



---

## Appeal Decision

Inquiry Held on 11 – 14 February 2020

Site visits made on 10 & 13 February 2020

**by D J Board BSc (Hons) MA MRTPI**

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

**Decision date: 20<sup>th</sup> October 2020**

---

### **Appeal Ref: APP/R0660/W/19/3221564**

### **Doddington Park Farmhouse, Bridgemere Lane, Bridgemere, CW5 7PU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by The Doddington Estate (Lady Rona Delves Broughton) against the decision of Cheshire East Council.
  - The application Ref: 18/2153N, dated 30 April 2018, was refused by notice dated 1 August 2018.
  - The development proposed is Development of 12 no. sites for residential development for 112 no. dwellings with means of access and layout included, but with all other matters reserved, for a 10 year phased release and delivery period and associated community betterment (parking overspill next to School, enhanced parking next to Church permissive pedestrian paths, playspace, public access, community orchard, educational contribution and affordable housing)[RE-SUBMISSION of 16/5719N : addition of extra 2.81 ha of land and 10 no. dwellings].
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for Development of 12 no. sites for residential development for 112 no. dwellings with means of access and layout included, but with all other matters reserved, for a 10 year phased release and delivery period and associated community betterment (parking overspill next to School, enhanced parking next to Church permissive pedestrian paths, playspace, public access, community orchard, educational contribution and affordable housing)[RE-SUBMISSION of 16/5719N : addition of extra 2.81 ha of land and 10 no. dwellings] at Doddington Park Farmhouse, Bridgemere Lane, Bridgemere, CW5 7PU in accordance with the terms of the application, Ref: 18/2153N, dated 30 April 2018, subject to the conditions in Annex A.

### **Procedural Matters**

2. In response to travel restrictions currently in place due to the COVID-19 pandemic the final sitting day for this Inquiry did not take place. Both the appellant and the Council agreed to proceeding on this basis. Therefore, closing submissions were made in writing and the Inquiry was closed in writing. Following the close of the Inquiry Historic England published '*Historic Environment Good Practice Advice in Planning Note 4 (GPA4)*'. The main parties made final written submissions specifically on the application of this document to the appeal scheme. This document supersedes the old guidance '*Enabling Development and the Conservation of Significant Places*'.

3. The scheme is made in outline with means of access and layout of the sites submitted for consideration at this stage. The appeal is considered on the same basis.
4. During the Inquiry s106 agreements were submitted in the form of a planning obligation and a unilateral undertaking. Following the adjournment of the Inquiry a sealed copy of the planning obligation was provided. The agreement seeks to secure provision of affordable housing, education, open space, public access and car parking (site 6) and heritage.

### **Background and Main Issues**

5. There is a complex background to the appeal scheme. In short:
6. The Doddington Estate has been in the appellant's family since 1372. It contains a group of heritage assets. These include Doddington Hall (Grade I), Delves Hall (Grade I) and Star Barn (Grade II\*). The Stable Block is also Grade II listed.
7. Over the twentieth century the estate has had a variety of uses and was ultimately left in a poor state of repair and condition. More recently Doddington Hall has been made wind and watertight and temporary works have been carried out to Delves Hall and Star Barn. Nevertheless, these three buildings are on the Historic England Heritage at Risk Register<sup>1</sup>.
8. There is no dispute that the appellant has engaged with Historic England to plan the future of the estate. There is planning permission and listed building consent<sup>2</sup> in place for the restoration and conversion of Doddington Hall to a country house hotel with a new spa and leisure facility. This includes the erection of an annex wing for new accommodation. The scheme includes the Cottages and stables along with restoration works to Delves Hall and Star Barn. There is no dispute that the end use of Delves Hall and Star Barn would be established at a later date.
9. The main issues in the case are:
  - whether the proposal would provide appropriate sites for residential development having regard to local and national planning policies;
  - Whether the proposed development would preserve or conserve the settings of designated heritage assets on the greater estate;
  - and whether the public benefits of the scheme advanced for the conservation of the heritage assets would be sufficient to outweigh any identified harm.

### **Reasons**

*Planning policy - Whether the provision of 112 dwelling would accord with the policies of the development plan*

10. The development plan comprises the Cheshire East Local Plan Strategy (CELPs) and the saved policies of the Crewe and Nantwich Replacement Local Plan (RLP). There is no dispute that the sites identified for housing would lie in the

---

<sup>1</sup> ID27 para 15

<sup>2</sup> LPA Refs 14/5654N and 14/5656N; 18/5806N and 18/5903N

- open countryside, where in normal circumstances, new open market housing would be resisted under CELPS policy PG 2. This policy sets out the Council's settlement hierarchy.
11. In terms of the reason for refusal policy PG 2 refers to 'Other Settlements and Rural Areas'. In these areas it sets out that growth and investment should be confined to development that is proportionate and at a scale commensurate with the function and character of the settlement. It goes on to set out that it should be confined to locations well related to the existing built up extent of the settlement.
  12. CELPS policy PG 6 seeks to protect the open countryside from urbanising development and it applies a number of criteria. There is no dispute that the appeal scheme would not meet any of the appropriate uses listed in part 2 of the policy. It sets out that only essential development will be permitted within the open countryside, subject to certain exceptions. Paragraph 3 provides a list of these. Specifically, point (vi) allows for development that is '*essential for the conservation and enhancement of a heritage asset*'.
  13. In considering whether the scheme would accord with this policy the Inquiry considered Historic England (HE) Good Practice Advice in Planning Note 4 '*Enabling Development and the Conservation of Significant Places*'<sup>3</sup>. As set out in the procedural matters this document has now been replaced by GPA4. As a policy statement from a statutory agency, which expands on paragraph 202 of the National Planning Policy Framework (the Framework), GPA4 is a relevant material consideration to which I attach substantial weight. I therefore consider the scheme against this document and policy PG 6 (vi) below.
  14. By reference to isolated homes in the countryside, Part (b) to paragraph 79 of the Framework refers to development that is 'appropriate enabling development to secure the future of heritage assets'. This approach aligns with the aim of PG 6 (vi). Namely, that to justify the provision of the housing it should be required to secure the future of the heritage asset.
  15. In terms of location I was referred to part 2 (ii) of SD 2. An assessment of the accessibility of the scheme on a site by site basis was undertaken by the Council within its planning evidence<sup>4</sup>. This was undertaken having regard to the relevant parameters within the foot notes to SD 2 and was not disputed by the appellant. Therefore, it is not disputed that in terms of the parameters of the policy the scheme would be in conflict with it.
  16. RLP Policy RES.5 also refers to housing in the open countryside. The appellant accepts that the scheme would be in conflict with this policy. The main point of dispute at the Inquiry was whether this policy should attract full weight. I understand that RES.5 was adopted prior to the 2012 National Planning Policy Framework. As such this policy makes no exception for development that is essential to conserve or enhance heritage assets. In this regard I agree with the appellant's submission that the tension between PG 6 and RES.5 should be resolved in favour of policy PG 6<sup>5</sup>, and that on this point RES.5 is out of date.
  17. The Wybunbury Combined Parishes Neighbourhood Plan (NP) has been through examination and the examiner's report has been issued. The plan has been

