



---

## Appeal Decision

Inquiry held on 1-3 July 2014

Site visit made on 4 July 2014

by **B.S.Rogers BA(Hons), DipTP, MRTPI**

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

Decision date: 15 August 2014

---

**Appeal Ref: APP/R0660/A/14/2213304**

**Land off Crewe Road, Haslington, CW1 5RT**

- 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 Richborough Estates Partnership LLP against Cheshire East Council.
- The application Ref: 13/4301N, is dated 9 October 2013.
- The development proposed is demolition of existing structures and foundations of a partly constructed building and the erection of up to 250 dwellings, medical centre/community use, public open space, green infrastructure and associated works.

**Summary of Decision: The appeal is allowed and planning permission is granted, subject to conditions.**

---

### Procedural Matters

1. The application is in outline with all matters except access being reserved for later submission. The application is accompanied by an 'Illustrative Site Masterplan' which indicates the general form and layout that the appellants envisage for the site.
2. The Council confirmed at the opening of the inquiry that it was no longer pursuing the objection on highways grounds which it had earlier indicated in its Statement of Case.
3. The appellants submitted a signed and sealed Unilateral Undertaking dated 3 July 2014, made under S.106 of the Town and Country Planning Act 1990. In brief, this provides for the provision and management of new, on-site public open space, for 30% of the dwellings to comprise affordable housing and for financial contributions towards highways improvements, cycling provision and educational improvements. It would also identify and safeguard a site for a medical centre for a 3 year period. I comment on this Undertaking in paras.48-54 below.
4. A Statement of Common Ground (SOCG), dated 3 July 2014 and agreed by the appellants and the Council, was submitted to the inquiry (Doc.12).

### Applications for costs

5. At the Inquiry, each main party indicated that it wished to make an application for costs against the other. It was agreed that these applications could be made in writing and that each party would have the opportunity of responding in writing by 10 July. These applications are the subject of separate Decisions.

## Planning Policy

6. S38(6) of the Act states that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. The development plan consists of the Crewe and Nantwich Replacement Local Plan 2011 (CNRLP). This was adopted in 2005 and covered the period to 2011. A number of the policies have been saved.
7. In March 2014, the Council published a Submission Version of the Cheshire East Local Plan (CELP). It was submitted to the Secretary of State in May 2014 and it is anticipated that the Examination will take place in September 2014. It is the subject of many objections and the parties agreed that it can only attract limited weight at this time because none of its policies have yet been subject to independent testing.
8. The appeal site is located on the north-eastern side of the village of Haslington. It is some 11.91 ha in size and comprises 3 agricultural fields and a large residential plot which fronts on to Crewe Road. The site is outwith the defined settlement boundary for Haslington and CNRLP Policy NE.2 treats this as open countryside where only development appropriate to a rural area will be permitted. Policy RES.5 restricts new dwellings in open countryside to infill or those required in connection with agriculture or forestry.
9. The National Planning Policy Framework (the Framework) is a significant material consideration in this case. In para.14, it sets out the presumption in favour of sustainable development and goes on to indicate that, where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted except in 2 instances. That of relevance to this case is where any adverse impact of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
10. It is not in dispute that the housing policies in the CNRLP have been out of date since June 2011. Saved Policies NE.2 and RES.5 are not time limited. However, whilst it is clear from the reasoned justification that the underlying aims of Policy NE.2 include safeguarding the countryside for its own sake and protecting the character and amenity of the countryside, both of these policies have the effect of constraining housing supply. Para.215 of the Framework indicates that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Whilst the Framework recognises the intrinsic character and beauty of the countryside, it no longer uses the language of seeking to *protect* the countryside; that term is used for valued landscapes and other designated areas, such as the Green Belt. Moreover, it requires a significant boost in the supply of housing, some of which must inevitably be located beyond settlement boundaries in the event that they do not enable the housing needs of the District to be met. There are therefore inconsistencies between Policies NE.2 and RES.5 and the Framework which would reduce the weight given to them.
11. The Council accepts in the SOCG that Policies NE.2 and RES.5 should be regarded as out of date in terms of their geographical extent in the event that there is not a 5 year supply of deliverable land. Mr Haywood amplified this

point in his evidence by agreeing that significantly reduced weight should be given to the settlement boundaries in such an event.

