

Application No: 18/4921C

Location: Land Off, LONDON ROAD, HOLMES CHAPEL

Proposal: Residential development of 25 no. dwellings (and a change in tenure of plots 120, 121 and 304 of permission 19/3855C to affordable rent) - (revised application)

Applicant: Bloor Homes

Expiry Date: 14-Jan-2019

## **SUMMARY**

The site lies within the open countryside, where national and local policy seeks to restrict development. The proposal does not fall within any of the exceptions prescribed by policy. However, the principle of a mixed residential and office development for 190 dwellings and 4200 sq m of Class B1 offices has already been established on this site and the adjoining land at appeal. This is a significant material consideration in favour of the scheme. This application seeks to provide an additional 25 dwellings and is submitted in full. Vehicular and pedestrian access would be taken from the adjoining development. The delivery of the site for residential development will provide a small but positive contribution towards the Council's housing land supply and represents an efficient use of land. It is considered that, coupled with the economic benefits of the scheme, these are material considerations that outweigh the conflict with the development plan.

The proposal provides the required amount of affordable housing, for which there is an established need in the area and there would be a good mix and density of housing. Two bungalows would be provided on site, which would assist in providing some level access accommodation. The proposal achieves a high quality designed residential development providing continuity with the adjoining development. The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for future occupants.

Mitigation for the impact of the proposal on local infrastructure including education, healthcare, open space and provision for outdoor and indoor sports (subject to update) and recreation would be secured as part of a s106 legal agreement. The objection from the NHS is noted, however, the 25 additional units is a marginal uplift in the context of the 190 already permitted and can be mitigated by financial contributions.

With respect to highways, the development will not have a detrimental impact on the local highway network even accounting for other committed developments. However, the development will need to mitigate its impact on the nearby London Road / Chester Road junction to provide some highway and pedestrian improvement works. These would be secured by financial contribution. Similarly, the impact on local air quality (including cumulative impacts) will be acceptable also.

The impact on Jodrell Bank Radio telescope will be minor and balanced by the provision of electromagnetic screening measures in the proposed 25 units and the adjoining 114 units on Phase 2, which were not required to incorporate such measures.

The impact on trees and landscape is acceptable and subject to further review with respect to biodiversity net gain, the impact on ecology would be acceptable.

Details of drainage secured by condition will adequately mitigate the residual risk of flooding from surface water and not increase the risk of flooding to neighbouring properties.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the saved policies of the Congleton Borough Local Plan, the Brereton Neighbourhood Plan and advice contained within the NPPF

#### **SUMMARY RECOMMENDATION:**

APPROVE subject to conditions and a s106 agreement / formal deed of variation

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

The entire mixed development site measures 16.02 hectares and is located to the south of the settlement boundary of Holmes Chapel, in the parish of Brereton. It is located to the west of London Road, with its eastern boundary running parallel with the road for a distance of approximately 500 metres. The northernmost part of the site is located opposite Sanofi Aventis, and south of existing and proposed residential development. There are large commercial buildings in the landscape nearby (for example, RW Pugh farm equipment depot/large agricultural type shed is on the other side of London Road nearby), The western and southern boundaries of the site adjoin open countryside, with some sporadic residential and commercial development within the vicinity. The railway line runs in a north-easterly, south-westerly alignment to the north/west of the site.

The portion of the site to which this application relates comprises measures 1.87 ha in area and is directly to the south of the land with detailed consent for 190 no. dwellings. To the east is the area with approval for employment development and beyond this, London Road. The topography of the site is generally flat.

#### **DETAILS OF PROPOSAL**

This application seeks full planning permission for the erection of 25 no. dwellings. The site is part of the larger development for which outline planning permission has already been granted for the erection of up to 190 dwellings (planning ref; 14/5921C refers). Vehicular access would be provided through that adjoining development. The reserved matters pursuant to the outline consent have been considered and accepted under a number of applications for the various phases of development. This application also seeks approval to

change the tenure of plots 120, 121 and 304 of reserved matters approval 19/3855C from open market units to affordable rent.

There have been a number of revisions to the scheme during the life of the application, with the original scheme proposing 50 units, a subsequent scheme proposing 35 units and this scheme reduced down to 25. Each scheme has been the subject of its own consultation.

## **RELEVANT HISTORY**

14/5921C - Outline permission granted on appeal a mixed use development including residential and commercial (outline) - Granted pp on Appeal 31/10/16.