---

<sup>3</sup> CD117

<sup>4</sup> Appendix 2 to proof of evidence of Adrian Crowther

<sup>5</sup>S38(5) Planning and Compulsory Purchase Act 2004

published and the referendum took place on 27 February 2020. NP policy H1 is relevant to the appeal as it identifies locations where new housing would be acceptable. The appellant accepts that the appeal scheme would be in conflict with this policy. Nevertheless, it does not reflect the exceptions set out in PG 6 or national policy. As such, in this case I therefore give more weight to the support provided by policies on enabling development including NP policy LE5. NP policy LE5 was also raised at the Inquiry. This policy sets out criteria where 'development that serves the conservation and reuse of a heritage asset' will be supported. As I have already outlined this is a matter I go on to consider in detail below.

*Doddington Hall, its significance and the works consented for the change of use to a hotel and spa*

18. The significance of the buildings is derived from their special architectural and historic interest. There is no dispute that the group of buildings including Doddington Hall, Delves Hall, Demense Farm, Star Barn and Stable Block represent the most complete collection of buildings designed by Samuel Wyatt nationally on a single estate. This connection to the architect Samuel Wyatt, a nationally important Neo-Classical architect, adds significantly to the special interest of the group, the more so as he not only redesigned the Hall but all the associated service buildings as a complete ensemble.
19. The list entry describes the Registered Park and Garden (RPG) as a park with landscaping by Lancelot Brown associated with a country house. The park is sizeable and overall, it is characterised by its rolling landform and an informal character with the presence of various meres and mosses. Some areas of the parkland are open providing views of the primary aspect of the hall and Delves Hall. Overall, the RPG is significant and its function of providing the principal landscape setting for the group of buildings. The Stable, Paddock and Walls are located to south and west of the main area of the RPG. As such they contribute to its setting.
20. The consented works are linked to a schedule of works. The schedule of works and costs associated with this have been assessed by the Council at both the time of the application and for the appeal.
21. There can be no doubt that Doddington Hall, Star Barn and Delves Hall are exceptional and a nationally important group of heritage assets, containing two Grade I and one Grade II\* building. Therefore, the conservation and reuse of a heritage asset is a considerable public benefit. Moreover, the registered landscape, and the other identified assets, are also recognised components of an ensemble of heritage assets of considerable special interest.

*Enabling Development*

22. The publication '*Enabling Development and the Conservation of Significant Places*<sup>6</sup>' provided guidance on the matters to be considered where enabling development, which would not normally be granted planning permission due to conflict with the development plan, is being considered. This contains a number of criteria. In considering the old guidance the areas of dispute focussed on the schemes compliance with criteria (a), (b), (c), (d) and (g). GPA4 identifies core principles, when enabling development might be

---

<sup>6</sup> CD117

appropriate, and at section 4 sets out a seven step process to consider whether the requirements of paragraph 202 of the Framework are met. The Inquiry heard evidence on the old guidance. The main parties explained how GPA4 links to the evidence presented at the Inquiry and their positions on application of GPA4 to the scheme. Therefore, it is within this context that I have considered the evidence.

23. I note that the scheme was subject to lengthy negotiations and that the views of Historic England were sought during this and as part of the application process. I also note that the application was recommended for approval to the Council's planning committee<sup>7</sup>.

#### *Heritage evidence*

24. The appeal scheme would be formed by a number of sites in and around the Doddington Estate. The sites are all located in the open countryside. The Framework seeks to resist isolated new housing in the countryside unless, amongst other things, it constitutes appropriate enabling development to secure the future of heritage assets.
25. The Council identified three issues regarding the relationship of the scheme and heritage assets. In particular, the RPG, the Paddock and Hatherton Lodge. These effects have been narrowed<sup>8</sup> to the relationship between sites 1,3,8 and 15 with the Registered Park and Garden; site 8 and the Stable, Paddock and Walls and site 11 and Hatherton Lodge.
26. Site 1 is located on the eastern side of London Road, which is an A road. The site is currently an open field. It is positioned outside of the RPG. There are views of the hall from London Road and it is appreciated in conjunction with the parkland. Nonetheless, the London Road forms a strong barrier between the site and the RPG. As such, Site 1 forms part of the wider countryside setting of the Doddington Estate. The scheme for Site 1 is identified as being for up to 18 dwellings. Given the location and position of the site, whilst the scheme would represent a change from an open field to housing, the effect of the appeal scheme on the setting and so significance of the RPG and the wider estate would be extremely limited. Nonetheless, the presence of this number of dwellings means that if Site 1 was to be developed then it would not conserve the setting of the RPG and thereby the setting of Doddington Hall.
27. Site 3 is located on the north side of Hunsterson Road. It would be to the south and east of Doddington Hall and the RPG. The scheme for this site would be for up to five dwellings. It would be adjacent to the existing dwellings that are positioned along Hunsterson Road. In this regard the main effect of this site, along with sites 2 and 15, would be to create a limited addition to the built development in this location. Therefore, development of site 3 would conserve the setting of the RPG.
28. Sites 7 and 8 were considered together within the appellant's statement. However, I note that within the heritage statement of common ground site 7 is stated as being one where it is agreed that there would not be an adverse effect on designated heritage assets. In particular it was agreed that the issue in dispute in relation to site 8 is the inter visibility between the eastern walls of the paddock and site 8. The setting of the Paddock Walls and Stables is made

---

<sup>7</sup> CD62

<sup>8</sup> ID1 Heritage Statement of Common Ground

up of open farmland. There are existing dwellings in the immediate locality and site 8 would be adjacent to them. Site 7 would be positioned on the opposite side of the road. The scheme for site 8 would be for up to 4 dwellings. These buildings would read as a cluster of dwellings positioned on the edge of the wider Doddington Estate. From this location there are some limited views across to the Stable, Paddock and Walls, which themselves are located within the periphery of the RPG. Overall, the development of sites 7 and 8 taken either separately or together would preserve the setting of the RPG.

