissions before me, the main issues between the parties are as follows:
 - the effects of the proposed development on the capacity and safety of the local road network;
 - the effects on wildlife;
 - and whether there is a five-year supply of deliverable housing sites.

Reasons for Decision

Highway capacity and safety

General safety considerations relating to the Meadow Lane/Longton Road junction

14. Meadow Lane and Chessington Crescent form part of an existing residential enclave of about 370 dwellings. The single access into this area is via Meadow Lane's junction with Longton Road, part of the A5035. The 227 new dwellings now proposed would gain access via this same junction, and would add to the existing levels of both vehicular and pedestrian traffic through it. In percentage terms, the increase in the number of properties served would be significant. On the opposite side of Longton Road there are further accesses, to a small group of houses at Canal Mews, and to Haversham House care home, and to a petrol station. Traffic flows on Longton Road are fairly heavy at times, and drivers emerging from Meadow Lane need to exercise care and sometimes patience. In this type of situation, the safety of road users is an important consideration. However, none of these circumstances is unusual in a large urban area such as Stoke-on-Trent.
15. Although Meadow Lane serves a substantial number of existing properties, it carries no through traffic. As a result, the volume of traffic using the Longton Road junction is not particularly high. On Longton Road itself, the speed of traffic is quite slow, especially during busy periods, so that 'courtesy gaps' are often created. From the appellants' 2018-based traffic surveys, the average maximum queue in the morning peak period is no more than about three vehicles in length, meaning that any queuing beyond this number is likely to be

infrequent and brief. This finding is not disputed by the Council, and indeed is consistent with my own observations. Earlier traffic counts suggested a wider range of variation in flows, but the 2018 figures are the most recent, and I am not aware of any reason to doubt their accuracy.

16. In any event, over a period of nearly 20 years, the junction has had a good safety record, with few serious accidents of any kind, and none involving vehicles turning either into or out of Meadow Lane itself. Overall, I see no reason to regard the Meadow Lane/ Longton Road junction as a likely cause of danger.

The development's effects on junction performance

17. The details submitted at the appeal stage include revised proposals for improvements to the junction in question. No party has objected to these amended details being considered. As now proposed, the Meadow Lane carriageway would be widened to accommodate separate right- and left-turning lanes for outbound movements into Longton Road, with capacity for up to six vehicles in the right-turn lane, as well as providing a wider radius for inbound movements from the west, and a central refuge for pedestrians. The separation of the outbound traffic into two lanes in this way would help in the efficient dispersal of traffic from the junction, by avoiding or reducing the tendency for left-turning vehicles to be held up behind those waiting to turn right. Therefore although the development as a whole would add to the total number of traffic movements through the junction, the proposed off-site works would mitigate that impact to some extent, by limiting the amount of queuing and delays that would otherwise occur.
18. The appellants' 'PICADY' modelling for 2025, after the completion of the proposed development and with the off-site junction improvements, suggests that the maximum queue lengths in the morning peak, for out-bound movements, would be up to three vehicles in the right-turning lane, and one vehicle in the left. Under these conditions, the actual delays experienced are forecast to be no more than around 51 seconds and 18 seconds respectively. For those waiting to turn right, this would be little different from the present situation; and for those turning left, the average delay would be significantly less than it is now. Consequently, if these forecasts are accurate, the proposed development's overall effect on peak-hour congestion would be beneficial.
19. Furthermore, the extent of this potential benefit becomes more marked when viewed in the light of future traffic growth. Across the network as a whole, the level of general background traffic is likely to continue to rise, with or without the development now proposed. In the absence of the present appeal proposals, there is little likelihood of any improvement to the Meadow Lane junction, and conditions there are therefore likely to worsen. In this future scenario, without the development, the appellants' forecasts suggest that the queue length for out-bound vehicles will reach 4 vehicles by the year 2022, and 5.5 vehicles by 2025, with delay times of up to 79 seconds in the latter case. In the corresponding 'with-development' figures, this background growth is already included.
20. Consequently, when these future year forecasts are compared, it appears that even with 227 new dwellings at the appeal site, the effect of the junction improvements would be to significantly reduce queuing and delays, not only for left-turning traffic, but also for right-turning vehicles too. On this basis

therefore, the overall net effect of the development would be to improve conditions on Meadow Lane for all traffic.

The 'Direct Intercept Adjustment'

21. As in any case of this kind, any conclusions that may be drawn on the above matters are dependant to a large extent on whether the appellants' traffic modelling provides a reliable evidential basis. In the present case the Council and KOMG suggest that in the with-development future scenario, the model should incorporate a 'direct intercept adjustment' (DIA), or intercept correction, in the same way as it does in the base model. Re-applying the DIA in this way would lead the model to predict longer queues, in both the right and left turning lanes.
22. I accept that this might well be seen as the preferred approach in some cases, particularly in larger-scale, strategic highway modelling. However, in the case of a single-junction model such as this, the relevant guidance is less prescriptive, and the decision whether or not to carry forward the DIA requires a professional judgement, based on the characteristics of the local network and the nature of the proposed scheme. In the present case, the proposed improvements would alter the junction's physical geometry and layout. It is not clear whether the existing geometry was the only reason why a DIA was needed in the base model, but it seems likely that this was at least a significant factor. There is no clear evidence that traffic flows on Longton Road had an equal or greater influence. In this context, I have had regard to TRL's mathematical equation for predicting turning stream capacities, but in the circumstances of this case, I do not find this conclusive. Overall, I see no clear or convincing evidence that the appellants' approach was flawed due to the exclusion of the DIA in the with-development scenario.
23. Furthermore, if this omission was a fundamental error, as suggested, it seems likely that this would be reflected in modelling outputs that contained obvious anomalies. But in this case no such signs are apparent. Bearing in mind the matters set out above, including the shortness of the existing queues in Meadow Lane, and the nature of the proposed improvements, effectively doubling the junction's exit capacity, I see nothing in the appellants' modelling results that looks in any way surprising, or suggestive of hidden errors.
24. Clearly there is no guarantee that the traffic model will prove to be accurate in every respect, but to look for such a high degree of confidence would be unrealistic. In the circumstances of this case, for the reasons given, I find no reason to doubt that the method used, including the omission of the DIA, is appropriate and acceptable. I therefore consider that the modelling carried out by the appellants provides a reasonable basis on which to judge the appeal proposal's impact on the Meadow Lane junction.

