



Department for  
Communities and  
Local Government

Mrs Samantha Ryan  
Director  
Turley Associates  
1 New York Street  
Manchester  
M1 4HD

Our Ref: APP/A0665/A/12/2179410 &  
APP/A0665/A/12/2179374

Mr M Gilbert  
The Planning Consultancy  
Bridge Farm  
Sarn  
Malpas  
Cheshire  
SY14 7LN

18 November 2013

Dear Madam and Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEALS BY HARROW ESTATES PLC AND BY BRIDGEMERE LAND PLC AND  
BRIDGEMERE JV LTD - LAND AT GRANGE FARM, HARTFORD, CHESHIRE  
AND LAND TO THE EAST OF SCHOOL LANE, HARTFORD, NORTHWICH,  
CHESHIRE, CW8 1PW  
APPLICATION REFERENCES 11/05765/OUT AND 11/05805/OUT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Stephen Roscoe BEng MSc CEng MICE, who held a public inquiry on 4-7 and 11 December 2012 into your clients' appeals as follows:

**APPEAL A** by Harrow Estates plc against a decision of Chester West and Chester Council (the Council) to refuse planning permission for 'up to 300 dwellings comprising: 42 detached four and five bedroomed dwellings with associated car parking (details of vehicular access, layout, scale and appearance to be approved); up to 258 three, four and five bedroomed dwellings up to a maximum of 2.5 storeys in height (including details of means of access); the re-use of Grange farmhouse for either residential or non-residential institutional use (Use Class D1); a public car park; and an associated community green and linear park' at Land at Grange Farm, Hartford, Cheshire, in accordance with application reference 11/05765/OUT, dated 9 December 2011.

**APPEAL B** by Bridgemere Land PLC and Bridgemere JV Ltd against a decision of the Council to refuse planning permission for 'a residential development comprising up to 350 dwellings and associated amenity areas together with a new access onto School Lane' at Land to the East of School Lane, Hartford, Northwich, Cheshire, CW8 1PW, in accordance with application reference 11/05805/OUT, dated 9 December 2011.

2. On 27 July 2012 the appeals were recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 to Schedule 6 to, the Town and Country Planning Act 1990 because the appeals involve proposals for residential development of over 150 units on sites of over 5ha which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and to create high quality, sustainable, mixed and inclusive communities.

### **Inspector's recommendation and summary of the decision**

3. The Inspector recommended that both appeals are allowed and planning permission is granted. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

### **Procedural Matters**

4. At the inquiry applications for costs were submitted by each of your clients against the Council. These applications are the subject of a separate decision letter, also being issued today.
5. The Secretary of State has had regard to the two issues identified by the Inspector at IR2.2 and 2.3 and notes that neither issue led to any objection from any party.
6. Following applications for screening opinions made in May and November 2011 in respect of the proposed residential developments, the Council confirmed by letters dated 14 June and 10 November 2011 that Environmental Impact Assessments would not be required (IR2.4). Like the Inspector (IR2.4), the Secretary of State is satisfied that there is no reason to depart from this position.
7. He also notes that the Council withdrew its second reason for refusal of planning permission in relation to both applications (IR2.6).

### **Matters arising after the close of the inquiry**

8. On 24 April 2013 following the close of the Inquiry, the Regional Strategy for the North West (Revocation) Order 2013 was laid before Parliament. The Order came into force on 20 May 2013. The Secretary of State wrote to interested parties on 7 May 2013 seeking their views on the implications of the then impending revocation of the Regional Strategy for the North West (the RS) to the case they put to the inquiry. On 19 July 2013 the Secretary of State wrote to interested parties enclosing certain responses to his letter of 7 May 2013 (as

outlined in Annex A of the 19 July 2013 letter). He also enclosed a summary of responses received from the large number of other parties who made representations in response to his letter of 7 May 2013 (as outlined in Annex B of the 19 July 2013 letter). The Secretary of State's letter of 19 July 2013 invited further comments. In response to this he received further comments from the parties listed at Annex 1 of this decision letter. In addition to the revocation of the RS, a number of other issues were raised by parties in their representations in response to the Secretary of State's letters of 7 May and 19 July. He has carefully considered these additional matters which are outlined in the summary of representations that he circulated to parties with his letter of 19 July 2013. The Secretary of State is satisfied that most of the issues raised were considered at the inquiry including, for example, the transport impacts of the proposals and the emerging neighbourhood plan, and that none of the other issues raised would affect his decision.

9. The Secretary of State is also in receipt post inquiry representations which were received by the Planning Inspectorate too late to be considered by the Inspector from: Brendan Sheppard-Baker dated 26 November 2012 and A C McBride, Managing Director of Redrow Homes date 6 December 2012. Additionally he has received post inquiry representations from: Councillor Rita Hollens dated 15 April 2013 on behalf of the Hartford Joint Action Group (HJAG); Dr John Swaffield MBE dated 5 July 2013 on behalf of HJAG; Mr Chris Bates dated 22 July 2013; Mr David Gardner dated 29 July 2013, Mr Phil Herbert dated 12, 27 and 28 of August 2013; and Mr J Pritchard dated 30 August and 15 October 2013. The Secretary of State has given careful consideration to the representations identified in this paragraph, but as they do not raise new matters that would affect his decision he has not considered it necessary to circulate them to all parties. Mr Herbert's representations are referred to further at paragraph 28 below.
10. Furthermore the Secretary of State has received two letters from the Council in relation to housing supply. The first, dated 11 September 2013, provides an update on progress with the draft local plan and indicates that as of 13 August 2013 the Council considered that it has 6.97 years housing land supply based on a new housing target for 22,000 dwellings in the plan period 2010 to 2030. However, in the second letter dated 22 October 2013, which was sent to the Planning Inspectorate in relation to a number of undecided housing appeals including Appeals A and B, the Council acknowledges that it cannot currently demonstrate a five year supply of housing land in the borough and estimates the supply at between 2.5 and 2.8 years. The Council has confirmed to the Secretary of State that its letter of 22 October 2013 represents its current position on housing supply. The Secretary of State does not consider it necessary to circulate the Council's letter of 22 October 2013 to parties for comment because in his view it does not represent a significant change to its position at the inquiry on the matter of housing supply.
11. Copies of all representations received in response to the Secretary of State's letters of 7 May 2013 and 19 July 2013, the summary of responses circulated with his letter of 19 July 2013 and the other post inquiry representations identified in paragraphs 9 and 10 above may be obtained by written request to the address at the foot of the first page of this letter.

## **Policy considerations**

12. In deciding the application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
13. In this case, the development plan comprises the saved policies of the Vale Royal Borough Local Plan First Review Alteration 2006 (the LP). In light of the revocation of the RS and all saved structure plans under the RS order the Secretary of State has not had regard to policies in the RS or the 2005 Cheshire Structure Plan Alteration, or to the Inspector's remarks about the extent to which the appeal schemes comply with them. The Secretary of State considers that the development plan policies most relevant to the appeal are those identified by the Inspector at IR4.5 to 4.7 and IR14.6 to 14.7.
14. Other material considerations which the Secretary of State has taken into account include: The National Planning Policy Framework ('the Framework'); Circular 11/95: *The Use of Conditions in Planning Permission*; the Community Infrastructure Levy (CIL) Regulations (2010 and 2011) and the other documents identified by the Inspector at IR14.9. The Secretary of State has also had regard to the fact that on 28 August 2013 the Government opened a new national planning practice guidance web-based resource. However, given that the guidance has not yet been finalised, he has attributed limited weight to it.
15. The Secretary of State has also had regard to the Publication Draft Local Plan (Part One) - Strategic Policies which was published by West Cheshire and Chester Council on 6 September 2013. However, as it has not yet been subject to testing at examination and so is subject to change, it has been afforded little weight.
16. In deciding Appeal A, given that part of the site lies within, and part adjacent to, the Hartford Conservation Area (IR7.32), the Secretary of State has also paid special attention to the desirability of preserving or enhancing the character or appearance of that area, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **Main issues**

17. The Secretary of State considers that the main considerations in this case are those matters identified at IR14.2 and the relationship of the proposals to the development plan.

## **Housing Demand and Supply**

18. The Secretary of State has carefully considered the Inspector's comments at IR14.10-14.26 together with parties' responses to his letters of 7 May and 19 July on the implications of revocation of the RS and the Council's letter of 22 October 2013. The Council and the appellants agreed at the inquiry that the RS provided the housing land requirements from which land supply should be calculated and that 1,317 dwellings should be provided annually in the Council's area between 2003 and 2021 (IR7.2). Based on the RS requirement, the Inspector reports that

the Council's latest Housing Land Monitor shows that it has a housing land supply of 2.6 years against the Framework requirement of five years, and that this is lower than the 2.9 years agreed between the two main parties, indicating a worsening situation (IR14.11).

19. Following the Inquiry the Council, in its letter of 24 May 2013, indicated that the revocation of the RS would raise no issues that would affect its case to the public inquiry. Each appellants' position was similar to this, with Turley Associates' letter of 22 May 2013 on behalf of the Appeal A appellant and The Planning Consultancy's letter of 23 May 2013 on behalf of the Appeal B appellant both indicating that the RS housing requirement is based on the most up-to-date, objectively tested evidence base figures. In its letter of 22 October 2013 the Council states that its housing land supply is between 2.5 and 2.8 years.
20. In light of the evidence before him the Secretary of State considers that the RS evidence base which underpinned its former RS housing requirement should be given weight in this case in the absence of a more robust locally derived target. This is because the RS evidence base was objectively tested through a full examination process prior to publication of the RS. For the reasons set out at paragraph 15 above, the Secretary of State gives little weight to the Council's emerging local plan and the housing requirement set out in it. Based on the RS requirement the Inspector considers that there is a shortfall in the supply of deliverable housing sites. The Council's letter of 22 October 2013 accepts that it cannot currently demonstrate a five year supply of housing land in the Borough. The Secretary of State is therefore satisfied that there is a shortfall in the supply of deliverable housing sites.
21. The Secretary of State agrees with the Inspector that the Council has a record of persistent under delivery of housing land, and that the five year requirement should therefore be increased by 20% (IR14.14). He also sees no reason to disagree with the Inspector that there is a shortfall in the provision of affordable housing (IR14.14) and that the 195 affordable dwellings that the appeal schemes would provide would make a valuable contribution in this regard (IR14.16). For the reasons given at IR14.17-14.20, the Secretary of State agrees with the Inspector that both sites are, and have been for some time, on the horizon for housing development (IR14.20). Regarding the Inspector's comments on localism at IR14.22-14.23 he agrees with Inspector that the significant demand for housing in the Council's area has to take precedence over the absence of an updated local plan and neighbourhood plan. However in reaching this conclusion, the Secretary of State does not agree with the Inspector's comment that, without an updated local plan, the community of Hartford does not have the parameters for its neighbourhood plan (IR14.22). For the reasons given by the Inspector, the Secretary of State agrees with his conclusion that the proposals would not be sufficiently large in their policy context to trigger prematurity issues or to prejudice the outcome of the emerging local plan process (IR14.24). Regarding the issue of previously developed land, the Council considers that there is a shortage of previously developed sites within its area (IR14.25). The Secretary of State agrees.
22. The Secretary of State agrees with the Inspector's conclusions on housing demand and supply at IR14.26. He agrees that: the Council's poor housing land

supply situation renders the related LP policies out of date; the appeal proposals, either in combination or individually, are necessary now to meet immediate housing need; and the presumption in favour of sustainable development in the Framework applies (paragraphs 14 and 49). He also agrees that the proposals would provide substantial benefits in terms of the Government's objective to secure a better balance between housing demand and supply and would accord with the Framework in this regard.

### High Quality Communities

23. The Secretary of State agrees with the Inspector's reasoning and conclusions set out at IR14.27-14.37. He agrees with the Inspector's conclusion that the proposals, either in combination or individually, would provide substantial benefits in terms of the Government's objective to secure the creation of high quality, sustainable, mixed and inclusive communities (IR14.37).

### Highways

24. The Secretary of State has carefully considered the Inspector's assessment of highways issues set out at IR14.38-14.70. For the reasons given by the Inspector, the Secretary of State agrees with his conclusions at 14.70 that the proposals would not have a severe impact on the transportation network with reference to the highway junctions in Hartford and that they do not conflict with the Framework in this regard or any element of LP Saved Policy T1 which is not to be regarded as out of date. He agrees with the Inspector (IR14.70) that the proposals would have an adverse but limited impact on the network in relation to the morning peak queuing on The Green and on Chester Road in an eastbound direction.

### Other Considerations

25. In respect of Hartford Conservation Area, the Secretary of State agrees with the Inspector's conclusion (IR14.75) that the built form of the Appeal A proposals would preserve the character and appearance of the conservation area. In reaching this conclusion the Secretary of State agrees with the Inspector that the proposal would result in less than substantial harm to the open nature of the Grange Farm site that contributes to the significance of the conservation area, but that this harm would not outweigh the public benefit that would result from the provision of housing on the site which would be likely to take place and the positive contribution to the significance of the conservation area which would result from the potential re-use and future conservation of the Grange farmhouse (IR14.74). Regarding primary school places, he has had regard to the Inspector's comments at IR14.76-14.77, the unilateral planning obligations submitted in this respect, and to the fact that the Council in its capacity as Education Authority, has not objected to the proposals (IR14.76). The Secretary of State is satisfied that the proposals are not unacceptable in this respect.

26. The Secretary of State agrees with the Inspector's assessment of the proposals' impact on landscape at IR14.78-14.79. He agrees that the Appeal B proposal would not have a harmful effect on the surrounding landscape (IR14.78) and that the Appeal A proposal would not result in any landscape harm (IR14.79).

Regarding suggestions that part of the Grange Farm site should be developed as a village centre (IR14.80), for the reasons given by the Inspector, the Secretary of State agrees with his conclusion that the possibility of such a scheme coming forward would be no reason to dismiss the appeal.

27. The Secretary of State notes that Natural England has not objected to the proposals on ecological grounds and that the Council believes that the proposals would generally enhance the biodiversity of the sites (IR14.81). The Inspector is satisfied that the Appeal A proposal complies with the provisions of the Conservation of Habitats and Species Regulations 2010 and with Article 16 of the Habitats Directive and these conclusions are supported by Natural England (IR14.81). The Secretary of State agrees with the Inspector's conclusion.
28. The Secretary of State notes that both sites are included in historical recorded event records, and that the appellants have carried out archaeological assessments (IR14.82). He has also carefully considered the representations of 12, 27 and 28 August 2013 made by Mr P Herbert in respect of the Grange Farm site and the addition of the World War Two Crash site of an Armstrong Albermale in Hartford to the Cheshire Historic Environment Record Monument Record. Overall, taking into account the fact there has been no objection from the Council's archaeologist to the proposals (IR14.82) and also taking into account the requirements of condition 6 set out in Annex 2 in respect of archaeological investigation, the Secretary of State agrees with the Inspector that there is no justification for dismissing the appeals on the basis of archaeological issues.
29. In addition the Secretary of State agrees with Inspector's reasoning and conclusions in respect of those issues identified at IR14.83-14.84.

### Conditions

30. The Secretary of State has considered the proposed conditions at Appendix A and B to the IR, the Inspector's comments at IR13.1 and IR14.89-14.92 and national policy as set out in paragraph 206 of the Framework and Circular 11/95. He is satisfied that the proposed conditions are reasonable and necessary and meet the other tests set out in the Framework and Circular 11/95. The conditions relevant for each appeal are reproduced at annexes 2 and 3 of this letter.

### Planning Obligations

31. The Secretary of State has considered the dated and certified unilateral undertakings submitted at the Inquiry (IR13.1), the Inspector's comments at IR13.1-13.2 and IR14.85-14.88 and national policy as set out in paragraphs 203 and 204 of the Framework and Regulation 122 of the CIL Regulations 2010. He notes that the Council has no objection to the terms of the agreements and like the Inspector considers that the submission of unilateral undertakings instead of agreements between the owners of the sites and Council, as suggested in the Council's SPD1, does not count against the appeals (IR14.85). The Inspector considers that the sums secured by the undertakings directly relate fairly and reasonably to the proposal in scale and kind, and they would meet the tests set out in Regulation 122 of the CIL Regulations 2010 as amended (IR14.88). The Secretary of State agrees and accords weight to provisions of the undertakings.

## **Overall Conclusions**

32. The Secretary of State agrees with the Inspector's conclusions at IR15.1-15.5. He has found that the Council is unable to demonstrate a 5 year supply of deliverable housing sites and agrees with the Inspector (IR15.1) that the appeals should be considered in the context of the presumption in favour of sustainable development. He has also found that proposals would provide substantial benefits both in terms of the Government's objective to secure a better balance between housing demand and supply, and the Government's objective to secure the creation of high quality, sustainable, mixed and inclusive communities.
33. The Secretary of State further concludes that the proposals would not have a severe impact on the transportation network with reference to the highway junctions in Hartford, although would have an adverse but limited impact on the network in relation to the morning peak queuing on The Green and on Chester Road in an eastbound direction. He also agrees with the Inspector's conclusion at IR15.3 that the impact in combination or individually would not significantly and demonstrably outweigh the benefits of the proposals such as to justify dismissing the appeals. The Secretary of State is satisfied that the proposals represent sustainable development.
34. Overall, like the Inspector (IR15.4) the Secretary of State concludes that the proposals accord with the relevant up to date policies of the development plan including H14, T1, T3, T9, and T20 and the Government's policies as set out in the Framework including in respect of delivering a wide choice of high quality homes and promoting sustainable transport.

## **Formal Decision**

35. Accordingly, the Secretary of State agrees with the Inspector's recommendation. He hereby:

Allows **APPEAL A** by Harrow Estates plc for up to 300 dwellings comprising: 42 detached four and five bedroomed dwellings with associated car parking (details of vehicular access, layout, scale and appearance to be approved); up to 258 three, four and five bedroomed dwellings up to a maximum of 2.5 storeys in height (including details of means of access); the re-use of Grange farmhouse for either residential or non-residential institutional use (Use Class D1); a public car park; and an associated community green and linear park' at Land at Grange Farm, Hartford, Cheshire, in accordance with application reference11/05765/OUT, dated 9 December 2011 subject to the conditions set out at Annex 2;

Allows **APPEAL B** by Bridgemere Land PLC and Bridgemere JV Ltd for 'a residential development comprising up to 350 dwellings and associated amenity areas together with a new access onto School Lane' at Land to the East of School Lane, Hartford, Northwich, Cheshire, CW8 1PW, in accordance with application reference11/05805/OUT, dated 9 December 2011 subject to the conditions set out at Annex 3.



36. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
37. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

**Right to challenge the decision**

38. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
39. A copy of this letter has been sent to Cheshire West and Chester Council and the Hartford Joint Action Group. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

**Julian Pitt**

Authorised by Secretary of State to sign in that behalf

## **Annex 1**

### **Responses to the Secretary of State's letter of 19<sup>th</sup> July 2013**

Derek Bowden	22 July 2013
MoreenMorrison	22 July 2013
Arthur and Maureen Wyatt	23 July 2013
Dr Robert Mais	23 July 2013
Eira Bowden	23 July 2013
Sam Ryan, Turley Associates	23 July 2013
M Gilbert, The Planning Consultancy	24 July 2013
Peter Jackson	24 July 2013
Aileen Penny	25 July 2013
Allan and Sheila Bell	25 July 2013
Andy Rae	25 July 2013
Anne Lynda Kenny	25 July 2013
Anne Radband	25 July 2013
Anne Roberts	25 July 2013
Arthur and Maureen Wyatt	25 July 2013
B R Slaney	25 July 2013
Brian Wilkinson	25 July 2013
CA and JG Castle	25 July 2013
Carole Miller	25 July 2013
Caroline and Tony Houghton	25 July 2013
Claire Hope	25 July 2013
Craig Hewett	25 July 2013
David Barr	25 July 2013
Derek Bowden, on behalf of the Northwich Town Council Neighbourhood Plan Working Group	25 July 2013
Deryck Petty	25 July 2013
Dr David Richards and Mrs Jenny Richards	25 July 2013
Dr John Swaffield, Secretary, Hartford Civic Society	25 July 2013
Eileen Roberts	25 July 2013
Elizabeth Davies	25 July 2013
Graham Shaw	25 July 2013
Iris Isserlis	25 July 2013
Janet Poole	25 July 2013
John Szostek	25 July 2013
Judith Gordon, Cheshire West and Chester Council	25 July 2013
Julia Griffiths	25 July 2013
June Orton	25 July 2013
Kathryn Joy Hitchenson, John Hitchenson and Kathleen Joan Harrop	25 July 2013
Lucy Roberts	25 July 2013
Mary and Stuart Mellish	25 July 2013
Michael Isserlis	25 July 2013
Mrs Rosemary Jackson and Dr Stephen Jackson	25 July 2013
Neville Roberts	25 July 2013
Paul Flanagan	25 July 2013
Peter Davis	25 July 2013
Peter Fahy	25 July 2013

Philip Ingram	25 July 2013
Philip Millar	25 July 2013
Rox Ellis	25 July 2013
Simon, Joanne and Emily Walker	25 July 2013
Susan Gibb	25 July 2013
Susan Slaney	25 July 2013
Valerie Davies	25 July 2013
Alan Cox	26 July 2013
Alison Gardiner	26 July 2013
Bruce Ursell	26 July 2013
Councillor Paul Dolan	26 July 2013
David Gardner	26 July 2013
David Glenn	26 July 2013
David Tasker	26 July 2013
Diane Hewett	26 July 2013
Dr A P Sharratt	26 July 2013
Dr Alan Adams	26 July 2013
Dr Claire Banner	26 July 2013
Gareth Williams	26 July 2013
Helen Rae	26 July 2013
Hilda Millar	26 July 2013
Joan Dowling	26 July 2013
Joan Parkes	26 July 2013
Jon Pritchard	26 July 2013
Katharine and Clive Thompson	26 July 2013
Katrina Pritchard	26 July 2013
Keith Sexton	26 July 2013
Malcolm Haigh	26 July 2013
Margaret and Eugene Boyle	26 July 2013
Marie Hodgson	26 July 2013
Martin Loftus	26 July 2013
Michael Smith	26 July 2013
Mrs G Pickup	26 July 2013
Mrs J P Sharratt	26 July 2013
Nicholas Smith	26 July 2013
Oliver Rae	26 July 2013
Patricia Cox	26 July 2013
Paul Evans	26 July 2013
Pauline Glenn	26 July 2013
Peter Craven	26 July 2013
Phil Herbert	26 July 2013
Rita Hollins, on behalf of Hartford Parish Council, Hartford Joint Action Group and Hartford Neighbourhood Plan Working Group	26 July 2013
Robert and Debbie Jones	26 July 2013
Robert and Margaret Baker	26 July 2013
Robert Hollens	26 July 2013
Sarah Round	26 July 2013
Sion Hughes	26 July 2013
Vicki Carnell	26 July 2013
W V Gillies	26 July 2013



## **Annex 2 – list of planning conditions for Appeal A (Land at Grange Farm)**

- 1) Details of the landscaping for Phase 1 and the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") in respect of each other phase, details of which are to be approved by Condition 5 below, shall be submitted to, and approved in writing by, the local planning authority before any development on that phase begins, and the development shall be carried out as approved.
- 2) Applications for approval of the reserved matters shall be made to the local planning authority not later than 12 months in respect of Phase 1 and not later than three years for subsequent phases from the date of this permission.
- 3) Each phase of the development hereby permitted shall begin not later than 12 months from the date of approval of the last of the reserved matters to be approved for that phase.
- 4) Phase 1 of the development hereby permitted and applications for the approval of reserved matters shall be in accordance with the parameters set out in the Design and Access Statement (received 12/12/11) and the approved plans and documents listed in Schedule 1.
- 5) No development shall take place until full details of the phasing of the construction of the development hereby permitted, including temporary highway and pedestrian routings, have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved phasing details unless otherwise approved in writing by the local planning authority.
- 6) No development shall take place within the site until the appellant, or their agents or successors in title, have secured a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the local planning authority.
- 7) Development in any phase shall not begin until full details of both hard and soft landscape works in respect of that phase have been submitted to, and approved in writing by, the local planning authority and these works shall be carried out as approved. These details shall include:
  - i) proposed finished levels or contours;
  - ii) means of enclosure and boundary treatments;
  - iii) car parking layouts;
  - iv) other vehicle and pedestrian access and circulation areas;
  - v) hard surfacing materials;
  - vi) minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc);
  - vii) bird nesting-box details;
  - viii) street furniture;
  - ix) proposed and existing functional services above and below ground (eg. drainage, power and communication cables, pipelines etc. indicating lines, manholes, supports etc.);

- x) retained historic landscape features and proposals for restoration, where relevant;
  - xi) trees, hedgerows and woodland areas to be retained;
  - xii) a landscape strategy plan to indicate species and landscape themes within the different areas to help create an identity and to include reinforcement of the boundaries; and
  - xiii) in terms of soft landscaping, existing vegetation to be retained or removed, planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants (noting species, plant sizes and proposed numbers or densities where appropriate), an implementation programme and rabbit protection of the proposed planting (including bulbs and proposed grass seed mixes).
- 8) No retained tree, hedgerow or woodland area shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 10 years from the date of occupation of the development or any phase of the development, whichever is the later, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
- 9) Retained hedgerows shall be protected during construction through the installation of protective fencing in accordance with a scheme to be submitted to, and approved in writing by, the local planning authority for each phase prior to the commencement of development in that phase. Development shall be implemented in accordance with the approved scheme.
- 10) Development in any phase shall not begin until a scheme, setting out a precautionary method of working with regard to bats and birds, for that phase has been submitted to, and approved in writing by, the local planning authority. The scheme shall include methods of working to Grange farmhouse and for the clearance of trees, shrubs and hedgerows. Development shall be carried out in accordance with the approved scheme. No vegetation clearance or building demolition shall be undertaken from 1st March to 31st August (inclusive) unless otherwise approved in writing by the local planning authority.
- 11) Development in any phase shall not begin until an up to date badger survey in relation to that phase has been undertaken and a method statement detailing any mitigation to avoid harmful impacts to badgers has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved method statement.
- 12) No development shall take place until a planting plan and programme for the replanting of fruit trees, to compensate for those lost through redevelopment of the site, have been submitted, to and approved in writing by, the local planning authority. Planting shall be carried out in accordance with the approved plan and programme and be thereafter retained.
- 13) Dwellings in any phase shall not be occupied until a 20 year habitat and landscape management plan (setting out long-term design objectives, management responsibilities and maintenance schedules) for all landscape areas within that phase has been submitted to, and approved in writing by, the

local planning authority. The habitat and landscape management plan shall be implemented as approved.

- 14) Development in any phase shall not begin until details of proposed earthworks in respect of that phase have been submitted to, and approved in writing by, the local planning authority. The details shall include the proposed grading and any mounding of land areas, including the levels and contours to be formed, and show the relationship of any proposed mounding to existing vegetation and the surrounding landform. Development shall be carried out in accordance with the approved details.
- 15) Development in any phase shall not begin until details of proposed substations and other utility structures in respect of that phase have been submitted to, and approved in writing by, the local planning authority. Substations or other utility structures shall not be installed until a noise impact assessment of the proposed substation or utility structure has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and noise impact assessment, unless otherwise approved in writing with the local planning authority.
- 16) Development in any phase shall not begin until there has been submitted to, and approved in writing by, the local planning authority a plan indicating the positions, design, materials and type of construction-related and permanent boundary treatment to be erected in respect of that phase. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.
- 17) Development in any phase shall not begin until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted in respect of that phase have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved samples.
- 18) Development in any phase shall not begin until a strategy and scheme detailing all external lighting equipment, including floodlighting, in respect of that phase have been submitted to, and approved in writing by, the local planning authority. The strategy shall include details of both external lighting during construction phases as well as the permanent lighting of the completed development. Any lighting scheme shall be designed in accordance with the Institute of Lighting Professionals 'Guidance for the Reduction of Obtrusive Light'. The scheme shall include full details of: the hours of operation, location, size and design of luminaires and fittings; the type and output of light sources, with lux levels; and isolux drawings to demonstrate the levels of illumination within the site and the amount of overspill of lighting onto vegetated areas and beyond the site boundaries. Development shall be carried out in accordance with the approved strategy and scheme and shall thereafter be retained. No other external lighting equipment within public areas shall then be used within the development, other than as approved by the local planning authority.
- 19) Development in any phase shall not begin until a tree pruning and felling specification in respect of that phase has been submitted to, and approved in

writing by, the local planning authority. Development shall be carried out in accordance with the approved specification.

- 20) Development in any phase shall not begin until a plan and details identifying tree Root Protection Areas (RPAs) in respect of that phase have been submitted to, and approved in writing by, the local planning authority. Where it is found that there is conflict between identified tree RPAs and the proposed development, the details shall include a construction specification and method statement relating to those areas. Development shall be carried out in accordance with the approved plan and details.
- 21) Notwithstanding Condition 4, no development shall take place until details, and a programme for the installation, of a removable bollard to prevent unauthorised vehicular access on Footpath 5 - Hartford have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details. Notwithstanding Condition 4, the existing surface of Footpath 5 - Hartford, shall be retained with its grass verges.
- 22) Notwithstanding Condition 4, no development shall take place until house type details relating to Plots 1-3 and 52-56 have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 23) Construction work shall not begin on any phase of the development until a scheme for protecting the proposed dwellings from noise has been submitted to, and approved in writing by, the local planning authority in respect of that phase. The scheme shall ensure that the following noise levels are met:
  - i) maximum noise levels within habitable rooms during the day and evening (07.00 to 22.59hrs) of 35dB(A)LAeq,8hrs;
  - ii) maximum noise levels within bedrooms during the night (23.00 to 06.59hrs) of 30dB(A)LAeq,8hrs and 45dB(A)LAmax; and
  - iii) maximum noise levels in gardens during the day and evening (07.00 to 22.59hrs) of 50dB(A)LAeq

In the event that the scheme incorporates acoustic bunds or barriers, it shall include details for the long term maintenance of those barriers to maintain their efficiency and protect residential amenity. All works which form part of the approved scheme shall be completed before the dwellings to which they relate are occupied and shall be thereafter retained.

- 24) Demolition or construction works, including deliveries to or dispatched from the site, shall not take place outside 08.00 to 18.00 hours Mondays to Fridays and 08.00 to 13.00 hours on Saturdays, nor at any time on Sundays or Bank Holidays. There shall be no deliveries by HGVs to the site between the hours of 08.00 to 09.00 and 17.00 to 18.00. Any variation to the above hours of works and deliveries shall be submitted to, and approved in writing by, the local planning authority prior to any such variation being implemented.
- 25) No development shall take place until the following components (a to d) of a structured scheme to deal with the risks associated with actual or potential contamination of the site have each been submitted to, and approved in



writing by, the local planning authority, unless another date or stage in development is agreed in writing with the authority:

- (a) a preliminary risk assessment which identifies all previous uses on or within an influencing distance of the site, potential contaminants associated with those uses, a conceptual model (indicating the sources, pathways and receptors of contamination), actual or potentially unacceptable risks arising from contamination and initial remediation options;
- (b) a detailed scheme of site investigation based on component (a) from which a detailed assessment of risk to all current and future receptors that may be affected, including those off site, shall be derived;
- (c) a remediation options appraisal and implementation strategy, based on the detailed results of (b), giving full details of the remediation measures required and how they are to be undertaken; and
- (d) a verification plan providing details of the data that will be collected in order to demonstrate that the remediation works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The pre-development scheme shall be implemented as approved unless revision is approved by the local planning authority in writing.

In the event that no contamination requiring remediation or verification is found, and this finding is submitted to, and approved in writing by, the local planning authority, components (c) and (d) shall not apply.

- 26) If, during site preparation or development works, contamination is encountered or is suspected in areas where it had not been anticipated (being from a different source, containing a new contaminative substance or affecting a new pathway or receptor), then revised proposals for detailed investigation, risk assessment, remediation and verification shall be submitted to, and approved in writing by, the local planning authority, prior to all but urgent remediation works necessary to secure the area. Development shall be carried out in accordance with the approved revised proposals.
- 27) If, during site preparation or development works, contamination is encountered or is suspected in areas where it had not been anticipated (being from an existing risk assessed source, containing comparable risk assessed substances and affecting an already risk assessed pathway or receptor) that could be addressed by a simple extension of the approved scheme to a larger area, then the local planning authority shall be notified promptly in writing confirming details relating to: the areas affected; the approved investigation; remediation and validation measures to be applied; and the anticipated completion timescale. Development shall be carried out in accordance with the confirmed details.
- 28) In the event that site investigation works identify a need for remediation, as approved by the local planning authority, no part of the development site within the relevant phase of this permission shall be occupied until:

- i) all components of the pre-approved or revised scheme to deal with the risks associated with actual or potential contamination of the site within that phase have been completed; and
  - ii) written evidence of satisfactory completion and of the suitability of that part of the site for occupation has been submitted to, and approved in writing by, the local planning authority.
- 29) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) details of construction traffic phasing;
  - ii) the parking of vehicles of site operatives and visitors;
  - iii) the loading and unloading of plant and materials;
  - iv) the storage of plant and materials used in constructing the development;
  - v) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
  - vi) wheel washing facilities;
  - vii) measures to control the emission of dust, dirt, noise, vibration and light during construction;
  - viii) a scheme for the recycling or disposal of waste resulting from construction works;
  - ix) hours of construction;
  - x) details of any piling; and
  - xi) demonstration that the works will be carried out in accordance with guidance provided in BS 5228-1: 2009 "Code of practice for noise and vibration control on construction and open sites – Part 1: Noise".
- 30) Development shall not begin until details of the proposed access, including all associated works within the public highway, as set out on drawing no CBO-0018-002 Rev A, have been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied until that access has been constructed in accordance with the approved details.
- 31) Development in any phase shall not begin until a design and construction specification and scheme, together with a surface course laying programme, for all highways, footways and cycle ways within that phase of the development, as indicated on the approved plans, have been submitted to, and approved in writing by, the local planning authority. No dwelling or building shall be occupied until that part of the highway, footway or cycleway network which provides access to it has been constructed up to base-course level in accordance with the approved specification and scheme. The surface course shall then be completed in accordance with the approved specification, scheme and programme.