29. Hatherton Lodge is described as a '*gentleman's country estate*' and thereby part of its significance is derived from a contained setting which focuses upon the area close to the house itself. Hatherton Lodge is Grade II listed and located about 40 metres to the west of site 11. I agree with the appellant that the setting or context in which Hatherton Lodge is experienced is contained. Site 11 would be located outside of the setting of Hatherton Lodge. In addition, the number of dwellings would be limited to three. Therefore, overall, development of the site at this scale and in that location would not harm the setting of Hatherton Lodge, so preserving it.
30. The locations of the various sites are on the periphery of the estate when it is considered as a whole. On the periphery of the estate the significance of the RPG is described as being derived from the agricultural landscape. In this regard the housing sites would not impact on the heritage value of Doddington Hall, Delves Hall, Star Barn, the Stable Block, Paddock Walls, RPG. For the same reason development of the sites would not lead to fragmentation of the estate or impact on its management. There is no dispute that Doddington Hall and the estate should remain as one entity. Indeed, approaching the scheme in this manner would maximise the potential of the estate as a whole and allow for the use of any value generated to support essential conservation work.
31. The appellant describes the optimum viable use for the hall as being the hotel scheme which is consented. This is not a point that is in dispute. Indeed, the Council agree<sup>9</sup> that the works within the consented scheme would, when viewed as a whole, preserve the significance of the group of assets through direct works to these assets.
32. The use of Delves Hall and Star Barn are not put forward at this stage. In particular the Donald Insall Reports<sup>10</sup> suggest that Delves Hall is not necessarily a building that can be reused. However, it goes on to suggest that if it is repaired then it can remain part of the landscape and the history of the estate. For Star Barn no use is proposed at this stage and there is no detailed evidence regarding its use and long term maintenance once it is repaired. The Council submit that, for this reason, the scheme would not secure the long term future of the place. I agree with the Council that to be in full compliance with GPA4 this would need to be resolved. As such it would reduce the weight to be attached to the heritage benefits. This is matter I return to in the planning balance.
33. The appellant has referred to more specific guidance from HE<sup>11</sup> which it is submitted should be applied when seeking to understand the significance of the heritage assets. The Council's submitted position is essentially the worst case

---

<sup>9</sup> ID1 Heritage Statement of Common Ground

<sup>10</sup> CD032 & CD033

<sup>11</sup> Proof of Evidence Mr Handcock - Appendix 1, pages 6-9

position. This is that the development of housing would lead to less than substantial harm to some heritage assets. I would concur that the findings on site 1 support the main parties' agreement that the proposed development would lead to less than substantial harm to the heritage assets. Therefore, in terms of GPA4 the scheme would materially harm the heritage values of the setting of the place, albeit when expressed in the terms of the Framework would be less than substantial. I would also concur with the appellant's assessment that this would be at the lowest end of the spectrum. Nonetheless, a failure to preserve represents a breach of the statutory test which is a matter of considerable weight. This represents harm and any harm is a matter of considerable weight that must be weighed in the planning balance.

#### *Viability issues*

34. GPA4 part 2 refers to the need for consideration of '*alternative solutions*'. In this case the estate has been in the appellant's possession for some considerable time. A report was undertaken to appraise alternative issues and options<sup>12</sup>. This found that the hotel use would be the most appropriate new use for Doddington Hall. This is because it would require the least intervention to both the original layout and built fabric.
35. It was agreed by the main parties at the Inquiry that there are no alternative sources of funding available to the appellant. In questions raised at the Inquiry local residents queried whether other avenues and alternatives have been fully explored. There are no funds available from Historic England or other grants for the necessary conservation works and this was confirmed by the Council's witness. There would be adverse impacts to Doddington Hall if the essential conservation works are not carried out. In this regard the development proposed is necessary to resolve the needs of Doddington Hall. It would also secure the Delves Hall and Star Barn in a manner that would protect them as weather and watertight in accordance with the approved consents.
36. There is no dispute that to bring forward the hotel led scheme that has been consented would result in a deficit. The dispute is about the extent of that deficit and whether the scheme should be valued on a commercial or non-commercial basis. The main parties provided updated information regarding viability<sup>13</sup> to the Inquiry. Specifically, consideration of the costs and areas where disagreement remains. A further table covering the housing scheme was also provided. I appreciate that the Council submitted that a commercial approach<sup>14</sup> is the typical approach. The appellant's approach is on the basis that the costs associated with the heritage requirements cannot be met by the hotel alone. There is no grant funding and therefore any shortfall in costs needs to be met by a different means. In this context the housing scheme is only way of achieving that. In establishing this position, the appellant has employed experts in hotel valuation, a quantity surveyor for costs and a residential valuation expert.
37. On the evidence before me I have no doubt that there would be a funding deficit between the value of the hotel and the works needed to undertake the heritage restoration works to the Hall. The appellant sets out that the heritage deficit would be about £13.98 million and the cost of the heritage works was

---

<sup>12</sup> CD031

<sup>13</sup> ID 14, 15 & 16

<sup>14</sup> ID17 refers

not a matter in dispute. I appreciate that the Council sees the costs as likely to be greater than the funding available from the housing sites. Nevertheless, in this case the appellant is pursuing the housing development sites in order to reduce the extent of the deficit. The appellant cites the benefit from the housing to be about £9 million. Accepting the appellant's approach to valuation as a best case scenario then there would still be a funding gap. The position presented at the Inquiry was that the appellant is committed to meeting any funding shortfall, which they calculate to be about £4.35 million. It was made clear at the Inquiry that the appellant has a personal attachment to the buildings. Her commitment to meeting the funding gap would assist in protecting them as a national heritage asset. In addition, the end use is positive and I have evidence of the appellant's expertise and knowledge of the hotel sector. However, this is only a benefit if the works can be properly secured and the buildings protected.