17/4869C - S73 application for of Variation of conditions 1 and 4 on application – Approved 05-Jan-2018

17/5721C - Retention of highways works to London Road – Approved 11-Dec-2017

17/6123C - Reserved Matters application for appearance, landscaping, layout and scale for the first phase of development (76 dwellings and open space) following outline approval 14/5921C - A mixed use development including residential and commercial - approved subject to conditions – Approved 14-May-2018

18/2611C - Reserved matters on application 14/5921C - A mixed use development including residential and commercial (outline). Comprised 3 office buildings in commercial zone - total floor area 3500 sq m of which Bloor Headquarters building (Building 1) is 2020 sq m – Approved 28-Sep-2018

18/5148C - S73 application for Variation of condition 4 to planning application 17/4869C - Variation of conditions 1 and 4 on application 14/5921C (allows 4200 sq m B1 floorspace on the site) - approved subject to conditions and S106 Agreement 19-Dec-2018

19/0014C - Reserved matters application for buildings 2 & 3 of the commercial development of 4,200 sq.m of employment use relating to application 14/5921C - A mixed use development including residential and commercial (outline) – Approved 21-Mar-2019

19/3855C – Reserved Matters (layout, appearance, landscaping and scale) for 114 dwellings of the remaining area to be developed as approved by outline 14/5921C – Approved 20-Mar-2020

## **POLICIES**

### **Development Plan**

#### Cheshire East Local Plan Strategy (CELPS)

MP1	Presumption in favour of sustainable development
PG1	Overall Development Strategy
PG2	Settlement hierarchy
PG6	Open Countryside
PG7	Spatial Distribution of Development
SD1	Sustainable Development in Cheshire East

SD2	Sustainable Development Principles
IN1	Infrastructure
IN2	Developer Contributions
SC1	Leisure and Recreation
SC2	Indoor and Outdoor Sports Facilities
SC3	Health and wellbeing
SC4	Residential Mix
SC5	Affordable Homes
SE1	Design
SE2	Efficient use of land
SE3	Biodiversity and geodiversity
SE4	The Landscape
SE5	Trees, Hedgerows and Woodland
SE6	Green Infrastructure
SE9	Energy Efficient development
SE12	Pollution, land contamination and land stability
SE13	Flood risk and water management
CO1	Sustainable travel and transport
CO3	Digital connections
CO4	Travel plans and transport assessments

Congleton Borough Local Plan saved policies (CBLP)

PS8	Open Countryside
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR23	Provision of Services and Facilities
NR1	Trees & Woodland
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

Brereton Neighbourhood Plan (made on 29 March 2016)

HOU01	Settlement Boundary
HOU02	Exceptions to New Housing Development
HOU05	Open Space in new Housing Development
HOU10	Layout and New Design in Development
ENV04	Biodiversity and Geodiversity
ENV05	Development and Landscape

**Other Material Considerations**

National Planning Policy Framework (The Framework) 2021  
National Planning Practice Guidance  
Cheshire East Design Guide

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

**ANSA / Greenspaces / CEC Leisure** – No comments

**Education** - The Council's Children's Services have confirmed that the proposal would result in the requirement for financial contributions to offset the impacts of the proposal on secondary and primary school provision.

**Environmental Protection** – No objection subject to conditions relating to noise mitigation, provision of electric vehicle charging infrastructure, low emission boilers and a contaminated land informative.

**Head of Strategic Infrastructure** – No objection subject to a financial contribution of £4,827 per unit (= total of £120,675) to be used towards implementation of highway and pedestrian improvements at London Road / Chester Road junction.

**Housing Strategy & Needs Manager** – No objection

**Lead Local Flood Authority** – No comments

**NHS** - The NHS has requested a financial contribution of £54,432 should the application be approved. The NHS has also objected in support of both the individual GP Practice (Holmes Chapel Health Centre) and wider Primary Care Network in their views that this development would result in considerable pressures in primary care in the area.

**United Utilities (UU)** – No objection subject to drainage conditions requiring foul and surface water to be connected on separate systems and submission of a scheme of surface water drainage.

**University of Manchester (Jodrell Bank)** – Object to the 35 unit scheme - note that some development is already approved on this site but the impact from the additional potential contribution to the existing level of interference will be minor. This is a general direction in which there is already significant development close to the telescope.