12. My attention was drawn to the May 2012 appeal decision concerning the proposed erection of 3 dwellings on that part of the appeal site which fronts Crewe Road (Ref: APP/R0660/A/12/2169141). Although the Inspector found conflict with Policy NE.2, he did not then have the benefit of case law which indicates that a policy of this type has the effect of constraining housing supply. Although there was an absence of a 5 year housing land supply at that time, the limited benefits of a small development were judged not to outweigh the harm arising from non-compliance with development plan policy.

### **Main Issues**

13. The main issues in this case are i. whether there is a 5 year supply of deliverable housing sites in the District; ii. whether the proposal would be sustainable development; and iii. whether any conflict with the development plan and any other harm is outweighed by the benefits of the proposal.

### **Reasons**

#### *Housing Land Supply*

14. Whilst it is agreed that the housing requirement must be based on full objectively assessed needs (FOAN), the main parties disagree as to whether there is a 5 year supply of deliverable housing sites in the District. It is not my place in a S.78 appeal to pre-empt the outcome of the independent examination into the CELP that is due to take place in September 2014, to which parties representing a wide range of interests will be giving evidence. However, the case of *Stratford upon Avon DC v SSCLG and JS Bloor and Hallam Land Management [2012]* makes it clear that the housing supply issue has to be determined.
15. Turning first to the housing requirement, the Council seeks to use the figure of 1,150 d.p.a., set out in the now revoked North West Regional Strategy (RS) as the most recently tested, objectively assessed consideration of housing need. This figure exceeds the 2013 ONS projections to the year 2020 of 1,050 d.p.a. The Council points out that the Secretary of State was content to use the RS figure as the FOAN in the Abbey Road, Sandbach appeal (ref: APP/R0660/A/10/2141564) issued on 17 October 2013. However, in that case, both parties had agreed to use this figure as a starting point. As the Council had conceded that it could not demonstrate a 5 year supply of housing land based on the RS figure, there appeared to be little point in challenging its use.
16. In the present case, the appellants accept that the RS figure was objectively assessed, albeit that the evidence base from which it was derived is dated. However, they put forward convincing evidence to indicate that it was constrained by policy, largely that of focusing development on the main urban areas in the North West and supporting the need to regenerate North Staffordshire. Both the RS Panel Report, and the Technical Appendix which helped to inform it, indicate restraint in North East Cheshire, in the Macclesfield and Congleton areas and in South Cheshire. Indeed, the Council in its Submission Version of the CELP refers to the RS approach as "*.. one of development restraint reflective of the extensive coverage of Green Belt in the*

*Borough and the intention to foster urban regeneration in Greater Manchester and Merseyside in particular."*

17. The appellants have used the advice of the Planning Practice Guidance (PPG) to indicate their view that the FOAN is 1,800 d.p.a. This takes account of projected population and household growth, economic growth and market signals. The appellants have also identified a demographic only led requirement figure (the basic starting point) in terms of the FOAN of 1,300 d.p.a., which disregards economic growth. The Council objected to the principle of a developer usurping the role of the LPA in producing such an assessment which, it said, can not be truly objective. However, it is difficult to see how the forthcoming CELP examination could be rigorous and transparent unless the Council's figure is able to be challenged by other parties. Doc.10 indicates that, not surprisingly, most objections to the CELP from the development industry generally advocate a higher figure than that relied upon by the Council.
18. The Council's own FOAN figure which forms part of the emerging CELP is an average of 1,350 d.p.a. However, even this may be seen as constrained as the CELP states "*In arriving at this total figure, consideration has been given to the capacity of the area to accommodate growth and an appropriate balance has been struck which minimises the impact on the environment, infrastructure and the Green Belt, whilst providing for objectively assessed needs.*" Whilst I can give limited weight to the CELP itself, I find it hard to understand how the Council can distance itself from its own evidence base to support the CELP.
19. Having regard to the above, I conclude that the FOAN is highly unlikely to be any less than 1,350 d.p.a.; the exact figure must await the scrutiny of the CELP examination. This would give a 5 year requirement of at least 6,750 dwellings. Both main parties agree that there is a historic shortfall which should be added to this. It appears prudent to use the RS figure up until the start of the CELP period (1 April 2010) and 1,350 thereafter. This would result in a shortfall of around 1,560 dwellings.
20. The Council sought to include C2 Use Class development in its overall assessment, as envisaged by the PPG. However, the Council's evidence on completions and losses in both student and elderly provision appeared seriously lacking in substance; there was no convincing evidence of when, and how many, completions/losses had actually taken place. For example, the Council's estimate of C2 residential commitments changed from 727 to 92 during the course of the inquiry. Furthermore, the assumptions by which it 'traded off' such provision into the housing figures lacked empirical evidence. As a result, I am unable to rely on the Council's analysis and to take account of C2 provision in my assessment of the 5 year supply.
21. Using the Council's format, as set out in the tables produced by Mr Stock, and using the Council's own housing supply figure of 9,645 dwellings, there would be just less than 5 years' supply of housing, even if a 5% buffer was used. This, however, appears to me to represent the most optimistic assessment of the present 5 year housing supply position. I am aware of the recent recession and downturn in the housing market. However, there has been a failure to meet the housing requirement in the District for 6 years out of the last 10 and the accumulated shortfall is very substantial. That appears to me to demonstrate persistent under-delivery, leading to the requirement for a 20%

