

Application No: 25/0331/OUT
Application Type: Outline Planning with All Matters Reserved
Location: Land South Of Bluebell Road, Bluebell Green, , Holmes Chapel
Proposal: Outline planning permission for residential development of up to 25 dwellings.
Applicant: Toby Hudson, Bloor Homes North West

Expiry Date: 30 September 2025

SUMMARY

The site lies within the open countryside, where national and local policy seeks to restrict development to protect the intrinsic value of the countryside for its own sake. The proposal does not fall within any of the exceptions prescribed by policy. However, in line with recent revisions to the NPPF, the Council acknowledges that it does not have a 5-year supply of housing land which is a significant material consideration which weighs in favour of permitting the development. Further, historically, the principle of a mixed residential and office development for 190 dwellings and 4200 sq.m of Class B1 offices has been established on this site and the adjoining land at appeal. This application seeks to provide an additional 25 dwellings and whilst a similar application for such was dismissed at appeal in 2023, this was at a time when the Council had a 5-year deliverable supply of housing. The site is sustainable, is not of particular landscape value and the delivery of the site for residential development will provide a positive contribution towards the Council's housing land supply whilst representing an efficient use of land. The principle is therefore acceptable.

Vehicular and pedestrian access would be taken from the adjoining development, although access is a reserved matter. 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 more than the required amount of affordable housing (40%), for which there is an established need in the area which weighs in favour of the development. The proposal provides scope to deliver a high quality designed residential development at reserved matters stage 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 sports and recreation would be secured as part of a s106 legal agreement. The NHS have not commented but did to a previous scheme 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. Mitigation on the nearby London Road / Chester Road junction to provide some highway and pedestrian improvement works have been secured separately.

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 at reserved matters stage and 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.

The proposed development conflicts with open countryside policies, and therefore it constitutes a “departure” from the Development Plan. However, in accordance with sec.38(6) of the Planning and Compulsory Purchase Act, there are material considerations which indicate that development should be approved, namely that the Council does not have a 5-year housing land supply. The relevant policies concerning the supply of housing are out-of-date and consequently the ‘tilted balance’ at paragraph 11 of the NPPF is engaged. This highlights the need to direct development to sustainable locations, make effective use of land, and provide affordable homes, which this proposal aligns with.

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 up-to-date policies of the Cheshire East Local Plan Strategy, SADPD, the Brereton Neighbourhood Plan and advice contained within the NPPF.

Summary Recommendation

APPROVE subject to S106 Agreement and conditions

1. REASON FOR REFERRAL

- 1.1. This application has been referred to Strategic Planning Board as it is a Small-Scale Major Development comprising of 25 dwellings which is contrary to the Development Plan.

2. DESCRIPTION OF SITE AND CONTEXT

- 2.1. This application is part of a mixed-use development site measuring 16.02 hectares 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 Bepak, 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 site is within the Open Countryside and an area of Public Open Space.
- 2.2. 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.
- 2.3. The portion of the site to which this application relates 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.

3. DESCRIPTION OF PROPSAL

3.1. This application seeks outline planning permission with all matters reserved 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 that original outline consent have been considered and accepted under several applications for the various phases of development and has now been built out.

4. RELEVANT PLANNING HISTORY

4.1. 14/5921C - Outline permission granted on appeal a mixed-use development including residential and commercial (outline) - Granted pp on Appeal 31/10/16.

4.2. 17/4869C - S73 application for of Variation of conditions 1 and 4 on application – Approved 05-Jan-2018

4.3. 17/5721C - Retention of highways works to London Road – Approved 11-Dec-2017

4.4. 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

4.5. 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

4.6. 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

4.7. 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

4.8. 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

4.9. 18/4921C - 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) – Refused 19-Aug-2021 for the following reason:

“The proposed development is unsustainable because it is located within the Open Countryside and would result in an adverse impact on appearance and character of the area, contrary to Policies PG2 (Settlement Hierarchy), PG6 (Open Countryside) of the Cheshire East Local Plan Strategy, Policies HOU01 and HOU02 (Open Countryside and Settlement Boundaries) of the Brereton Neighborhood Plan, saved Policy PS8 (Open Countryside) of the Congleton

Borough Local Plan First Review 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.”

