



## Appeal Decision

Inquiry opened on 17 June 2014

Site visits made on 19 & 24 June 2014

**by Alan Boyland BEng(Hons) DipTP CEng MICE MIHT MRTPI**

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

**Decision date: 1 August 2014**

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**Appeal Ref: APP/R0660/A/14/2211721**

**Land north of Moorfields, Willaston, Cheshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Richborough Estates against Cheshire East Council.
  - The application Ref 13/3688N, is dated 29 August 2013.
  - The development proposed in the application was up to 170 dwellings and associated infrastructure and open space provision.
  - The Inquiry sat for 4 days on 17-20 June 2014 inclusive, and was closed in writing on 27 June 2014.
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### Decision

1. The appeal is allowed and outline planning permission is granted for up to 146 dwellings and associated infrastructure and open space provision on land north of Moorfields, Willaston, Cheshire in accordance with the terms of the application, Ref 13/3688N, dated 29 August 2013, subject to the conditions set out in the attached Schedule.

### Procedural Matters

2. The application was made in outline, with all matters except access reserved for subsequent consideration.
3. On 2 April 2014, after the appeal was made, the Council's Strategic Planning Board considered the proposal and resolved that it was minded to refuse the application for the following reasons:
  - (1) The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The local planning authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

- (2) The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.
  - (3) In the opinion of the local planning authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Willaston and Rope which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.
4. The second of the above putative reasons was not included in the Council's Statement of Case for the Inquiry. However, the Statement of Common Ground (SoCG) between the authority and the appellant (see below) records that the authority confirmed on 19 May 2014 that this 'would be considered as part of the appeal' and that 'for the avoidance of doubt we are not running a prematurity case'. This was re-confirmed at the Inquiry.
5. On 25 April 2014 the appellant company submitted an amended proposal for 146 dwellings, with amended parameters and indicative layout plans. The site itself would remain the same, but the mix of dwellings would change and the the area of open space provision and landscaped buffers would increase, principally on the eastern side of the site.
6. The appellant notified local residents of the revised scheme, and consulted Willaston and Wistaston Parish Councils and other statutory consultees. I have taken into account their representations on this as well as those regarding the original proposal. In the absence of any contrary view at the Inquiry, and being satisfied that no-one's interests would be prejudiced by so doing, I have considered the appeal on the basis of the amended proposal. It was agreed at the Inquiry that it would be appropriate to amend the description of the development scheme accordingly and necessary to specify the reduced maximum number of dwellings and the revised plans in planning conditions.
7. A SoCG, agreed between the Council and the appellant, was submitted at the Inquiry. It sets out descriptions of the appeal site and its surroundings and of the proposed development (as originally submitted and as amended), the relevant planning history and planning policy, the areas of common ground and contention between the parties. It also addresses planning conditions and refers to planning obligations, but these matters are overtaken by the separately-submitted list of agreed conditions and by the completed planning obligation submitted by the appellant, to which I refer below. I have had regard to the SoCG, while recognising that interested persons were not parties to it and do not necessarily concur with its content.
8. The planning obligation, by way of a unilateral undertaking to the Council under s.106 of the Act was entered into by the appellant and the owners of the land on 20 June 2014. Subject to the usual contingencies it provides for financial contributions towards local primary school education, off-site highways improvements and biodiversity offsetting and for ongoing

management of open space and the play area on the site, and sets out detailed obligations regarding provision of affordable housing as part of the development. I address these matters further below.

9. The Inquiry sat for 4 days. I agreed to accept closing submissions by the main parties subsequently in writing, and closed the Inquiry in writing on 27 June 2014.
10. Having made a familiarisation visit to the area prior to the Inquiry, I made a visit to the site itself during the Inquiry accompanied by representatives of the appellant and the Council. On that visit I assessed the landscape generally and the relationship of the proposed development with the surrounding built-up areas, particularly the existing properties that back onto it. I made a further visit, unaccompanied, to the surrounding area on 24 June. On this occasion I viewed the general area including Willaston itself, Wistaston, Rope and Shavington and assessed the visibility of the proposed development from public places including the public footpath running roughly parallel to the railway line to the south of the site, and looked in more detail at the roads potentially affected by the development.

### **Main Issues**

11. The main issues are:
  - (i) Whether or not there is a demonstrable 5-year supply of deliverable housing land (plus appropriate buffer) in the area in accordance with the National Planning Policy Framework (NPPF);
  - (ii) The weight to be given to the development plan policies, particularly those for the supply of housing; and
  - (iii) Whether the proposed scheme would represent sustainable development.
12. The Council suggests that the last of these should be first. A presumption in favour of sustainable development does lie at the heart of the NPPF, and that order would indeed be logical if it were indicative of priority. However the issues are not presented in order of importance, and to my mind it is necessary to reach conclusions on the first two issues in order to give full consideration, in the light of the relevant policies, to the third.

### **Reasons**

#### ***Issue (i) : 5-year supply***

13. The NPPF (para 47) requires local planning authorities to identify and update annually a supply of specific deliverable site sufficient to provide 5 years' worth of housing against their full objectively assessed needs (FOAN), with an additional buffer of 5%, or 20% where there has been a record of persistent under delivery.
14. The Council maintains that it can demonstrate a 5-year supply in Cheshire East with a 5% or 20% buffer, though it does not accept that the latter is justified. The appellant's view is that the supply, with either buffer, is only around half of that requirement.
15. A considerable degree of agreement between the main parties on the 'supply' side of the equation was reached prior to and during the Inquiry, reducing

though not eliminating the numerical difference between them on this element. The parties are, however, not agreed on the appropriate need figure. Each cites guidance in the national Planning Practice Guidance (PPG) in support of its position.

16. The Council bases its position on a requirement of 1150 dwellings per annum (dpa) for the District derived from the former Regional Spatial Strategy for the North-West (RS). While the policies in that Strategy have been revoked, the evidence base underlying it may still be a material consideration, and that figure remains the most recent one that has been the subject of full examination.
17. However, the RS figures were based on household projections from 2003, and more recent projections are now available. Moreover, while the strategy for the region as a whole was 'pro-growth', the growth was to have been directed primarily to the conurbations. It seems to me that the corollary of that was reduced growth elsewhere in the region. The Council submits that one should consider the region as a whole, but the question so far as this appeal is concerned is whether there is a 5-year supply in this District against the requirement for this District. Neither party has assessed it on a region-wide basis and to my mind it would have been inappropriate to do so.
18. It is undisputed that the RS figure of 1150 dpa for what is now Cheshire East was below the household projections for that area, and even further below economic growth projections, at that time. I consider that the figure for this District was for practical purposes a constrained one rather than a full, objectively-assessed one, even if this was not explicitly stated in policy. Accordingly I cannot rely on it. It follows that I attach little weight to the Council's 5-year supply figures based on it.
19. It would not be appropriate for me to seek in the context of this appeal relating to a single site to prejudge the setting of the requirement for the period covered by the emerging CELP (2010 – 2030). That would require consideration of evidence, assessments and a range of opinions far wider than those available to me. This is properly a matter for the Local Plan and public examination thereof. Nevertheless, in the absence of an up-to-date and unconstrained requirement figure in an examined development plan, it remains necessary for me to consider for the purposes of this appeal alone whether there is a 5-year supply plus buffer.
20. The Council's own March 2014 Housing Background Paper puts the FOAN at 1350 dpa. The overall development strategy (policy PG 1) in the emerging CELP also proposes provision of an average of 1350 dpa over the whole plan period, though on an increasing trend in each of the four 5-year phases. However, I understand that the policy as submitted is the subject of significant objection. It has yet to be examined, so the final adopted figure remains to be determined.
21. At the Inquiry the appellant identified a demographic-only requirement (disregarding the economic forecast) for 1300 dpa. But it suggested that 1800 dpa would be required to address suppressed need due to undersupply and affordability issues during the economic recession, and to support the economic growth planned for in the CELP and the Government's policy of encouraging home ownership. The Council acknowledged those objectives, and I am aware that even higher figures have been put forward.

