



Appeal Decision

Inquiry held on 10 - 13 June 2014 and closed on 20 June 2014

Site visit made on 13 June 2014

by Mike Robins MSc BSc(Hons) MRTPI

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

Decision date: 25 July 2014

Appeal Ref: APP/R0660/A/13/2204971

Land to the rear of 144 Audlem Road, Nantwich, Cheshire CW5 7EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Wainhomes (Northwest) Ltd against Cheshire East Council.
 - The application Ref 13/1223N, is dated 21 March 2013.
 - The development proposed is outline application for up to 40 dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for up to 40 dwellings on Land to the rear of 144 Audlem Road, Nantwich, Cheshire CW5 7EB in accordance with the terms of the application, Ref 13/1223N, dated 21 March 2013, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. The application was made in outline with matters relating to appearance, landscaping, layout and scale reserved for future determination. In addition to my accompanied site visit, I also carried out unaccompanied visits to the area during the morning peak period for traffic flows and during the evening, as requested.
3. It was agreed that exceptionally the closing statements for the main parties in this case could be made after the last sitting day of the Inquiry. As a result the Inquiry was formally closed in writing on the 20 June 2014.
4. Although the appellant has pursued this appeal based on the non-determination of the application, a report was taken to the Council's Strategic Planning Board (SPB) on the 11 September 2013. At this meeting the Council were minded to refuse the proposal, with three reasons set out: firstly, that the site was unsustainable, being in open countryside, and premature, in light of the Council's case, at that time, that they could demonstrate a five-year Housing Land Supply (HLS); secondly, that there would be unacceptable loss of grade 3a agricultural land; and thirdly, unacceptable impacts on road safety.
5. Since that time, the Council initially altered their position of being able to demonstrate a five-year HLS, following which resubmission of the application was made¹. This was considered at the Council's SPB on the 8 January 2014. The Council resolved to refuse the application, citing only a single reason relating to the unacceptable impacts on road safety.

¹ 13/4603N

6. This position has changed again with the Council indicating that their Housing Position Statement (HPS), dated 10 February 2014, now demonstrates a five-year HLS. Consequently, the Statement of Common Ground (SoCG) submitted to the Inquiry and dated 13 June 2014, indicates the Council position as being similar to that set out in the initial SRB meeting when considering the original application, but with two concessions. These are that the Council no longer pursue the issue of prematurity and that they accept that, were there to be considered to not be a five-year HLS, then the loss of the Grade 3a agricultural land would not be a reason for refusal in itself, but one that remains a material consideration.
7. A Unilateral Undertaking, signed and dated 13 June 2014, was submitted by the appellant under the provisions of the Town and Country Planning Act 1990. This was to address affordable housing and contributions sought by the Council. I have considered this later in my decision.

Main Issues

8. I consider that there are four main issues in this case:
 - Whether the Council can demonstrate a deliverable five-year supply of land for housing;
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposals on the highway safety for users of the local road network; and
 - Whether the loss of the best and most versatile agricultural land would be acceptable.

Reasons

The Site

9. The appeal site is to the southern edge of Nantwich and mostly to the rear of a row of housing along Audlem Road, the A529. The majority of the site is semi-improved grassland. The gardens of the housing lie to the east, while the grounds and extensive playing fields of Brine Leas High School and Weaver Vale Primary School lie to the north and west respectively. The site opens to agricultural land to the south. Other than the access proposed through No 144 Audlem Road, the site lies outside of the settlement boundary as defined in the Crewe and Nantwich Replacement Local Plan (the CNRLP).
10. The proposal would involve the demolition of No 144 to allow for a new access to the site, with alterations proposed to the A529 to provide for visibility splays. The A529, reportedly an historic turnpike road between Chester and London, approaches Nantwich from the south. Along the stretch proposed for alteration there is housing to both sides, a small church and a public house, beyond which, traffic signals mark the junction with the A5301 and the road then leads, via the B5341, into the centre of Nantwich, which offers a range of facilities and transport options. A public footpath, No 28, runs to the west of the site and improvements are proposed to this as part of the scheme.

The Policy Framework

11. An Order to revoke the Regional Strategy for the North West of England came into force in May 2013. The Order also revokes all directions under paragraph 1(3) of

Schedule 8 to the Planning and Compulsory Purchase Act 2004 preserving policies contained in structure plans in the area. Thus the relevant parts of the Cheshire Structure Plan no longer form part of the development plan for the area.

12. The extant development plan therefore comprises the CNRLP, adopted in 2011. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with planning applications the planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to other material considerations. This is reflected in section 38(6) of the Planning and Compulsory Purchase Act 2004, which provides that determination must be made in accordance with the development plan unless material considerations indicate otherwise.
13. The CNRLP sets out an approach that restricts development, other than that specified by particular policies, to land within the settlement boundaries, as defined by the proposals map. Land outside the settlement boundary is considered as open countryside, as set out in Policy NE2, where residential development is controlled through Policy RES5.
14. These policies address the protection of the open countryside, in effect setting out very limited categories of development that would be allowed. The National Planning Policy Framework, (the Framework) was published in March 2012, and set out an implementation period in relation to development plan policies. While the starting point for determination of any appeal remains the development plan, Paragraphs 214 and 215 indicate the importance of consistency with the Framework up to, and now following the 12 month implementation period.
15. At the heart of the Framework is a presumption in favour of sustainable development, and it seeks to guide new and emerging development plans in this approach. However, the Framework also provides a context for planning decisions, particularly in areas where development plans are older or do not respond to recent pressures and are potentially out-of-date. In relation to housing, the direction is clear; paragraph 47 explicitly seeks to significantly boost the supply of housing. It goes further to identify, in paragraph 49, that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
16. In this case, the appellant suggested that the Council could not demonstrate a five year HLS and accordingly relevant policies, including Policy NE2, were out-of date as they sought to restrict housing when it was inevitable that housing development would have to take place outside of the settlement boundaries. As a result, paragraph 14 of the Framework should apply, with any adverse impacts of development needing to significantly and demonstrably outweigh the benefits of the scheme.
17. The Council considered that they could demonstrate a five-year HLS, and relevant policies were not out-of-date. Although they acknowledged that the settlement boundaries defined in the CNRLP may have to 'flex' to encompass future housing requirements, they considered that this site was not appropriate for such an alteration. Accordingly, they considered that the proposal did not represent sustainable development and paragraph 14 of the Framework should not be engaged.