4.10.22/0633C - Residential development of 25 no. dwellings including associated infrastructure and landscaping – Refused 01-December-2022 – Dismissed at appeal 21-August-2023

4.11.24/5047/RLO - Deed of Variation relating to a Section 106 Unilateral Undertaking dated the 20 April 2016 for the development of the Site at London Road, Holmes Chapel, Cheshire, CW4 8AX – Resolved to approve subject to DoV

5. NATIONAL PLANNING POLICY

5.1. The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has since been through several revisions. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is a material consideration which should be taken into account for the purposes of decision making.

6. DEVELOPMENT PLAN POLICY

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Cheshire East Local Plan Strategy (2010 – 2030) was adopted in July 2017. The Site Allocations and Development Policies Documents was adopted in December 2022. The policies of the Development Plan relevant to this application are set out below, including relevant Neighbourhood Plan policies where applicable to the application site.

6.2. Relevant policies of the Cheshire East Local Plan Strategy (CELPS) and Cheshire East Site Allocations and Development Plan Policies Document (SADPD)

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
SE8	Renewable and Low Carbon Energy
SE9	Energy Efficient development
SE12	Pollution, land contamination and land stability
SE13	Flood risk and water management
SE14	Jodrell Bank
CO1	Sustainable travel and transport
CO3	Digital connections
CO4	Travel plans and transport assessments

Site Allocations and Development Plan Policies Document (SADPD):

PG 9: Settlement boundaries
 GEN 1: Design principles
 GEN 4: Recovery of forward funded infrastructure costs
 ENV 1: Ecological network
 ENV 12: Air quality
 ENV 14: Light pollution
 ENV 15: New development and existing uses
 ENV 16: Surface water management and flood risk
 ENV 17: Protecting water resources
 ENV 2: Ecological implementation
 ENV 3: Landscape character
 ENV 5: Landscaping
 ENV 6: Trees, hedgerows and woodland implementation
 ENV 7: Climate change
 HOU 1: Housing mix
 HOU 12: Amenity
 HOU 13: Residential standards
 HOU 14: Housing density
 HOU 15: Housing delivery
 HOU 8: Space, accessibility and wheelchair housing standards
 INF 1: Cycleways, bridleways and footpaths
 INF 3: Highway safety and access
 INF 6: Protection of existing and proposed infrastructure
 INF 9: Utilities
 REC 2: Indoor sport and recreation implementation
 REC 3: Open space implementation

6.3. Neighbourhood Plan

Policies of the Neighbourhood Plan relevant to the consideration of this application are:

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

7. Relevant supplementary planning documents or guidance

7.1. Supplementary Planning Documents and Guidance do not form part of the Development Plan but may be a material consideration in decision making. The following documents are considered relevant to this application:

7.2. Cheshire East Council Design Guide SPD

8. CONSULTATIONS (External to Planning)

8.1. **Brereton Parish Council** – Object - The proposal is contrary to the Brereton Neighbourhood Plan policies HOU01 and HOU02. HOU01 defines two settlements with settlement boundaries where development may be permitted. HOU02 then defined some exceptions. The proposed 25 houses are not within either of these settlements and are in the open countryside. HOU01 states that in the open countryside “no development will be permitted other than in accordance with the policies of this Plan”. The 25 house proposal does not meet any of the exception criteria of HOU02. It was felt that any further development at this location would have to rely upon the already stretched facilities in the local service centre of Holmes Chapel, some of these facilities being the doctor, dentist, pharmacy and optician. The original application for 190 houses has already been fulfilled with the completed development of Phase II. Phase III should be to complete the promised nature reserve using all the remaining land and release the S106 monies to improve connectivity, traffic and speed management to the existing site.

8.2. **Education** – No objection subject to a financial contribution of £85,031 to provide 1 SEN school place.

8.3. **Greenspaces / CEC Leisure** – No comments received.

8.4. **Environmental Protection Unit (EPU)** - No objection subject to conditions / informatives relating to contaminated land, noise mitigation, scheme for piling, dust management plan, floor floating operations, construction hours, use of low emission boilers, Residents' Sustainable Travel Information Pack and the provision of electric vehicle charging points.

8.5. **Cheshire Fire & Rescue** – No objection but provides standard advice in relation to access for fire and rescue service, water supplies, recommendations for automatic water suppression system.

