

Application No: 17/3331C

Location: REAR OF 108, LONDON ROAD, HOLMES CHAPEL, CHESHIRE, CW4 7BD

Proposal: Construction of 2no.new dwellings

Applicant: Mill Croft, c/o Agent

Expiry Date: 06-Oct-2017

### **SUMMARY**

The proposed development seeks to utilise a brownfield site within the settlement zone line for Holmes Chapel where there is a general presumption in favour of development as long as the use is appropriate to the character of its locality and adheres with other relevant development plan policies.

The proposal is of an acceptable design that would not create any significant concerns in relation to amenity, highway safety, trees, flooding or drainage and Jodrell Bank subject to conditions where deemed necessary.

The application is therefore recommended for approval.

### **RECOMMENDATION**

**APPROVE subject to conditions**

### **REASON FOR REFERRAL**

The application has been 'called in' to Southern Planning Committee by Cllr Gilbert for the following reasons;

*'The proposal is contrary to policies HO1 (A), TT1(D), TT1(E), CE4(C), CE5(A) and CE7 of the Holmes Chapel Neighbourhood Plan. This call-in is at the request of the Parish Council which regards this as an important test of the recently adopted Neighbourhood Plan.'*

### **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises of a car park and garden area to the rear of No.108 London Road located on the western side of London Road, Holmes Chapel within the Holmes Chapel Settlement Zone Line as defined by the adopted Congleton Borough Local Plan First Review.

The application site falls within the Jodrell Bank Radio Telescope consultation zone line.

### **DETAILS OF PROPOSAL**

Full planning permission is sought erect two dwellings each would have two bedrooms..

Revised plans were received during the application process in order to address Officer design and highway concerns.

## **RELEVANT HISTORY**

**29699/3** - Erection of Detached Garage And Gardening Tool Store, Garaging Of 2 Company Cars – Approved 10<sup>th</sup> February 1998

**28766/3** – Change of use to residential status – Approved 18<sup>th</sup> February 1997

**28765/3** - A New Dwelling to Rear Of Former Chapel – Refused 11<sup>th</sup> March 1997

**16282/3** - Extensions to Typewriter Sales/Maintenance business Forming Workshop, Office, Reception Etc – Approved 23<sup>rd</sup> October 1984

**2883/3** – Alterations and extension – Approved 4<sup>th</sup> March 1976

**0704/3** - Change of Use to Repair And Maintenance Of Office Machines – Approved 20<sup>th</sup> November 1974

**0249/3** – Change of use to be used as a base for an outside catering business – Approved 30<sup>th</sup> September 1974

## **POLICIES**

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

### **Development Plan**

*Cheshire East Local Plan Strategy (CELPS);*

PG1 - Overall Development Strategy, PG2 – Settlement Hierarchy, PG7 - Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SC4 - Residential Mix, SE1 – Design, SE2 - Efficient use of land, SE3 - Biodiversity and geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 - Green Infrastructure, SE8 – Renewable and Low Carbon Energy, SE9 - Energy Efficient Development, SE12 - Pollution, Land contamination and land instability, SE13 - Flood risk and water management, SE14 – Jodrell Bank, CO1 - Sustainable Travel and Transport, CO4 - Travel plans and transport assessments and EG3 - Exiting and Allocated Employment Sites.

*Congleton Borough Local Plan First Review 2005;*

PS5 – Villages in the Open Countryside and Inset in the Green Belt, PS10 – Jodrell Bank Radio Telescope Consultation Zone, GR6 – Amenity, GR9 - Accessibility, Servicing and Parking Provision, GR16 – Footpath, Bridleway and Cycleway Network and GR20 - Public Services

