

Application No: 14/1964C

Location: LAND TO THE EAST OF HERMITAGE LANE, CRANAGE

Proposal: Construction of new residential development of up to 26 dwellings (resubmission of planning application reference 14/0081C)

Applicant: Estate of S.H Darlington (deceased)

Expiry Date: 28-Jul-2014

## **SUMMARY RECOMMENDATION**

### **REFUSE**

#### **MAIN ISSUES:**

- Principle of the development – Policy, Housing land supply, Open Countryside, Sustainability, Planning Balance
- The acceptability of the Layout, Access, Appearance, Scale and Landscape
- The impact upon Jodrell Bank
- Impact on residential amenity
- The impact upon ecology
- The provision of open space
- Provision of affordable housing
- The impact upon the Public Right of Way
- The impact upon trees and hedgerows
- The impact upon flooding and drainage
- Impact upon infrastructure
- CIL conformity/requirements

### **REASON FOR REFERRAL**

This application is referred to the Northern Planning Committee as it is a major application and involves a departure from policy.

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

This application site relates to an agricultural field located behind residential properties on the eastern side of Hermitage Lane, Goostrey, predominantly within the Open Countryside.

A thin strip of land between Coppins and Marbrooke House on Hermitage Lane is also included in the development proposal. This strip of land falls within the Goostrey Settlement Boundary.

The application site also falls within the Jodrell Bank Radio Telescope Consultation Zone.

## **DETAILS OF PROPOSAL**

Outline Planning Permission is sought for the erection of 26 new dwellings.

All matters are reserved. As such, the application seeks permission for the principle of the erection of 26 dwellings on this site only.

The application is a re-submission of 14/0081C which was refused at Northern Planning Committee on the 19<sup>th</sup> March 2014 for the following reasons;

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*
- 2. The proposed development would have an adverse impact upon the efficient operation of the Jodrell Bank Observatory. As such, the proposal is contrary to Policy PS10 of the adopted Congleton Borough Local Plan First Review 2005 and Policy SE14 of the emerging Cheshire East Local Plan Strategy – Submission Version.*
- 3. Insufficient detail regarding the proposed internal road layout which forms part of the access consideration of this application has been submitted. As such, the proposed development is considered contrary to Policy GR9 of of Congleton Borough Local Plan First Review 2005.*

The applicant has re-applied in an attempt to address some of these reasons for refusal.

## **RELEVANT HISTORY**

**14/0081C** - Outline planning for the construction of new residential development of up to 26 dwellings – Refused 21<sup>st</sup> March 2014

**19997/1** - Residential development (maximum of 12 dwellings) – Refused 2<sup>nd</sup> August 1988

## **POLICIES**

### **Local Plan Policy**

PS8 – Open Countryside  
PS10 - Jodrell Bank Radio Telescope Consultation Zone  
GR1 - General Criteria for Development  
GR2 – Design  
GR4 - Landscaping  
GR6 - Amenity and Health  
GR9 - Highways & Parking  
GR16 – Footpath, Bridleway and Cycleway Networks  
GR19 - Infrastructure  
GR20 – Public Utilities  
GR22 – Open Space Provision  
H1 & H2 - Provision of New Housing Development  
H6 – Residential development in the Open Countryside and the Green Belt  
H14 (Affordable Housing)  
NR1 – Trees and Woodlands  
NR2 – Wildlife and Nature Conservation – Statutory Sites  
NR3 – Habitats

### **National Policy**

National Planning Policy Framework (NPPF)

### **Cheshire East Local Plan Strategy – Submission Version**

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 - Design  
SE2 - Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 - The Landscape  
SE5 – Trees, Hedgerows and Woodland  
SE14 - Jodrell Bank  
IN1 - Infrastructure  
IN2 – Developer Contributions

### **Other Material Planning Considerations**

- SPG2 - Provision of Private Amenity Space in New Residential Development
- The EC Habitats Directive 1992
- Conservation of Habitat & Species Regulations 2010
- Interim Affordable Housing Statement: Affordable Housing

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

**Strategic Highways Manager** – No objections, subject to provision of a footway link between the site and Main Road along Hermitage Lane.

**Jodrell Bank (University of Manchester)** – Object to the proposal on the grounds that a development of the size proposed in Goostrey would create a significant increase in the amount of interference with the telescope.