## **VIEWS OF THE PARISH COUNCILS**

**Brereton Parish Council (BPC)** – Object on the following grounds:

1. The scale of the proposed development is inappropriate for the rural area of Brereton and contrary to the Brereton Neighbourhood Plan
2. The additional houses proposed would further overload the facilities in the Local Service Centre of Holmes Chapel
3. The proposed development does not reflect the function and character of Brereton contrary to the Cheshire East Local Plan
4. The proposed development is in the Open Countryside and conflicts with the policies of the Cheshire East Local Plan and SADPD
5. The scale of the development is out of character with the Open Countryside setting
6. The increase in the number of houses would have a harmful impact of the efficiency of the Jodrell Bank Observatory

7. Site is in an area of open countryside outside of any settlement boundary including the settlement boundary proposed for Holmes Chapel in the SADPD

**Holmes Chapel Parish Council (HPC) – Object on the following grounds:**

1. No demonstrable need for more homes in Holmes Chapel
2. Housing mix
3. Density of development and housing type inappropriate
4. Existing infrastructure cannot cope
5. Accuracy of the applicant's planning statement
6. Contravenes several policies of the Cheshire East Local Plan (CECLP), the draft CEC Site Allocations Development Policy Document (SADPD), the Cheshire East Design Guide Volume 2 and the Brereton and Holmes Chapel Neighbourhood Plans
7. There is a concern that further development on this site will not be sustainable with drainage of foul and surface water being overloaded.
8. Traffic will increase onto and off the site which has not been fully assessed.
9. CIL will apply and the existing S106 agreement will need modification. As the site is deemed to be part of the Settlement Area for Holmes Chapel as stated in the draft SADPD, it is assumed that all CIL payments will be made to Holmes Chapel Parish Council and suitable payments will be agreed for education and contributions towards health services as well as highways infrastructure improvements – footways and cycle lanes

## **OTHER REPRESENTATIONS**

Representations have been received from over 73 properties (including Local Councillors Cotton and Gilbert) over the three periods of consultation objecting to this application on the following grounds:

- Contrary to local and neighbourhood plan policies
- Infrastructure - Local schools, GP surgery and dentist (no longer taking NHS patients) will not cope with additional demand
- Do not need more houses or more affordable units which are not justified
- Existing newbuilds are not selling
- Amount of development is creating a town and undermining the village feel
- Loss of countryside, wildlife, and agricultural land
- Need land such as this to produce our own food - allotments
- Traffic impact from additional cars including increased hazards for pedestrians and cyclists, congestion, and air pollution
- Insufficient parking within the village
- The SADPD acknowledges that Holmes Chapel does not need any more houses
- Construction in the area is causing noise and disruption
- Village is experiencing problems with drugs with the construction of other new builds
- Development too dense for a rural area
- Detrimental impact on Jodrell Bank Observatory
- Development contravenes the parish boundaries
- This will lead to further phases of development

- Limited affordable housing which does not seem to be restricted to occupation by local residents
- Proposal does not fulfil the three dimensions of sustainable development
- Appeals in the area have been dismissed on the basis that Cheshire East already has a 5-year housing land supply
- Damage to roads and property from construction
- Have all the impact assessments originally done been updated
- Local bus service has just been reduced
- Allocate more of the site to green space
- Local school Ofsted report declined due to new houses and overcapacity
- Most of the residents will drive to Holmes Chapel, not walk

## **OFFICER APPRAISAL**

### **Principle of Development**

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*". In this case, the development plan comprises of the Cheshire East Local Plan Strategy (CELPS), the made Brereton Neighbourhood Plan (NP) and the relevant saved policies of the Congleton Borough Local Plan First Review (CBLP).

According to the proposals map in the CBLP, the site subject of this application is within the open countryside. It does not fall within any of the settlement boundaries within the Brereton Neighbourhood Plan and therefore is subject to open countryside policies.

Cheshire East Local Plan Strategy Policy PG6 states that within the Open Countryside, only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere, affordable housing or where the dwelling is exceptional in design and sustainable development terms. Similarly, saved Policy PS8 of the Congleton Borough Local Plan affords similar protection and remains part of the Development Plan until it is superseded by Part 2 of the Cheshire East Local Plan for Site Allocations and Development Management policies (SADPD).

This proposal specifically would deliver an additional 25 units pursuant to the 190 originally consented. This uplift in numbers would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside or development outside of the settlement boundaries identified in the Brereton Neighbourhood Plan. 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 objection. This is in line with the advice of the Framework, where para 12 states:

“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

The key issue is whether the material considerations in this particular case are sufficient to outweigh the conflict with the development plan.

