

Application No: 13/4266C

Location: Land Adjacent to Sandyacre, 51 Main Road, Goostrey, Crewe, CW4 8LH

Proposal: Constuction of 3 new houses adjacent to Sandyacre (re-sub of 12/4318C)

Applicant: Mrs A Rose

Expiry Date: 02-Dec-2013

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- **Principle of Development**
- **Housing Land Supply**
- **Residential Amenity**
- **Trees and Landscape**
- **Highway Safety**
- **Design and Layout**
- **Sustainability**

REASON FOR REPORT

This is a resubmission of application 12/4318C which was refused permission by Committee on housing supply grounds earlier in the year and represents a departure from normal policy.

DESCRIPTION OF SITE AND CONTEXT

The application site is a field situated off Main Road Goostrey. The site sits just outside of the Settlement Zone for Goostrey adjacent to the eastern edge.

To the west of the site lie the residential dwellings of Sandy Lane, while to the east lie dwellings 61 and 61A main Road. To the north are open fields with Main Road passing to the south. The site is bordered to the east and west with a mature boundary hedge. The site contains trees protected under Tree Preservation Orders.

DETAILS OF PROPOSAL

This is a full planning application seeking approval for three two-storey detached dwellings with access being taken from the existing field access off Main Road.

The dwelling occupying plot one will have a roof ridge height of 8.3 metres, plot two 8.6 metres at the highest point and plot 3 8.4 metres at the highest point.

RELEVANT HISTORY

12/4318C - Construction of 3 new houses adjacent to Sandyacre – refused 6 January 2013. Currently under appeal.

POLICIES

Congleton Borough Local Plan First Review 2005 Policy

GR 1 – New Development

GR 2 – Design

GR 4 – Landscaping

GR 6 – Amenity and Health

GR 9 - Accessibility, Servicing, and Parking Provision

NR1- Trees and Woodland

NR 3 – Habitats

PS 5 - Settlements in the Open Countryside and Green Belt

PS 10 – Jodrell Bank Radio Telescope Consultation Zone

Interim Planning Statement: Affordable Housing

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Environmental Health

No objection with the following recommended conditions:

- Hours of constructional operation:

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil
- Hours of pile driving :

Monday – Friday	09:00 – 17:30 hrs
Saturday	09:00 – 13:00 hrs
Sunday and Public Holidays	Nil
- Major Development Environmental Management Plan
- Contaminated Land Assessment

United Utilities

No objections

Highways

It is proposed to construct 3 new dwellings on a green field site off Main Road, Goostrey.

The access uses the position of an existing field gate access, there is adequate visibility available at the access point for the level of development proposed. The access is a private drive access serving the 3 units and there is more than sufficient off-street parking being provided at each unit.

Although, it has been indicated that the site is sustainable, it is not considered in transport terms that it is sustainable as a very limited bus service exists and it is a considerable distance from the railway station. However, as the development consists of only three units this is not considered a severe impact issue to reject the application.

There are no highway objections raised to the application.

University of Manchester (Jodrell Bank)

No objections subject to condition requiring the applicant to incorporate materials to help reduce electromagnetic interference.

VIEWS OF THE PARISH / TOWN COUNCIL

Goostrey Parish Council objects on the following grounds:

1. The land in the application is open countryside.
2. The suggestion in the design statement that the land is generally flat is incorrect. The topography is in fact raised especially to the right hand side, where there is a proposal for a large house that will over shadow the bungalow next door.
3. The scale of all of the buildings are much larger than the surrounding bungalows and dormer houses.
4. The design of the properties is not in keeping with a Rural Cheshire village. These types of properties are more suited to Urban Cheshire, i.e. Alderley Edge, Wilmslow, Knutsford etc. Rural villages do not need homes surrounded by 6ft high brick walls and large gates.
5. A previous planning application has been made on the site for low cost housing. This was refused by Congleton Borough Council.
6. The sustainability statement suggests that there is adequate public transport to access medical facilities in Holmes Chapel, this is not the case as the village circular bus would leave a wait of over two hours to return, assuming that you can register with an already overloaded medical centre and obtain an appointment at your time of choosing.
7. There would be an increase of at least 6-8 cars with the development and on present practices the majority with children would drive to the village school, here there is no public parking available.