**Environmental Protection** – No objections, subject to a number of conditions including: Hours of piling, the prior submission of a piling method statement, the prior submission of a construction phase Environmental Management Plan, the prior submission of a Travel Plan, the inclusion of Electric Vehicle Infrastructure, the prior submission of a dust mitigation scheme and a contaminated land condition and informative and an hours of construction informative.

**United Utilities** – No objections, subject to a condition and informatives.

More specifically the following condition is sought;

*‘Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul combining just prior to connection to the public network Any surface water draining to the public sewer must be restricted to a maximum pass forward flow that mimics existing green field run off. The development shall be completed, maintained and managed in accordance with the approved details.’*

In addition, it is recommended that separate water metres to each unit should be provided at the applicant’s expense. All pipework must comply with current water supply (water fittings) regulations 1999. Should the application be approved, the applicant should contact UU regarding connection to the water mains.

**Greenspace (Cheshire East Council)** – No objections, subject to a financial contribution towards the maintenance of the Amenity Green Space (AGS) that would be provided on site.

The calculated amount would be £31,941 to maintain this over a 25 year period.

With regard to Children’s and Young Persons provision, a site on Booth Bed Lane could be improved to accommodate the extra need. £5,677.34 would be required for this upgrade and £18,507.00 would be required to maintain the facility over 25 years.

**Housing (Cheshire East Council)** – No objections, subject to the provision of the relevant affordable housing.

Advice that 30% of the dwellings proposed would need to be affordable.

The site lies within the Holmes Chapel sub-area where there is an identified need for 85 affordable dwellings between 2013/14 and 2017/18. This need is made up from 10 x 2

beds, 7 x 3 beds, 2 x 1 beds older person accommodation and 4 x 2+ beds and 2+ bed older person accommodation.

There are also 26 applicants on the housing register with Cheshire Homechoice who have selected Goostrey as their first choice. These applicants require 10 x 1 bed, 9 x 2 bed, 5 x 3, 1 x 4 bed and 1 x 5 bed.

At the time of the SHMA update (2013/14 – 2017/18) there have been some affordable housing provision in the Holmes Chapel Rural sub-area of 13 dwellings in Twemlow. However, there is still a shortfall of 72 affordable homes needed in the Holmes Chapel Rural sub-area and therefore there is a need for affordable housing.

Of the 30% affordable housing required, 65% of these should be provided as social rent and 35% should be intermediate.

This all equates to the requirement of 8 affordable dwellings on the site – 5 as social or affordable rented and 3 as intermediate tenure.

The affordable homes should be provided no later than the occupation of 50% of the open market units (unless the development is phased) and there should be a high degree of pepper-potting. In such cases the provision may be increased to 80%.

**Public Rights of Way** – No comments received at time of report

Previous comments to 14/0081C;

No objections, however the application proposes a footpath link between the development site and Hermitage Lane. The legal status and specification of this route would require the agreement of the Council as the Highway Authority. The developer would be expected to include the maintenance of this route within the arrangements for the maintenance of the open space of the proposed site. It should be noted that cyclists may wish to use this route in order to access Hermitage Lane and hence to the Holmes Chapel facilities and the specification and design of the route should take this potential use into consideration.

The developer should be tasked to provide prospective residents with information on local walking and cycling routes for both leisure and active travel purposes.

**Education (Cheshire East Council)** – No comments received at time of report

Previous comments to 14/0081C;

No objections

**Environment Agency** – No objections, subject to a number of conditions including; that the development shall be carried out in accordance with the submitted Flood Risk Assessment and associated mitigation measures; that the mitigation measures be carried out prior to the first occupation of the dwellings; the prior submission of a surface water drainage scheme and the prior submission of a scheme to create adequate flood flow paths and routing across the site.