18. The Council accepted that in absence of a five year HLS, Policy NE2 could be considered to be out-of-date in relation to its geographical extent, but not its aim of protecting the countryside. The Council note that the protection of open countryside remains similarly addressed by policy in the emerging Local Plan for Cheshire East (the eLP), which has recently been submitted for examination².
19. The protection of the countryside is an issue that could be considered to remain a constant in strategic planning terms. Policy NE2 refers to open countryside and in itself is not strictly a policy for the supply of housing, although Policy RES5 specifically deals with housing in the countryside. However, in restricting development, these policies restrict what the Council accept is the necessary expansion of the settlement boundaries to meet housing requirements. Protection of the countryside is consistent with the Framework, including paragraph 17, which recognises the intrinsic character and beauty of the countryside, Section 11, conserving and enhancing the natural environment, and paragraph 55 relating to new homes in the countryside. Nonetheless, in absence of a five year HLS, there would be significant tension between the need to boost the supply of housing and these policies promoting restraint.
20. The eLP is well advanced, but awaits formal examination. There are a considerable number of objections regarding the proposed housing requirement, considering it to be both too low and too high. I deal with the relevance of the housing requirement later, but note that the Council do not rely on it, or on any specific policies of the eLP in their case. In light of its progression and the level of objections, I can currently give only limited weight to policies in the eLP.
21. It is therefore necessary to consider whether a five year HLS has been demonstrated to inform the development plan position, but then consider harm arising from the proposal, and accordingly assess that against the benefits of the scheme and other material considerations, principally as set out in the Framework. I turn then to the main issues.

Five Year Housing Land Supply

22. As I have noted above, the Council's own position on their five year HLS has changed over the past 18 months or so. This has in part been as a result of the detailed review of assessments by the Secretary of State (SoS) or Inspectors in considering appeals. I have been provided with a number of these appeals, but I note that, in addition to the emerging evidence the Council have provided to justify their position, there have also been other changes, notably the publication of the national Planning Practice Guidance and the submission of the eLP for examination.
23. While previous appeal decisions can be material considerations, I was made aware of only one appeal decision, Elworth Hall Farm³, within this Borough that post-dated the Council's HPS and the publication of the Planning Practice Guidance, although this pre-dated the submission of the eLP. Despite the conclusion of that decision, which found that the Council could not demonstrate a five year HLS, the Council have maintained their stance and consider that later evidence supports their position on matters including lead in times, build rates and the incorporation of units comprising Use Class C2.

² Cheshire East Local Plan, Local Plan Strategy Submission Version – March 2014

³ APP/R0660/A/13/2196044

24. Considerable evidence has been submitted to this Inquiry with regard to these and other matters that inform the housing requirement and supply in this Borough. Despite this, it is not the role of an Inspector in a S78 decision to conclude on the detail of matters, which should, more properly, be done at the upcoming Examination in Public. Instead it is necessary to consider, on the evidence before me, whether the Council can demonstrate a supply of deliverable sites sufficient to meet their housing requirement, including an appropriate buffer.
25. The starting point for the Council in this case was their published HPS. Although typically previous housing assessments have been based on an April-April period, this document set a base date of 31 December 2013. Identified as an update providing a 'snapshot', its focus was clearly on addressing the matters raised by previous appeal decisions. The conclusion was that the Council could demonstrate a 5.95 years supply based on a 5% buffer, identified in the statement as the appropriate one to use, and a 5.21 years supply based on a 20% buffer.
26. For this Inquiry, the Council have updated this position indicating adoption of a 31 March 2014 base date and incorporating C2 uses and updated evidence on lead times and build rates. The appellant's assessment used a base date of 31 December 2013, and applied revised figures to those set out in the HPS. Through the Inquiry a number of concessions were made by both parties, helpfully summarised on a table⁴. As a result the range of five year HLS calculations presented to the Inquiry can be summarised as follows:

Years supply	Council	Appellant
5% buffer	7.08	3.7
20% buffer	6.19	3.3

27. The differences between the parties are wide ranging but I intend to focus initially on three primary elements: the base requirement, the proposed inclusion of C2 uses and the backlog and its implications for a buffer.

The Base Requirement

28. For the basis of the calculation, the appellant has adopted the Council's proposed annual average figure, set out in the eLP, of 1350 dwellings per annum (dpa), while stating that they consider the actual requirement to be considerably higher. In contrast, the Council have used the figure set out in the HPS, 1150 dpa. This is the same as the figure initially set out in the Regional Strategy, which is now revoked. While both parties accept that this is the most recent independently tested figure, it is of some age and more recent appeal decisions have tempered the use of such figures with an understanding of the emerging evidence base.
29. High Court decisions^{5 6} have, furthermore, challenged the simplistic use of the Regional Strategy figures in light of the step change in housing delivery brought in with the Framework. It is therefore necessary for a Council to properly consider their objectively assessed housing needs (OAHN).