38. I appreciate that the Council submitted that there were issues with the valuation of the housing. However, even if I accepted that the Council's position on the effect of a number of the detailed points of the valuation<sup>15</sup> on the subsidy available from the housing a funding gap would remain, albeit greater. The material point is whether the amount of housing would be at a level that is the minimum necessary and if that is the case can it be properly secured to enable delivery of the '*priority heritage works*'.
39. A planning obligation has been provided by the appellant. The agreement is set up in such a way that the money secured from the housing would be used to secure the heritage benefits, in the form of the '*priority heritage works*'. These works have been itemised in the fourth schedule of the planning obligation.
40. The hotel and spa works are defined separately and are the works approved by the Doddington planning permissions for its restoration and conversion to a hotel with spa and leisure facility. When one of the housing sites is sold or used as an asset against which to borrow money for development then a requirement to undertake the priority heritage works would be activated. There would be a requirement to place monies into a separate bank account and for a bond to be provided as a means to guarantee the completion of the priority heritage works.
41. The funding raised by the sites would be made available in this '*separate*' bank account. The agreement requires the conservation works to begin within 6 months of the first deposit to the bank account with substantial completion being required within 3 years. The further works to carry out the hotel scheme have a 5 year time frame. The agreement further requires the owner to either commence the hotel use or secure a suitable third party to do so. The conservation funding deficit is defined in the agreement and required to be paid to enable the priority heritage works and further works under the permission. In this context the effect of the housing development would be to enable the priority heritage works to be undertaken which in turn would allow the hotel use to come forward.
42. The submissions<sup>16</sup> demonstrate that both scenarios would make a loss. The main difference between the parties is the extent of that loss. I understand

---

<sup>15</sup> ID16

<sup>16</sup> ID14, 15 & 16

that there is a commitment<sup>17</sup> from the appellant to meet any funding shortfall. In this case there would be a commitment to meet this deficit by the appellant which would be secured by the planning obligation.

43. GPA4 is clear that a decision-maker must be satisfied that a scheme of enabling development would securely provide for the future of the heritage asset. Overall, in this case the amount of development would not in fact be at the level that would be the minimum necessary given that a funding gap would remain. However, the planning obligation would ensure that the amount proposed would securely provide for the future of the heritage asset. GPA4 also sets out that a decision-maker will still need to assess whether the heritage and any other public benefits it would secure would outweigh the disbenefits of departing from planning policy. This is a matter I consider in the overall balance.

*Other material considerations*

44. CELPS policy SD 2 (1(v)) refers to the need to avoid the permanent loss of agricultural land quality of 1,2 or 3a unless strategic need overrides these issues. In a plain read of the policy the schemes would lead to the loss of agricultural land and the strategic need caveat is not engaged. As such the scheme would be in conflict with this policy.
45. Within the development plan Shavington is identified as being a local service centre in the area of the combined parishes to which the NP relates. Other villages are identified as being suitable for infill housing development. The locations of the housing sites are such that they would have access to limited services and whilst there are some bus services most journeys would be by private car. Therefore, the scheme would not be in a sustainable location.
46. Local residents, including local parish and district councillors, have raised objections to the scheme. I have carefully considered all the submissions made in writing and orally at the inquiry. In particular concerns were raised regarding footpaths, flooding and drainage, ecology, the school car park capacity, ecology, passing places on Dingle Lane and over supply of housing.
47. The concerns regarding public rights of way are supported by the consultation response in the Council's committee report which is clear that the scheme needs to protect existing footpath routes. I am satisfied that this matter can be adequately dealt with by condition and I have attached relevant conditions on this point.
48. The issues of drainage and flood risk were raised. The Environment Agency response on these matters sought the detail of foul and surface water drainage. Comments on flood risk raised no objection and sought consideration of site specific issues. Conditions have been applied which address each of these matters and I am satisfied that in this case that is a proportionate and reasonable approach.
49. The scheme is supported by two ecology reports<sup>18</sup>. The comments from Natural England and Cheshire Wildlife Trust raise specific local matters where additional detail should be sought as part of the reserved matters submissions. This is done through the imposition of suitably worded conditions.

---

<sup>17</sup> CD28 para 7.8

<sup>18</sup> CD55 & CD66

50. Residents have raised concerns about the access and highways provision for the sites, including access for emergency vehicles. The appellant's have provided a summary of these points and the advice received from the local highway authority<sup>19</sup>. In particular the scheme would deliver adequate resident and visitor parking in accordance with the appropriate standards. In addition, there is no technical evidence that the scheme would result in harm to the free flow of traffic or highway safety.
51. The Council's report on the scheme addresses the car park provision for the school. It sets out that '*...The overspill car park proposed on Site 6 for Bridgemere Primary school, consists of 55 spaces and is located adjacent to school. There is an existing area that provides some parking for the school and there is an In and Out access currently in operation. It is proposed to increase the number of spaces and formalise the parking spaces within the car park. The Strategic Highways Officer considers that as there is currently a car park operating with the same access points, there are no objections to the proposal. As this proposal is providing a formal layout then the car parking spaces should meet current standards 2.5m x 4.8m and have a 6m aisle width, this dimensions can be conditioned if approved...*' There are no identified highway safety issues that would arise from this provision; indeed, the school attended the Inquiry to speak in support of the appeal. Overall, I have no reason to take a different view to the highway officers on the planning merits of this matter.
52. There was no dispute at the Inquiry that the Council has a five year supply of deliverable housing. I appreciate that residents consider that this scheme would therefore represent an oversupply. However, I am mindful that the Framework seeks to boost the supply of housing. In addition, in this case, the considerations surrounding whether the housing is acceptable turn on specific matters and in particular securing the future conservation of a heritage asset as expressed in paragraph 202 of the Framework.