buffer, as per the guidance of the Framework. That would translate to a housing supply of some 4.3 years.

22. The appellants submit that the actual supply figure is 7,811, an average of over 1,500 a year and in excess of any annual figure delivered in the District, even in the boom years of the mid 2000s. They have cast doubts on the deliverability of certain sites which they consider unviable or have been awaiting the completion of Planning Obligations for a considerable time and have questioned the assumed lead-in times, the build rates on larger sites where there is no evidence of more than 1 developer and the extent of the windfall allowance. However, I do not need to go into the detail of such matters given that I have found a less than 5 year housing supply on the basis of the Council's own supply figure, which appears to me likely to represent an optimistic assessment of the situation.
23. My view that the Council cannot demonstrate a 5 year supply of housing land leads me to the conclusion that relevant policies for the supply of housing should not be considered up-to-date. Accordingly, the weight given to those parts of CNRLP Policies NE.2 and RES.5 relating to housing land supply, particularly the settlement boundaries, should be significantly reduced.

#### *Sustainable Development*

24. At the heart of the Framework is a presumption in favour of sustainable development, defined as having 3 dimensions: economic, social and environmental.
25. Whilst housing development per se is excluded from the definition of economic development in the Framework, the economic benefits of the proposal still fall to be considered. The appellants' unchallenged evidence is that the Crewe economy is desperately in need of more good quality family housing. The proposed development would inject an estimated expenditure into the local economy of over £27m. The construction is estimated to involve the creation of some 90 full time equivalent construction jobs over a 6 year period. Household expenditure from the new homes is estimated to give rise to a substantial number of retail and service sector jobs. The area would benefit from a New Homes Bonus payment to the Council of over £2m. This appears to me to amount to a significant economic benefit.
26. In social terms, it is not in dispute that there is an urgent need for affordable housing in the District, in addition to the need for market housing. The Council has indicated that there are currently 126 applicants on the housing register who require social or affordable rented housing and have Haslington as their first choice. The proposal would provide some 74 affordable units, which would be a significant contribution to the shortfall.
27. Reference has been made to the lack of capacity in local schools. However, the Education Authority has not objected to the proposal, subject to a financial contribution of primary and secondary pupils; this is included in the Unilateral Undertaking.
28. The Council's objection to the proposal largely focused on the environmental dimension of sustainability, more specifically the loss of open countryside and of the best and most versatile (BMV) agricultural land. This was echoed by the written and oral representations made by local residents.