- 32) Development in any phase shall not begin until details of cycle storage for each dwelling within that phase of the development have been submitted to, and approved in writing by, the local planning authority. No dwelling shall be occupied until the cycle storage relating to it has been provided in accordance with the approved details. The cycle storage shall thereafter be retained.
- 33) The development shall not be occupied until a controlled crossing facility has been provided on Chester Road in accordance with the details shown on drawing no CBO-0018-002 Rev A.
- 34) Development shall not begin until details of a car parking area, between Grange farmhouse and Chester Road shown illustratively on drawing no. PL1111 M101 Rev A, have been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied until the car parking area has been constructed in accordance with the approved details and made available for public use, including the approved number of spaces for disabled persons. The car parking area shall be retained for public use, unless otherwise approved in writing by the local planning authority.
- 35) Notwithstanding the terms of the Unilateral Planning Obligation dated 11th December 2012, a Travel Plan shall be submitted to, and approved in writing by, the local planning authority prior to the marketing of dwellings within any part of the development hereby permitted. The Travel Plan shall be implemented in accordance with the approved details and timetable set out in that plan prior to the occupation of any dwellings within the site.
- 36) No building hereby permitted shall be occupied until surface water drainage works in relation to that building have been completed in accordance with details that have been submitted to, and approved in writing by, the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable urban drainage system, and the results of the assessment submitted to, and approved in writing by, the local planning authority.
- 37) No development shall take place until a scheme for the management of overland flow, from surcharging of the site's surface water drainage system, during extreme rainfall events has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of the proposed ground and building finished floor levels and details of measures to prevent blockage of the railway culvert flowing from the site, together with any compensatory flood storage required to accommodate a 1 in 100 year flood event. Development shall be carried out in accordance with the approved scheme.
- 38) No development shall take place until a scheme, showing how foul water will be dealt with, has been submitted to, and approved in writing by, the local planning authority. Only foul drainage shall be connected into the public sewerage system, and the scheme shall provide for all tree protection requirements on the development site. No part of the development shall be brought into use until all drainage, relating to that part of the development, has been completed in accordance with the approved scheme.
- 39) Development in any phase containing proposed play areas shall not begin until a scheme for the provision of play areas in respect of that phase, including the management thereof, has been submitted to, and approved in

writing by, the local planning authority. Dwellings within that phase shall not be occupied until play areas have been provided in that phase in accordance with the approved scheme, unless otherwise approved in writing by the local planning authority. The play areas shall not thereafter be used for any purpose other than a public play area.

- 40) Development in any phase containing proposed public open spaces shall not begin until a scheme for the provision of public open space in respect of that phase, including the management thereof, has been submitted to, and approved in writing by, the local planning authority. Dwellings within that phase shall not be occupied until public open space has been provided in that phase in accordance with the approved scheme, unless otherwise approved in writing by the local planning authority. The approved areas shall not thereafter be used for any purpose other than public open space.
- 41) The dwellings hereby permitted shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
- 42) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no building, extension or structure, and no wall, fence or other means of enclosure shall be erected on Plots 1-3 and Plots 52-56 of Phase 1, other than those expressly authorised by this permission.
- 43) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no alteration or enlargement shall be made to the dwellings on Plots 1-3 and Plots 52-56 of Phase 1, other than that expressly authorised by this permission.
- 44) Development in any phase shall not begin until a scheme, including a timetable for implementation, to secure at least 10% of the predicted energy supply of the development from decentralised and renewable or low carbon energy sources, as defined in the glossary of the National Planning Policy Framework, in respect of that phase has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved scheme.

### **Annex 3 – list of planning conditions for Appeal B (Land to the East of School Lane)**

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") in respect of each phase, details of which are to be approved by Condition 5 below, shall be submitted to, and approved in writing by, the local planning authority before any development on that phase begins, and the development shall be carried out as approved.
- 2) Applications for approval of the reserved matters shall be made to the local planning authority not later than 12 months in respect of the first phase and not later than three years for subsequent phases from the date of this permission.
- 3) Each phase of the development hereby permitted shall begin not later than 12 months from the date of approval of the last of the reserved matters to be approved for that phase.
- 4) The applications for the approval of the reserved matters shall be in accordance with the parameters described and identified in the Design and Access Statement and the Design and Access Statement Addendum for a maximum of 350 dwellings. The development hereby permitted shall also be carried out in accordance with the approved plans listed in Schedule 2.
- 5) No development shall take place until full details of the phasing of the construction of the development hereby permitted, including temporary highway and pedestrian routings, have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved phasing details, unless otherwise approved in writing by the local planning authority.
- 6) No development shall take place within the areas of archaeological interest 078/079, 211/219 and 355/359 as identified on the 'Finds' plan appended to the Archaeological Monitoring of Metal Detecting Survey, until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the local planning authority.
- 7) Development in any phase shall not begin until full details of both hard and soft landscape works in respect of that phase have been submitted to, and approved in writing by, the local planning authority and these works shall be carried out as approved. These details shall include:
  - i) proposed finished levels or contours;
  - ii) means of enclosure and boundary treatments;
  - iii) car parking layouts;
  - iv) other vehicle and pedestrian access and circulation areas;
  - v) hard surfacing materials;
  - vi) minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc);
  - vii) bird nesting-box details;
  - viii) street furniture;

- ix) proposed and existing functional services above and below ground (eg. drainage, power and communication cables, pipelines etc. indicating lines, manholes, supports etc.);
  - x) retained historic landscape features and proposals for restoration, where relevant;
  - xi) trees, hedgerows and woodland areas to be retained;
  - xii) a landscape strategy plan to indicate species and landscape themes within the different areas to help create an identity and to include reinforcement of the boundaries; and
  - xiii) in terms of soft landscaping, existing vegetation to be retained or removed, planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants (noting species, plant sizes and proposed numbers or densities where appropriate), an implementation programme and rabbit protection of proposed planting (including bulbs and proposed grass seed mixes).
- 8) No retained tree, hedgerow or woodland area shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 10 years from the date of occupation of the development or any phase of the development, whichever is the later, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
- 9) Retained hedgerows shall be protected during construction through the installation of protective fencing in accordance with a scheme to be submitted to, and approved in writing by, the local planning authority for each phase prior to the commencement of development in that phase. Development shall be implemented in accordance with the approved scheme.
- 10) No development shall take place until a badger protection strategy, providing for protection to badgers on and adjoining the site, has been submitted to, and approved in writing by, the local planning authority. The strategy shall include a survey and details of phased mitigation measures, which shall be updated and informed by up to date badger surveys prior to the commencement of development on each phase, and shall be implemented as approved.
- 11) No vegetation clearance or building demolition shall be undertaken from 1st March to 31st August (inclusive) unless otherwise approved in writing by the local planning authority.
- 12) Dwellings in any phase shall not be occupied until a 20 year habitat and landscape management plan (including the replacement of inappropriate species planting on the valley floor, long term design objectives, management responsibilities and maintenance schedules) for all landscape areas within that phase has been submitted to, and approved in writing by, the local planning authority. The landscape management plan shall be implemented as approved.
- 13) No development shall take place until details to secure a minimum 15 m Buffer Zone along the edge of the Marshall's Arm Nature Reserve have been submitted to, and approved in writing by, the local planning authority. If private gardens are proposed to be incorporated into the Buffer Zone, then the

details shall include a tree management scheme for existing and new tree planting within the Buffer Zone. Development shall be carried out in accordance with the approved details.

- 14) No development shall take place until a scheme to secure the retention and protection of the tree T29, identified in the Tree Survey Report submitted with the planning application, has been submitted to, and approved in writing by, the local planning authority. The scheme shall ensure that the tree will be located in an open or garden area. Development shall be carried out in accordance with the approved scheme.
- 15) Development in any phase shall not begin until details of proposed earthworks in respect of that phase have been submitted to, and approved in writing by, the local planning authority. The details shall include the proposed grading and any mounding of land areas, including the levels and contours to be formed, and show the relationship of any proposed mounding to existing vegetation and the surrounding landform. Development shall be carried out in accordance with the approved details.
- 16) Development in any phase shall not begin until details of proposed substations and other utility structures in respect of that phase have been submitted to, and approved in writing by, the local planning authority. Substations or other utility structures shall not be installed until a noise impact assessment of the proposed substation or utility structure has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and noise impact assessment, unless otherwise approved in writing by the local planning authority.
- 17) Development in any phase shall not begin until there has been submitted to, and approved in writing by, the local planning authority a plan indicating the positions, design, materials and type of construction-related and permanent boundary treatment to be erected in respect of that phase. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.
- 18) Development in any phase shall not begin until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted in respect of that phase have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved samples.
- 19) Development in any phase shall not begin until a strategy and scheme detailing all external lighting equipment, including floodlighting, in respect of that phase have been submitted to, and approved in writing by, the local planning authority. The strategy shall include details of both external lighting during construction phases as well as the permanent lighting of the completed development. Any lighting scheme shall be designed in accordance with the Institute of Lighting Professionals 'Guidance for the Reduction of Obtrusive Light'. The scheme shall include full details of: the hours of operation, location, size, design of luminaires and fittings; the type and output of light sources, with lux levels; and isolux drawings to demonstrate the levels of illumination within the site and the amount of overspill of lighting onto

vegetated areas and beyond the site boundaries. Development shall be carried out in accordance with the approved strategy and scheme and shall thereafter be retained. No other external lighting equipment within public areas shall then be used within the development, other than as approved by the local planning authority.

- 20) Construction work shall not begin on any phase of the development until a scheme for protecting the proposed dwellings from noise has been submitted to, and approved in writing by, the local planning authority in respect of that phase. The scheme shall ensure that the following noise levels are met:
- i) maximum noise levels within habitable rooms during the day and evening (07.00 to 22.59hrs) of 35dB(A)L<sub>Aeq</sub>,8hrs;
  - ii) maximum noise levels within bedrooms during the night (23.00 to 06.59hrs) of 30dB(A)L<sub>Aeq</sub>,8hrs and 45dB(A)L<sub>Amax</sub>; and
  - iii) maximum noise levels in gardens during the day and evening (07.00 to 22.59hrs) of 50dB(A)L<sub>Aeq</sub>

In the event that the scheme incorporates acoustic bunds or barriers, it shall include details for the long term maintenance of those barriers to maintain their efficiency and protect residential amenity. All works which form part of the approved scheme shall be completed before the dwellings to which they relate are occupied and shall be thereafter retained.

- 21) Demolition or construction works, including deliveries to or dispatched from the site, shall not take place outside 08.00 to 18.00 hours Mondays to Fridays and 08.00 to 13.00 hours on Saturdays, nor at any time on Sundays or Bank Holidays. There shall be no deliveries by HGVs to the site between the hours of 08.00 to 09.00 and 17.00 to 18.00. Any variation to the above hours of works and deliveries shall be submitted to, and approved in writing by, the local planning authority prior to any such variation being implemented.
- 22) No development shall take place until the following components (a to d) of a structured scheme to deal with the risks associated with actual or potential contamination of the site have each been submitted to, and approved in writing by, the local planning authority, unless another date or stage in development is agreed in writing with the authority:
- (a) a preliminary risk assessment which identifies all previous uses on or within an influencing distance of the site, potential contaminants associated with those uses, a conceptual model (indicating the sources, pathways and receptors of contamination), actual or potentially unacceptable risks arising from contamination and initial remediation options;
  - (b) a detailed scheme of site investigation based on component (a) from which a detailed assessment of risk to all current and future receptors that may be affected, including those off site, shall be derived;
  - (c) a remediation options appraisal and implementation strategy, based on the detailed results of (b), giving full details of the remediation measures required and how they are to be undertaken; and



- (d) a verification plan providing details of the data that will be collected in order to demonstrate that the remediation works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The pre-development scheme shall be implemented as approved, unless revision is approved by the local planning authority in writing.

In the event that no contamination requiring remediation or verification is found, and this finding is submitted to, and approved in writing by, the local planning authority, components (c) and (d) shall not apply.

- 23) If, during site preparation or development works, contamination is encountered or is suspected in areas where it had not been anticipated (being from a different source, containing a new contaminative substance or affecting a new pathway or receptor), then revised proposals for detailed investigation, risk assessment, remediation and verification shall be submitted to, and approved in writing by, the local planning authority, prior to all but urgent remediation works necessary to secure the area. Development shall be carried out in accordance with the approved revised proposals.
- 24) If, during site preparation or development works, contamination is encountered or is suspected in areas where it had not been anticipated (being from an existing risk assessed source, containing comparable risk assessed substances and affecting an already risk assessed pathway or receptor) that could be addressed by a simple extension of the approved scheme to a larger area, then the local planning authority shall be notified promptly in writing confirming details relating to: the areas affected; the approved investigation; remediation and validation measures to be applied; and the anticipated completion timescale. Development shall be carried out in accordance with the confirmed details.
- 25) In the event that site investigation works identify a need for remediation, as approved by the local planning authority, no part of the development site within the relevant phase of this permission shall be occupied until:
  - i) all components of the pre-approved or revised scheme to deal with the risks associated with actual or potential contamination of the site within that phase have been completed; and
  - ii) written evidence of satisfactory completion and of the suitability of that part of the site for occupation has been submitted to, and approved in writing by, the local planning authority.
- 26) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) details of construction traffic phasing;
  - ii) the parking of vehicles of site operatives and visitors;
  - iii) the loading and unloading of plant and materials;

- iv) the storage of plant and materials used in constructing the development;
  - v) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
  - vi) wheel washing facilities;
  - vii) measures to control the emission of dust, dirt, noise, vibration and light during construction;
  - viii) a scheme for the recycling or disposal of waste resulting from construction works;
  - ix) hours of construction;
  - x) details of any piling; and
  - xi) demonstration that the works will be carried out in accordance with guidance provided in BS 5228-1: 2009 "Code of practice for noise and vibration control on construction and open sites – Part 1: Noise".
- 27) No construction in relation to the causeway access route shall take place until a wildlife protection plan has been submitted to, and approved in writing by, the local planning authority. The plan shall include:
- i) a plan showing wildlife protection zones where construction activities will be restricted and where protective measures will be installed or implemented;
  - ii) details of protective measures, both physical measures and sensitive working practices, to avoid impacts during construction;
  - iii) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (birds/badgers); and
  - iv) details of replacement planting (trees and shrubs).
- All construction activities shall be implemented in accordance with the approved plan and timetable, unless otherwise approved in writing by the local planning authority.
- 28) No dwelling accessed from School Lane shall be occupied until the access from School Lane has been constructed in accordance with the approved drawing nos. HEY/09 001 P7 and CBO-0019-001 Rev B.
- 29) No dwelling accessed from Douglas Close shall be occupied until the access from Douglas Close has been constructed in accordance with the approved drawing no CBO-0019-002.
- 30) Development in any phase shall not begin until a design and construction specification and scheme, together with a surface course laying programme, for all highways, footways and cycleways within that phase of the development, as indicated on the approved plans, has been submitted to, and approved in writing by, the local planning authority. No dwelling or building shall be occupied until that part of the highway, footway or cycleway network which provides access to it has been constructed up to base-course level in

accordance with the approved specification and scheme. The surface course shall then be completed in accordance with the approved specification, scheme and programme.

- 31) Development in any phase shall not begin until details of cycle storage for each dwelling within that phase of the development have been submitted to, and approved in writing by, the local planning authority. No dwelling shall be occupied until the cycle storage relating to it has been provided in accordance with the approved details. The cycle storage shall thereafter be retained.
- 32) Notwithstanding the terms of the Unilateral Planning Obligation dated 11th December 2012, a Travel Plan shall be submitted to, and approved in writing by, the local planning authority prior to the marketing of dwellings within any part of the development hereby approved. The Travel Plan shall be implemented in accordance with the approved details and timetable set out in that plan prior to the occupation of any dwellings within the site.
- 33) The site access, from Douglas Close, shall serve only as an access for motor vehicles to no more than 50 dwellings.
- 34) No building hereby permitted shall be occupied until surface water drainage works in relation to that building have been completed in accordance with details that have been submitted to, and approved in writing by, the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable urban drainage system, and the results of the assessment submitted to, and approved in writing by, the local planning authority.
- 35) No development shall take place until a scheme to ensure that no ground levels would be raised within the 1 in 100 year fluvial floodplain has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved scheme.
- 36) No development shall take place until a scheme for the management of surface water from surcharging of the site's surface water drainage system during extreme rainfall events has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of the proposed ground and building finished floor levels. Development shall be carried out in accordance with the approved scheme.
- 37) No development shall take place until a scheme to dispose of foul sewage has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved scheme.
- 38) Development in any phase containing proposed play areas shall not begin until a scheme for the provision of play areas in respect of that phase, including the management thereof, has been submitted to, and approved in writing by, the local planning authority. Dwellings within that phase shall not be occupied until play areas have been provided in that phase in accordance with the approved scheme, unless otherwise approved in writing by the local planning authority. The play areas shall not thereafter be used for any purpose other than a public play area.
- 39) Development in any phase containing proposed public open space shall not begin until a scheme for the provision of public open space in respect of that phase, including the management thereof, has been submitted to, and

approved in writing by, the local planning authority. Dwellings within that phase shall not be occupied until public open space has been provided in that phase in accordance with the approved scheme, unless otherwise approved in writing by the local planning authority. The approved areas shall not thereafter be used for any purpose other than public open space.

- 40) No building hereby permitted shall be occupied until a scheme for the eradication of Japanese Knotweed has been submitted to, and approved in writing by, the local planning authority. The eradication scheme shall include: surveying and the identification of the extent of the Japanese Knotweed on a plan; a programme for implementation; and arrangements and a programme for the submission and approval in writing, by the local planning authority, of a validation report confirming the nature of the treatment and eradication. Should a delay of 12 months or more elapse between the submission of the scheme and the commencement of development, a further survey shall be carried out and a revised scheme submitted to, and approved in writing by, the local planning authority before the buildings hereby permitted are occupied.
- 41) The dwellings hereby permitted shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
- 42) Development in any phase shall not begin until a scheme, including a timetable for implementation, to secure at least 10% of the predicted energy supply of the development from decentralised and renewable or low carbon energy sources, as defined in the glossary of the National Planning Policy Framework, in respect of that phase has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved scheme.



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# Report to the Secretary of State for Communities and Local Government

by **Stephen Roscoe** BEng MSc CEng MICE

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

Date: 27 February 2013

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**TOWN AND COUNTRY PLANNING ACT 1990**

**APPEALS BY HARROW ESTATES PLC AND BY BRIDGEMERE LAND PLC AND  
BRIDGEMERE JV LTD**

**CHESHIRE WEST AND CHESTER COUNCIL**

Inquiry held on 4-7 & 11 December 2012

Site Visit held on 12 December 2012

Land at Grange Farm, Hartford, Cheshire and Land to the East of School Lane, Hartford, Northwich,  
Cheshire CW8 1PW

File Refs: APP/A0665/A/12/2179410 & 2179374

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## GLOSSARY

ASLEV	Area of Significant Local Environmental Value
CA	Hartford (Extended) Conservation Area
CIL	Community Infrastructure Levy
CS	Core Strategy
DAS	Design and Access Statement
DCLG	Department for Communities and Local Government
DfT	Department for Transport
DP	Development Plan
DPD	Development Plan Document
EA	Environment Agency
EIA	Environmental Impact Assessment
IHT	Institution of Highways and Transportation
JAG	The Hartford Joint Action Group
LP	Local Plan
LTP	Local Transport Plan
MfS2	Manual for Streets 2
MOVA	Microprocessor Optimised Vehicle Actuation
NE	Natural England
RS	Regional Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SOCG	Statement of Common Ground
SP	Structure Plan
SPD	Supplementary Planning Document
SuDS	Sustainable Urban Drainage System
TA	Transport Assessment

## **Appeal A**

**File Ref: APP/A0665/A/12/2179410**

### **Land at Grange Farm, Hartford, Cheshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Harrow Estates plc against the decision of Cheshire West and Chester Council.
- The application Ref 11/05765/OUT, dated 9 December 2011, was refused by notice dated 7 June 2012.
- The development proposed is an outline application for up to 300 dwellings comprising: 42 detached four and five bedroomed dwellings with associated car parking (details of vehicular access, layout, scale and appearance to be approved); up to 258 three, four and five bedroomed dwellings up to a maximum of 2.5 storeys in height (including details of means of access); the re-use of Grange farmhouse for either residential or non-residential institutional use (Use Class D1); a public car park; and an associated community green and linear park.

**Summary of Recommendation: The appeal be allowed.**

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## **Appeal B**

**File Ref: APP/A0665/A/12/2179374**

### **Land to the East of School Lane, Hartford, Northwich, Cheshire CW8 1PW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Bridgemere Land PLC and Bridgemere JV Ltd against the decision of Cheshire West and Chester Council.
- The application Ref 11/05805/OUT, dated 9 December 2011, was refused by notice dated 7 June 2012.
- The development proposed is a residential development comprising up to 350 dwellings and associated amenity areas together with a new access onto School Lane.

**Summary of Recommendation: The appeal be allowed.**

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## **1. Preamble**

- 1.1 This report includes: descriptions of the sites, surrounding areas and the proposed developments; a summary of the planning histories and relevant policies; the material points of representations made; my appraisal and conclusions; and my recommendations. Document references are shown in square brackets and, in my appraisal and conclusions, the numbers in subscript indicate the relevant paragraphs of the report to which reference is made. Details of those who took part in the Inquiry and comprehensive lists of the documents and plans referred to are attached at the end of the report. Recommended conditions are attached as appendices.

## **2. Procedural Matters**

- 2.1 At the Inquiry, an application for costs was made by the appellant against the Council. This application is the subject of a separate Report. Prior to the Inquiry, the Hartford Joint Action Group (JAG) was granted Rule 6(6) Party status by letter dated 14 September 2012 [G16].
- 2.2 Mrs J Gordon BA(Hons) MSc MRTPI Principal Planning Officer, Cheshire West and Chester Council did not appear. Her submitted proofs and appendices have



therefore been taken as written representations [JG1 – JG4]. There was no objection from appellants or any other party to this course of action.

- 2.3 At the opening of the Inquiry, the Council requested that certain sections of the rebuttal proof of Mr Posford be deleted from his evidence, and the document has been marked up accordingly [CWC3]. Again, there was no objection from appellants or any other party to this course of action.
- 2.4 The planning applications which are the subject of these appeals were submitted as recorded above [CD1 & CD5]. Applications for screening opinions, pursuant to Regulation 5 of the Environmental Impact Assessment (EIA) Regulations 1999 and 2011, were made in May and November 2011 in respect of the proposed residential developments. The Council confirmed, by letters dated 14 June and 10 November 2011 in respect of Grange Farm and School Lane, that EIAs would not be required, and there is no reason to depart from this position [G17 & G18].
- 2.5 Appeals were made on 10 July 2012, in respect of the Grange Farm and School Lane proposals [G4 & G5] against the refusals of permission by the Council, dated 7 June 2012, [CD3 & CD7] following reports to its committee, [CD2 & CD6]. Each of the Council's decision notices contained two reasons for refusal, as set out below:
1. The development proposals would have a severe impact on the highway network. It is considered that the mitigation measures proposed are insufficient to overcome such impact. Accordingly, the proposal is contrary to the provisions of the National Planning Policy Framework and Policy T1 of the Vale Royal Borough Local Plan First Review Alteration 2006.
  2. Insufficient information has been provided as to the transport impact that the proposed development would have on the Northwich Vision Area. Accordingly, the proposal is contrary to Policy GS9P of the Vale Royal Borough Local Plan First Review Alteration 2006.
- 2.6 The appeals were recovered by the Secretary of State on 27 July 2012 under Section 79 of the Town and Country Planning Act 1990 [G6]. This was as the appeals involved proposals for residential development of over 150 units on sites of over 5ha which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and to create high quality, sustainable, mixed and inclusive communities. The Council subsequently withdrew its second refusal reason in relation to each of its decisions [G13 & G14].
- 2.7 The Inquiry sat for five days between 4 and 7 and on 11 December 2012. I carried out an accompanied site visit on 12 December 2012 following the closure of the Inquiry. This included viewing the appeal sites and the surrounding area. I was accompanied throughout this site visit by representatives of the appellants and the Council. I also undertook unaccompanied site visits in the surrounding area on 3, 4, 10 and 12 December 2012.

### **3. The Sites and Their Surroundings**

- 3.1 The appeal sites and their surroundings are described in the Statements of Common Ground (SoCGs) [G7 secn 4, G8 secn 4, G9 – G12] which have been agreed between the Council and the appellants. Photographs of the sites and surrounding areas are included in the Design and Access Statements (DASs) submitted with the planning applications [CD1 & CD5].
- 3.2 The Grange Farm site comprises an irregular shaped plot of land of approximately 15.4ha in area and generally adjacent to the settlement boundary of Hartford. The site is enclosed by existing development comprising residential uses to the north, east, south and west together with The Grange and sports facilities to the east. Situated to the north of Chester Road and to the south of the Chester to Manchester railway line, the site has clearly defined and defensible boundaries. Existing fences, hedges and mature tree planting also contain the site where it abuts existing dwellings and the school grounds.
- 3.3 A small area of the site is partly within the Hartford settlement boundary and was previously developed. The remainder of the site comprises predominantly open land that has been in intermittent agricultural use. It is sub-divided into a number of fields by mature hedgerows.
- 3.4 The site contains the former Grange farmhouse which is situated towards the south on Chester Road and is designated as a locally listed building. The house and its grounds are currently derelict and have been since the farmhouse was abandoned. It has suffered fire and vandalism and is in a very poor state of repair.
- 3.5 There is an existing vehicular access to the Grange farmhouse from Chester Road which is also a public footpath that links to The Grange to the east. There are no other vehicular or pedestrian routes directly into or crossing the site. Part of the site, fronting Chester Road and running parallel to the rear boundaries of the properties on the eastern side of Walnut Lane, lies within the Hartford (Extended) Conservation Area (CA) which extends to the south and east.
- 3.6 Beyond the site boundaries, the surrounding area is predominantly residential in character with areas of housing to the east and west and to the north and south, beyond the railway line and Chester Road respectively. 37 properties share boundaries with the site.
- 3.7 The School Lane site has an area of 34ha and is primarily in agricultural use. Whilst it is crossed by a number of hedgerows, it is an open area with few significant features, apart from woodland around its periphery and a belt of recently planted trees. The westernmost part of the site forms a level area, beyond which, to the east, the land falls away towards the River Weaver which forms the eastern boundary of the site.
- 3.8 The Marshall's Arm Nature Reserve adjoins the site to the north. This is an area of ancient woodland, beyond which is the Hartford Campus, which is occupied by a number of schools and colleges. To the west and north west, the site is adjoined by the established residential area of Hartford, whilst to the south it is fringed by the A556. Beyond the River Weaver to the east is the residential area of Kingsmead. The site is not within or adjoining any conservation areas.

3.9 The site is currently accessed from School Lane through residential development along Whitehall Drive and Douglas Close. Views of the site from School Lane are entirely obscured by a combination of intervening development and mature woodland. A public footpath runs alongside the River Weaver linking Northwich town centre to the A556 at Hartford Bridge.

#### **4. Planning Policy**

- 4.1 The development plan comprises the Regional Strategy<sup>1</sup> (RS) [CD9] and the Saved Policies of the Structure Plan<sup>2</sup> (SP) [CD11] and the Local Plan<sup>3</sup> (LP) [CD10]. RS Policy DP 1 sets the spatial principles for the region. Policy DP 2 seeks to promote sustainable communities by, amongst other things, fostering sustainable relationships between homes and other concentrations of regularly used services and facilities. Policy DP 4 seeks to make the best use of existing resources and infrastructure by, amongst other things, building upon existing concentrations of activities and infrastructure. It also sets out a sequential approach for the location of development where, after locations within settlements, it seeks to encourage development on land which is well related in relation to services and infrastructure.
- 4.2 Policy DP 5 seeks to manage travel demand, reduce the need to travel and increase accessibility. It also promotes sustainable access between homes and a range of services such as retail, health, education and leisure, and seeks to ensure that this influences locational choices. Policy DP 7 seeks to promote environmental quality, and Policy DP 9 seeks to reduce emissions and reduce climate change.
- 4.3 Policies RDF 1 and RDF 2 set out spatial priorities throughout the region and priorities for rural areas. Policy RDF 1 identifies Northwich as one of the third priority towns for development, behind Manchester and Liverpool together with the inner areas that surround them. Policies L 4 and L 5 set out regional housing provision and potential delivery mechanisms for affordable housing.
- 4.4 The only SP saved policy of any relevance to these appeals is Saved Policy T7 which seeks to ensure that the provision of car parking is used to manage demand for car travel.
- 4.5 The following saved policies of the LP are relevant to these appeals. Saved Policies T1 and T20 relate to transport requirements and travel plans. Saved Policy T1 records that the Council will have regard to, amongst other things: the Cheshire Local Transport Plan<sup>4</sup> (LTP) [CD23]; reducing the need to travel, especially by car; the production of Transport Assessments (TAs); the accessing of proposals by various transport means; the minimisation of traffic generation; and the production of Travel Plans, detailed in Saved Policy T20.
- 4.6 Saved Policy H4 identifies Hartford as a Tier 1 settlement in the hierarchy for housing development. Saved Policy H14 seeks to ensure that 30% of housing provided on windfall sites within Tier 1 settlement boundaries, for developments of 15 or more dwellings, is affordable. Policies GS2 and GS5 relate to new development in the Borough and the open countryside. Saved

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<sup>1</sup> The North West of England Plan: Regional Spatial Strategy: 2008

<sup>2</sup> Cheshire Structure Plan Alteration: 2005

<sup>3</sup> Vale Royal Borough Local Plan First Review Alteration: 2006

<sup>4</sup> Cheshire West and Chester Council: Local Transport Plan: Integrated Transport Strategy 2011-2026

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Policy GS2 seeks to ensure that new development is concentrated on the edge of Northwich amongst other areas, including Hartford. Saved Policy GS5 aims to restrict the construction of new buildings outside settlement boundaries.

- 4.7 Saved Policies NE7 and NE12 refer to the protection of landscape features and the prevention of unacceptable harm to Areas of Significant Local Environmental Value (ASLEVs). Saved Policies NE1, NE5 and NE8 seek to protect the natural conservation resource, endangered species and valuable ecological features. Saved Policies T3 and T9 seek to ensure the provision of safe, secure and covered cycle parking together with facilities for public transport. Saved Policy BE1 seeks to ensure, amongst other things, that adequate amenity and open space is provided. Saved Policy BE4 requires developers to enter into planning obligations to provide new or enhanced infrastructure and community facilities where necessary.
- 4.8 The Council's Core Strategy (CS), which is a key document in the emerging Local Plan, is still at an early stage of preparation and is not expected to be adopted until 2014 at the earliest.
- 4.9 The Council's Supplementary Planning Document 1<sup>5</sup> (SPD1) [CD12] and CA Appraisal<sup>6</sup> [CD14] are relevant to these appeals. SPD1 requires, amongst other things, that affordable housing is normally secured by a Section 106 agreement between the Council and the landowner and anyone with a legal interest in the land.
- 4.10 The following Council evidence base documents are also relevant to these appeals. They are the Strategic Housing Land Availability Assessment<sup>7</sup> (SHLAA) [CD17], the Housing Land Monitor<sup>8</sup> [CD18] and the Strategic Housing Market Assessment<sup>9</sup> (SHMA). The Housing Land Monitor shows the Council to have 2.6 years housing land supply.
- 4.11 This report also pays particular regard to the National Planning Policy Framework, Circular 11/95<sup>10</sup> and the Community Infrastructure Levy Regulations as amended [CD21]. It also has particular regard to Planning for Growth [CD15] and The Plan for Growth [CD16].