8.6. **Holmes Chapel Parish Council (HCPC)** – Object - question why this application is only for outline permission and why previous details submitted are not. HCPC assumes that the applicant is submitting in outline form as they want to test Housing Supply for the whole of Cheshire East but have not supplied any substantiation of whether more housing in Holmes Chapel is needed. Since 2010, Holmes Chapel has had an increase of nearly 900 houses which is by far the largest proportion for any of the allocation of 3,500 for all Local Service Centres within the Local Plan. Yet, there has been no significant contributions to addressing improvements to the infrastructure of the village. The population has increased according to census date and is set to further increase to above 8,000 by 2028. Roads, car parking and all other aspects of infrastructure have not improved commensurate with the housing and population increase. This application is for housing outside the SADPD designated Settlement Boundary and in Open Countryside, in contravention of policies in the CECLP. Holmes Chapel has taken the burden of housing for Local Service Centres. The reasons for refusing previous application and appeal still apply. There is a lack of information regarding the affordable housing. Walking distance to amenities is substantial. The proposed s106 obligations do not go far enough including lack of the £500k+ outstanding from the S106 agreed for the Bluebell Green estate for the A50/54 junction, to be spent on a modified scheme of traffic lights, with pedestrian crossing provision.

8.7. **Lead Local Flood Authority (LLFA)** – No objection subject to conditions requiring submission of an updated Flood Risk Assessment and a drainage strategy.

8.8. **NHS** – No comments received

8.9. **Head of Strategic Transport** – No objection

8.10. **Strategic Housing** - No comments received.

8.11. **Public Rights of Way (PROW)** – The site is adjacent to Brereton Footpath no. 3 as recorded on the Definitive Map and would directly affect it. The PROW will require diversion or the propose tree planting to be moved othersies they would object to the proposal.

8.12. **United Utilities (UU)** – No objection subject to conditions requiring details of a sustainable surface water drainage scheme and a foul water drainage scheme to be submitted and approved.

8.13. **University of Manchester (Jodrell Bank)** – Object as a matter of principle due to the increase from the additional potential contribution to the existing level of interference of the telescope.

9. REPRESENTATIONS

9.1. Representations have been received from 15 addresses objecting to this application. The points made are summarised as follows:

- Infrastructure - Local schools are full, pharmacy, GP surgery and dentist (no longer taking NHS patients) will not cope with additional demand
- Parking in the village is always full
- The single entrance/exit and roads through the estate are already barely coping with the number of existing housing and vehicles
- Wildflower meadow has not been created
- More houses will increase pollution, noise and risk to residents already on the vehicle access road through the Bluebell Estate
- Construction traffic over a long period of time will increase both noise and pollution as well as risk to pedestrians and damage the road surface
- There is not a lack of housing in Cheshire East and more house are not needed in Holmes Chapel
- There is no footpath in parts of the development
- Impact on wildlife, bats, newts, birds of prey
- Failure to Deliver Previous Commitments as part of the wider development including nature reserve
- Traffic & Highways - The village is experiencing increased congestion, and additional vehicles from the development will worsen the situation with no punlic transport improvements
- The developer's proposed changes (speed limit reductions, pedestrian crossings) are minor and do not resolve core traffic concerns
- Conflict with Open Countryside Policies - The development encroaches on land that was previously protected as open countryside and was the reason for the previous appeal being dismissed
- Inadequate Justification for Additional Housing
Cheshire East Council's most recent figures indicate a housing supply of 11.7 years, far exceeding the 5-year requirement

- The site falls within the Jodrell Bank Consultation Zone, which restricts development that could interfere with radio telescopes
- Loss of amenity green space
- Impact on Jodrell Bank, associated economy and a UNESCO World Heritage Site
- New housing development planned further north along the A50 (opposite Alum Court) will impact on the traffic and the pedestrian experience in the vicinity
- New website does not show previous objections
- The site is prone to flooding
- Brown field sites such as the site on London Road are available and several large housing developments have already been built in Holmes Chapel
- The location of the development is unsustainable with very poor public transport access

10. OFFICER APPRAISAL

Background

- 10.1. 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 m2 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. 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.
- 10.2. Back in 2023, a further application was submitted (planning ref; 22/0633C) for 25 houses on the site. This was refused on the grounds that it was within the open countryside outside of any settlement boundary. The applicant subsequently lodged an appeal against the decision, and it was subsequently dismissed at appeal by a Secretary of State appointed Planning Inspector. At the time of the decision, the Council had the benefit of a 5-year housing land supply. In reaching the design to dismiss the appeal, the Planning Inspector cited conflict with open countryside policies (albeit did not note any landscape harm), as the reason for not permitting the development.