*Holmes Chapel Neighbourhood Plan;*

H01 (Housing Type and Mix), H02 (Low Energy Design Principles for Homes), H03 (Sustainable Development of Housing and Infrastructure), H04 (Size, Scale and Density of New Developments), H05 (Early Consultations), H06 (Affordable Homes), CW1 (Outdoor Play and Recreational Areas), CW2 (Holmes Chapel Comprehensive School and 6th Form Collage), CW3 (Primary Schools), CW4 (Child Care Facilities), CW5 (Health Centre Facilities), CE1 (Footpaths and Cycleways), CE2 (Connectivity Links around the Village), CE3 (Open Spaces), CE4 (Trees), CE5 (Character and Design), CE7 (Water Management on New Developments), ES1 (Maintain the Commercial Heart of the Village Centre), ES2 (Encourage Greater Employment Opportunities), TT1 (Promoting Sustainable Transport), TT2 (Congestion and Highway Safety), TT3 (Parking)

## **National Policy**

National Planning Policy Framework (NPPF)

## **CONSULTATIONS (External to Planning)**

**Jodrell Bank Observatory (JBO)** – No comments received at time of report

**Head of Strategic Infrastructure (HSI)** – No objections

**Flood Risk Manager** – No objections, subject to a condition that a suitable surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority

**United Utilities** – No objections

**Environmental Protection** – No objections, subject to a number of conditions including; that all habitable room windows should comprise of glass of 10mm and laminated 6,4mm with a 12mm air gap or designed as a minimum to achieve noise reduction criteria of 34dB Rtra; the provision of acoustic trickle vents/wall ventilators; the provision of a single Mode 2 compliant Electric vehicle charging point for the two properties; the prior submission/approval of a phase 1 contaminated land report; the prior submission/approval of a soil verification report and a condition that works should stop if any contamination is identified. Informatives regarding hours of construction and contaminated land are also proposed.

**Holmes Chapel Parish Council** – Object to the proposal as it is advised that the scheme would be contrary to various Neighbourhood Plan policies including;

- H01 – Housing type and mix – No evidence that the housing is needed over and above the 613 approvals
- TT1 – Promoting sustainable transport – Concerns in relation to sufficient space for car movements and whether the parking spaces are of sufficient size. Concerned that the access is not in an acceptable location
- CE4 – Trees – Lack of tree survey

- CE5 – Character and Design – missing bin storage details, tandem development not supported
- CE7 - Water Management on New Developments – Details not specified

## **OTHER REPRESENTATIONS:**

Neighbour notification letters were sent to all adjacent occupants. In response, at the time of writing this report, 2 letters of representation were received. The main concerns raised in these letters were;

- Design – Density/over-development of site, not in keeping with linear development
- Highway safety – unsafe access, pedestrian safety, position of bin storage
- Amenity – Loss of privacy (particularly the roof lights), visual intrusion, noise pollution
- Impact upon trees including TPO trees

## **OFFICER APPRAISAL**

### **Principle of development**

The application site falls within the Holmes Chapel settlement zone line as defined by the Congleton Borough Local Plan First Review 2005.

Policy PS5 of the Congleton Plan states that within such locations, development of land which is not otherwise allocated for a particular use will be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with the other policies of the plan.

Within the recently adopted CELPS, Policy PG2 defines Holmes Chapel as a Local Service Centre (LSC). Within such locations, small scale development to meet the needs and priorities will be supported where they contribute to the creation and maintenance of sustainable communities.

Policy H01 of the Holmes Chapel NP has the objective to provide additional development beyond the total planning applications already approved as at July 2016 (613 dwellings) and meet the requirements of the CELPS, changing demographic and quantified demand for different types of housing. The relevant aspects of Policy H01 goes on to state that;

- A. Further small scale housing development beyond the existing approvals of 613 homes will be supported to meet the needs and priorities established in the plan (Neighbourhood Plan), and to meet any target number of homes for Holmes Chapel through stage 2 of the Local Plan.
- B. Housing development will be expected to deliver a range of housing from smaller starter units of one to two bedrooms to larger, three or more bedroom properties
- D. Proposals which specifically include housing, such as bungalows or other terraced homes, suitable for individual living by older people to meet the needs to the growing aging population, will be supported.