22. In the specific context of this appeal I find little objective and up-to-date evidence to support any need figure significantly below 1350 dph. At that level, unequivocally there is not a 5-year supply plus 20% buffer. Moreover, even on the Council's supply figures, there is also less than 5 years' supply with a 5% buffer unless further adjustments are made to certain supply elements, and the shortfall brought forward is reduced by being assessed against the RS requirement figure and over a shortened period. These adjustments are disputed by the appellant on grounds including that they do not comply with the guidance in the PPG. In any event, again they have yet to be independently tested in the appropriate forum, the Local Plan examination, and pending that I cannot accept that they represent part of a demonstrable 5-year supply position. On FOANs above 1350 the shortfall against the required supply would be greater.
23. Since there is not a 5-year supply plus buffer irrespective of whether the buffer is 5% or 20%, it is not necessary for me to determine which applies in this instance.
24. I conclude on this issue that the local planning authority has not demonstrated for the purposes of this appeal that it has a 5-year supply of deliverable housing sites. The proposed housing would assist in addressing the deficit.

***Issue (ii) : The weight to be given to the development plan policies, particularly those for the supply of housing***

25. As noted above, the RS has been revoked. Along with this, the saved policies in the Cheshire Structure Plan have also been cancelled.
26. There is no statutory Neighbourhood Plan for this area. The Willaston Parish Plan was published in 2009, but itself acknowledges that it has no legal or formal planning status. A 'supplementary planning document' linked with the Parish Plan was published in 2012 with the stated aim of expanding or giving greater detail to saved policies in the Local Plan or new development plan policies. However in some respects, notably housing development and the Green Gap it suggests policies that are significantly more restrictive than those in the existing or emerging Local Plans, and more restrictive than the NPPF in those respects. Accordingly I attach only limited weight to these documents.
27. The relevant development plan for this area thus comprises only the saved policies in the adopted Borough of Crewe & Nantwich Replacement Local Plan 2011 (RLP). This was adopted February 2005, with an end date of 2011. Certain policies were saved by Direction of the Secretary of State in February 2008 but, as the appellant points out, it was made clear at that time that in doing so the Secretary of State did not indicate that they would be endorsed if presented as new policy.
28. It is also significant that that Direction was made some 6 years ago and national policy has changed considerably in that period. The NPPF indicates that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. I address the specific policies most pertinent to this appeal individually below.

29. The Cheshire East Local Plan : Strategy - Submission Version (March 2014) (CELP) was submitted to the Secretary of State in May 2014 and is not yet part of the development plan. It is expected to be examined in September 2014. The NPPF indicates that decision-makers may give weight (unless other material considerations indicate otherwise) to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections and, again, the degree of consistency with the Framework. It is undisputed that there have been many objections to the submission version of this Plan, including a number specific to the locality of the appeal site. It is possible, therefore, that the Plan will change before it is adopted, and for this reason I give its policies in respect of this site only limited weight.
30. Returning to the RLP, policy NE.2 (*Open countryside*) indicates that all areas outside the defined settlement boundaries will be treated as open countryside where only development within certain defined categories will be permitted.
31. At the Inquiry the Council agreed that policy NE.2 is relevant to the supply of housing. I share that view. The settlement boundaries reflect the housing requirements to March 2011 and, while the Plan does not specify an end-date for those boundaries, they are out of date as they do not provide for housing requirements beyond that date.
32. It has yet to be established fully what land (if any) outside settlement boundaries and hence subject to this policy will be needed for development to meet current and future housing needs. However, the emerging CELP proposes a number of sites for development outside existing settlement boundaries, which indicates that the release of land currently subject to policy NE.2 cannot be ruled out. There may well be objections to those proposals, and I understand that there are objections to the lack of such identification of the appeal site. Such issues will fall to be considered in the examination of the CELP.
33. For these reasons and because there is not a demonstrable 5-year supply of deliverable housing sites, para 49 of the NPPF further confirms that this policy should not be considered up-to-date.
34. RLP policy NE.4 (*Green Gaps*) and the proposals map designate a number of areas as green gaps. The policy states that in those gaps, in addition to the provisions of policy NE.2, approval will not be given for new buildings or the change of use of existing buildings or land which would result in erosion of the physical gaps between built-up areas or adversely affect the visual character of the landscape (except where no alternative location is available). I recognise that the policy thus performs 'strategic' functions in maintaining the separation and definition of settlements and in landscape protection, and this remains pertinent.
35. However, since the inner boundaries of the Green Gaps are also formed by the settlement boundaries, the considerations that apply to policy NE.2 also pertain to this policy in this respect. Significantly, two of the housing sites identified in the emerging CELP are in existing designated green gaps around Crewe. Although they are not in this vicinity and different considerations might apply, at this stage it cannot be assumed that the appeal site will remain outside the defined settlement boundary in the Plan when finally

adopted. In this respect I consider that policy NE.4 is also not up-to-date in the terms of the NPPF and therefore the weight I give to it is reduced.

36. Policy PG 3 in the emerging CELP states that a new area of Green Belt *will be* (my emphasis) designated adjacent to Crewe to prevent its merger with Nantwich and other surrounding settlements. It identifies an 'area of search', which in this locality extends to the edge of the existing main part of Crewe but washes over outlying settlements such as Willaston. Detailed Green Belt boundaries are to be defined in a subsequent site allocations and development policies document. This would have to take account of development needs and the extent to which sites outside existing boundaries are required to meet those needs. The CELP indicates that, pending definition of detailed Green Belt boundaries, the saved green gap policy (RLP policy NE.4) will continue to operate.
37. It is not yet known whether Green Belt policies will in due course be applied to the appeal site. The two housing sites within the existing Green Gap identified in the CELP, to which I have referred above, are also within Green Belt area of search and might be excluded from it if the allocations were confirmed. It is conceivable that further sites would be treated similarly. Accordingly, for the purposes of the current appeal I attach very little weight to the proposed extension of the Green Belt into this general area.
38. RLP policy RES.5 (*Housing in the open countryside*) effectively adds provision for dwellings required for persons engaged in agriculture or forestry to the categories in policy NE.2. In itself it is broadly consistent with the NPPF, but again its geographical extent is subject to issues relating to the settlement boundaries defined under policy NE.2 and hence to the reduced weight afforded to that policy.
39. Finally, RLP policy NE.12 (*Agricultural land quality*) seeks to avoid development on the best and most versatile (BMV) agricultural land (grades 1, 2 and 3a) unless, in summary, the need for it is supported in the Local Plan, it cannot be accommodated on land of lower value or other sustainability considerations suggest that its use is preferable to use of poorer land. The policy is broadly consistent with the policies in the NPPF and I attach substantial weight to it.
40. My consideration below of the proposals against the RLP policies is in the context of the above findings as to the weight to be attached to them.