Principle of Development

- 10.3. 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 Site Allocations and Development Plan Policies Document (SADPD), and the made Brereton Neighbourhood Plan (NP).
- 10.4. According to the policies map in the SADPD, the site is located just outside of the Holmes Chapel settlement boundary within the open countryside. It does not fall within any of the settlement boundaries within the Development Plan including the Brereton Neighbourhood Plan and therefore is subject to open countryside policies.
- 10.5. CELPS Policy PG 6: Open Countryside, SADPD Policy PG 9: Settlement Boundaries and Brereton NP Policy HOU01: Settlement Boundary are explicit in that all development outside of a defined settlement boundary is considered to fall within open countryside.

- 10.6. The key objective of these policies is to preserve the open countryside, recognising that it is cherished for its scenic, recreational, aesthetic and productive qualities.
- 10.7. To ensure that this objective is achieved, Policy PG 6 specifies that development in the open countryside will be limited to forms of development essential in the rural area or those developments that fall into a list of exceptions including infilling in villages, infill of a small gap within an otherwise built-up frontage and affordable housing/exceptional design. Policy HOU01 advises that development in the Neighbourhood Plan Area will be focused on sites within Brereton settlement boundary, with the aim of enhancing its role as a sustainable settlement whilst protecting the surrounding countryside.
- 10.8. The proposed development is in conflict with CELPS Policy PG 6, SADPD Policy PG9 and NP policies HOU01 and HOU02 as it does not fall within any of the exceptions in either policy. 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 other material considerations associated with this proposal, which are a sufficient to outweigh the policy objection.

Housing Land Supply

- 10.9. The application proposes the erection of up to 25 dwellings (indicatively). The Cheshire East Local Plan Strategy (CELPS) was adopted on the 27th July 2017 and forms part of the statutory Development Plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) to meet the objectively assessed needs of the area.
- 10.10. As the plan is more than five years old, deliverable housing land supply is measured using the local housing need figure (plus 5% buffer), which is currently 2,603 dwellings per year rather than the CELPS figure of 1,800 dwellings per year.
- 10.11. The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These include:
- Where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with appropriate buffer) or:
 - Where the Housing Delivery Test Measurement indicates that the delivery of housing was substantially below (less than 75% of) the housing required over the previous three years.
- 10.12. In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council’s most recent Housing Monitoring Update (base date 31 March 2024) was published in April 2025. The published report identifies a deliverable five-year housing land supply of 10,011 dwellings which equates to a **3.8-year supply** measured against the five-year local housing need figure of 13,015 dwellings.
- 10.13. The 2023 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities on the 12 December 2024 and this confirms a Housing Delivery Test Result of 262%. Housing delivery over the past three years (7,392 dwellings) has exceeded the number of homes required (2,820). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

10.14. In the context of five-year housing land supply, relevant policies concerning the supply of housing should be considered out-of-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is engaged. Paragraph 11d) highlights the need have regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Footnote 9 says where the relevant policies covering these matters are to be found in the NPPF. Subject to this, the principle of development is found to be acceptable.

10.15. 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 significant weight in favour of the scheme.

Location of the Site

10.16. The site is located on the edge of Holmes Chapel (a Local Service Centre). The CELPS identifies that a Local Service Centre (LSC) provides a good range of services and opportunities for employment, retail and education alongside good public transport links. In this case there are bus stops located on London Road within Hoomes Chapek to the North as well as Holmes Chapel Railway Station with good rail links into Manchester. There are footways along London Road which would provide access towards the services and facilities within Holmes Chapel. The development site is sustainably located given its location on the edge of a Local Service Centre and would minimise the dependence on the use of the private car.

Affordable Housing

10.17. Policy SC 5 of the CELPS 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.

10.18. In the case of 25 dwellings, this would amount to 7.5 dwellings. However, the applicant has offered an increased provision of 40%, which would equate to 10 of the units being affordable, if the final number of units were to be 25. This uplift in provision is a benefit of the scheme and would support NPPF Paragraph 11d by providing affordable homes in a sustainable location.