The principle of developing the wider site was established on appeal when a scheme was allowed for a mixed-use development including residential and commercial (outline) which comprised of up to 190 residential units and 3500 m<sup>2</sup> Office development. The site subject of this application was included within that approval (and later variations), with the parameters plan / framework plans apportioning some of the 190 residential units in this area. Subsequently, the 190 units were able to be accommodated within a smaller area on the wider site, primarily through a higher proportion of smaller units than originally envisaged at outline stage. This has also assisted in providing a better mix of housing, which will be considered in more detail later in this report. Accordingly, the principle of residential development on the site has been accepted as part of the wider proposals for the site and indeed is well established with the delivery of the first phases of the approved development. This is a significant material consideration weighing in favour of the scheme.

The delivery of the site for residential development will provide a small but positive contribution towards the Council’s housing land supply and assist in meeting the development requirements of the Borough over the remainder of the plan period. It will also make efficient use of land by providing additional units within a site where it has already been accepted that it would be given over to development. The harm arising from the provision of a further 25 units in the context of the scheme for 190 would not be significant, representing an uplift of only 13%. CELPS Policy SE 2- Efficient Use of Land states that all windfall developments should ‘build upon existing concentrations of activities and existing infrastructure’. This proposal would align with this aim and would represent an efficient use of land. This is given moderate weight in favour of the scheme.

Other benefits of the scheme cited by the applicant are as follows:

- *Would provide more affordable housing which is much needed*
- *A further 2 bungalows are proposed in addition to the 3 no. bungalows currently approved*
- *A good housing mix*
- *Measures to mitigate the impact on the efficiency of the telescope at Jodrell Bank would be incorporated and have been on Phase 2 of the scheme, which were not required by the inspector when the appeal for 190 units was allowed*
- *Economic benefits from increased CIL payment, increase in direct and indirect construction jobs, increased direct and indirect in resident expenditure per annum; and additional supported jobs from increased expenditure in the local area*

Matters relating to affordable housing, housing type and mix and impact on the Jodrell Bank Telescope will be considered further. However, the provision of additional affordable units, 2 additional bungalows and the indirect economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain do attract moderate weight in this case.

Taking these benefits in the round, but having particular regard to the existing commitment to develop the site for housing, it is considered that the benefits outweigh the conflict with Policy PG 6 of the Cheshire East Local Plan Strategy, Policy PS8 of the Congleton Brough Local Plan and Policy HOU01 of the Brereton Neighbourhood Plan.

### Site Allocations and Development Policies Document (SADPD)

The second part of the Council’s Local Plan, the Revised Publication Draft Site Allocations and Development Policies (“SADPD”) has been submitted. The policies in the Revised Publication Draft SADPD are emerging at this time. The applicant states that the *“proposals map is currently being revised to take into account (amongst other things) existing commitments. Therefore, the proposals map which will be adopted once the SADPD is adopted should show the site located within the settlement boundary of Holmes Chapel”*. Whilst SADPD para 2.4a may permit additional windfall development in each Local Service Centre settlement boundary during the remainder of the plan period, the SADPD has yet to be examined and the policies have outstanding objections. Accordingly, the policies carry limited weight in decision taking at this time.

### Affordable Housing

Policy SC 5 of the CELPS and the Councils Interim Planning Statement on Affordable Housing (IPS) requires the provision of 30% affordable housing on all ‘windfall’ sites of 15 dwellings or more. This relates to both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing (shared ownership).

As this is a scheme for 25 no. units, 8 of the units will be required to be affordable. To satisfy the required tenure split, 5 of the units would need to be provided as social rented accommodation and 3 of the units as shared ownership.

The current number of those on the Cheshire Homechoice waiting list with Holmes Chapel as their first choice is 181. This can be broken down as below;

	How many bedrooms do you require?						
First Choice	1	2	3	4	5	5+	Grand Total
Holmes Chapel	<b>69</b>	<b>56</b>	<b>35</b>	<b>12</b>	<b>9</b>		<b>181</b>

The intermediate need is the same as across the whole of Cheshire East. The need is for dwelling for 1<sup>st</sup> time buyers, couples and families who wish to buy but cannot without subsidy. As such, there is a clear need for the additional affordable units.