**VIEWS OF THE PARISH COUNCIL:**

**Goostrey Parish Council** – Object to the development on the following grounds;

- Cheshire East has established a 5 year supply of housing land
- Goostrey and Holmes Chapel has already exceeded the number of houses required as detailed within the emerging Site Allocation and Development Policies Document
- The impact upon the Open Countryside
- The site is unsustainable
- The detrimental impact upon Jodrell Bank
- The proposal is contrary to the Goostrey Parish Council Housing Policy

#### **OTHER REPRESENTATIONS:**

Objections have been received from 85 neighbouring properties; In addition, 2 petitions, an MP letter, an objection from 'Love Goostrey' and a letter composed by a Planning Agent have been received. The main areas of objection relate to;

- Principle of housing development
- Cheshire East Council already have a 5-year supply of housing land
- Contrary to SHLAA
- Loss of Open Countryside
- Scale of development
- Cumulative impact of nearby housing application
- Highway safety – increase in traffic volume, emergency and refuse vehicle access, pedestrian safety, cycle safety, horse rider safety, poor visibility, poor state of repair of existing road, insufficient parking
- Amenity – Privacy, light, outlook, noise, land contamination, light pollution
- Design – dwellings would not respect/enhance local character, impact upon streetscene
- Lack of infrastructure / sustainability – school, doctors, dentist, bank, transport links etc
- Drainage and flooding
- Statements within submitted documents being incorrect – Not infill site, consultation conducted by developers not as detailed / insufficient,
- Impact upon landscape
- Lack of affordable housing interest
- Loss of agricultural land
- Impact upon Jodrell Bank
- Administrative concerns – address of site (Goostrey not Cranage)
- Impact upon ecology – Bats, owls and birds of prey
- Impact upon trees

Other matters such as a loss of view and the impact upon property prices have also been raised. However, these are not material considerations.

#### **SUPPORTING INFORMATION:**

Revised Design and Access Statement  
Contaminated Land questionnaire

Existing site photographs  
Highways Statement  
Revised Statement of Community Involvement (SCI)  
Extended Phase 1 Habitat Survey  
Tree Report  
Tree Protection Plan  
Tree Location Plan  
Revised Arboricultural & Method Statement  
Proposed tree planting plan  
Planning Statement  
Affordable Housing Statement  
Revised Sustainability Statement  
Existing drainage / water mains details  
Flood Risk Assessment  
Visual Impact Assessment

## **OFFICER APPRAISAL**

### **Principle of Development**

The majority of the site is designated as being within the Open Countryside where Policy PS8 (Open Countryside) of the Local Plan states that development will only be permitted if it falls within one of a number of categories. One of these categories includes: New dwellings in accordance with Policy H6.

Policy H6 of the Local Plan advises that residential development within the Open Countryside will not be permitted unless it falls within one of the following categories:

- An agricultural workers dwelling
- The replacement of an existing dwelling
- The conversion of a rural building
- The change of use or redevelopment of an existing employment site in accordance with Policy E10
- Limited infill for those settlements identified in Policy PS6 or;
- Affordable housing

The proposed development does not fall within any of the above categories 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.

As part of the Cheshire East Local Plan Strategy – Submission Version, which is a material consideration in the determination of this application, it is proposed that Policy H6 will be replaced by Policies PG5 (Open Countryside). The principles of this policy broadly reflect those of Policy H6.

### **Housing Land Supply**

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the 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 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:*

- *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.”*

Since the publication of the Housing Position Statement in February 2014 there have now been numerous principal appeal decisions which address housing land supply.

Each has concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180

homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

### Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not out of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. 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.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

### Sustainability

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. In order to access services, it is unlikely that future residents and travel movement will be minimised and due to its location, the use of sustainable transport modes 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.

In addressing sustainability, Members should be mindful of the key principles of the National Planning Policy Framework. This highlights that the principal objective of the planning system is to contribute to sustainable development. As the Planning Minister states in his preamble:

“*Sustainable* means ensuring that better lives for ourselves don’t mean worse lives for future generations. *Development* means growth. We must accommodate the new ways by which we will earn our living in a competitive world.”