***Issue (iii) : Sustainable development?***

41. I have considered the sustainability of the proposed development in the light of the mutually dependent dimensions to sustainable development as set out in the NPPF: economic, social and environmental.
42. Willaston is situated some 3km south of the centre of Crewe, and is within its settlement boundary as indicated in the RLP, though connected to the main urban area only by a short ribbon of development along Crewe Road.
43. The appeal site comprises a roughly square area of essentially flat agricultural land, which at the time of the Inquiry was used as pasture. Apart from small areas at the accesses, it lies outside but immediately adjacent to the settlement boundary. It is bounded on two sides by residential development

along Moorfields to the south and along Wistaston Road including Meadow View, a recently-developed cul-de-sac leading off it, to the west.

44. It is undisputed that the proposed development does not fall into any of the categories set out in RLP policies NE.2 and RES.5. However, as indicated above, I attach only limited weight to these policies.

#### *Green Gap*

45. Almost all of the site lies within the Willaston/Rope Green Gap as designated by policy NE.4. The proposals map shows this gap as covering the whole area of countryside, including the appeal site, between the settlement boundaries on the east side of Willaston, the south-east side of Wistaston and the south-west side of Rope. It is contiguous with the Shavington/Weston/Crewe gap and there are further, physically discrete, gaps between Wistaston and Nantwich and between Haslington and Crewe on the east side of the town. In the light of my conclusion on the weight attached to this policy, I consider below its wider aims.
46. The justification for the policy refers to the need for additional protection to maintain the definition and separation of existing communities. It also seeks to support the longer term objective of preventing Crewe, Willaston, Wistaston, Nantwich, Haslington and Shavington from merging into one another. However, since specific gaps are identified in the policy itself, it seems to me that these are the ones to which the need refers rather than those described more generally in the supporting text.
47. It is undisputed that the proposed development would not impinge on gaps to Nantwich, Shavington and Haslington. It is, however, within the Willaston/Rope gap as identified in the RLP and referred to in the putative reasons for refusal. The site as a whole would come slightly closer to Rope<sup>1</sup> than the end of the 'finger' of development that is Moorfields, which is the nearest point. However in the scheme as amended the actual built development would not be closer to Rope than the end of Moorfields. But that is only one location and from others, particularly the existing properties that directly abut the site, the gap would be narrowed. To that extent there would be erosion of the gap, contrary to policy NE.4.
48. Nevertheless, the gap would still be substantial at over 600m. I saw on my visits and from the submitted summer and winter photographs that there is very limited intervisibility between the two settlements, and with the landscaping proposed in the eastern part of the development I am satisfied that that would remain the case.
49. The only direct route between Willaston and Rope north of the railway line is the public footpath running just north of the railway. I saw that views of the site from it are well screened by vegetation along hedgerows, but there are very occasional glimpses of existing dwellings in Willaston. The footpath would not be affected directly by the development. From it there might be occasional glimpses of houses on the appeal site, but these would be at least 400m and several fields away, and largely screened by existing vegetation and additional planting on the east side of the site. There would be little, if any adverse effect in this respect, and the 'softer' edge to development might

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<sup>1</sup> For this purpose I have considered the main built up area within the civil parish of Rope, the nearest properties being those on the south-west side of Rope Lane.

even be a visual improvement on the existing 'hard' edge. In my view the function of this gap in maintaining the definition and separation of these two settlements would not be significantly diminished.

50. The effect of the proposed development on the relationship between Willaston and Wistaston was not expressly raised in the putative reason for refusal, and this is not identified as a gap in policy NE.4. Nonetheless at the Inquiry the Council and local residents expressed particular concern about fusion between the two. It seems to me that there are two aspects to the concerns - physical coalescence and loss of separate identities.
51. So far as physical coalescence is concerned, the Council accepted at the Inquiry that the two settlements have already physically merged along Crewe Road. Indeed, I note that a significant number of properties along Crewe Road south of the 'pinch point', abutting others in Willaston parish, are actually within Wistaston parish. For anyone travelling between the two the only clear indication of where one ends and the other begins is the roadside signs.
52. While the northern boundary of the appeal site follows the parish boundary, there is no development immediately adjacent to it on the Wistaston side. The nearest properties on Crewe Road beyond Huntsbank Farm would be over 250m and two fields away. Those at Springfield Drive would be some 450m away (compared with just over 500m from the end of Millfields). Crewe Road and Wistaston Road provide the only direct public links between the two settlements, and no new routes (roads or other public rights of way) between them would be created.
53. The Council drew attention to comments made regarding the current appeal site by the Inspector who reported in 2003 on objections to the then draft RLP. However I attach little weight to them. National policy has changed significantly since then and the comments were, again, made in the context of a Plan that provided for housing requirements only for the period to 2011.
54. Willaston and Wistaston have clearly retained their separate community identities, despite their close physical proximity. Each has its own services, facilities, community groups and activities, some of which are duplicated in the two settlements. It is suggested by some local residents that people living in the proposed dwellings would not engage with the community and its activities. If that were the case it would be regrettable, but would not detract from existing community facilities and events. However, in my experience newcomers to an area are if anything often more keen to get involved in community activities and organisations than many longer-term residents. Either way there is nothing to indicate that their presence here would detract from the distinctiveness of Willaston as a settlement and community.

#### *Landscape and visual effects*

55. The site is not subject to any national or local landscape designation, but I am in no doubt that local people value it.
56. The countryside here is characterised by gently undulating agricultural fields with strong field boundaries formed by mature hedges and trees. It is not a remote area; its character is already influenced by proximity to the urban area of Crewe and nearby settlements and by features such as the railway

and major roads. Built development on the site would inevitably change the character of the site itself, but the wider area would still be close to urban development so the effect on its character would be limited.