### **Section 106 matters**

53. The proposed development would, through the planning obligation, seek to secure the necessary funds to secure the priority heritage works. It would also, through the planning obligation make provision for a public access scheme for the Doddington assets and a car park scheme for Bridgemere Primary School. The public access scheme would include a network of permissive public paths for pedestrians and cyclists, an annual programme of escorted or self-guided tours, including a date when they would commence.
54. A certified copy of the planning obligation under section 106 of the Town and Country Planning Act 1990 has been submitted covering the following matters:
- 10 affordable homes;
  - Education contribution;
  - Public open space and children's play space (3 LEAP and 1 LAP);
  - Permissible routes on the estate and
  - Car park extension to serve Bridgemere School.

---

<sup>19</sup> Paul Mew Associates Written Position Statement January 2020

55. The provision of affordable housing is governed by CELP policy SC 5. In particular point 7 of the policy sets out that in exceptional circumstances where viability would be affected it could be possible to make a lower provision of affordable housing.
56. The viability evidence demonstrates that in either scenario that the income generated by the housing scheme would not be sufficient to meet the heritage deficit of a hotel led scheme for Doddington Hall. As such any increase in affordable housing provision could impact on the extent of that heritage deficit by altering the amount available from housing sites. This was a fact accepted by the Council's witness. In this context I consider that the appellant's position is proportionate and within the scope of policy SC 5.
57. The council officer's report<sup>20</sup> identifies that the scheme would place pressure on education provision in the locality at both a primary and secondary level. As such a contribution is sought to mitigate the effect.
58. CELPS policy SE6 sets out the requirement for the provision of amenity greenspace, children's play space and green infrastructure connectivity. The officers report<sup>21</sup> confirms that the provisions across the sites would meet the numeric policy requirements. The scheme also includes 3 LEAP and 1 LAP. These would require the submission of the detail of the layout but their provision would be acceptable in principle. These provisions are considered to be necessary in order to make the development acceptable.
59. Permissive paths would be provided through the estate land and specifically from sites 2 and 4 toward the school. A car park would be provided at site 6. Representatives from the school who spoke at the Inquiry explained that an extended parking/drop off point would provide a safer route and facility off the main highway for children and parents. Both of these provisions would fall within the requirements of CELPS policy IN 2 which seeks to secure necessary physical, social and public realm infrastructure.
60. The planning obligation submitted would meet the tests within the CIL Regs and those in paragraph 56 of the Framework. Overall, for the reasons set out above, having regard to the matters secured by the planning obligation I am satisfied that the scheme would make adequate provision for the infrastructure needs arising from the proposal.

*Whether the public benefits of the scheme advanced for the conservation of the heritage assets would sufficient to outweigh any identified harm?*

*Heritage balance*

61. The effect of the proposed development on statutorily designated heritage assets (in this case listed buildings) associated with the estate must be made against statutory and policy documents. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 sets out that, in considering whether to grant planning permission for development which affects a listed building, or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Framework also make clear in paragraph 193 that great weight should be given to the conservation of

---

<sup>20</sup> CD62

<sup>21</sup> CD62

- designated heritage assets and their setting (in this case listed buildings and the RPG).
62. Having assessed the effect of the proposal in heritage terms it is necessary to identify any harm, characterise its magnitude and then balance that harm against any public benefits the proposals may bring. In doing so I am conscious that great weight and considerable importance should be given to the asset's conservation. I have concluded that there would be harm to the settings of some of the listed buildings and the setting of the RPG. However, when considered against the sum of the significance of the assets as a whole I characterise this harm as less than substantial. Set against these harms however are a range of public benefits and I set these out below.
63. The viability evidence demonstrates that in either scenario that the income generated by the housing scheme would not be sufficient to meet the deficit of a hotel led scheme for Doddington Hall. The appellant's solution to this is to offer a bond and a personal assurance regarding the shortfall, taking into account the proceeds from the housing, of about £4.35 million. The planning obligation adopts a proportionate approach to securing '*priority heritage works*'. There is an absence of an end use for the Star Barn which does cast some doubt on the assurance that the whole package for the group of assets would be delivered. The appellant's submissions refer more than once to the importance of the group of assets. As such, I cannot ignore the lack of assurance regarding the future use, funding and maintenance of the barn. This does, to a limited extent, diminish the weight to be attributed to the public benefit of the priority heritage works and implementation of the planning permission and listed building consents. However, the Star Barn would be repaired and secured in a weather and watertight manner that would assure its preservation in the medium term. Further I accept the appellant's argument that an end use for the barn is more likely to be found once the hotel is operational. As such, overall, I consider that with the obligation in place, this provides the optimal means by which the heritage assets will be secured. Given the high status of these assets this is a very significant heritage and therefore public benefit to which I attach substantial weight.
64. Other benefits advanced by the appellant<sup>22</sup> include the creation of new jobs by the scheme and the use of local facilities and businesses by new residents. Furthermore, that the scheme would offer restored heritage assets which are open to locals and visitors; job creation in construction and then in the hotel and spa business; investment in the area from new business and leisure activity; improvements to infrastructure; support for existing services; and creation of new services. There are also a range of public access initiatives proposed as part of the scheme. All these can be judged as positive outcomes of the scheme and so be seen as public benefits meriting modest weight in favour of it.
65. The provision of 112 homes would support to the Government's objective of boosting the supply of homes. This is a public benefit that weighs significantly in favour of the proposals. Moreover, whilst the provision of affordable housing is modest, and in accordance with policy, such provision to meet local need is nevertheless a public benefit and this too should be afforded modest weight in favour of the scheme.

---

<sup>22</sup> Page 11 CD031

66. As required by paragraph 196 of the Framework where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Taking all the above into consideration, I am of the view that taken together, the public benefits do outweigh the harm I have found to the heritage assets whether balanced on an individual basis or cumulatively.