10.19. The precise number, size, location and type of units will be secured at Reserved Matters stage, and the scheme is in compliance with Local Plan Policy SC 5 subject to the completion of a s106 legal agreement.

Education

10.20. In the case of the current proposal for 25 dwellings, a development of this size would generate:

- 6 - Primary children (25 x 0.29) Excludes 1 SEN child, to avoid double counting
- 4 - Secondary children (25 x 0.14)

- 1 - SEN children (25 x 0.60 x 0.047)

10.21. 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.

10.22. The Council's Children's Services have confirmed that there is no longer a shortfall in school places at secondary or primary level and there would be sufficient capacity within the local school catchment to accommodate the likely numbers of children generated by this proposal. However, mitigation is required towards providing 1 SEN school place requiring a financial contribution of £85,031. The applicant is agreeable to this and would be secured by a s106 agreement.

Healthcare

10.23. No comments from the NHS for Cheshire and Merseyside have been received, However, the NHS in commenting on the previous scheme 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"*.

10.24. 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.

Design

10.25. The NPPF paragraph 135 and local plan Policy SE 1 emphasises the importance of securing high quality design appropriate to its context.

10.26. Policy SD 2 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;"

- 10.27. Policy GEN1 of the SADPD relates to Design principles. Criterion 1 requires that development proposals should create high quality, beautiful and sustainable buildings and places avoiding the imposition of standardised and/or generic designs. Whilst criterion 9 details that developments should be accessible and inclusive for all.
- 10.28. The proposed is an outline application for 25 new homes with matters of scale, appearance and layout reserved for approval at a later stage. An indicative layout has been submitted with the application to show how the site (amongst other requirements) could be developed to deliver around 25 new dwellings. The proposal would serve as an extension to the existing residential development recently completed by Bloor Homes on the wider development site. It would serve as a logical extension to the adjoining-built form.
- 10.29. Connections (Amber) - The proposal would only be accessible through the adjoining residential development. 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 and the exiting public rights of way network.
- 10.30. Accommodation and Tenure Mix (Green) - The precise position of the affordable units and the general housing mix, size type and tenure would be secured at reserved matters stage.
- 10.31. 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.
- 10.32. 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.
- 10.33. Character (Green) – The basic principles of the illustrative masterplan would follow that of the adjoining scheme, which achieves a good quality of design in line with the principles of the Design Guide. The final appearance would be secured at reserved matters stage.
- 10.34. In terms of design, the proposed development would be acceptable within the context of the site. It is considered that the overall design, scale and form (two storey) of the proposals would be acceptable subject to the final detail being agreed at reserved matters stage where a well-designed residential development which would accord with the Cheshire East Design Guide could be secured.

Landscape and Trees

- 10.35. 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 previously confirmed that the 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.

Public Open Space

- 10.36. 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.
- 10.37. Policy SE6, Table 13.1 denotes the level of green infrastructure required for major developments. This shows that the development should provide 40m² children's play and amenity green space per family dwelling. In addition to this 20m² 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.
- 10.38. Using these figures, the development would be required to provide 920m² of children's play and amenity green space for the family dwellings, and 500m² of G.I. Connectivity.
- 10.39. The submitted plans show that the wider development would far exceed these policy requirements to serve the proposed development in accordance with Policy SE6.
- 10.40. 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.
- 10.41. A small orchard is proposed in the south east corner of the site which is welcomed.
- 10.42. Unfortunately, there is no play space or informal amenity grassed areas allocated for recreation. Much of the planting is wildflower and grassland mixes. Whilst it is appreciated this is for habitat and biodiversity, the Council's Greenspaces Officer previously requested some natural play elements be added with appropriate landscaping, along with educational/trail interpretation panels incorporated into the scheme plus seating. This could be secured by condition.
- 10.43. In terms of outdoor sports facilities, the proposal will increase demand on existing facilities and as such a financial contribution towards off site provision will be required. The financial contribution is required at a rate of £1,000 per family dwelling or £500 per 2 bed space plus apartment. The funds would be required on commencement of development and would be used in line with the Council's adopted Playing Pitch Strategy. This would be secured as part the of a s106 legal agreement. Subject to this, the proposal is acceptable in term of open space provision, and the loss of existing open space would be outweighed by the provision of needed housing and the mitigating circumstance that surplus open pace has been delivered as part of the wider development.

