



## Appeal Decision

Inquiry Held on 23-24 July 2019

Site visit made on 25 July 2019

**by Andrew Dawe BSc(Hons) MSc MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2 October 2019**

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**Appeal Ref: APP/A0665/W/19/3220360**

**Land at The Hollies, School Lane, Hartford, Northwich**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by J Masters and P Murray of Bridgemere Land plc and Redrow Homes Ltd against the decision of Cheshire West & Chester Council.
  - The application Ref 17/01954/FUL, dated 26 April 2017, was refused by notice dated 7 November 2018.
  - The development proposed is residential development comprising 258 No. dwellings, together with roads, drainage and open space etc.
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### Decision

1. The appeal is allowed and planning permission is granted for residential development comprising 258 no. dwellings, together with roads, drainage and open space etc at Land at The Hollies, School Lane, Hartford, Northwich in accordance with the terms of the application, Ref 17/01954/FUL, dated 26 April 2017, subject to the conditions in the attached Annex.

### Procedural Matters

2. The number of dwellings referred to in the description of development in the fourth bullet point of the above header is different to the 276 on the original planning application form. However, the proposals were changed prior to the Council making its decision. The Council therefore made its decision based on the reduced number of dwellings referred to in the above header. The reduction from 276 to 258 dwellings is also agreed by the parties in the submitted Statement of Common Ground. I have therefore determined the appeal on that basis.
3. The reference to 'etc' in the description of development in the above header is taken from the original planning application form. However, it was clarified at the Inquiry that the use of that term does not relate to any particular additional aspect of development. I have determined the appeal on that basis.

### Main Issue

4. Whether or not the traffic generated by the proposed development would be adequately accommodated on the local highway network taking account of its capacity and levels of congestion.

## Reasons

### *Main issue*

5. It is not disputed that there is currently congestion on the local highway network at peak times. That was also the case when a previous appeal for outline planning permission for up to 350 dwellings<sup>1</sup>, was allowed relating to land comprising the appeal site and that to its north-west. Another appeal<sup>2</sup>, relating to an outline proposal for, amongst other things, 300 dwellings at another site in Hartford was also allowed at the same time.
6. Only 279 of those dwellings on the first of the above appeal schemes came forward through reserved matters consent, which are now largely complete. The proposed development would therefore represent a net increase of 187 dwelling over the maximum number allowed under that previous outline proposal. It was found in relation to those previous appeals that the proposals would not have a severe impact on the transportation network with reference to the highway junctions in Hartford albeit that there would be an adverse but limited impact in relation to the morning peak queuing on The Green and on Chester Road in an eastbound direction.
7. Whilst the above appeal decisions are material considerations which I have had regard to, it is important to consider the current conditions relating to the capacity of the highway network taking account of new development. In that respect I note that in the intervening period since those appeal decisions, there have been changes in circumstances. This includes significant new housing developments in the area, and improved pedestrian crossing facilities at the junctions of Chester Road with Bradburns Lane and The Green giving greater priority to the pedestrian over the convenience of car users. However, there has also been the partial closure of Warrington and Vale Royal College (Mid Cheshire College of Further Education), likely to have reduced traffic to and from that site.
8. Paragraph 109 of the National Planning Policy Framework (the Framework) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is also reflected in policy TC1 of Hartford's Neighbourhood Plan (HNP). I will consider the matter of highway safety under other matters. In respect of this main issue I have therefore considered whether the residual cumulative impacts on the road network would be severe.
9. The proposed development would inevitably add to the existing traffic flows. However, those flows in the peak periods vary from day to day. The significance of those existing variations, including in relation to where noticeably different outlier flow figures have been identified, is disputed by the parties. The Council claims, with the use of 2013 and 2018 data relating to the Chester Road that typically the daily variation in peak hour traffic flows is less than plus or minus 5%, albeit with there being two occasions where the variation is higher.
10. Furthermore, at the Inquiry, the Council submitted a comparison of daily variation calculations during specific reporting periods in 2018 and 2019