*Planning balance*

67. The duty in section 38(6) of The Planning and Compulsory Purchase Act 2004 enshrines in statute the primacy of the Development Plan. As an essential component of the 'plan-led' system, it is also reiterated in the Framework which is of course a material consideration to which substantial weight should be attached.
68. The appeal sites lie outside of village settlement boundaries. In this regard there would be conflict with the spatial strategy, in particular CELPS policies PG 2 and PG 7. Furthermore, the proposal would be in conflict with policy SD2 in terms of loss of agricultural land and the location of the sites for housing. In terms of the NP the scheme would be in conflict with policy H1 in terms of the location of new housing. The harm to the conflict with the development plan by reason of an at face value breach of policies in the CELPS and NP goes into the negative side of the balance and I attribute substantial weight to it.
69. However, consideration is also required of CELPS policy PG 6 and NP policy LE5 which support development that serves the conservation and reuse of a heritage asset. In terms of PG 6 to benefit from point (vi) the scheme must be shown to be '*essential for the conservation of a heritage asset*'. In this case the evidence presented to test this point was GPA4, which is in itself a material consideration and considers if the scheme secures the conservation of a core of important heritage assets, thereby striking the right balance between harm and benefit.
70. I have found that there would be some harm to the setting of the place. Nonetheless it has also been demonstrated that the housing proposed is necessary to facilitate the commencement of the priority heritage works that would allow implementation of the planning and listed building consents<sup>23</sup> for the estate. Therefore, whilst the issues are finely balanced I consider that the appeal scheme would meet the exception of PG 6 (vi) and would not be in conflict with LE5. I have found in relation to paragraph 196 of the Framework that the proposals would cause less than substantial harm to the setting of designated heritage assets. However, when assessed against the public benefits the scheme would bring, including heritage benefits to highly graded assets, I conclude these would significantly outweigh the identified harm.
71. In support of the scheme are the identified benefits, of which one would be the ability for the priority heritage works to be carried out to the heritage assets. Doddington Hall, Delves Hall and Star Barn are a nationally important group of heritage assets and it is important to ensure their preservation for the benefit of future generations. However, as explained in the heritage balance this benefit would be reduced by the absence of a use for the Star Barn.

---

<sup>23</sup> LPA Refs 14/5654N and 14/5656N; 18/5806N and 18/5903N

72. Other benefits advanced by the appellant<sup>24</sup> include the creation of new jobs by the scheme and the use of local facilities and businesses by new residents. Furthermore, that the scheme would offer restored heritage assets which are open to locals and visitors; job creation in construction and then in the hotel and spa business; investment in the area from new business and leisure activity; improvements to infrastructure; support for existing services; and creation of new services.
73. Taken all together therefore, despite the breach of development plan policy identified above and the significant weight attributed to this, these adverse impacts do not outweigh the very significant benefits the scheme would bring when assessed against the policies of the Framework, and indeed that of the development plan taken as a whole.
74. There is agreement that the tilted balance of paragraph 11 of the Framework should be engaged but disagreement about whether part (c) or (d) would in fact apply. In this case I consider that part (c) is applicable. None the less even if I were to agree with the appellant and apply (d) there is no clear reason to refuse planning permission and the adverse impacts would not outweigh the benefits. In any event the Framework is a material consideration which supports the scheme.
75. The development of 112 homes would be in conflict with policies of the development plan which relate to broad location of housing. However, it would accord with PG 6 and the exception that it provides for housing in the countryside. This compliance with the development plan is afforded substantial weight. GPA4 and the Framework are material considerations which overall weigh in favour of the scheme. Therefore, in the circumstances of this appeal the totality of the other material considerations, including the national interests of securing the building support the scheme.

### **Conditions**

76. I have considered the conditions put forward and discussed at the inquiry<sup>25</sup> against paragraph 55 of the Framework, the Planning Practice Guidance (PPG) and where necessary I have amended the wording in the interests of precision. The numbers refer to those in the updated conditions document<sup>26</sup>. Conditions 1, 2, 3 & 4 are required because they set the necessary time limits for implementation, approval of reserved matters and the approved plans as this provides certainty. The main parties were in agreement about the change to the time limit for implementation. The Framework and PPG do allow for a longer period to be imposed where projects are complex and the need is supported by evidence. In this case both parties consider that the scheme should involve the slow release of housing to maintain values. I appreciate that local residents were concerned about this approach not enabling the conservation works. However, the triggers for the priority heritage works in the planning obligation would be activated when one of the sites is sold or used as an asset against which to borrow money. As such matters surrounding the timing of the reserved matters and scheme implementation would not be at odds with this. Nevertheless, I appreciate that local residents wish to understand which sites are coming forward and when. Therefore, I consider

---

<sup>24</sup> Page 11 CD031

<sup>25</sup> ID18, ID19, ID20

<sup>26</sup> ID17

- that in the interests of the living conditions of existing occupiers that an overall phasing condition<sup>27</sup> is relevant and reasonable.
77. The Council proposed conditions 5, 6 & 7 to control the design of the schemes through the agreed design code. As such they are necessary and reasonable in the interests of the character and appearance of the area. Condition 6 limits dwellings to a true two storey on site 11. Given the relationship of this site to Hatherton Lodge I agree with the Council that this is necessary and reasonable in this instance.
78. Further in the interests of the character and appearance of the area conditions 9 and 15, 16, 17, 18 & 19 are necessary to secure the details of landscaping, landscape management, tree protection, strategic landscaping where appropriate and lighting are necessary. The Framework is clear that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers<sup>27</sup> to submit an appropriate desk-based assessment and, where necessary, a field evaluation. As such it is both necessary and reasonable that for the sites where it is required that a programme of archaeological works is secured and undertaken.
79. To manage the water environment of the development and mitigate any flood risk conditions regarding the finished floor levels of the dwellings and surface and foul water details, including design, implementation, maintenance and management as well as disposal of surface water are necessary.
80. CELPS policy CO 2 sets out the requirement for the provision of electric vehicle charging points. Therefore, the inclusion of a condition that would secure the details of this on a site by site basis would be necessary in this case. CELPS policy SE 6 seeks to deliver a good quality, and accessible network of green spaces for people to enjoy, providing for healthy recreation and biodiversity and continuing to provide a range of social, economic and health benefits. As such a condition it imposed to secure a scheme for the replacement of the temporary road on site 4 with a permissible footpath.
81. Conditions requiring the submission of a scheme for contamination remediation, should it be found to be present, and management of imported soil are necessary to ensure that the future users of the sites are protected from risks associated with contaminants. Where there is known contamination a compliance condition is necessary to ensure that the remedial scheme is carried out on the impacted sites.
82. A condition is necessary to require updated information and mitigation for ecology on a site by site basis is necessary in the interests of protected species. To safeguard biodiversity conditions are necessary to secure a drainage strategy specifically for sites 9, 10, 13 and 14.
83. In the interests of the living conditions of the occupiers of existing dwellings surrounding the sites it is necessary to impose a condition requiring the detail of construction management, including dust management methods and hours of operation. In addition, for the same reason a condition requiring details of any piling is necessary. It would also be necessary to require the

---

<sup>27</sup> ID19

implementation of the noise mitigation recommended in the submitted acoustic reports.