OTHER REPRESENTATIONS

No comments from neighbours have been received upon this resubmitted application.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Planning Statement
Sustainability Statement
Tree Survey

OFFICER APPRAISAL

Principal of Development

The site lies in the Open Countryside, as designated in the Congleton Borough Local Plan 2005 First Review, where policy PS.8 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy concerns.

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On 15th June 2011 this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”.

Housing Land Supply

The National Planning Policy Framework (NPPF) states at paragraph 47 that there is a requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government’s overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011, a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012 the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

However the most up to date position on the Councils 5-year housing land supply figure is following the recent appeal decisions. As part of the consideration of the Congleton Road and Sandbach Road North decisions, the Inspector found that the housing land supply over 5 years is 5750 dwellings. It is necessary to add to this figure the existing backlog 1750 dwellings and a 20% buffer for a record of persistent under delivery which gives a total requirement of 9000 dwellings over 5 years or 1800 per annum.

In terms of the existing supply the Inspector found that there is currently:

*‘a demonstrable supply, taking the generous approach to Council estimates, which is likely to be in the region of 7000 to 7500 dwellings at most’
(Sandbach Road North Appeal)*

This demonstrable supply therefore equates to a figure of 4.0 to 4.2 years.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- n any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- n specific policies in the Framework indicate development should be restricted.”*

As it has been found that Cheshire East cannot demonstrate a five year supply of housing land, the provisions of paragraphs 49 and 14 apply in this case. It is therefore necessary to carry out a balancing exercise in this case to assess whether the harm ‘significantly and demonstrably’ outweighs its benefits.

Emerging Policy

Clarification has been given on the weight which can be attributed to the emerging Local Plan as part of recent appeal decisions for Abbeyfields, Sandbach and Congleton Road, Sandbach and Sandbach Road North, Alsager. As part of the decision for the Abbeyfields site the SoS stated that:

‘As the emerging LP is still at an early stage the Secretary of State accords it limited weight in his decision making’

As part of the appeal decision for Congleton Road, Sandbach and Sandbach Road North, Alsager the Inspector found that:

‘There is a draft Local Plan, variously described as the Core Strategy and Development Strategy, which is moving towards a position in which it can be submitted for examination. The Council is seeking to achieve this in late 2013. The current state of the plan is pre submission. It is not disputed that there are many outstanding objections to the plan, and to specific proposals in the plan. Hence it cannot be certain that the submission version of the plan will be published in the timescale anticipated. The plan has already slipped from the intended timetable. In addition there can be no certainty that the plan will be found sound though I do not doubt the Council’s intentions to ensure that it is in a form which would be sound, and I acknowledge the work which has gone into the plan over a number of years.

Nonetheless I cannot agree that the draft Local Plan should attract considerable weight as suggested by the Council. There are many Secretary of State and Inspector appeal decisions which regard draft plans at a similar stage as carrying less weight. The Council’s own plan has been afforded little weight in the earlier months of 2013, and although the plan has moved on to an extent, it has not moved on substantially. For these various reasons I consider that the draft Local Plan can still attract no more than limited weight in this case’

Given the above the emerging Local Plan can only be given limited weight in the determination of this planning application.

Conclusion

- The site is within the Open Countryside which is also subject to Policy PS.8 (Open Countryside) where there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.
- Cheshire East has a housing land supply figure of in the region of 4.0 to 4.2 years
- Only limited weight can be applied to the emerging Local Plan.
- As the Council cannot demonstrate a 5 year housing land and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance.