In response, all three of the relevant 'principle' policies for housing within the Cheshire East Council development plan apply to the application proposals. All three indicate that the principle of housing on the application site would be acceptable if certain stipulations are adhered too.

The Congleton Local Plan supports the proposals subject to design considerations and adherence with other policies of the plan. These are considered in the below assessment.

The CELPS supports the proposals if they are deemed to be 'small scale', which they are considered to be in this instance, and where they support relevant needs and priorities.

Within the neighbourhood plan, the 'needs' referred to within section A (above) are for; bungalows or smaller terraced homes, suitable for individual living by older people to meet the needs of the growing ageing population (Policy HO1 (D)). The type of housing required appears to be further explained within the justification text of this policy. Within this text, it states that there is a need for smaller homes for younger residents and particularly for older people who want to downsize.

The proposed development is for 1 pair of two-storey semi-detached units (each with two bedrooms). It could be considered that these dwellings would indeed cater for either younger residents or older residents looking to downsize, adhering with the needs highlighted in the justification text of Policy HO1.

For the above reasons, subject to the adherence of the development with all other relevant aspects of the development plan, the proposals are deemed to be acceptable in principle.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan; the determination shall be made in accordance with the plan unless material considerations indicates otherwise.

## **Other Matters**

### Design

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings.

The proposal seeks the erection of a pair of semi-detached, two-storey properties on land to the rear of No.108 London Road, Holmes Chapel.

The dwellings would front Holmes Chapel Road, approximately 39 metres away from the associated roadside footpath, behind No.108 London Road which is a two-storey converted chapel now used as office accommodation.

The dwellings would be inset from the proposed southern, side edge of the site by approximately 2.5 metres, by between 12.6 metres and 7.1 metres from the rear boundary and 2.5 metres from the side, northern boundary. The site would be accessed via the existing access arrangements utilised by No.108 London Road.

The layout has been amended on the advice of the Officer to include a small front garden and place the parking along the sides of both dwellings. As there is existing built form to all sides of the application site, with no definitive pattern of development in addition to the above reasons, it is considered that the layout of the proposed scheme would be acceptable.

With regards to form, a pair of semi-detached, two-storey dwellings are proposed. Surrounding the application site there are a mixture of either two-storey semi-detached dwellings (London Road) or two-storey detached units. As such, the provision of a further pair of semi-detached units would not appear incongruous.

In relation to scale, the proposed units combined would measure approximately 10.7 metres in width and 9.6 metres in depth and would have a maximum height of approximately 7.8 metres. It is considered that these scales are commensurable with the closest existing semi-detached properties on London Road and immediate surrounding development.

The dwellings would have rectangular footprints and would have a cottage appearance by reason of the first-floor being accommodated within the roof space. To achieve this, a half-dormer is proposed on the front of each unit. The front elevations would also comprise of front doors with lean-to canopies above. The positioning of the fenestration would ensure that the dwellings will have a symmetrical appearance. No side openings are proposed. On the rear, a central half-dormer is proposed and a central set of patio doors. Two roof lights are proposed within the dual-pitched roof on each property to the rear.

The openings would comprise of arched stone lintels. It is advised within the submitted Design and Access Statement that the proposals will be constructed in Cheshire brick with a tiled roof and timber windows and doors.

It is considered that the design would be acceptable, subject to a condition seeking the prior approval of facing and roofing materials to ensure the proposal adheres with Policy SE1 of the CELPS, CE5 of the neighbourhood plan and the Cheshire East Design Guide.

#### Access / Highway safety

The application proposes to utilise an existing private access onto London Road, currently exclusively used by No.108 London Road.

The application has been reviewed by the Council's Head of Strategic Infrastructure (HSI), who has subsequently advised that following the receipt of further information, he has no concerns with regards to the access arrangements, the off-street parking provision and the refuse collection arrangements.