29. It is inevitable that some harm will arise from the loss of these open fields. Clearly they are valued by the local community, and particularly by the large number of residents whose houses back on to the site along its northern and western boundaries. They form part of the rural surroundings of the village and are visible from well-used public footpaths which lead from the end of Park Road, at the southernmost corner of the site. The Listed Haslington Hall is located in open countryside to the east of the village but, in my view, at such a distance that the proposal would not affect its setting.
30. I note that the swathe of land adjoining the village from its NW to its SW side is now a proposed Green Belt area of search in the CELP, aiming to prevent the merging of Crewe and Haslington; there is no such restriction on the eastern side, where the appeal site lies, nor is there any other landscape designation.
31. The appellant has carried out a landscape assessment which has led to the 'Illustrative Site Masterplan' which accompanies the application. The Council has raised no objection to the proposal on the basis of its impact on landscape quality or visual harm, subject to the implementation of the Masterplan. The site is well contained by hedgerows and trees and the Masterplan shows that these would be retained where possible and a landscape buffer would be created around the site's perimeter; there would also be a green spine through the centre of the site. In total, around a quarter of the site area would be retained as open space. In my view, the development is capable of providing a high quality village edge, with no undue harm to the rural setting of the village or to the residential amenity of residents whose houses back onto the site.
32. There appear to be no unduly adverse ecological impacts, subject to the provision of the open space, referred to above and the implementation of the ecological mitigation strategy. There is no objection to the proposal from Natural England.
33. Turning to agricultural land quality, about 10.8 ha of the site is Subgrade 3a and 0.9 ha is non-agricultural. The aim of CNRLP Policy NE.12 is broadly consistent with the advice of para.112 of the Framework in seeking to avoid development of best and most versatile (BMV) land unless necessary; poorer quality land should be developed in preference to that of a higher quality. I have already concluded that there is a need for additional housing and there has been no credible suggestion that this can be accommodated on previously developed land or land of lower quality. Indeed, much of the land around Crewe, and in the District in general, is BMV and yet that has not proved a barrier to the Council's granting planning permission or seeking to allocate sites in the CELP. There is no evidence that the viability of an agricultural holding would be unduly harmed by the loss of the appeal site. In this case, the need for the housing and the lack of lower grade alternative sites outweighs the harm arising from any conflict with Policy NE.12.
34. In locational terms, the appeal site is on the edge of Haslington, a large village with a range of local facilities and services. These include 2 primary schools, village hall, church and church hall, doctor's surgery, dentist, post office, pharmacy, newsagents, hairdressers, hot food takeaways, public houses and 2 convenience stores. Haslington is close to Crewe, the largest town and main employment centre in the District, to which it is well connected by bus services. Crewe has a main line railway station.

35. Local residents have questioned whether there are safe and useable walking routes from the appeal site into the village. There is no footway along the eastern side of Crewe Road, on which side the appeal site lies. That on the western side is, in places, of limited width, although this appears largely down to a local lack of maintenance. With the agreement of the highway authority, the appellants propose a signal controlled pedestrian crossing close to the proposed new access. Although this would not be the most direct walking route, I regard it as a safe and viable walking route to the nearby bus stops and other village facilities. The alternative route to the village centre is from the southernmost corner of the site, via Park Road. This is approximately 4m wide (variable) and has no footways. It only serves a handful of dwellings and a farm and traffic flow and speeds are both very low. It is already well used as a link to the public footpaths referred to in para.29 above. I have seen no reason to regard it as unsuitable for additional pedestrian and cycle use by future residents.
36. Crewe Road, which passes the site, is part of National Cycle Route 74 and the appellants have responded to an approach from the Cyclists Touring Club and Sustrans by agreeing in the Unilateral Undertaking to contribute to the improvement of a cycle route to Crewe which would avoid the busy Crewe Green roundabout. Therefore, although it is inevitable that future residents would make use of the private car, there are viable alternative modes of transport by bus, cycling or on foot. Furthermore, the appellants propose to introduce a travel plan for future residents, with the aim of reducing car use, to be the subject of a planning condition.
37. On balance, despite the loss of open countryside, most of which is BMV agricultural land, and the inevitable use of the private car by residents for some journeys, I find that residential development of the appeal site should be regarded as sustainable in accordance with the definition set out in the Framework.

#### *The Planning Balance*

38. The relevant policies relating to the supply of housing are out of date and I have found there to be an absence of a 5 year supply of housing. Therefore I can attach little weight to CNRLP Policies NE.2 and RES.5 insofar as they have the effect of restricting housing supply. The presumption in favour of sustainable development indicates that permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
39. Many local residents have expressed concern about highway safety at the proposed new junction with Crewe Road. The initial Transport Assessment recorded a traffic survey undertaken some 200 m to the NE of the proposed access, towards Winterley. However, this has been superseded by two surveys on behalf of the appellants and one by the Council, carried out adjacent to the proposed new junction. A local resident, Mr Fidler, submitted that nearby roadworks and wet conditions on certain days might undermine the value of the appellants' surveys but there has been no such criticism of the Council's survey. Taking the highest set of measured speeds (the Council's survey), the speeds were below the 60 kph threshold for the application of the Manual for Streets parameters.