Jodrell Bank

- 10.44. 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.
- 10.45. Policy SE 14 pf the Cheshire East Local Plan Strategy 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.

- 10.46. 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.
- 10.47. 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).
- 10.48. Jodrell Bank Observatory 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 to the wider development site, although previously acknowledged that there was a reduction in the number of units and therefore level of harm.
- 10.49. 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 adjoining development. Such measures help to impede the transmission of electromagnetic interference in the direction of the telescope typically associated with household items and equipment. Despite not being required to do so, the applicant installed screening measures within all of the units on Phase 2 (114 units) and will do so within the additional 25 units proposed as part of this application.
- 10.50. 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 25 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. This was accepted by the Planning Inspector on the previously dismissed appeal.

Highways

- 10.51. Access is reserved for approval at a later stage. The site is located at the southern end of the site and the Illustrative Masterplan shows that that the development would link into the internal road network of the adjoining development.
- 10.52. The Head of Strategic Infrastructure (HSI – Highways) has confirmed that there are no technical highway issues with the proposed internal layout as shown indicatively and that existing access of London Road serving the wider development would be suitable to accommodate the vehicle movements associated with an additional 25 dwellings.

- 10.53. Separately agreed highways mitigation measures secured as part of the wider development would serve this development also and there are no capacity issues on the local highway network that would result in a 'severe impact'.
- 10.54. In principle there are no highway objections to the proposals as access can be provided into the site, details of which would be agreed in the reserved matters application.

Public Rights of Way (PROW)

- 10.55. The definitive line of Public Footpath Brereton No. 3 will be obstructed by the proposed tree planting as shown on the Illustrative Layout. However, this is only illustrative and, in any event, could be diverted under the Town and Country Planning Act 1990. As such, this matter will be resolved at Reserved Matter stage or by way of a diversion.
- 10.56. Public Footpath Brereton No. 20 runs in the field to the south, adjacent to the proposed development. The Council's Public Rights of Way Unit (PROW) has confirmed that this would not be directly affected by the proposed development. In order to ensure that the path is made more accessible and inclusive for everyone to use, the stile located at the southern end of the development will require replacing with a kissing gate. This would be secured by condition and is acceptable in this regard.

Biodiversity and Nature Conservation

- 10.57. Biodiversity Net Gain (BNG) - This application is subject to mandatory Biodiversity Net Gain. As the proposed development is proposed for land that is Open Space/Landscaping/Habitat creation areas under reserved matters consent 19/3855C. The baseline for the BNG assessment undertaken in support of this application has been taken to be the landscaping scheme as constructed under reserved matters consent 19/3855C.
- 10.58. The BNG metric submitted in support of this application indicates that the proposed development would deliver the required net gain for biodiversity. However, this is based on habitat creation proposals being delivered through a combination of on and offsite habitat creation. Offsite habitat creation includes numerous areas of land to the north of the current application site which are all subject to consent 19/3855C. The BNG proposals associated with this consent would require a variation of the 19/3855C consent.
- 10.59. In addition to the on-site habitat creation and the creation of habitat with the area covered by 19/3855M, additional offsite provision potentially secured through a habitat bank would be required to secure a Biodiversity Net Gain.
- 10.60. The Council's Nature Conservation Officer (NCO) advises that the proposed development cannot secure Biodiversity net gain onsite, so off-site delivery would be in accordance with the Biodiversity Gain Hierarchy in this instance. The on-site habitat creation is however significant so must be secured for the required 30 years.
- 10.61. A legal agreement would be required to secure all off-site Biodiversity enhancements, which would also need to be registered on the National Net Gain Site Registry. This would be a post consent matter and dealt with under the discharge of the Biodiversity Gain condition. If planning consent is granted, two conditions would be required. The first condition reflects the Mandatory Biodiversity net gain condition, whilst the second condition is required to secure the onsite habitat delivery.
- 10.62. The Habitat Method Statement would need to include a timetable for the delivery of the habitat creation measures, and the commencement of the monitoring and management. The habitat management and monitoring plan must include the roles and responsibilities of

the people or organisation(s) delivering the habitat creation and method statement and 30 year management and monitoring plan. The 30-year habitat management and monitoring plan shall detail how the newly created, enhanced and retained habitats will be managed to achieve the target condition specified in the Biodiversity Metric Calculations submitted with the application.