COUNTRYSIDE POLICIES

As well as assessing housing supply, the decisions at Sandbach Road North and Congleton Road Sandbach are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was *“not sufficient directly related to housing land supply that it can be considered time expired for that purpose.”* Instead the Policy is *“primarily aimed at countryside & green belt protection”*. These objectives are largely in conformity with the NPPF and attract *“significant weight”*. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Sustainability

The onus is placed onto the applicant to demonstrate that the proposal is considered sustainable development, in accordance with the National Planning Policy Framework. The applicant contends that the site is sustainable and is in close proximity to a number of services.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The toolkit sets maximum distances between the development and local amenities. These comprise of:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),

- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

The table below has been carried out by the Spatial Planning department using a traffic light system.

Facility	Land adjacent 51 Sandyacre, Main Road, Goostrey,
Convenience Store (500m)	320m
Post box (500m)	320m
Playground / amenity area (500m)	320m
Post office (1000m)	645m
Bank or cash machine (1000m)	320m
Pharmacy (1000m)	640m
Primary school (1000m)	1125m
Medical Centre (1000m)	4665m
Leisure facilities (leisure centre or library) (1000m)	805m
Local meeting place / community centre (1000m)	805m
Public house (1000m)	1125m
Public park or village green (larger, publicly accessible open space) (1000m)	805m
Child care facility (nursery or crèche) (1000m)	645m
Bus stop (500m)	645m
Railway station (2000m where geographically possible)	1770m

The application site lies adjacent to the western section of the Goostrey Settlement Zone, as such the applicant has submitted a sustainability assessment of the site in terms of its location. This assessment meets most of the criteria as set out within the toolkit. Therefore, as the site lies on the edge of the Settlement Zone and relates well to an existing residential area the proposal can be considered sustainable in the context of any housing development within the parish.

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside. The location of this proposal on the edge of the Settlement Zone, close to other dwellings, is not considered to be of an isolated nature.

Affordable Housing

The general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. This proportion relates to the provision of both social rented and/or intermediate housing, as appropriate.

The Interim Planning Statement: Affordable Housing states the following about windfall sites in settlements with populations of less than 3,000 -

“The Council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%”.

For the Strategic Housing Market Assessment 2010 the settlement of Goostrey is within the Holmes Chapel Rural sub-area where there is an identified need for 45 new affordable dwellings between 2009/10 – 2013/14, made up of an annual requirement for 6 x 2 beds, 1 x 3 bed and 2 x 1/2 bed older persons dwellings.

In addition there are also 30 applicants on the housing register with Cheshire Homechoice who have selected Goostrey as their first choice, these applicants require 5 x 1 bed, 13 x 2 bed, 7 x 3 bed and 1 x 4 bed. 4 applicants haven't specified how many rooms they need.

With the above in mind the application consists of 3 dwellings, as the population of Goostrey is under 3,000 there should be a proportion of affordable housing within the site. The general minimum proportion for any site will be 30%, in this case this would equate to one dwelling.

The Council's Development Officer for Strategic Housing has objected to the application as no provision for affordable housing has been made.

However has stated that preference is always for affordable housing to be provided on site however the Interim Planning Statement: Affordable Housing does allow for financial contributions in certain circumstances, as follows –

- ☐ ☐ the provision of the affordable housing elsewhere in the locality would provide a better mix of housing types
- ☐ ☐ management of the affordable dwellings on site would not be feasible
- ☐ ☐ it would be more appropriate to bring back existing vacant housing into use as affordable units
- ☐ ☐ the constraints of the site prevent the provision of the size and type of affordable housing required in the area

The type of property there is the highest need for in the Holmes Chapel sub-area is 2 beds, and this is also reflected in the demand for 2 beds from applicants on Cheshire Homechoice who have selected Goostrey as their first choice.

The type of properties being proposed on the application are large 5 bed houses which range from 296m² to 343m² which would not be suitable for provision as affordable housing due to their size and a financial contribution in lieu of affordable housing would be suitable in this case.