40. Using the more stringent requirements of Manual for Streets 2, the required visibility splays would be 55.8m eastbound and 55 m westbound. The actual visibility splays proposed are 57 m eastbound and 58.1 m westbound. Whilst these are in excess of the minimum requirements, the appellants also propose improved signage, road markings and traffic calming at the entrance to Haslington village, which should have the effect of reducing traffic speeds on Crewe Road.
41. Mr Ragdale, who lives immediately to the west of the proposed junction, disputed whether the southernmost visibility splay could be achieved within the public highway, claiming it would encroach onto his land. However, land ownership is not a matter for me to resolve. It was agreed that the imposition of a Grampian style condition could ensure that no development took place until the splays were formed.
42. The submitted drawings also indicate suitable visibility splays for the proposed pedestrian crossing. Even when the footway on the western side of Crewe Road is maintained to its full width of 1.6m, this would be below the desirable width of 2m adjacent to a crossing, set out in Local Transport Note 1/95. However, it would be more than the minimum width of 1.5m indicated in Manual for Streets and 'Inclusive Mobility', which would allow a person in a wheelchair to pass a walker.
43. I note above that Park Road would be a suitably convenient pedestrian/cycle route and I have seen no reason to believe that there would be an undue safety risk to its users. Its use as an emergency vehicular access would only be in the event that the access from Crewe Road was blocked, which is likely to be an extremely rare occurrence.
44. Concern was also raised about the impact of increased traffic heading towards Crewe on the highly congested Crewe Green roundabout. However, the Highway Authority has raised no objection to the proposal, subject to the contribution of £651,190 towards the Authority's overall planned highway improvement scheme for the roundabout. This sum forms part of the Unilateral Undertaking.
45. On balance, I can see no basis on which to prevent the proposal on the grounds that it would unduly harm highway safety.
46. Concerns have been raised about the possible increased flood risk arising from the development. However, neither the Environment Agency nor United Utilities has objected to the proposal and conditions could require an appropriate sustainable drainage scheme to be submitted at the detailed stage. I am not aware of any issues regarding air quality or contaminated land.
47. My attention has not been drawn to any other significant harm arising from the proposal. I have found nothing to indicate that the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the benefits of the proposal outweigh any conflict with the development plan and I conclude that the appeal should succeed.

### **The Unilateral Undertaking and Planning Conditions**

48. I have considered the submitted Unilateral Undertaking in the light of the Framework, para.204, and the statutory tests introduced by Regulation 122 of



the Community Infrastructure Levy (CIL) Regulations, 2010. The Council is satisfied that the wording is legally sound and has provided a CIL Compliance Statement (Doc.16).

49. I am satisfied that the provision of 30% affordable housing, of which 65% would be social rent/affordable rent with 35% intermediate tenure, is justified by CNRLP Policy RES.7 and by the further guidance and evidence in the Council's Interim Planning Statement on Affordable Housing and Strategic Housing Market Assessment.
50. The commuted payments towards primary and secondary education are justified by Policy BE.5 of the CNRLP and the supporting updated survey evidence. The contribution would be spent at one or more of the primary schools within a 2 mile radius and on local secondary schools.
51. The on-site provision of open space and an equipped play area is justified by CNRLP Policy RT.3, given the lack of suitable play areas in the vicinity of the site.
52. The contribution towards the Crewe Green Roundabout improvement is justified by CNRLP Policy BE.5 and the Cheshire East Infrastructure Plan 2011. Together with other pooled contributions, it should help address the impact of the additional traffic on the already severely congested roundabout.
53. The cycling contribution is justified by policies in the Cheshire East Rights of Way Improvement Plan and the Cheshire East Local Transport Plan. It would help to upgrade a route to Crewe, which also serves a secondary school, and which avoids the most heavily trafficked roads.
54. The provision of land for a medical centre to be marketed for 3 years does not appear to be CIL compliant and I have therefore given it little weight. The other matters listed above appear 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.
55. I was provided with a list of 22 draft conditions agreed by the Council and the appellants. I have considered these in the context of the Framework and PPG advice. A number of these relate to the requirement to submit details of reserved matters, the time limit for commencement and compliance with the plans.
56. This is an outline application, with reserved matters being appearance, landscaping, layout and scale. There is no need for conditions seeking to control details of such matters, as they can be imposed at the reserved matters stage. Therefore those relating to ground levels, external facing materials and tree/hedge protection are not needed. A condition requiring the landscaping details to be in general conformity with the Green Infrastructure Plan is needed to ensure the development's integration into the landscape, as is that requiring a buffer zone along the watercourse on the western boundary. Further conditions requiring ecological mitigation and a nesting bird survey are needed to ensure sustainable development. Conditions requiring submission of details for the provision and management of open space and play areas are also necessary.
57. I agree that a condition requiring a scheme of phasing is needed to ensure the efficient development of the site. Conditions are needed to ensure the proper