The development would therefore adhere to Policy TT1 of the Holmes Chapel NP and Policy GR9 of the Congleton Local Plan and Policy SD1 of the CELPS.

#### Trees

There are TPO protected trees on land to the south of the site (outside the site boundary) and trees in neighbouring gardens to the north and west.

The application is supported by a Preliminary Tree report dated 14/9/16, but no arboricultural impact assessment or method statement.

The Council's Tree Officer has advised that the proposals should not have any direct impacts on trees subject to a tree protection conditions and would therefore adhere with Policy SE5 of the CELPS and Policy CE4 of the Holmes Chapel NP.

### Flooding and Drainage

The application site does not fall within a Flood Risk Zone 2 or 3 and is not of a scale that triggers the requirement of a Flood Risk Assessment (FRA) to accompany the application.

The Council's Flood Risk Manager has reviewed the submission and advised that he has no objections, subject to a condition requiring the prior submission/approval of a surface water drainage scheme.

United Utilities have reviewed the submission and raise no objections to the proposal on drainage grounds, subject to informatives.

The application is therefore considered to adhere with policies; CE7 of the HP Neighbourhood Plan, GR20 of the Congleton Local Plan and Policy SE13 of the CELPS.

### Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The closest neighbouring dwellings to the application properties would be the occupiers of the applicants unit, No.108 London Road to the east, an office building, No.106 London Road to the north-east, No.5 Ironbridge Drive to the north-west and No.109 Portree Drive to the south.

The principal elevations of the properties would be approximately 14.6 metres from the rear elevation of the office building. Although this would be short of the recommended minimum standards, these standards apply to residential properties on commercial units. This is because commercial units such as the No.108 London Road are not occupied all day and all night and are used differently to residential properties. It is considered that this office building would be far enough away from the proposed development to ensure no significant concerns with regards to loss of privacy, light and visual intrusion would be created.

No.106 London Road would be offset to the north-east of the proposed dwellings and as such, would not be directly impacted by the above considerations. Although, the proposed elongated garden of this neighbouring unit would extend parallel to the north of the site, no openings are proposed within this gable elevation eliminating any overlooking concerns onto this neighbours private amenity space.

No.5 Ironbridge Drive is located off-set to the north-west. Again, due to this offset, no concerns are created with regards to loss of privacy, light and visual intrusion for this neighbouring dwelling itself. It is considered that although the proposed properties would face out onto the rear portion of this neighbours garden, they are sufficiently pulled back within their plots so not to create any

unreasonable loss of privacy to this neighbour's garden. Although concerns have been raised in relation to the proposed roof lights, these would be above 'head height' and as such, create no issues.

No.109 Portree Drive would be over 21 metres away from the side elevation of the closest of the proposed dwellings and no openings are proposed within the relevant side elevation. As such, it is not considered that the occupiers of this neighbouring property would be detrimentally impacted by the proposal in terms of loss of privacy, light or visual intrusion.

With regard to the amenities of the future occupiers of the proposed units themselves, sufficient private amenity space would be afforded so the occupiers of each could carry out normal functions such as drying washing, sitting out etc. Furthermore, there would be no conflict of the built form of the proposed dwellings upon each other.

The Council's Environmental Protection Officer initially reviewed the application and advised that he has no objections, subject to a number of conditions including; that all habitable room windows should comprise of glass of 10mm and laminated 6,4mm with a 12mm air gap or designed as a minimum to achieve noise reduction criteria of 34dB Rtra; the provision of acoustic trickle vents/wall ventilators; the provision of a single Mode 2 compliant Electric vehicle charging point for the two properties; the prior submission/approval of a phase 1 contaminated land report; the prior submission/approval of a soil verification report and a condition that works should stop if any contamination is identified. Informatives regarding hours of construction and contaminated land are also proposed.

Subject to these conditions, it is considered that the development would adhere to Policy GR6 of the Local Plan.