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

To aid the assessment as to whether the application site is located within a sustainable location, 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 facilities 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 accessibility of the site shows that following facilities meet the minimum standard:

- Post box (500m) – 320m
- Amenity Open Space (500m) – 0m (To be provided on site)
- Children’s Play Space (500m) – 480m
- Outdoor Sports Facility (500m) – 480m
- Convenience Store (500m) – 320m
- Playground/Amenity Area (500m) – 480m
- Bank or Cash machine (1000m) – 320m
- Local meeting place (1000m) – 800m
- Public park or village green (1000m) – 480m
- Bus Stop (500m) – 320m
- Public Right of Way (500m) – 400m

Where the proposal fails to meet the standards, the facilities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those facilities are:

- Post Office (1000m) – 1285m
- Child Care Facility (nursery or crèche) (1000m) - 1285m
- Pharmacy (1000m) – 1285m
- Railway station (2000m where geographically possible) – 2415m

The following amenities/facilities fail the standard:

- Secondary School (1000m) – 4505m
- Supermarket (1000m) – 4400m
- Primary School (1000m) – 1770m

- Medical Centre (1000m) – 5600m
- Leisure Facilities (1000m) – 4500m
- Public House (1000m) – 1610m

In summary, the site does meet or is within a reasonable distance of the majority of the public facilities listed.

In a recent appeal decision (Ref: APP/R0660/A/13/2190651), at another edge of village site in Cheshire East that proposed housing, the Inspector referred to the Council's use of this checklist as a guide. Within paragraph 14 of this decision, the Inspector advised that *'...this gives a number of useful guidelines...'*

The inspector concluded in this instance that although the village had no shop or school, it had good access to 2 bus routes which serve a number of local destinations. It was advised *'...whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement.'*

It is considered that a similar conclusion can be drawn from the application site. It does not have a school or supermarket in the village; however it does have a local bus stop approximately 500 metres from the development site. This bus stop is served by bus Routes 319 and 49. The 319 route has 5 services a day (Monday to Saturday) and travels from Main Road, to Sandbach, Holmes Chapel and the Goostrey Railway Station. The 49 route has 2 services a day on Monday and Wednesdays and links the site to Holmes Chapel and Northwich. Given that Holmes Chapel, to which both these services run to, has both schools and shops, it is considered that the site is reasonably accessible for a rural settlement and therefore locationally sustainable.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. More specifically, 3 dimensions are referred to within the NPPF. These are identified as being *'an economic role'*, *'a social role'* and *'an environmental role'*.

These roles should not be undertaken in isolation, because they are mutually dependent.

There is an economic benefit to be derived from the construction of the scheme. A housing development of this size would bring the usual economic benefit to the closest shops, services and amenities and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services. Affordable housing is also a social benefit.

From an environmental perspective, the Council's Landscape Officer has raised concerns regarding the development. More specifically, in response to the submitted Visual Impact Assessment, it was concluded that;

*'The application site does not have any landscape designations, but the Congleton Local Plan identifies that the area lies outside the settlement boundary, as such it would appear that this outline application is contrary to Policy PS8: Open Countryside. In addition the landscape and visual impact assessment indicates that there will be an adverse visual impact and a neutral to slight adverse landscape impact, as such the proposals would appear to be contrary to policy GR5 of the Congleton Local Plan since the proposed development does not appear to respect or enhance the landscape character of the area.'*

Thus, in this regard, the proposal would not represent the most sustainable form of development in environmental terms. As such, it is not considered that the proposal would be environmentally sustainable.

To conclude, the benefits of the proposal include the provision of affordable housing and the close proximity of the site to public facilities. However, it is considered that these benefits are outweighed by the loss of the open countryside, which when not required for the purpose of housing land supply, is inherently unsustainable.

### Planning Balance

The application site, with the exception of the narrow strip of land referred to earlier in the report, lies entirely within the Open Countryside as designated by the Congleton Borough Local Plan First Review 2005. Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, it constitutes a "departure" from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council's 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be "flexed" in order to accommodate additional housing growth.

From a sustainability perspective, the proposal would bring positive planning benefits such as; affordable housing, a boost to the local economy and would be sited in a relatively sustainable location. However, it is considered that these benefits are outweighed by the loss of the Open Countryside and the impact upon the landscape and as such, the use of the site for housing development is considered to be unacceptable in principle.

### **Layout, Appearance, Access, Scale & Landscape**

The proposed indicative layout shows that the development could consist of the erection of 20 detached and 6 semi-detached dwellings constructed adjacent to an extension to Netherlea from the north to south of the site. 12 of the dwellings would be constructed to

the rear and parallel to the properties on Hermitage Lane to the west and the remainder would be constructed on the opposite side (east) of the proposed extended internal access road. Each dwelling would sit on a relatively large plot and be relatively well spaced in order to respect the local character. The footprints of the dwellings also largely reflect the footprint of the dwellings of the closest neighbouring properties.