drainage of the site and to avoid adverse effects elsewhere. A condition requiring a phase II investigation is needed to avoid the risk of contamination and an Environment Management Plan is needed to minimise the harmful impact of construction work on local residents.

58. Important to the sustainability of the scheme is the submission and implementation of a Travel Plan. In order to ensure highway safety at the new junction, it is important to ensure the junction (including visibility splays) is complete prior to the commencement of any further development; construction traffic needs a suitable, safe access. The proposed pedestrian crossing needs to be in place prior to the first occupation of any dwellings to ensure safe pedestrian access to and from the site.

### **Formal Decision**

59. The appeal is allowed and planning permission is granted for demolition of existing structures and foundations of a partly constructed building and the erection of up to 250 dwellings, medical centre/community use, public open space, green infrastructure and associated works on land off Crewe Road, Haslington, CW1 5RT in accordance with the terms of the application, Ref: 13/4301N, dated 9 October 2013, and the plans submitted with it, subject to the 19 conditions set out in the Schedule below.

*B.S. Rogers*

Inspector

Richborough Estates

### **Schedule of 19 Planning 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 three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) This permission shall refer to the following drawing numbers:  
*Pinc-100-22-AB-001 - Application boundary plan;*  
*Figure 6.1 rev.B - Proposed site access junction with pedestrian crossing*  
*DE 154 HAS 001 - Infrastructure plan.*
- 5) The landscape reserved matters shall be in general accordance with Drawing No. DE154\_HAS\_001 Green Infrastructure Plan.
- 6) No development shall take place until a scheme for the provision and management of at least an 8 metre wide buffer zone alongside the watercourse at the western boundary of the site has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:
  - i. Plans showing the extent and layout of the buffer zone.
  - ii. Details of any proposed planting scheme.
  - iii. Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
  - iv. Details of any proposed footpaths and boundary treatments.
- 7) Notwithstanding the submitted Ecological Mitigation Strategy (September 2013), any future reserved matters application shall be supported by a revised Ecological Mitigation Strategy which shall be in accordance with the recommendations of the submitted Ecological Mitigation Strategy (September 2013). No development shall take place except in complete accordance with the revised Strategy.
- 8) Prior to any commencement of works between 1st March and 31st August 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 (or converted or demolished in the case of buildings), a 4m 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 local planning authority before any further works within the exclusion zone take place.
- 9) Each reserved matters application shall include an Open Space Scheme showing all areas of open space to be provided within that phase of the development. The development shall include public amenity open space and an equipped children's play area (LEAP). The scheme shall also include details of the location, layout, size, timing of provision, proposed planting, location and specification of boundary structures, play equipment and materials.
  - 10) Prior to the commencement of development, a Management Plan for the future management and maintenance of the open space shall be submitted to, and approved in writing by, the local planning authority. The Plan shall identify the maintenance requirements including all ongoing maintenance operations, and shall be thereafter implemented in perpetuity.
  - 11) No development shall take place until a scheme of phasing for the development has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
  - 12) The development hereby permitted shall not be commenced until such time as a scheme to limit the surface water runoff generated by the proposed development has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented for each phase of development prior to the first occupation of that phase.
  - 13) The development hereby permitted shall not be commenced until such time as a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented for each phase of development prior to the first occupation of that phase.
  - 14) The development hereby permitted shall not be commenced until such time as a scheme for the disposal of foul water has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt, surface water must drain separately from the foul and no surface water will be permitted to discharge directly or indirectly into the existing public sewerage system. The approved scheme shall be implemented for each phase of development prior to the first occupation of that phase.
  - 15) Prior to the development commencing:-
    - i. A Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the local planning authority (LPA).
    - ii. If the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA. The remediation scheme in the approved Remediation Statement shall then be carried out.
    - iii. If remediation is required, 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 LPA prior to the first use or occupation of any part of the development hereby approved.