The submitted details show that 5 (20%) of the dwellings within the proposed 25 units will be provided as affordable units. The balance of 3 (10%) will be provided by changing the tenure of 3 of the open market units within the adjoining development to affordable rent units (plots 120, 121 and 304 of permission 19/3855C). The affordable units would comprise of:

- 2 x 1 bed apartment (affordable rent)
- 3 x 2 bed (1 affordable rent / 2 shared ownership)

It is considered that the tenures are appropriately pepper potted through the site and the Housing Strategy and Needs Manager has confirmed that these 25 extra units combined with the swop to rented of the 3 units on the permitted development provides 30% Affordable Housing across the site and they are split 65%/35% as required. Housing also confirm that the types, including the much-needed bungalows will meet the local need for Holmes Chapel, and this is a benefit of the scheme. The location of the units on site are positioned well and pepper potted to an acceptable degree. Accordingly, the proposal complies with policy SC 5 of the CELPS. The affordable housing will need to be secured by a s106 agreement and the balance provided on the adjoining site will need to be formalised through a formal deed of variation to the existing s106 attached to the outline consent.

### **Residential Mix**

Policy SC4 of the CELPS states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. Reference is made to the need for development proposals to accommodate units specifically designed for the elderly and people who require specialist accommodation.

The proposed development comprises of:

- 3 x 1 bed units
- 5 x 2 bed units
- 12 x 3 bed units
- 5 x 4 bed units

A range of housing types are being proposed from a small sized 1 bed apartment, 2 no. bungalows (1 and 2 bed) offering ground floor single storey entry, a number of 2 bed dwellings, 3 bed and 4 bed dwellings. This general makeup of dwellings would provide a good mix of type, size and coupled with the affordable provision. The proposal would provide a diverse community and would fit in with the existing residential development. As such, the scheme is found to comply with Local Plan Policy SC 4.

### **Design - Layout, Scale and Appearance**

Amongst other criteria, policy SD2 of the CELPS expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- a. Height, scale, form and grouping;

- b. Choice of materials;
- c. External design features;
- d. Massing of development - the balance between built form and green/public spaces;
- e. Green infrastructure; and
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy SE1 of the CELPS expects housing developments to achieve Building for Life 12 (BfL12) standard, and that development proposals consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located. These principles are also reflected in the CEC Design Guide. The relevant BfL12 headings are considered below:

Connections (Amber) - The proposal would be only accessible through the adjoining application site. The proposed layout would allow good pedestrian and cycle access around the perimeter and through the site and would link in with London Road to the east through the adjoining development.

Accommodation and Tenure Mix (Green) - The affordable units are situated towards the eastern edge of the site, however, in terms of the wider site, the affordable units are pepper-potted. The housing mix, size type and tenure are good with specific benefits arising from the provision of bungalow accommodation also.

Layout, Density and Frontage (Green) – This site is on the rural/urban fringe. It is part of a sizeable site which has an extensive frontage on to London Rd (A50). There are established landscape features that are extremely important to the character of the site, not least the strong tree and hedge lined frontage to London Road. Whilst peripheral hedging is indicated for retention some hedging is being lost to make way for the development. However, there is replacement planting provided.

The units are well laid out and would integrate successfully with the adjoining layout, which is well designed. Units would address key views and provide a focus for views to terminate on at key nodal points. Public spaces would be well overlooked, and feature corner plots utilised.

Character (Green) – The appearance of the units would follow that of the adjoining scheme, which achieves a good quality of design in line with the principles of the Design Guide. The units are found to be acceptable on their merits.

In terms of appearance, the proposed dwellings would be acceptable within the context of the site and would offer a degree of variation within the street. It is considered that the overall design, scale, form, and appearance of the proposals would be acceptable subject to the use of high-quality materials. The proposal achieves a well-designed residential development which would accord with the Cheshire East Design Guide.

## **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.

Policy SE 14 of the Cheshire East Local Plan Strategy (SE14) 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.

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.

It is recognised that there is significant development across the region surrounding the telescopes and the University of Manchester has 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. On this basis, the University of Manchester object to the proposal to add further units. The University note the reduction in additional dwellings and accept that this would lessen the impact on the telescopes. However, their objection remains as 25 additional dwellings would impair the efficiency of the telescopes. The reduction in additional dwellings reduces the impact from moderate to minor.