⁴ Inquiry Document 12

⁵ Hunston Properties Limited v. (1) Secretary of State for Communities and Local Government and (2) St Albans City and District Council [2013] EWHC 2678 (Admin)

⁶ Gallagher Homes Limited and Lioncourt Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin)

30. The Council indicate that the figure of 1150 dpa has been 'sense checked' against the 2013 Office for National Statistics (ONS) projections, reported as being 1050 dpa, and the Council's own demographic modelling, 1180 dpa. It is thus presented by the Council as their OAHN.
31. However, the Council themselves have carried out further work to identify their OAHN and inform the submitted eLP in their Local Plan Background Paper (LPBP) March 2014. This document indicates that the ONS housing projections formed the starting point, with further revision through local demographic forecasting and concluded that the eLP figure of 1350 dpa provided the closest match to the DCLG and ONS projections and that this forecasting work indicated an objectively assessed housing need amounting to an overall average of 1350 dpa.
32. I appreciate that this document sets out a number of scenarios and the 1350 dpa arises from a scenario that includes a 0.4% per year growth element. Nonetheless, as set out in section 2 of this document, it was the Council's view that this figure was based on a '*comprehensive and objective assessment of the Borough's housing need*'. In evidence, the Council suggested that interpreting this as the OAHN for this appeal was not correct, nor was the wording used in the LPBP meant to be interpreted as OAHN; in cross examination the Council referred to it as 'careless terminology'.
33. While the Planning Practice Guidance sets the starting point as being the published household projections, in this case there would appear to be a robust and recent assessment of full housing needs. However, the Council suggest that this figure should not be used as it includes policy aspirations for economic growth, the need to potentially release Green Belt land and the provision of key infrastructure, aspects which they say need to be tested.
34. The Framework exhorts Councils to boost the supply of housing. In these circumstances, I do not find the proposed use of the Regional Strategy figures convincing, and while the Council suggest that the ONS projections are lower, their own demographic forecasts point to a higher figure of 1180. I accept that in areas where, due to constraints, the emerging plan is proposing housing delivery significantly below the household projections or OAHN there may be real risks of alterations to achieve soundness.
35. In the circumstances before me, it is my judgement that it would be unlikely that a figure, in this case an average of 1350 dpa, supported by the Council and responding to reasonable and policy compliant aspirations, would be considered too high. I do not make this point in any way to prejudge the soundness of the eLP, but simply to consider whether a robust base requirement has been proposed in this case. Consequently, while I note in the Elworth Hall Farm decision parties agreed on the Regional Strategy figure, on the further evidence before me, I consider that this represents at best a minimum figure and the LBPB provides a more robust assessment of need.
36. I note that the LPBP promotes the staged requirements set out in the eLP as necessary to respond to predicted economic growth. Taken over five years, with two years at 1200 dpa and three at 1300 dpa, this would indicate an average of 1260 dpa. However, the rationale behind this has not been properly evidenced to this Inquiry. Consequently, for the purposes of this Inquiry, I have taken the base housing requirement as being in excess of 1150, with 1260 dpa as a minimum and 1350 providing the more robust average for the five year period.

Use Class C2

37. Although not promoted in previous assessments of the five year HLS, including that set out in the HPS, the Council now promote the inclusion of developments in the C2 Use Class, including older person homes and student accommodation. This, they contend, is in direct response to the Planning Practice Guidance⁷.
38. In light of this they have suggested that C2 completions would reduce the backlog and offer increased levels of supply, albeit accepting that in some instances, notably student accommodation, there cannot be a direct relationship to houses released to the general housing market. This overall approach is not accepted by the appellant.
39. The Planning Practice Guidance does set out that local planning authorities should count housing provided for older people in Use Class C2. However, while doing so would clearly improve a Council's position in relation to the five year HLS, the guidance goes further to state that the approach taken should be clearly set out in the Local Plan.
40. The Council concede that the eLP does not set out any such approach, but consider that the relevant housing completions and commitments should still be counted. I disagree; the purpose of a full assessment through the Local Plan would allow for a proper understanding of the needs for older persons and the realistic release of housing into the general housing market from those provisions. In the absence of such an understanding, detailed evidence would need to be collated, assessed and submitted to any Inquiry on these matters.
41. This has not been done in this case, and I consider only relatively simplistic figures have been taken by the Council. The appellant, in carrying out what they considered to be a brief assessment of these figures, found inaccuracies and inconsistencies, sufficient to lead to a revised position from the Council. On balance, I consider that the figures for older persons accommodation cannot be relied upon and should not contribute to either a reduction in the backlog or an enhancement of supply until properly assessed through the Local Plan process.
42. Turning to student accommodation, I note that the Council have discounted the figures they propose to make allowance for the limited release of general market housing. I also note that the Planning Practice Guidance does not in this case refer to the need for the approach to be in the Local Plan. Nonetheless, I am unconvinced that the figures presented to me by the Council have taken full account of the implications of the provision of the student accommodation and addressed the Guidance's requirement to avoid double accounting. At this point, it would not be appropriate to take the Council's suggested contributions from this element into account.

The Backlog and Buffer Requirement

43. Figures setting out the Council's completions against the RS targets from 2003, and indeed those looking back at development plan targets since 1996, are set out in Tables 1 and 2 of the HPS. The HPS then calculates a shortfall based on the Regional Strategy requirements since 31 March 2010 set against completions. At the Inquiry, the Council introduced a further assessment of the backlog, through revisions to these figures, an allowance over the first three months of 2014, and the inclusion of C2 completions. Although the appellant's statement refers to the

⁷ Paragraphs 3-037 and 3-038

same period as the HPS, the eLP figure of 1350 dpa was used. Thus shortfalls were presented as being from 1262 dwellings (Council including C2 to March 2014), 2130 (HPS revised) to 2914 (Appellant based on eLP).