- 16) Prior to the development commencing, an Environmental Management Plan shall be submitted to and approved in writing by the local planning authority. In particular the plan shall include:-
- 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, prior notification to the occupiers of potentially affected properties;
  - viii. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
  - ix. 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;
  - x. Waste Management: There shall be no burning of materials on site during demolition / construction;
  - xi. A scheme to minimise dust emissions arising from demolition / construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
- 17) Prior to the first occupation of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include, inter alia, a timetable for implementation and provision for monitoring and review. No part of the development hereby permitted shall be occupied until those parts of the approved Travel Plan that are identified as being capable of implementation after occupation have been carried out. All other measures contained within the approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented, in accordance with the approved scheme of monitoring and review, as long as any part of the development is occupied.
- 18) Prior to the first occupation of the development hereby permitted the details of the new signal-controlled pedestrian crossing on Crewe Road shall be submitted to and approved in writing by the local planning authority; and the crossing constructed. The location of the pedestrian crossing shall be in general accordance with Drawing No. Figure 6.1, Rev.B: "Proposed Site Access Junction With Pedestrian Crossing".

- 19) No development shall take place on site until the proposed new junction with Crewe Road, including the visibility splays as specified, has first been constructed in accordance with the details shown on Figure 6.1, Rev.B: "Proposed Site Access Junction with Pedestrian Crossing".

Richborough Estates

## Appearances

### *For the Council*

Mr T.Straker QC - instructed by the Chief Solicitor, CEC.

### *He called:*

Mr G.Stock BA(Hons), MA(UDR) - Deloitte Real Estate [Mr Stock adopted the proof produced earlier by Mr S.Hannaby of Cheshire East Council]

Mr B.Heywood BA(Hons), MA, MBA, MRTPI, MCMi - Cheshire East Council

### *For the Appellants*

Mr C Young of Counsel - instructed by Mr Stentiford

### *He called:*

Mr A.Williams BA(Hons), DipLA, DipUD, CMLi - Define

Mr J.Donagh BA(Hons), MCD, MIED - Barton Willmore

Mr B.Pycroft BA(Hons), DipTP, MRTPI - Emery Planning

Mr P.Jones CEng, MICE, CIHT, ITE, Hon.IHE - Phil Jones Associates

Mr D. Stentiford BA(Hons), BTP, MRTPI - Pegasus Group

A proof of evidence was also submitted by Mr T. Kernon BSc(Hons), MRICS, FBIAC of Kernon Countryside Consultants Ltd but he was not called to give oral evidence.

### *Interested Persons*

Mrs S.Lewis - local resident

Cllr J.Hammond - Cheshire East and Haslington Parish

Mr A.Fidler - local resident

Cllr R.Hovey - Chairman, Haslington Parish Council

Mr R.Nixon - local resident

Mr D.Williams - local resident

Mr K.Froggatt - local resident

Mr G.Ragdale - local resident

Mrs M.Gollins, a local resident, had intended to speak but was unable to attend and, instead, submitted a written statement.

## Documents

1. Attendance lists
2. Plan of Crewe employment areas
3. Text of various speeches regarding the housing market.
4. e-mails between the appellants and the Council.

5. Housing Needs in Cheshire East – S.Nichol
6. Extract from NW Regional Spatial Strategy to 2021
7. Extracts from Planning Policy Guidance
8. Grounds of High Court Challenge to appeal Ref: APP/R0660/A/13/2196044
9. Updated information from Mr Stock
10. Schedule of representations to Cheshire East Local Plan Strategy housing need.
11. Extract from Crewe Chronicle
12. Statement of Common Ground, dated 3 July 2014.
13. Extract from Land Registry and title deeds for 194 Crewe Road, Haslington
14. Assessment of residential applications determined by the Council
15. Unilateral Undertaking, dated 3 July 2014.
16. CIL Regulations compliance statement
17. Draft list of planning conditions agreed by the appellants and the Council
18. Application for costs made in writing by the appellants and the Council's response.
19. Application for costs made in writing by the Council and the appellants' response.

Richborough Estates