A footpath would be created from a section of the proposed extension of Netherla, between Coppins and Marbrooke House on Hermitage Lane, onto Hermitage Lane itself.

An area of approximately 2100 square metres of public open space is proposed within the site.

It is considered that the submitted indicative layout plan demonstrates that 26 dwellings can be accommodated within the site without detriment to the local character.

However, permission for layout, appearance, access, scale and landscape are not sought as part of this application. Only indicative plans have been submitted at this stage and these are not considered in detail as they are subject to change.

### **Jodrell Bank**

As the application site falls within the Jodrell Bank Radio Telescope Consultation Zone, it is subject to Policy PS10 of the Local Plan. Policy PS10 advises that for such sites, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope. It is proposed that Policy PS10 will be replaced by Policy SE14 within the emerging Cheshire East Local Plan Strategy – Submission Version. The principles of this policy broadly reflect those of Policy PS10.

Prof. S. Garrington from Jodrell Bank, in response to application 14/0081C, advised that;

*‘To assess the potential interference from a particular location we may calculate the path loss, i.e. the extent to which signals from that location are diminished by the time they reach JBO. The path loss has been calculated using the methodology recommended by the International Telecommunications Union (ITU) when considering the potential interference between one radio service and another (ITU-R P.452 (2009) ‘Prediction procedure for the evaluation of interference between stations on the surface of the Earth at frequencies above about 0.1 GHz’). This procedure takes several factors into account, including diffraction over a specified actual terrain profile. The loss was calculated for a frequency of 1.42 GHz, the ‘prime frequency’ for the Lovell Telescope; a height of 63m was used for the height of the telescope; the height of the source of interference was set at 3m (for a two storey house) and a representative value of ‘clutter’ was set at 17.6 dB following the ITU recommendation for a village scenario. The path profile was calculated using digital elevation data from the Ordnance Survey – in this case the line of sight from the site to the telescope focus is unimpeded due to terrain. More detailed investigations would be required to assess the degree of low level clutter. For the Hermitage Lane site the estimated path loss is 124 dB. Inside a building we may add a typical attenuation due to walls of 9dB (from CEPT)*

*As an illustration, a domestic IT device which just meets the CISPR 22 limit suffering this loss would exceed the ITU threshold for detrimental interference by approximately 10 dB, ie a factor of 10. Additional shielding such as the use of foil backed plasterboard can mitigate this to some extent (and is recommended by JBO) but the aggregate effect of several devices per house in a development of 26 houses is likely to exceed the threshold.*

*This quantitative argument supports our general concern about a significant development at this location. We appreciate that additional development may be regarded as incremental, and not a large addition to the size of the village. However, the cumulative effect of incremental growth will steadily increase the overall level of interference which would reduce the quality and scope of radio astronomical observations which can be carried out at Jodrell Bank Observatory.'*

As part of the previous application, Jodrell Bank were contacted and asked to clarify their position. Following an informal discussion with Professor Garrington, he re-iterated his concern regarding the incremental impact new housing development is having upon Jodrell Bank. However, he advised that the impact upon the Telescope would be similar to the impact an approved housing scheme for 13 dwellings in Twemlow would / will have (Ref: 10/2647C) to which Jodrell Bank also objected to.

In the appeal against the Council's resolution to refuse the Twemlow application, the Inspector took the view that since there were dozens of houses already in Twemlow, we must already accept the level of interference. Based on the parallels between the two sites, it was not considered that a reason for refusal on these grounds could be sustained at appeal and as such, it was not considered that a refusal on Jodrell Bank grounds could be sustained.

In the intervening period from that advice on the former application, Professor Garrington has carried out further studies on how such developments can have a detrimental impact upon Jodrell Bank. In response to this application, Professor Garrington has now advised that;

*'Following the concerns raised in our comments on the previous submission of this application, we have been developing a more extensive and detailed analysis of the potential contributions to radio interference received by the radio telescopes at Jodrell Bank from residential and other developments in the surrounding area.*

*This work confirms our previous concerns but also allows a quantitative assessment of the incremental contributions from existing and new proposed developments. Noting that there is more than one development of this size proposed in Goostrey and that further development is to be expected we must also consider the cumulative effect of these increases in the potential to cause harmful interference to our scientific observations.*

*Our analysis indicates that developments of this size do constitute a significant increase in potential interference and we have raised this concern with senior planners at Cheshire East. In order for these concerns to be taken into account further in the planning process we are obliged to oppose this application.'*

Given that the position of Jodrell Bank, following further research, has now been escalated from a concern to an opposition, it is now considered that the proposed development would have a detrimental impact upon Jodrell Bank and as such, would be contrary to Policy PS10 of the Local Plan and Policy SE14 within the emerging Cheshire East Local Plan Strategy – Submission Version.

## **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.

Having regard to this proposal, the residential amenity space minimum standard stated within SPG2 is 65 square metres. The space provided for all of the proposed new dwellings on the indicative layout plan would adhere to this standard.

In terms of the separation distances, no definitive details regarding the position of openings are detailed as this application seeks outline permission only.

However, the dwellings will need to conform with the separation standards listed in Supplementary Planning Note 2: Provision of Private Open Space in New Residential Developments. These standards include a 21.3 metre gap between main windows of directly facing dwellings across both the front and rear gardens and a 13.8 metre gap between the main windows of dwellings directly facing the flank walls of an adjacent dwelling. It is considered that these standards can be achieved within this site.

In relation to the impact upon the neighbouring dwellings outside of the development site, the closest units would be the properties which would back onto the development on Hermitage Lane, the properties on Neatherla, 18 and 20 Main Road and the properties on The Oak caravan Park.

The indicative layout plan shows that the majority of the properties on Hermitage Lane, Netherlea, Main Road and The Oaks, which would enclose the development on 2 sides, would be either at least the 21.3 metre or the 13.8 metre-standard distance away from the developments proposed or constructed at a significantly offset angle.

Where the above is not achieved, the dwellings are at side-to-side relationships, and any amenity issues can be overcome with the addition of an obscure glazing condition where deemed necessary at either full or reserved matters stage.

The Council's Environmental Health team have advised that they have no objections to the proposed development subject to the provision of a number of conditions and informatives. These suggested conditions include; Hours of piling, the prior submission of a piling method statement, the prior submission of a construction phase environmental management plan, hours of construction, the prior submission of a Travel Plan, the prior

submission of electric vehicle infrastructure, the prior submission of a dust mitigation scheme and a contaminated land condition and informative.

As such, subject to the above conditions, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

## **Ecology**

The application is supported by an Extended Phase 1 Habitat Survey.

The Council's Nature Conservation Officer has advised that he is satisfied that the findings of the report are accurate.

It is advised that the application site is of relatively limited nature conservation value. Should the application be approved, it is recommended that a condition to safeguard breeding birds be included and a condition for the prior submission of details of features suitable for breeding birds to be included within the site be submitted for prior approval.

With regards to hedgerows, it is recommended that conditions are imposed to ensure that any woodland hedgerows and the plantation woodland are retained as part of a landscaping scheme.

As such, subject to the above conditions, it is considered that the development would adhere with Policy NR2 of the Local Plan and Policy SE.3 of the emerging Cheshire East Local Plan Strategy – Submission Version, which seeks to replace Policy NR2.

## **Open Space**

### Amenity Green Space (AGS)

The Council's Parks Management Officer, in response to the previous application, advised that *'Having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 26 new homes will generate a need for 620 sq m new AGS.'*

It is noted that an amount of AGS is to be provided on site as indicated on the indicative layout plan.

If this amount of AGS is to be provided on site, a commuted sum of £7,331.50 would be required for its maintenance over a 25 year period.

However, since this advice the actual size of the proposed POS has been provided by the applicant. Based on this more accurate figure, a revised maintenance sum of £31,941.00 is now required over a 25 year period.

### Children and Young Persons Provision (CYPP)

The Council's Parks Management Officer advised in response to the previous application that *'Having calculated the existing amount of accessible CYPP within 800m of the site*

*and the existing number of houses which use it, 26 new homes will place extra demand on the facilities at Booth Bed Lane as it is acknowledge that the development site would be impractical due to its size for a new play facility.'*

As such, it has been calculated that the Council would need £5,677.34 for the upgrade of the Booth Bed Lane site which would be spent of upgrading the equipment and infrastructure. It is also calculated that a commuted sum of £18,507.00 would be required to maintain this over a 25 year period.