84. In the interests of highway safety and to accord with CELPS policy BE 3 proposed condition 26 is necessary to secure the parking layout and provision on site 6. Policy SD 2 seeks to encourage alternative travel options for future residents. Therefore, it would be reasonable to impose a condition to secure the detail of that information and secure its implementation.
85. In the interests of highway safety, it is proposed to provide passing places along the route to site 4<sup>28</sup> on Dingle Lane. The appellant has provided plans which indicate where the bays could be located. Site 4 would be for four dwellings. As such the number of movements would not be significant. Indeed, the view of the Council's highways officers was that *'...although Dingle Lane is a narrow single track road it would be unsuitable to serve a large number of new dwellings, 4 units will have low traffic generation and the inclusion of the proposed passing spaces is acceptable. The use of a temporary construction route is also acceptable. The Strategic Highways officer considers that given the level of development using Dingle Lane has been significantly reduced it is considered that the proposed access via Dingle Lane is acceptable... To avoid construction traffic having to use Dingle Lane a temporary construction route is proposed to the northern side of the site. On completion of construction this route will be closed and converted to a pedestrian/cycle link.'* I note that the local residents are concerned that two of the spaces rely on private land. Therefore, I consider that it is appropriate to require a scheme to be submitted for approval, noting that the plan provided to the Inquiry demonstrates the level of inter visibility and that at least two places could be provided within highway land or land in the appellants control.
86. It was agreed that the condition about public rights of ways should be more precise. Specifically, it should address sites 2, 7 & 10 and it is necessary to ensure that the scheme would not have an adverse effect on public rights of way in the locality.
87. It was agreed at the Inquiry that the condition for site 6 seeking compliance with the flood risk assessment would be covered by other conditions. It was agreed at the Inquiry that the matters referred to in conditions 28 (LAP/LEAP), 38 (School Car Park) and 39 (Church Car Park) were secured through the planning obligation. As such these conditions would not be necessary.

### **Conclusion**

88. Therefore, for the above reasons and having regard to all other matters raised in evidence and at the Inquiry, I conclude that the appeal should be allowed.

*D J Board*

INSPECTOR

---

<sup>28</sup> ID20

## **Annex 1: Conditions**

- 1) Approval of the details of the appearance, landscaping, and scale (the reserved matters) shall be obtained from the Local Planning Authority in writing before any development is commenced on each phase.
- 2) The first application for reserved matters must be made not later than 5 years from the date of permission.
- 3) Development shall be implemented within 15 years of the outline permission or the expiry of 5 years of the final approval of reserved matters.
- 4) The development hereby approved shall be carried out in total accordance with the approved plans numbered A2392 A 158 R25 [sites 13 & 14]; A2392 A 159 R9; A2392 A 160 R12 [Community benefits plan]; A2392 A 151 R24; A2392 A 155 R27; A2392 A 156 R26; received by the Local Planning Authority on the 6th July 2018. A2392 A 150 R25; A2392 A 100 R3; A2392 A 157 R21; A2392 A 154 R23; A2392 A 153 R26; A2392 A 152 R26 received by the Local Planning Authority on the 1st May 2018.
- 5) Each reserved matters application shall accord with the details set out within the hereby approved Residential Sites Design code (as amended on 17th July 2018).
- 6) Notwithstanding the approved plans/residential design code; all dwellings shall be a maximum of two storey, and dwellings proposed on Site 11 shall be true 2 storey only and have no habitable accommodation within the roof space.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking or re enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Classes A-G of Part 1, and Class A of Part 2 Schedule 2 of the Order shall be carried out.
- 8) All residential development shall be situated within Flood Zone 1 only, and all finished floor levels shall be a minimum of 600 mm above the adjacent 1 in 100 annual probability climate change fluvial flood level, and also a minimum of 0.15m above adjacent ground levels. Full details shall be provided within the reserved matter application for each site.
- 9) Each Reserved matters application shall include the submission of a scheme of landscaping. The scheme shall be in accordance with the submitted Residential Sites Design Code and Landscape & Visual Appraisal. It shall include indications of all existing trees and hedgerows on the land, and details of any alteration to ground levels.

- 10) In addition to the scheme required by condition 9, each reserved matters shall include proposals for advanced landscaping planting, to strengthen/gap up hedgerows, additional hedgerows trees where appropriate and to the eastern end of sites 3 and 15 include details of where proposed tree planting will be undertaken.
- 11) If within 5 years of the date of the planting of any tree/hedge plant; or any tree/hedge plant planted in replacement of it; is removed, uprooted or destroyed or dies, a replacement tree/hedge plant will be required to be planted within the next planting season.
- 12) The reserved matters application for each site shall including plans demonstrating the location and specification of a single Mode 2 compliant Electric Vehicle Charging Point per property with off road parking. Prior to first occupation of each unit, the developer shall provide Electric Vehicle Infrastructure to the agreed specification. The infrastructure shall be maintained and operational in perpetuity.
- 13) Within 3 months of the development on site 4 being completed, a scheme for the removal of the temporary road, and replacement with a permissible footpath shall be submitted to and approved in writing by the Local Planning Authority. The path shall be implemented and made available for use within 6 months of the development on site 4 being completed, and thereafter remain available for use a permissible footpath thereafter.
- 14) If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority. Prior to first occupation/use of the development, confirmation should be provided to the LPA that no such contamination was found, and if so what remedial measures were agreed and implemented.
- 15) (a) Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping shall be tested for contamination and suitability for use prior to importation to site. (b) Prior to occupation, evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the LPA.
- 16) No development shall commence until a scheme for the phasing of the development has been submitted to and agreed in writing by the Local Planning Authority. References to phase in the conditions following are to be taken as a reference to a phase as identified in the phasing scheme.