The Council's alternative scenario

25. If the Council's alternative methodology were adopted, the outcome would be a maximum queue of eight vehicles waiting to turn right during the morning peak period. If that were to occur, then right-turning vehicles could face a delay of nearly three-and-a-half minutes. And in addition, the right-turn queue would extend beyond the six-vehicle capacity of the newly-created right-turn lane, so that left-turning vehicles would also suffer some delay, until they reached the

point where the two lanes separate. However, the Council acknowledges that all of this is seen as the worst-case scenario.

26. To my mind, although delays of this nature would not be desirable, nor are they unusual in an urban environment. Neither do I accept that queuing on this relatively minor scale would cause such frustration and impatience that drivers would be likely to resort to dangerous manoeuvres. Consequently, having regard to the terminology used in NPPF paragraph 109, I do not consider that the scenario foreseen by the Council would amount to either a severe residual cumulative impact on the network, or an unacceptable impact on highway safety.
27. Furthermore, if the Council's worst-case predictions did prove to be correct, there seems no reason why the impact could not be mitigated by using 'yellow-box' or similar markings, as has been done at some other junctions along Longton Road. I appreciate that in this scenario there would be no provision to recoup the cost from the developer. But nevertheless, the existence of a practical fall-back position reinforces my view that the risk of a permanent severe or unacceptable highway impact is low.
28. And in any event, for the reasons already stated, my own opinion is that the Council's fears are more likely to be proved wrong, as there is no compelling reason to doubt the adequacy of the modelling carried out by the appellants.

Design and layout of the junction improvements

29. Although the Meadow Lane/Longton Road junction as a whole would be widened, the introduction of a third lane and a central refuge would mean that the available width for some turning movements would actually be slightly more constrained than in the present layout. This could potentially have implications for some larger vehicles. But nonetheless, the appellants' swept-path diagrams show that such movements could be carried out successfully, by rigid-bodied trucks of at least 12m in length, without any need for excessive manoeuvring, and without over-running of the kerbs or footways. This would allow for most day-to-day requirements, including refuse collections, home delivery services and furniture removals, and also fire engines.
30. It is fair to say that in such movements the margin for error would be limited. I also appreciate that for some types of turning movements, large vehicles might have to straddle more than one lane at some point during the manoeuvre. But all drivers of heavy goods vehicles are required to have the proper training, and to satisfy the licensing requirements for vehicles of that kind. It is therefore reasonable to assume a sufficient level of competence, and care, on their part. Based on the submitted evidence, it appears to me that the proposed new layout could safely accommodate most of the types of vehicles likely to use the junction on a regular basis.
31. On some occasions there may be a need for access by vehicles longer than 12m, including articulated lorries, and in those cases, negotiating the junction might well require some additional manoeuvring. But this is not uncommon in residential developments, and there is no dispute that such over-size vehicles could still be physically accommodated through the junction as and when required. The manoeuvring needed on those occasions might cause temporary delays to other traffic, but for the most part, the numbers of vehicles of this type are likely to be fairly small; and during the construction process itself, the

numbers could be further controlled if necessary, through a construction management plan. After gaining access through the junction, large vehicles might also encounter obstructions elsewhere along Meadow Lane or Chessington Crescent, but that is no different from the existing situation, given that there is no legal limit on the size of vehicles that may use these streets. Consequently, the possible occasional need to accommodate vehicles larger than 12m does not undermine the adequacy or safety of the proposed junction improvements.

32. Longton Road is well used by pedestrians for access to local facilities, including local schools. There are also a number care homes in the vicinity. The extra vulnerability of children, and of wheelchair users and their carers, needs to be taken fully into account. The development of the appeal site would add to the overall numbers of movements through the junction, by both vehicles and pedestrians, including crossing movements across the mouth of Meadow Lane. But the introduction of the proposed central refuge would mean that pedestrians could undertake the crossing in two stages, focussing their attention on traffic approaching from one direction at a time. To my mind this would clearly offer a significant safety advantage over the existing arrangement.
33. The width of the refuge, at 1.5m, would be slightly less than the Council's preferred size, but within the range permitted by guidance. Given the limited margins, users would have to maintain a reasonable level of alertness. But this is something which would normally be expected in a main road location of this nature in any event.
34. I therefore find no cause for concern regarding the design and layout of the proposed junction improvements.

Conclusions on highway safety

35. For the reasons set out above, I conclude that the proposed alterations to the Meadow Lane/Longton Road junction would increase the junction's capacity, improve its performance, and more than offset the impact of the proposed development of 227 dwellings on highway capacity. Queuing and delays would therefore be reduced to below the levels that would occur by 2025, even without the development.
36. The proposed junction improvements would also improve on the junction's current level of safety, particularly for pedestrians, and would achieve an appropriate balance between safety and capacity considerations.
37. In both these respects, the proposed development would help to meet the aims of CSS Policy SP3, by promoting safer travel and safer environments, through infrastructure improvements allied to new development.

Effects on wildlife

38. Impacts on ecology and wildlife are not raised in the Council's refusal reasons, but the issue is contested by KOMG. The evidence is set out primarily in a series of ecological survey reports, assessments and updates, dated May 2014, January 2015, December 2018, and January, February and May of 2019. The January 2019 report included a plan illustrating badger sett locations, which was omitted from the version originally circulated, for reasons of confidentiality

and compliance with Reg. 12 of the Environmental Information Regulations 2004. I have had full regard to all of these documents, as well as to the consultation responses from the Council's Ecology Officer, the correspondence tabled between her and the appellants' consultants, KOMG's main and rebuttal proofs on these matters, and the oral evidence given at the inquiry.