### Jodrell Bank

Radio telescopes at Jodrell Bank carry out a wide range of astronomical observations as part of national and international research programmes, involving hundreds of researchers from the UK and around the world. The telescopes are equipped with state-of-the-art cryogenic low-noise receivers, designed to pick up extremely weak signals from space. The location of Jodrell Bank was chosen by Sir Bernard Lovell in 1945 as a radio-quiet rural area away from the interference on the main university campus in Manchester.

The Congleton Borough Local Plan (PS10 and para 2.69) states that development within the Jodrell Bank Radio Telescope consultation zone will not be permitted if it can be shown to impair the efficiency of the Jodrell Bank radio telescope in terms of its ability to receive radio emissions from space with a minimum of interference from electrical equipment. Policy SE14 of the recently adopted CELPS also broadly reflects these requirements.

Equipment commonly used at residential dwellings causes radio frequency interference that can impair the efficient operation of the radio telescopes at Jodrell Bank. This evaluation is based on the definition of the level of harmful interference to radio astronomy specified in ITU-R.769, the International Telecommunications Union 'Protection criteria used for radio astronomical measurements', which has been internationally adopted and is used by Ofcom and other bodies in the protection of parts of the spectrum for radio astronomy.



Jodrell Bank recognise that there is significant development across the region surrounding the telescopes and have carried out an analysis which takes into account the distribution of development and the effect of the intervening terrain between any location and the telescope itself. This analysis uses data provided by Cheshire East and the Ordnance Survey and uses the officially recognized propagation model provided by the ITU 'Prediction procedure for the evaluation of interference between stations on the surface of the Earth at frequencies above about 0.1 GHz' (ITU-P.452).

Jodrell Bank Observatory now opposes development across a significant part of the consultation zone as a matter of principle, in order to protect the efficiency of the Jodrell Bank radio telescope's ability to receive radio emissions from space with a minimum of interference from electrical equipment.

The University of Manchester (who operate Jodrell Bank), have not provided comments on the application at the time of report.

However, the application site lies within the settlement boundary for Holmes Chapel and is surrounded on all sides by residential development. Furthermore, it is not within a direction or proximity which is particularly sensitive to the telescope's efficiency. For a combination of these reasons, it is not considered that it would be reasonable to pursue resisting the development on Jodrell Bank grounds in this instance. However, should the application be approved, a condition requiring the prior submission/approval of electromagnetic screening measures be imposed to minimize any such impact.

## **CONCLUSION**

The proposed development seeks to utilise a brownfield site within the settlement zone line for Holmes Chapel where there is a general presumption in favour of development as long as the use is appropriate to the character of its locality and adheres with other relevant development plan policies.

The proposal is of an acceptable design that would not create any significant concerns in relation to amenity, highway safety, trees, flooding or drainage and Jodrell Bank subject to conditions where deemed necessary.

The application is therefore recommended for approval.

## **RECOMMENDATIONS**

**APPROVE** subject to the following conditions

- 1. Time**
- 2. Plans**
- 3. Materials - Prior submission/approval of details**
- 4. Prior submission/approval of acoustic glazing details**
- 5. Prior submission/approval of trickle vent/wall ventilation details**
- 6. Prior submission/approval of electric vehicle charging infrastructure**
- 7. Prior submission/approval of a Phase 1 contaminated land report**
- 8. Prior submission/approval of a soil verification report**
- 9. Works should stop if contamination is identified**
- 10. Prior submission/approval of surface water drainage scheme**
- 11. Prior submission/approval of levels**

- 12. Prior submission/approval of tree protection measures**
- 13. Prior submission/approval – landscaping**
- 14. Landscaping – Implementation**
- 15. Prior submission/approval of boundary treatment**
- 16. Prior submission/approval of electromagnetic screening measures**

**Informatives:**

- 1. NPPF**
- 2. Hours of construction**
- 3. Contaminated land**

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