44. There was agreement that the 'Sedgefield' method of incorporating that backlog into the five year period was the correct approach, and I see no reason to disagree in this case. However, there was considerable disagreement on the appropriate buffer to be used. Set out in paragraph 47 of the Framework is the requirement for a 5% buffer and, where there has been a record of persistent under delivery of housing, 20%.
45. Of the previous decisions presented to the Inquiry addressing the housing land supply position recently, only one indicated that the appropriate buffer for Cheshire East should be 5% and not 20%. In this decision, at Hassal Road⁸, the Inspector regarded the deficiencies in the supply as recent and explainable by past economic conditions. I do not consider that the later reference to a contingency undermines this conclusion, but I do note that it contrasts markedly with the other decisions in this area, of which most have taken a straightforward approach to viewing the previous five years or so as being one of supply failings thus leading to a need for a 20% buffer.
46. The Council consider that the Planning Practice Guidance has clarified the definition of persistent under delivery such that full account should be taken of a housing market cycle and the effect of any housing moratorium. The Planning Practice Guidance certainly confirms that this matter is one of judgement for the decision maker.
47. The HPS summarises past performance in Tables 1 and 2. These set out a 10 year period, associated with the Regional Strategy targets, and a 17 year period associated with targets from the development plan. I do not consider that it is appropriate or necessary to extend the period of assessment over 17 years as I consider that this would be in excess of any housing market or economic cycle. Furthermore, nor do I find the continued use of development plan targets appropriate for the period when the Regional Strategy approach, which was fully tested, established a different housing need, albeit that need was not confirmed until later.
48. Considering Table 1, despite oversupply in the first five years, the subsequent underperformance led to a deficit of 1763 dwellings and an overall average against 1150, of 974 dpa. I note that even when considered against the development plan targets of Table 2 for that 10 year period, this average would also show a deficit. I accept that there was a period of economic downturn, which coincides with the later undersupply. However, I do not consider that this can be considered determinative. Ultimately, the facts are that over a period of economic growth and decline, Cheshire East fell significantly behind their housing needs.
49. In conclusion, there has been a significant undersupply in housing against any measure since 2008, and while the moratoria may have depressed delivery in the area somewhat, over the longer term these do not explain the under delivery. I note that the Council would appear to consider a 20% buffer is necessary only in areas where structural problems limit the ability to deliver. However, the Framework indicates that it is to provide a realistic possibility of achieving the planned supply and to ensure choice and competition. Both matters are relevant

⁸ APP/R0660/A/12/2188001

in an area which, when considered over the shorter or longer term has failed to meet its housing targets. On the evidence before me, and for the purposes only of this decision, I consider that a 20% buffer is the appropriate measure.

Conclusion on Housing Land Supply

50. These three matters do not represent all of the differences between the parties on this matter. In terms of supply, I was provided with a range, when excluding C2 uses, of between 7577 (appellant) and 9884 (Council). This predominantly relates to the appellant's view that the Council were being optimistic in the likely delivery of strategic sites, sites currently awaiting reserved matters or S106 agreements and the delivery of sites with planning permission, including the assessment of lead in times and build rates.
51. On the evidence before me, it is clear that not only are significant efforts being made by the Council to address delays in dealing with reserved matters and agreements, but also that there is an increasing level of positivity and willingness among developers to build out housing sites; some optimism is reasonable. Nonetheless, when considering the range of figures before me and the requirement for a 20% buffer without the inclusion of C2 uses, there is only one scenario where the Council can demonstrate a five year HLS. That is using the Regional Strategy figure as being reflective of the OAHN and assuming all of the Council's assumptions on backlog and supply are used.

Requirement (dpa)	1150	1260	1350
Council Backlog	2130	2130	2130
Council Supply	9884	9884	9884
5% buffer	5.97	5.58	5.30
20% buffer	5.23	4.89	4.64

52. If the appellant's supply figures are used the assessment indicates that the 5 year HLS cannot be demonstrated under any scenario.
53. As I have set out above, the use of the Regional Strategy figure as the OAHN is not appropriate in light of the further assessments that have been carried out. When assessed against other available data, I have found this to represent too low a figure. At the higher eLP five year average of 1260 dpa and at the proposed eLP average over the plan period of 1350 dpa, which the appellant prefers, the Council cannot demonstrate a five year HLS, even taking the best case on all other aspects of the assessment. Overall, I conclude that a robust five year HLS has not been demonstrated in this case.

Effect on the Character and Appearance of the Area

54. The site is relatively well contained. Despite the addition of a junction to Audlem Road, which will provide some views into the site, there are limited public viewpoints from which the development would be perceived. I accept that the outlook to the rear of the properties along this part of Audlem Road would change significantly, as would the outlook from the school playing fields.
55. However, this is a development on the urban fringe. While the school playing fields to either side are open and relatively undeveloped, there is a formality to

these spaces that sets them apart from the agricultural land and open countryside to the south. In terms of the setting of the town I consider that this development would not materially affect its character. Nonetheless, the change to the site itself and hence the character of this part of the open countryside, would be profound, although the nature of the flat surrounding landscape and the enclosing residential development means that public views would be limited.

56. Overall, while I accept that this would represent an extension of the existing urban area and from key public views would be seen in the context of existing housing or the schools, I consider that there would be some harm to the character and appearance of the area. The Framework recognises the intrinsic character and beauty of the countryside and the proposal would be contrary to those parts of CNRLP Policies NE2 and RES5 that seek to protect the countryside. In my view, this matter represents moderate weight contrary to the proposal.

The Loss of the Best and Most Versatile (BMV) Agricultural Land

57. The Council have accepted in the SoCG that the loss of BMV land would not be a reason to refuse the application in absence of a five year HLS. Nonetheless BMV land would clearly be lost and there is a direct connection to the agricultural land to the south, which suggests that this could be a viable field to remain in productive use.
58. Agricultural land is a finite resource and CNRLP Policy NE12 sets out tests regarding the potential development of BMV agricultural land. Furthermore, the Framework makes it clear that economic and other benefits of BMV land should be taken into account. However, this is a comparatively small area of land when considered against the extent of such land across Cheshire. Accordingly, the Council themselves have acknowledged that this matter alone would not form a reason to dismiss. I concur, in the context not only of the scale of this development, but acknowledging the scale of land in the district available for agriculture, I consider this matter represents only limited weight against the proposals.

Highway Safety

59. The proposal includes the demolition of No 144 to be replaced with an access and a junction onto the A529. With housing to the carriageway edge along the western side of the road, it would be necessary to build out this junction to allow for visibility splays. In this case, the appellant has proposed a constructed footway from the Toll House to the south, to the existing pavement, some distance to the north. This would have the effect of enhancing visibilities, but narrowing the road from its existing width of approximately 7.2 metres to 5.5 metres over a distance of approximately 160 metres.
60. The Council contend that the proposed access and narrowing of the road would contribute to safety issues and delays to road users. However, the appellant sets out that this is a considered scheme, which would introduce benefits for existing users, adequate visibility for occupiers of the proposed housing and would provide an element of traffic calming along this stretch, where traffic levels are low.
61. The A529 Audlem Road connects Nantwich to Audlem village and beyond to Market Drayton. As such it could be considered as an arterial route; however, in the vicinity of the appeal site, the road has the characteristics more typically of an urban street. There is a range of housing types to both sides of the road, a number of which have driveways and off-street parking spaces. Despite this,

there is evidence of on-street parking. The level of this parking was contested, but during my visits to the site there were at least four cars, and during the evening eight cars, parked along the western side of the road; this is consistent with photographs and evidence to the Inquiry.