39. General ecological surveys of the site were undertaken in April and August 2014, September and November 2018, and January and May 2019. Specific surveys for bats were carried out on three of these occasions, including daylight bat habitat surveys, dusk and dawn emergence and re-entry surveys, and activity transect surveys. I note KOMG's contention that the number and timing of these surveys fell short of what is recommended by Natural England. However those recommendations are for guidance rather than mandatory. Having regard to all the material before me, I consider that the surveys undertaken were proportionate to the nature of the site, and adequate in the circumstances of this case.
40. With regard to bats, it appears that some foraging or commuting activity takes place across the appeal site, and some of the trees have been identified as having high or moderate potential to support roosting bats. But no evidence has been found of any actual roosts currently on the site, and no roosts would therefore be disturbed by the development. The proposed layout would allow all of the relevant trees to be retained and protected, together with the main hedgerows and potential foraging corridors, such as along the Newstead Brook. Although bat activity is likely to reduce during construction, there seems no reason why the existing commuting and foraging patterns should not be resumed in due course, provided that any external lighting in these areas is sensitively designed. The development also offers some scope for the introduction of new roosting features, and new green corridors with appropriate planting to support further bat populations.
41. A large badger sett is located about 100m to the north of the appeal site, and a smaller outlier is about 14m to the south-east. However, these are both outside the site, and no built development is proposed within about 170m and 110m respectively from these setts. There is no sett within the site itself. A network of badger pathways traverses the adjoining railway corridor, and some of these extend into and across the site, and alongside the Trent & Mersey Canal. In the proposed development, these routes would be incorporated into the new open space corridors. Although acoustic fencing would be needed along much of the eastern boundary, this could be designed to allow the passage of badgers. Inevitably, there would be some disturbance during construction, but effective mitigation measures could be secured by condition. After completion, some potential foraging territory would be permanently lost, but the evidence suggests that the main foraging grounds are beyond the site, to the north and south. In the light of the evidence, I am satisfied that badger access to these areas, and connectivity between the setts, could be preserved.
42. No other significant ecological impacts have been identified. Overall, I conclude that, subject to appropriate conditions, the development could be carried out without unacceptable harm to wildlife, ecology or biodiversity.

Housing land supply

The housing requirement

43. There is no dispute regarding the requirement side of the 5-year land supply assessment. The CSS is more than five years old, so the assessment is based on local housing need, which is to be calculated by the standard method, based on the 2014-based household projections, and the affordability ratio which was updated in March 2019. It is also agreed that the relevant period is 2018-23, and that the appropriate buffer is 5%. On this basis the agreed requirement figure is 2,600 dwellings. On the other side of the equation, the Council claims a deliverable supply of 3,227 units.

Student housing

44. With regard to housing for students, the Planning Practice Guidance (PPG) states that such accommodation can be counted towards the housing requirement, based on the amount of housing it releases back to the market. The PPG then goes on to say that calculations should be based on the average number of students living in student-only households, using published census information. In the present case, the Council's 5-year supply includes an allowance of 702 units in this category. This is the number of existing dwellings which are estimated to be likely to be released back to the general housing market, as a result of three student housing developments with a total of 1,357 bedrooms.
45. In oral evidence, the Council's housing witness confirmed that this figure of 702 units is based on an assessment of the specific types of accommodation to be provided in each case. It was also confirmed that an occupancy ratio derived from census data has been applied where appropriate. Although the level of detail is quite limited, these aspects of the Council's methodology have not been seriously challenged by the appellant. In the circumstances, I see no reason to doubt that the resulting figure represents a reasonable approximation of the number of housing units likely to be regained through building new accommodation for students.
46. I note the evidence regarding changes in the number of 'Class N' Council Tax exemptions over recent years. To my mind however, this evidence needs to be viewed with a good deal of caution. It is possible that the number of such exemptions may be influenced in part by the release of former student housing back to the market. But the number could also be susceptible to many other variables, such as changes in the overall student population, the reorganisation of campuses, the numbers of international students, and changes in commuting patterns. None of these effects are fully known. It is also not clear whether some or all of the new purpose-built student apartments may themselves have become registered for exemption over the same period, thus potentially invalidating any conclusion that might be drawn. The picture is further clouded by data protection issues, which prevent the Council from releasing specific address details. For all these reasons, I consider the number of Class N exemptions to be an unreliable indicator in this case.
47. In any event, it seems to me that in seeking to delete the contribution from new student housing in its entirety, the implication of the appellants' case would be that building such accommodation may be assumed to produce no benefit to the general housing stock at all. This seems to me an unlikely

outcome, and I see nothing in the PPG that would justify this approach.

Rather, what the PPG advocates is that the contribution is recognised, based on a realistic, evidence-based assessment, and that this is reflected in the overall housing figure. For the reasons given above, I find the Council's approach more consistent with this guidance.

48. I conclude that the figure of 702 dwellings resulting from new student housing should be accepted as part of the Council's 5-year supply.

Windfall allowance

49. In recent years, the District has suffered from a lack of housing sites allocated through the development plan process. Consequently, the great majority of the housing completions that have been achieved in this period have been on unallocated sites, and count as windfalls. Since 2006, these have averaged at around 222 units per annum. In assessing its deliverable supply for the next five years, the Council has assumed that further windfalls are likely to continue to come forward at this same rate. After deducting two years' worth for permissions already granted, they have included an allowance of 666 units for the remainder of the 5-year period.
50. The NPPF and PPG allow the inclusion of a windfall allowance where there is compelling evidence. In the present case, the evidence of past completions is not challenged, and neither is the fact that the majority of these were on previously unallocated land. There seems no reason to expect the supply of such sites to dry up within the next five years.
51. I have no reason to doubt that the sites included in the past windfalls must have included some 'major' developments. Under the PPG's recently revised definitions, sites of over 10 dwellings without full planning permission could not normally be counted as deliverable if they were included as identified sites. But nevertheless, in calculating a windfall allowance, it is reasonable to reflect the rate at which unidentified sites have previously come forward, in all size categories.
52. On the Council's own figures, the windfall completions rate appears to have dropped slightly in the last two years. However, the 12-year period used by the Council also includes many other fluctuations, both up and down. For forecasting purposes, I consider this longer-term period is likely to prove a better guide.
53. Looking at the identified (non-windfall) sites in the Council's 5-year forward supply, although most of these sites were themselves originally windfalls, in most cases there is no dispute that they have now reached the stage where they can be counted as deliverable. I see no basis for the suggestion that the inclusion of these identified sites, alongside the windfall allowance, involves some form of double-counting.
54. I am therefore satisfied that in this case compelling evidence exists for the inclusion of a windfall allowance, and that the Council has adequately supported its figure of 666 dwellings.

Conclusion on 5-year housing land supply

55. From the evidence before me, the Council's land supply figure of 3,227 dwellings appears reasonably robust. On this basis, I am satisfied that a deliverable supply in excess of 5 years' worth has been demonstrated.

Other Matters

The Canal Bridge contribution

56. The Undertaking commits the present or future owners of the land to pay to the Council sums of money totalling £600,000, in two stages, to enable the Council to provide a pedestrian bridge over the Trent & Mersey Canal, adjacent to the appeal site. This sum is said to have been calculated to cover the full costs of such a bridge, including its design, procurement, construction and future management. The Undertaking allows for the location and design of the bridge to be determined by the Council, and does not tie the contribution to the particular scheme submitted by the appellants in April 2019. The costs of a further planning application, if necessary, are also allowed for.
57. There is no disagreement between the parties as to the adequacy of the sum provided for, nor regarding the terms of the Undertaking generally. However, the appellants question the need for such a bridge, and invite me to find that the proposed contribution fails to meet the statutory tests for planning obligations, under the Community Infrastructure Levy Regulations 2010 (the CIL Regulations).
58. If a bridge over the Canal were provided, either in the location currently proposed or somewhere in the near vicinity, residents of the new development would be able to walk across from the appeal site to the opposite towpath, and then via Atlantic Grove, to Pacific Road and onward to New Inn Lane. This route would shorten the distances from the site to the Priory School, Trentham Academy, the 'Man in Space' pub, two pharmacies, the Hanford Health Centre and dental practice, and the Co-Op foodstore. Alternatively, from the new bridge's landing point, one could turn south along the towpath, and cut through via Earls Road, to Brough Lane and The Lea. From some parts of the site this would slightly shorten the distances to the Ash Green School, and the two small shopping parades in that area, including the Post Office. In addition, the Canal's western towpath is evidently a well-used facility in its own right, forming part of a longer-distance leisure route, and providing access on foot or by cycle to other facilities further afield, and the new bridge would bring access to this route much closer.
59. I accept that in some cases, even with a new bridge, some of these facilities would still be beyond regular walking distance for some people. In some other cases, the reduction in distance brought about by a bridge would be marginal. And in any event, in some cases, alternative facilities to these are available in other locations closer to the site. But nevertheless, what Policy SP3 seeks to achieve, in its Principles 1 and 2, is not only to improve but to maximise accessibility. In this connection, the CSS text identifies that one of the plan's key tasks is to support opportunities for walking and cycling in safe and attractive environments, so as to connect communities to each other and to high-performing services and facilities. I see nothing in these aspects of Policy SP3 that is incompatible with the NPPF.
60. Having regard to these policy aims, it seems to me that for residents at the appeal site, the proposed new bridge would open up additional options. With the benefit of the bridge, some journeys by foot would become more attractive or more realistic for some people, whereas without it those journeys would be less likely. For some types of facilities, the bridge would also bring within range a wider choice, such as in relation to schools or convenience shops. In

addition, it would allow users a choice of alternative walking routes by which to access some of these facilities, as well as making the area more permeable and opening up access to a wider network, for casual walking and general leisure purposes. In this latter respect, the bridge's benefits would also be available to existing residents and other potential user, as well as those living at the appeal site.

61. Although the financial contribution provided for in the Undertaking would not guarantee the delivery of the bridge, it would meet the known costs, and make the bridge a realistic proposition. Moreover, it appears that the Council is willing and able to take responsibility for its implementation, albeit this would be subject to the agreement of the Canal and River Trust. Overall, it seems probable that with the benefit of the contribution, the bridge would be likely to be deliverable.
62. All in all therefore, I consider that the proposed bridge would assist in increasing and maximising accessibility between the appeal site and the surrounding area. As such, I am satisfied that the contribution provided in the Undertaking is necessary, for the purposes of meeting the aims of Policy SP3. The contribution is also directly related to the development, and fairly and reasonably related in terms of its scale and kind. The obligation therefore meets the relevant legal tests, and I have taken it into account in my decision.

Other planning obligations

63. The 57 affordable housing units provided for within the S.106 Agreement equates to 25% of the dwellings on the site. This matches the target rate required by CSS Policy CSP6. The obligation in respect of affordable housing therefore meets the tests of the CIL Regulations. It is acknowledged by the Council that the delivery of affordable housing has fallen well short of the District's needs for several years, and indeed in recent years the supply of new affordable housing has almost dried up, largely due to viability issues on brownfield sites. This problem is exacerbated by a high rate of losses due to right-to-buy sales, and a lack of greenfield sites coming through to redress the shortfall. In these circumstances, the provision of 57 affordable units, of varying sizes, is an important benefit of the scheme, and carries significant weight.
64. The formula-based contribution to education provision would amount to £908,000. The contribution is needed to comply with CSS Policy CSP10, and is directly and reasonably related to the development. The obligation therefore meets the relevant tests and I have taken it into account.
65. In addition, the Agreement provides for the setting up of a management company for the maintenance of the proposed on-site public open space, as delineated on Plan 2 forming part of the Agreement. The obligation is necessary and reasonable, to ensure that the open space is maintained in a condition suitable for its intended purpose. I have therefore taken it into account. The provision of the open space itself, including at least one play area, as proposed in the application, would have benefits for the general public, and carries some weight.

Other benefits of the development

66. Aside from the affordable housing, the development would provide 170 further dwellings for owner-occupation. The provision of open market housing in an attractive suburban location of this nature would be likely to assist in stemming the out-migration amongst upper income groups and those with higher educational qualifications, and helping to address the tenure imbalance across the city as a whole, as sought by Policy ASP3. Irrespective of the 5-year supply position, there is no dispute that the boost to the housing supply in all tenures is a benefit weighing in favour of the development.
67. The development would also generate benefits to the local economy. It is agreed that these would include the creation of jobs in construction and in supply chains, and additional household spending to support local businesses. The appellants assess these at 600 jobs and £2.6m p.a. respectively. They also estimate the value of the capital investment at £25m, and the gross added value at £9.6m. There is no evidence before me to counter any of these figures. Overall, I give these economic benefits significant weight.

Effects on the Trent & Mersey Canal Conservation Area

68. The appeal site abuts the boundary of the Trent & Mersey Canal Conservation Area (the CA), and the proposed housing development would lie within the CA's setting. The Canal's opposite bank is flanked by the Pacific Road estate, and indeed for most of its length the Canal runs through the urban area.
69. The development now proposed would change the site from an open meadow to a housing development and open space. This would be a significant change to the CA's setting. However, the Council considers that the development would achieve a high quality in its design and layout, and that this would represent an enhancement. There are no representations to the contrary. I see no reason to disagree.

Conditions, and Reasons for their Imposition

70. The conditions that I consider should be imposed are set out in the attached Schedule. Where necessary, I have edited or rearranged those discussed at the inquiry, in the interests of clarity, brevity and to ensure compliance with the relevant national policy on planning conditions in NPPF paragraph 55.
71. A condition specifying the approved plans (Condition No 2) is necessary to ensure certainty as to the nature of the permission. A phasing plan (No 3) is needed to enable the phased discharge of other conditions. The prior completion of the off-site junction improvement works (No 4) is necessary for reasons of highway safety.
72. Conditions controlling construction activities (Nos 5 and 6) are needed to protect local residents and wildlife respectively, during the construction process. In Condition 5, following the discussion at the inquiry, I have added a provision to allow some control over the sizes of construction vehicles. A separate condition relating to trees (No 7) is also necessary, to ensure their protection, in the interests of wildlife and visual amenity. In the case of Condition 6, there is no need for this to deal further with matters relating to trees or water protection, as I consider these are covered adequately by Nos 5 and 7.

73. Conditions relating to archaeology (No 8) and ground contamination (Nos 9 and 10) are needed to protect the historic environment and human health respectively, and a condition relating to surface water drainage (No 11) is necessary to control any risks of flooding or pollution. In all these cases I have simplified the conditions where possible, to remove unnecessary over-prescriptiveness, and minimise the overall number of conditions, whilst retaining adequate controls.
74. A condition regarding the proposed road bridge across the Newstead Brook, connecting the southern and northern parts of the site (Condition No 12), is needed, to ensure that the bridge meets the appropriate standards with regard to safety and appearance, and to protect the Brook from flood risk or other harm. A separate condition relating to flood risk provisions for the bridge is unnecessary. I have also not included in this condition any provisions relating to a possible temporary bridge, as the proposal shown in the submitted plans is clearly for a permanent structure.
75. A condition relating to materials (No 13) is needed to ensure a high-quality appearance within the setting of the CA. Conditions controlling the type of glazing, and for the provision of acoustic fencing, are necessary to ensure a satisfactory noise climate (Nos 14 and 15).
76. Further details relating to the proposed on-site open space are needed to ensure a satisfactory standard of provision (No 16). A separate condition relating to the proposed 'LEAP' play area is unnecessary, as this forms part of the overall open space. A condition is needed requiring the proposed bus turning area to become open space (No 17), as it is agreed that the facility is no longer likely to be needed for buses.
77. A condition relating to landscaping (No 18) is necessary to secure the implementation of the approved scheme, and to secure a hedge to the northern boundary to give added protection to wildlife beyond that point. However, a requirement for any other further landscape details seems to me unnecessary, as the submitted scheme appears satisfactory. Further details relating to landscape management are necessary (No 19), as the submitted details are incomplete, but there is no need for this condition to be over-prescriptive, and I have simplified it accordingly.
78. Requirements for the phased completion of the on-site roads and footways (No 20) and lighting (No 21) are necessary to ensure satisfactory access for future occupiers. Condition 21 is also needed to minimise impacts on wildlife, as is condition No 22 with regard to nesting boxes. A requirement for electric vehicle charging points (No 23) is necessary to meet future changes in vehicle regulations and consumer preferences.
79. Of the above conditions, Nos 3-9 and No 11 are all designed to take effect prior to the commencement of construction work on the development itself. This is necessary to ensure that these conditions achieve the purposes that I have identified above. However, I see no need for either of Conditions Nos 18 or 19 to be pre-commencement, as in these cases timing provisions related to the occupation of the dwellings would give adequate control.

Conclusions

80. For the reasons set out above I have concluded that, with the benefit of the proposed off-site highway works, the proposed development would reduce queuing and improve safety at the Meadow Lane/Longton Road junction for all road users. In this regard, it would promote safer travel through infrastructure improvements, in accordance with Policy SP3's Principle 5. In addition, by contributing to the provision of a pedestrian bridge over the Trent & Mersey Canal, the development would help to increase and maximise accessibility by sustainable modes within the locality. In this, it would contribute to the aims of Policy SP3's Principles 1 and 2. The scheme therefore accords in all relevant respects with Policy SP3. Having regard to all the matters considered above, I agree that this is the most important policy in the appeal.
81. With regard to Policy ASP3, nothing in that policy seems to me to rule out development at the appeal site. Consequently, irrespective of whether the policy is up-to-date, I find no conflict with the policy's provisions as to housing strategy. The proposed development would help to improve the quality of the city's housing stock, and notwithstanding that it includes some affordable housing, the scheme would help to improve the balance between housing tenures. In these respects I find the appeal proposal to be generally in accord with the most relevant provisions of Policy ASP3.
82. I therefore conclude that the scheme accords with the development plan as a whole.
83. Although the Council has been able to demonstrate a 5-year supply of housing land, this is not intended to be a ceiling. Given that the CSS does not provide an up-to-date basis for assessing or meeting housing needs, the boost that the proposed development would give to housing supply adds significant weight in favour of the appeal, irrespective of the land supply position. Moreover, the 57 affordable units carry particular weight in this respect, for the reasons already outlined. Also weighing in favour, are the scheme's benefits to the local economy, its provision of public open space and play facilities, the public benefit of the new Canal bridge, and the high quality design, enhancing the Canal CA's setting.
84. On the other side of the balance, I have found no unacceptable adverse effects on ecology or biodiversity. I have considered all the other representations made, but none identifies any significant harm that would not be satisfactorily addressed through the conditions that I intend to impose. Nothing of any significance therefore weighs against the development.
85. It follows that planning permission should be granted. The appeal therefore succeeds.

J Felgate

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun not later than three years from the date of this permission.
- 2) The development shall be carried out in accordance with the following approved plans and documents:

450/LP01 Revision 01 - Location Plan
450/PL01 Revision 15 - Planning Layout
450/HL01 Revision 07 - Hard Landscaping Layout
450/BT01 Revision 06 - Boundary Treatments
450/ML01 Revision 07 - Materials Layout
450/RS01 Revision 07 - Refuse Strategy Layout
'Affordable Housing Layout' (unnumbered)
450/SE01 Revision 05 - Site Sections
450/SS01 Revision 05 - Street Scenes
450-BV01 New Road Bridge - Sectional Elevations

450/FAR/A/10 Revision D - The Faringdon (Arts and Crafts)
450/FAR2/C/10 Revision H - The Faringdon 2 (Classic)
450/FAR2/CR/10 Revision H - The Faringdon 2 (Classic Render)
450/KEN/A/01 Revision D - The Kennington (Arts and Crafts)
450/KIN/A/01 Revision A - The Kington (Arts and Crafts)
450/LIN/A/01 Revision C - The Lincoln (Arts and Crafts)
450/LIN/C/01 Revision D - The Lincoln (Classic)
450/LIN/CR/01 - Revision D - The Lincoln (Classic Render)
450/LIN/AR/01 Revision C - The Lincoln (Arts and Crafts Render)
450/PAD/C/01 Revision F - The Padstow (Classic)
450/PAD/CR/01 Revision F - The Padstow (Classic Render)
450/SOM/A/01 Revision E - The Somerton (Arts and Crafts)
450/ASH/C/01 Revision E - The Ashford (Classic)
450/BAR/C/01 Revision D - The Barwick - Floor Plans (Classic)
450/BAR/C/02 Revision B - The Barwick - Elevations (Classic)
450/BRE/CR/01 Revision E - The Brentwood (Classic Render)
450/BRE/C/01 Revision E - The Brentwood (Classic)
450/DAR/C/01 Revision G - The Dartmouth 1 (Classic)
450/FIN/C/01 Revision C - The Finchley (Classic)
450/MOR/C/01 Revision E - The Morpeth (Classic)
450/MOR/CR/01 Revision E - The Morpeth (Classic Render)
450/OKH/C/01 Revision B - The Oakham (Semi) (Classic)
450/SOM/C/01 Revision D - The Somerton (Classic)
450/STA/C/01 Revision F - The Stamford (Classic)
450/STA/CR/01 Revision F - The Stamford (Classic Render)

2414/P03h - Landscape Proposals Strategy
2414/P07b - Soft Landscape Proposals Overview
2414/P08b - Soft Landscape Proposals: Sheet 1
2414/P09c - Soft Landscape Proposals: Sheet 2
2414/P10b - Soft Landscape Proposals: Sheet 3
2414/P11b - Soft Landscape Proposals: Sheet 4
2414/P12b - Soft Landscape Proposals: Sheet 5
2414/P13b - Soft Landscape Proposals: Sheet 6
4870.03 Revision G - Tree Protection Plan - Sheet 1
4870.04 Revision G - Tree Protection Plan - Sheet 2

- 3) No construction or site preparation works of any kind, including off-site highway works, shall be commenced until a phasing plan and programme has been submitted to the Local Planning Authority and approved in writing. The phasing plan and programme shall define the phases into which the necessary works are to be divided, and the sequence of all proposed works, including all pre-construction activities. Thereafter, the development shall be carried out in accordance with the phasing plan and programme as thus approved.
- 4) No other part of the development shall be commenced until the proposed highway works at the Meadow Lane/Longton Road junction, have been fully completed and brought into use, in accordance with the details shown on plan No ITM12409-SK-004.
- 5) No works of any kind, including off-site highway works, and including site clearance or site preparation works, shall be commenced until a Construction Management Plan (CMP) has been submitted to the Local Planning Authority and approved in writing. The CMP shall include details of:
 - i) construction access, including the types and sizes of vehicles to be used;
 - ii) hours of work;
 - iii) the location of contractors' compounds and cabins, material storage areas and contractors' parking;
 - iv) measures for the management and suppression of dust;
 - v) wheel washing facilities;
 - vi) road cleaning arrangements; and
 - vii) measures to control the risk of contamination to Newstead Brook, due to surface water run-off during construction.

Thereafter, all construction activities shall be undertaken strictly in accordance with the approved CMP throughout the development programme.

- 6) No works of any kind within the development site, including site clearance or site preparation works (but excluding off-site highway works) shall be commenced, until a Biodiversity Management Plan (BMP) has been submitted to the local planning authority and approved in writing. The BMP shall include the following:
 - i) risk assessment of potentially damaging construction activities;
 - ii) identification of biodiversity protection zones;
 - iii) method statement for protection of any bats in trees with potential roost features;
 - iv) further surveys for badger, water vole, and nesting birds, and any necessary protection measures in respect of these species;
 - v) eradication measures for non-native invasive plant species; and
 - vi) roles and responsibilities of on-site staff, and lines of communication.

Thereafter, the approved BMP shall be implemented and adhered to throughout the construction period, and all construction and related activities shall be undertaken strictly in accordance with it.

- 7) Except where otherwise indicated in the approved plans, all of the existing trees and hedgerows within the site shall be retained, and protected during the construction of the development. No tree or hedgerow thus retained and protected shall be cut down, uprooted, destroyed, or lopped or topped, other than in accordance with the approved plans. No construction work, site clearance or site preparation works shall take place

within the development site (excluding off-site highway works), and no equipment, machinery or materials shall be brought on to the site, until protective fencing has been installed around the trees and hedges to be retained, in accordance with the details in the submitted Arboricultural Impact Assessment and Method Statement. Thereafter, the protective fencing shall be kept in place until all equipment, machinery and materials have been removed from the site. If, during the construction of the development or within 5 years after planting, any retained tree or hedge is removed, destroyed or dies, it shall be replaced with a new tree or hedge, of a size and type to be specified in writing by the local planning authority.