However, in the case of this proposal, it is important to note that in allowing the appeal to develop the wider site, the Inspector failed to impose a condition requiring the incorporation of electromagnetic screening measures within the external elevations of the development. Such measures help to impede the transmission of electromagnetic interference in the direction of the telescope typically associated with household items and equipment. The applicant has confirmed that despite not being required to do so, they are installing screening measures within all of the units on Phase 2 (114 units) and will do so within the additional 25 units. In context of the wider site, 25 units is a modest uplift. Coupled with this, the implementation of screening measures in 114 units which would not have otherwise been installed with such mitigation, would in this particular case, lessen the impact of the additional 25 units. Given that the University of Manchester have concluded that the impact of the scheme for 35 units would be 'minor', it is not considered that a refusal of planning permission could be sustained in this case even noting that the cumulative impact of this and other developments is more significant than each development individually. This is having regard to the balancing out of impacts from the additional screening measures.

## Education

In the case of the current proposal for 25 dwellings (23 x 2bed plus), a development of this size would generate:

- 4 primary children (23 x 0.19)
- 3 secondary children (23 x 0.15)
- 0 SEN children (23 x 0.51 x 0.023%)

The development is expected to impact on both primary school and secondary places in the immediate locality. Any contributions which have been negotiated on other developments are factored into the forecasts undertaken by the Council's Children's Services both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions.

The Council's Children's Services have confirmed that there is a shortfall in school places and this needs to be alleviated by financial contributions. Children's Services have confirmed that this proposal would result in a claim for:

- $4 \times 11,919 \times 0.91 = \text{£}43,385$  (primary)
- $3 \times \text{£}17,959 \times 0.91 = \text{£} 49,028$  (secondary)
- Total education contribution:  $\text{£}92,413$

This would be secured by of a s106 legal agreement.

## Healthcare

The views of the NHS Eastern Cheshire Clinical Commissioning Group (CCG) have advised that *"Holmes Chapel Health Centre operates from GP owned premises in the centre of Holmes Chapel. Built in the 1970s, the purpose built building was extended in the 1980s by expanding up and over the original single storey building. Two further extensions were added in 2011 and 2020 to help cope with additional demand. Further expansion and development will be required over the coming years if the Health Centre is to continue meeting local demands based on organic growth of the population. Housing developments in the local area will add additional pressure on the existing infrastructure which will need investment in order to be able to accommodate future additional demand"*.

Holmes Chapel Health Centre is running at full capacity in terms of care for the existing practice population. The Practice has scoped its future demands, and advise that an extra 149 houses, places their predictions of capacity and capability to provide the supportive care at risk. The extended Primary Care Network have also had to absorb an extensive expansion programme of housing and as such, cannot assist in absorbing any additional demand. However, this proposal is for 25 units only. The NHS did not object to the larger scheme and having regard to the modest increase proportionately to the site wide scheme, it is not considered that a refusal could be sustained. The NHS did originally confirm that the increase could be suitably mitigated by financial contributions. Subject to these, the scheme is found to be acceptable in this regard.

## **Public Open Space and Recreation**

Policy SE6 of the Cheshire East Local Plan Strategy provide a clear policy basis to require new developments to provide or contribute to Children's Play Space, Amenity Green Space, Green Infrastructure Connectivity and Allotments.

Policy SE6, Table 13.1 denotes the level of green infrastructure required for major developments. This shows that the development should provide 40m<sup>2</sup> children's play and amenity green space per family dwelling. In addition to this 20m<sup>2</sup> should be allocated to G.I. Connectivity (Green Infrastructure Connectivity). In line with CELPS Policy CO1, Design Guide and BFL12 "Connections" this should be an integral part of the development connecting and integrating the site into the existing landscape in a sustainable way for both walking and cycling.

Using these figures, the development would be required to provide 920m<sup>2</sup> of children's play and amenity green space for the family dwellings, and 500m<sup>2</sup> of G.I. Connectivity.

The submitted plans show that the wider development would far exceed these policy requirements to serve the proposed development in accordance with Policy SE6.

Policies SC1 and SC2 of the Cheshire East Council Local Plan Strategy provide a clear policy basis to require new developments to provide or contribute towards both outdoor and indoor recreation.

The views of the council's ANSA and Greenspaces officers have been sought and will be reported to members by way of an update. Any recommended contributions would be secured as part of a S106 Agreement.

## **Residential Amenity**

The Congleton Borough SPG requires the following separation distances.