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<sup>1</sup> Ref APP/A0665/A/12/2179374

<sup>2</sup> Ref APP/A0665/A/12/2179410

showing ranges at peak times within those periods to be less than 10% excluding outlier figures on specific days. The noticeably lower peak time flows on those days therefore increase the percentage variations. It was also agreed that there has been no investigation as to the reasons for those outliers or analysis carried out to demonstrate that they are true outliers that should be ignored. Similarly, little justification for ignoring those higher variations relating to the 2013 and 2018 data referred to above has been provided. These factors relating to the variation in existing flows therefore cast some doubt over whether there would be a clearly noticeable increase in daily traffic flows locally as a result of the proposal.

11. I have also had regard to the Council's submissions forecasting the effects of the proposal on total travel time and distance on the local highway network relating to an increase in the number of trips of approximately 0.13%. This shows that there would be additional total travel time and distance added to the network. The Council also points to the likely disproportionately greater effect of the added development traffic on the network compared with existing consented housing sites. However, it is not clear that those effects would cause significant or noticeable displacement of existing trip routes or times of travel across the network. This is also in light of having received little substantive evidence of existing problems associated with displaced traffic.
12. The evidence indicates that there has been some peak hour spreading of traffic flows within the network since 2012, more evident on Chester Road, east of Castle Court. However, taking account of daily traffic flow variations, the general extent of that effect is not clear. Furthermore, on School Lane, peak spreading has not been demonstrated to have occurred to any clear extent since 2012. Given the additional trip times and distance forecast for the network as a result of the proposal, there would be a likelihood of some peak hour spreading. However, in light of those existing situations and due to the uncertainty in respect of the impact of the proposal on traffic flows referred to previously, it is not clear that any such spreading would amount to a significant effect.
13. I have also considered the identified very small projected increases in average journey time and distance travelled of each passenger car unit (PCU). Even taking account of the effects not being evenly distributed across the highway network, such increases would be likely to be imperceptible to drivers, amounting to a small number of seconds and metres respectively, not disputed by the parties. Like my colleague in respect of the previous outline appeal scheme for up to 350 dwellings referred to previously, I acknowledge that this is a matter of driver convenience, where relevant local and national policy concerns the impacts on the highway network. Nevertheless, it is an indicator that attracts some weight in support of my findings above in respect of the impact on the local highway network.
14. Although peak hour spreading and any displacement of trips is not ideal, I therefore consider that this would not be such as to amount to a significantly harmful impact on the local highway network and its ability to meet the needs of its users.
15. The success of the measures relating to the Travel Plan for the outline scheme on the adjacent site to the north-west in minimising additional traffic congestion is disputed. Nevertheless, it is not disputed by the Council that the

- proposed Travel Plan would be appropriate and acceptable, the aim being to encourage sustainable travel.
16. In terms of the likelihood of prospective residents using alternative modes of transport to the car, it is common ground between the Council and appellants that the site is fundamentally in a sustainable and accessible location, albeit that the degree to which that is the case is disputed. I have had regard to trips by bus being less likely due to the distance to bus stops, limitations in the frequency of the service and extent to which destinations are accessible by this mode and journey times. Nevertheless, the site is within the defined boundary of the settlement, albeit on its edge. Furthermore, the proposed dwellings would be within walking distance of many of the local facilities and services including shops, community hall, churches and at least two primary schools and one secondary school. Walking to the local schools would therefore be a likely factor in minimising any addition to school-run traffic during periods of existing congestion.
  17. I have taken account of claims that the pedestrian route to Hartford Primary School alongside the heavily used School Lane would make walking an unattractive option. However, I have received no substantive survey or documentary evidence to indicate that this is currently preventing such use of that route, including by residents of the new dwellings immediately to the north-west of the site, nor that it would be likely to do so for prospective residents of the proposed development.
  18. Notwithstanding the potential for walking and cycling to any employment destinations within the vicinity of the site, the majority of trips to work, due to the distances involved, would be likely to be by car. However, there would remain the potential for some trips to be made by train to larger centres further afield such as Crewe, Liverpool, Chester and Manchester. The distance to the rail stations would make accessibility by foot less likely. Nevertheless, they would be likely to be within the scope of fairly short cycle rides.
  19. For the above reasons relating to the general sustainability and accessibility of the site's location, it is likely that alternative travel modes to the car would be a realistic option for a variety of trips made by prospective residents, including at times of peak traffic flows. This would therefore potentially reduce the extent of any effects on the highway network from additional development traffic.
  20. I have had regard to another appeal decision referred to by the Council concerning a residential development of up to 650 dwellings in Leckhampton<sup>3</sup>. In particular this decision highlights the need to consider whether the residual cumulative impacts of development would be severe, taking account of the effect of the condition of the highway network and all development commitments. However, I note that that decision related to a scheme where the effects of displacement were found to be clearly unacceptable. I do not consider that such clarity is demonstrated in this current case to enable me to come to the same conclusions. In any case I have determined this appeal on its merits based on all of the evidence before me.
  21. Concerns have been raised by interested persons about when, and the locations at which, traffic surveys have been conducted. However, I have