The IPS: Affordable Housing goes on to state the following –

Where a financial contribution is offered, the amount of such contribution will normally be expected to reflect the cost necessary to facilitate an equivalent amount of affordable housing as would have been provided on-site. The amount of any contribution will need to be agreed with the Council. Where off-site provision is made by the developer or as a result of any financial contribution, this should be in a location elsewhere within the Borough where there is an identified need.

If this site should be designated as a Rural Exception site all the properties provided should be affordable housing, however if it is designated as a windfall site in a settlement with a population of less than 3,000 then a financial contribution should be requested. The sum should reflect an equivalent amount of subsidy as would have been required to provide one affordable home on site.

Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The affordable housing element of the development would also be secured via a Section 106 Agreement. This is considered to be necessary and fair and reasonable in relation to the development.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

Design and Appearance

Policy GR.2 (Design) of the Local Plan states that proposals for new development will be granted where the following criteria are satisfied:

The proposal is sympathetic to the character, appearance and form of the site and the surrounding area in terms of:

- *The height, scale, form and grouping of the buildings*
- *The choice of materials*
- *The visual, physical and functional relationship of the proposal to neighbouring properties, the streetscene and to the locality in general*

The proposal consists of three two storey detached dwellings of differing designs with the first dwelling of plot one being closest to Main Road at approximately 18.5 metres. Plots two and three are set back behind plot one approximately 60 metres from Main Road.

Across Main Road from the application site are two storey detached dwellings of varying designs. Along Sandy lane to the west of the site are two storey detached dwellings are varying sizes and styles. To the east of the application site are the detached bungalows of 61 Main Road and 61A Main Road.

Therefore, there is no set dwelling type or style in the locality, with this in mind it is considered that the proposed development will not have a significantly detrimental impact upon the surrounding residential area or streetscene of Main Road, especially with the proposed dwellings being set well back from the passing highway.

As a result the proposed development is in accordance with Policy GR2 (Design) of the Borough of Congleton Local Plan First Review.

Amenity

In terms of residential amenity there are four neighbouring dwellings which lie adjacent to the site, Sandyacre and Courtlands to the west and 61 and 61A to the east.

Sandyacre lies approximately 28 metres from the proposed dwelling of plot one facing the side elevation. This aspect of the proposal meets the minimum separation distance of 13.8 metres as advised within the Supplementary planning Guidance notes of the Congleton Borough Local Plan.

To the east of plot one lies 61 Main Road at a distance of approximately 18 metres at the closest point. These two dwellings will have side elevations facing each other.

Courtlands lies adjacent to the north west corner of the application site and lies approximately 22 metres away, at the closest point, from the proposed dwelling of plot 3. Again, these dwellings will have a side elevation to side elevation relationship.

Number 61A Main Road lies adjacent to the north east of the site, this dwelling lies approximately 12 metres, at the closest point, from the proposed dwelling of plot two. However, due to the orientation of the two dwellings there is not a directly facing relationship between either the side elevations or the principal elevations of either property.

As a result the proposed development is in accordance with Policy GR.6 (Amenity and Health) of the Borough of Congleton Local Plan First Review.

Highways

Access to the site is to be taken from the existing field gate access.

Policy GR.9 (Accessibility, Servicing and Parking Provision) of the Local Plan states that proposals should only be permitted when there is:

“Adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway...”

With this in mind the Council’s Highways Officer is satisfied that there is adequate visibility at the proposed access point for a development of this size as well as there being sufficient off street parking to serve each proposed dwelling.

While the site may not be entirely sustainable in transport terms it is not considered to be a significantly detrimental issue to justify a refusal of this application.

As a result the proposed development is in accordance with Policy GR.9 (Accessibility, Servicing, and Parking Provision) of the Borough of Congleton Local Plan 2005 First Review.

Protected Trees

The application site is home to a prominent mature Oak Tree to the Main Road frontage which is subject to a Tree Preservation Order. Further to this there are also protected trees on land to the west of the site.