62. The junction design was initially informed by a traffic count and a speed survey. The conclusions of these were that traffic flows were approximately 350 vehicles in the morning peak hour and 275 in the evening peak, with a 12 hour two-way flow of approximately 3000 vehicles. These figures were accepted by the Council as being representative for the site, and from my own observations, would appear to be consistent with the relatively lightly trafficked nature of this road. Furthermore, the Council accepted that there would be capacity for the road to absorb additional traffic associated with the scheme itself. The speed survey indicated 85th percentile wet weather speeds of 26mph, to the north, 27mph, to the south. A second speed survey was carried out in November 2013, which appeared to confirm the earlier findings.
63. The Council made a number of challenges to the accuracy of the speed surveys, both in terms of the location of the first, the nature of the traffic flow recorded and the calculation of wet weather speeds for the second survey. I have considered these carefully. I consider that the location was, on balance, likely to have been correct, with the map indication being merely an addition to very clear written instructions to the independent company who carried out the survey. The matter of whether there was significant rain during the period of the second survey remains a fact which neither party can prove conclusively, although I consider that the earlier period of that survey, certainly between 10.00 and 12.00, would be unlikely to have been affected.
64. On balance, I do not consider that the second results significantly contradict the initial survey and that the results were appropriate for the purpose of the junction design. Using these speeds, visibilities to and from the junction need to be assessed. The forward visibility for cars approaching the proposed junction is accepted by both parties to be good, approximately 125 metres to both sides. This is significantly in excess of the stopping sight distances (SSD), including 2.4 metres for bonnet length, as set out in Table 7.1 of Manual for Streets (MfS1)⁹, which provides the currently accepted guidance for highways of this type.
65. In terms of visibilities for drivers exiting from the minor arm of the junction, Manual for Streets 2 (MfS2)¹⁰ does raise some questions over the link between existing junction visibilities and accidents, but continues to recommend the application of SSDs set out in MfS1. Despite the Council's suggestion, I consider that there is no need to add the 2.4 metres bonnet length to this distance. This is because the driver positioned on the minor arm would not have the distance of the bonnet between them and the approaching vehicle. In my view this is why both measurements are shown in Table 7.1, with Figure 7.17 and paragraph 7.6.4 providing the explanation for the requirement of its addition to SSD for forward visibilities only.
66. On this basis, Table 7.1, when adjusted pro-rata for speeds of 26 and 27mph, gives SSDs of approximately 32.5 and 34 metres respectively. The appellant has

⁹ Manual for Streets – Department of Transport and Department for Communities and Local Government – published 2007.

¹⁰ Manual for Streets 2 – Chartered Institution of Highways and transportation, endorsed by Department for Transport – published 2010.

proposed a scheme based on an X distance¹¹ of 2.4 metres, with visibility splays of 32 and 34 metres. The Council suggested that the appellant's adoption of a wet weather adjustment of 3mph rather than the recommended 2.5mph and the rounding down of speeds figures means that, even accepting my earlier conclusion regarding bonnet length, these figures should be increased. On this basis, they could be considered as being approximately 34 and 36m respectively.

67. While I have some sympathy for this approach in terms of ensuring a robust assessment, it highlights the sensitivity of very small changes affecting the SSD and it is necessary to consider whether the actual circumstances would be as sensitive.
68. The appellant only introduced the possibility of providing an X distance of 2 metres rather than 2.4 at the Inquiry, and it was resisted by the Council, who considered that speeds were neither slow enough, nor the traffic flows sufficiently limited to warrant this. Nonetheless, an assessment at 2 metres can provide a reasonable approach to understand the sensitivity of the proposed visibility splays. At 2 metres, MfS2 acknowledges that some cars would need to edge out into the main carriageway to obtain adequate visibility. The appellant confirmed that using 2 metres, visibility splays in excess of 70 metres could be achieved¹²; this was not challenged by the Council. This shows that a very small reduction in the X distance, representative possibly of smaller cars or indeed larger cars moving forward slightly, would provide adequate visibility to either side, without needing to consider a reduction as significant as a 2 metre X distance.
69. MfS2 sets out that, based on the research which raised questions over the link between visibilities and accidents, distances below the recommended SSDs may be considered unless there is clear local evidence to the contrary. The Council suggest that the continued parking of cars along the road, the HGV component and the introduction of the new junction would all be relevant local circumstances. I disagree, I do not consider that the HGV level is particularly unusual, despite references to the use of the site by lorries from the cheese factory and agricultural vehicles. I am sure that both do use the road, but the traffic count and my own observations suggest that the HGV levels are not untypical and would be at or below 5% of the flow. Nor are parked cars a particular local circumstance. Their presence may bring traffic across the centre line closer to the new junction, but even were the road to be reduced to 3.5 metres adjacent to a parked car, this would not prevent the oncoming driver, who would have excellent forward visibility, responding to a car edging out.
70. I do not consider that in terms of visibilities HGV traffic needs to be assessed independently, as speeds would be slower and they form a relatively small part of the overall traffic flow. Nonetheless, there are some questions over whether the proposal sets out visibility splays that conform to guideline SSDs.
71. These assessments must be considered in light of the existing circumstances and those with the proposed access provided. Currently, the road operates with a level of parking predominantly to its eastern side. Thus the road width remaining is approximately 5.2 metres and sufficient for cars to pass each other. I observed that to be the case, although larger vehicles would often wait before or between the parked cars for other vehicles to pass.

¹¹ The distance back along the minor arm from which visibility is measured.