- 10.63. Hedgerows - Native hedgerows are a priority habitat and hence a material consideration. The proposed development is likely to result in the loss of short sections of hedgerow to facilitate footpath access points. If outline consent is granted it must be ensured that sufficient replacement hedgerow planting is provided to compensate for that lost. The submitted BNG metric estimates that the proposed development would deliver a net gain in respect of hedgerows.
- 10.64. Great Crested Newts (GCN) - A pond is present on site which may be suitable for Great Crested Newts. A further survey of this pond did not record any evidence of great crested newts. There are two other ponds located to the south to which were not accessed as part of the survey. The status of these ponds in respect of great crested newts is therefore unknown. However, based upon the lack of great crested newts recorded at this site during surveys undertaken in connection with the adjacent development, the NCO advises that this species is not reasonably likely to be present or affected by the proposed development.
- 10.65. Badger - No evidence of badgers were recorded on site, but badgers are known to be present in the broad locality. A condition should be attached which requires an updated badger survey be undertaken and submitted in support of any future reserved matters application.
- 10.66. Bats - Trees on site have been identified as offering potential to support roosting bats, but none of these trees are expected to be lost as a result of the development of the site. To avoid any adverse impacts on bats resulting from any lighting associated with the development, a condition should be attached requiring any additional lighting to be agreed with the LPA.
- 10.67. Subject to the above, compliance with CELPS Policy SE 3 and SADPD Policy ENV2 has been demonstrated.

Residential Amenity

- 10.68. With regards to neighbouring amenity, Policy HOU12 advises development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to:
1. loss of privacy;
 2. loss of sunlight and daylight;
 3. the overbearing and dominating effect of new buildings;
 4. environmental disturbance or pollution; or
 5. traffic generation, access and parking.
- 10.69. Policy HOU13 sets standards for spacing between windows of 20 metres between front elevations, 24 metres between rear elevations or 14 metres between habitable to non-habitable rooms for three storeys. For differences in land levels and additional storeys, it suggests an additional 2.5m for levels exceed 2 metres.
- 10.70. This proposal would be two storeys and would therefore require a separation of 20 metres front to front, 24 metres rear to rear and 14 metres between habitable to non-habitable room windows.

10.71. The nearest existing residential properties are located in excess of any minimum separation standards. Internally, the illustrative layout ensures the relationships between the new dwellings would result in acceptable standards of space, light and privacy for future occupants. There will be sufficient private amenity space for each new dwelling. No significant amenity issues are raised at this outline stage.

Noise

10.72. 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 Transport (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 relating to noise and soundproofing.

Air Quality

10.73. 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.

10.74. 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).

10.75. The Council's Environmental Protection Unit has confirmed that subject to conditions relating to electric vehicle charging infrastructure, low emission boilers, resident's travel information packs 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 and ENV 12 of the emerging SADPD.

Flood Risk and Drainage

10.76. 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. A comprehensive scheme of surface water attenuation and drainage strategy was developed for the wider site and will accommodate the proposed increase of 25 units. The Lead Local Flood Authority and United Utilities have been consulted on this application and have no objection in principle 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.

CIL Regulations

10.77. 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

10.78. The uplift in the provision of affordable housing from 30% to 40% would represent a planning benefit which, would represent one of the benefits of the scheme.

10.79. The provision of public open space, indoor and outdoor sport (financial) mitigation, and healthcare (financial) mitigation are 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.

10.80. The development would result in increased demand for special education needs (SEN) school places. A contribution towards SEN school education is required based upon the number of units applied for. This is necessary and fair and reasonable in relation to the development.

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

11. PLANNING BALANCE/CONCLUSION

11.1. The site lies within the open countryside, where national and local policy seeks to restrict development to protect the intrinsic value of the countryside for its own sake. The proposal does not fall within any of the exceptions prescribed by policy. However, in line with recent revisions to the NPPF, the Council acknowledges that it does not have a 5-year supply of housing land which is a significant material consideration which weighs in favour of permitting the development. Further, historically, the principle of a mixed residential and office development for 190 dwellings and 4200 sq.m of Class B1 offices has been established on this site and the adjoining land at appeal. This application seeks to provide an additional 25 dwellings and whilst a similar application for such was dismissed at appeal in 2023, this was at a time when the Council had a 5-year deliverable supply of housing. The site is sustainable, is not of particular landscape value and the delivery of the site for residential development will provide a positive contribution towards the Council's housing land supply whilst representing an efficient use of land. The principle is therefore acceptable.