As such, subject to a commuted sum being agreed and secured via legal agreement, it is considered that the proposal would adhere with Policy GR22 of the Local Plan.

### **Affordable Housing**

The Interim Planning Statement (IPS) advises that the there should be a 30% on-site affordable housing requirement on sites for 3 dwellings or more within all settlements in rural areas of 3000 or more population. Furthermore, a tenure split of 65% social rent (or affordable rent) and 35% intermediate tenure should be sought.

The Council's Strategic Housing Development Officer has advised that the site falls within the Holmes Chapel sub area in the 2013 SHMA update. Within this area the update illustrated an affordable housing requirement of 72 units between 2013/14 and 2017/18. Cheshire Homechoice, the Council's Choice-based lettings systems shows that there are currently 26 applicants who have selected Goostrey as their first choice.

The overall requirement on this site would be for 8 affordable houses with 5 provided as social or affordable dwellings and 3 as intermediate tenure.

The IPS requires that the homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all affordable units may be increased to 80%.

A legal agreement will be required to secure the delivery of this housing and trigger its release.

As a result of the above information and comments, it is considered that the affordable housing provision proposed would be acceptable.

Policy SC5 of the emerging Cheshire East Local Plan Strategy – Submission Version, largely reflects the Affordable Housing IPS requirements.

### **Footpaths / Public Right of Way**

The application proposes a footpath link between the development site and Hermitage Lane.

The Council's Public Rights of Way Officer, in response to the original submission, advised that she has no objections to the proposed development. However, the developer

would be expected to include the maintenance of this route within the arrangements for the maintenance of the open space of the proposed site.

As such, subject to the maintenance of this footpath being included within the open space legal agreement, it is considered that the development would adhere with Policy GR15 of the Local Plan.

### **Trees and Hedgerows**

There are no protected trees on the site.

#### Trees

The application is supported by a tree report, tree protection plan and tree location plan.

The Council's Tree Officer has advised that he has no objections from a tree impact perspective, subject to a number of conditions. These conditions include; Tree retention; the prior submission of a tree protection plan; the prior submission of a method statement / construction specification; tree pruning / felling specification; the prior submission of an arboricultural method statement; the prior submission of a levels survey; the prior submission of a service / drainage layout plan; the implementation of the development in accordance with the submitted arboricultural information.

Subject to these conditions, it is considered that the development would not have a significant detrimental impact upon trees.

#### Hedges

No reference is made to the protection of Important Hedgerows under the Hedgerows Regulations 1997. However, the Council's Tree Officer advised, in response to the previous submission that *'...this would appear to be acceptable in respect of this application with any hedges associated with existing dwellings exempt from the legislation by virtue of their location as part of the domestic garden curtilage.'*

As a result of the above reasons, it is considered that the development would not significantly detrimentally impact trees or hedges and would adhere with Policy NR1 of the Local Plan and Policy SE5 of the emerging Cheshire East Local Plan Strategy – Submission Version.

### **Flood Risk and Drainage**

During the application process, a Flood Risk Assessment (FRA) was requested by the Environment Agency. This FRA was subsequently submitted, and in response, the Environment Agency have advised that they have no objections in principle to the development, subject to a number of conditions. These conditions are; that the development shall be carried out in accordance with the submitted Flood Risk Assessment and association mitigation measures; that the mitigation measures be carried out prior to the first occupation of the dwellings; the prior submission of a surface water

drainage scheme and the prior submission of a scheme to create adequate flood flow paths and routing across the site.

As such, subject to the addition of the above conditions, it is not considered that the proposal would create any significant flooding concerns.

United Utilities were consulted with regards to drainage. UU have subsequently advised that they have no objections to the scheme, subject to a condition requiring the prior submission of a scheme for the disposal of foul and surface waters for the entire site. In addition, it is recommended that separate water metres to each unit should be provided at the applicant's expense. All pipework must comply with current water supply (water fittings) regulations 1999. Should the application be approved, the applicant should contact UU regarding connection to the water mains.