57. As I have indicated, there is currently no public access to the site. Views of the development from the public domain, principally public roads and footpaths in this instance, would be limited to distant glimpses from the footpath to the south as already discussed and from the roads through gaps between houses where vegetation, structures and fences within properties permit. It would be apparent that there was development where there are currently open fields, but the nature of the site would be similar in nature to the adjacent existing built-up area of Willaston. Moreover, landscaping of the site, particularly along the eastern and northern boundaries, would provide a 'soft' edge to the development. This is contrast to the somewhat stark edge to existing development, particularly along the western boundary where some properties on Meadow View and off Wistaston Road are close to the boundary with little intervening vegetation.
58. The appearance of the development would depend to a large extent on matters yet to be determined through approval of the reserved matters and through conditions. However, the SoCG acknowledges that the proposed indicative layout and parameters plans show a general approach to the development that is acceptable. Landscaping, including retention of most existing trees, shrubs and hedges on the site, would play an important part and would need to be controlled through conditions in addition to the landscaping reserved matter. Subject to these I agree with the SoCG in this respect.
59. There would, I fully accept, be a major change in the outlook from the rears of properties immediately adjacent to the site. It is entirely understandable that residents there would prefer the site to remain as open fields and would consider that they would be adversely affected by its development, though it is likely that the same concerns were felt by others when the dwellings now adjacent to the appeal site were built. But it is well established that there is no right to such private views and that their loss is not as such regarded as a planning consideration even if it affects the values of the houses concerned.
60. A change of view might nonetheless have an impact on the residential amenities (living conditions) of those living in properties individually or collectively, through loss of light or privacy for example, such that it would be a planning consideration. However, I do not consider that to be the case here. Many of the properties on the north side of Millfields adjacent to the site have very long rear gardens, and even either side of the proposed access where gardens are shorter they are still of such a length that the normal minimum separation distances for light and privacy would easily be achieved. Adjustments to the illustrative layout might be required to secure adequate separation and amenity in relation to properties close to the western boundary of the site, but such details could be controlled through the approval of the reserved matters.
61. In the terms of policy NE.4 I consider that that the adverse effect on the visual character of the landscape would be modest.

### *Agricultural land*

62. It is undisputed that most of the site is of agricultural land grade 2, with a strip of subgrade 3a running across it. Thus it all falls within the 'best and most versatile' (BMV) category that the NPPF and RLP policy NE.12 seek to protect, in essence, from unnecessary development, though both balance protection of such land against wider considerations.
63. The need for the development proposed here is not supported in the RLP or the emerging CELP. However, as I have indicated, in terms of meeting housing needs the RLP is out-of-date and the weight attached to the policies in that respect is reduced, while the numerical and locational housing policies in the CELP are the subject of objections and have yet to be examined so they too carry limited weight.
64. The absence of a 5-year supply for housing plus buffer and the provisions of the emerging CELP indicate a need for more housing overall (though the quantum and locations remain to be settled). Moreover, much of the agricultural land around Crewe, particularly to the south including around Willaston, is good quality. The submitted CELP identifies 'sites' and 'strategic locations' for development, some of which are on or include BMV land, and planning permission has been granted for others. This suggests that the housing requirements cannot all be met on land of lower agricultural quality, derelict or non-agricultural land, though I accept the Council's point that no evidence in support of such a conclusion has been adduced in this appeal. That is a matter more appropriately addressed through the CELP.
65. It seems to me that, while any loss of BMV agricultural land is regrettable, in the circumstances here the harm in overall terms and the breach of policy NE.12 and NPPF policy would at worst be modest.

### *Local services and facilities*

66. As the SoCG records, Willaston has a range of services and facilities and good access to public transport bringing it within the 30-minute threshold of key services within the main urban area of Crewe and in nearby Nantwich. I recognise that there is no medical centre here, but that is not uncommon in settlements of this size as they often do not alone provide the necessary catchment population. The Council indicates that 8 medical practices within 4km are accepting new patients. Services and facilities are to some degree responsive to demand, and additional development might help to sustain existing ones or lead to enhancements to the provision.
67. The Council's SHLAA<sup>2</sup> indicates that the site is in a sustainable location for development. It does not meet all of the distance criteria for accessibility of amenities and services, but that is the case for many edge-of-town sites and the facilities concerned are available on foot or by bus within Crewe and the overall assessment is favourable.
68. There is currently no public access to the site, so there would be no loss of public open space or recreational use. The proposed development would, on the other hand, provide almost 2 hectares of open space and landscaped areas – including a play area and a retained pond in the north-eastern corner of the site - to which there would be public access in accordance with policy

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<sup>2</sup> Strategic Housing Land Availability Assessment

RT.3 (*Provision of recreational open space and children's playspace in new housing developments*). Details of the provision and ongoing management of these areas could be secured through the approval of the reserved matters, a planning condition and the planning obligation.

69. Local residents refer to existing capacity issues at the local primary school. This is a matter for the local education authority, but the planning obligation provides for the developer to make the necessary financial contribution to meet the additional demands for primary education arising from the proposed development, in accordance with RLP policy BE.5 (*Infrastructure*). The Council confirms that there is capacity within local secondary schools to accommodate the children of that age range from the proposed development.

#### *Highways and traffic*

70. Vehicular and pedestrian access to the site would be via an existing turning head about two thirds of the way along Moorfields. Details of this access, to which no objection is raised by the Council, could be secured through a planning condition. There would be a further access for pedestrians and cycles only from Wistaston Road.
71. Local people express concern about existing traffic and parking problems, particularly on Moorfields and at its junction with Wistaston Road. Moorfields is more or less straight and has a 5.5m carriageway, with footways typically 2m wide each side. The Cheshire Design Aid advises that as such it is suitable to provide access to up to 300 dwellings. It currently serves 81 properties, and with the proposed development this would increase to 227. The national Manual for Streets, which is more recent and endorsed by the Government and so carries considerable weight, does not set limits on dwelling numbers in this way but indicates that a 5.5m width is sufficient for a large vehicle and a car to pass each other.
72. While the percentage increase in traffic with the proposed development would be high due to the low existing flow on Moorfields, in absolute terms it is undisputed that the number of (2-way) vehicle movements would only be the equivalent of 2 to 2½ per minute in the peak hours. Increases on Wistaston Road would be lower in both relative and numerical terms as it carries a higher volume of traffic and vehicles leaving or entering Moorfields have a choice of routes at the junction at the western end so traffic begins to disperse here.
73. The effects of on-street parking, especially on Moorfields, on the free flow of traffic are a further cause of concern to some local residents. This is an existing situation, and I see no reason to expect the proposed development to increase the level of parking on Moorfields. However, it could be exacerbated if there were additional traffic from the proposed development.
74. Most of the properties on Moorfields have at least one off-street parking space and I saw that a number of others have the potential to make such provision. A few houses near the proposed access to the site use the extra-wide footway here for parking. On-street parking might nevertheless arise where occupants of properties have more than one vehicle or from visitors.
75. A survey carried out for the appellant, the results of which are not challenged by the Council and broadly accord with my own observations, show between 7

and 10 vehicles parked on Moorfields west of the proposed access at various times during the morning peak hour and mid-evening. These were generally spaced so that there was room for moving vehicles to pass each other in between. I have no doubt that localised problems do arise from time to time, and that these cause inconvenience and frustration, but do not consider that such a level of parking would significantly impede the free flow of traffic generally. If necessary the highway authority could extend the waiting restrictions currently in place at the western end of Moorfields, for example to keep certain lengths clear on both sides to provide passing places, and it remains open to the relevant authorities to enforce the law in respect of obstruction of the highway.