¹² Inquiry Document 8

72. There are some short and narrow driveways backing onto the road from which reversing manoeuvres either in or out would be potentially hazardous and delaying to other traffic on the road. There is no footway to the western side, increasing risks to pedestrians exiting from the houses here and reducing the visibility for the driveways along this side.
73. The proposal would result in an extended stretch being reduced to a width of 5.5 metres, similar to that alongside the Toll House to the south. 5.5 metres is a relatively typical road width for urban residential situations and would allow for cars to pass comfortably, although, notwithstanding the widths set out in Figure 7.1 of MfS1, HGVs and other larger vehicles would, in my judgement, be restricted and may wait or pass with care.
74. In reality, I consider that parking along this stretch is likely to remain. Although the appellant is proposing six unrestricted spaces just inside of the junction, not many of these would be in sight of the properties of the car owners who currently use on-street parking. I consider they are likely to be regarded by some as less convenient and perceived as less secure than parking outside of the owners properties. The levels of parking may be greater overnight, but the current number of driveways ensures that it would not be continuous along this stretch of the road, nor do I consider that it would generally be greater than the nine referred to in evidence. I note local concerns regarding the church, but its normal parking requirements should be adequately catered for by the parking to the rear accessed off Bishops Wood.
75. The road width along this stretch would be likely therefore to be 5.5 metres with some lengths reduced to approximately 3.5 metres and insufficient for cars to pass each other. This proposal therefore represents a significant change to the nature of the road here, altering it from one where traffic, for the most part, passes as a two-way flow, to one where single flow traffic will occur at points.
76. I accept that this may represent inconvenience to regular users when they would have to wait for another vehicle before passing any parked cars. However, the test before me is whether there are any material safety implications or alterations to traffic flow or congestion such that the residual cumulative impacts would be severe.
77. I carefully considered the road situation during my unaccompanied site visits, and was able to consider the proposed junction and potential visibility splays during the accompanied visit, when road widths were confirmed through measurement. In circumstances where there are parked cars, I consider that the narrowing of the road would provide some measure of traffic calming, speeds would be reduced and the proposed visibility splays would be acceptable.
78. If there were no parking, then a road width of 5.5 metres would be adequate to allow drivers on the main road to respond to vehicles edging out of the proposed junction. I consider that the road at this width would provide traffic calming measures for HGVs. In the unusual circumstances of two larger vehicles meeting along this stretch, there would not be particular concerns regarding overhanging mirrors, for example, as a result of the need to manoeuvre with care through this section.
79. Added to this, the proposal would provide a footway for pedestrian use along the western side of the carriageway. This would not only improve pedestrian access but would provide an additional element of space and visibility for cars exiting

driveways on this side. I note the Council's concern that there would be issues with pedestrian visibilities for these driveways, but overall this would represent considerably enhanced provision for the existing properties along this part of the road. Overall, I consider that there would be no significant harm to highway safety.

80. In relation to traffic flows, there would, as I have noted, be the potential for inconvenience when cars, which previously could pass along the road, may have to wait for oncoming vehicles. The level of the parking would be such that there would be spaces along the road to pull in and wait, and the relatively low traffic flows mean that these occurrences, and the wait entailed, would not be significant. Under cross-examination, the Council suggested that approximately 25% of the traffic may experience such delays. While I am unsure where this figure comes from, it was further conceded that the Council assessed the delay as being only up to 15 seconds; I do not consider such delay to be severe.
81. In conclusion, this is an A road which carries traffic approaching or leaving Nantwich. The traffic flows on this road are relatively low and this would accord with the fact that the road does not provide a particularly favoured route to destinations to the south. A width restriction to the north and a signalised junction to the south influence existing traffic flows and speeds, and I consider that the proposed scheme would provide benefits for existing properties, particularly along the western side of the road. While visibilities available to drivers exiting the proposed junction would be at or just below those recommended by guidance, I consider that this would not represent material harm to highway safety.
82. The proposal would comply with the Framework and with Policy BE3 of the CNRLP in this regard. This policy seeks that new development provides safe vehicular access and egress arrangements.

Other Matters

83. I am conscious of the significant levels of local concern about development in this area, from which highway safety was the most significant. However, matters relating to wildlife impacts, the direct impact on the neighbouring property, pressure on educational facilities and prematurity, in terms of the eLP, were also raised.
84. There were ecological surveys carried out for the site, which includes a proposal to protect and enhance the pond on site. Although there would be a loss of open land and some potential disturbance, positive landscaping and mitigation approaches, which could be secured by conditions and through reserved matters, would result in there being no significant harm to biodiversity from this proposal.
85. Concerns were raised regarding the impact on the neighbouring property, No 146. While these were focussed on the possible loss in value of that property, the cause of this was seen as being the potential increase in traffic, noise and disturbance. The demolition of No 144 and introduction of a junction here would clearly alter the relationship of this property to the road. However, I consider the proposed entrance would be of sufficient width that there would not be significant harm to the living conditions of the occupiers; in effect, it would become a corner property.
86. In terms of educational facilities, there is both a primary and secondary school adjacent to the proposed site. I note that some local residents report there being difficulties with capacity at these schools, and the Council's own figures confirm

that the schools are at or beyond their capacity. However, part of the proposal includes a contribution for the provision of additional education capacity. The Council have accepted that this would address the issue, and I see no reason to disagree.

87. With regard to prematurity, I have addressed the weight arising in relation to the eLP. While the site is not identified as a strategic site in this emerging plan, this does not exclude it from development. In light of the circumstances I have found and the acknowledged need to significantly boost the supply of housing, I have considered the site on its own merits.

Other Material Considerations

88. I turn now to the other considerations that are material in this appeal.

Housing supply

89. I have found that, on the evidence presented to me, the Council cannot demonstrate a five year HLS. Policies relevant to housing supply are therefore considered out-of-date. This represents a matter of substantial weight in favour of the proposal.

Affordable Housing

90. The schemes propose 30% affordable housing, to be secured through legal agreement, and I am satisfied that there is a demand for the provision of affordable homes in the area. Although this provision would meet a policy requirement it nonetheless adds moderate weight in favour of the proposal.