- 8) No construction works, site clearance or site preparation works (apart from off-site highway works), shall be commenced within any phase of the development until a programme of archaeological work for that phase, including a Written Scheme of Investigation, has been submitted to the Local Planning Authority and approved in writing. The details to be submitted shall include a timetable for the necessary archaeological work, and the work shall be carried out in accordance with the details thus approved.
- 9) No construction, site clearance or site preparation works (excluding off-site highway works) shall be commenced until the land has been made safe for use as residential development and public open space, by removing any unacceptable risks due to ground contamination, in accordance with a detailed remediation scheme, to be submitted to the Local Planning Authority and approved in writing. Thereafter, the necessary remediation works shall be carried out in accordance with these approved details. No dwelling shall be occupied until a verification report has also been submitted to the Local Planning Authority and approved in writing, confirming that the completed works have been successful.
- 10) If, during the course of construction, any contamination is found which has not been identified previously, no further work shall take place until that contamination has been removed or rendered harmless, in accordance with additional measures to be submitted to and approved in writing by the local planning authority. No dwelling in the affected area shall be occupied until a further verification report has been submitted to the Local Planning Authority and approved in writing, confirming that these further works have been completed and have been successful.
- 11) No development within any phase of the development (excluding off-site highway works) shall be commenced until detailed proposals for surface water drainage within that phase have been submitted to the Local Planning Authority and approved in writing. The details to be submitted shall include measures to protect water quality and to control surface water run-off, both during construction and after completion, and the arrangements for the future management and maintenance of the surface water drainage system. No dwelling shall be occupied until the necessary surface water drainage infrastructure to serve that dwelling has been installed, and thereafter the system shall be managed and maintained in accordance with the approved details.
- 12) Within that part of the site lying to the north of the Newstead Brook, no construction works (other than site investigations or remediation works) shall take place until the proposed road bridge over the Newstead Brook has been completed and opened to construction traffic. No construction work relating to this bridge shall be commenced

until further details have been submitted to the local planning authority and approved in writing. These further details shall include:

- i) full engineering and structural details of the bridge;
- ii) details of the materials, finishes, and colour treatments to be used on the bridge; and
- iii) an updated Flood Risk Assessment which shall address any issues relating to flood risk, mitigation measures, and floodplain compensation, arising from the detailed design of the bridge.

Thereafter, the bridge shall be constructed in accordance with these approved details, and those shown on plan No 450-BV01.

- 13) No construction works on any new building shall be carried out above the ground floor slab level until details of the facing materials to be used (including bricks and associated bonding, mortar selection and pointing style, cladding/render systems, windows and doors, rainwater goods and roofing materials) have been submitted to the Local Planning Authority and approved in writing. Thereafter, the development shall be carried out using these approved materials, and no others shall be substituted without the written approval of the Local Planning Authority.
- 14) No construction works on any new dwelling shall be carried out above the ground floor slab level until details of the glazing specification for that dwelling have been submitted to the Local Planning Authority and approved in writing. The details to be submitted shall include details of the acoustic properties of the proposed glazing. The development shall be carried out in accordance with these approved details, and no other glazing types or specifications shall be substituted without the written approval of the Local Planning Authority.
- 15) No dwelling within the development shall be occupied until an acoustic fence has been installed along the site's eastern boundary, in accordance with the submitted details, including the Environmental Noise and Vibration Assessment, and in accordance with further details to be submitted to the Local Planning Authority and approved in writing. The further details to be submitted shall include a wind loading assessment, and details of measures to allow the passage of badgers. Thereafter, the acoustic fence shall be retained for the lifetime of the development and maintained in accordance with the details thus approved.
- 16) No dwelling within the development shall be occupied until a detailed scheme for all of the proposed public open space areas within the site has been submitted to the Local Planning Authority and approved in writing. The scheme shall include details of the layout and landscaping of the open space areas, play areas and play equipment, an implementation timetable for these facilities, and the arrangements for their management and maintenance. Thereafter, the open space shall be laid out and maintained in accordance with these approved details.
- 17) Notwithstanding the details shown in the above approved plans, the proposed bus turning facility shown on those plans shall not be constructed. Instead, the area shown for that purpose shall be laid out and maintained as part of the proposed public open space.

- 18) No dwelling within the development shall be occupied until a timetable for the phased implementation of the approved landscaping scheme has been submitted to the local planning authority and approved in writing. In addition to the landscaping proposals approved under the terms of Condition 2, the landscaping scheme shall include a hedgerow to be planted along the site's northern boundary, incorporating provision for access by maintenance vehicles, details of which shall have been submitted to the Local Planning Authority and approved in writing. Thereafter, the approved landscaping works shall be carried out in accordance with the timetable thus approved. Any trees or plants which die or are removed, or become seriously damaged or diseased within 5 years of planting, shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.
- 19) Notwithstanding the details previously submitted, no dwelling within the development shall be occupied until a revised Landscape Management Plan (LMP) has been submitted to the Local Planning Authority and approved in writing. The LMP shall cover all of the existing and proposed landscaping, and shall set out proposals for its on-going management on a long-term basis. Thereafter, the LMP shall be implemented in accordance with the details thus approved.
- 20) No dwelling within any phase of the development shall be occupied until the access roads, turning areas, car parking and footways to serve that phase have been laid out and surfaced, and drainage installed, in accordance with details to be submitted to the Local Planning Authority and approved in writing. Thereafter, these facilities shall be kept available for these uses as approved.
- 21) No dwelling within any phase of the development shall be occupied until a lighting scheme for that phase has been submitted to the Local Planning Authority and approved in writing. The details to be submitted shall include details of technical specifications and light levels, and measures to minimise light pollution and impacts on wildlife, together with a timetable for implementation. Thereafter, the approved lighting scheme for each phase shall be installed and retained in accordance with these approved details.
- 22) No dwelling within the development shall be occupied until details of 25 bird and bat nesting boxes or nesting bricks have been submitted to the Local Planning Authority and approved in writing. The details to be submitted shall include the locations, specifications and type or design of each, and a timetable for their installation. Thereafter, the nesting boxes and nesting bricks shall be installed in accordance with these approved details, and shall be retained for a period of not less than 5 years.
- 23) No dwelling within the development shall be occupied until an external mode 2 compliant electric vehicle charging point for that dwelling has been installed, in accordance with details to be submitted to the Local Planning Authority and approved in writing.