76. The Council accepts that the Moorfields/Wistaston Road/Gladstone Street junction would operate within its capacity. The tight corner radii and limited road widths do require larger vehicles to encroach beyond the centre lines when turning. However, this is not uncommon in urban and village situations and the low speeds involved and the visibility are such that no significant danger arises from this. I have seen no evidence of an exceptional accident record at this junction.
77. The SoCG records agreement that a travel plan, which could be secured through a planning condition, would reduce the traffic impact and that the proposed development would have no adverse operational impact on the local highway network. I have seen nothing to lead me to conclude otherwise.
78. It is, however, undisputed that the additional traffic from the proposed development would cause capacity problems at the Wistaston Road junction with A534 Crewe Road, particularly on the Wistaston Road approach in the evening peak hour. It would also exacerbate existing congestion due to capacity issues at several junctions on the A51. The planning obligation would provide for a financial contribution from the developer that would meet the cost of provision of the signals scheme at the Wistaston Road/Crewe Road junction and part of the cost of an A51 corridor improvement scheme included the Council's infrastructure plan. It would be necessary to secure the signals scheme through a planning condition, with the timing tied in with the phased payments of the financial contribution.
79. A condition to secure provision of infrastructure for electric vehicles as part of the development is suggested. This would assist in reducing emissions from vehicles, supporting national policies, and bring benefits in local air quality. I consider that such a condition would be necessary in the interests of environmental sustainability.

#### *Local economy*

80. There would be some economic disbenefit from the loss of agricultural land. However, I consider that these would be outweighed by the benefits through direct and indirect employment in the construction phase, and ongoing through increased retail spending generated by new residents and the contribution that provision of housing would make to job growth and hence economic growth. These benefits would variously accrue locally, throughout Crewe and more widely, and are recognised by the Council in its submitted CELP where it makes the 'case for growth'.

### *Affordable housing*

81. The SoCG records that the proposed provision of 30% (44 units) affordable housing as part of the development is acceptable and policy compliant. That is to say it accords with RLP policy RES.7 (as modified in 2005), the Council's Interim Planning Statement on Affordable Housing (2011), policy SC 5 in the submitted CELP and national policy especially the NPPF.
82. Undisputed evidence for the appellant indicates that in recent years there has been an underdelivery of affordable housing in the district and particularly in this area against identified needs, leading to a significant shortfall. The proposed provision would make a significant contribution to meeting the need in the Crewe sub area. It would be secured through the planning obligation.

### *Ecology*

83. The site is not designated as being of ecological significance, and there are no statutorily protected habitats there, though that is not to say that it has no value. Loss of the grassland, while not a planning constraint in itself, would lead to an overall loss of biodiversity. The planning obligation provides for a financial contribution towards off-site habitat creation and enhancement to offset elsewhere this loss in accordance with RLP policies NE.5 (*Nature conservation and habitats*) and NE.9 (*Protected species*).
84. There is evidence of limited use of the site by foraging bats but the Council describes the site as 'not particularly important' in this respect. The proposed retention of important trees and hedgerows within the site, which could be secured through planning conditions, would safeguard the potential for roosting bats and for nesting birds, and the proposed landscaped open space and private gardens would further provide for both species. Conditions to protect and provide for breeding birds would be necessary.
85. The Council's Ecologist advises that an apparently abandoned badger sett on the boundary of the site has the potential to be re-used by them. The authority accepts that the undeveloped buffer and a planted wildlife corridor would adequately mitigate the potential impacts on badgers.
86. I consider that, subject to mitigation as indicated, the proposed development would not have an adverse effect on biodiversity and nature conservation. However, because the ecology of an area is dynamic, it would be necessary to secure by a condition submission and approval of a revised ecological mitigation strategy and method statement to update those already submitted.

### *Other matters*

87. Flood risk. The Environment Agency flood risk maps identify the site as being in Flood Zone 1 (low risk), and the submitted Flood Risk Assessment (FRA) confirms that the site is at low risk of flooding overall, with only pluvial runoff being a medium risk. The development would not affect the amount of rain water falling on the site. However, it would have the potential to increase the rate of runoff due to the increased area of impermeable surfaces, thereby increasing the risk of flooding on the site and elsewhere. This could be mitigated through measures including 'sustainable drainage systems', but it would remain necessary to limit the rate at which any remaining runoff could be discharged to the watercourse to the east to avoid overloading it. These measures could be secured through planning conditions.

88. A further agreed condition would secure management of the risk of flooding from overland flows of surface water. While no routes for such flows have been identified, I share the view that such a condition would be a necessary precaution. Finally, a condition to preclude discharge of surface water from the site to the public sewer would be necessary to avoid overloading of the sewer network and the risk of flooding from this source. Subject to such conditions, there would be no adverse impact in this respect.
89. Sewerage. Some residents express doubts about the capacity of the existing public sewers in this locality to accommodate additional foul sewage from the proposed development. However, United Utilities which is responsible for them has confirmed that there is adequate capacity available and that foul water (but not surface water) may discharge freely to the adjacent sewers.
90. Other utilities. Nothing I have seen leads me to doubt the evidence in the submitted Foul Water & Utilities Statement there are no significant problems with the ability to connect the proposed development to existing electricity, gas, water and telecoms supply networks.
91. Contaminated land. Undisputed evidence at the Inquiry indicated that a Phase I contaminated land investigation has identified the need for further investigation. This and any remediation found to be necessary could be secured through a planning condition. I agree with the parties that, subject to that, there would be no significant risk to controlled waters.
92. Archaeology. As indicated in the SoCG, the site has low archaeological potential and there is no objection to development on this ground. It was further agreed at the Inquiry that the suggested condition in this respect is unnecessary, and I concur with this.

### **Conclusions**

93. To sum up, as the NPPF makes clear, there is a presumption in favour of sustainable development.
94. I have concluded that there is not a demonstrable 5-year supply of deliverable housing sites (issue (i)). In the light of that, the weight of policies in the extant RLP relevant to the supply of housing is reduced (issue (ii)). That applies particularly to policies NE.2, NE.4 and RES.5 insofar as their extent derives from settlement boundaries that in turn reflect out-of-date housing requirements, though policy NE.4 also has a wider purpose in maintaining gaps between settlements. Other relevant RLP policies are not relevant to the supply of housing sites and broadly consistent with the NPPF, so they carry considerable weight. The emerging CELP is subject to significant objections in respect of matters pertinent to this proposal, and has yet to be examined. I attach only limited weight to it at this stage.
95. On the sustainability of the proposed development (issue (iii)) I have found that it would not fall within the categories of development permitted in the countryside under RLP policies NE.2 and RE.5, though these are out-of-date. It would physically erode the Green Gap between Willaston and Rope, contrary to policy NE.4, though only to a limited degree and there would be no significant harm to the wider functions of the gap in maintaining the definition and separation of these two settlements. It would not, however, erode a gap between Willaston and Wistaston in terms of physical

coalescence, as there is no such gap and none is identified in the policy, nor in terms of loss of separate identities.

96. The development would result in the loss of some BMV agricultural land, contrary to RLP policy NE.12. However, it seems likely that development of some such land will be required in the area around Crewe in any event. It is simply a matter of where, which is for determination through the emerging CELP. The construction and provision of homes would provide direct and indirect economic benefits in the short term and long-term.
97. Willaston is in a sustainable location on the edge of the main built up area of Crewe. There would be no adverse effect on local services apart from additional demand for primary school places, for which the planning obligation provides mitigation. Increased demand for some services and facilities might help to sustain them or lead to enhanced provision. There would be no loss of public open space; indeed the development would provide additional space including a play area.
98. Local roads would be able to accommodate the additional traffic generated by the development. On the wider network it would provide for improvement of the Wistaston Road/Crewe Road junction and contribute towards improvements to the A51. Both of these would mitigate the effects of the development but also provide benefits to other users.
99. The proposed dwellings would make an important contribution towards housing requirements in an area where there is not a demonstrable 5-year supply. As well as providing open market properties, the development would include affordable housing in an area where there is an identified shortfall in provision of such homes.
100. In other respects there would be no significant unmitigated adverse effects or significant benefits.
101. I conclude that the proposed development would be sustainable overall, and that the adverse effects of it would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. There are no specific policies in the NPPF that indicate that this development should be restricted. In such circumstances, and where relevant development plan policies are out-of-date, the NPPF indicates that permission should be granted unless material considerations indicate otherwise. There are no further material considerations that do so.

### ***Conditions and the planning obligation***

102. Being minded to allow the appeal, I have considered what conditions would need to be attached to the planning permission in addition to those statutorily required and those to which I have referred above.
103. In the interests of the living conditions of nearby residents and of road safety it would be necessary to secure approval and implementation of a construction management plan. A condition to secure provision of bin storage facilities for each dwelling would be necessary in the interests of the living conditions of the prospective residents and of the appearance of the development.

104. In some instances I shall vary the wording of suggested conditions to comply with the relevant guidance in the PPG.

105. The substantive provisions of the planning obligation are addressed above. At the Inquiry the Council indicated that, although the submitted obligation took the form of a unilateral undertaking, it had participated actively in the drafting of the undertaking and agreed with its provisions. For the reasons indicated above, I am satisfied that the obligation would meet the tests in para 204 of the NPPF and comply with the relevant requirements of the Community Infrastructure Levy Regulations 2010.

**Overall conclusion**

106. For the reasons given above I conclude that the appeal should be allowed.

*Alan Boyland*

Inspector

TETLOW KING PLANNING

## **SCHEDULE**

*Conditions 1-21 attached to outline planning permission for up to 146 dwellings and associated infrastructure and open space provision on land north of Moorfields, Willaston, Cheshire in accordance with the terms of the application, Ref 13/3688N, dated 29 August 2013:*

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:

13010 00	Location Plan
13010 03 C	Indicative Masterplan
T12513 Fig 6.1	Highways Access Plan
13010 04	Parameters Plan
- 5) The development hereby permitted shall include not more than 146 dwellings and not less than 1.8 hectares of open space and landscape buffers.
- 6) The development hereby permitted shall not be commenced until a scheme to limit the surface water runoff generated by the proposed development has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the phase of the development to which it relates, and shall thereafter be retained.
- 7) The development hereby permitted shall not be commenced until a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted, and shall thereafter be retained.
- 8) The site shall be drained on a total separate system. Surface water shall discharge to the existing watercourse as stated in the submitted Flood Risk Assessment. Only foul drainage shall be connected into the foul sewer and no surface water from this development shall be allowed to discharge to the public sewer network either through direct or indirect means.
- 9) The first reserved matters application(s) shall be supported by a revised Ecological Mitigation Strategy and Method Statement which shall be in compliance with the recommendations of the submitted Ecological Mitigation Strategies (February and June 2013). No development shall commence until the revised Strategy has been approved in writing by the local planning authority. Development shall be in complete accordance with the revised Strategy.
- 10) As part of the first reserved matters application(s) a Habitat and Landscape Management Plan (HLMP), including the retention and enhancement of the

existing pond, long-term design objectives, management responsibilities and maintenance schedules for 10 years for all areas of habitat and landscaping other than those within the curtilages of individual dwellings, shall be submitted to and approved in writing by the local planning authority. Thereafter the design, management objectives and maintenance of the landscaped areas shall be in accordance with the approved HLMP.

- 11) Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey shall be carried out by a suitably qualified person to check for nesting birds and the results submitted to the local planning authority. Where nests are found in any hedgerow, tree or scrub to be removed, a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to local planning authority before any further works within the exclusion zone take place.
- 12) Prior to the commencement of development detailed proposals for the incorporation of features into the scheme suitable for use breeding birds shall be submitted to and approved in writing by the local planning authority. The approved features shall be installed prior to the first occupation of the development hereby permitted or in accordance with a programme to be submitted to and agreed in writing by the local planning authority, and shall thereafter be retained.
- 13) The reserved matters application(s) shall be accompanied by an Arboricultural Impact Assessment (AIA) in accordance with the BS5837:2012 Trees in relation to design, demolition and construction - recommendations, which shall include an evaluation of the tree construction in accordance with paragraph 5.4.3 of the Standard and draft Tree Protection Plan in accordance with paragraph 5.5 of the Standard.
- 14) No development shall commence (including any tree felling, tree pruning, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The development shall take place in accordance with the approved Method Statement. The Method Statement shall include details of the following:
  - (a) A scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on the site including trees which are the subject of a Tree Preservation Order currently in force, or are shown to be retained on the approved layout, which shall be in place prior to the commencement of work;
  - (b) A scheme for implementation, supervision and monitoring of the approved protection scheme. The approved protection scheme shall be retained intact for the full duration of the development hereby permitted and shall not be removed without the prior written permission of the local planning authority;
  - (c) A detailed treework specification;
  - (d) A scheme for implementation, supervision and monitoring of the approved treework specification;
  - (e) A scheme for implementation, supervision and monitoring of all approved construction works within any area designated as being

- fenced off or otherwise protected. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme; and
- (f) The timing and phasing of arboricultural works in relation to the approved development.
- 15) Prior to the first occupation of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include measures to reduce reliance on the private car, a timetable for implementation and provision for monitoring and review, as referred to in the draft Travel Plan (30th July 2013). No part of the development hereby permitted shall be occupied until those parts of the approved Travel Plan that are identified as being capable of implementation after occupation have been carried out. The measures contained within the approved Travel Plan shall be implemented in accordance with the agreed timetable and retained thereafter.
- 16) Prior to the development commencing:
- (a) A phase II contaminated land investigation shall be carried out and the results submitted to, and approved in writing by, the local planning authority;
- (b) If the phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the local planning authority. The remediation scheme in the approved Remediation Statement shall then be carried out; and
- (c) If remediation is required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the local planning authority prior to the first use or occupation of any part of the development hereby approved.
- 17) Prior to the development commencing, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:
- (a) The hours of construction work and deliveries;
- (b) The parking of vehicles of site operatives and visitors;
- (c) Loading and unloading of plant and materials;
- (d) Construction traffic routes;
- (e) Storage of plant and materials used in constructing the development;
- (f) Wheel washing facilities;
- (g). Details of any piling required including, method (best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties), hours, duration, prior notification to the occupiers of potentially affected properties;
- (h) Details of the responsible person (e.g. site manager/office) who could be contacted in the event of complaint;
- (i) Mitigation measures in respect of noise and disturbance during the construction phase including piling techniques, vibration and noise

limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;

- (j) Waste Management. There shall be no burning of materials on site during demolition/construction; and
- (k) A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.

The approved Construction Management Plan shall be implemented and in force throughout the construction phase of the development.

- 18) Prior to the first occupation of the development hereby permitted, details of electric vehicle infrastructure to be installed on the site shall be submitted to and approved in writing by the local planning authority. No property shall be occupied until any approved infrastructure relating to that property has been installed and is operational. The approved infrastructure shall thereafter be retained.
- 19) The access to the development hereby permitted shall be constructed in accordance with the submitted highways Access Plan (no. T12513 Fig 6.1) prior to the occupation of the first dwelling.
- 20) As part of the first reserved matters application(s), a detailed and safety-audited scheme for the provision of traffic signals at the junction of Wistaston Road and Crewe Road, shall be submitted to and approved in writing by the local planning authority. No more than 99 of the dwellings within the development hereby approved shall be occupied until the approved traffic signal scheme has been implemented in full.
- 21) Prior to commencement of development, details of bin storage for each of the dwellings hereby permitted shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved bin storage facilities pertaining to that dwelling have been made available for use. The approved facilities shall be retained permanently thereafter.

*End of conditions*

## APPEARANCES

### FOR THE APPELLANT:

Christopher Young Of Counsel, instructed by Mark Sitch of Barton Willmore LLP, Regent House, Prince's Gate, 4 Homer Road, Solihull B31 3QQ

*He called\*:*

James Donagh BA(Hons) MCD MIED Associate at Barton Willmore LLP

Ben Pycroft BA(Hons) DipTP MRTPI Senior Consultant of Emery Planning

Andrew Williams BA(Hons) DipLA DipUD CMLI Founding Partner in Define

Mark Sitch BSc(Hons) DipTP MRTPI Senior Planning Partner at Barton Willmore LLP

\* The appellant also submitted written evidence from:

- Tetlow King Planning (on housing need)
- Tony Kernan BSc(Hons) MRICS FBIAC (on agricultural considerations)
- Philip Jones CEng MICE MCIHT MITE(US) HonFIHE (on highways and transportation)

### FOR THE LOCAL PLANNING AUTHORITY:

Anthony Crean Queen's Counsel, instructed by the Borough Solicitor to Cheshire East Council,

*He called:*

Christopher King BSc MLD CMLI Technical Director with Wardell Armstrong LLP

Graham Stock BA(Hons) MA MRTPI AIEMA Partner of Deloitte LLP

Ben Haywood BA(Hons) MA MBA MRTPI MCMJ Major Applications Team Leader for the Council

### INTERESTED PERSONS:

Ian Cowap Local resident

Anna Cutts For Willaston Parish Council

Debbie Reyland Local resident

Cllr Brian Silvester Member of Cheshire East Council (Willaston & Rope Ward)

Cindy Turpin Local resident

## **DOCUMENTS** submitted at the Inquiry

### **CORE DOCUMENTS**

#### **Appeal Document** (see also CDs 98 & 99)

CD01 *Draft S.106 prepared by Appellant (superseded by APP/12)*

#### **Application Documents**

CD02 Application Form and Certificate B  
CD03 Planning Statement  
CD04 Design and Access Statement  
CD05 Landscape and Visual Impact Assessment (as amended)  
CD06 Affordable Housing Delivery Plan  
CD07 Agricultural Land Classification Survey  
CD08 Air Quality Assessment  
CD09 Badger Survey  
CD10 Ecological Assessment  
CD11 Ecological Mitigation Strategy  
CD12 Ecological Method Statement  
CD13 Flood Risk Assessment  
CD14 Foul Water and Utilities Statement  
CD15 Hedgerow Assessment  
CD16 Heritage Assessment  
CD17 Phase 1 Desk Study Report  
CD18 Protected Species Assessment  
CD19 Statement of Community Involvement  
CD20 Topographical Survey  
CD21 Transport Assessment  
CD22 Travel Plan  
CD23 Tree Survey (as updated)  
CD24 Socio Economic Impact Statement  
CD25 Site Location Plan  
CD26 Illustrative Masterplan  
CD27 Proposed Access Plan

#### **Planning Policy**

CD28 National Planning Policy Framework "NPPF"  
CD29 Planning Practice Guidance "PPG"  
CD30 Crewe and Nantwich Replacement Local Plan  
CD31 Cheshire East Local Plan Strategy – Submission Version March 2014  
CD32 Cheshire East Pre-Submission Core Strategy (2013)  
CD33 Cheshire East Development Strategy and Policy Principles (2013)  
CD34 Cheshire East Core Strategy Issues and Options Paper (2010)

- CD35 Interim Planning Statement on Affordable Housing
- CD36 *(Not used – duplicate)*
- CD37 Cheshire East New Green Belt and Area of Separation Study and Appendices
- CD38 Manual for Streets 1
- CD39 Manual for Streets 2
- CD40 Cheshire Design Aid
- CD41 Guidelines for Landscape and Visual Impact Assessment Third Edition, LVIA3
- CD42 Housing the Next Generation, Nick Bowles MP, January 2013
- CD43 House of Commons Debate, Planning and Housing Supply, 24th October 2013
- CD44 Strategic Housing Market Assessment (2010)
- CD45 Strategic Housing Market Assessment (2013)
- CD46 Report to Strategic Planning Board regarding SHLAA (08/02/13)
- CD47 Cheshire East Five Year Housing Land Supply Position Statement (2014)

**Other Considerations**

- CD48 Strategic Housing Land Availability Assessment (2013) (Report only)
- CD49 Officers Report to Strategic Planning Board 2nd April 2014
- CD50 Minutes of Strategic Planning Board Meeting-2nd April 2014
- CD51 Appeal Decision Ref: APP/R0660/A/12/2173294, Rope Lane, Shavington, November 2012
- CD52 Appeal Decision Ref APP/R0660/A/13/2195201, Sandbach Road North, Alsager, October 2013
- CD53 Gladman Developments Ltd v Secretary of State and Cheshire East BC [2014] - Consent Order Ref: CO/8377/2013
- CD54 Appeal Decision Ref: APP/X2410/A/13/2196928, Mountsorrel Lane, Rothley, Leicestershire, April 2014
- CD55 Appeal Decision Ref: APP/R0660/A/13/2196044 , Elworth Hall Farm, Dean Close, Sandbach, April 2014
- CD56 Appeal Decision Ref: APP/R0660/A/11/2158727 , Loachbrook Farm , Sandbach Road, Congleton, August 2012
- CD57 Appeal Decision Ref APP/R0660/A/10/2141564, Land off Abbey Road and Middlewich Road, Sandbach, October 2013
- CD58 Appeal Decision Ref APP/R0660/A/13/2189733 , Land north of Congleton Road, Sandbach, October 2013
- CD59 Appeal Decision Ref: APP/R0660/A/12/2188001 , Hassall Road, Alsager, December 2013
- CD60 Appeal Decision: Land between Laurels Road and Leasowes Road, Offenham (Appeal Ref: APP/H1840/A/13/2203924), February 2014
- CD61 Appeal Decision: Land at Broom Hill, Swanley, Kent (Appeal Ref: APP/G2245/13/219747 (8,9) and APP/G2245/13/219747 (4,5 March 2014
- CD62 Administrative Court Document, Hunston High Court Judgement, 5th September 2013
- CD63 Court of Appeal Document, Hunston High Court Judgement, 12th December 2013