Other benefits

91. During the construction phase, there would be economic benefits to that sector, and longer term there would be benefits to the economy of the town generally. Further matters regarding the provision of open space and funding for improvements to the level crossings, are necessary parts of the scheme to respond to the planning impacts of the proposal itself, nonetheless they may also provide some benefit to the wider community, as would the proposed improvements to footpath No 28.
92. Improvements to Batherton Lane are argued, in part, as being a component of the speed control along this stretch of road. These improvements will, assuming the white lining is maintained, provide some additional awareness of the access, and some benefits for cars exiting this lane.
93. Overall there is positive weight arising in favour of this proposal from these other considerations.

S106 Undertaking

94. The appellant has submitted a S106 Unilateral Undertaking. I have considered this in light of the Framework, paragraph 204, and the statutory tests introduced by Regulation 122 of The Community Infrastructure Levy (CIL) Regulations, 2010. This seeks to secure matters relating to affordable housing and contributions to a range of facilities. These include an education contribution, public open space improvements, through car park resurfacing at Shrewbridge Lake, footpath improvements and off-site habitat creation and enhancement, as well as a contribution to level crossing improvements.

95. The S106 agreement is a material consideration. I have been provided with a CIL Compliance Note, and I am satisfied that provisions relating to affordable housing, improvements to the footpath and financial contributions meet the three tests set out in the Regulations, in that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Each may be justified by reference to the objectives of the relevant parts of the development plan, and I have given the undertaking weight in my consideration of this case.

The Overall Planning Balance

96. The Framework explains, at paragraph 12, that its existence does not change the statutory status of the development plan as the starting point for decision making. This means that a determination must be made in accordance with the development plan unless material considerations indicate otherwise. Further, at the heart of the Framework is the presumption in favour of sustainable development. For decision taking, this means that, where relevant policies of the development plan are out-of-date any adverse impacts of the development would need to significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. I have set out that I consider the relevant housing supply policies to be out-of-date.
97. The Framework sets out three elements of sustainable development. I consider that the proposal would meet the economic role and the social role, particularly in relation to the provision of a wider choice of housing. The Council accept that it represents a sustainable location in terms of access to public transport, education and to the wider facilities of Nantwich.
98. In terms of the environmental role, I have set out above that I consider the proposal would harm the character of the open countryside and have some impact on the appearance of the area. However, I have also noted why I do not find this harm to be substantial, nor do I find the limited loss of the best and most versatile agricultural land to be determinative in this case.
99. Of greater weight, in my view, are the benefits that the proposed developments would have, which include, in particular, the significant contribution to addressing the shortfall in the Council's housing supply, and the pressing need for more affordable housing in the area. The developments are deliverable and could meet this shortfall in the short term. Furthermore, I am satisfied that there would be no significant impacts on highway safety from the proposal.
100. Accordingly, I consider this to be sustainable development, which, when considered against the test of paragraph 14 of the Framework, has clear benefits, which are not significantly and demonstrably outweighed by the harm I have identified. Although there is some conflict with the development plan, the overall balance of material considerations weigh in favour of granting planning permission.

Conditions

101. I have considered the conditions as agreed between the parties, against the requirements of the Planning Practice Guidance. I have applied standard outline conditions (1, 2), although in responding to the weight in favour of meeting the 5 year HLS, and as agreed with the main parties, I have applied a 2 year expiration period for the application of reserved matters and delivery within three years.

102. To address the protection of the character and appearance of the countryside, I have required submission of further landscaping and habitat mitigation proposals (3, 4) as well as an Arboricultural Method Statement (9). To address the protection and mitigation of biodiversity impacts, I have imposed conditions relating to ecological mitigation (5) roosting bats and bird nesting (8,12).
103. I have imposed conditions to address flood risk and drainage management through a drainage strategy (7), and to address the risk of undue noise impacts from the neighbouring schools, I have required submission of an acoustic assessment, albeit I do not consider it necessary to address noise from the road (6). Following the Phase I survey report submitted at application stage, I have required further assessment via a Phase II investigation, to protect construction workers and future occupants, and address possible pollution pathways (10).
104. In the interest of highway safety I have required delivery of the proposed access, in accordance with the submitted plans, and the construction of the parking spaces for residential properties on Audlem Road (13), and to protect the existing public sewer, development is restricted in a zone 5 metres to either side (14).
105. In light of the creation of an access between existing residential properties and construction immediately to the rear of further dwellings, I consider it necessary to provide a condition requiring an Environmental Management Plan (11).
106. Otherwise than as set out in this decision and conditions, for the avoidance of doubt and in the interests of proper planning, it is necessary that the developments shall be carried out in accordance with the approved plans (15). Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the Planning Practice Guidance.

Conclusion

107. For the reasons given above and having regard to all other matter raised, including appeal decisions not specifically referenced in this decision, I conclude that the appeal should be allowed.

Mike Robins

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission. The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.
- 3) The areas of landscaping / habitat mitigation shown on the illustrative layout plan (drawing No. 1257WHD/ARN SK03 Rev C) shall be incorporated into the reserve matters layout.
- 4) As part of the reserved matters application, a Habitat and Landscape Management Plan (HLMP), shall be submitted to and approved in writing by the local planning authority. This shall include design objectives, maintenance schedules, ownership, management and funding arrangements during the lifetime of the development hereby permitted, for all areas of habitat and landscaping other than those within the curtilage of individual dwellings. The design, management objectives and maintenance of the landscaped areas shall thereafter be in accordance with the approved HLMP.
- 5) Notwithstanding the submitted Ecological Mitigation Strategies (February and June 2013), any future reserved matters application shall be supported with a revised Ecological Mitigation Strategy, which shall be in compliance with the recommendations of the previously submitted Strategies. No development shall take place except in complete accordance with the revised Ecological Mitigation Strategy.
- 6) The reserved matters application shall include a detailed acoustic assessment of noise from the adjoining school and playing fields, together with a scheme of Noise Mitigation, if required. This scheme shall include a detailed plan of which dwellings will be subject to the proposed mitigation measures, which shall be specifically applied to that dwelling both internally and externally, and the interior layout of that property. No dwelling hereby permitted, which has been identified as requiring mitigation measures shall be occupied until the approved measures pertaining to that property have been implemented in full. Any mitigation measures shown as part of this assessment must achieve the internal noise level defined within the 'good' standard in BS9233:1999.
- 7) No development shall take place until a detailed scheme for the provision and future management and maintenance of foul and surface water drainage, together with a timetable for implementation, has been submitted to and approved in writing by the local planning authority. The scheme shall include and make provision for:
 - i) Any flooding to be contained on site;
 - ii) The results of percolation testing, if required by the Phase II Ground investigation;
 - iii) The discharge of surface water to mimic the mean annual run-off from the existing site;
 - iv) For discharges above the allowable rate, details of attenuation up to the 1% annual probability event, including allowances for climate change;