[END]

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Giles Cannock QC
assisted by:
Mr Freddy Humphries

Both of Counsel, instructed by Mr Trevor
Vernon, Solicitor to the Council

They called:

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Senior Planning Policy Officer

Mr Christopher Oakley
BSc(Hons) MSc(Eng) CMILT

Principal Transportation Officer

Mr Philip Murphy
BA(Hons) MPlan

Senior Development Management Officer

FOR THE APPELLANT:

Mr Christopher Young QC

Instructed by Mr C Copestake, of Knights plc

He called:

Mr James Stacey
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Ms Victoria Burrows
BSc(Hons) MSc CEnv MCIEEM

ERAP Consultant Ecologists

FOR 'KEEP OUR MEADOW GREEN' (RULE 6 PARTY):

Mr Phillip O'Connell
Mr Kevin Harborrow
Mr James Parker
BSc MSc CMILT MIHT

KOMG Treasurer
KOMG Committee member
Hub Transport Planning

OTHER INTERESTED PERSONS WHO SPOKE AT THE INQUIRY:

Mr Steven Cox
Cllr Terence Follows

Local resident
Ward councillor for Hanford & Trentham, and
Cabinet member for regeneration, transport and
heritage

Mr John Manning

Local resident

DOCUMENTS TABLED AT THE INQUIRY

COUNCIL DOCUMENTS

- CO/1 Opening submissions (Inquiry Day 1)
- CO/2 List of Mr Oakley's appendices (Day 1)
- CO/3 Updated 5-year housing land supply calculations – Ms Hughes (Day 2)
- CO/4 Table of housing sites where adjusted figures agreed – Ms Hughes (Day 2)
- CO/5 'Response to rebuttal of SOTCC Evidence' – Mr Oakley (received 3 May 2019)
- CO/6 'Joint Local Plan and Housing Needs Update' – Ms Hughes (rec'd 17 May 2019)
- CO/7 Housing Table: 'recalculation with student housing removed' (Day 6)
- CO/8 Closing statement

APPELLANTS' DOCUMENTS

- AP/1 'Response to Comments: Ecology' (rec'd 11 Feb 2019)
- AP/2 'Rebuttal of SOTCC Highway Evidence' - Mr Oates (Day 2)
- AP/3 Draft S.106 unilateral undertaking (Day 2)
- AP/4 Chart: comparison of traffic counts, 2014-18 – Mr Oates (Day 3)
- AP/5 Batch of letters received by appellants in response to consultation re change to include on-site affordable housing (Day 4)
- AP/6 Revised viability appraisal – addition/update to Mr Nesbitt's evidence (Day 4)
- AP/7 Land Registry ownership details (Day 4)
- AP/8 'Response to Mr Oakley's Additional Evidence' – Mr Oates (14 May 2019)
- AP/9 'Response to Mr Parker's Additional Evidence' – Mr Oates (14 May 2019)
- AP/10a Pedestrian bridge – planning application (1 May 2019)
- AP/10b Pedestrian bridge – submitted plans (1 May 2019)
- AP/10c Pedestrian bridge – planning statement (1 May 2019)
- AP/11 Addendum Report on Ecology (rec'd 15 May 2019)
- AP/12 Housing land supply calculations: response following changes in national policy (20 May 2019)
- AP/13 Appellants' responses to Inspector's comments on draft conditions (Day 5)
- AP/14 Plan of walking routes via proposed new canal bridge (Day 5)
- AP/15 Executed Unilateral Undertaking, dated 22 May 2019 (Day 6)
- AP/16 Ecological Assessment report TEP, May 2014 (rec'd 23 May 2019)
- AP/17 Updated Ecological Survey & Assessment – ERAP, Dec 2018 (duplicates CD11.1)
- AP/18 Fig 8.4 Badger Activity plan (confidential), rec'd 23 May 2019
- AP/19 Updated Ecological Survey & Assessment - ERAP, January 2019 (rec'd 23 May 2019)
- AP/20 Letter from Barratt Homes, 23 May 2019
- AP/21 Closing submissions

RULE 6 PARTY DOCUMENTS

- R/1 Signed 'statement of truth' (Day 3)
- R/2 Article: 'Calculation of capacity' – Mr Parker (Day 3)
- R/3 Traffic count figures: extract from appellants' 2018 raw data – Mr Parker (Day 3)
- R/4 Extract from TEP Ecological report, Jan 2015 – tabled by Mr Harborrow (Day 4)
- R/5 ERAP letter re ecology issues, 23 March 2015 - tabled by Mr Harborrow (Day 4)
- R/6 'Roundabout Capacity: the UK Empirical Model', TRL (in cross-examination of Mr Oates, Day 5)
- R/7 Closing Statement
- R/8 Email dated 27 May 2019, confirming no further comments on ecology

GENERAL DOCUMENTS

- G/1 Draft list of conditions (Day 1)
- G/2 Agreed table of housing delivery from disputed sites (Inspector's request), Day 2
- G/3 Statement of Common Ground between appellants and Council (Day 3)
- G/4 Statement of Common Ground between appellants and Rule 6 group (Day 4)
- G/5 Housing completions in the Outer Urban Core (Inspector's request), Day 4
- G/6 Trent & Mersey Canal CA Review, March 2011 (Inspector's request), Day 4
- G/6A Appendix to the above
- G/7 Executed S.106 agreement, dated 15 Feb 2019 (Day 4)
- G/8 Revised draft conditions (17 May 2019)
- G/9 Inspector's comments and queries on draft conditions (20 May 2019)
- G/10 Revised draft conditions, with Council's comments (Day 6, pm)
- G/11 Proposed canal bridge: bundle of documents including consultation responses and representations (Day 6)
- G/12 Final list of draft conditions (23 May 2019)

Richborough Estates