11.2. Vehicular and pedestrian access would be taken from the adjoining development, although access is a reserved matter. It is considered that, coupled with the economic benefits of the scheme, these are material considerations that outweigh the conflict with the development plan.

11.3. The proposal provides in excess of the required amount of affordable housing (40%), for which there is an established need in the area which weighs in favour of the development. The proposal provides scope to deliver a high quality designed residential development at reserved matters stage providing continuity with the adjoining development. The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for future occupants.

11.4. Mitigation for the impact of the proposal on local infrastructure including education, healthcare, open space and provision for outdoor sports and recreation would be secured as part of a s106 legal agreement. The NHS have not commented but did to a previous scheme and can be mitigated by financial contributions.

11.5. With respect to highways, the development will not have a detrimental impact on the local highway network even accounting for other committed developments. Mitigation on the nearby

London Road / Chester Road junction to provide some highway and pedestrian improvement works have been secured separately.

- 11.6. 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.
- 11.7. The impact on trees and landscape is acceptable and subject to further review at reserved matters stage and with respect to biodiversity net gain, the impact on ecology would be acceptable.
- 11.8. 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.
- 11.9. The proposed development conflicts with open countryside policies, and therefore it constitutes a “departure” from the Development Plan. However, in accordance with sec.38(6) of the Planning and Compulsory Purchase Act, there are material considerations which indicate that development should be approved, namely that the Council does not have a 5-year housing land supply. The relevant policies concerning the supply of housing are out-of-date and consequently the ‘tilted balance’ at paragraph 11 of the NPPF is engaged. This highlights the need to direct development to sustainable locations, make effective use of land, and provide affordable homes, which this proposal aligns with.
- 11.10. 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 up-to-date policies of the Cheshire East Local Plan Strategy, SADPD, the Brereton Neighbourhood Plan and advice contained within the NPPF.

12. RECOMMENDATION

APPROVE Subject to the completion of Section 106 Agreement to secure

S106	Amount	Triggers
Affordable Housing	40% (65% Affordable Social Rent / 35% Intermediate)	In accordance with phasing plan to be submitted.
Education	SEN (Special Educational Needs) = total of £85,031	Prior to first occupation
Health	NHS contributions of £54,432	Prior to first occupation
Public Open Space / Outdoor Sport	Private Management Company for Areas of Open Space £75,000 towards additions and improvements to existing POS facilities in the vicinity of the development. Outdoor Sports contributions of £25,000 in	On first occupation

	line with the Council's Playing Pitch Strategy	
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And the following conditions:

1. **Standard Outline Time limit – 3 years**
2. **Submission of Reserved Matters**
3. **Scheme of Piling works / floor floating operations to be submitted, approved and implemented**
4. **Submission of a contaminated land survey**
5. **Remediation of contaminated land**
6. **Submission of soil verification report prior to first occupation of units to which they relate**
7. **Dust control scheme to be submitted, approved and implemented**
8. **Development to be carried out in accordance with submitted Flood Risk Assessment**
9. **Scheme of foul and surface water drainage to be submitted, approved and implemented. Foul and surface water drainage shall be connected on separate systems**
10. **Reserved matters application to be supported by a detailed drainage strategy / design, associated management / maintenance plan**
11. **Accordance with recommendations made within submitted Ecological Assessments**
12. **Reserved matters application to be supported by an updated Badger Survey**
13. **Noise survey and mitigation to be implemented in accordance with approved detail**
14. **Detailed lighting scheme to be submitted in support any future reserved matters application**
15. **Nesting Birds Survey to be carried if works are to be carried out during the bird breeding season**
16. **Submission of a scheme for the provision of Biodiversity Net Gain**
17. **Submission, approval and implementation habitat creation method statement and a 30-year habitat management and monitoring plan**
18. **Submission of details of variation of BNG proposals under planning ref; 19/3855C**
19. **Residents Travel Information Packs including information about local walking, wheeling and cycling routes for both leisure and travel purposes**
20. **Submission of a scheme for the implementation of electromagnetic screening measures**
21. **Submission of scheme for natural play elements along with educational/trail interpretation panels incorporated into the scheme plus seating**

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.