- v) A scheme for the management of overland flow from surcharging of the site's surface water drainage system during extreme events;
- vi) The site to be drained using a separate system with only foul drainage connected into the public sewerage system. Surface water shall discharge directly into a soakaway or watercourse in accordance with the principles of Sustainable Drainage Systems (SuDS) and no surface water flows shall pass to the public sewerage system via direct or indirect means unless it can be demonstrated that the use of SuDS is not technically feasible in respect of this site;
- vii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The drainage scheme shall be implemented in accordance with the approved details and timetable.

- 8) No development shall take place until detailed proposals for the incorporation of features into the scheme, suitable for use by roosting bats and breeding birds, have been submitted to and approved in writing by the local planning authority. The approved features shall be installed prior to the first occupation of the development hereby permitted and shall be retained thereafter.
- 9) No development shall take place, including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery, until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall include details of the following:
 - i) A scheme, hereinafter called the Approved Protection Scheme, which provides for the retention and protection of trees, which are the subject of a Tree Preservation Order currently in force, or which are shown to be retained on the approved layout plan, which shall be in place prior to commencement of work;
 - ii) Implementation, supervision and monitoring of the Approved Protection Scheme. The Approved Protection Scheme shall be retained for the full duration of the development hereby permitted;
 - iii) A detailed tree work specification;
 - iv) Implementation, supervision and monitoring of the approved tree work specification;
 - v) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected. No excavations for service, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the Approved Protection Scheme;
 - vi) Timing and phasing of Arboricultural works in relation to the development hereby approved.

No development shall take place except in complete accordance with the approved Arboricultural Method Statement.

- 10) No development shall take place until:
 - i) a Phase II investigation has been carried out and the results submitted to and approved in writing by the local planning authority;
 - ii) if the Phase II investigation indicates that remediation is necessary, then a Remediation Statement shall be submitted to and approved in writing by the local planning authority. The remediation scheme set out in the Remediation Statement shall then be carried out in accordance with the approved details
 - iii) if remediation is carried out then a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to and approved in writing by the local planning authority prior to the first use or occupation of any part of the development hereby approved.
- 11) No development shall take place, including any works of demolition, until an Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the hours of construction work and deliveries;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) wheel washing facilities;
 - vi) details of any piling required including method (best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties) hours, duration and prior notification to the occupiers of potentially affected properties;
 - vii) details of the responsible person (e.g. site manager / office) who could be contacted in the event of a complaint;
 - viii) mitigation measures in respect of noise and disturbance during the construction phase, including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
 - ix) a scheme for recycling/disposing of waste resulting from demolition and construction works; there shall be no burning of materials on site during demolition / construction;
 - x) measures to control the emission of dust and dirt during construction.
- 12) Prior to commencement of works between 1st March and 31st March in any year, a detailed survey shall be carried out by a suitably qualified person to check for nesting birds, and the results submitted to the local planning authority. Where nests are found in any building, hedgerow, tree or scrub to be removed, converted or demolished, a four metre exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to the local planning authority before any further works within the exclusion zone shall take place.
- 13) No dwelling shall be occupied until the access road has been constructed, and the additional parking spaces have been provided near to the junction with the A529, in accordance with the approved plans.

- 14) No development shall take place within a zone five metres to each side of the existing public sewer crossing the site.
- 15) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - i) Site location plan
 - ii) Illustrative layout plan – 1257WHD/ARN SK03 Rev C
 - iii) Illustrative Streetscene – 1257WHD/ARN SS01
 - iv) Illustrative House Types – 4.208/P/B/L, 5.230/P/B/L Rev A, 4.212/P/B/L Rev B, 4.134/P/B/L
 - v) Site Access – 9Y0543 SK002 Rev C
 - vi) Site Access – A085768-SK001 Rev A
 - vii) Safety Improvements – A085768-SK005

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

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Instructed by Emery Planning

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Mrs Barry
Mrs Lindsay
Mr Turner
Mr Staley
Mr Groves

Borough Councillor – Cheshire East Council
Local Resident
Local Resident
Local Resident
Local Resident
Local Resident

CORE DOCUMENTS

- CD1 SPB Report 21/6/13
- CD2 SPB Report 29/1/14
- CD3 Decision Notice 13/4603N
- CD4 Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011
- CD5 Local Plan Strategy Submission Version March 2014
Local Plan Strategy Policies Map March 2014
- CD6 Cheshire East Strategic Housing Land Availability Assessment Update February 2013
- CD7 Cheshire East Five Year Housing Land Supply Position Statement

INQUIRY DOCUMENTS

- 1 Mr Khan's Proof – revised Table, Plan and Photograph
- 2 Mrs Barry written submission
- 3 Council – Opening Statement
- 4 TA 22/81 Vehicle Speed Measurement on All Purpose Roads
- 5 Council - CIL Compliance Statement
- 6 Agreed list of conditions
- 7 Mr Staley written submission
- 8 Revised Access Plan based on X distance of 2 metres
- 9 Plan showing location of cheese factory
- 10 Councillor Groves written statement
- 11 Agreed plans list
- 12 Housing Land Supply assessment summary
- 13 Order, Rt Hon Justice Sullivan in the Court of Appeal – Hunston Properties Ltd v SSCLG
- 14 Extract – Distribution of Regional Housing Provision – North West Regional Strategy
- 15 Appeal Decision APP/R0660/A/12/2188195
- 16 Extract – CNRLP Policy RES1 Housing Allocations`
- 17 Council Closing Submission
- 18 Appellant Closing Submission