Policy NR.1 (Trees and Woodlands) of the Local Plan states that:

“Proposals for development which affect a site containing existing trees or woodlands must include sufficient information to enable assessment of the potential impact on such trees. Proposals for development will not be permitted where it is apparent that there would be an adverse effect on existing healthy trees of amenity value.”

The Council’s Landscape Officer is satisfied with the level of information provided by the applicant and that appropriate protection measures can be implemented to ensure that the trees on site are not harmed during the construction of the proposed development.

The recommended conditions will be attached to any permission:

- Submission, approval and implementation of Landscape scheme
- Submission, approval and implementation of programme of tree works.
- Tree protection measures, tree works, arboricultural supervision and phasing of works to be implemented in accordance with plan M304/SA/TREE/02A and as specified in Arboricultural Method Statement.

There the proposed development, as conditioned, complies with Policy NR.1 (Trees and Woodland) of the Borough of Congleton Local Plan 2005 First Review.

Jodrell Bank

The site lies within Jodrell Bank Consultation Zone C; therefore Policy PS.10 of the Local Plan applies. This policy states that:

“Within the Jodrell Bank Radio Telescope Consultation Zone, as defined on the proposals map, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope.”

In order to protect the extremely sensitive observations of distant astronomical objects made by the radio telescopes at Jodrell Bank Observatory, a 6 mile radius ‘Consultation Zone’ has been in existence around the Observatory since 1972. Planning application for developments within this Zone re referred to the Observatory, which may object if the proposed development is likely to degrade the performance of its telescopes.

With the above in mind Jodrell Bank have no objections to the proposed development provided conditions are attached to any permission requiring the applicant to incorporate materials into the development which help to reduce any detrimental electromagnetic interference which may be caused.

Landscaping

The existing boundary hedges to the east and south, and post and rail fencing to the west are to be retained with a new native hedgerow to be planted along the northern boundary as well as others to demarcate the boundaries to the proposed dwellings.

In order to comply with Local Plan Policy a condition requiring landscaping details to be submitted and approved will be attached to any permission. This condition will require the applicant to submit details to show:

“The species, siting, number, planting size and planting density of all new trees and shrubs and details of existing vegetation to be retained or removed”,

“Plant species are used which are appropriate to the nature of the development and in sympathy with the character of existing vegetation within the site and in the area generally”,

“Landscaped areas are adequate and appropriate for the intended use”, and

“Satisfactory provision is made for the maintenance and aftercare of the scheme”.

Therefore the proposed development, as conditioned, complies with Policy GR.4 (Landscaping) of the Borough of Congleton Local Plan 2005 First Review.

CONCLUSIONS

The site is within the Open Countryside where under Policy PS.8 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. Following the recent appeal decisions, the automatic presumption in favour of the proposal does apply and Policies PS.8 are considered to be out of date.

In this case the emerging policy can only be given limited weight.

The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding. It therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

RECOMMENDATION

APPROVE: subject to completion of Section 106 legal agreement to secure the following:-

- 1. Commuted sum, with the amount to be confirmed, towards off site affordable housing.**

Conditions:

- 1. Standard time limit 3 years**
- 2. Approved Plans**
- 3. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**
- 4. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 5. Prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority**
- 6. No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.**
- 7. Works should commence outside the bird breeding season**
- 8. Materials to be submitted and approved**
- 9. Landscaping to be submitted and approved**
- 10. Landscaping scheme to be implemented**
- 11. Remove Permitted Development Rights Classes A-F of Part 1**
- 12. Boundary Treatment details**
- 13. Tree and hedgerow retention**
- 14. Tree Protection to be submitted and approved**
- 15. The parking spaces to be provided on the approved plan should be provided**

- 16. Visibility splays of 2.4m x 43m in both directions to be provided before development commences and thereafter be retained.**
- 17. Any gates to be erected to be set back by 5.5m from the highway**
- 18. Contribution to off-site affordable housing**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management and Building Control has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Development Management and Building Control Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

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