CD64 Gallagher Homes & Lioncourt Homes v Solihull MBC [2014] EWHC 1283 (admin)

**Amended Scheme Consultee Responses**

CD65 Consultee Response to amended scheme- Environment Agency 01.05.14

CD66 Consultee Response to amended scheme- Highways Officer 29.04.14

CD67 Consultee Response to amended scheme- Education Officer 12.05.14

CD68 Consultee Response to amended scheme- Affordable Housing Officer 14.05.14

CD69 Consultee Response to amended scheme- Sustrans 08.05.14

CD70 Parish Council Response- Willaston 30.05.14

CD71 Parish Council Response- Wistaston 30.05.14

**Additional Documents**

**(post agreement between appellant and Council on 19/05/2014)**

CD72 SPB Committee Report- Land off Sydney Road (Application Ref: 13/2055)

CD73A *Statement of Common Ground – Appellant’s draft (10/01/2014) (superseded by CD99)*

CD73B All Change for Crewe- Draft Town Strategy Consultation (2012)

CD74 Additional Tables as of 6th June- setting out housing land supply from the Hind Heath Inquiry (APP/R0660/A/14/2212992)

CD75 Details on Disputed Supply Sites Table agreed by Emery and Deloitte at Hind Heath Inquiry (APP/R0660/A/14/2212992)

CD76 Appeal Decision Ref: APP/D0840/A/13/2209757, Land north of Upper Chapel, Launceston

CD77 Appeal Decision Ref: APP/R0660/A/13/2192192, Land opposite Rose Cottages, Holmes Chapel Road, Brereton Heath

CD78 Appeal Decision Ref: APP/D2320/A/12/2172693, Land to the north and west of Lucas Lane, Whittle le Woods

CD79 Appeal Decision Ref: APP/T2405/A/13/2193758, Land east of Springwell Lane, Whetstone

CD80 Appeal Ref: APP/R0660/A/10/2142055- Hind Heath Road, Sandbach - SoS decision letter and Inspector’s report

CD81 Appeal Ref: APP/R0660/A/10/2142055- Hind Heath Road, Sandbach - SoS decision letter and Inspector’s report

CD82 Hind Heath, Sandbach, Ref: CO/7802/2011- Consent Order in the High Court

CD83 Land off Abbey Road and Middlewich Road, Sandbach High Court Judgment Ref: CO/10220/2011

CD84 High Court Judgement Ref: CO/10273/2012, Loachbrook Farm, Sandbach Road, Congleton Cheshire East Borough Council v Secretary of State for Communities & Local Government & another

CD85 Appeal Ref: APP/G1630/A/11/2146206, Homelands Farm, Bishops Cleeve - Inspector's report and SoS decision letter

CD86 High Court Judgment Ref: CO/8962/2012 & CO/10438/2012 Tewkesbury Borough Council vs. SoS for CLG, Comparo Ltd and Walbeck Strategic Land LLP, February 2013

- CD87 Administrative Court Decision Ref: CO/12539/2012. Stratford upon Avon District Council and Secretary of State for CLG and JS Bloor. Hallam Land Management and RASE High Court Judgment – Land to the West of Shottery
- CD88 High Court Judgement, Ref: Case No. CO/12207/2012, Wainhomes v SSCLG
- CD89 Appeal Decision Ref: APP/U4230/A/11/2157433, Burgess Farm, Hilton Lane, Worsley
- CD90 Appeal Decision Ref: APP/G1630/A/12/2183317, Land adjacent Gretton Road, Winchcombe, Gloucestershire
- CD91 Appeal Decision Ref: APP/R0119/A/12/2186546, Land between Iron Acton Way and North Road, Engine Common, Yate
- CD92 Appeal Decision Ref: APP/U1105/A/12/2180060, Land east of Butts Road, Higher Ridgeway, Ottery St Mary
- CD93 Appeal Decision Ref: APP/A0665/A/13/2198931, Land off Barnside Way, Moulton
- CD94 High Court Judgement Ref: CO/12831/2012, Coleman v. Secretary of State for Communities and Local Government, North Devon District Council and RWE
- CD95 Updated Layout Ref: 13010 03 Rev C (as submitted under Wheatcroft Principle)
- CD96 Parameters Plan Ref: 13010 04 (as submitted under Wheatcroft Principle)
- CD97 Committee Report to Southern Planning Board Application, Appeal Decision and Statement of Common Ground in connection with Appeal Ref: 14/0476N, Land off Main Road, Shavington

#### **Further Appeal Documents**

- CD98 Agreed Conditions (19/06/2014)
- CD99 Statement of Common Ground (final) (20/06/2014)

#### **JOINT DOCUMENTS (between Appellant and Council)**

- J/1 Summary of appellant's and Council's housing land supply positions
- J/2 Agreed schedule of previous appeal in the Borough, with comments

#### **SUBMITTED BY THE APPELLANT**

- APP/1 List of witnesses
- APP/2 *Appellant's position on 5-year housing land supply (superseded by APP/4)*
- APP/3 Opening submissions on behalf of the appellant
- APP/4 Appellant's position on 5-year housing land supply (updated after discussions between Messrs Pycroft & Stock)
- APP/5 Green Gap with sites plan
- APP/6 5-year housing land supply based on 1350 dwellings p.a. requirement
- APP/7 Completions data including total C2 losses
- APP/8 Secretary of State's Saving Direction re Borough of Crewe & Nantwich Replacement Local Plan 2011, adopted February 2005, with covering letter from Regional Office dated 14 February 2008
- APP/9 Sites near Crewe with planning permission or in the strategy policies map, superimposed on agricultural land classification data
- APP/10 Extracts from Cotswold District Local Plan

- APP/11 Extract from Inspector's Report on Borough of Crewe & Nantwich Replacement Local Plan 2011
- APP/12 Certified copy of completed unilateral obligation dated 20 June 2014  
(*supersedes CD1*)

**SUBMITTED BY THE COUNCIL**

- CEC/1 Mr Stock's rebuttal proof of evidence re housing land supply
- CEC/2 Completions data with RS student accommodation discounted by two thirds and C2 older persons discounted by one fifth.
- CEC/3 Extract from evidence of Stephen Nicol of Regeneris re. appeal ref. APP/R0660/A/13/2204723.
- CEC/4A & B Extracts from Cheshire Landscape Character Assessment (Nov 2008)
- CEC/5 Extract from the North West of England Plan Regional Strategy to 2021
- CEC/6 Email (13 Dec 2013 22:58) from Richborough Estates to the Council re. pending applications
- CEC/7 Secretary of State's Saving Direction re Borough of Crewe & Nantwich Replacement Local Plan 2011, adopted February 2005
- CEC/8 CIL statement

**SUBMITTED BY INTERESTED PERSONS**

- INT/1 Statement by Ian Cowap
- INT/2 Statement by Debbie Reyland
- INT/3 Written representation by Mrs Shirley Brazier
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