As such, subject to the implementation of this condition and informatives, it is considered that the proposed development would adhere with Policy GR20 of the Local Plan.

### **Infrastructure**

Policy GR19 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the emerging Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools on application 14/0081C has advised that '*...no contribution will be required from this development.*'

### **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 development would provide sufficient Amenity Green Space on site. However, to ensure its maintenance, a commuted sum of £31,941.00 would be required for its maintenance over a 25 year period.

In relation to Children and Young Persons Provision, this could not be provided on site. As such, the closest existing site is on Booth Bed Lane which would require upgrading and a maintenance plan. As such, sums of £5,677.34 for the upgrade of the Booth Bed Lane site which would be spent on upgrading the equipment and infrastructure and £18,507.00 would be required to maintain this over a 25 year period.

This is considered to be necessary, fair and reasonable in relation to the development.

It is also advised that the maintenance of a proposed footpath link from the site onto Heritage Lane be included in the Open Space maintenance provision within the S106. This is considered to be necessary, fair and reasonable in relation to the development.

The overall requirement on this site would be for 8 affordable houses with 5 provided as social or affordable dwellings and 3 as intermediate tenure. The IPS requires that the homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all affordable units may be increased to 80%. This is considered to be necessary, fair and reasonable in relation to the development.

On this basis, the S106 requirements are compliant with the CIL Regulations 2010.

## **CONCLUSIONS**

The site is within the Open Countryside where under Policy PS8 of the Local Plan and Policy PG5 of the Cheshire East Local Plan Strategy – Submission Version, there is a presumption against new residential development.

The Council can demonstrate a 5 year supply of housing land and therefore there is no over-riding need to release this Open Countryside site. Furthermore, the proposal would cause harm to the character and appearance of the Open Countryside contrary to Policy PS8 of the Local Plan and Policy PG5 of the Cheshire East Local Plan Strategy – Submission Version and in accordance with the NPPF.

From a sustainability perspective, the proposal would bring positive planning benefits such as; affordable housing, a boost to the local economy and would be sited in a relatively sustainable location. However, it is considered that these benefits are outweighed by the loss of the Open Countryside and the impact upon the landscape and as such, the use of the site for housing development is considered to be unacceptable in principle.

Jodrell Bank (The University of Manchester) has raised an objection in relation to the impact of the scheme upon the Radio Telescope. Given that this objection is based on further research undertaken since the determination of the previous submission, and results in an escalation in their concerns to an objection, it is considered that the development would have a detrimental impact upon the Radio Telescope and as such, is deemed to be contrary to Policy PS10 of the Local Plan.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide an adequate contribution towards the maintenance of on-site

public open space and the enhancement and maintenance of children's play space off-site and the necessary affordable housing requirements.

In terms of; ecology, drainage, flooding and the impact of the development upon neighbouring amenity, subject to a number of conditions, the impacts upon these considerations can be mitigated against.

However, as the proposal is for new dwellings in the Open Countryside and does not adhere to the housing policies within this designation, in conjunction with the loss of the Open Countryside and the detrimental impact the proposal would have upon the landscape, the use of the site for housing development is considered to be unsustainable and unacceptable in principle. In addition, the proposal would have an adverse impact upon the efficient operation of the Jodrell Bank Observatory.

As such, the proposed application should be recommended for refusal.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chair (or in his absence the Vice Chair) of Northern 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.

Should this application be the subject of an appeal, authority be delegated to the Planning and Enforcement Manager in consultation with the Chairman of the Northern Planning Committee 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.

Heads of terms;

1. A commuted payment of £31,941.00 for the maintenance over a 25 year period of on-site Amenity Green Space (including the footpath link).
2. A commuted payment of £5,677.34 for the upgrade of the Booth Bed Lane site which would be spent of upgrading the equipment and infrastructure.
3. A commuted payment of £18,507.00 for the maintenance over a 25 year period of off-site Children and Young Persons Provision.
4. 30% Affordable Housing provision – 8 units. Provided no later than 50% occupation. Transferred to registered provider. A tenure split of 65% social rent (or affordable rent) and 35% intermediate tenure.

Application for Outline Planning

RECOMMENDATION: Refuse for the following reasons

1. Open Countryside
2. Jodrell Bank

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