- 17) Each reserved matters application shall include a full scheme of any external lighting proposed. The development shall be implemented as approved.
- 18) Each Reserved Matters application shall include, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules covering all landscape and habitat mitigation areas, other than domestic gardens, and running for 20 years from implementation. The management plan shall be implemented as approved.
- 19) Each reserved matter shall include an updated Arboricultural Impact Assessment and Tree Protection Scheme/Method Statement in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations (or as amended). The development shall be implemented in accordance with the approved scheme.
- 20) Each reserved matters application shall include detailed design, implementation, maintenance and management of a surface water drainage scheme.
- 21) Each reserved matters application shall include detailed proposals for disposal of surface water (including a scheme for the on-site storage and regulated discharge accompanied by relevant calculations). The development shall be implemented in accordance with the approved scheme.
- 22) Each reserved matters application shall include an updated protected species assessment and mitigation strategy to include a detailed design for the ecological mitigation areas as recommended in the submitted ecological assessments prepared by Kingdom Ecology dated 18th November 2016 and 11th February 2018. The proposals to include habitat creation and management proposals for any Ecology Zone shown on the submitted illustrative layout plans associated with any relevant site. The development shall be implemented in accordance with the approved mitigation strategy.
- 23) Each reserved matters application shall include a Major Development Construction phase Environmental Management Plan. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall provide hours of operation for the site and show 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 route
  - BS5228:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites – Part 1: Noise and Part 2: Vibration
  - Waste Management

- There shall be no burning of materials on site during demolition / construction
  - Dust generation caused by construction activities and proposed mitigation methodology. The Environmental Management Plan above shall be implemented and in force during the construction phase of the development.
- 24) Each reserved matters application for sites 9 and 10 shall be supported by a drainage strategy formulated to safeguard the hydrology of nearby peatland sites. The development on these sites shall be implemented in accordance with the approved scheme.
- 25) Each Reserved matters application for sites 13 and 14 shall include proposals for the management of Threeper's Drumble. The approved scheme shall be implemented as approved and retained in perpetuity.
- 26) The reserved matters scheme for site 6 shall include a scheme for the parking layout in accordance with the current Highway standards. The approved scheme shall be implemented as approved.
- 27) The Reserved matters applications for sites 2,7 and 10 shall include;
- a) Public Rights of Way scheme of management, to be agreed in writing. The scheme shall include provision for:
    - i. the design of access and Public Rights of Way routes within the development and their surfacing, widths, gradients, landscaping and structures;
    - ii. any proposals for the diversion or extinguishment of any Public Right of Way under section 257 of the Town and Country Planning Act 1990; and, iii. any proposals for the temporary closure of any Public Rights of Way, along with alternative route provision.
  - b) Prior to the commencement of development of each site, the line of the Public Right of Way shall be marked out on the development site and retained as such throughout the development.
  - c) Pre-commencement and post-completion condition surveys of the surface of the Public Right of Way shall be undertaken by the developer, with the developer restoring any degradation identified.
- 28) Prior to the commencement of development of each site, full details of any piling foundations required shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.
- 29) Prior to the commencement of development on Sites 2, 3, 4, 8, 10, 13, 14 & 15;

(a) A Phase II ground investigation and risk assessment has been completed. A Phase II report shall be submitted to, and approved in writing by, the LPA and;

(b) If Phase II ground investigations indicate that remediation is necessary, a Remediation Strategy shall be submitted to, and approved in writing, by the LPA.

The remedial scheme shall be carried out in accordance with the approved Remediation Strategy unless otherwise first agreed in writing by the Local Planning Authority.

- 30) No development shall take place on Sites 1, 4, 8, 10 and 14 until a programme of archaeological works in accordance with a written scheme of investigation has been submitted to and approved in writing by the local planning authority. The works shall be carried out in strict accordance with the approved scheme.
- 31) Prior to first occupation of each site, a Residents' Travel Information Pack shall be submitted to and agreed in writing by the Local Planning Authority. The pack shall incorporate local information on sustainable transport options including walking, cycling, public transport and other local options as an alternative to the private car. The agreed pack shall be issued to the occupants on the initial sale of the properties and kept within any property information pack as applicable.
- 32) Prior to first occupation of each site, the noise mitigation recommended in the acoustic reports undertaken by Peak Acoustics ref TH281016NR1 rev 1 for sites 1 & 2 and report ref TH2810161NR2 rev 1 both dated 7th February 2018 shall be implemented in full prior to the occupation of each dwelling. The agreed mitigation scheme shall be maintained for the purpose originally intended throughout the use of the development.
- 33) Prior to the first occupation Sites 2, 3, 4, 8, 10, 13, 14 & 15 – A Verification Report prepared in accordance with the approved Remediation Strategy, shall be submitted to, and approved in writing by, the LPA, prior to the occupation of the development.
- 34) Prior to the first occupation of Site 4 a scheme for the provision of passing bays shall be submitted to and agreed with the Local Planning Authority. The agreed scheme shall be implemented and made available for use prior to the first occupation of Site 4.
- 35) No building hereby permitted shall be occupied until details of foul and surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The submitted details shall:

- i. provide information about the separate drainage of the foul and surface water.

END



- 12 Representations by STAND (Stand together against new developments)
- 13 Annexe 1 to CD121
- 14 Updated Cost Status Table – personal approach
- 15 Updated Housing Sites Table
- 16 Council’s Approach Table – notional developer
- 17 RICS Professional Guidance: Financial Viability in Planning
- 18 Additional information relating to conditions – Council
- 19 Suggested wording of phasing condition – appellant
- 20 Additional information on passing places – appellant
- 21 Technical Note: Paul Mew Associates, submitted by the appellant
- 22 Draft s106 Planning Obligation
- 23 Unilateral Undertaking under s106
- 24 Flow chart relating to planning obligation mechanism

**ADDITIONAL DOCUMENTS**

- 25 Council note on s106
- 26 Closing submissions on behalf of the Council
- 27 Closing submissions on behalf of the appellant
- 28 Certified copy of planning obligation