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<sup>3</sup> Ref APP/B1605/W/14/3001717

received no substantive evidence to indicate that the surveys carried out have been inappropriately conducted.

22. An objective of the HNP is to prevent the traffic congestion on the highway network becoming significantly more severe where it is currently already identified as severe. That does not mean that no other traffic generating development can be built. Furthermore, policy STRAT 10 of the Cheshire West & Chester Council Local Plan (Part One) Strategic Policies (Local Plan Part One) requires, amongst other things, new development to demonstrate that additional traffic can be accommodated safely and satisfactorily within the existing highway network.
23. In this case, I consider that the proposal, for the above reasons, would not cause severe residual cumulative impacts on the road network. Therefore, the traffic generated by the proposed development would be adequately accommodated on the local highway network taking account of its capacity and levels of congestion. As such, in respect of this issue, the proposal would accord with policy STRAT 10 of the Local Plan Part One, policy TC1 of the HNP, and paragraph 109 of the Framework.

*Other matters*

24. The proposed development would have the benefit of providing a significant amount of new housing, including needed affordable housing, despite the Council's position in terms of currently meeting its minimum housing land supply and delivery requirements. This is in light of the Government's objective of significantly boosting the supply of homes and that the Local Plan housing targets are a minimum rather than maximum. There would also be economic benefits relating to the provision of jobs relating to the proposal's construction. These benefits together attract a significant amount of additional weight in favour of the proposed development.
25. I have had regard to concerns raised about the effect of the proposed development on the character and appearance of the surrounding area. It would occupy an undeveloped site on the edge of the settlement, albeit within the settlement boundary. It would also be visible to varying degrees from the adjacent Weaver Navigation and associated footpaths running alongside or close to it. However, any such sighting would be screened or softened to varying extents by existing mature vegetation and that proposed.
26. Furthermore, the proposed dwellings would be seen in the context of the existing new housing development immediately to the north-west of the site and their design and density would complement that scheme. It would be closer to the waterway but also, to a significant extent, at a lower level than the existing housing and so, together with intervening vegetation would be unlikely to create a dominating or incongruous form of development within that existing context. Additionally, the proposals would provide a significant amount of additional open space, publicly accessible from both the proposed development and the waterfront, which would also be likely to provide some informal recreational benefits. For these reasons, I consider that the proposal would not cause unacceptable harm to the character and appearance of the surrounding area.
27. In relation to the locally listed Hartford Blue Bridge that carries the A556 over the Weaver Navigation, this is a prominent feature of the local landscape, a

short distance from the southern corner of the site. Despite that proximity, the nearest dwellings would be set away from that corner. Furthermore, whilst the dwellings would be likely to be glimpsed from the bridge, again the intervening vegetation would be likely to significantly screen or soften them. As such, I consider that the integrity of the bridge as a non-designated heritage asset, and its setting, would be maintained.

28. I have had regard to concerns raised about highway safety at the junction of the A556 and School Lane, in particular concerning traffic queuing to turn into the latter. In this respect, the appellant proposes to increase the length of the right turn lane. The Council's highways officer considers this to be appropriate and necessary by way of mitigation, and I have insufficient substantive evidence to demonstrate to the contrary. Such measures could be secured by condition.
29. Concerns have also been raised about highway safety at the junction of Woods Road and School Lane, in particular relating to the visibility of drivers exiting from the former to the latter. That junction already serves the existing substantial housing development served by Woods Road. Although the proposed development would add to the amount traffic using that junction, I have no substantive evidence to indicate that the existing visibility splays would need to be altered as a result, or would be inappropriate to maintain safety. I have also received no substantive evidence to indicate that the additional traffic using Woods Road itself would be likely to pose a risk to highway or pedestrian safety, in terms of volume or speed.
30. In terms of air quality, the appellant has clearly demonstrated through specialist evidence that the proposed development would not be likely to cause the relevant thresholds to be breached. I have received insufficient substantive evidence to the contrary and I also note that the Parish Council withdrew its objection on these grounds prior to the Inquiry in light of additional evidence submitted on this matter.
31. I have had regard to concerns over the impact of the proposed development on local infrastructure, including schools and health facilities. The Council has confirmed since the Inquiry, and following discussion on this matter at the event, that it would not be seeking a financial contribution for the provision of education facilities. This is on the basis that there is currently a sufficient surplus of spaces in the catchment primary school. That position also takes account of the effects of existing planning permissions for housing locally and that a financial contribution for such provision has already been secured in connection with the previous outline planning permission for housing on the wider site. I have no substantive basis to consider differently to the Council on this matter. I have also not received any substantive documentary evidence to indicate that local health facilities would not be able to meet the demands of the proposed development, or that the emergency services and provision of local water supply would be negatively affected. A planning obligation has also been submitted to secure financial contributions towards local playing pitch improvements to mitigate for any additional impact in this respect.
32. I have also received no substantive technical evidence to indicate that the proposed development would be likely to be the cause of any flooding in the area. Furthermore, drainage details for the proposal could be secured by condition to ensure that surface water is appropriately controlled.

33. Concerns have been raised about the loss of habitat on the site. However, measures to protect the ecological and biodiversity interests of the site and its vicinity, including habitats and protected species, and to provide new habitat, can be secured by condition, thereby providing appropriate mitigation in respect of this issue.
34. The proposed development would inevitably generate noise during its construction phase and from the additional traffic on the roads once occupied. However, the former would be a relatively short-term effect that could be controlled to a reasonable extent by a condition to secure appropriate construction working times. In terms of additional traffic noise, I have received no substantive technical evidence to indicate that this would be at such a level as to cause unacceptable harm to the living conditions of local residents.
35. The Canal and River Trust requested a financial contribution towards improvements to the Weaver Navigation Towpath as was the case with the previous outline application for the wider site. However, I have received insufficient justification for an additional contribution over and above that original amount secured.

*Conditions and planning obligation*

36. The Council has suggested 22 conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Planning Practice Guidance and omitted two and amended some of the wording. I have referred to the condition numbers, cross referenced to the attached annex, in brackets for clarity purposes. There are also several pre-commencement conditions which are deemed necessary and which have been agreed by the appellant.
37. The standard condition to ensure the development is implemented within the standard time period would be necessary (1). For certainty, a condition requiring the development to be carried out in accordance with the approved plans (2) would also be necessary.
38. In the interests of the character and appearance of the surrounding area, conditions would be necessary to secure details of hard and soft landscaping, including a management and maintenance plan (7); any proposed levels changes and earthworks (10); proposed boundary treatments and any external lighting on the dwellings (11); the proposed new pond and ditch, also in the interests of the ecology of the site (17).
39. In the interests of highway safety, conditions would be necessary to secure details of temporary highway and pedestrian routings, off-highway parking for construction related vehicles, and vehicle/wheel washing facilities during the construction phase (3); and proposed highway improvement works at the A556 to increase the length of the right turn lane relating to access to School Lane (6).
40. To protect the living conditions of surrounding residents, a condition would be necessary to ensure appropriate construction working times (4). Furthermore, in the interests of the living conditions of prospective residents of the proposed dwellings, conditions would be necessary to secure details and the provision of proposed children and youth play areas and allotments (8); and public open space (9).

41. For environmental sustainability reasons, and in order to encourage alternative modes of transport to the car, a condition would be necessary to secure provision for cycle storage relating to the proposed dwellings (5).
42. In the interests of securing appropriate drainage for the site, conditions would be necessary to secure details of measures concerning surface and foul water drainage (12 and 13 respectively).
43. In the ecological and biodiversity interests of the site and its vicinity, as well as condition 17 referred to above, conditions would be necessary to protect the "No disturbance" ecological zone (14); Great Crested Newts (15); and bats (16); and to secure a long term Habitat management Plan (18); a Local Wildlife Site Protection Scheme for the construction period (19); and an updated badger survey and any necessary mitigation (20).
44. A Planning Obligation has been submitted making provision for the following:
- 30% affordable housing in accordance with policy SOC1 of the Local Plan Part One.
  - An appropriate financial contribution towards playing pitch improvements at the Moss Farm Leisure Complex, Northwich or within the wider Northwich area, in accordance with policy SOC6 of the Local Plan Part One and policy DM36 of the Cheshire West & Chester Council Local Plan Part Two: Land Allocations and Detailed Policies. This would be necessary in the interests of the living conditions of prospective residents and as sufficient provision for such facilities would not be provided on the site;
  - Implementation of the submitted Travel Plan including the appointment of a Travel Plan Co-ordinator and appropriate provision for financial contributions towards its implementation and the provision of a reserve fund. Furthermore, on first occupation of each dwelling, the occupiers would be provided with a voucher towards the purchase of a cycle or scooter. These measures would be in accordance with policy STRAT 10 of the Local Plan Part One, and necessary in the interests of environmental sustainability, and in order to encourage alternative modes of transport to the car.
45. The Council has submitted a Statement of Compliance with the Community Infrastructure Levy Regulations 2010 (CIL Regulations). Based on that evidence, and relevant development plan policies, I am satisfied that the provisions would meet the tests set out in paragraph 56 of the Framework and Regulation 122(2) of the CIL Regulations.

### **Conclusion**

46. For the above reasons, I conclude that the appeal should be allowed.

*Andrew Dawe*

INSPECTOR



## **ANNEX – CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
  
2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Site Location Plan – 1447-02-02-PL002;  
Planning Layout – 1447-02-02-PL001 rev G;  
1447-02-02-PL008 Boundary Treatment Layout Rev B;  
1447-02-02-PL006 Materials Layout Rev B;  
1447-02-02-PL004 Affordable Housing Layout Rev B;  
Avon/Avon3 House Type – Five block/four block/three block/two block;  
Alton Apartment Block - Alton Apartment Block dwg refs: 201 and 401;  
Ludlow House Type - Ludlow-EF\_LUDL\_SM.3.0;  
Warwick House Type - Warwick-EF\_WARW\_DM.5.0;  
Amberley House Type - Amberley-EF\_AMBY\_DM.6.0;  
Stratford House Type- Stratford-EF\_STRA\_DM.7.0;  
Marlow House Type - Marlow-EF\_MARO\_DM.1.0;  
Oxford House Type - Oxford-EF\_OXFO\_DM.2.0;  
Oxford Lifestyle House Type - Oxford Lifestyle – EF\_OXFOQ\_DM1.0 (re-named, previously Sherbourne House Type);  
Cambridge House Type - Cambridge-EF\_CAMB\_DM.6.0;  
Leamington Lifestyle House Type - Leamington Lifestyle-EF\_LEAMQ\_DM.1.0;  
Shaftesbury House Type - Shaftesbury-EF\_SHAF\_DM\_6.0;  
Canterbury House Type - Canterbury-EF\_CANT\_DM.6.0;  
Welwyn House type - Welwyn-EF\_WELW\_DM.6.0;  
Harrogate House Type – Harrogate-EF\_HARR\_DM\_6.0;  
Sunningdale House Type - Sunningdale-EF\_SUND\_DM.6.0;  
Henley House Type - Henley-EF\_HENL\_DM.5.0;  
Balmoral House Type - Balmoral-EF\_BALM\_DM.5.0;  
Richmond House Type - Richmond-EF\_RICH\_DM.5.0;  
Garages: Double – Type 1 C-DG01 1 001 rev E, Double - Type 2 C-DG02 1 001 rev D, Single - Type 1 C-SG01 1 001 rev E, Double – Type 12;  
1447-02-02-PL006 Materials Layout Rev B;  
Illustrative Landscape Masterplan rev J - dwg P16-0429\_100-J;  
Boundary treatments: Brick wall, Post and rail fence, Timber fence and Timber gate.
  
3. Details of temporary highway vehicle and pedestrian routings, suitable off-highway parking for all construction related vehicles and vehicle cleansing/wheel washing facilities shall be submitted to and approved in writing by the local Planning Authority prior to the commencement of the development. The development must then be carried out in strict accordance with the agreed details.

4. 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.
5. Prior to occupation of the development hereby approved details of cycle storage for each dwelling shall be 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.
6. Development shall not begin until details of the proposed highway improvement works at the A556 to increase the length of the right turn lane, as indicated on the Vectos Drawing 141220B\_A01, including all associated works within the public highway, have been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied until the agreed highway works have been constructed in accordance with the approved details.
7. Prior to the commencement of above ground development, details of the proposed hard and soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. These details shall include:
  - A 10 year management and maintenance plan
  - Details of the footpath layout within the green areas of the site. These should be minimal and located so as to cause as least disturbance to the retained habitats as possible.

Development and landscaping management and maintenance shall be carried out in accordance with the approved details. Any trees, hedgerow or woodland retained as per the landscaping scheme that, within 10 years of occupation of the proposed development, dies, is removed, or in the opinion of the Local Planning Authority becomes seriously damaged or diseased, shall be replaced in the next planting season with trees/hedgerow of the same approved specification.

8. Prior to the commencement of above ground development, details of the provision for children and youth play and allotments shall be submitted to and approved in writing by the local planning authority. Details shall include an implementation strategy outlining timescales for provision. Development shall be carried out in accordance with the approved details.

9. Prior to the commencement of above ground development, a scheme for the provision of public open space in accordance with the Illustrative Landscape Masterplan rev J, dwg P16-0429\_100-J, including management, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the agreed scheme.
10. Prior to the commencement of development details of any levels changes and earthworks shall be submitted to and approved in writing by the local planning authority. These details shall include existing and proposed topographical plans. Development shall be carried out strictly in accordance with the approved details.
11. Prior to occupation of the development hereby approved details of the proposed boundary treatments and any external lighting on the dwellings shall be submitted to and approved in writing by the local planning authority. Boundary treatments and lighting shall be provided in accordance with the approved details prior to the occupation of the dwelling they relate to.
12. Prior to the commencement of development details of surface water drainage shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.
13. Prior to the commencement of development details of a scheme for the disposal of foul water shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
14. Prior to the commencement of development details of the "No disturbance" ecological zone along the northern woodland boundary edge and the north-eastern field within the site boundary should be submitted to and approved in writing by the local planning authority. Details shall include appropriate fencing and signage. Development shall be carried out in accordance with the approved details.
15. Development shall be carried out in accordance with the recommendations detailed in The Hollies Hartford Great Crested Newt Mitigation Strategy September 2018 version 3.0 report by TEP (ref 6252.008).
16. Prior to the commencement of development, a lighting scheme for the site and Bat box scheme (including on mature trees and boundary dwellings) shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate the recommendations of the Hollies Hartford Bat Activity 2017 and 2018 Report by TEP and The Hollies Ecological Assessment September 2018 Report by TEP. Development shall be carried out in accordance with the agreed schemes.

17. Prior to their provision details of the new pond and ditch proposed, including profiles and planting, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
18. Prior to occupation a long term 25 Year Habitat Management Plan (to begin from occupation of the final dwelling) shall be submitted to and approved in writing by the local planning authority. The approved management plan shall be adhered to for the 25 years following occupation of the final dwelling on site.
19. Prior to the commencement of development, a Local Wildlife Site Protection Scheme for the construction period shall be submitted to and agreed in writing by the local planning authority. This shall include details of protective fencing and silt pollution prevention measures. Development shall be carried out in accordance with the approved scheme.
20. Prior to any clearance works taking place on site an updated Badger survey, including any necessary updated mitigation strategy, shall be submitted to and approved in writing by the local planning authority. If an updated mitigation strategy is required development shall be carried out in accordance with the approved updated mitigation.

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Philip Robson of Counsel

Instructed by Chris Tsompani,  
solicitor of the Council

He called:

Gary Jones

Senior Technical Leader with Atkins

Also appeared:

Rob Charnley

Planning Project Manager and case  
officer

### FOR THE APPELLANT:

Paul Tucker QC of Counsel

Instructed by Matthew Gilbert  
BSc(Hons) MRTPI, Principal, The  
Planning Consultancy

He called:

Mike Axon BEng(Hons), FCIHT, MTPS

Director of Vectos

Matthew Gilbert

Principal of The Planning Consultancy

### RULE 6 PARTY:

John Groves

Groves Town Planning on behalf of  
Hartford Parish Council

### INTERESTED PERSONS:

John Szostek

Hartford resident and Chair of  
Hartford Civic Society

Rita Hollens

Councillor of Hartford Parish Council  
and local resident

Bruce Ursell

Hartford resident

Sam Naylor

Hartford resident

Janet Begbie

Resident of Castle

Cllr Phil Herbert

Borough Councillor – Hartford and  
Green Bank Ward

Karen Banks

Hartford resident

Dr Martin Llewellyn

Chair of Hartford Parish Council –  
speaking as a local resident

Steve Farrell	Local resident
Jane Taylor	Local resident
Anonymous	Representative of Badgers Close

**INQUIRY DOCUMENTS:**

1. Proof of Title documents submitted by appellant.
2. Air quality sheet submitted by appellant.
3. Copy of appeal decision Ref APP/B1605/W/14/3001717 relating to Land at Kidnappers Lane, Leckhampton, Cheltenham.
4. Comparison of Daily Variation Calculations (2 sheets) submitted by Council.
5. Opening submissions on behalf of the appellant.
6. Opening submissions on behalf of the Council.
7. Evidence of Cllr Phil Herbert as read out.
8. Evidence of John Szostek as read out.
9. Evidence of Dr Martin Llewellyn as read out.
10. Evidence of Bruce Ursell as read out.
11. Evidence of Rita Hollens as read out.
12. Copy of working draft of Section 106 Agreement.
13. Anonymous letter submitted via Cllr Herbert.
14. Statement of Compliance with Community Infrastructure Levy Regulations 2010 submitted by Council.
15. Copy of draft conditions suggested by the Council in the event of the appeal being allowed.
16. Copy of Council document: Home to educational establishment transport policy.
17. Copy of Council's Proposals Plan relating to area including appeal site.
18. Letter from The Planning Consultancy dated 24 July 2019 relating to suggested pre-commencement conditions by the Council, in the event of the appeal being allowed.
19. Closing submissions on behalf of the Council.
20. Closing submissions on behalf of the appellant.
21. Copy of track changes version of draft Section 106 Agreement.
22. Clean but unsigned version Section 106 Agreement.