## **5. Planning Histories**

- 5.1 The planning histories of the appeal sites are described in the SoCGs [G7 & G8]. The Grange Farm site was the subject of an outline planning application in 2000 for some 350 dwellings. The application was however withdrawn following the publication of new national policy which introduced a sequential test for new housing to focus on the development of previously developed land in the first instance.
- 5.2 The site was included within the settlement boundary and allocated for housing development in the 2001 Local Plan. At that time, Hartford was identified as a

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<sup>5</sup> Vale Royal Borough Council: Supplementary Planning Document 1: Affordable Housing: September 2007

<sup>6</sup> Vale Royal Borough Council: Hartford (Extended) Conservation Area Appraisal: February 2004

<sup>7</sup> Strategic Housing Land Availability Assessment: 2010 – 2011

<sup>8</sup> Cheshire West and Chester Council: Local Plan: Housing Land Monitor: September 2012 Update

<sup>9</sup> Cheshire West and Chester: Strategic Housing Market Assessment: Update December 2010

<sup>10</sup> Circular 11/95: The Use of Conditions in Planning Permissions

Tier 1 settlement and a main focus for new development. The allocation was larger than the appeal site.

- 5.3 This 2001 housing allocation was deleted from the 2006 LP and the settlement boundary altered to exclude most of the site and identify it as open countryside. This was due to the Regional Planning Guidance and SP policies in place at the time, which sought to restrict housing development in the shires and focus on regeneration in areas of housing market failure. The SP anticipated that the Borough strategic housing requirement could be largely met by developing on previously developed land in urban areas. The current LP therefore only contains a limited number of housing allocations and a windfall housing policy.
- 5.4 A development comprising 19 dwellings on the former Hollies Farm, immediately adjoining the School Lane site, was granted permission in March 2010 Ref 09/01980/FUL. It has now been implemented. Planning permission was granted, on appeal, in 2009 for a 6m wide field access from School Lane just to the north of the Hartford Hotel, the access being carried across a pond by means of a bridge. This permission was renewed in March 2012 Ref 11/05186/EXT.

## **6. The Proposals**

- 6.1 The proposals are described in the SoCGs [G7 secn 6 & G8 secn 6].
- 6.2 The application for the Grange Farm site contains the majority of the details for the first phase of 56 dwellings. In this phase, notwithstanding the description of the proposal in the planning application, only landscaping is reserved for subsequent approval. For the remaining, and larger, part of the site, details were only submitted for vehicular access with an illustrative masterplan for these areas, including an area of off-street parking fronting Chester Road. Details are set out in the DAS [CD1].
- 6.3 The first phase would be located at the southern end of the site between Walnut Lane and The Grange. It would comprise: two to five bedroom dwellings, the larger units being on generous individual plots fronting Walnut Lane; a new community green on Chester Road; the spine road into the site; and a cul-de-sac of 24 dwellings adjacent to The Grange. The larger units would lie within or immediately adjacent to the CA, would have a layout and design to reflect the character of the CA and would complement the surrounding development. The other units in the first phase would comprise smaller two, three and four bedroomed units centrally located within the site.
- 6.4 The illustrative masterplan demonstrates how the remainder of the site could accommodate some further 244 units comprising a mix of two to five bedroom dwellings arranged in blocks centred on the primary residential street and around open spaces. The masterplan shows that the 0.5ha community green would have links to a linear park cutting north – south through the site. The 0.6ha park would enable longer views over and through the site towards the open space of the school playing fields adjacent to the north-eastern boundary. Such views are currently largely screened from public views along Chester Road due to an overgrown leylandii hedge.
- 6.5 The primary street would run through the site, approximately parallel to Walnut Lane, the starting point for which would be adjacent to the community

green. The street would meander around a series of open spaces towards the northern and western boundaries of the site. Pedestrian routes would run through the site adjacent to, or within, areas of open space linking into the community green, linear park and routes to Chester Road. The existing pedestrian access to The Grange would be retained.

- 6.6 The proposal would be accessed via a priority vehicular junction onto Walnut Lane together with a modification of the existing priority junction of Walnut Lane with Chester Road. An emergency access would also be provided at the northern end of Walnut Lane. It would link to an existing public footpath, would be pedestrianised, with bollards fitted to enable the passage of emergency vehicles only.
- 6.7 The masterplan shows the landscaped area of dedicated off-street parking partly in lieu of the loss of 6 car parking spaces on Chester Road. These spaces would be accessed directly from Chester Road. They would be provided to serve visitors to the nearby shops and facilities as well as the potential D1 use of the Grange farmhouse. A number of minor improvements and amendments to the public highway and footpaths are proposed, including the provision of a controlled Puffin crossing on Chester Road.
- 6.8 The masterplan proposes a large amount of open space across the remainder of the site. Overall, a total of 2 ha of open space is identified within the site in the form of areas of informal recreation, local equipped areas of play and landscaping. All of the existing trees identified in Categories A or B (retention most desirable or desirable respectively) would be retained. Where possible, existing hedgerows would also be retained. The natural topography, and the existing ditch system, of the site would offer the potential for the use of Sustainable Urban Drainage Systems (SUDS) as part of open areas, particularly in the north-western part of the site.
- 6.9 The development would be likely to comprise a variety of detached and semi-detached houses with some short terraces, up to 4 units, and up to a maximum of 2.5 storeys in height. The style and design of the housing would comprise dwellings constructed of a mix of brick, tile, render and weather-boarding to reflect the local style and vernacular in The Grange and Walnut Lane. The affordable housing would be pepper-potted throughout the site.
- 6.10 The proposal includes the retention and re-use of the Grange farmhouse, which offers the potential for reuse for local community purposes, such as a dental surgery. Alternatively, if there is no commercial interest in the building, it could be refurbished as a dwelling.
- 6.11 The planning application for the School Lane site is in outline with all matters reserved except for access. The indicative layout indicates that the area of built development would be limited to some 19ha of the site, with some 15 ha, alongside the River Weaver, being used for open space purposes. Tree removal, for the purposes of forming the access and elsewhere, together with hedge removal, would be kept to a minimum. A buffer zone would be incorporated within the proposal to safeguard the Marshall's Arm Nature Reserve. The priority junction access to School Lane would be at a very similar point to that which has already been approved for an agricultural access, just to the north of Hartford Hall Hotel. A pond would however be crossed by means of a causeway rather than a bridge. A small number of

dwellings would be accessed from Douglas Close, which would also provide a secondary emergency access for the whole site.

- 6.12 The proposal includes the upgrading of a footpath alongside the River Weaver, to provide a footpath and cycleway into Northwich town centre and a similar link through the nature reserve to the Hartford campus. These would be considered in more detail at reserved matters stage following concerns expressed by council consultees.
- 6.13 The 15ha of open space would be laid out primarily as an informal area of parkland with additional areas of open space, for amenity and children's play, provided within the built up area of the site. Landscaping treatment would provide an acceptable interface between the built up area and the parkland to maintain the character of the river valley. The parkland would also enable the enhanced use of the river corridor for recreation purposes and the layout would provide improved access to the corridor for the existing residents of Hartford.

## **7. Other Agreed Facts**

### *General*

- 7.1 Other facts agreed between the appellants and the Council are included within SoCGs. For the Grange Farm proposal, SoCGs have been agreed on planning, heritage and environmental issues and on transportation [G7 & G9]. For the School Lane proposal, SoCGs have been agreed on planning and environmental issues and on transportation [G8 & G11]. The SoCGs refer to the following matters, amongst other things.
- 7.2 The RS provides the housing land requirements from which land supply should be calculated [CD9]. Some 1,317 dwellings should be provided annually in the Council's area between 2003 and 2021 [CD9 tbl 7.1]. There is a 2.9 year supply of housing land that the Council considers to be deliverable within five years as of 1 April 2012 [CD18]. This amounts to a five year shortfall of 3,615 dwellings.
- 7.3 The LP saved policies relating to housing land supply should therefore be considered out of date, and the Framework sets out clear guidance for decision makers in these circumstances [CD8 paras 14 & 49 & CD10]. The proposal would not accord with LP Saved Policy GS5, but this policy should be read in the context of the Framework as a material consideration [CD8 para49].
- 7.4 There has been an under provision of 3,918 dwellings between 2003 and 2012, and completions only exceeded the average annual requirement in 2005/06. There is therefore a record of persistent under delivery of housing, and the five year requirement should be increased by 20% [CD8 para 47]. To significantly boost the supply of housing, local planning authorities should use their evidence base to ensure their local plan meets needs for market and affordable housing [CD8 para 47].
- 7.5 It is therefore necessary to identify a 6 year supply of housing land to make up the shortfall as quickly as possible. The current deliverable supply is less than half this figure, and there is an urgent need to bring forward appropriate sites. Given the significant shortage of deliverable previously developed sites to make up this shortfall, priority should be given to other performance criteria

such as location and sustainability. The proposals would make an important contribution to the supply of housing in the district, and the affordable homes would be constructed alongside the open market dwellings.

- 7.6 There is a gross annual shortfall in affordable housing of 1,311 dwellings, and new households are forming at a rate of 1,140 per annum with 470 of these being unable to afford open market prices or rents for housing [CD19]. Net affordable dwelling annual completions have averaged 304 over the past four years [CD18]. The proposals would provide 30% affordable housing in accordance with LP Saved Policy H14, and this would make a valuable contribution towards meeting housing needs [CD10].
- 7.7 The LP identifies Hartford as a Tier 1 settlement and a main focus for development due to its sustainable location. The LP seeks to concentrate new housing within and on the edge of Northwich, including Hartford. A principal element of the LP is the regeneration of Northwich Town Centre, including the development of the Winnington Urban Village. The proposals have the opportunity to link with the regeneration priorities and investment in Northwich and would not have any materially detrimental impact on the delivery of this regeneration project. Moreover, none of the LP brownfield housing allocations in Northwich Town Centre have so far been delivered.
- 7.8 The emerging Local Plan can only be afforded limited weight as it is still at an early stage of progress, and the CS is unlikely to be adopted until the end of 2014. The evidence base for the CS (including the SHLAA and the SHMA) does however provide some relevant background to the emerging Local Plan [CD17 & CD19]. The SHLAA has been prepared in accordance with the Strategic Housing Land Availability Assessments Practice Guidance.
- 7.9 The Council's January 2011 Issues and Options Paper put forward housing growth rates for Northwich, including Hartford, of between 10 and 30%. It also suggested that greenfield sites would be required to achieve supply in the short, medium and long term. Further consultation indicated that greenfield sites would be required under a moderate growth strategy in all the main urban areas.
- 7.10 The proposals are not so significant in the context of the overall housing requirement and not so substantial as to raise issues of prematurity as set out in paragraph 19 of the General Principles Document<sup>11</sup>. Furthermore, given the early stage of preparation of the emerging Local Plan, the proposals would not raise any unacceptable issues of prematurity or precedent.
- 7.11 The LP does not provide any basis for disaggregating the housing land supply requirements to the more local level so as to provide a sound strategic basis for the preparation of a neighbourhood plan for Hartford. The preparation of such a plan will therefore need to await the formulation of the CS where, it is intended that, appropriate strategic guidance will be set out. It is thus likely to be at least the end of 2014 before such a document can be adopted.
- 7.12 A recent appeal relating to residential development at Cuddington raised similar circumstances to those posed by the current appeals [CD20].

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<sup>11</sup> The Planning System: General Principles: ODPM: 2005



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- 7.13 The statutory school walking distances, defined by the Council, are 2 and 3 miles for primary and secondary age children. The Council considers it appropriate, subject to reasonable exceptions, for children to walk this distance to get to and from school, accompanied if necessary. No travel subsidy is provided within these limits or if, due to parental choice, a child does not attend his or her nearest school.
- 7.14 There are 18 state and privately run education facilities within the statutory walking distances of all of the sites [G9 App GCG1 & G11 App HCG1]. Of the state, special and faith schools, there are 7 primary and three secondary schools. The number of school places in many of these schools exceeds that which is taken by residents within those catchments.
- 7.15 Hartford has two railway stations. Hartford station has regular high speed services to Liverpool, Runcorn, Winsford, Crewe, Stafford and Birmingham [G9 fig GCG4 & G11 fig HCG4]. Greenbank station has local commuter services to Manchester, via Northwich, and Chester. A 30 min interval weekday bus service to Chester and Northwich runs along Chester Road [G9 fig GCG5 & G11 fig HCG5].
- 7.16 There are also a number of major employment facilities in the surrounding area, and the Council's emerging Local Plan evidence base acknowledges that Northwich plays an important sub regional role as a centre for retail, employment and local services [G9 App GCG2 & G11 App HGC2].
- 7.17 The profile for traffic flows on Chester Road across a typical day, measured on Wednesday 12 October 2011, show: an am peak, from 08.00 to 09.00; a school closing pm peak, from 15.15 to 16.15; and a commuter pm peak from 17.00 to 18.00. There are no major half day closures locally or any other reason that would affect the count results. As flows measured during the school holiday period, on Thursday 27 October 2011, are far lower, the educational establishments increase traffic in the area.
- 7.18 Queue lengths were measured on Thursday 20 September 2012, in school term time, and on Thursday 27 October 2011, in school holiday time, and profiles have been plotted [G9 App GCG4 & G11 App HCG4].
- 7.19 The Base Case demand flows for the peak hours include an allowance for committed development. They are an appropriate benchmark against which the development can be assessed prior to an allowance for trip demand reduction as a result of any Travel Plan or driver behavioural change [G9 App GCG3 & G11 App HCG3]. The daily variation in flows could however be plus or minus 15%. The Draft Interim Travel Plans are appropriate and acceptable [G10 & G12].
- 7.20 The traffic growth rate is currently zero in Hartford at peak commuter and education travel periods and has been so for at least 10 years. This is likely to be due to a perceived inconvenience for travel by car at these times compared to alternatives. The result is a pool of suppressed demand for car travel at these times.
- 7.21 The Council has improved the junctions of Chester Road with Bradburns Lane and The Green. One of the consequences was to improve pedestrian facilities which in turn can reduce traffic capacity when there is significant pedestrian use.

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7.22 The five year accident record for Hartford does not show any consistent pattern of repeats. Whilst any accident is regrettable, the accident characteristics are not unusual and do not give cause for anything more than usual concern. Moreover, the Council has not identified the Hartford transport network as requiring accident remediation.

### *Grange Farm*

- 7.23 The outline planning application in 2000 for some 350 dwellings on the site, which was subsequently withdrawn, included a medical centre and a community hall.
- 7.24 In the 2001 Local Plan, the policy requirements for the site included the provision of a village green, car parking for the local shops and the re-use of Grange farmhouse.
- 7.25 The 2001 housing allocation was deleted from the 2006 Local Plan. The changes to the policy status of the site over the years, particularly in relation to the 2001 and 2006 Local Plans are explained by reference to strategic priorities and the planning context set by national and regional policy.
- 7.26 The site is partly within the Hartford settlement boundary and is partly developed with the remainder allocated as open countryside within LP Saved Policy GS5. The site is not allocated as protected open space, lies adjacent to a Tier 1 location and is the highest priority for development. The Council, in its SHLAA, has identified the site as being suitable for housing with a capacity of 300 dwellings in years 6 to 15 [CD17].
- 7.27 Beyond the site boundaries, the surrounding area is predominantly residential in character. A number of schools are located in close proximity to the site, including two primary schools, two high schools and Mid Cheshire College, all within 1.3km of the centre of the site.
- 7.28 The centre of the site is located 0.65km from the crossroads at the centre of Hartford. There are shops and services immediately to the south of the site including a supermarket, public house, bakery, butcher, florist, hairdresser and pharmacy. A post office, community hall, Church and sports and social club are all located within a short walking distance from the site. A newsagent, doctor's surgery and a dentist are situated within an acceptable walking distance from the site. It is highly accessible and falls well within the Council's accessibility range [HE4 para 2.7].
- 7.29 The bus service to Chester and Northwich runs along Chester Road, immediately to the south of the site [G9 fig GCG5]. Bus stops are located within walking distance of the majority of the site. Chester Road has footways on either side of the carriageway providing access to the rest of the settlement [G9 fig GCG3].
- 7.30 Hartford's two railway stations are both within a comfortable walking and cycling distance of the site. Hartford station is 0.5km to the west of the site and Greenbank station is some 1.5km to the east of the site.
- 7.31 The proposal would accord with the spatial priorities and principles set out in RS Policies RDF 1 and DP 1 to 9. The DAS submitted with the planning application demonstrates how, with appropriate conditions, the principles of good design could be embodied in the development of the site.

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- 7.32 Part of the site lies within, and part adjacent to, the Hartford CA, which is supported by a CA Appraisal [CD14]. The appraisal describes four important spaces that relate to an open linear spine of Chester Road in the CA, one of which is the Grange Farm site adjacent to Walnut Lane [CD14 para 3.3]. The appellant has also carried out a heritage assessment [CD1]. The proposal would include larger units on generous plots fronting Walnut Lane. These units would lie within or immediately adjacent to the CA and would have a layout and design to complement the surrounding development. The first phase of the development would provide a mix of housing that would reflect the character of the CA. The proposed community green on Chester Road would respond positively to guidance in the Village Design Statement and the CA Appraisal [CD13 & 14].
- 7.33 The significance of the CA is defined by a combination of its evidential, historical, aesthetic and communal values. The Grange farmhouse, within the CA, is a locally listed building and is of significance as a non-designated heritage asset. Subject to appropriate conditions, the proposed development is capable of resulting in a neutral effect on the character, appearance and significance of the CA.
- 7.34 A linear park would allow views through the site towards the open space of the playing fields adjacent to the north east boundary of the site. The proposal would provide formal parking for the local shopping centre. The illustrative masterplan shows a landscaped area of dedicated off-street parking partly in lieu of the loss of 6 parking spaces on Chester Road which serve visitors to the nearby shops and services.
- 7.35 The site has been the subject of a Phase 1 Habitat survey and Phase 2 surveys for bats, barn owls, badgers and reptiles. It is of moderate ecological value, based on its potential to support protected UK, local Biodiversity Action Plan and red data species and the proposal would, in general terms, enhance the biodiversity value of the site. In respect of the three tests of the Conservation of Habitats and Species Regulations 2010 and Article 16 of the Habitats Directive:
- i) the principle of development on the site is justified due to the need for residential development in the borough and, in the circumstances, there is no satisfactory alternative;
  - ii) the development would not be detrimental to the maintenance of the population of bats, subject to a precautionary working method for tree felling and demolition, and the development would be unlikely to have a direct impact or effect on badgers or breeding birds subject to the imposition of appropriate conditions; and
  - iii) the development would not cause unacceptable harm to any statutory or non-statutory designated nature conservation site.
- 7.36 The proposal would therefore comply with the provisions of the Conservation Regulations, the Habitats Directive and LP Saved Policies NE1, NE5, NE7 and NE8. This conclusion is supported by Natural England.
- 7.37 The submitted archaeological survey recommends that a watching brief, to record any findings, is carried out during the course of the development. A programme of archaeological work or mitigation could be satisfactorily secured

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by an appropriately worded condition in accordance with the LP. The site comprises Grade 2 and 3a agricultural land. Whilst the LP seeks to protect land in the highest categories, this may be outweighed by other considerations. Here, the benefits in terms of housing supply would outweigh the loss of agricultural land, and this conclusion is supported by Natural England.

- 7.38 The site is not within a flood risk area, as shown on the Environment Agency (EA) flood zone maps, and is not subject to flood risk from any other sources. The development is capable of incorporating SuDS. The EA has confirmed that the proposal would be acceptable in principle and United Utilities has not objected to it, subject to the imposition of various conditions relating to discharge rates and the extension of existing water mains.
- 7.39 The appellant expects to be able to sell 32 open market dwellings per annum. This is however a conservative figure, as Hartford represents a relatively strong market area, even in the present economic climate. The proposed development is expected to generate the need for 55 primary and 39 secondary school places. These secondary school pupils could be accommodated within the surplus places that currently exist at Hartford High School. There are some surplus spaces at the local state primary schools, but a significant number of the places at both Hartford primary schools are occupied by out of catchment pupils.
- 7.40 The past use of the land may have resulted in areas of low level contamination on small parts of the site, but such contamination would not prohibit the development. Risks are limited and could be dealt with by the imposition of appropriate conditions. There would be some potential for impact on residential amenity arising from construction activity, but this could be satisfactorily controlled through the imposition of appropriate conditions.
- 7.41 The visibility splays at the proposed site access and the reconfigured Chester Road and Walnut Lane junction would be appropriate and adequate, and the access arrangements have been agreed with the Council as Highway Authority. The masterplan, first phase layout and pedestrian, cycle and vehicular accesses, as well as the proposed pedestrian crossing, would be appropriate and acceptable and would satisfactorily serve the development.
- 7.42 There would be no material effect on highway and transport safety as a result of the development. The reason for refusal relates specifically to traffic impact at the junctions of: Chester Road with The Green; Chester Road with School Lane; and Chester Road with Bradburns Lane. The remainder of the highway network would be expected to be able to accommodate the additional traffic demands of the developments, either individually or cumulatively with that from development on the School Lane site.

#### *School Lane*

- 7.43 The Council, in its SHLAA, has identified the site as being suitable for housing with a capacity of 735 dwellings in years 6 to 16+ [CD17]. It has not raised any reason for refusal relating to the principle of residential development on the site. The site is contained within the general extent of the established urban area of Northwich, but lies outside the present identified settlement boundary. It is however adjacent to a Tier 1 location, and is the highest priority for development.

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- 7.44 The site is highly accessible and in close proximity to shops, schools, community facilities and public transport. Day to day facilities in the centre of Hartford are within an acceptable walking distance of the site [G11 fig HCG2]. Hartford's two railway stations are both within easy walking, cycling and driving distance of the site. The site is therefore in a sustainable location, and there is a presumption in favour of sustainable development [CD8 para 19].
- 7.45 The permitted access for the 6m wide field entrance from School Lane would be at a very similar point to that which is the subject of this appeal.
- 7.46 The proposal would accord with the spatial priorities and principles set out in RS Policies RDF 1 and DP1 to 9. The DAS submitted with the planning application demonstrates how, with appropriate conditions, the principles of good design could be embodied in the development of the site.
- 7.47 Saved LP Policy NE12 identifies the site as being within an ASLEV to be protected from unacceptable harm, but it is not allocated as protected open space. The policy however, which seeks to control the extent of development, should now be given limited weight in the context of the Framework and the housing land shortfall. In any event, the proposal would not result in unacceptable harm to the landscape and would not conflict with LP Saved Policy NE12.
- 7.48 The indicative proposal includes a major area of open space alongside the River Weaver which would enhance the use of the river corridor for recreation and improve public access to the corridor. An acceptable landscape interface could be provided between the open space and the built up area of the site to maintain the character of the river valley. The Council's consultees have raised concerns regarding the proposed footpaths and cycleways alongside the River Weaver and through the Marshall's Arm Nature Reserve to the Hartford Campus. Should the appeal be allowed, these matters would be considered further at reserved matters stage.
- 7.49 There are no ecological interests on the site that would prevent the proposal proceeding, and it would in fact enhance the biodiversity value of the site. The site has been the subject of an archaeological investigation, and there is no evidence of any interest that would preclude the granting of planning permission subject to appropriate conditions. There would be some potential for impact on residential amenity arising from construction activity, but this could be satisfactorily controlled through the imposition of appropriate conditions.
- 7.50 The appellant envisages that the sales rate for the site would be a minimum of 64 open market dwellings per annum. The proposed development is expected to generate a need for 63 primary and 45 secondary school places. These secondary school pupils could be accommodated within the surplus places that currently exist at Hartford High School. There are some surplus spaces at the local state primary schools, but a significant number of the places at both Hartford primary schools are occupied by out of catchment pupils.
- 7.51 The illustrative masterplan and pedestrian, cycle and vehicular accesses would be appropriate and acceptable and would satisfactorily serve the development. There is no highway reason as to why a modest number of dwellings cannot be accessed from Douglas Close. Furthermore, there would be no material effect on highway and transport safety as a result of the development. The reason

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for refusal relates specifically to traffic impact at the junctions of: Chester Road with The Green; Chester Road with School Lane; and Chester Road with Bradburns Lane. The remainder of the highway network would be expected to be able to accommodate the additional traffic demands of the development, either individually or cumulatively with that from development at Grange Farm.

## **8. The Cases for the Appellants**

The material points are:

### *Introduction*

8.1 These material points address the issues arising with regard to both appeals, where distinctions are drawn between them this is made clear. Where there are particular advantages arising from one or other of the proposals these are identified. The points address the second main consideration first, since there is very little that is contentious in that regard.

8.2 SOCGs have been prepared [G7, G8, G9 & G11]. Their importance was highlighted in the case of Poole (R. on the application of) v. the Secretary of State for Communities and Local Government (2008) EWHC 676 at para 44 when the then Sullivan J. observed:

*"The imperative in the rules requiring the principal parties to focus their attention on the issues that are in dispute would be wholly frustrated if appellants and local planning authorities were unable to place any degree of reliance on matters that have been apparently resolved in a statement of agreed facts. It would be entirely unsatisfactory if, having agreed such matters, the principal parties to an Inquiry would still have to prepare their evidence on the basis that the Inspector might wish to pursue a particular line of reasoning that departed from the agreed statement".*

### *The Development Plan and Planning Policy Background*

8.3 The only SP Saved Policy that is relevant to the appeal proposals is Policy T7, which identifies maximum parking standards and that new development should make adequate provision for cycle parking [CD11]. No conflict is alleged with that policy.

8.4 With regard to the Development Plan (DP), it is agreed that [G7 & G8]:

- i) the LP Saved Policies relating to housing which provide settlement boundaries should be regarded as out of date.
- ii) the LP seeks to concentrate new housing within and on the edge of Northwich, which the plan confirms includes Hartford;
- iii) the proposals would not have any detrimental impact on the delivery of any regeneration schemes;
- iv) although there have been housing developments in the wider area in recent years, there have been no allocations for housing development in Hartford in either the current LP or its predecessor ;
- v) Hartford is a Tier 1 settlement and part of the Northwich urban area which is a priority for development in RS and, as a Tier 1 settlement in the LP, Hartford is a sustainable location for new housing development;

- vi) apart from the alleged conflict with LP Saved Policy T1, no conflict is alleged with any other relevant policy of the DP;
- vii) in terms of the emerging DP, the proposals should not be regarded as premature and the progression of any neighbourhood plan will need to await the advancement of the CS;
- viii) full weight can be accorded to the relevant RS policies in the determination of these appeals; and
- ix) the proposals accord with the spatial priorities and principles in the RS.

8.5 The DP position is therefore a strong one in support of the grant of planning permission for the appeal proposals. The proposals accord with every relevant element of the strategy of the DP, which includes the most recent and up to date approach with regard to ensuring that housing development takes place in sustainable locations. Neither the Council's nor JAG's evidence identifies any preferable location at Hartford which would produce a more sustainable outcome than either of the appeal proposals. The Council accepts that the appeal proposals can be appropriately characterised as being sustainable development. This is with the single caveat in relation to the alleged conflict with transportation policy with regard to the impact on congestion at the identified junctions.

8.6 With regard to the alleged conflict with LP Saved Policy T1, the policy is agreed to be out of date as not being in conformity with the Framework [Posford XX]. The policy itself is not phrased in terms of "refuse if", but rather "take into account" and "have regard to", and it was agreed that [Posford XX]:

- i) the LTP is fully up to date, and the proposals do not have any conflict with any element of it [CD23];
- ii) the proposals would reduce the need to travel by car and are sustainable in that regard with no conflict with the second criterion of the policy, and the Council has also agreed the draft Travel Plans [G10 & G12];
- iii) TAs have been produced, with no outstanding requests for any further information and no reasons for refusal alleging a lack of information [G1 TA & G5 TA];
- iv) there is no allegation of any impact on local amenity, the environment or safety;
- v) there is no impact with regard to any trunk road or free flow of traffic on it, and it is of note that the criteria for trunk roads is materially different to that for more local roads;
- vi) the Council accepts that the proposals are accessible by a variety of means of transport, and they are therefore sustainable in that regard;
- vii) whilst the policy seeks to minimise the effects of traffic generation, this criteria, which is relied on in the reasons for refusal, conflicts with the Framework and cannot be given any weight; and
- viii) the LP includes a range of other policies relating to transportation issues, such as public transport, walking and cycling, none of which are relied upon [Posford XX].

8.7 In these circumstances, it is not possible to allege any conflict with any up to date element of the policy relied on in the reasons for refusal.

8.8 The Council has also included both appeal sites in its SHLAA [CD17]. This would have required the specific consideration of the extent to which the proposals would contribute to the creation of mixed and sustainable communities. This should be seen against the background of the range of matters agreed in the SoCGs.

*Other Material Considerations*

8.9 There is a range of other material considerations which support the grant of planning permission in these cases. The most material is the position with regard to housing land availability in terms of shortage of supply [G7 & G8].

8.10 With regard to affordable housing, the Council agrees that it has a gross annual shortfall, and that the proposals would make an "important contribution to the supply of housing in the district" [G7 para 7.37 & G8 Para 7.37]. It is also agreed that the proposals would make "a valuable contribution towards meeting housing needs". The proposals would also include a contribution towards open space availability in the area, which is of wider benefit.

8.11 The recent appeal decision at Forest Road, Cuddington [CD20] raised a number of relevant issues [G7 para 7.47 & G8 para 7.47] including:

- i) mechanisms to respond to the severe shortfall in housing land are largely absent, and there is no immediate prospect of any Development Plan Document (DPD) providing a context in which to allocate sites;
- ii) Cuddington is on the edge of Northwich and is thus suitable to accommodate its share of development;
- iii) there is no compelling evidence that granting permission would undermine the regeneration of Northwich;
- iv) the provision of affordable housing would make an important contribution to meeting an outstanding and clearly identified need;
- v) the site is in an inherently sustainable location having access to shops, schools, community facilities and a railway station; and
- vi) even though the site is in the open countryside in present policy terms, RS Policy RDF 2 does not provide an appropriate policy context to judge the proposal in the light of the severe shortfall in housing.

8.12 The Council agrees that all of the above conclusions are similarly applicable to the appeal proposals.

8.13 The Council also agrees that the appeal sites are in sustainable locations [G9 & G11]. Some of the matters that have been agreed with the Council in this regard are that:

- i) the sites are within the Hartford and Greenbank ward and within the conurbation that includes Northwich Town Centre [G9 para 1.4 & G11 paras 1.4];



- ii) the sites lie either at the heart of Hartford (Grange Farm) or on Hartford's south east side but bounded by residential development on its north side (School Lane);
- iii) with regard to walk routes, these are predominantly on footways which are generally of an appropriate size and in an appropriate state of repair;
- iv) cyclists use the carriageways, which is appropriate, and they are content to do so in the context of the preferred approach set out in the guidance in Manual for Streets 2 (MfS2);
- v) the sites are close to two railway stations and within reach of them by foot, cycle and car, and the railway stations serve a wide variety of destinations;
- vi) buses serve Hartford, and the sites are in sustainable locations in terms of public transport accessibility;
- vii) the sites are within the statutory school walking distance which the Council considers it reasonable for children to adopt for the purposes of walking to and from school;
- viii) there are no less than 18 educational facilities within the statutory walking distance of sites;
- ix) day to day facilities are within acceptable walking distances of the sites;
- x) taking into account the proximity of day to day facilities, the provision of walking and cycling networks and public transport, the sites are in sustainable locations;
- xi) there are a number of major employment facilities in the surrounding area which are accessible by a variety of means; and
- xii) with the single exception of LP Saved Policy T1, the proposals comply with all other elements of national, regional and local policy.

8.14 It is suggested by JAG that the sites should not be regarded as being in sustainable locations due to the existence of maximum walking distances applicable to either local facilities or public transport options [MK1 secn 5]. The Council however adopts walk distances of, for example, 1.6km to day to day facilities, including primary schools, and distances in the order of 800m for access to bus stops [CD25 & MAV4 para 4.5]. The Institution of Highways and Transportation (IHT) 2000 Guidelines however suggest a preferred maximum of 2km and a suggested acceptable distance of 1km for commuting [MAV4 para 4.6.4].

8.15 The data from Leeds shows the inappropriateness of the JAG suggested maximum walking distances [HE7]. In addition, JAG's approach is not supported by its own school travel document evidence [MK2 & MK4]. This demonstrates that the distances which would be, for all practical purposes, the maximum distances from any house on the appeal sites are already being walked by very many pupils. It also demonstrates that there exists a desire by many more to walk to school if appropriate encouragement was provided. Moreover, the maximum walking distances promoted by JAG are based on old, generic and (for present purposes) out of date guidance.