21.3 metres between principal elevations

13.8 metres between a non-principal and principal elevations

However, the CE Design Guide states separation distances should be seen as guide rather than a hard and fast rule. The Design Guide does however acknowledge that the distance between rear facing habitable room windows should not drop below 21m. 18m front to front will also provide a good level of privacy, but if this is applied too rigidly it will lead to uniformity and limit the potential to create strong street scenes and variety, and so this distance could go down as low as 12m in some cases.

The nearest existing residential properties are located well in excess of any minimum separation standards. Internally, the layout within the site ensures the relationships between the new dwellings result in acceptable standards of space, light and privacy for future occupants, having regard to the way in which the units are set out and the high quality of design that units achieve. There will be sufficient private amenity space for each new dwelling. The proposal is therefore considered to accord with policy GR6 of the CBLP.

## **Noise**

The application is supported by a Noise Assessment. The impact of noise from road traffic on the A50 London Road and the Crewe to Manchester railway line on the proposed development has been assessed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings and Department of Transports (1988) Calculation of Road Traffic Noise (CRTN). The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by environmental noise. The Council's Environmental Protection Unit has confirmed that conclusions of the report and methodology used are acceptable. Subject to conditions requiring implementation of the noise mitigation measures, the proposal complies with policy SE 12 of the CELPS and GR6 of the CBLP relating to noise and soundproofing.

## **Air Quality**

Policy SE 12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 186 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, regard is had to the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality January 2017).

This proposal is a full application for 25 dwellings as part of a larger development. These extra dwellings represent an increase on the original number submitted under the initial outline application, which combined will impact on air quality. However, the Council's Environmental Protection Unit has confirmed that subject to conditions relating to electric vehicle charging infrastructure, low emission boilers and a dust management plan, the proposal will not have a detrimental impact on the air quality and the proposal will comply with Policy SE 12 of the CELPS.

## **Highways**

The Head of Strategic Infrastructure (HSI – Highways) has confirmed that the internal road elements are similar to the layout previously approved and there are no technical highway issues with the proposed internal layout. The main difference is that the numbers of residential dwellings have increased by 25 units.

With regard to the wider development, the impact in regards traffic was at the nearby London Road/Chester Road junction in Holmes Chapel and a financial contribution was secured at appeal for measures to be implemented at this junction.

Given that this application would increase the impact of the development, a further contribution is required based upon the previous secured contribution of £4827/unit. For the amended 25 unit scheme, this would amount to a commuted sum of £120,675. This sum would be spent on highway and pedestrian improvements at the London Rd/Chester Rd

junction. Subject to this being secured by way of a s106 legal agreement, there are no highways objections to the application.

The level of off-street car parking is in accordance with CEC parking standards across the development.

## **Landscape and Trees**

Policies SE 4 and SE 5 of the CELPS states that the Council will seek to ensure the sustainable management of trees, hedgerows and woodland in development proposals whilst respecting landscape character. The proposals would allow for the retention of almost all of the existing trees, hedgerows, ponds and woodland areas. In addition, the planting of new trees, hedges and shrubs are proposed throughout this phase of development. The Council's Principal Landscape Architect has confirmed that the amended proposals will not result in any significant landscape or visual impacts. Accordingly, compliance with policies SE 4 and SE 5 of the CELPS is confirmed.

## **Ecology**

**Hedgerows** - Hedgerows are a priority habitat and hence a material consideration. The construction of the proposed additional houses and associated access roads would result in the loss of additional sections of hedgerow. The Council's Nature Conservation Officer (NCO) has advised that adequate compensatory planting is shown on the submitted landscape plans.

**Badgers** - Previous surveys of the application site have recorded evidence of badger setts and badger activity. The most recent survey confirmed that whilst badgers are active on the site, no setts were present. The NCO has advised that the proposed development is not reasonable likely to have a significant adverse impact upon this species. The submitted badger survey report includes recommendations for precautionary measures to ensure any setts excavated during the construction phase on site are identified. These reasonable avoidance measures should be secured by condition.

**Biodiversity Net Gain** - In accordance with Local Plan policy SE 3(5), all development proposals must seek to lead to an overall enhancement for biodiversity.