- 8.16 It is agreed that the large number of educational institutions in Hartford is generating a traffic problem [Posford XX & Kitching XX]. A large number of children are brought into Hartford by car in circumstances where, if they were displaced by more local children, there would be a distinct and beneficial effect.
- 8.17 As all of the schools considered wish to adopt sustainable travel, if resources were available, it is inconceivable that they would not adopt an approach of favouring local catchment children in terms of school places [HE15]. Considering the schools with identified catchments in the Transportation SoCGs, there are currently over 1,000 pupils attending the schools from outside the catchment areas [HE6]. Therefore, in all probability, they predominantly travel to school by car and contribute to the current congestion. The fact that the schools adopt catchments provides the best indication of their approach to identifying areas from which pupils will be favoured.
- 8.18 In terms of the creation of sustainable communities, making housing available in areas where school places are available, or can be made available, for children in locations which are accessible by sustainable modes, has distinct benefits. The benefits arise not only with regard to the adoption of sustainable modes of travel and the relief of congestion, but also with regard to the wider community aspects. There are social and community benefits from adopting sustainable transport measures and having children from the local area attending local schools and residents using local facilities [Axon XC]. This is precisely what the appeal proposals provide the opportunity for.
- 8.19 There is no doubt that the appeal sites offer the opportunity for appropriate access to Hartford's two railway stations on foot [Axon XC]. Moreover, it is agreed that they are highly accessible by cycle [CD5 TA URS Review]. There is no reason why anyone should choose to drive to the stations in circumstances such as these. That some people, no doubt coming from further away, do so is plain from the evidence given with regard to parking related to station use. All that evidence serves to do however is to deny the suggestion that the stations do not offer a popular and relevant service for commuters served by the array of destinations on the relevant railway lines.
- 8.20 A vast range of community facilities and services is available in Hartford [Gilbert XC, Ryan App 1, G7 & G8]. This (coupled with the almost certainly unique range of educational facilities, the availability of two railway stations and bus services that were favourably commented on in the Cuddington decision) makes Hartford an outstandingly sustainable location to provide housing in [CD20]. If locations such as these are not to be regarded as accessible, then it is difficult to imagine any location that might be so regarded. Appropriate encouragement for the adoption of sustainable modes of travel would also be provided by the travel plan prepared for each site. These have had full regard to all relevant guidance and have not attracted any criticism from the Council [G9 & G11].
- 8.21 In relation to the first consideration therefore, the appeal sites offer outstandingly good opportunities to contribute to the provision of much needed housing in highly sustainable locations. They will contribute directly and positively to the achievement of DP, RS and national policy objectives with regard to the provision of homes in locations that will meet the objective of providing sustainable communities.

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## Highways

8.22 The only element of LP Saved Policy T1 which the Council relies upon is out of date because it is not in accordance with the Framework with regard to highways impact and the refusal of planning permission. The Council's refusal alleges a conflict with the Framework, in that it is said that the impacts of the proposal are in highway terms "severe" [CD8 para 32]. There are a number of matters to note about that as an allegation:

- i) it is clear that, when considering the proposals, the Council tested them against the out of date test set out in LP Saved Policy T1 and not against the requirements of the severe impact test [CD2 paras 6.150 & 6.186 & CD6 paras 6.161 & 6.199];
- ii) the late addition of the reference to the Framework to the reasons for refusal cannot save the Council from having adopted the wrong policy test, and the Council's committee reports do not consider whether the proposals would have a severe impact as set out in the Framework test;
- iii) in any event, and more fundamentally, the Council's highways witness admitted that he could not, and did not in his proof of evidence, ascribe a severe impact to the proposals [Posford XX]. The evidence called does not support the reason for refusal because there is insufficient information to allow a judgment to be made [Posford XX]. There is, as a result, no evidence to rebut the presumption in favour of sustainable development; and
- iv) the Council's failure to provide evidence to support a severe impact is compounded by the complete absence of any cross examination alleging any severe impact or any breach of LP Saved Policy T1 [Axon XX] and is consistent with Council's highways witness' answers in cross examination and the absence of any reference to LP Saved Policy T1 in the Council's highways proof of evidence [Posford Proof & XX].

8.23 The agreed position between the Council and the appellants is that traffic growth in the Hartford area is currently at zero at peak commuter and peak education travel periods and has been so for the last 10 years [G9 & G11]. It is agreed that this is likely to be the case because of the perceived inconvenience for car travel at these times, as evidenced by queue lengths, compared with the alternatives [MAV2 App MA1]. The result of this is a pool of suppressed demand for car travel at these times.

8.24 The Council agrees that there has been traffic growth generally in the last 10 years and development in the area which will have produced traffic [MAV1 secn 5]. The Council then alleges that the appeal developments will result in traffic growth during the peak period with increased congestion. The Council has not however explained why this additional congestion should happen in relation to the appeal developments when it has not happened in relation to other developments in the wider area and as a result of general traffic growth.

8.25 If the appeal developments were to produce traffic growth in the peak period, this would buck the trend of the last 10 years. There is no logical basis as to why this should occur, particularly bearing in mind that the appeal sites are in good sustainable travel locations and offer the opportunity for the displacement of pupils attending local schools from further afield. The

Council's case is therefore illogical, not supported by the evidence and counter intuitive with regard to the travel mode options likely to be taken by occupants of the new developments when faced with the existing congestion.

- 8.26 The appellants have assessed the impact on the agreed trip generation rate for the proposed dwellings. This has been undertaken with regard to the sustainable locations of the sites, the effects of the travel plans and the likely change in driver behaviour [MAV2 App MA7, MAV1 secn 9 & HE10].
- 8.27 There was some attempt at criticism of the appellants' approach, based on judgments made as to the likely effects of the travel plan measures on the trip generation rates. That criticism is entirely unjustified having regard to the guidance. The Government is clear that, to consider the transport assessment and travel plan as an integrated package of information and proposals to deal with the transport impacts of the developments, is the most effective approach [MAV2 App 2 pg 6]. The appellants' assessment therefore accords with the relevant guidance. It also ensures that an approach is not adopted which might, for example, result in highway improvements. These would simply release the currently suppressed demand for travel during the peak commuter and education periods.
- 8.28 The Council's approach, in its committee reports and Inquiry evidence, is to suggest that the potential benefits of a sustainable location, a properly formulated travel plan and the potential impact on driver behaviour should be ignored. JAG adopts a similar approach. Neither the Council nor JAG address the fact that the approach they wish to adopt is contrary to the relevant Government guidance. Each suggests that the benefits of the travel plan and the sustainable location should be entirely discounted and that the impacts of the appeal proposals should be assessed on a gross basis.
- 8.29 JAG's highways witness accepted that such an approach was not in accordance with the approach that his firm espouses generally with regard to the adoption of travel plan type measures [Kitching XX]. For the Council, the position is even starker having regard to its approach to travel plans in its LTP. This is fulsome in its approach to the relevance of travel plans, their importance in the development process, the references to new housing development and travel plans, and the references to travel plans [CD23 pg 40 para 5.3.1, pg 37 & pg 43 & Posford XX].
- 8.30 The Framework makes it clear that travel plans are key to the facilitating of the use of sustainable transport modes [CD8 paras 35 & 36]. This also was not addressed by the Council or JAG. It is difficult to understand how a measure that should be regarded as key should, at the same time, be ignored in the assessment process considering the impact of any development proposal. The professional judgment involved in the assessment is able to be informed by the sort of information contained in the LTP which is local, relevant and relied on by the Council itself in the formulation of its local transport proposals [CD23 pg 40 para 5.3.1].
- 8.31 The Council has acknowledged the suitability and appropriateness of the interim draft travel plans presented with the Unilateral Undertakings [G10 & G12]. JAG however suggests that the travel plans might be lacking in some regard. Its evidence however was entirely silent on any deficiency, and

neither the Council nor JAG could point to any element of good practice guidance that had not been complied with [Kitching XX].

- 8.32 There is compatibility between the outcome of the appellants' exercise on, and the Council's position that there has been no growth in, traffic in the peak commuter and education periods over the last 10 years [HE9 & HE10]. The consequence of this is that it cannot be suggested that the appeal proposals will produce any material, let alone severe, impact on congestion in the peak period.
- 8.33 On the contrary, the likely effect of the appeal proposals is to provide a benefit in those periods. This would be from the opportunity to reduce traffic accessing local educational facilities and the encouragement of sustainable modes of travel, not only by new residents but also existing residents. This would achieve objectives which are entirely consistent with the Framework and wider Government policy objectives related to the links between the adoption of sustainable travel modes and health and wellbeing.
- 8.34 JAG's evidence relied in part on guidance with regard to cycling arising from the Department for Transport (DfT) Local Transport Note 02/08 [MK1 pg 25]. It is however relevant that:
- i) the guidance is not meant to be rigidly applied but taken only as a guide;
  - ii) the preferred way is to create conditions on the carriageway where cyclists are prepared to use it;
  - iii) it points out that many cyclists feel comfortable on roads with no cycle specific infrastructure if traffic speeds are low;
  - iv) the table which Mr Kitching's Proof purports to replicate does not set out any sort of requirement for cycle provision, but is entitled in the Guidance "approximate guide to type of provision".
- 8.35 Road speeds locally, at the relevant time, would be low due to congestion. In such circumstances, there is no reason why the conclusion, that locations in the area such as the stations are highly accessible by cycle, should not be accepted [Posford XC]. Furthermore, the Council's view is that the use of the highways by cyclists is appropriate and acceptable [G11 para 1.11].
- 8.36 The junction between Chester Road, Bradburns Lane and The Green was improved in November 2009 as part of a traffic management scheme instigated by the Council as the Highway Authority [G9 & G11]. One of the consequences was to improve pedestrian facilities, which in turn could reduce traffic capacity when there is significant pedestrian use. The Council agrees it is proper that vulnerable users (pedestrians and cyclists) are considered first, and there is clearly a significant demand for pedestrian use of that crossing facility during the peak hours.
- 8.37 In improving this junction, the Council prioritised the movement of pedestrians and cyclists over the movement of those who have chosen to use their cars to gain access to particular destinations. Such an approach is consistent with the approach in national policy. It is not however consistent with the Council's approach in these appeals, which is to suggest that impacts on peak hour congestion by way of additional delay are unacceptable.

- 8.38 The increases in potential journey time on Chester Road eastbound and The Green, even on the basis of the Council's approach, would be the equivalent of being delayed by a signal at red, as opposed to being able to pass through at green [MAV1 secn 9 & paras 9.34 to 9.49]. It would also be equivalent to the extension of overall queuing time experienced by individual drivers in excess of 1min/veh over the 6mins currently experienced on Chester Road eastbound and The Green [CD6 para 6.184 & CD2 para 6.171]. In the context of overall journey times, such a delay could not possibly be regarded as a severe impact, particularly as the average journey to work time in Great Britain is some 28 min [Axon XC]. Moreover, the appellants' approach to this point was not contested [Axon XX]. The appellants' approach is also consistent with the Council's approach in its consideration of the Winnington Urban Village proposal. At Winnington, the Council considered that the effects, which were calculated to be more substantial than from the appeal proposals, were marginal [Axon XX].
- 8.39 Even if the appellant's evidence, with regard to the likely effects of the proposals (taking into account the sustainable location, the travel plans and changes in driver behaviour) is rejected, this would not result in a conclusion that the proposals would have a severe impact.
- 8.40 Moreover, even if there would be some increased period over which drivers would experience delay, it is not the aim of policy to protect the convenience of commuting car drivers [Axon XC]. That is evidently also the Council's approach in the prioritising of pedestrians over car users at the junction of Chester Road, Bradburns Lane and The Green.
- 8.41 Against that background, and even on the basis of the Council's own estimates of the effect of the proposals, there is therefore no basis for regarding any effect of these proposals as severe. For these reasons, the single reason for refusal in relation to each appeal site should be rejected.

#### *The Planning Balance*

- 8.42 The planning balance, with regard to all matters apart from the highway issue, is one which is firmly in favour of the grant of planning permission [G7 para 7.93 & G8 para 7.75]. If the conclusion is reached that there is any force in the Council's remaining reason for refusal, it would be necessary to balance the alleged highway impact against the proposals' development plan policy compliance and any other benefits arising from them. This would be necessary in order to effectively discharge the Framework test, that planning permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits [CD8 para 14].
- 8.43 Substantial benefits generally arise from the proposals with regard to the sustainability of their locations and the contribution that they would make to the building of sustainable communities. The following benefits of the individual appeal proposals should also be taken into account in any balancing exercise.
- 8.44 The following benefits arise from the Grange Farm proposal:
- i) the provision of a community green off Chester Road;
  - ii) the provision of accessible on-site open space;

- iii) the provision of apparently much needed off highway parking convenient to the facilities in Hartford; and
- iv) the prospect of the renovation of the dilapidated but locally listed Grange farmhouse and its availability for some community use.

8.45 The following benefits arise from the School Lane proposal:

- i) the provision of a substantial area of accessible open space;
- ii) the substantial contribution to ecological resources and biodiversity in the area;
- iii) the provision of substantial improvements to the accessibility of the River Weaver corridor;
- iv) the opportunity for improved access to the school campus by way of the linked footpath.

8.46 Those individual site benefits are in addition to the benefits from: the provision of housing to meet a very substantial shortfall; the provision of 30% affordable housing, equating to a total of about 196 affordable dwellings; and the benefits of providing housing in a location which is, in policy terms, the preferred location because of its sustainable nature.

8.47 The objections made by local people are in the main related to the likely effect on traffic and a desire to avoid any significant level of new housing development in Hartford. The latter matter is a debate which has already taken place in the context of the formulation of the relevant DP policies and strategies. That debate has effectively settled the issue as to the appropriateness of Hartford for a significant scale of new housing development to meet the needs of the area.

8.48 Local people made reference to the fact that, in accordance with their view of the localism agenda, they should be able to effectively decide the level of housing which was regarded as acceptable in their area. In that regard, it is appropriate to consider the Secretary of State's approach in a decision letter of the 16th July 2012 [SR1 App 4E para 32]:

*"However, he is clear that the changes to the planning system giving communities more say over the scale, location and timing of developments in their areas carry with them the responsibility to ensure that local plans are prepared expeditiously to make provision for the future needs of their areas."*

8.49 In the area of the appeal sites, there has not been an expeditious provision of local plans and there has been a manifest and longstanding failure to make provision for the future needs of the area. The agreed position at the present time, on the basis of the conclusions reached in the Cuddington appeal, is that mechanisms to respond to the severe shortfall in housing land are largely absent and there is no immediate prospect of any DPD providing a context in which to allocate sites. Against that background, reliance on the localism agenda is entirely inappropriate. The DP has provided the opportunity for full consideration as to the appropriateness of Hartford as a Tier 1 settlement for the provision of housing. That debate has been had with clear conclusions based upon sustainability considerations. In the context of a failing 5 year supply, and no means identified to overcome that failure, the provision of housing at locations such as Hartford, on sites which are highly sustainable, is an entirely appropriate response.

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8.50 Objections with regard to traffic and the impacts of it are entirely understandable but, in the circumstances of this case, illogical. The provision of housing on the appeal sites will have beneficial effects on the amount of traffic locally, promote a broader community view of sustainable travel to local facilities and encourage healthier lifestyles. The proposals have everything to offer the local community with no disbenefits beyond the community's dislike of additional housing in its area.

#### *Conditions and Undertakings*

8.51 There exist substantially agreed lists of conditions, with the only outstanding issues having been debated in the context of the conditions session. The terms of the Unilateral Undertakings have been available for full consideration by all parties, and their comments have been taken into account. The undertakings deliver all that is required by way of support for the travel plan initiatives and the necessary contributions to facilities such as education. There is no basis for regarding any aspects of the undertakings as being inappropriate or unacceptable, and the requirements of the Community Infrastructure Levy Regulations have been complied with.

#### *Conclusions*

8.52 Hartford is a settlement which boasts two railway stations, a wide range of locally accessible facilities and a range of educational establishments of all kinds. It possesses an environment which is entirely appropriate and suitable for the encouragement of sustainable modes of travel. There cannot be many instances of appeal sites coming forward with such obvious wide-ranging and powerful DP support for them.

8.53 The benefits of the appeal proposals and their easy fit with policies at local, regional and national level are apparent from the evidence. The only impediment to the grant of planning permission, so far as the Council is concerned, is an alleged impact on peak hour traffic congestion. This is an objection which is advanced in the face of a concession that there has been no peak hour traffic growth in the area for the last 10 years, despite local development and general traffic growth. The Council's position is also completely at odds with its approach to local transport issues set out in its LTP and completely at odds with any proper interpretation of national policy with regard to transportation matters. Its evidence failed to support the reason for refusal as to the severity of the alleged impact.

8.54 Other objections from JAG lack any support in policy at any level. Its evidence with regard to sustainable travel was firmly rooted in the past, failed to have regard to local adopted approaches and misinterpreted other guidance [Kitching XX]. JAG's planning objections related to the availability of land for housing and the provision of infrastructure, such as educational facilities, to support the proposal. It failed to have regard to all relevant guidance and to the provision of facilities needed to support the developments brought forward through the Unilateral Undertakings.

8.55 In these cases, the Secretary of State has the opportunity to reach conclusions which provide the opportunity to reinforce the appropriateness of the provision of housing in locations which accord with the DP strategy at all levels. The proposals also provide the opportunities to substantially support the provision of sustainable communities. In the circumstances of these cases, there are



not only no good reasons for refusing planning permission but there are a significant number of powerful reasons why the planning permissions should be granted.

- 8.56 Accordingly, recommendations to the Secretary of State to grant planning permission are invited, subject to the substantially agreed conditions and the settled Unilateral Undertakings.

## **9. The Case for the Council**

The material points are:

### *Introduction*

- 9.1 The Council's concerns are the effects of the proposals, individually or cumulatively, upon the junction arrangements at the A559 Chester Road/The Green and the A559 Chester Road/Bradburns Lane/School Lane highway junctions. As The Green operates one way northbound and School Lane operates one way southbound, the junctions operate as one staggered junction.

### *Agreed Matters*

- 9.2 The sole reason for refusal is transportation related, and planning issues are not in dispute. The Secretary of State can therefore note the following main points of agreement between the Appellants and the Council in relation to planning matters [G7 & G8]:
- i) the identification of Hartford as a Tier 1 settlement and a sustainable location for new housing development;
  - ii) the appeal sites themselves are sustainable locations for housing development;
  - iii) there is full compliance with RS Policies DP 1 to DP 9;
  - iv) the Council has 2.9 years supply of deliverable housing land;
  - v) the need for a 20% buffer on top of a five year supply;
  - vi) the triggering of a presumption in favour of sustainable development;
  - vii) the lack of housing land supply means that the fact that the sites are located outside the settlement boundary cannot be of real weight against the proposal;
  - viii) the proposals would accord with the LP Saved Policy H14 requirement to provide 30% affordable housing, and the appeal schemes would therefore make a beneficial contribution towards meeting the affordable housing needs identified in the 2010 update of the Council's SHMA;
  - ix) the appeal sites are deliverable within a short timescale; and
  - x) the only alleged conflict with the DP and national policy relates to transportation matters, as set out below.
- 9.3 In the light of the Transport SoCGs and the Council's evidence, the following transport related issues are not in dispute [G9, G11 & CP1]:
- i) the draft interim Travel Plans are appropriate and suitable;

- ii) the draft interim Travel Plans contain sets of objectives, measures and targets;
- iii) the draft interim Travel Plans, and the Council's response to them, would be informed by the relevant guidance as to their formulation, implementation and enforcement;
- iv) the Travel Plans would be a key tool in facilitating the protection and exploitation of sustainable travel modes;
- v) the only DP policy cited in the remaining reason for refusal for each scheme is LP Saved Policy T1, and as to its detail:
  - a) it pre-dates the Framework and therefore needs to be tested for compliance with it. Insofar as it is inconsistent with the Framework, reduced weight should be afforded to it;
  - b) LP Saved Policy T1 identifies matters to be taken into account, it does not prescribe a development management test;
  - c) in that context, as to criterion (i) of the policy, there is no conflict with the provisions of the LTP;
  - d) as to criterion (ii), the proposal would have regard to the requirement to reduce travel, especially by car;
  - e) as to criterion (iii), a TA was produced with each application, and the Council did not refuse planning permission on the basis of any defect or lack of information in the TAs;
  - f) as to criterion (iv), the Council does not allege any adverse impact upon local amenity, the environment or highway safety;
  - g) criterion (v) is not material to the application, as it applies to ensuring the free flow of road traffic on the trunk road network;
  - h) the proposals would have regard to the need to ensure that they would be accessible by a variety of means of transport and so criterion (vi) is not offended against;
  - i) the application takes into account the need to minimise the effects of traffic generation, and so the issue raised by criterion (vii) is dealt with. It is also accepted that the policy criterion refers to the minimisation of such effects, not their prevention or elimination; and
  - j) the schemes both produce Travel Plans, as required by criterion (viii).
- vi) the proposals therefore comply with all elements of national, regional and local policy on transportation issues, except for the Framework [CD8 para 32];
- vii) as for the Framework, the Council accepts that it has not characterised the effects of the traffic generation of the scheme [CP1];
- viii) the Council does not allege that to allow the appeals would lead to rat-running along inappropriate routes or else that it

- would cause alternative routes to be used which would have adverse consequences;
- ix) the only time period of concern to the Council in respect of the traffic effects of the proposal relates to the am peak hour;
- x) there has been no traffic growth in the am peak hour in Hartford since 2000, but it is not right to say that traffic has reduced since then [Axon XX];
- xi) if the proposals went ahead, there would be alternatives available to residents of the proposed developments, and the extant population, which would include not using their cars;
- xii) the developments would, over time, displace children from local schools who presently attend them from outside their catchments;
- xiii) the draft interim Travel Plans include measures in respect of school travel which are supported by national, regional and local policy and which relate to measures which the schools have themselves said would assist them;
- xiv) the Travel Plans would have a beneficial effect on the amount of travel which is undertaken by sustainable modes;
- xv) the LTP provides support for the use of Travel Plans, which is based upon the view of their effectiveness [CD23 para 5.3.1];
- xvi) the Council does not disagree with the content of the DCLG Guidance on Travel Plans [MAV2 App MA2];
- xvii) the impacts of proposals should be linked to the out-turns of Travel Plans, and Travel Plans and TAs should be viewed and assessed together;
- xviii) the agreed traffic generation figures for the developments are set out in the Transport SoCGs, and these are gross figures;
- xix) the Council pursues no reason for refusal based on air quality impacts or relating to the effects of the proposals' traffic upon the A559 Chester Road/Beach Road gyratory junction; and
- xx) the Council has also accepted that the body of its committee report applied the wrong test in assessing the transportation impacts [Posford XX].

### *Traffic*

- 9.4 Notwithstanding these agreed matters, it is submitted that planning permission still ought to be refused for each scheme for the following reasons. There is no dispute about the existing conditions at the Chester Road/The Green and the Chester Road/Bradburns Lane/School Lane junctions. Conditions are such that, during the am peak, serious queuing arises at the junctions. The extent of the problem is demonstrated by traffic surveys conducted:
- i) on behalf of the appellants, during the preparation of the two applications and set out in the TAs for the proposals;
  - ii) by the Council, in the past and during its consideration of the applications; and
  - iii) on behalf of JAG, in explaining its objection to the applications.

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- 9.5 The Appellants' TAs reveal that, at the eastbound approach of Chester Road to its junction with The Green, average am peak hour queues are as high as 53 vehicles. The maximum queues are as long as 75 vehicles on days when schools are open. Those queues are short-lived, but cause serious inconvenience. These survey results are supported by the TAs' modelling, using the appropriate proprietary software (LINSIG) of the junctions' extant capacity. This modelling shows that there is considerable negative Practical Reserve Capacity for both junctions during the am peak period.
- 9.6 The information set out in the TAs is to the same effect as that set out in the appellants' September 2012 queue length survey results [MAV2 App MA1]. This shows that, in school term time, queues on the eastbound approach along Chester Road build up from around 07.55 and are at their peak between around 08.15 and 08.50. Queue lengths during that period are between 60 and 70 vehicles at the end of the red phase for the signal showing to that traffic and between just under 50 vehicles and around 65 vehicles at the end of the green phase. This demonstrates the small amount of traffic that each cycle of the traffic signals is able to allow to proceed. This queuing occurs despite the proximity of railway services, bus services and the accessibility of local services by foot or cycle.
- 9.7 The TAs were produced on the basis that linked Microprocessor Optimised Vehicle Actuation (MOVA) would be provided at the junctions [CD1 TA paras 10.13 and 10.16 & CD5 TA paras 10.14 & 10.15]. Linked MOVA is no longer to be provided. Furthermore, the TAs and the later Technical Notes were prepared on the basis of incorrect cycle timings at the two junctions [CD1, CD5 & CP1].
- 9.8 The absence of linked MOVA as part of the appeal schemes and the use of incorrect signal timings combine to mean that the impact assessments presented in the two TAs cannot now be relied upon in the decision making process. As a result, all depends upon the correctness of the appellants' evidence that the proposals would not exacerbate delay and queuing in the am peak [Axon XC].
- 9.9 The Appellants do not propose any physical mitigation measures at the junctions. The traffic from the proposals would use the junctions in their current physical condition and without any further amendment to the individual MOVA control in place at each junction.
- 9.10 The Transport SoCGs contain agreed two-way gross trip rates for the two proposals [G9 & G11]. For the am peak hour, the agreed two-way trip rate is 0.636, which does not allow for any behavioural change or for the effects of the Travel Plans.
- 9.11 These trip rates feed into the am peak hour gross development flows set out in each Transport SoCG [G9 App GCG10 & G11 App HCG10]. Each SoCG shows the agreed gross trip rates for the am peak [G9 App GCG10a & G11 App HCG10a]. Each SoCG shows the cumulative gross development demand for the two schemes in combination [G9 App GCG10c & G11 App HCG10c]. As for the trip rates, the flow diagrams assume no behavioural change and no effect from Travel Plans.
- 9.12 The combined gross flows, for both proposals show that, during the am peak hour:

- i) 73 more vehicles would seek to use the junctions eastbound on Chester Road;
- ii) 19 more would use the southbound approach on Bradburns Lane;
- iii) 24 additional vehicles would use the westbound approach on Chester Road;
- iv) 66 extra vehicles would use the northbound approach at The Green, of which 51 would seek to turn right onto Chester Road; and
- v) the total additional flow into the junction would be 182 vehicles.

9.13 The appellants discount from these trip rates and the resultant flows by applying two factors. The first factor is a 5% reduction in car borne traffic relating to non-school traffic arising from the developments. This reduction is based on an assumption that the Travel Plans and the sustainable locations have the claimed degree of effect upon the traffic generation derived from typical trip generation rates [HE10].

9.14 The second reduction from the gross trip rate and flows relates to school journeys. The appellants assume that 20% of the traffic which would typically be generated by the proposal would be related to school trips. Of those trips, 75% of them are deducted as being trips which would be undertaken by sustainable modes. As a result, overall traffic generation is reduced by 15%. However, the effect of those reduced trips is not generally assigned across the network, but by reference to movements which end up on Chester Road to the east of Bradburns Lane junction or on Bradburns Lane itself [HE10 para 26]. This is on the basis of another assumption, that these locations are the most likely destinations during the am peak.

9.15 Using these compound assumptions about school traffic, a comparison shows the following [HE10 figs 2 & 4]:

- i) for the eastbound approach on Chester Road, the gross demand of 73 vehicles would reduce by 21 vehicles, or 28%;
- ii) for vehicles wishing to turn right out of The Green, the gross figure of 51 reduces by 25 vehicles, a reduction of 49%;
- iii) for traffic using Bradburns Lane southbound, the gross figure of 19 vehicles is reduced by 7 vehicles, a 36% reduction; and
- iv) for the westbound approach along Chester Road, the gross demand of 24 vehicles would be reduced by 8 vehicles, a 33% reduction.

9.16 This is most counterintuitive. Taking the right turning vehicles out of The Green and ignoring the 5% reduction in non-school traffic for present purposes, the net demand by vehicles wishing to turn right out of The Green would be 26 vehicles (51-25). Of those 26 vehicles, 7 would be school related journeys, because the 21 vehicle reduction for transferred school trips is 75% of the school related journeys. That leaves 19 vehicles which the appellants assume would perform the right turn out of The Green for non-school journeys.

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- 9.17 If it is assumed that all of the traffic is generated by the 350 dwelling School Lane proposal, the appellants are asking the Secretary of State to accept that there would be but 19 non-school related journeys involving a northbound approach along The Green and turning right onto Chester Road. This is patently unrealistic given the existence of Northwich, including its town centre, and other areas in the direction that such journeys would take someone. The exercise that the appellants undertake involves the making of assumptions which produce unrealistic outputs, demonstrating that they are forced to make such unrealistic assumptions to arrive at the end result they wish to see.
- 9.18 The end result, after making and applying the assumptions inherent in this exercise, is that the 182 vehicles which enter the cordon around the junctions in the gross demand scenario is reduced to 112 vehicles. That is a reduction of 38% in the flows which would otherwise arise.
- 9.19 In justifying these reductions, the appellants seek to rely, amongst other things, upon the locational characteristics of the site and the effect of the Travel Plans. The difficulty with the locational characteristics of the appeal sites is that the evidence is that, in the Hartford area, surveys have shown that 40% of traffic is school related. This is despite the locational characteristics of those schools and the amount of housing around them. Clearly, the locational characteristics do not presently contribute to reduced car borne traffic, as the rate of school related car traffic at 40% is twice the Borough-wide rate of 20%.

#### *Travel Plans*

9.20 As for the Travel Plans:

- i) the appellants' position is that a change of culture needs to be brought about by the Travel Plans, but this is not the same as evidence that the Travel Plans would bring about a shift in behaviour of the degree assumed by the appellants;
- ii) the physical measures set out in the Travel Plans would not bring about a change in culture. A number of the local schools already have Travel Plans, and the appellants only point to one school which has said that the moribund state of its Travel Plan is due to resources. The present traffic levels in Hartford, and the conditions to which they give rise, therefore exist in the context of Travel Plans being in place in the locality;
- iii) local residents have explained other factors which have been at play and which serve to explain why Travel Plans have not led to a reduction in school journeys by car;
- iv) the Council's acceptance of the adequacy of the Travel Plans and its lack of dispute with the DCLG guidance on the topic simply means that the Travel Plans are to be assumed to bring with them some beneficial effect. However, that does not mean that the Travel Plans can have the beneficial effect which the appellants assert [MAV2 App MA2];
- v) the appellants repeatedly said that we must not assume that policy will fail [Axon XX]. The Council does not question policy, but contends that the claimed degree of success of the Travel Plans, which accord with policy, will not come about;

- vi) the Department for Communities and Local Government (DCLG) guidance is silent on the degree of benefit which the Travel Plans would produce;
- vii) the DCLG guidance suggests that the TAs and Travel Plans should be seen as a linked package. The TAs' consideration of impact was however prepared on a basis the linked MOVA was to be provided and on the basis of incorrect signal timings. The situations assessed by the TAs and the Travel Plans are therefore materially different;
- viii) whilst the LTP advises that modest travel awareness programmes have reduced car traffic by 9%, there is no detail on whether that is a figure which relates to daily or peak hour flows, and still less am peak flows [CD23 para 5.3.1]. The appellants therefore seek to use the LTP extract to support a weight which it cannot properly bear [Axon XC];
- ix) the appellants could not give any detail about the reductions found in Peterborough in the Demonstration Projects Summary Report and could not say whether the experience there was in relation to a workplace or residential scheme and whether it was comparable to the situation here [Axon XC];
- x) the appellants justify their view on the potential success of the Travel Plans in the context that "traffic in the area has reduced since 2000 despite an increase in population and jobs" [MAV2 App MA7 para 12]. The appellants however accepted that that is not right [Axon XX]. The agreed position is that of no growth, and so if one factor they rely upon is factually incorrect, it undermines the assumptions they have made; and
- xi) the appellants' finishing point is that the net amount of car traffic created by these proposals, and which would use the relevant junctions, would be 38% lower than the gross level of demand to use those junctions [Axon XC]. Even allowing for the other development traffic which would not use the relevant junctions in the am peak, and which does not enter the "cordon", this level of claimed reduction is plainly very high compared to the levels of traffic reduction referred to in the LTP and in the other numerical information referred to by the appellants, to which reference has been made above [CD23 para 5.3.1 & Axon XC].

9.21 For these reasons, the appellants' assumptions about the effects of the Travel Plans and of the sustainable locations of the appeal sites are seriously overstated and are not robust.

#### *Traffic Growth*

9.22 The appellants also rely very heavily upon the zero growth that has taken place in Hartford in recent years [Axon XC]. Again, that reliance is misplaced for these reasons:

- i) as the proposals are of a considerable size, it does not follow that the past absence of traffic growth at the junctions means that the developments would create no growth in the future;

- ii) the appellants point to the development which has taken place in the local area since 2000 [MAV1 para 5.3]. A total of 14 housing schemes are listed, but only three of them are in Hartford, comprising a total of 127 dwellings;
- iii) this is important, because the appellants accepted that they could not say what amount of traffic each scheme would contribute to the am peak flows at the junctions with which the Council is concerned [Axon XX];
- iv) there is therefore simply no reasonable basis to conclude that the past lack of traffic growth in Hartford would continue if the appeal schemes went ahead and, to adapt the appellants' terms, there are good reasons to conclude that the developments would create conditions which would serve to "buck the observed trend", because that observed trend arose in a materially different factual context [Axon XX]; and
- v) the appellants position is that "zero growth" is "the nub of the issue" [Axon XX by JAG]. It therefore appears that the appellants consider that traffic growth would not occur whatever the results of the Travel Plans, because the answer to JAG's criticisms of the Travel Plans was for the appellants to revert to reliance upon the past zero growth. It would be unwise for the Secretary of State to place so much reliance upon the zero growth point, when it appears to be the very basis of the case that there would be a nil net detriment if the proposals went ahead.

9.23 The Council accepts that the proposals would lead to the displacement from the local schools of children who live outside the schools' catchments or at a greater distance than the appeal sites. However, the appellants have not quantified that effect.

9.24 Only three local schools have defined catchments. Others are schools of a character where pupils are likely to be drawn from wider catchments than others, such as the private schools and the schools catering for students with special needs of various kinds [HE6]. For those schools with catchments, the admissions criteria show that the preference given to children who live within a school's catchment, or closer to the school than other children, is subordinate to the preference given to "looked after" children, children with medical or social reasons for admission to a particular school and children with siblings already at the preferred school [Gilbert XX].

9.25 If these points are accepted, then the two developments would indeed generate additional traffic which would use the relevant junctions in the am peak. This additional traffic would add to the existing queues and delays at the junctions [CD2 & CD6].

### *Conclusions*

9.26 The Council does not characterise the residual impacts of the scheme as severe. The evidence before the Inquiry would however allow the Secretary of State to conclude that the impacts would be severe when set in the context of the current unsatisfactory peak hour conditions [Posford XC]. Although the committee reports only addressed the applications against LP Saved Policy T1,



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the reasons for refusal do address the Framework and demonstrate awareness of the appropriate policy test [CD8 para 32]. The evidence before the Inquiry also allows the decision maker to conclude that the appellants:

- i) overstate the likely effects on car-borne trip rates of the locational characteristics of the site;
- ii) overstate the likely degree of effect of the Travel Plans upon school trips, non-school trips and background traffic levels; and
- iii) that the reliance on past lack of growth in order to justify finding that zero growth would continue if the appeal schemes were to go ahead is misplaced.

9.27 If accepted, these points would allow one to conclude that the proposals would have severe residual transportation effects. If the proposals, either individually or cumulatively, would have severe residual effects on the highway network, then the proposals' disadvantages would significantly and demonstrably outweigh the agreed benefits of the scheme. The presumption in favour of sustainable development would therefore be rebutted.

9.28 The Council asks the Inspector to recommend and the Secretary of State to decide that both appeals be dismissed.

## **10. The Case for the Hartford Joint Action Group**

The material points are:

### *Introduction*

10.1 Traffic and transport issues have dominated this Inquiry, whether in the guise of reasonable walking distances, travel plans or the quality of train and bus services. Inevitably these link to other issues such as: the perceived housing shortage; educational matters; the availability and location of employment; and the environment. There has however been very little mention of sustainability as defined in the Framework [CD8 pg 2]. The three dimensions to sustainable development (economic, social and environmental) are the underpinning principles of Hartford's developing Neighbourhood Plan.

10.2 During the Inquiry, many references have been made to sustainable transport modes, but there has been no evidence of the wider economic, social or environmental benefits arising from the proposals. Were these developments to be approved, they would have a permanent and irreversible detrimental impact on the life of the village and the environment. They would also frustrate the delivery of new homes on previously developed land in Northwich.

### *Planning*

10.3 In the Council's most recent Local Plan consultation, The Preferred Policy Directions, it has set out how much, where and what type of new development could take place in the Borough over the next 20 years. A number of proposals in this document set out a different approach to that of the RS. This is entirely justified, taking proper account of changes to national planning policy, following the publication of the Framework, and taking account of local up-to-date, and therefore more relevant and robust, evidence. The most obvious example of this is the setting of a new local housing target for the

Borough, signalling a move away from the current RS target which is based on out-of-date information.

- 10.4 The target set for Northwich and the surrounding villages is 4,200 new homes over the next 20 years. This equates to 20% of the overall Borough target. Planning permissions already granted by the Council in the Northwich area amount to 2,717 dwellings which is well over the five year target.
- 10.5 Guidelines for meeting the housing requirements in Northwich and the surrounding villages encourage the use of previously developed land, particularly through delivery of major housing led mixed developments. The explanation and related development priorities explain that there is significant brownfield land resource available.

#### *Environment*

- 10.6 Mr R Haffenden, a volunteer officer of the Marshall's Arm Nature Reserve Friends Management and Conservation Group, spoke about the work of the group to protect this valuable resource within the village of Hartford. He highlighted the impact that the development on the School Lane site would have on the reserve. He concluded that he wished to ensure that the value of the reserve and its contribution to the health, well being and quality of the local communities and the educational value to students was not degraded. Mrs E Bowden, a keen walker and cyclist, was well placed and just as passionate with regard to her concerns for the Weaver Valley should development take place on the School Lane site.

#### *Employment*

- 10.7 The nearby ICI plant at Winnington was the making of Hartford. 90% of the residents worked there and were able to walk or cycle to work. Sadly, those days have gone, and now residents travel far and wide for employment. Quite rightly, the appellants state that our biggest, and most likely only, employer of any size within the village is education.
- 10.8 However, if you are not a teacher or have skills associated with education, this opportunity is not open to you. There are approximately 600 people employed in Hartford's 10 educational establishments, but research has shown that only 20% live in Hartford, which means that 480 people commute to our schools each day. Evidence produced shows that the majority of residents are employed in areas that are not accessible by either the one half hourly bus service or the two rail services. This means that, with the best will in the world, they cannot use the public transport system.

#### *Education*

- 10.9 Education is a very serious consideration in this appeal. Hartford is blessed with 10 educational establishments. The diversity of these establishments is unique, but there are only two primary schools, Hartford Manor Community and Hartford Primary, that have catchment areas. This means that the other 8 schools have no restriction on the area that their pupils and students come from, and they thus cover a wide area of not only Northwich and the surrounding areas but all parts of Cheshire.
- 10.10 The appellants predict that all the children in Hartford Manor Community and Hartford Primary Schools who live within the catchment area of these schools

will walk, cycle or scoot to school, no matter how far they live from the school [Axon XC]. If this was to happen, it would however result in such a small reduction in the amount of traffic generated from the remaining 8 schools that it would not be noticeable.

- 10.11 There could also be children from a further 650 homes. The appellants state that the children from the proposed developments will replace children who presently attend the two primary schools, but where will these replaced children be educated [Axon XC]. In the meantime, there is the problem of all the children from the approved planning applications at Winnington (1,200 homes) Sandiway (308 homes) and Wincham (1,050 homes) where there is either no school or capacity. Where will these children be educated? Winnington Urban Village will have a particularly serious impact on Hartford not only from the modest projection of 218 primary school children but also from a further 156 senior students.
- 10.12 All these school children will need to travel to Hartford, further increasing the traffic congestion on Hartford's roads. This was anticipated by the Council in their traffic improvements at the Bradburns Lane and Chester Road junction. The Council's Children and Young Peoples' Service is also adamant that there will be a drastic shortage of places, not only in the Northwich and Rural North Area Partnership Board area but also outside the area.

#### *Cuddington*

- 10.13 The appellants have put great store on the Cuddington decision made by Mr Cunningford. There are however a number of differences between the Hartford and Cuddington appeals. Cuddington has just two schools within its boundary, Hartford has 10. Cuddington therefore does not suffer severe traffic congestion at peak times. Cuddington is not confined by the River Weaver and has good access to the A556 and A49 with less congestion on the local road network. Cuddington does have the same local two carriage Chester to Manchester rail link and the half hourly bus route, but residents have to drive to Hartford for the Liverpool to Birmingham train.
- 10.14 The most important difference is that the infrastructure and sustainability of Cuddington could accommodate a development of 150 dwellings. In view of the difference between a 150 dwelling development and one of 650, the large scale appeal developments would have a devastating effect on the existing community and future generations.

#### *Traffic*

- 10.15 Through the life of the planning applications, the approach to mitigating the effects of the developments was one of junction capacity improvements at the Chester Road/Bradburns Lane/School Lane and Chester Road/The Green signalised junctions through the introduction of MOVA. [CD1 TA & CD5 TA]. The appellants also considered the existing traffic conditions, including traffic volumes and queuing lengths on the junction approaches.
- 10.16 The appellants state that they have arrived at a position of no growth in traffic in the peak periods through the analysis of traffic count data. Such a statement is however misleading, as the analysis actually shows a position of no growth in the throughput of traffic in the peak periods. This latter position is highly likely to be the case, as with two fully saturated junctions, there will

be a ceiling as to how much traffic can pass through this point on the network in a 60 min peak period.

- 10.17 Indeed, the appellants' evidence confirms that, even with their no growth position, traffic conditions have deteriorated further since the production of the TAs. The appellants' recent queue length surveys are significantly longer than those recorded in the TAs, and correlate well with the photographic evidence provided by JAG [MAV2 App MA1, CD1 TA, CD5 TA & MK1]. This also confirms that, even with no growth in throughput at the junctions in the peak periods, queuing is increasing. There is also anecdotal evidence that rat running is increasing. This has occurred with the development of just 127 new dwellings in 10 years.
- 10.18 JAG agrees with the appellants that there is suppressed demand at the junctions and that, if capacity is increased, the suppressed demand for travel by car would be released. The peak period delay would then return to its current levels almost immediately [MAV1 para 9.55]. JAG maintains its position that this will occur whether capacity is increased or whether capacity headroom is created through the introduction of the Travel Plans.
- 10.19 The appellant has made no attempt to model the existing performance of the junctions, nor the additional 182 vehicle movements, equating to 9.1% of the measured flows, generated by the developments [HE10 para 12]. This additional traffic would have a material impact at the two junctions, and would have a severe impact on an already congested network in peak periods.
- 10.20 For the assessment of the developments at the two junctions to be sufficiently robust and thorough, the following should have been modelled: the 12 October 2011 surveyed flows [HE10 fig 1]; the agreed base case, which includes the traffic associated with the permitted Winnington Urban Village as agreed with the Council [CD1 TA & CD5 TA]; and then the base and development cases, with the additional 182 gross vehicle movements [HE10 fig 2]. The appellants have confirmed that these 182 vehicle movements have been agreed with the Council as the traffic that would result before any allowance is made for driver behavioural change or the effects of the Travel Plans [HE10 para 9].
- 10.21 Such an approach would have provided a transparent assessment of the impact of the developments on the two junctions. It would have identified the impacts of the developments over the agreed baseline conditions and the impact if the Travel Plan benefits failed to materialise. This approach would have also allowed a clear assessment of the benefits of the proposed Travel Plans to be understood. The appellant has chosen not to do this in their evidence.

### *Site Sustainability*

- 10.22 Turning now to the extensive debate on the sustainability credentials of the appeal sites, both have deficiencies that cannot be overcome through the introduction of the Travel Plans. The evidence from JAG, the Council and the appellants' original transport consultant quite rightly referred to the current IHT guidance on appropriate walk distances to local facilities (including bus stops, rail stations and education facilities) [CD1 TA paras 4.5 & CD5 TA para 4.6].

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- 10.23 Only the appellants' transport witness chose to ignore this guidance, preferring to base the likelihood on professional judgement of how far residents of the new developments would walk to local facilities and public transport. The appellant's witness was however unable to give a single example of a travel plan he had implemented, or provide an indication of any of the modal splits achieved from any of the travel plans his company had produced [Axon XX Council].
- 10.24 The appellant has also shown a reluctance to make any robust assessments of future travel to employment destinations on foot, by cycle or by public transport. Moreover, the appellant was unable to provide any technical analysis on expected journey to work trips by rail. This was despite their having made a conscious decision to improve cycle parking at both stations. They have also deleted the offer of rail vouchers from the Travel Plans which would have encouraged these types of trips [Axon XX]. Such decisions should be made on robust evidence, not just unquantified judgements, to ensure that the proposals deliver the step-change in sustainable travel that the appellants require to mitigate the impact of their development.
- 10.25 The Leeds data and the 2009/2010 National Travel Survey clearly show that, the further a child has to travel to school, the more likely they will travel by car and the less likely they will walk [HE7]. In Leeds, which the appellants consider is comparable to Hartford, 79.7% of primary school children living within 1km of their school walk to school, with 17.2% travelling by car. However, when travelling between 1 to 2km, these percentages change significantly, with walking falling to 42.6% and car travel increasing to 46.5%. In addition, residents travel to employment outside the immediate area and drop their children off at school on the way to work.
- 10.26 The main catchment school, Hartford Manor Community Primary, falls within 0.5 miles (0.8km) and 1.05 miles (1.7km) of the Grange Farm site. Using the Leeds evidence, the general propensity to walk to the catchment school would be expected to be around 45%, with car travel a similar 45%. This is a sensible indicator, as these percentages correlate with the existing primary school travel plans in the Hartford. Such an approach also follows the general pattern of walking/car travel to primary schools shown in the National Travel Survey data [HE7].
- 10.27 The appellants believe such comparisons to be incorrect, but were then unable to draw on any evidence to prove their statement that 'as all of both sites are within walking, cycling and scooting distance of a full choice of schools, there is no reason for any significant proportion of pupils to make a dedicated car-borne trip to school' [Axon XX & HE7 para 24]. Such a statement disregards the advice contained in the NHS NICE document which states that the choice for children to walk or cycle to school is heavily influenced by complex household routines [CD26 para 3.52 2nd bullet].
- 10.28 Having originally adopted a strategy of capacity improvements at the two junctions, through the introduction of MOVA, the appellants have shifted to an approach that is reliant on the two Travel Plans. Notwithstanding the appellants' failings to accurately model the effects of the MOVA scheme in the TAs, their switch from attempts to enhance the operation and capacity of the junctions is diametrically opposed to their current thinking of all encompassing travel plans for Hartford.

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- 10.29 The sustainability credentials of both sites have been significantly embellished. The appellants have also incorrectly appraised the impact of the proposals on the surrounding highway network. The sites do not have excellent accessibility, as concluded by the appellants. Neither site relates well to the public transport corridors that would be required to reduce car trips, particularly commuting trips. All parties agree that bus access to both sites is limited to a daytime provision. JAG considers that this would be of limited attraction for commuting trips from the sites.
- 10.30 The appellant makes no offer to improve bus service frequencies or running times. Furthermore, 50% of the proposed residential units at the Grange Farm site would fall outside the 400m recommended walk catchment to the nearest bus stop. All the proposed residential units at the School Lane site would be between 700m and 1.4km from the nearest bus stop. Given the low frequency of bus services, it is unlikely that future residents would walk further to access services.
- 10.31 Notwithstanding the appellants' reluctance to draw on any empirical evidence when assessing access to these facilities, there is no disagreement as to how far the two appeal sites are from the stations. Only the southern sector of the Grange Farm site falls within the IHT recommended 800m preferred maximum walk distance to Hartford station [MK2 App B & MK4 App B]. Hartford and Greenbank stations are well in excess of the IHT recommended 800m walk distance from the School Lane site.
- 10.32 The combination of an hourly service, coupled with walk times of 16 and 25 mins from the furthest points from the Grange Farm and School Lane sites, would hinder the attractiveness of Hartford station services to a large proportion of residents [MK2 App B & MK4 App B]. Greenbank station would be even less attractive, with a walk time of 25 mins from the most north eastern point on the Grange Farm site. A walk time of nearly 27 mins, using existing pedestrian links to Hartford station, is also expected to discourage all but the most enthusiastic of pedestrians.
- 10.33 The appellants' decision to drop the promotion of MOVA junction capacity improvements at The Green/Bradburns Road/Chester Road junctions confirms the level of existing congestion at these fully saturated junctions. It also confirms that it would not be possible to mitigate the effects of any additional traffic through these junctions. This 11th hour change in approach, to drop the junction improvements and adopt a strategy completely dependent on significant travel behavioural change in respect of all education trips from the appeal sites, was surprising.

#### *Travel Plans*

- 10.34 JAG supports the Travel Plans and the improved sustainable transport measures which can be delivered through them. The appellants have also offered to deliver improved school travel plans at various education establishments in Hartford. Whilst laudable, this offer is solely based on conversations with head teachers at these schools. The appellants have not engaged with the Council's School Travel Plan Officer, nor did they source the existing travel plans for the schools to consider what benefits could be delivered.

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- 10.35 Furthermore, as a Governor of Hartford Manor Community Primary School, Mrs Hollens has been informed by Mr S Kidwell, the Head Teacher, that he has had just one formal meeting with Mr Axon, which is the interview in his evidence. A further casual meeting took place when Mr Axon was in the area to look at the turning circle. Likewise, a Governor from Hartford Primary School has informed Mrs Hollens that Mrs C Slater, the Head Teacher, has only had one meeting with Mr Axon and is not working with the appellants.
- 10.36 All the schools in Hartford have travel plans in operation, but they have had a very modest effect due to various concerns of parents and their inability to volunteer for walking buses amongst other things. The existing Hartford residents are supportive of travel plans, and would wish to further the ethos of walking, cycling and scooting to school, but they consider that, for safety reasons and time constraints, this is not possible. This was borne out in the recent national survey.
- 10.37 Ms C O'Brien explained to the Inquiry the dangers of children cycling to school on the Hartford roads that hold so many obstacles and dangers. There can be no safe cycling routes provided on School Lane, Chester Road, Bradburns Lane or Beach Road which are the main routes to the Hartford schools. Again, the safety of cycling on our roads in peak periods is borne out by another recent national report into the amount of deaths and the dramatic increase in serious injury.
- 10.38 The appellants, using professional judgement, have applied a 5% reduction to all gross traffic flows from the developments, which is said to reflect the sustainable locations and the benefits of the Travel Plans on non-school travellers [HE10 para 13]. The appellants have also assumed that 75% of all the 20% (not just catchment school) education car trips from the site in the am peak period would be made on foot, cycle or scooter.
- 10.39 JAG considers this to be wholly unachievable, as the appellants have no control over where residents may choose to send their children to school. In addition, having identified a need to make such a significant change in education travel behaviour, the Travel Plan targets make no attempt to deliver what the appellants need to achieve. The targets bear little resemblance to the identified 5% and 15% reductions, despite having been written by the same author [Axon XX and HE10]. The targets therefore do not reflect the reductions required to mitigate the development, as well as being virtually impossible to measure.
- 10.40 In addition, the proposed sustainable links from the School Lane site to the Hartford campus sites would not accommodate cyclists [Gilbert XX]. Children scooting to school therefore would also not be able to use this link. This would impact on the appellants' percentage reductions [HE10].
- 10.41 The Unilateral Planning Obligations simply provide for one-off contributions to cycle and scooter parking at the education facilities and make no financial contribution to the improvement of the school travel plans. This lack of on-going financial commitment to the school travel plans leads to questions as to how the travel plan targets will be achieved [HE10].
- 10.42 Furthermore, the timescales for achieving the travel plan targets do not align with the appellants' desire to make a step-change in travel behaviour in Hartford. Applying a single assessment period that could be undertaken just

under 5 years after the first unit is occupied is not appropriate. The proposed 5 year travel plan target time period also comes at a time when the yearly travel plan funding ceases and the development is completed [HE12 paras 4.4 & 4.5 & HE13 paras 4.4 & 4.5]. The time periods suggested in the obligations would effectively allow the appellants to walk away once the developments are complete. No travel plan sanctions or penalties have been identified other than a one-off payment if the targets are not met.

- 10.43 As such, JAG remains to be convinced that such a strategy will mitigate the full effects of the proposals. If this is not achieved, then the developments will be reliant on the private car, which is contrary to the objectives of local and national planning policy.

### *Conclusions*

- 10.44 The Framework states that development proposals should only be refused when the residual cumulative impacts are severe. The appellants' assessment masks the true impact of the development by discounting the volume of traffic that will pass through this known peak period congested location [HE10]. The appellants have also grossly overestimated the likelihood of 'almost all' children walking, cycling or scooting to any of the education facilities they may attend [Axon XX].
- 10.45 As a result, the appellant has not adequately demonstrated the true and severe impact the proposals would have on an already congested highway network. The proposals therefore would not meet the requirements of the Framework.
- 10.46 The Council was correct in concluding that the proposals would have a severe impact on the highway network. The deletion of the MOVA mitigation measures, which were shown to be insufficient to overcome the impact of the development, further reinforces JAG's view that there are no deliverable mitigation measures that would address the congestion issues at the junctions. The proposed Travel Plan measures, whilst laudable, would not mitigate the impact of the 650 residential units. The lack of demand restraint measures in the scheme design or the Travel Plans would not restrain vehicular movements to and from the site in the peak periods to the level required to mitigate the developments on an already congested peak period highway network where there is suppressed demand for car travel [MAV1 para 9.55].
- 10.47 There is no indication in the appellants' evidence that a travel plan would be successful, and there was no proof that their witnesses had experienced a successful plan [Axon XX]. Words noted were probable, guesstimate, in my judgment, assume, benchmark. The other overwhelming word that was continually used was choice. The residents of Hartford would like a choice.
- 10.48 They are not objecting to development within the village, they are objecting to such a large development that would have a severe impact on the highway network that cannot be mitigated with a travel plan. Such a large development, that would increase the population by almost 30%, would not be economically, socially or environmentally sustainable.
- 10.49 Based on this, JAG maintains its original position, that the Council was correct in refusing both planning applications. JAG hopes that the Inspector is minded to recommend the dismissal of both appeals and would respectfully request



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that the Secretary of State considers the concerns of the community of Hartford when making his decision on these appeals.

## **11. Interested Persons**

The material points are:

*Mr Graham Evans MP*

- 11.1 Mr Evans spoke to represent his constituents. He drew attention to the strength of local opposition to the proposals in terms of a petition of some 3,000 signatures and the 100s of letters and telephone calls he had received.
- 11.2 His main concern was the additional strain that the proposals would place on existing infrastructure. In relation to education, although there are excellent establishments in the area and the Council has not objected to the proposal in this regard, they would not be able to accommodate the demand from the new residents. In respect of road infrastructure, it was barely sufficient to cater for the existing situation where a high volume of traffic is school related, particularly in the am peak. There are already a large number of accidents due to frustration, and additional traffic would be dangerous and untenable.
- 11.3 The residents of Hartford are not against development and recognise the housing needs of young people and those who are older and wish to downsize. Moreover, there is a shortfall of housing in this area and the Government is seeking to encourage house building to assist in the economic recovery. To add 650 house to Hartford's congested roads and limited school places would result in untold strain. Insufficient mitigation has been proposed and the proposals would therefore conflict with LP Saved Policy T1. Other Northwich sites, which comprise previously developed land, would be better suited to the proposals.
- 11.4 The nearby Winnington Urban Village proposal is located on the former ICI brownfield site, and it is important that the use of brownfield land continues to take precedence over development on green field sites. The Winnington proposal would have a significant impact on Hartford in terms of road and school capacity, but it is different to the proposal in that it represents the redevelopment of previously developed land.

*Cllr P Dolan*

- 11.5 Cllr Dolan spoke to represent Northwich Town Council. Brownfield and derelict land, including that related to the former salt mines, should be redeveloped before taking open land, which should be retained for environmental buffers and green gaps. The appeal sites represent the last remaining open spaces within the village boundary of Hartford. The School Lane site is also an ASLEV, and the proposal here would have a detrimental impact on this important part of the wildlife corridor of the River Weaver.
- 11.6 The proposals would not enhance the quality of life in and the community of Hartford. The proposals would also compromise regeneration efforts being made in Northwich and would dash local plans for Hartford. They would make a mockery of localism. In a letter dated 27 March 2012 to Graham Evans MP, Greg Clark MP, the then Minister for Decentralisation and Planning, stated that two of the three objectives of the Government's reforms to planning policy were: to put power in the hands of communities to shape the places in which

they live and to protect and enhance our natural and historic environment. The proposals conflict with both of these objectives.

- 11.7 The proposals would create a doughnut effect in terms of development around the periphery of Northwich. This would compromise the regeneration of Northwich, which has already received over £30m from the Government for the stabilisation of former salt mines to facilitate development.
- 11.8 The rejection of the appeals would meet the priorities of the communities of Hartford and Northwich. This would also support sustainable development within the spirit of the Minister's letter, the Framework, the LP and the emerging neighbourhood plans of Hartford and Northwich Councils. On the other hand, the approval of the proposals would dash these plans and demoralise the communities of Hartford and Northwich. It would make a mockery of the spirit behind the Government's localism and neighbourhood plan strategies and local democracy.

*Cllr R Haffenden*

- 11.9 Marshall's Arm Local Nature Reserve is a site of biological interest. The access routes shown within the Unilateral Undertaking for the School Lane proposal would be problematic due the need for steps to cross the river valley in the reserve and a locked school gate.
- 11.10 Whilst the Council's ecologist has not objected to the proposal, it would disturb the reserve and designated Site of Biological Importance. The loss of the agricultural land would also impact on food sources available for wildlife in the reserve

*Cllr H Manley*

- 11.11 Cllr Manley spoke to represent his constituents. The existing congestion in Hartford can add 27mins to a journey. Many residents of Hartford work in the Warrington area, and the use of public transport would be unlikely as it would involve using a number of buses and trains. Existing cycle racks are never used, and it is noticeable that traffic levels increase in poor weather. The Travel Plans are optimistic in terms of their walk distances.

*Ms M Morron*

- 11.12 Ms Morron is a resident of Lodge Lane and a retired primary school head teacher and spoke to represent the residents of Lodge Lane. Lodge Lane is used as a rat run for vehicles speeding to avoid, and make up for time lost in queuing for, the Hartford junctions. The proposals would make this worse.
- 11.13 Lodge Lane is a route to Hartford Primary School, and children are, and would be even more so, put at risk as a result of this rat running. Indeed, even on the morning of her evidence, cars were seen to be mounting the pavements near Hartford Primary School.
- 11.14 Many of the residents of Hartford chose to live in a village to avoid rush hour standing traffic. The proposal would exacerbate an already intolerable, unsafe and unsustainable situation, and the traffic generated would completely strangle Hartford.

*Sir Peter Fahy*

11.15 Sir Peter is the Chief Constable of Manchester, the former Chief Constable of Cheshire and is currently a school governor. The existing congestion causes problems for vehicles exiting Walnut Lane. Moreover, some users of the shops on Chester Road, and indeed Hartford railway station, already park in Walnut Lane with little consideration for the residents. The Grange Farm proposal, in using the Walnut lane access onto Chester Road, would exacerbate these problems. The access routes to the main education campus would be difficult as they would cross playing fields, which are muddy in the winter, and would involve negotiating security gates.

11.16 His commute to work in Manchester would involve a walk to Greenbank station, over an hour on the train and a 20min tram journey. This would be unlikely to be the mode of choice for many commuters. Much employment is located in the economic zones of Warrington and Manchester Airport, which are more difficult to access by public transport from Hartford.

*Cllr P Herbert*

11.17 Cllr Herbert is a member of JAG but spoke as a resident. He is concerned about the impact of the proposals on the Hartford neighbourhood plan and that insufficient consideration had been given to industrial and landscape archaeology. The Council's archaeologist had not addressed these issues, and the mitigation proposed by condition would not be sufficient. Both sites are included in Historical Recorded Event Records. The Grange Farm site has the potential for Romano British remains of regional significance. All remains and potential remains should therefore be left in situ until appropriate supervised technology is available for an appropriate archaeological investigation. On the School Lane site, artefacts from an early form of proto-industrialisation, which preceded industrial societies, have been found on part of the site. This would require more than trial trenching and a watching brief. The open nature of the site also relates to the landscape and industrial archaeology of the Weaver Valley.

11.18 No form of mitigation could alleviate the impact of development on these historic landscapes, and there is much in danger of being lost on both sites as a result of the proposals.

*Mr Gardiner*

11.19 Mr Gardiner spoke on behalf of Mr V Lakeland and the residents of Woodham Close and Douglas Close. The reporting of the appellants' traffic surveys is deeply flawed, as the absence of a sensor on School Lane should be taken account of. This underplays the traffic flows, and those reported are based on speculation only. The sensors on Chester Road also failed to capture certain traffic flows and no sensors were placed on Beach Road, a major route into Hartford. The period over which the average was calculated also started in the school holidays.

11.20 The Council has classed the access from Whitehall Drive onto School Lane as minor and for 100 houses. 95 houses already use this access, and the additional 20 proposed, if not more, will take the access over its limit. There is

also construction traffic to be considered and a shallow water main. The Whitehall Drive access is therefore not suitable for the School Lane proposal.

- 11.21 There are concerns that Section 106 contributions in relation to the School Lane site have not been paid by the appellant's parent company, Redrow Homes, and this history should be borne in mind. The existing sewerage problems in the area would also be exacerbated by the proposal. There are many brownfield sites needing development in the Northwich area which would not have these impacts; conflict with the previous, current and emerging neighbourhood plans; or bridge the open gap between Hartford and Davenham (Kingsmead).
- 11.22 Insufficient account has been taken of construction parking, and parking by the users of Hartford railway station takes place in Fullerton Road, Walnut Close and The Crescent, with some 4 to 5 cars in The Crescent.

*Mr J Szostek*

- 11.23 Mr Szostek was formerly the membership secretary of the Hartford Civic Society but spoke to give his personal views. Whilst Hartford is a Tier 1 settlement in the LP, both appeal sites lie outside the defined policy boundary of Hartford. The appeal sites are also not among the five sites in the Northwich area listed in the Council's November 2009 Topic Paper: Strategic Local Sites, which is to replace the use of tiers. They therefore lie, and are likely to continue to lie, outside the Council's intended areas for development.
- 11.24 The strategic importance of regenerating Northwich is reiterated in the Council's August 2013 Preferred Policy Directions document which encourages the use of previously developed land to minimise the loss of greenfield land. The greenfield proposals would damage the brownfield regeneration strategy in Northwich. It would also damage the regeneration of the centre of Northwich. This would be by distancing housing from it, leading to residents shopping elsewhere such as on their journeys home from work, and by reducing its accessibility due to congestion on its periphery at Hartford.
- 11.25 The Framework states that planning should be plan led, empower local people to shape their surroundings and have local and neighbourhood plans to set out a positive vision for the future of the area [CD8 para 17]. At a meeting with Rt Hon Greg Clark MP, he convinced those present of the merit of producing a neighbourhood plan for Hartford, that the provisions of the localism bill would be made to work and that he would call in a percentage of planning decisions. The Hartford Neighbourhood Plan Working Group has been working as fast as the implementation of the legislation has allowed. Hartford was an early producer of its Village Design Statement and will be an early producer of its neighbourhood plan. The development process should be driven by well thought through plans and not the opportunistic proposals that are the subject of these appeals.
- 11.26 To get to work in Warrington should take 35 to 40 mins by car. This is not possible due to the congestion in Hartford. Mr Szostak had changed his working hours by 45 mins to avoid the Hartford congestion. Many others are likely to have made the same choices, leading to the absence of any reported peak time traffic growth.

11.27 To use public transport involves a train south to Crewe, a train north to Warrington and a final shared car journey. This takes between 1 hr 10 and 1 hr 30 mins. The journey using three buses takes 2 hrs. New residents would therefore be likely to use their cars.

11.28 The proposals should be decided upon by the people of Hartford and not opportunistically under the Framework.

*Cllr Mrs E Bowden*

11.29 Cllr Mrs Bowden is a retired teacher and a member of JAG, but spoke as a resident.

11.30 The School Lane site is situated in close proximity to the Weaver Valley and is part of an Area of ASLEV designated in the LP. The ASLEV is said to form an important gap between Hartford, Leftwich and Kingsmead and have an important role in maintaining views across the Weaver Valley. It is also said to be under particular pressure for housing development.

11.31 The Heritage Lottery funded Saltscape Project includes the natural habitats and heritage attractions of the Weaver Valley. The Council's August 2012 Preferred Policy Directions document identifies leisure and tourism as important sources of future growth in the Borough. The Framework requires: the planning system to enhance the natural and local environment; local planning authorities to protect biodiversity networks, green infrastructure and valued landscapes; and states that policies should provide for local communities to designate local green space and allow them to rule out new development other than in very special circumstances.

11.32 Many surveys report that access to the natural world has psychological, social and economic benefits. This view is also held by the Government's Natural Capital Committee, which reports to the Economic Affairs Committee chaired by the Chancellor of the Exchequer.

11.33 Northwich is crying out for regeneration. Building 350 houses on the School Lane site in the Weaver Valley will not solve the housing needs of the neighbourhood or the country, but it will have a severe and detrimental effect on the landscape and natural habitats. This will have repercussions for the environment, tourism, the economy and the wellbeing of the community. It will negate the investments made in the Saltscape Project and will be a betrayal of future generations.

*Mr D Bowden*

11.34 Mr Bowden is a retired head teacher and consultant to schools and local authorities, has a Masters Degree in Educational Management and is a member of Sustrans. He spoke as a local resident.

11.35 Successful walking and cycling schemes have usually required significant infrastructure. The key roads in Hartford are not safe and cannot accommodate such infrastructure. Traffic has increased in the village with each new housing development, and the claim that this development will be different is an unsupported assertion

11.36 Hartford residents decide how their children get to school by what means they deem safe and convenient, not by what is set out in a travel plan. The

appellants have seriously underestimated the task of bringing about a sustained cultural change in groups of parents and have not accounted for the fragility of schemes dependent on volunteers. These views result from many years experience of managing change in real schools and real communities

*Ms H Clegg*

- 11.37 Ms Clegg is a local resident. Parking causes many problems in the village, the two biggest of which are at Hartford railway station and the shops. The station car park is full by 08.30 and parking then spills onto the A559 restricting visibility at the car park and Booth Road junctions and making the Fullerton Road junction difficult to negotiate. Parking then extends to The Crescent causing access difficulties. The car park at Greenbank railway station is also almost always full.
- 11.38 Although the proposal for the Grange Farm site includes a public car park, this would not be sufficient for the new residents wishing to use the shops. This would affect the future viability of the shops.
- 11.39 School journeys also cause congestion chaos in the roads close to the schools, and the proposal would result in parking gridlock. Hartford is a special place and different to many other villages and parking, which is a very big issue, should be considered in any decisions.

*Mrs J Pritchett*

- 11.40 Mrs J Pritchett is a local resident. There is a need for more smaller and local housing, and indeed the Grange Farm site may be suitable in principle, if community facilities are included. The house types and numbers proposed are however unsuitable for the village, and there are no intended community facilities.
- 11.41 There are many reasons as to why children do not walk to school including safety, convenience, economic circumstances, fashion and habit. The evidence and projection in support of the effects of the travel plans is nothing more than an optimistic hypothetical wish list, and the reasons why children do not walk to school are unlikely to change.
- 11.42 There can be no increase in traffic at the two junctions in Hartford, as they are already saturated and gridlocked. Travellers use alternatives, but these are alternative routes, such as through the side roads of Hartford, and are not by foot, cycle or scooter.
- 11.43 School Lane is used by traffic to and from the A556 Northwich bypass. It is a major corridor for traffic northbound to the educational establishments and railway station in Hartford and southbound for Hartford's commuters to Manchester, Chester and southwards. Recent roadworks on School Lane have made drivers aware of rat runs through Lodge Lane, Landswood Park, Riddings Lane, Park Lane, Abbey Lane, Chantry Avenue and through the Wimpey estate. These side roads are narrow and not meant for heavy traffic or large numbers of cycles.
- 11.44 These routes allow drivers to avoid the centre of Hartford when: travelling west from Hartford to join the A556; travelling from the bypass to the railway station; taking children to Hartford Primary School by car and school bus; and travelling east from Hartford to join the A556. The routes are used in both

directions, and would be available for the future residents of both appeal sites making them even more congested and unsafe.

11.45 Despite the appellants' description of the area as the Northwick, Greenbank and Hartford conurbation, Hartford retains its identity. This is in part due to the undeveloped nature of the appeal sites which are the only remaining green areas within the community. If these are lost, the conurbation will indeed be complete.

*Mr B Slaney*

11.46 Mr Slaney is a local resident and a member of the Association of Project Safety and the Association of Project Managers. His children attended schools in the area. Whilst he endorses the admirable objectives of children attending schools near to their homes, this has not always occurred with his children in the past. Sustainable development is more than cycle shelters and scooter pods. A significant ongoing benefit for residents is needed. The proposed green should be provided first and handed over before the houses are built.

11.47 Walnut Lane already suffers from parking by customers of the shops, causing problems for larger vehicles on the lane. It is too narrow for the Grange Farm site construction traffic. Vehicles must be let out to leave the lane, and the lane is used for u-turns to enable vehicles to join the queue partway along its length.

11.48 Mr Slaney has cycled to work locally in the past, but now works in the Warrington and Manchester area where using public transport to commute is impossible. He uses the rat runs previously described, as the traffic signals at the junction between The Green and Chester Road only pass three vehicles on a green phase in the am peak.

11.49 The Walnut Lane conservation area is important, particularly in terms of any proposed hoarding or fencing, and conditions would be necessary to regulate construction parking and bussing to the site. There have been broken promises concerning development in Hartford in the past, and the Council must ensure that it has sufficient teeth if the permissions are granted.

*Mr B Ursell*

11.50 Mr Ursell is a local resident and was formerly the chief executive of two banks and a chairman and director of two property companies, both of which were involved in house building. A large percentage of education places in Hartford are taken by non-Hartford residents. This, together with outward commuter traffic, results in the am peak congestion. It is unrealistic to suggest that the proposal would not have any material impact on an already difficult situation, which will get worse as a result of traffic from the Winnington Urban Village development. Any reduction in primary school journeys would be offset by an increase in senior school and commuter traffic.

11.51 Travel to London from Hartford requires the use of the hourly service to Crewe to reach the London connection. The four track line from London reduces to two to the south of Hartford, and local trains to Crewe are frequently delayed to give other services priority. Future additional tracks are unlikely due to the limited width of the Weaver Viaduct. Mr Ursell uses a taxi to Crewe, and many

other commuters drive to Runcorn or Crewe. Commuting to Manchester is not practical due to the hourly service and poor timekeeping.

11.52 The Grange Farm site represents the only opportunity to create a real village centre, with various facilities to reduce travel to Northwich, and is crucial to any village plan. The proposed car park does not do this, and would not alleviate the parking problems at the shops. The proposals do not provide supported housing to alleviate the needs of an ageing population.

11.53 To grant permission on the Grange Farm site would eliminate a significant asset that could be used to enhance Hartford rather than create further problems.

*J Krause*

11.54 J Krause is a local resident. Walnut Lane would be materially affected by the proposal for the Grange Farm site. The combined entrance to the lane and the site would desecrate the amenity of the lane and its CA, and properties would be blighted by the proposal. Furthermore, the SoCG does not satisfactorily address safety in terms of: the parking of delivery vehicles at the Chester Road shops; young children and cyclists with inadequate road sense; the crossing island on Chester Road, which is designated as a safe route to school. These points are supported by submitted photographs. The photographs also show flooding on Chester Road at the Walnut Lane junction, due to run off from the Grange Farm site, and at The Green traffic junction, evidence of further load on the sewerage system.

11.55 Raw sewage regularly discharges into a ditch running alongside the site which, in the summer months, results in fetid conditions. The introduction of SUDS onto a site comprising clay is also a matter for concern. The site drainage includes a 9" culvert under the Manchester to Chester railway line, which does not appear to have been surveyed. This culvert also takes water from the nearby Fullerton Road estate. The area before the culvert passes under the railway line also regularly ponds, and the site therefore does not have a low risk of flooding as suggested by the appellant. Furthermore, the bog and pond areas have not been the subject of any assessment.

11.56 The ditch running alongside the site takes drainage from the properties in Walnut Close. The existing occupiers have riparian rights to protect the ditch as an integral part of flood protection for the properties, as some of them have flooded in the past.

11.57 The appellant is of the opinion that the proposal would have a neutral effect on the CA and Walnut Lane [SR1 p7.85]. Neutral is however not a sufficiently stringent test, as the test is to enhance and protect. The density of the proposal would in fact skew the setting of the CA.

*Dr J Swaffield*

11.58 Dr Swaffield is the Chair of the Governors of Cloughwood School and appeared on behalf of the governing body of the school. Peak traffic congestion in Hartford is, in part due to the 10 educational establishments in the village. To this will be added the traffic from the 1,200 dwellings of the Winnington Urban Village development. In addition to this however, the entrances to Hartford Manor Primary and Cloughwood Schools create chaos in and on the single



track drive at the end of Stones Manor Lane. The proposals would further severely aggravate this situation.

- 11.59 Cloughwood School has moved to a timetable with earlier start and finish times to avoid the congestion, and this is another reason why peak traffic levels in Hartford have not increased in recent years.
- 11.60 Experience as a governor at previous schools has shown that travel plans rarely achieve the anticipated benefits, and this is repeated in the private sector. They are not a magic one step solution as claimed by the appellants and in Government literature. Their level of success is only revealed long after the developers have left the area.
- 11.61 The appeals should be dismissed. Our only green lungs should not be destroyed and the character of our village changed for ever.

*Mrs C O'Brien*

- 11.62 Mrs O'Brien is a local resident, a committee member of the Weaver Valley Cycling Club, and is heavily involved in the education and promotion of cycling through being the first local Cycling Ambassador and running safe cycling courses at the Grange Junior School amongst other things. In her experience it is difficult to translate cycling and training into action. People will not cycle to school unless it is safe and convenient to do so.
- 11.63 In Hartford, cycling can only be made safer and more accessible through major changes to road infrastructure. The sustainable transport initiatives in the travel plans are and will be put in place through the Council's cycling strategy without the need for the travel plans. Family car ownership levels have also been underestimated leading to more use of the car than anticipated.

*Mr K Sexton*

- 11.64 Mr Sexton is a local resident and is experienced in the implementation of travel plans in large organisations.
- 11.65 These developments have been proposed at the very time the village plan, which will consider the location and scale of future development, is in preparation. To grant permission would frustrate local democracy, and the substance of the village plan would become peripheral.
- 11.66 Whilst the Council's refusal reason refers to traffic, the issues of housing need, the availability of brownfield land, prematurity with respect to the emerging core plan, environment and ecology and schooling are also material issues that should have been identified and contribute to the unsustainability of the proposal.
- 11.67 In view of the Framework test, it is essential that the Inquiry determines the cumulative residual impact and provides a robust interpretation of the adjective severe.
- 11.68 There is concern that traffic sensors have been deliberately placed to miss traffic that uses alternative routes in Hartford to avoid the congested junctions. Baseline flows should also include those predicted in relation to the Winnington Urban Village.

- 11.69 Additional capacity at the junctions can only be generated by reducing pedestrian crossing time, which would prejudice the safety of those crossing, particularly schoolchildren. Any reduction in in-commuting to local schools would not be significant. Only a limited number of primary school pupils would be generated by the proposed developments. Those at senior levels would be further than the realistic walking distance. Any reduction in school commuting into Hartford would therefore be minor compared to that generated by the proposals.
- 11.70 The definition of the adjective 'severe' is dependent on its surroundings. What may be acceptable in a dense metropolitan setting will almost certainly be unacceptable in a rural setting. The test of severity should also include the extent to which traffic routes change to those which are less acceptable, such as those through housing estates.
- 11.71 Currently the filter lane for right turning vehicles from the A559 into School Lane cannot cope at times with the volume of waiting traffic. This is an accident waiting to happen on this busy 70mph dual carriageway with the junction lying just beyond a visibility restricting bend. The increased traffic generated by the proposals would make this already dangerous situation worse. Due to the prohibited right turn out of School Lane at this junction, residents of the School Lane site would have to travel through the village to join the A559 westbound, adding to congestion in Hartford.
- 11.72 Countywide trade offs are not appropriate in this rural village setting. Hartford has increased dramatically in a short time. It has reached its limit, and a further 28% increase from the proposals would be unsustainable. The main economic benefit would be the windfall gains in land value. There would be no employment opportunities within the proposed developments, and there are limited opportunities in Hartford. This would lead to additional commuting. The natural environments of the Weaver Valley, Marshalls Arm and the Cheshire countryside generally would be adversely affected. The road junctions in Hartford are already at capacity, and additional traffic would have social impacts on the community.
- 11.73 There is a massive disconnect between the intentions of travel plans and their delivery in practice. In the Netherlands, sustainable investment takes place on segregated cycle lanes, particularly for children. Here the travel plans are purely cosmetic. In the UK sustainability is something of a comparative concept, but policy clearly directs development to brownfield land first.
- 11.74 Both the appeal sites are unsustainable in terms of development, which would damage the agricultural land and significant environmental assets. The proposals would also place a significant and unsustainable burden on traffic and the village, and would prejudice the development of brownfield sites.
- 11.75 The traffic that would result from this development would have a significant and severe impact on the already congested village. The mitigation measures proposed would not have any material effect. The resulting cumulative impacts would be severe.

## **12. Written Representations**

- 12.1 Many representations were sent to the Council by members of the public prior to the Council's decisions on the appeals and to the Planning Inspectorate

during the appeals process [G15 & O1]. The vast majority of these were sent in objection to the proposals although some were sent in support. The representations cover similar points to those made during the Inquiry. As they do not raise issues that are materially different to those already recorded, no further summary is therefore necessary.

### **13. Conditions and Section 106 Agreement**

- 13.1 Two sets of conditions, substantially agreed between the two main parties, were submitted during the course of the Inquiry [CWC4 & CWC5]. The Council has suggested that house type details on the plots fronting Walnut Lane and the community green at Grange Farm should subject to further approval by condition, to which the appellant disagrees. This is on the basis that discussion had already been held and the designs amended and that the matter has formed no part of the Council's case. Certified copies of executed Section 106 Unilateral Planning Obligations from the appellants were submitted during the course of the Inquiry. These were replaced with dated certified copies following closure of the Inquiry [HE12 & HE13].
- 13.2 The Obligations would provide for: a 30% element of affordable housing; a scheme for the provision and management of public open space; and one cycle voucher for each dwelling. Financial contributions would be provided towards: cycle and scooter parking at the catchment primary schools; access, car and cycle parking and customer facilities improvements at Hartford and Greenbank railway stations; the construction of two additional classrooms at Hartford Manor Community Primary School; and the provision or improvement of off-site formal playing pitches in the vicinity of the sites. In relation to the Travel Plans, the Obligations would provide for: their implementation; and the appointment and funding of a Travel Plan Co-ordinator; and the payment of sums for the implementation of Travel Plan measures and any payments due from the Travel Plan reserve fund.

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## 14. Conclusions

Figures in subscript refer to earlier paragraphs in the report

### *Background*

- 14.1 The proposals would provide up to 300 dwellings on the Grange Farm site and up to 350 dwellings on the School Lane site.

### *Main Considerations*

- 14.2 Having heard the evidence, read the written representations and seen the sites and surroundings, I consider the main considerations to be:
- i) the impact of the proposals on the Government's objectives to secure a better balance between housing demand and supply and the creation of high quality, sustainable, mixed and inclusive communities: and
  - ii) the effect of the proposals on the transport network, with particular reference to highway junctions in Hartford.

### *Planning Policy and Considerations*

- 14.3 The development plan comprises the Regional Strategy<sup>12</sup> (RS), the Saved Policies of the Structure Plan<sup>13</sup> (SP) and the Local Plan<sup>14</sup> (LP). RS Policy DP 1 sets the spatial principles for the region. Policy DP 2 seeks to promote sustainable communities. Policy DP 4 seeks to make the best use of existing resources and infrastructure. Policy DP 5 seeks to manage travel demand, reduce the need to travel and increase accessibility. Policy DP 7 seeks to promote environmental quality, and Policy DP 9 seeks to reduce emissions and reduce climate change. Policies RDF 1 and RDF 2 set out spatial priorities and priorities for rural areas. Policies L 4 and L 5 set out regional housing and affordable housing provision. 4.1, 4.2 & 4.3
- 14.4 The revocation of RSs has come a step closer following the enactment of the Localism Act on 15 November 2011. However, until such time as the RS for this area is formally revoked by order, limited weight can be attributed to the proposed revocation in determining these appeals.
- 14.5 The only SP saved policy that is relevant to the appeal proposal is Saved Policy T7 which refers to maximum parking standards and provision for cycle parking. 4.4
- 14.6 The following saved policies of the LP are relevant to the appeals. Saved Policies T1 and T20 relate to transport requirements and travel plans. The element of LP Saved Policy T1 which relates to the minimisation of traffic generation is inconsistent with, and has a more than limited degree of conflict with, the National Planning Policy Framework. The Framework is therefore a material consideration of substantial and sufficient weight to justify recommending otherwise than in accordance with this element of development plan policy which is therefore now out of date. The test to be used, in terms of

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<sup>12</sup> The North West of England Plan: Regional Spatial Strategy: 2008

<sup>13</sup> Cheshire Structure Plan Alteration: 2005

<sup>14</sup> Vale Royal Borough Local Plan First Review Alteration: 2006

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the proposals, should thus be the Framework test, that only a severe cumulative impact on the transport grounds would be sufficient in its own right to refuse permission. Any lesser impact could however be included in a planning balance. 4.5, 8.6 & 8.7

- 14.7 Saved Policies GS2 and GS5 relate to new development in the Borough and seek to resist new development in the open countryside. The Framework however requires that policies relevant to the supply of housing should be considered in the context of housing land supply, and this matter is addressed later in these conclusions. Saved Policies H4 and H14 identify Hartford as a Tier 1 settlement and seek 30% affordable housing. Saved Policies NE7 and NE12 refer to the protection of landscape features and Areas of Significant Environmental Value (ASLEVs), and Policy BE4 relates to planning obligations. 4.6, 4.7
- 14.8 The Council's Core Strategy (CS), which is part of the emerging Local Plan, is still at an early stage of preparation and is not expected to be adopted until 2014 at the earliest. In view of this very early stage of preparation, it carries little weight in these appeals. 4.8
- 14.9 The Council's Supplementary Planning Document 1<sup>15</sup> (SPD1) and Conservation Area (CA) Appraisal<sup>16</sup> are relevant to these appeals. The following Council evidence base documents are also relevant to the main considerations in these appeals. They are the Strategic Housing Land Availability Assessment<sup>17</sup> (SHLAA), the Housing Land Monitor<sup>18</sup> and the Strategic Housing Market Assessment<sup>19</sup> (SHMA). These conclusions also pay particular regard to the National Planning Policy Framework, Circular 11/95<sup>20</sup> and the Community Infrastructure Levy (CIL) Regulations 2010 as amended. They also have particular regard to Planning for Growth<sup>21</sup> and The Plan for Growth<sup>22</sup>. 4.9, 4.10 & 4.11

### *Housing Demand and Supply*

- 14.10 Many of the matters identified below, including the summary, are agreed between the two main parties in the relevant SoCGs.
- 14.11 The Council's latest Housing Land Monitor shows that it has a housing land supply of 2.6 years against the Framework requirement of five years. This latest figure is lower than the 2.9 years agreed between the two main parties, indicating a worsening situation. JAG has suggested that a figure used in the emerging Local Plan consultation for the Northwich area alone, which would show a larger housing land supply, should be used in the consideration of these appeals. The emerging Local Plan should however be given limited weight. The suggested figure would appear to represent a material shift away from current policy. It would also appear to seek to change the role of

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<sup>15</sup> Vale Royal Borough Council: Supplementary Planning Document 1: Affordable Housing: September 2007

<sup>16</sup> Vale Royal Borough Council: Hartford (Extended) Conservation Area Appraisal: February 2004

<sup>17</sup> Strategic Housing Land Availability Assessment: 2010 – 2011

<sup>18</sup> Cheshire West and Chester Council: Local Plan: Housing Land Monitor: September 2012 Update

<sup>19</sup> Cheshire West and Chester: Strategic Housing Market Assessment: Update December 2010

<sup>20</sup> Circular 11/95: The Use of Conditions in Planning Permissions

<sup>21</sup> Planning for Growth: Ministerial Statement: 23 March 2011

<sup>22</sup> The Plan for Growth: HM Treasury: March 2011

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Northwich in supporting growth in the Council's area in conflict with the Council's Issues and Options Paper. 4.10, 7.9, 7.2, 8.54, 8.9, 9.2, 11.3, 10.3 & 10.4

- 14.12 The figure used in the consultation therefore carries little weight in these appeals. In any event, the Framework does not support the disaggregation of housing land supply figures within Council areas in dealing with shortfall issues, and the LP does not provide any basis for disaggregating figures. 7.8 & 7.11
- 14.13 JAG has also referred to the number of extant planning permissions in the Northwich area. These would however have been taken into account in the Council's calculation of the housing land supply figure. 10.4
- 14.14 The Council has a record of persistent under delivery of housing land, and the five year requirement should therefore be increased by 20%. The Council's housing land supply is therefore less than 50% of that required. There is no doubt that this represents a considerable shortfall of deliverable sites, and some evidence that the situation results from the limited allocations made in the LP in the context of wider policy at the time. There is also a shortfall in the provision of affordable housing, and this contributes to a poor housing delivery situation as a whole. 7.25, 7.4, 7.5 & 11.40
- 14.15 The proposals would deliver up to 650 dwellings, in comparison with the Council's five year shortfall of 3,615 dwellings. Dwellings at Grange Farm would be made available at more than 32 open market per annum plus affordable units and more than 64 per annum plus affordable units at School Lane. These dwellings would make an important contribution to the Council's shortfall, as would each of the proposals in isolation. 7.5, 7.39, 7.50 & 8.21
- 14.16 Of the 650 dwellings, 195 would be affordable, in comparison with the Council's gross annual shortfall of 1,311 affordable dwellings. Again, the proposals, either in combination or individually, would make a valuable contribution in this regard. 8.10, 8.46 & 8.55
- 14.17 In terms of the individual sites themselves, Grange Farm was included within the Hartford settlement boundary and allocated as housing land in the 2001 Local Plan. At this time, Hartford was identified as a Tier 1 settlement and a main focus for development due to its sustainable location. 7.24
- 14.18 At the time of the adoption of the current LP in 2006, the site was not required for housing, in the context of the Structure Plan and Regional Planning Guidance housing requirements. These sought to focus housing development in regeneration areas of market failure. The SP anticipated that the Borough's housing requirement could be largely satisfied by developing on previously developed land. The allocation was thus taken out of the LP and the site taken out of the settlement. Hartford however retained its Tier 1 settlement status. 7.25 & 7.7
- 14.19 Historically therefore, the allocation of the site appears to have been dependent on housing requirements. It is surprising that it was not included in a Council November 2009 Topic Paper as a strategic local site, but then there is no evidence on the period covered by the paper. It is however included within the SHLAA as a potential 300 dwelling site to be brought forward in between 6 to 15 years time. The current supply shortage and the appeal

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proposal could thus be seen to be bringing the SHLAA identified potential forward to meet the current demand. 7.26, 8.8 & 11.23

- 14.20 On School Lane, the site is similarly identified in the SHLAA for 735 dwellings starting in 6 years time, although not in the 2009 Topic Paper. Again however, the proposal could be seen to be bringing forward the potential to meet current demand. The site also lies adjacent to a recently completed, although much smaller, housing development. Both sites therefore are, and have been for some time, on the horizon for housing development. 7.43, 7.45 & 11.23
- 14.21 Many of the objections to the proposals from local residents relate to the fact that the proposals would increase the size of the village by almost 30%. Development would however take place over a number of years. Moreover, the objections run contrary to the trend towards housing growth in this area, including housing on greenfield sites, which the Council wishes to see at between 10 to 30%. 7.9, 8.47, 10.48 & 11.72
- 14.22 The objections also refer to localism. Localism however carries with it the responsibility for the expeditious production of local plans. In these cases, the LP is out of date in relation to housing supply, and the Council has not responded expeditiously following the strategic housing supply changes sought by the 2008 RS. Without an updated local plan, the production of which is in the hands of the Council, the community of Hartford does not have the parameters for its neighbourhood plan. Furthermore, the absence of an updated local plan does not allow the Council to postpone its obligation to identify and maintain an adequate supply of deliverable housing land. 8.48, 8.49, 11.6, 11.8, 11.25, 11.28 & 11.65
- 14.23 The significant demand for housing in the Council's area therefore has to take precedence over the absence of an updated local plan and indeed the absence of a neighbourhood plan. This accords with Planning for Growth, which carries an expectation that local planning authorities will, wherever possible, approve applications where plans are out of date. The document also suggests that they should make every effort to meet the housing needs of their areas.
- 14.24 Whilst this demand, of some 1,317 dwellings per annum, is currently identified in policy terms in the RS, households in the Council's area are forming at a similar rate of 1,140 per annum. The RS requirement is therefore still realistic, and the Council is seeking growth in the Northwich area. The proposals would therefore not be sufficiently large in their policy context to trigger prematurity issues or to prejudice the outcome of the emerging Local Plan process, a matter agreed between the two main parties. Moreover, there is nothing in the Localism Act to suggest that Councils do not need to provide at least five years housing land supply, as expressly re-affirmed in the Framework, based on credible evidence. 7.2, 7.5, 7.6, 7.9, 7.10 & 8.21
- 14.25 It has also been suggested that housing demand could still be accommodated on previously developed land. Sites on such land have been included in the Council's SHLAA process that provides the basis for the housing land supply figure, and the Council agrees that there is now an urgent need to consider a wider range of sites. Furthermore, the Council also agrees that there is now a shortage of previously developed sites within its area. 7.5, 7.7, 10.5, 11.4, 11.21 & 11.66
- 14.26 In summary, the Council's poor housing land supply situation renders the related LP policies out of date. The appeal proposals, either in combination or

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individually, are necessary now to meet immediate housing need, and the presumption in favour of sustainable development in the Framework applies. I therefore conclude that the proposals would provide substantial benefits in terms of the Government's objective to secure a better balance between housing demand and supply. I further conclude that they would thus accord with the National Planning Policy Framework in this regard.

### *High Quality Communities*

14.27 The Council has identified the Northwich area as a growth point, and indeed the LP seeks to concentrate new housing within and on the edge of the town of Northwich itself. Although it attracts limited weight, the emerging Local Plan has similar aims. 7.7, 7.9 & 8.53

14.28 A principal element of the LP is the regeneration of Northwich Town Centre. There is no evidence however that the proposals would have any detrimental impact on the regeneration process. Indeed there is a shortfall of previously developed sites, and none have been developed in Northwich to date. 7.7, 10.2, 11.7 & 11.24

14.29 Hartford is a sustainable location and a main focus for development. Both appeal sites adjoin the Hartford settlement. A wide range of day to day facilities and services are available in the village of Hartford within an acceptable walking distance of the furthest points of both sites when assessed against the Council's SPD. There is also an extraordinary range of educational facilities within the statutory school walking distances of the furthest points of both sites. Primary schools are also within an acceptable walking distance when assessed against the Council's SPD. The appeal sites are therefore in sustainable locations in relation to local services. 7.7, 7.13, 7.14, 7.28, 7.44, 8.20, 8.52, 10.9 & 10.32

14.30 Hartford is served by a 30 min frequency weekday bus service between Chester and Northwich. Whilst this service frequency is only available during daytime, the service would be generally satisfactory for commuting purposes. The majority of the Grange Farm site is within the Council's suggested acceptable recommended walking distance to the nearest bus stops on this service. 7.15, 7.29, 8.14 & 10.29

14.31 Whilst the majority of the School Lane site is further than this recommended distance from the bus stops, the Council agrees that it is highly accessible and in close proximity to public transport. The furthest parts of the site however lie well within the Institution of Highways and Transportation (IHT) 2000 Guidelines for the preferred maximum commuting walking distance from the bus stops. Both sites are therefore highly accessible in terms of the bus network, as agreed by the two main parties. Moreover, Northwich, which is on this bus network, has an important sub-regional employment role. 7.15, 7.16, 7.29, 7.44, 8.14, 10.22, 10.30 & 10.31

14.32 The two main parties also agree that Hartford's two railway stations, which offer a variety of destinations, are within comfortable walking distance of the Grange Farm site and within easy walking distance of the School Lane site. Hartford station is well within the IHT preferred maximum from the furthest parts of the Grange Farm site and within this maximum from all of the School Lane site. Greenbank station is within the IHT preferred maximum from the furthest parts of the Grange Farm site, although a small part of the School



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Lane site lies outside this maximum. Notwithstanding this last point, both sites are highly accessible by rail. 7.15, 7.28, 7.30, 8.19 & 10.32

- 14.33 There is a shortage of evidence on access from the sites to existing employment opportunities. There is no doubt however that a reasonable proportion of residents of the proposed developments would have to commute by car, particularly to the Warrington area. Sustainable options would though exist in other directions along transport corridors. Whilst these options may not be attractive at the present time, they may become more so in the future, as the improvement in such transportation corridors over time is a reasonable expectation. Car commuting for employment therefore does not weigh heavily against the sustainability of the appeal sites. 10.24, 10.7, 10.8, 11.11, 11.16, 11.26, 11.27, 11.48 & 11.51
- 14.34 Whilst residents of the eastern part of the School Lane site would face a lengthy walk to access public transport for rail commuting along transport corridors, this would not be the case for buses, schools and village services. The distances to the railway stations, which are not unusual and are exceeded in many other developments, do not therefore weigh heavily against sustainability.
- 14.35 The locations of both sites and the proposals for them would therefore be compatible with the creation of sustainable communities, and this would be a substantial benefit in favour of the proposals. A recent appeal decision at nearby Cuddington also supports this view, notwithstanding the smaller scale of the proposal and the need for more use of the car. 7.12, 8.11, 8.12, 8.13, 8.43, 8.44, 8.45, 8.52, 10.1, 10.13 & 10.14
- 14.36 The proposals would also contribute to the creation of mixed and inclusive communities by providing affordable housing and social benefits. The social benefits would include the availability of day to day services within walking distance, a variety of education facilities within the community and the proximity of sustainable commuting opportunities. These benefits would accord with both the social and economic roles of sustainable development as set out in the Framework. 7.6, 7.34, 8.18 & 8.33
- 14.37 I therefore conclude that the proposals, either in combination or individually, would provide substantial benefits in terms of the Government's objective to secure the creation of high quality, sustainable, mixed and inclusive communities. I further conclude that they would thus accord with the National Planning Policy Framework in this regard.

### *Highways*

- 14.38 The two main parties agree that, setting aside the traffic generation element which is out of date, the proposals are compliant with all other elements of LP Saved Policy T1, and there is no convincing evidence to the contrary. 8.6 & 8.7
- 14.39 Hartford currently suffers from congestion at its central junctions, which are situated around a triangle of roads comprising Chester Road, School Lane and The Green. Within this triangle of roads, Chester Road carries two-way traffic in east/west directions, School Lane is one-way southbound and The Green is one-way northbound. Traffic using the Chester Road junction with The Green and the Chester Road junction with School Lane, which includes Bradburns Lane as a northern leg, is controlled by signals. 9.1 & 9.4

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- 14.40 Congestion is evident in three peaks: am; school pm, which only occurs in school term time and where the green phase of the signals generally clears any queues; and commuter evening, where some of the junctions are saturated or at capacity at some times in terms of traffic during term time but queues are generally less than 20 vehicles. From the queue counts agreed between the Council and the appellants, in the am peak during term time, the junctions are generally saturated between 08.00 and 09.15. 7.17, 7.18, 8.16 & 11.75
- 14.41 Significant queues of between 90 and 120 vehicles have been recorded on The Green and between 50 and 70 vehicles on Chester Road, in an eastbound direction. Outside term time, any queues have been recorded generally to clear between phases of the signals, indicating that the traffic which results in the saturation is related to education uses. Chester Road, in a westbound direction, and Bradburns Lane exhibit much lower levels of queuing. 7.18, 8.23, 11.50, 11.58 & 11.59
- 14.42 The throughput of vehicles at the junctions has maintained zero growth over a number of years. This has been the case, despite general and development related traffic growth over time. It is likely to be the consequence of the inconvenience resulting from the congestion and is indicative of a suppressed demand for car trips. 7.20, 8.23 & 10.18
- 14.43 The base case peak hour demand flows agreed between the two main parties include an allowance for committed development which includes for development at the Winnington Urban Village. There is no convincing evidence that they are deeply flawed. Daily flows could however vary by as much as 15% from these figures. 7.19, 11.19 & 11.68
- 14.44 Trip generation rates for both proposals are agreed between the two main parties. These rates lead to undisputed flows into the triangle or cordon of junctions previously described. In the am peak, which is the only period where the junctions can be said to be fully saturated, 182 additional vehicle movements would enter the cordon as a result of the agreed trip generation rates for both proposals. This would represent an increase of 9.1% over the existing flows into the cordon, and this increase would lie within the daily variation that could be expected of the base case demand flows. 8.26, 9.10, 9.11, 9.12, 9.18, 10.19 & 11.14
- 14.45 These movements would lengthen the queues on The Green and eastbound on Chester Road, which are by far the longest queues in the cordon over the am peak. The base case demand flow on The Green is 518 vehicles over the am peak. The additional movements would add 66 vehicles to this figure, an increase of 13%. They would also add an average of over 1min to the typical 6min am peak delay at the signals where The Green joins Chester Road. Any additional delay however carries less weight as it is not the aim of policy to protect the convenience of commuting car drivers. That is also the Council's approach in the recent prioritising of pedestrians over car users at the junction of Chester Road, Bradburns Lane and The Green. 7.19, 7.21, 8.36, 8.37, 8.38, 8.40, 9.11, 9.12 & 9.25
- 14.46 The signals however have been recorded to clear their queues on a single green phase up to about 08.00 and after about 09.15. Between these times, the queue reaches recorded maximum lengths of some 90 and 120 vehicles, in relatively sharp peaks. The maximum queue lengths therefore exist for a very

short period of time, and indeed the 66 vehicle increase over the hour would not greatly add to these queue lengths. 7.18 & 8.23

- 14.47 The distribution of dwellings in Hartford is such that the vast majority of the base case vehicles on The Green are likely to be from outside the village. From the traffic counts taken outside term time they are likely to be related to education, but not the catchment primary sector in view of the locations of the two catchment schools in respect of The Green.
- 14.48 The base case demand flow on Chester Road is 573 vehicles over the am peak. The additional movements would add 73 vehicles to this figure, an increase again of 13%. They would also similarly add an average of over 1min to the typical 6min am peak delay at the signals where The Green joins Chester Road. 7.19, 8.38, 8.40, 9.11 & 9.12
- 14.49 The signals however have been recorded to clear their queues on a single green phase up to about 08.15 and after about 09.15. Between these times, the queue reaches recorded maximum lengths of some 50 and 70 vehicles in a sharp peak. The maximum queue lengths therefore exist for a very short period of time, and indeed the 73 vehicle increase over the hour would not greatly add to these queue lengths. Vehicles in the queue are likely to include some catchment primary school trips from the east. 7.18, 8.23, 9.5 & 9.6
- 14.50 Using the agreed trip generation rates and base case flows, the proposals would have an adverse and noticeable impact on queue lengths on The Green and eastbound on Chester Road in the am peak from the School Lane and Grange Farm sites respectively. This impact however could not be characterised as severe due to the number of additional vehicles and queue lengthening compared to the existing situation, the fact that existing queues are very short lived and the small average increase in journey time across the cordon. 10.45, 10.46, 11.67 & 11.70
- 14.51 The appeal sites are well located in relation to the catchment primary and secondary schools. It is therefore likely, particularly in view of the am peak congestion in Hartford, that trips from the proposed dwellings to the schools in the village would tend to switch from car to non-car use. This would be the case; even accepting that cycling to school on Hartford's congested roads would be seen by some as being unsafe. 8.34, 8.35, 11.35, 11.62 & 11.63
- 14.52 Such a switch would be more likely to be the case with the School Lane site, as the proposed route crossing the Marshall's Arm Reserve would be far shorter than the route by road. There is nothing to suggest that concerns in relation to the physical pedestrian crossing of the Marshall's Arm valley and school security could not be overcome. The likelihood of the switch is generally supported by the appellants' data from Leeds. 8.15, 10.25, 10.26 & 11.9
- 14.53 It has been shown that, on average, 20% of am peak time traffic in the Council's area comprises school related trips. This would therefore be a reasonable judgement in respect of the agreed trip generation rates and flows from the appeal sites. For the Grange Farm site, school related am peak traffic would be unlikely to turn right out of Walnut Lane onto the westbound lane of Chester Road. This would be the case because to turn right would result in travel away from the catchment schools, and indeed the full range of Hartford's educational facilities. 9.19

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- 14.54 It is therefore correct that any reduction in school traffic from Grange Farm, due to its location, is applied to Chester Road in an eastbound direction, even if for only a short distance in the case of Hartford Primary School. Any reduction would therefore reduce: the 73 vehicles that the agreed trip generation rates would add to the eastbound queue on Chester Road over the am peak; the additional queue length; and the average 1min additional delay. 8.27, 9.14, 9.15, 9.16 & 9.17
- 14.55 A similar situation would occur at the exit of the School Lane site onto School Lane, where school related trips would be likely to turn right, thereby directly adding to flows on The Green. Any such reduction in school traffic from School Lane should therefore be applied to The Green. Any reduction would thus reduce: the 66 vehicles that the agreed trip generation rates would add to the queue on The Green over the am peak; the additional queue length; and the average 1min additional delay.
- 14.56 There are limited surplus places available at the two catchment primary schools, and many pupils at the schools are from outside of the catchment areas. The 55 and 63 potential pupils from the Grange Farm and School Lane sites would take priority over those from outside of the catchments, and this would reduce the number of trips made to the primary schools from outside Hartford. 7.39, 7.50, 8.16 & 8.17
- 14.57 Part of the am peak flow eastbound on Chester Road is likely to contain primary school trips to the catchment schools. Potential pupils from the proposed developments would be able to walk to school and, any that did, would therefore be likely to reduce the 573 base case flow and thus the effect of the proposal on queue lengths and delays. The reduction in the base case flow would take place notwithstanding the suppressed demand because the additional traffic from the proposed developments would maintain the actual flow above the base case, thereby not encouraging the release of the suppressed demand. Flows on The Green would be unlikely to include trips to the schools from outside Hartford due to the locations of the schools in relation to The Green, and any reduction here would be unlikely.
- 14.58 The proposed developments would take place over time, and therefore the effect of sibling priority would reduce, as catchment pupils became available to compete with potential pupils that did not have siblings at the school. 9.23 & 9.24
- 14.59 On the evidence submitted, it is not possible to quantify the reductions in school related traffic that would be likely to occur as a result of the travel choices that pupils from the proposed development would make. It is also not possible to quantify the additional effect that primary school choices would have on incoming school traffic to Hartford. It is however likely, from the above evidence, that future traffic flows would be materially less than those that would follow from the trip rates without any adjustment for the particular circumstances of Hartford. It is also possible that highway congestion around the two primary schools could reduce. 10.10, 11.36, 11.39 & 11.41
- 14.60 In addition to this, there is the evidence that there has been zero growth and therefore suppressed demand in recent years. Whilst the appellants 5% reduction in non-school traffic seeks to continue the existence of suppressed demand into the new developments, there is no justification for the 5% figure used. The continuation of some suppressed demand into the new

developments would however be likely. Any car trip reduction in this regard would also reduce the additional congestion that would result from the proposals, but the quantification of the effect of this suppression is not possible. 8.25 & 8.32

- 14.61 The traffic demand growth from the addition of some 650 dwellings to Hartford would be different to the growth in demand that has taken place over the past 10 years. The capacity at the saturated signalised junctions cannot increase, and zero growth in vehicle throughput at these times would continue. This is not to say however that demand growth would not lengthen queues at the junctions. The fact that zero growth has been recorded at the saturated signalised junctions therefore does not mean that all traffic demand growth would be taken out of the highway network as suppressed demand. 9.22, 10.16, 10.17 & 11.69
- 14.62 The draft Interim Travel Plans, which the Council and the appellants have agreed are acceptable and appropriate, and the arrangements for their implementation would assist in achieving the kinds of reductions described above. This would be the case, even allowing for the concerns that have been raised. The Travel Plans would therefore be a useful tool, would be likely to have a positive impact but could not, in the absence of any reasoned evidence, be relied upon to produce a quantifiable impact. 7.19, 8.27, 8.29, 8.30, 8.31, 9.20, 9.21, 10.23, 10.27, 10.34 - 10.44, 10.47, 11.60, 11.64 & 11.73
- 14.63 To summarise, it has been found that the flows generated by the agreed trip rates would not have a severe effect on the traffic conditions in Hartford. Moreover, the Council agrees that the impact of the proposals would not be severe. The proposals would however have an adverse effect on traffic conditions, but this would lie within the daily variation of flows, be of a very short duration and cause minimal additional average delay. Furthermore, on the basis of the evidence presented, the flows generated by the agreed trip rates would be reduced due to: the proximity of education facilities; a reduction in primary school pupils travelling into Hartford by car; the likelihood of suppressed demand occurring among new residents; and the implementation of Travel Plans. In view of all of these points, the adverse effect on traffic conditions would be limited. 8.22, 8.39, 8.41, 9.26, 10.20 & 10.21
- 14.64 The appellants' original proposals included Microprocessor Optimised Vehicle Actuation (MOVA) improvements at the signal controlled junctions within the cordon. The junctions operate at capacity at times and, at these times, MOVA would not increase the capacity of the junctions. There is therefore no evidence that it would improve the situations described above. 9.7, 9.8, 9.9, 10.15, 10.28 & 10.33
- 14.65 It has been suggested that the signal timings in the Transport Assessments were incorrect. Whilst this may well be the case, it would not affect the conclusions identified, as they are primarily based on base case and demand traffic flows together with observed queue lengths. This point therefore carries little weight in the appeals. 9.8
- 14.66 The arrangements for the junction between Walnut Lane and Chester Road have been agreed with the Council as Highway Authority. There is no reasoned evidence that its use as the access to the Grange Farm site would be unacceptable. The use of an access through Douglas Close for a modest

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number of dwellings also has the agreement of the Highway Authority. The number could be controlled by condition and construction impact could be controlled by the implementation of a Construction Management Plan. There is thus no convincing argument against its use. 7.41, 7.51, 11.20, 11.15, 11.22 & 11.47

- 14.67 Notwithstanding the proximity of the sites to local services, the proposals would be likely to result in some additional parking in the centre of the village and at the railway stations. Any such parking however is likely to be limited due to the proximity of the sites; the Grange Farm proposal would include some off-highway public parking; the Council has not objected to the proposals on this basis; the village however is not particularly cramped; and it would be possible for the Highway Authority to implement parking restrictions at any critical locations. Additional parking would therefore be no reason to recommend dismissal of the appeals. 11.37 11.38
- 14.68 The proposals could increase right turning traffic from the A559 into School Lane. Queues may in the future exceed the filter lane provided for this movement, and further work may be required to maintain a satisfactory level of highway safety. The Highway Authority has not however objected to the proposals in this regard, and there is no reason to suggest that improvements could not be undertaken in the future if required. The capacity of the right turning lane would therefore be no reason to recommend dismissal of the appeals. 11.71
- 14.69 The accident records for the area around the appeal sites show no greater than the usual level of road safety concern, and the Council has not identified Hartford as requiring accident reduction measures. In terms of routes to avoid the congested junctions, the Council, as Highway Authority, is content that they would be able to accommodate any additional traffic. In any event, if this was found not to be the case, the Council could implement restrictions to avoid these routes being used. There is therefore no convincing evidence that the proposals would have any material effect on highway safety. 7.22, 7.42, 7.51, 11.12, 11.13, 11.42, 11.43 & 11.44
- 14.70 I therefore conclude that the proposals would not have a severe impact on the transportation network with reference to the highway junctions in Hartford and that this conclusion would be appropriate for each of the proposals in isolation. I further conclude that they thus would not conflict with the National Planning Policy Framework in this regard or any element of Local Plan Saved Policy T1 which is not to be regarded as out of date. The proposals would however have an adverse but limited impact on the network in relation to morning peak queuing on The Green and on Chester Road in an eastbound direction. If considered in isolation, the Grange Farm proposal would have the limited impact in terms of Chester Road and the School Lane proposal in relation to The Green.

#### *Other Considerations*

- 14.71 Part of the Grange Farm site is situated within, and part is adjacent to, the Hartford CA. The CA Appraisal identifies these parts of the site as being an important open space in relation to the most significant space in the CA, the Chester Road linear spine. These parts of the site are however only one of four important spaces that relate to the spine, and only limited views of the CA

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are available across these parts of the site. The appellant has undertaken a Heritage Assessment which considers the effect of the proposal on the CA. 7.32

- 14.72 The submitted masterplan includes the retention of an area of open space adjacent to the Chester Road spine and the provision of a linear park extending from this to give views of open playing fields beyond the site. Both of these aspects of the masterplan would retain much of the significance of the open space in this part of the CA, and the proposal would thus preserve the character and appearance of the CA in this regard. 7.32 & 11.57
- 14.73 There would though be some loss of the open nature of this part of the CA which contributes to the significance of the CA. In view of the aspects of the masterplan noted above however, the harm from this loss would be less than substantial but would still weigh against the proposal. The proposal would also include the re-use of the derelict Grange farmhouse, a locally listed building of significance as a non-designated heritage asset. 7.33
- 14.74 The proposal would result in less than substantial harm to the open nature of the Grange Farm site that contributes to the significance of the CA. This harm however would not outweigh the following matters: the public benefit that would result from the provision of housing on the site which, should the appeal be allowed, would be likely to take place; and the positive contribution to the significance of the CA which would result from the potential re-use and future conservation of the Grange farmhouse.
- 14.75 The phase of the Grange Farm proposal that would lie nearest Chester Road and the CA would reflect the character of the CA in terms of building design and plot sizes. There was also no objection from the Council at the time of the planning application for the proposal. The built form of the proposal would therefore preserve the character and appearance of the CA. 7.32, 7.33, 11.39, 11.54 & 11.57
- 14.76 The proposals would generate a demand for primary school places that could not be satisfied by surplus places in the catchment schools. The Unilateral Planning Obligations provide contributions towards the construction of additional classrooms at Hartford Manor Community Primary School, and the Council, as Education Authority, has not objected to the proposals. The proposals therefore would not have a harmful effect on the provision of education services in the surrounding area. 7.14 & 11.2
- 14.77 The Council accepts that the displacement of pupils from outside the catchments with pupils from the appeal developments would take place. The Council would however have to decide whether to extend the school or not, given that an extension may result in the continuation of the congestion resulting from out of catchment primary school pupils travelling into Hartford by car. 9.23, 10.11 & 10.12
- 14.78 Should the proposed development at the School Lane site proceed, the significant landscape feature of the well vegetated Weaver Valley would remain. The proposal would also include a landscape buffer zone alongside the river corridor. The site lies within a Council designated ASLEV under LP Saved Policy NE12. The Council considers that the proposal would not have any unacceptably harmful impact on the landscape, and the evidence is that this would be the case. Furthermore, the site is not designated as protected open

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space. The School Lane proposal would not therefore have a harmful effect on the surrounding landscape. 7.47, 7.48, 11.5, 11.30 - 11.33

- 14.79 The Grange Farm site has no landscape or open space designation and, whilst the proposal would significantly change the appearance of the main body of the site, the proposal would not result in any landscape harm. 7.26, 11.45 & 11.61
- 14.80 It has been suggested that part of the site at Grange Farm should be developed as a village centre, despite there being a good range of facilities already in the village. Whilst a planning application for 350 dwellings on the site in 2000 included a medical centre and a community hall, the subsequent 2001 Local Plan just included a village green, car parking for the local shops and the re-use of the Grange farmhouse. The appeal proposal follows these latter uses. Any development of a new village centre on the site would take place outside the settlement boundary, for which there would be no local or national policy support. The possibility of such a scheme coming forward would therefore be no reason to recommend dismissal of the appeal. 7.23, 7.24, 7.28, 11.52 & 11.53
- 14.81 The appeal sites comprise improved agricultural land, and neither the Council nor Natural England (NE) have objected to the proposals on ecological grounds. Indeed, the Council believes that the proposals would generally enhance the biodiversity of the sites. At School Lane, the landscape buffer between the housing and the River Weaver corridor would protect the ecology of the river route. At Grange Farm, the site has a moderate ecological value. The proposal however complies with the provisions of the Conservation of Habitats and Species Regulations 2010 and Article 16 of the Habitats Directive, and these conclusions are supported by NE. 7.35
- 14.82 Both sites are included in historical recorded event records, and the appellants have carried out archaeological assessments. There has been no objection from the Council's archaeologist to the proposals, and there would be no justification to recommend dismissing the appeals on this basis. 7.37, 11.17 & 11.18
- 14.83 Various issues have been raised in relation to drainage. There is no reason however to believe that any of the site drainage issues could not be overcome during the detailed design of the proposals. Furthermore, the EA have not objected to the proposals. 7.38 & 11.55
- 14.84 The Grange Farm proposal would result in the loss of some Grade 2 and 3a agricultural land. This loss would not however be sufficient reason to recommend dismissal of the appeal, a conclusion supported by NE. 7.37 & 11.74

#### *Section 106 Unilateral Planning Obligations*

- 14.85 The level of affordable housing to be provided under the obligations would accord with that required by the LP Saved Policy H14. In view of the shortfall in the provision of such housing in the surrounding area, this level of affordable housing would satisfy the tests of the Framework. The Council has no objection to the terms of the obligations. The provision of unilateral obligations instead of agreements between the owners of the sites and the Council, as suggested in the Council's SPD1, does not therefore count against the appeals. The scheme for the provision and management of public open space would accord with LP Saved Policy BE1, and the relevant obligation requirement would also satisfy the tests of the Framework. 7.6



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- 14.86 The financial contributions towards cycle and scooter parking and towards public transport facilities would accord with the interests of sustainable travel and with LP Saved Policies T9 and T3. Off site playing pitch provision or improvement would be required due to additional pressure from new residents and the contributions would accord with LP Saved Policy BE1.
- 14.87 There are limited surplus places available in the catchment primary schools. The Council would however have to decide whether to extend the schools or not, given that extensions could result in the continuation of the congestion resulting from out of catchment primary school pupils travelling into Hartford by car. The contributions towards additional classrooms would however strictly be necessary, and they would therefore accord with LP Saved Policy BE4.
- 14.88 Whilst the traffic level generated by the proposals, without any reductions for location and behavioural change, would not be severe, it would be greater than 10% and significant. Travel Plans, and their implementation, would therefore be required in accordance with LP Saved Policy T20. All of these sums secured, would directly relate fairly and reasonably to the proposal in scale and kind, and they would meet the tests set out in Regulation 122 of the CIL Regulations 2010 as amended.

#### *Conditions*

- 14.89 Lists of agreed conditions were submitted during the course of the Inquiry. The Council's suggested condition requiring further house type details for the Grange Farm site refers to dwellings within the CA. The approved plans do not show the level of detail necessary to regulate the development in this prominent area and thereby preserve the character and appearance of the CA. The suggested condition would therefore be both reasonable and necessary.
- 14.90 The suggested condition removing permitted development rights on certain of the plots on Phase 1 refers to plots which would lie outside of the CA. The condition is required to preserve the character and appearance of the CA, and the plots referred to in the condition should therefore relate to the prominent area already identified.
- 14.91 I have also incorporated some minor amendments to the various conditions in the interests of precision and enforceability. The conditions would be appropriate, and satisfy the tests of Circular 11/95 and are attached at Appendices A and B.
- 14.92 The condition requiring the Grange Farm site Phase 1 landscaping to be undertaken in accordance with and approved implementation programme would ensure that the community green adjacent to Chester Road was completed in a timely manner. Both sites are sufficiently large to accommodate onsite parking related to construction activities, and site operatives' commuting patterns would be unlikely to impact on the identified peak am period. Conditions requiring workers to be bussed to the sites would therefore be unnecessary. The condition to require the approval of any construction related boundary treatment on the Grange Farm site would allow the Council to regulate the provision on any hoardings in relation to the CA.

## **15. Summary of Conclusions**

- 15.1 In reaching my conclusions, I have taken into account the various development plan and national policies. The Council's poor housing land supply situation renders the related LP policies out of date, and the appeals should therefore be considered in the context of the presumption in favour of sustainable development.
- 15.2 In this regard, I have found that the proposals, either in combination or individually, would provide substantial benefits in terms of the Government's objective to secure a better balance between housing demand and supply and to secure the creation of high quality, sustainable, mixed and inclusive communities.
- 15.3 I have also found that the proposals would not have a severe impact on the transportation network with reference to the highway junctions in Hartford. They would however have an adverse but limited impact on the network in relation to morning peak period. This impact however, in combination or individually, would not significantly and demonstrably outweigh the above benefits such as to justify dismissing the appeals. I have also taken into account all other matters raised, but none carry sufficient weight to alter my conclusions.
- 15.4 I further conclude that the proposals would thus accord with the relevant up to date policies of the Development Plan and the Government's policies as set out in the National Planning Policy Framework.
- 15.5 Should the Secretary of State agree with my recommendations, lists of conditions which would be appropriate and would satisfy the tests of Circular 11/95 are attached at Appendices A and B.

## **16. Recommendations**

- 16.1 I therefore recommend that Appeals A and B, in relation to Land at Grange Farm and Land to the East of School Lane, be allowed subject to the conditions at Appendices A and B.

*Stephen Roscoe*

INSPECTOR



Cllr H Manley	Member, Cheshire West and Chester Council, representing constituents of Hartford and Greenbank
Ms M Morron	Local Resident
Sir Peter Fahy	Local Resident
Cllr P Herbert	Member, Hartford Parish Council, speaking as a resident
Mr Gardiner	Speaking on behalf of Mr V Lakeland, local resident
Mr J Szostek	Local Resident
Cllr Mrs E Bowden	Member, Hartford Parish Council, speaking as a resident
Mr D Bowden	Local Resident
Ms H Clegg	Local Resident
Mrs J Pritchett	Local Resident
Mr B Slaney	Local Resident
Mr B Ursell	Local Resident
J Krause	Local Resident
Dr J Swaffield	Chair of Governors, Cloughwood School
Mrs C O'Brien	Local Resident
Mr K Sexton BSc MSc DHS CEnv FIEMA	Local Resident

## **DOCUMENTS**

### **General**

- G1 Lists of persons attending the Inquiry
- G2 Letter of notification of the Inquiry
- G3 Representations from interested persons
- G4 Appeal Submission: Land at Grange Farm: 10 July 2012
- G5 Appeal Submission: Land to the East of School Lane: 10 July 2012
- G6 Letter recovering the appeals dated 27 July 2012
- G7 Statement of Common Ground: Land at Grange Farm: 26 September 2012

- G8 Statement of Common Ground: Land East of School Lane: 26 September 2012
- G9 Transportation Statement of Common Ground: Land at Grange Farm: September 2012
- G10 Transportation Statement of Common Ground: Land at Grange Farm: Appendix GGC7: September 2012
- G11 Transportation Statement of Common Ground: Land to the East of School Lane: October 2012
- G12 Transportation Statement of Common Ground: Land to the East of School Lane: Appendix HGC7: September 2012
- G13 Council letter to the appellant dated 30 August 2012 withdrawing refusal reason 2: Land at Grange Farm
- G14 Council letter to the appellant dated 30 August 2012 withdrawing refusal reason 2: Land East of School Lane
- G15 Written Representations Submitted during the Planning Applications Stages
- G16 Hartford Joint Action Group Rule 6(6) Status Letter
- G17 EIA Screening Opinion response from the Council: Land at Grange Farm
- G18 EIA Screening Opinion response from the Council: Land East of School Lane

## **Core Documents**

### *Land at Grange Farm*

- CD1 Application documents comprising:
  - Application forms and certificates
  - Materials Board
  - Planning Statement by Turley Associates
  - Design and Access Statement by Planit ie
  - Transport Assessment (TA) by CBO Transport Ltd
  - Transport Assessment Figures and Appendices by CBO Transport Ltd
  - Technical Note 1: Cumulative Traffic Impacts by CBO Transport Ltd
  - Travel Plan Framework by CBO Transport Ltd
  - Consultation Statement by Lexington Communications
  - Archaeology Desktop Assessment by LP Archaeology
  - Flood Risk Assessment by BWB Consulting
  - Energy Statement by Harrow Estates plc
  - Acoustic Assessment Report by Azymuth Acoustics
  - Extended Phase 1 Habitat Survey by Marishal Thomson Group
  - Up-date Phase 1 and Phase 2 Habitat Survey by Ecosulis Ltd
  - Tree Survey by Arbtech Environmental Services
  - Heritage Assessment by Turley Associates
  - Phase 1 Desk Top Report by Betts Associates
  - Bundle of correspondence with the Planning Authority including pre-application screening opinion.
  - Bat Survey by Ecosulis
  - Application drawings

- Amended drawings
  - Technical Note: Impact on Delay based on Sensitivity Traffic Generations & Distributions
  - Technical Note: Cumulative Impact on Delay based on Sensitivity Traffic Generations & Distributions
  - Review of Transport Assessment (by URS)
- CD2 Report to Strategic Planning Committee including late information up-date, (31 May 2012)
- CD3 LPA decision notice (31 May 2012)
- CD4 Grange Farm Development Brief (2000)

*Land to the East of School Lane*

- CD5 Application documents comprising:
- Planning application forms and certificates of ownership
  - Site location plan @ 1:10,000
  - Topographical survey 0618/Sheet/1250 Rev A
  - Concept masterplan ref: 11-008-PUD-P002 Rev B
  - Planning Statement
  - Design and Access Statement, and the following associated plans:
    - 11-008-PUD-P003 Rev A – Building Heights;
    - 11-008-PUD-P004 – Longitudinal Section;
    - 11-008-PUD-P005 Rev B – Green Infrastructure Network;
    - 11-008-PUD-P006 RevA – Indicative Phasing; and
    - 11-008-PUD-P007 – Concept Landscape Structure Plan.
  - Illustrative Plans in relation to the proposed access:
    - 11-008-S001 – Indicative Access Design – Plan/Layout;
    - 11-008-S002 – Indicative Access Design – Axonometric Projection; and
    - 11-008-S003 – Indicative Access Design Street Scene Section.
  - Addendum to the Design and Access Statement and the following associated plans:
    - 011-008-P008 – Sample Indicative Layout; and
    - 011-008-P009 – Landscape Sections.
  - Landscape and Visual Impact Assessment, together with Appendix A – figures and the following plans:
    - Figure 10 Rev A – Visual Receptors 1 & 2; and
    - Figure 11 Rev A – Visual Receptors 3 & 4.
  - Transport Documents:
    - Transport Assessment and associated Figures and Appendices (TA);
    - Travel Plan Framework;
    - Technical Note 1 – Cumulative Traffic Impact; and
    - Bundle of highway related correspondence.

- Sustainability Assessment
  - Agricultural Land Assessment
  - Ecological Impact Assessment, and the following related reports:
    - Badger Bait Marking Study; and
    - Report on Bat Activity Surveys.
  - Archaeological Desk Based Assessment, and the following report:
    - Archaeological Monitoring of Metal Detecting Survey.
  - Tree Survey Report, and the following associated plans:
    - Tree Survey Sheets 1-4.
  - Desk Study Report (Geo-Environmental)
  - Flood Risk Assessment
  - Energy Statement
  - Consultation Statement
  - Site Waste Management Plan
  - Bundle of correspondence with the Planning Authority including pre-application screening opinion
  - Review of Transport Assessment (by URS)
- CD6 Report to Strategic Planning Committee including late information up-date, (31 May 2012)
- CD7 LPA decision notice (31 May 2012)

#### *Policy Documents*

- CD8 National Planning Policy Framework (March 2012)
- CD9 Relevant extracts of Regional Spatial Strategy (RS) (2008)
- CD10 Relevant extracts of Vale Royal Borough Local Plan First Review Alteration (2006)
- CD11 Relevant extracts of Cheshire 2016: Structure Plan Alteration
- CD12 Vale Royal Borough Council: Supplementary Planning Document 1: Affordable Housing: September 2007
- CD13 Hartford Village Design Statement (2005)
- CD14 Vale Royal Borough Council: Hartford (Extended) Conservation Area Appraisal: February 2004

#### *Other Documents*

- CD15 Planning for Growth (Ministerial Statement 23 March 2011)
- CD16 The Plan for Growth (HM Treasury) (March 2011)
- CD17 Relevant Extracts of Strategic Housing Land Availability Assessment: 2010 – 2011
- CD18 Cheshire West and Chester Council: Local Plan: Housing Land Monitor: September 2012 Update
- CD19 Extracts of the Cheshire West and Chester: Strategic Housing Market Assessment: Update December 2010

- CD20 Forest Road, Cuddington appeal decision (reference APP/A0665/A/11/2159006)
- CD21 The Community Infrastructure Levy (Amendment) Regulations 2011
- CD22 CWaC School Capacity Data
- CD23 Cheshire West and Chester Council: Local Transport Plan: Integrated Transport Strategy: 2011-2026
- CD24 Winnington Urban Village – Committee Report (submitted during the course of the Inquiry and also listed as HE3)
- CD25 Extracts of Chester District Council Sustainable Development SPD (July 2008) (submitted during the course of the Inquiry)
- CD26 Walking and Cycling: Local Measures to Promote Walking and Cycling as Forms of Travel and Recreation (National Institute for Health and Clinical Excellence) (November 2012) (submitted during the course of the Inquiry)

### **Documents Submitted by the Appellants**

- MAV1 Proof of Evidence of Mr M Axon
- MAV2 Appendices to Proof of Evidence of Mr M Axon
- MAV3 Summary Proof of Evidence of Mr M Axon
- MAV4 Rebuttal Proof of Evidence of Mr M Axon
  
- SR1 Proof of Evidence of Ms S Ryan
- SR2 Summary Proof of Evidence of Ms S Ryan
  
- MG1 Proof of Evidence of Mr M Gilbert
- MG2 Summary Proof of Evidence of Mr M Gilbert

### Submitted During Inquiry

- HE1 List of Appearances
- HE2 Opening Statement
- HE3 Winnington Urban Village Planning Committee Report Ref 06-0740-OUM (Also listed as CD24)
- HE4 Extracts of Chester District Council Sustainable Development SPD (July 2008) (Also listed as CD25)
- HE5 Walking and Cycling: Local Measures to Promote Walking and Cycling as Forms of Travel and Recreation (National Institute for Health and Clinical Excellence) (November 2012) (Also listed as CD26)
- HE6 Replacement Transport Statement of Common Ground Walk to School Tables for both sites and Local Facilities for Land East of School Lane
- HE7 School Travel Distance Note for both sites
- HE8 Axon Appendix MA10
- HE9 Revised Axon Appendix MA7
- HE10 Axon Appendix MA7 Explanatory Note
- HE11 Letter, dated 6 December 2012, from the appellant to the Council advising of a costs application



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HE12	Unilateral Planning Obligation by Harrow Estates PLC in relation to Land at Grange Farm
HE13	Unilateral Planning Obligation by Bridgemere Land PLC and The Trustees of the Linson Construction Pension Fund and Redrow Homes and Bridgemere JV Limited
HE14	Letter, dated 6 December 2012, from Redrow to the Planning Inspectorate regarding planning agreement obligations
HE15	The Council's Determined Admission Arrangements for Community and Voluntary Controlled Schools 2013-14
HE16	Land at Grange Farm: Revised Ryan Appendix 5: Green Belt Boundary Plan
HE17	Closing Submissions
HE18	Applications for Costs Against the Council

### **Documents Submitted by the Council**

CP1	Proof of Evidence of Mr C Posford
CP2	Summary Proof of Evidence of Mr C Posford
JG1	Proof of Evidence of Mrs J Gordon: Land at Grange Farm
JG2	Appendices to Proof of Evidence of Mrs J Gordon: Land at Grange Farm
JG3	Proof of Evidence of Mrs J Gordon: Land East of School Lane
JG4	Appendices to Proof of Evidence of Mrs J Gordon: Land East of School Lane

### Submitted During Inquiry

CWC1	List of Appearances
CWC2	Opening Statement
CWC3	Rebuttal Proof of Evidence of Mr C Posford (including deletions)
CWC4	Draft Conditions: Land at Grange Farm
CWC5	Draft Conditions: Land East of School Lane
CWC6	Draft Conditions 30 and 32
CWC7	Closing Submissions
CWC8	Response to appellants' costs applications
CWC9	Letter, dated 13 July 2012, from Turley Associates to the Council regarding the second reason for refusal.
CWC10	Letter, dated 13 July 2012, from The Planning Consultancy to the Council regarding the second reason for refusal.

### **Documents Submitted by the Hartford Joint Action Group**

MK1	Proof of Evidence of Mr M Kitching: Land at Grange Farm
MK2	Appendices to Proof of Evidence of Mr M Kitching: Land at Grange Farm
MK3	Proof of Evidence of Mr M Kitching: Land to the East of School Lane
MK4	Appendices to Proof of Evidence of Mr M Kitching: Land to the East of School Lane

RH1 Proof of Evidence of Mrs R Hollens: Land at Grange Farm  
RH2 Proof of Evidence of Mrs R Hollens: Land East of School Lane

#### Submitted During Inquiry

JAG1 Traffic Photos  
JAG2 Mr M Kitching: Opening Statement  
JAG3 Mrs R Hollens: Opening Statement  
JAG4 JAG Membership details  
JAG5 Replacement Kitching Proof paras 4.16 - 4.20 with colour photographs  
JAG6 Annotated Land East of School Lane Unilateral Planning Obligation Plan D  
JAG7 Mr M Kitching: Closing Submissions  
JAG8 Mrs R Hollens: Closing Submissions

#### **Other Documents Submitted During Inquiry**

O1 Written Representations from Interested Persons

## APPENDIX A

### LIST OF RECOMMENDED PLANNING CONDITIONS FOR LAND AT GRANGE FARM

- 1) Details of the landscaping for Phase 1 and the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") in respect of each other phase, details of which are to be approved by Condition 5 below, shall be submitted to, and approved in writing by, the local planning authority before any development on that phase begins, and the development shall be carried out as approved.
- 2) Applications for approval of the reserved matters shall be made to the local planning authority not later than 12 months in respect of Phase 1 and not later than three years for subsequent phases from the date of this permission.
- 3) Each phase of the development hereby permitted shall begin not later than 12 months from the date of approval of the last of the reserved matters to be approved for that phase.
- 4) Phase 1 of the development hereby permitted and applications for the approval of reserved matters shall be in accordance with the parameters set out in the Design and Access Statement (received 12/12/11) and the approved plans and documents listed in Schedule 1.
- 5) No development shall take place until full details of the phasing of the construction of the development hereby permitted, including temporary highway and pedestrian routings, have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved phasing details unless otherwise approved in writing by the local planning authority.
- 6) No development shall take place within the site until the appellant, or their agents or successors in title, have secured a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the local planning authority.
- 7) Development in any phase shall not begin until full details of both hard and soft landscape works in respect of that phase have been submitted to, and approved in writing by, the local planning authority and these works shall be carried out as approved. These details shall include:
  - i) proposed finished levels or contours;
  - ii) means of enclosure and boundary treatments;
  - iii) car parking layouts;
  - iv) other vehicle and pedestrian access and circulation areas;
  - v) hard surfacing materials;
  - vi) minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc);
  - vii) bird nesting-box details;
  - viii) street furniture;
  - ix) proposed and existing functional services above and below ground (eg. drainage, power and communication cables, pipelines etc. indicating lines, manholes, supports etc.);

- x) retained historic landscape features and proposals for restoration, where relevant;
  - xi) trees, hedgerows and woodland areas to be retained;
  - xii) a landscape strategy plan to indicate species and landscape themes within the different areas to help create an identity and to include reinforcement of the boundaries; and
  - xiii) in terms of soft landscaping, existing vegetation to be retained or removed, planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants (noting species, plant sizes and proposed numbers or densities where appropriate), an implementation programme and rabbit protection of the proposed planting (including bulbs and proposed grass seed mixes).
- 8) No retained tree, hedgerow or woodland area shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 10 years from the date of occupation of the development or any phase of the development, whichever is the later, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
- 9) Retained hedgerows shall be protected during construction through the installation of protective fencing in accordance with a scheme to be submitted to, and approved in writing by, the local planning authority for each phase prior to the commencement of development in that phase. Development shall be implemented in accordance with the approved scheme.
- 10) Development in any phase shall not begin until a scheme, setting out a precautionary method of working with regard to bats and birds, for that phase has been submitted to, and approved in writing by, the local planning authority. The scheme shall include methods of working to Grange farmhouse and for the clearance of trees, shrubs and hedgerows. Development shall be carried out in accordance with the approved scheme. No vegetation clearance or building demolition shall be undertaken from 1st March to 31st August (inclusive) unless otherwise approved in writing by the local planning authority.
- 11) Development in any phase shall not begin until an up to date badger survey in relation to that phase has been undertaken and a method statement detailing any mitigation to avoid harmful impacts to badgers has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved method statement.
- 12) No development shall take place until a planting plan and programme for the replanting of fruit trees, to compensate for those lost through redevelopment of the site, have been submitted, to and approved in writing by, the local planning authority. Planting shall be carried out in accordance with the approved plan and programme and be thereafter retained.
- 13) Dwellings in any phase shall not be occupied until a 20 year habitat and landscape management plan (setting out long-term design objectives, management responsibilities and maintenance schedules) for all landscape areas within that phase has been submitted to, and approved in writing by, the local planning authority. The habitat and landscape management plan shall be implemented as approved.

- 14) Development in any phase shall not begin until details of proposed earthworks in respect of that phase have been submitted to, and approved in writing by, the local planning authority. The details shall include the proposed grading and any mounding of land areas, including the levels and contours to be formed, and show the relationship of any proposed mounding to existing vegetation and the surrounding landform. Development shall be carried out in accordance with the approved details.
- 15) Development in any phase shall not begin until details of proposed substations and other utility structures in respect of that phase have been submitted to, and approved in writing by, the local planning authority. Substations or other utility structures shall not be installed until a noise impact assessment of the proposed substation or utility structure has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and noise impact assessment, unless otherwise approved in writing with the local planning authority.
- 16) Development in any phase shall not begin until there has been submitted to, and approved in writing by, the local planning authority a plan indicating the positions, design, materials and type of construction-related and permanent boundary treatment to be erected in respect of that phase. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.
- 17) Development in any phase shall not begin until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted in respect of that phase have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved samples.
- 18) Development in any phase shall not begin until a strategy and scheme detailing all external lighting equipment, including floodlighting, in respect of that phase have been submitted to, and approved in writing by, the local planning authority. The strategy shall include details of both external lighting during construction phases as well as the permanent lighting of the completed development. Any lighting scheme shall be designed in accordance with the Institute of Lighting Professionals 'Guidance for the Reduction of Obtrusive Light'. The scheme shall include full details of: the hours of operation, location, size and design of luminaires and fittings; the type and output of light sources, with lux levels; and isolux drawings to demonstrate the levels of illumination within the site and the amount of overspill of lighting onto vegetated areas and beyond the site boundaries. Development shall be carried out in accordance with the approved strategy and scheme and shall thereafter be retained. No other external lighting equipment within public areas shall then be used within the development, other than as approved by the local planning authority.
- 19) Development in any phase shall not begin until a tree pruning and felling specification in respect of that phase has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved specification.
- 20) Development in any phase shall not begin until a plan and details identifying tree Root Protection Areas (RPAs) in respect of that phase have been submitted to, and approved in writing by, the local planning authority. Where

it is found that there is conflict between identified tree RPAs and the proposed development, the details shall include a construction specification and method statement relating to those areas. Development shall be carried out in accordance with the approved plan and details.

- 21) Notwithstanding Condition 4, no development shall take place until details, and a programme for the installation, of a removable bollard to prevent unauthorised vehicular access on Footpath 5 - Hartford have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details. Notwithstanding Condition 4, the existing surface of Footpath 5 - Hartford, shall be retained with its grass verges.
- 22) Notwithstanding Condition 4, no development shall take place until house type details relating to Plots 1-3 and 52-56 have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 23) Construction work shall not begin on any phase of the development until a scheme for protecting the proposed dwellings from noise has been submitted to, and approved in writing by, the local planning authority in respect of that phase. The scheme shall ensure that the following noise levels are met:
  - i) maximum noise levels within habitable rooms during the day and evening (07.00 to 22.59hrs) of 35dB(A)LAeq,8hrs;
  - ii) maximum noise levels within bedrooms during the night (23.00 to 06.59hrs) of 30dB(A)LAeq,8hrs and 45dB(A)LAm<sub>ax</sub>; and
  - iii) maximum noise levels in gardens during the day and evening (07.00 to 22.59hrs) of 50dB(A)LAeq

In the event that the scheme incorporates acoustic bunds or barriers, it shall include details for the long term maintenance of those barriers to maintain their efficiency and protect residential amenity. All works which form part of the approved scheme shall be completed before the dwellings to which they relate are occupied and shall be thereafter retained.

- 24) Demolition or construction works, including deliveries to or dispatched from the site, shall not take place outside 08.00 to 18.00 hours Mondays to Fridays and 08.00 to 13.00 hours on Saturdays, nor at any time on Sundays or Bank Holidays. There shall be no deliveries by HGVs to the site between the hours of 08.00 to 09.00 and 17.00 to 18.00. Any variation to the above hours of works and deliveries shall be submitted to, and approved in writing by, the local planning authority prior to any such variation being implemented.
- 25) No development shall take place until the following components (a to d) of a structured scheme to deal with the risks associated with actual or potential contamination of the site have each been submitted to, and approved in writing by, the local planning authority, unless another date or stage in development is agreed in writing with the authority:
  - (a) a preliminary risk assessment which identifies all previous uses on or within an influencing distance of the site, potential contaminants associated with those uses, a conceptual model (indicating the sources, pathways and receptors of contamination), actual or potentially unacceptable risks arising from contamination and initial remediation options;

- (b) a detailed scheme of site investigation based on component (a) from which a detailed assessment of risk to all current and future receptors that may be affected, including those off site, shall be derived;
- (c) a remediation options appraisal and implementation strategy, based on the detailed results of (b), giving full details of the remediation measures required and how they are to be undertaken; and
- (d) a verification plan providing details of the data that will be collected in order to demonstrate that the remediation works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The pre-development scheme shall be implemented as approved unless revision is approved by the local planning authority in writing.

In the event that no contamination requiring remediation or verification is found, and this finding is submitted to, and approved in writing by, the local planning authority, components (c) and (d) shall not apply.

- 26) If, during site preparation or development works, contamination is encountered or is suspected in areas where it had not been anticipated (being from a different source, containing a new contaminative substance or affecting a new pathway or receptor), then revised proposals for detailed investigation, risk assessment, remediation and verification shall be submitted to, and approved in writing by, the local planning authority, prior to all but urgent remediation works necessary to secure the area. Development shall be carried out in accordance with the approved revised proposals.
- 27) If, during site preparation or development works, contamination is encountered or is suspected in areas where it had not been anticipated (being from an existing risk assessed source, containing comparable risk assessed substances and affecting an already risk assessed pathway or receptor) that could be addressed by a simple extension of the approved scheme to a larger area, then the local planning authority shall be notified promptly in writing confirming details relating to: the areas affected; the approved investigation; remediation and validation measures to be applied; and the anticipated completion timescale. Development shall be carried out in accordance with the confirmed details.
- 28) In the event that site investigation works identify a need for remediation, as approved by the local planning authority, no part of the development site within the relevant phase of this permission shall be occupied until:
  - i) all components of the pre-approved or revised scheme to deal with the risks associated with actual or potential contamination of the site within that phase have been completed; and
  - ii) written evidence of satisfactory completion and of the suitability of that part of the site for occupation has been submitted to, and approved in writing by, the local planning authority.

- 29) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) details of construction traffic phasing;
  - ii) the parking of vehicles of site operatives and visitors;
  - iii) the loading and unloading of plant and materials;
  - iv) the storage of plant and materials used in constructing the development;
  - v) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
  - vi) wheel washing facilities;
  - vii) measures to control the emission of dust, dirt, noise, vibration and light during construction;
  - viii) a scheme for the recycling or disposal of waste resulting from construction works;
  - ix) hours of construction;
  - x) details of any piling; and
  - xi) demonstration that the works will be carried out in accordance with guidance provided in BS 5228-1: 2009 "Code of practice for noise and vibration control on construction and open sites – Part 1: Noise".
- 30) Development shall not begin until details of the proposed access, including all associated works within the public highway, as set out on drawing no CBO-0018-002 Rev A, have been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied until that access has been constructed in accordance with the approved details.
- 31) Development in any phase shall not begin until a design and construction specification and scheme, together with a surface course laying programme, for all highways, footways and cycle ways within that phase of the development, as indicated on the approved plans, have been submitted to, and approved in writing by, the local planning authority. No dwelling or building shall be occupied until that part of the highway, footway or cycleway network which provides access to it has been constructed up to base-course level in accordance with the approved specification and scheme. The surface course shall then be completed in accordance with the approved specification, scheme and programme.
- 32) Development in any phase shall not begin until details of cycle storage for each dwelling within that phase of the development have been submitted to, and approved in writing by, the local planning authority. No dwelling shall be occupied until the cycle storage relating to it has been provided in accordance with the approved details. The cycle storage shall thereafter be retained.
- 33) The development shall not be occupied until a controlled crossing facility has been provided on Chester Road in accordance with the details shown on drawing no CBO-0018-002 Rev A.



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- 34) Development shall not begin until details of a car parking area, between Grange farmhouse and Chester Road shown illustratively on drawing no. PL1111 M101 Rev A, have been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied until the car parking area has been constructed in accordance with the approved details and made available for public use, including the approved number of spaces for disabled persons. The car parking area shall be retained for public use, unless otherwise approved in writing by the local planning authority.
  - 35) Notwithstanding the terms of the Unilateral Planning Obligation dated 11th December 2012, a Travel Plan shall be submitted to, and approved in writing by, the local planning authority prior to the marketing of dwellings within any part of the development hereby permitted. The Travel Plan shall be implemented in accordance with the approved details and timetable set out in that plan prior to the occupation of any dwellings within the site.
  - 36) No building hereby permitted shall be occupied until surface water drainage works in relation to that building have been completed in accordance with details that have been submitted to, and approved in writing by, the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable urban drainage system, and the results of the assessment submitted to, and approved in writing by, the local planning authority.
  - 37) No development shall take place until a scheme for the management of overland flow, from surcharging of the site's surface water drainage system, during extreme rainfall events has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of the proposed ground and building finished floor levels and details of measures to prevent blockage of the railway culvert flowing from the site, together with any compensatory flood storage required to accommodate a 1 in 100 year flood event. Development shall be carried out in accordance with the approved scheme.
  - 38) No development shall take place until a scheme, showing how foul water will be dealt with, has been submitted to, and approved in writing by, the local planning authority. Only foul drainage shall be connected into the public sewerage system, and the scheme shall provide for all tree protection requirements on the development site. No part of the development shall be brought into use until all drainage, relating to that part of the development, has been completed in accordance with the approved scheme.
  - 39) Development in any phase containing proposed play areas shall not begin until a scheme for the provision of play areas in respect of that phase, including the management thereof, has been submitted to, and approved in writing by, the local planning authority. Dwellings within that phase shall not be occupied until play areas have been provided in that phase in accordance with the approved scheme, unless otherwise approved in writing by the local planning authority. The play areas shall not thereafter be used for any purpose other than a public play area.
  - 40) Development in any phase containing proposed public open space shall not begin until a scheme for the provision of public open space in respect of that phase, including the management thereof, has been submitted to, and approved in writing by, the local planning authority. Dwellings within that phase shall not be occupied until public open space has been provided in that

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phase in accordance with the approved scheme, unless otherwise approved in writing by the local planning authority. The approved areas shall not thereafter be used for any purpose other than public open space.

- 41) The dwellings hereby permitted shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
- 42) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no building, extension or structure, and no wall, fence or other means of enclosure shall be erected on Plots 1-3 and Plots 52-56 of Phase 1, other than those expressly authorised by this permission.
- 43) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no alteration or enlargement shall be made to the dwellings on Plots 1-3 and Plots 52-56 of Phase 1, other than that expressly authorised by this permission.
- 44) Development in any phase shall not begin until a scheme, including a timetable for implementation, to secure at least 10% of the predicted energy supply of the development from decentralised and renewable or low carbon energy sources, as defined in the glossary of the National Planning Policy Framework, in respect of that phase has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved scheme.

#### REASONS FOR CONDITIONS

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| 1, 2, 3 & 5                                   | To comply with the requirements of Section 92(2) of the Town and Country Planning Act 1990, as amended by S51(2) of the Planning and Compulsory Purchase Act 2004. |
| 4   | For the avoidance of doubt and in the interests of proper planning.  |
| 36 & 37                                       | In the interests of flood protection.  |
| 15,21,23,25,26,<br>27,28,38,39 & 40           | To protect the living conditions of future residents.  |
| 24 & 29                                       | To protect the living conditions of nearby residents.  |
| 10, 11 & 13                                   | In the interests of nature conservation.   |
| 6   | To protect the historic environment.   |
| 30, 31, 33<br>& 34                            | In the interests of highway safety.  |
| 7,8,9,12,14,16,<br>17,18,19,20,22,<br>42 & 43 | To protect the character and appearance of the surrounding area.   |
| 32, 35, 41 & 44                               | In the interests of sustainable development.   |

## APPENDIX B

### LIST OF RECOMMENDED PLANNING CONDITIONS FOR LAND TO THE EAST OF SCHOOL LANE

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") in respect of each phase, details of which are to be approved by Condition 5 below, shall be submitted to, and approved in writing by, the local planning authority before any development on that phase begins, and the development shall be carried out as approved.
- 2) Applications for approval of the reserved matters shall be made to the local planning authority not later than 12 months in respect of the first phase and not later than three years for subsequent phases from the date of this permission.
- 3) Each phase of the development hereby permitted shall begin not later than 12 months from the date of approval of the last of the reserved matters to be approved for that phase.
- 4) The applications for the approval of the reserved matters shall be in accordance with the parameters described and identified in the Design and Access Statement and the Design and Access Statement Addendum for a maximum of 350 dwellings. The development hereby permitted shall also be carried out in accordance with the approved plans listed in Schedule 2.
- 5) No development shall take place until full details of the phasing of the construction of the development hereby permitted, including temporary highway and pedestrian routings, have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved phasing details, unless otherwise approved in writing by the local planning authority.
- 6) No development shall take place within the areas of archaeological interest 078/079, 211/219 and 355/359 as identified on the 'Finds' plan appended to the Archaeological Monitoring of Metal Detecting Survey, until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the local planning authority.
- 7) Development in any phase shall not begin until full details of both hard and soft landscape works in respect of that phase have been submitted to, and approved in writing by, the local planning authority and these works shall be carried out as approved. These details shall include:
  - i) proposed finished levels or contours;
  - ii) means of enclosure and boundary treatments;
  - iii) car parking layouts;
  - iv) other vehicle and pedestrian access and circulation areas;
  - v) hard surfacing materials;
  - vi) minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc);
  - vii) bird nesting-box details;

- viii) street furniture;
  - ix) proposed and existing functional services above and below ground (eg. drainage, power and communication cables, pipelines etc. indicating lines, manholes, supports etc.);
  - x) retained historic landscape features and proposals for restoration, where relevant;
  - xi) trees, hedgerows and woodland areas to be retained;
  - xii) a landscape strategy plan to indicate species and landscape themes within the different areas to help create an identity and to include reinforcement of the boundaries; and
  - xiii) in terms of soft landscaping, existing vegetation to be retained or removed, planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants (noting species, plant sizes and proposed numbers or densities where appropriate), an implementation programme and rabbit protection of proposed planting (including bulbs and proposed grass seed mixes).
- 8) No retained tree, hedgerow or woodland area shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 10 years from the date of occupation of the development or any phase of the development, whichever is the later, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
- 9) Retained hedgerows shall be protected during construction through the installation of protective fencing in accordance with a scheme to be submitted to, and approved in writing by, the local planning authority for each phase prior to the commencement of development in that phase. Development shall be implemented in accordance with the approved scheme.
- 10) No development shall take place until a badger protection strategy, providing for protection to badgers on and adjoining the site, has been submitted to, and approved in writing by, the local planning authority. The strategy shall include a survey and details of phased mitigation measures, which shall be updated and informed by up to date badger surveys prior to the commencement of development on each phase, and shall be implemented as approved.
- 11) No vegetation clearance or building demolition shall be undertaken from 1st March to 31st August (inclusive) unless otherwise approved in writing by the local planning authority.
- 12) Dwellings in any phase shall not be occupied until a 20 year habitat and landscape management plan (including the replacement of inappropriate species planting on the valley floor, long term design objectives, management responsibilities and maintenance schedules) for all landscape areas within that phase has been submitted to, and approved in writing by, the local planning authority. The landscape management plan shall be implemented as approved.
- 13) No development shall take place until details to secure a minimum 15 m Buffer Zone along the edge of the Marshall's Arm Nature Reserve have been submitted to, and approved in writing by, the local planning authority. If private gardens are proposed to be incorporated into the Buffer Zone, then the details shall include a tree management scheme for existing and new tree

- planting within the Buffer Zone. Development shall be carried out in accordance with the approved details.
- 14) No development shall take place until a scheme to secure the retention and protection of the tree T29, identified in the Tree Survey Report submitted with the planning application, has been submitted to, and approved in writing by, the local planning authority. The scheme shall ensure that the tree will be located in an open or garden area. Development shall be carried out in accordance with the approved scheme.
  - 15) Development in any phase shall not begin until details of proposed earthworks in respect of that phase have been submitted to, and approved in writing by, the local planning authority. The details shall include the proposed grading and any mounding of land areas, including the levels and contours to be formed, and show the relationship of any proposed mounding to existing vegetation and the surrounding landform. Development shall be carried out in accordance with the approved details.
  - 16) Development in any phase shall not begin until details of proposed substations and other utility structures in respect of that phase have been submitted to, and approved in writing by, the local planning authority. Substations or other utility structures shall not be installed until a noise impact assessment of the proposed substation or utility structure has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and noise impact assessment, unless otherwise approved in writing by the local planning authority.
  - 17) Development in any phase shall not begin until there has been submitted to, and approved in writing by, the local planning authority a plan indicating the positions, design, materials and type of construction-related and permanent boundary treatment to be erected in respect of that phase. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.
  - 18) Development in any phase shall not begin until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted in respect of that phase have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved samples.
  - 19) Development in any phase shall not begin until a strategy and scheme detailing all external lighting equipment, including floodlighting, in respect of that phase have been submitted to, and approved in writing by, the local planning authority. The strategy shall include details of both external lighting during construction phases as well as the permanent lighting of the completed development. Any lighting scheme shall be designed in accordance with the Institute of Lighting Professionals 'Guidance for the Reduction of Obtrusive Light'. The scheme shall include full details of: the hours of operation, location, size, design of luminaries and fittings; the type and output of light sources, with lux levels; and isolux drawings to demonstrate the levels of illumination within the site and the amount of overspill of lighting onto vegetated areas and beyond the site boundaries. Development shall be carried out in accordance with the approved strategy and scheme and shall thereafter be retained. No other external lighting equipment within public

areas shall then be used within the development, other than as approved by the local planning authority.

- 20) Construction work shall not begin on any phase of the development until a scheme for protecting the proposed dwellings from noise has been submitted to, and approved in writing by, the local planning authority in respect of that phase. The scheme shall ensure that the following noise levels are met:
- i) maximum noise levels within habitable rooms during the day and evening (07.00 to 22.59hrs) of 35dB(A)LAeq,8hrs;
  - ii) maximum noise levels within bedrooms during the night (23.00 to 06.59hrs) of 30dB(A)LAeq,8hrs and 45dB(A)LAm<sub>ax</sub>; and
  - iii) maximum noise levels in gardens during the day and evening (07.00 to 22.59hrs) of 50dB(A)LAeq

In the event that the scheme incorporates acoustic bunds or barriers, it shall include details for the long term maintenance of those barriers to maintain their efficiency and protect residential amenity. All works which form part of the approved scheme shall be completed before the dwellings to which they relate are occupied and shall be thereafter retained.

- 21) Demolition or construction works, including deliveries to or dispatched from the site, shall not take place outside 08.00 to 18.00 hours Mondays to Fridays and 08.00 to 13.00 hours on Saturdays, nor at any time on Sundays or Bank Holidays. There shall be no deliveries by HGVs to the site between the hours of 08.00 to 09.00 and 17.00 to 18.00. Any variation to the above hours of works and deliveries shall be submitted to, and approved in writing by, the local planning authority prior to any such variation being implemented.
- 22) No development shall take place until the following components (a to d) of a structured scheme to deal with the risks associated with actual or potential contamination of the site have each been submitted to, and approved in writing by, the local planning authority, unless another date or stage in development is agreed in writing with the authority:
- (a) a preliminary risk assessment which identifies all previous uses on or within an influencing distance of the site, potential contaminants associated with those uses, a conceptual model (indicating the sources, pathways and receptors of contamination), actual or potentially unacceptable risks arising from contamination and initial remediation options;
  - (b) a detailed scheme of site investigation based on component (a) from which a detailed assessment of risk to all current and future receptors that may be affected, including those off site, shall be derived;
  - (c) a remediation options appraisal and implementation strategy, based on the detailed results of (b), giving full details of the remediation measures required and how they are to be undertaken; and
  - (d) a verification plan providing details of the data that will be collected in order to demonstrate that the remediation works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The pre-development scheme shall be implemented as approved, unless revision is approved by the local planning authority in writing.

In the event that no contamination requiring remediation or verification is found, and this finding is submitted to, and approved in writing by, the local planning authority, components (c) and (d) shall not apply.

- 23) If, during site preparation or development works, contamination is encountered or is suspected in areas where it had not been anticipated (being from a different source, containing a new contaminative substance or affecting a new pathway or receptor), then revised proposals for detailed investigation, risk assessment, remediation and verification shall be submitted to, and approved in writing by, the local planning authority, prior to all but urgent remediation works necessary to secure the area. Development shall be carried out in accordance with the approved revised proposals.
- 24) If, during site preparation or development works, contamination is encountered or is suspected in areas where it had not been anticipated (being from an existing risk assessed source, containing comparable risk assessed substances and affecting an already risk assessed pathway or receptor) that could be addressed by a simple extension of the approved scheme to a larger area, then the local planning authority shall be notified promptly in writing confirming details relating to: the areas affected; the approved investigation; remediation and validation measures to be applied; and the anticipated completion timescale. Development shall be carried out in accordance with the confirmed details.
- 25) In the event that site investigation works identify a need for remediation, as approved by the local planning authority, no part of the development site within the relevant phase of this permission shall be occupied until:
- i) all components of the pre-approved or revised scheme to deal with the risks associated with actual or potential contamination of the site within that phase have been completed; and
  - ii) written evidence of satisfactory completion and of the suitability of that part of the site for occupation has been submitted to, and approved in writing by, the local planning authority.
- 26) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) details of construction traffic phasing;
  - ii) the parking of vehicles of site operatives and visitors;
  - iii) the loading and unloading of plant and materials;
  - iv) the storage of plant and materials used in constructing the development;
  - v) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
  - vi) wheel washing facilities;
  - vii) measures to control the emission of dust, dirt noise, vibration and light during construction;

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- viii) a scheme for the recycling or disposal of waste resulting from construction works;
  - ix) hours of construction;
  - x) details of any piling; and
  - xi) demonstration that the works will be carried out in accordance with guidance provided in BS 5228-1: 2009 "Code of practice for noise and vibration control on construction and open sites – Part 1: Noise".
- 27) No construction in relation to the causeway access route shall take place until a wildlife protection plan has been submitted to, and approved in writing by, the local planning authority. The plan shall include:
- i) a plan showing wildlife protection zones where construction activities will be restricted and where protective measures will be installed or implemented;
  - ii) details of protective measures, both physical measures and sensitive working practices, to avoid impacts during construction;
  - iii) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (birds/badgers); and
  - iv) details of replacement planting (trees and shrubs).

All construction activities shall be implemented in accordance with the approved plan and timetable, unless otherwise approved in writing by the local planning authority.

- 28) No dwelling accessed from School Lane shall be occupied until the access from School Lane has been constructed in accordance with the approved drawing nos. HEY/09 001 P7 and CBO-0019-001 Rev B.
- 29) No dwelling accessed from Douglas Close shall be occupied until the access from Douglas Close has been constructed in accordance with the approved drawing no CBO-0019-002.
- 30) Development in any phase shall not begin until a design and construction specification and scheme, together with a surface course laying programme, for all highways, footways and cycleways within that phase of the development, as indicated on the approved plans, has been submitted to, and approved in writing by, the local planning authority. No dwelling or building shall be occupied until that part of the highway, footway or cycleway network which provides access to it has been constructed up to base-course level in accordance with the approved specification and scheme. The surface course shall then be completed in accordance with the approved specification, scheme and programme.
- 31) Development in any phase shall not begin until details of cycle storage for each dwelling within that phase of the development have been submitted to, and approved in writing by, the local planning authority. No dwelling shall be occupied until the cycle storage relating to it has been provided in accordance with the approved details. The cycle storage shall thereafter be retained.
- 32) Notwithstanding the terms of the Unilateral Planning Obligation dated 11th December 2012, a Travel Plan shall be submitted to, and approved in writing



- by, the local planning authority prior to the marketing of dwellings within any part of the development hereby approved. The Travel Plan shall be implemented in accordance with the approved details and timetable set out in that plan prior to the occupation of any dwellings within the site.
- 33) The site access, from Douglas Close, shall serve only as an access for motor vehicles to no more than 50 dwellings.
  - 34) No building hereby permitted shall be occupied until surface water drainage works in relation to that building have been completed in accordance with details that have been submitted to, and approved in writing by, the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable urban drainage system, and the results of the assessment submitted to, and approved in writing by, the local planning authority.
  - 35) No development shall take place until a scheme to ensure that no ground levels would be raised within the 1 in 100 year fluvial floodplain has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved scheme.
  - 36) No development shall take place until a scheme for the management of surface water from surcharging of the site's surface water drainage system during extreme rainfall events has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of the proposed ground and building finished floor levels. Development shall be carried out in accordance with the approved scheme.
  - 37) No development shall take place until a scheme to dispose of foul sewage has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved scheme.
  - 38) Development in any phase containing proposed play areas shall not begin until a scheme for the provision of play areas in respect of that phase, including the management thereof, has been submitted to, and approved in writing by, the local planning authority. Dwellings within that phase shall not be occupied until play areas have been provided in that phase in accordance with the approved scheme, unless otherwise approved in writing by the local planning authority. The play areas shall not thereafter be used for any purpose other than a public play area.
  - 39) Development in any phase containing proposed public open space shall not begin until a scheme for the provision of public open space in respect of that phase, including the management thereof, has been submitted to, and approved in writing by, the local planning authority. Dwellings within that phase shall not be occupied until public open space has been provided in that phase in accordance with the approved scheme, unless otherwise approved in writing by the local planning authority. The approved areas shall not thereafter be used for any purpose other than public open space.
  - 40) No building hereby permitted shall be occupied until a scheme for the eradication of Japanese Knotweed has been submitted to, and approved in writing by, the local planning authority. The eradication scheme shall include: surveying and the identification of the extent of the Japanese Knotweed on a plan; a programme for implementation; and arrangements and a programme for the submission and approval in writing, by the local planning authority, of a validation report confirming the nature of the treatment and eradication.

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Should a delay of 12 months or more elapse between the submission of the scheme and the commencement of development, a further survey shall be carried out and a revised scheme submitted to, and approved in writing by, the local planning authority before the buildings hereby permitted are occupied.

- 41) The dwellings hereby permitted shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
- 42) Development in any phase shall not begin until a scheme, including a timetable for implementation, to secure at least 10% of the predicted energy supply of the development from decentralised and renewable or low carbon energy sources, as defined in the glossary of the National Planning Policy Framework, in respect of that phase has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved scheme.

#### REASONS FOR CONDITIONS

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|-------------------------------------|--|
| 1, 2, 3 & 5                         | To comply with the requirements of Section 92(2) of the Town and Country Planning Act 1990, as amended by S51(2) of the Planning and Compulsory Purchase Act 2004. |
| 4                                   | For the avoidance of doubt and in the interests of proper planning.  |
| 34, 35 & 36                         | In the interests of flood protection.  |
| 16,20,22,23,<br>24,25,37,38<br>& 39 | To protect the living conditions of future residents.  |
| 21 & 26                             | To protect the living conditions of nearby residents.  |
| 10,11,13,27<br>& 40                 | In the interests of nature conservation.   |
| 6                                   | To protect the historic environment.   |
| 28,29,30 & 33                       | In the interests of highway safety.  |
| 7,8,9,12,14,<br>15,17,18 & 19       | To protect the character and appearance of the surrounding area.   |
| 31,32,41 & 42                       | In the interests of sustainable development.   |

## **SCHEDULE 1**

### APPROVED PLANS AND DOCUMENTS: LAND AT GRANGE FARM

Flood Risk Assessment

Site Location Plan (received 12/12/11)

Proposed Site Access Arrangements– drawing no. CBO-0018-002-A  
(received 25/04/12)

Proposed pedestrian, cycle and emergency access CBO-0018-003

First Phase Layout – drawing no. GF-01 Rev B received 16.05.12

Double Garage Type 1 details – drawing no. C-DG01/1/001 Rev E  
(received 12/12/11)

Double Garage Type 2 details – drawing no. C-DG02/1/001 Rev D  
(received 12/12/11)

Single Garage Details – drawing no. C-SG01/1/001/E (received 12/12/11)

Typical horizontal railing fence details – drawing no. C-SD0926  
(received 12/12/11)

Gate with Close Boarded Fence details – drawing no. C-SD0910  
(received 12/12/11)

Close Boarded Fencing details – drawing no. C-SD0907 (received 12/12/11)

Free Standing Brick Wall detail – drawing no. C-SD0809 (received 12/12/11)

The Balmoral proposed floorplans & elevations – drawing no. D4H180  
(received 26/3/12)

The Blenheim proposed floorplans & elevations - drawing no. D5H223  
(received 12/12/11)

The Buckingham proposed floorplans & elevations – drawing no. D5H261  
(received 12/12/11)

The Cambridge proposed floorplans & elevations – drawing no. D4H133  
(received 12/12/11)

The Highgrove proposed floorplans & elevations – drawing no. D5H276  
(received 12/12/11)

The Oxford proposed floorplans & elevations – drawing no. D4H126  
(received 12/12/11)

The Richmond proposed floorplans & elevations – drawing no. DH4202  
(received 26/3/12)

The Salisbury proposed floorplans & elevations – drawing no. D4H153  
(received 12/12/11)

The Sandringham proposed floorplans & elevations – drawing no. D5H248  
(received 12/12/11)

The Worcester proposed floorplans & elevations – drawing no. D3H111  
(received 12/12/11)

The Broadway Evesham proposed floorplans & elevations – drawing no. D3H081/  
D2H068/ D3H078 (received 26/3/12)

The Letchworth proposed floorplans & elevations – drawing no. D3H095  
(received 12/12/11)

The Stratford proposed floorplans & elevations – drawing no. D4H114  
(received 26/3/12)

The Warwick proposed floorplans & elevations – drawing no. D3H102  
(received 26/3/12)

Feature garage floor plans and elevations rev A (26/3/12)

## **SCHEDULE 2**

APPROVED PLANS AND DOCUMENTS: LAND TO THE EAST OF SCHOOL LANE

Flood Risk Assessment (received 13/12/11)

Site Location Plan (received 13/12/11)

Concept Masterplan – drawing no. 11-008-PUD-P002 Rev B (received 13/12/11)

School Lane access – drawing nos. HEY/09 001 P7 & CBO-0019-002



## Department for Communities and Local Government

### **RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT**

**These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).**

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

#### **SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;**

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

#### **Challenges under Section 288 of the TCP Act**

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

#### **SECTION 2: AWARDS OF COSTS**

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

#### **SECTION 3: INSPECTION OF DOCUMENTS**

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.