In this instance the proposed additional houses would result in the loss of an area of wildflower grassland habitat proposed under reserved matters consent 19/3855C. The loss of this proposed habitat would result in the development of this site making a reduced contribution to biodiversity. To assess the overall loss/gains of biodiversity resulting from the development, an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 2 must be undertaken and submitted. If additional habitat creation measures are required to ensure the site achieves a net gain for biodiversity, The NCO advises that consideration should be given to the creation of additional ponds and species rich grassland. This is currently being reviewed and will be reported to members by way of an update.

Subject to the satisfactory resolution of biodiversity gain, the scheme is found to be acceptable in terms of its ecological impact and accords with CELPS Policy SE 3.

## **Flood Risk and Drainage**

The site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less. A Flood Risk Assessment has been submitted. Whilst no comments have been received from the Local Lead Flood Authority, comprehensive scheme of surface water attenuation and drainage strategy has been developed for the wider site and will accommodate the proposed increase of 25 units. United Utilities have been consulted on this application and have no objection subject to conditions. The development is considered to be acceptable in terms of its flood risk and drainage impact and will comply with policy SE 12 of the CELPS.

## **S106 HEADS OF TERMS**

Subject to the receipt of further consultee comments, a s106 agreement is currently being negotiated to secure:

- Affordable Housing comprising 30% (65% of which will be for affordable rent and 35% for shared ownership)
- Education contributions of £92,413
- NHS contributions of £54,432
- Public open space and indoor and outdoor recreation contributions tbc
- Highway and pedestrian improvements contribution of £120,675

## **CIL Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is 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 provision of affordable housing, public open space, indoor and outdoor sport (financial) mitigation and highway and pedestrian improvements at Chester Rd / London Rd junction would be necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for primary and secondary school places within the catchment area which currently have a shortfall of school places. To increase the capacity of the schools which would support the proposed development, contributions towards primary and secondary school education are required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

## **CONCLUSIONS**

Whilst the proposal seeks to provide 25 dwellings in the open countryside, they would be accommodated on a site already committed for development. The comments received in representations have been given due consideration, however, subject to the satisfactory receipt of outstanding consultation comments, the proposal is considered to be a sustainable form of development. The proposal would bring environmental, economic and social benefits that would outweigh the policy conflict with the development plan in this case and the objections in relation to Jodrell Bank and healthcare provision, the impacts of which would be minor in the context of the wider development proposals. Accordingly, there are material considerations that outweigh the conflict with the development plan, and the application is therefore recommended for approval.

## **RECOMMENDATION**

**APPROVE** subject to conditions, a formal deed of variation to the existing S106 Agreement attached to the outline consent (to secure the balance of 3 affordable rented units) and a S106 Agreement making provision for:

- **Affordable Housing comprising 30% (65% of which will be for affordable rent and 35% for shared ownership)**
- **Education contributions of £43,385 (primary), £ 49,028 (secondary) Total: £92,413**
- **NHS contribution of £54,432**
- **Public Open Space and Indoor Sport and Outdoor Sport tbc**
- **Highway and pedestrian improvements contribution of £120,675 towards Chester Road / London Road junction**

**And the following conditions:**

1. **Standard Time limit – 3 years**
2. **Accordance with Approved / Amended Plans**
3. **Access to be constructed in accordance with approved plan prior to first occupation**
4. **Accordance with submitted noise mitigation scheme**
5. **Implementation of electric vehicle infrastructure plan (charging points)**
6. **Development to be carried out in accordance with submitted Flood Risk Assessment**
7. **Scheme of foul and surface water drainage to be submitted with foul and surface water to be connected on separate systems**
8. **Submission of a detailed drainage strategy / design, associated management / maintenance plan**
9. **Development to be carried out in accordance with the recommendations of the submitted Ecological Report**
10. **Nesting Birds Survey to be carried if works are to be carried out during the bird breeding season**
11. **Proposals for the incorporation of features into the scheme suitable for use by nesting birds to be submitted**
12. **Lighting scheme including mitigation for bats**

- 13. Accordance with submitted Affordable Housing Scheme**
- 14. Facing materials to be submitted and approved**
- 15. Submission of a scheme for the implementation of electromagnetic screening measures**
- 16. Implementation of landscaping scheme**
- 17. Submission of a landscape and habitat management plan**
- 18. Implementation of boundary treatments including measures for incorporation of gaps for hedgehogs**
- 19. Removal of permitted development rights classes A-E**
- 20. Removal of permitted development rights for fences, gates and walls**

*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 Planning 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.*

Application for Full Planning

RECOMMENDATION:

