

Application No: 11/1621M

Location: THORNTREE BUNGALOWS, SALTERS LANE, LOWER WITHINGTON, MACCLESFIELD

Proposal: New Build Residential Development Comprising 4no. 2 Bed Houses, 2no. 2 Bed Bungalows for Rent, Forming a New Car Park and Access, and Extending Existing Car Park

Applicant: Cheshire Peaks & Plains Housing Trust

Expiry Date: 05-Jul-2011

Date report prepared: 29th July 2011

Date report updated: 8 September 2011

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- Principle of the Development
- Sustainability of the site
- Whether there is a genuine need for affordable housing in Lower Withington
- Scale and design and layout
- Highways and Parking
- Residential amenity
- Impact on the telescopes and research carried out at Jodrell Bank by the University of Manchester
- Section 106 Agreement – Affordable Housing (social rented)

REASON FOR REPORT

This application has been called in by the Local Ward Member (Councillor Smetham), as concerns have been raised in respect of:

- Lack of Community facilities
- Drainage problems
- Site is not allocated for housing
- Unproven need in the context of neighbouring villages

- Design and layout not appropriate to the site and area

The application was deferred from the previous Northern Planning Committee to obtain more information in respect of the impact on the Jodrell Bank Observatory, drainage and the proposed legal agreement.

DESCRIPTION OF SITE AND CONTEXT

The application comprises a rectangular piece of land measuring 0.24 hectares located to the rear of Thorntree Bungalows, and Thorntree Farm on Salters Lane. Leach Lane lies immediately to the north of the site, whilst there is an open field to the east (rear) of the site.

The site is located on the northern edge of the village of Lower Withington, designated as “Countryside beyond the Green Belt” within the Macclesfield Borough Local Plan 2004.

The site has a rural character, it is currently grassland used informally as a garden area by the residents of Thorntree Bungalows. There are a number of garden sheds located to the rear of the site adjacent to the existing car park. There are a number of mature trees positioned to the north of the site, adjacent to Leach Lane.

The site is situated in a relatively isolated location, with no public transport links, and limited facilities available within the village. The closest larger villages to Lower Withington are Goostrey, (3 miles away), which provides limited local services and amenities and Chelford, (just over 4 miles away in the opposite direction), which provides more local services, such as a shop, post office, petrol station, village hall, market and farm supplies shop and public transport links.

DETAILS OF PROPOSAL

Full planning permission is sought by Cheshire Peaks and Plains Housing Trust - CPPHT (a local registered social landlord) for the erection of 6 No. rural affordable dwellings: 4no. two bedroom houses and 2no. two bedroom bungalows. Permission is also sought for the formation of a new car park to the north of the site, with vehicular access off Leach Lane and an extension to the existing car park to the south of the site, which currently serves Thorntree Bungalows.

The properties will be managed by CPPHT and will be available at an affordable rent to local individuals (through a cascade provision) who meet the Cheshire East Homechoice initiative criteria.

RELEVANT PLANNING HISTORY

10/1166M - New Build Residential Development to Include 4 No 2 Bed Houses and 3 No 2 Bed Bungalows for Rent – Withdrawn 23.07.10

5/5/12598 - Outline planning permission for No. 9 old person's bungalows and a warden's house – Approved with conditions 18/01/74

Please note, the nine bungalows approved above was in addition to the six existing Thorntree bungalows.

POLICIES

National Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing
PPS4 Planning for Sustainable Economic Growth
PPS7 Sustainable Development in Rural Areas
PPS9 Biodiversity and Geological Conservation
PPG13 Transport

PPS7 states that housing in the Countryside should meet local needs as determined by local housing needs assessment, whilst Local Development Documents should specify where the development should take place. Further advice is available in PPS3, which relays the Government's commitment to improving the affordability and supply of housing in all communities, including rural areas. The delivery of housing in rural areas should respect the key principles underpinning PPS3, providing high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages however, a further policy objective limits housing developments to suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

Paragraph 30 of PPS3 is relevant and makes reference to Rural Exception Site policy.

PPS4 mentions locating development in existing settlements where services and other services can be provided close together.

Regional Spatial Strategy

Regional Spatial Strategies (RSS) were revoked by the Secretary of State for Communities and Local Government on 9 July 2010 under Section 79 (6) of the Local Democracy, Economic Development and Construction act 2009. However, the Regional Spatial Strategy for the North West has been reinstated (protem) as part of the statutory Development Plan by virtue of the High Court decision in the case of Cala Homes (South) Limited and the Secretary of State for Communities and Local Government and Winchester City Council on 10 November 2010.

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP4 Making the Best Use of Existing Resources and Infrastructure
DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility
DP7 Promote Environmental Quality
DP8 Mainstreaming Rural Issues
DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities
RDF2 Rural Areas
L2 Understanding Housing Markets
L4 Regional Housing Provision
L5 Affordable Housing
RT2 Managing Travel Demand
RT9 Walking and Cycling
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

Macclesfield Borough Local Plan 2004

H1 (Phasing policy to ensure that the structure plan housing requirement is met but not exceeded and that previously developed sites will be developed before Greenfield sites)
H2 (High quality living environment in housing developments)
H5 (Criteria for the development of windfall housing sites)
BE1 (Design principles for new developments)
GC5 & GC6 (Development in Countryside Beyond the Green Belt)
NE11 (Protection and enhancement of nature conservation interests)
DC1 (High quality design for new build)
DC3 (Protection of the amenities of nearby residential properties)
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
DC8 (Requirements to provide and maintain landscape schemes for new development)
DC9 (Tree protection)
DC38 (Guidelines for space, light and privacy for housing development)
DC41 (Standards for space, light, privacy and highway safety for housing redevelopment)
DC63 (Measures to control contaminated land including landfill gas)

OTHER MATERIAL CONSIDERATIONS

Draft Interim Planning Statement on Affordable Housing (2011)

The Council has recently produced an Interim Planning Statement on Affordable Housing. This document sets out the Council's definition of affordable housing and specific site requirements, as well as providing guidance on development considerations and means of securing their provision. It also sets out the Council's requirements for achieving mixed and balanced communities including the housing needs of specific groups.

The statement has been produced within the framework of the three adopted Local Plans for the former District authorities of Crewe and Nantwich, Congleton and Macclesfield, the Council's Strategic Housing Market Assessment (SHMA) and government guidance as expressed in national planning guidance and policy statements. It is also consistent with the Council's Corporate Objectives and the Sustainable Community Strategy.

The Interim Planning Statement underwent a period of public consultation running from the 8th November 2010 - 20th December 2010 and was adopted at a Council meeting on 24th February 2011. It is a material consideration in the determination of this application.

Paragraph 3.10 of the Council's *Interim Housing Statement on Affordable Housing (2011)* advises:

"Planning Policy Statement 3 'Housing' advises Local Planning Authorities to consider releasing sites solely for affordable housing in rural areas where planning permission for housing development would not normally be allowed.... Proposals must be for small schemes appropriate to the locality and consist in their entirety of subsidised housing that will be retained in perpetuity for rent, shared ownership or in partnership with a RSL. In all such cases they must be supported by an up-to-date survey identifying the need for such provision within the local community.... Unless the survey indicates a need for such provision, planning permission will not be granted".

CONSULTATIONS

Environment Agency:

No objection, subject to a condition in respect of drainage.

Environmental Health – Public Protection and Health (Contaminated Land):

The Contaminated Land report submitted in support of the application did not identify any significant sources of contamination. It is recommended that an informative be attached to an approval in respect of Environmental Regulations.

Conditions are also recommended in respect hours of construction, and for the details of any pile driving to be submitted and approved, prior to the commencement of development, in the interests of amenity, having regard to the location of the site.

Forestry:

Initial concerns were raised by the Forestry Officer in respect of the new Leach Lane car park extending within the Root Protection Area (RPA) of the large mature off site Oak T18, the loss of T11 and the positioning of plot 1, which extends slightly within the RPA of the mature Oak T3. It was recommended that the whole development be moved south, to take plot 1 outside the RPA of the mature Oak T3.

Revised plans and additional information were submitted on the 26 July 2011 to address these concerns.

The Forestry Officer advises that the revisions are sufficient to overcome his initial concerns. A condition will be required in respect of a construction method statement for the elevation and interface associated with Plot 1 and T3.

Landscape:

The application does not raise any significant landscape or visual effects, and therefore no objections are raised.

A Visual Impact assessment was submitted with the application which we broadly agree with, however, it should be noted that the Assessment refers to the Cheshire Landscape Character Assessment 1994; this was superseded by a new Cheshire Landscape Character Assessment in February 2009.

Jodrell Bank Observatory (University of Manchester)

The University of Manchester opposes this application as it would harm the efficient operation of the telescopes at Jodrell Bank Observatory. The potential electrical interference generated from this development is of considerable concern, particularly because the dwellings lie to the south east of the observatory, and are also less than 3 miles from the site.

The University of Manchester have had a meeting with the architects relating to the reduction in the number of houses and bungalows and also a reduction in height, with all apertures pointing away from the telescope. It is noted that one bungalow has been removed, but no reduction in height or house numbers. The University of Manchester therefore object.

United Utilities:

No objections, subject to informatives.

VIEWS OF THE PARISH / TOWN COUNCIL

Lower Withington Parish Council object to the proposed development. In summary, their main concerns are in respect of:

- Lack of community facilities
- Drainage problems
- The site is not allocated for housing
- Unproven housing need in the context of neighbouring villages
- Design and layout not appropriate to the site and area

OTHER REPRESENTATIONS

Three letters of support have been received, these supporters recognise the need for affordable housing within the Countryside.

Fifteen letters of objection have also been received, including an objection from Plan 8 (Planning Consultant). The following concerns have been raised:

Unsustainable Location

The application site falls within Lower Withington, an area that offers limited / no employment opportunities.

The site is inaccessible to services.

Lower Withington has few facilities on offer in terms of schools, doctor's surgeries, post offices. The only bus service into the area runs once a week.

PPS7 encourages sustainable forms of development, with new development focused on existing towns or villages.

Whether there is a genuine need for affordable dwellings within this location?

A number of representations question whether there is a genuine need for affordable dwellings within the Lower Withington area. Mention is given to the Dooley's Grig site where little interest has been generated at all. 2 bedroom dwellings are still available to buy in this development.

Impact upon highway

Due to the unsustainable location there will be a heavy reliance on private vehicles to the proposed dwellings.

The increased level of traffic would impact upon Leach Lane.

Sewage & Drainage Issues

Sceptic tank run-off has previously been an issue in the area.

Concerns are raised with regards to how the proposal would impact upon surface water run-off. Flooding is an issue currently.

Impact upon character of the area

Is the design of the proposal appropriate within the location?

Loss of Open Space

Contrary to PPG17.

The application site is comprised of Greenfield land

The area is a Greenfield site and building upon it would result in loss of open space. (Contrary to PPS3).

The site does not comprise Previously Developed Land.

Priority should be given to previously developed land, unless no PDL is available.

No sequential assessment has been submitted to demonstrate why other previously developed land / derelict /vacant sites cannot be utilised.

The site was not put forward as part of the SHLAA, and has therefore not been assessed against sustainability criteria.

Housing Density

Concerns raised regarding the density of the dwelling within the rural context of the site.

Nature Conservation implications

The proposed compromised hedgerow is a priority habitat. Objections are raised to the loss of any hedgerow along Leach Lane.

Lack of reference made to the Section 106 agreement

Poor information provided with regards to the section 106 agreement.

Interim Planning Statement – Affordable Housing

IPS has been adopted without a Sustainability Appraisal or a Habitats Regulation Assessment as required by the T&CPA 2004, therefore document should be given no weight in the determination of this application

No reference within the rural exception policy to sustainability criteria. Without this criteria, housing could be located in the wrong location

APPLICANT'S SUPPORTING INFORMATION

- Design and Access Statement
- Development Statement
- PPS3 Housing Self Assessment Checklist
- Code for Sustainable Homes – level 4
- Register of Interest
- Community Consultation document
- Visual Impact Assessment
- Ecological walkover survey
- Phase 1 Desktop assessment (Land contamination)
- Heads of Terms

OFFICER APPRAISAL

Principle of Development

The site lies within the Countryside beyond the Green Belt in the adopted Macclesfield Borough Local Plan (2004). Policy GC5 gives a presumption against development unless it is essential for agriculture, forestry, outdoor recreation or for other uses appropriate to a rural area. Affordable housing is not specifically mentioned in Policy GC5, however, it is a use appropriate to a rural area where a local need is identified.

National policy PPS3 states:

*“In providing for **affordable housing in rural communities**, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in*

market towns and villages. This requires planning at local and regional level adopting a positive and pro-active approach which is informed by evidence, with clear targets for the delivery of rural affordable housing. Where viable and practical, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. This enables small sites to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint. Rural exception sites should only be used for affordable housing in perpetuity. A Rural Exception Site policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities”.

Sustainability

The application site is not considered to be a sustainable location, with limited access to facilities/shops/services and public transport, however, the same could be said about a number of villages in the Borough, and this does not change the position that there is a proven need for Affordable Housing. It could be argued that the development would assist in making the village more sustainable, by bringing additional demand for shops/services and public transport, and would help support the rural economy.

Housing Need

The application is made as a Rural Exceptions site application for 4 x 2 bed houses and 2 x 2 bed bungalows in the parish of Lower Withington as the application is for a rural exceptions site there is a necessity to prove housing need.

A rural housing needs survey was carried out by the former Macclesfield Borough Council in 2008 in a number of parishes including Lower Withington, the survey was conducted by sending out a questionnaire to all the households in the survey area and there was a return rate of 31% for the Lower Withington parish. The rural housing needs survey for Lower Withington identified that there were 12 hidden households (households which have at least 1 adult in the household who wished to form a separate household), 6 of these 12 hidden households indicated they would consider rented accommodation, however only 1 had an income in excess of £25,000 therefore very few in housing need would be able to afford a home on the open market.

The survey also established that there are 4 people who moved out of the borough in the last five years because they could not afford to rent or buy in the parish who would like to return. This rural housing needs survey has identified there are a total of 16 persons with a direct local connection who are potential occupiers of affordable homes within the parish.

For the purposes of the SHMA (Strategic Housing Market Assessment) 2010 Lower Withington is in the Macclesfield Rural sub-area. There is a need for about 110 new affordable homes between 2009/10 and 2013/14, this equates to 22 new affordable homes per year.

This development would assist in meeting some of the evidenced affordable housing need in Lower Withington.

Should members approve the application, the houses would remain affordable in perpetuity secured by Section 106 Agreement.

Register of Interest

CPPHT have refreshed the Register of Interest. 11 of the 18 original respondents (who have a local connection) are still interested in renting a property in Lower Withington and comply with the criteria above.

Scale, Design & Layout

The proposed development could be accessed off either Salters Lane, or Leach Lane. The existing Thorntree Bungalow's car park would be extended to provide 4 additional parking spaces, whilst a new car park would be created off Leach Lane providing a further 9 spaces (including 2 disabled spaces).

All 6 dwellings would be sited towards the rear of the application site, facing west toward Salters Lane. The 4 no. two storey dwellings are located to the north of the site, whilst the 2 bungalows would be positioned centrally, plot 6 facing the end elevation of the existing bungalows. Each dwelling has its own private rear garden.

A Sustainable Urban Drainage System (SUDS) Storm Cell is proposed to the front of the application site, to provide drainage for the new dwellings, which is considered acceptable.

The northern boundary along Leach Lane is well screened by trees, a hedge and mature vegetation. A mature hedge separates the western boundary with Thorntree Farm. The southern and eastern boundaries are open facing a field and car park respectively. With the exception of the new opening in the hedge to provide access to the car park, and the removal of T11 to allow for the SUDS storm cell, all of the remaining trees and hedges are to be retained.

The dwellings are considered to be suitably positioned on the plot, with the 2 storey properties opposite the two storey farmhouse and the bungalows opposite the existing Thorntree bungalows. This layout is considered to be sympathetic to the local environment.

Construction and materials

The dwellings would be of an acceptable design constructed of a mix of Cheshire brick and off white render, with slate roofs. The surrounding development consists of a mix of house types and sizes, including large detached dwellings and bungalows. It is considered that the development would be in keeping with the character and appearance of the area and would not have any significant adverse impact on the street scene.

Highways and Parking

The Strategic Highways Manager advises that the applicant has now provided additional information regarding land ownership to ensure that visibility splays from the access points are achievable.

The Salters Lane access is to be improved and to serve an additional 10 spaces and Leach Lane will serve a small car park of 9 parking spaces.

In summary, he is now content with the application, subject to conditions in respect of visibility splays, and prevention of obstructions across the vehicular access, and an informative, requiring the applicant to enter into a S278 Agreement with the Highway Authority to provide the footway on Leach Lane.

Residential Amenity

Policy DC3 of the Local Plan stipulates that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, overbearing effect, loss of sunlight and daylight, noise, vibration, smells, fumes, smoke, soot, ash, dust or grit, environmental pollution, hazardous substances and industrial processes, traffic generation, access and car parking.

The proposal fully complies with the separation distances set out in policy DC38, and therefore the development is not considered to raise any significant residential amenity issues. It is considered however that permitted development rights for extensions should be removed in order to protect the amenities of residents in the future.

Having regard to the residential amenities of the occupiers of the neighbouring properties, it is important that conditions are imposed to limit the hours of construction and any piling that may be required. Subject to these conditions, the proposal is considered to be acceptable in terms of residential amenity.

Ecology

The hedgerows surrounding the site are a local BAP (Biodiversity Action Plan) priority habitat and hence a material consideration. It is recommended that as much of the hedgerow as possible should be retained and enhanced as part of the development. It is also recommended that a native species hedge is provided on the western boundary to mitigate for any vegetation lost from the site and to deliver an enhancement for nature conservation as required by PPS9.

Conditions are recommended in respect of the retention of the Oak tree for foraging bats, retention of boundary hedge on Leach Lane boundary (with the exception of the access point), no directional lighting and protection of breeding birds.

Jodrell Bank Telescope

The University of Manchester has objected to this proposal as they consider that it would harm the efficient operation of the telescopes at the Jodrell Bank Observatory. They state that the potential for electrical interference caused by the proposed development is of considerable concern given that it is less than 3 miles to the south east of the observatory.

Jodrell Bank Observatory is a major local asset to the Borough and the Council would not wish to cause harm to its efficient operation, however, this has to be balanced against the

nature of the site, size of the development and the recognised need for affordable housing in the area.

Members may recall that a similar objection was received from The University of Manchester in respect of the proposal for 13 rural affordable houses at land to the north of Twemlow Lane, Twemlow Green earlier this year. Members of the Southern Planning Committee concluded that the need for affordable housing and the ability to mitigate the development with appropriate insulation outweigh the objections raised.

DEFERAL OF APPLICATION

Members will recall that this application was deferred from the 10th August Northern Planning Committee, in order to provide further information in respect of:

- The drainage scheme
- The impact of the development on Jodrell Bank Observatory
- The legal agreement, particularly in respect of the Cascade Provision, and to define Local Connection

DRAINAGE

“In Site” Surface Water

The site is currently, effectively, a large lawned area, i.e. all rainwater that falls onto it percolates naturally and evenly away. When the new residential units, car park and footpaths are formed, the rain falling onto the site becomes concentrated where roofs and the car park discharge into gutters, downpipes and gulleys. This needs to be collected at a suitable position and for it ultimately to percolate into the ground. In order to avoid localised flooding or ponding in storm conditions, it is necessary for this store to have sufficient capacity to hold the water and allow it to percolate into the ground slowly and across a generous area of the landscaping.

The storm cell proposed as part of the application, and to serve the new houses and bungalows, is a widely recognised method of attenuation and is designed to replicate, as closely as possible, the percolation conditions prevalent on the site, as if the new properties and hard surfaces were not there.

Site investigations, including an appraisal of the level of the water table, and percolation tests have been carried out to establish the baseline criteria for the design and in order to prove the system.

“Off Site” Surface Water - intermittent and localised flooding - Leach Lane

Leach Lane experiences intermittent localised flooding. It is an adopted highway, including the verges, and therefore is the maintenance responsibility of the Highway Authority.

As it is outside of the application site boundary, the periodic and localised flooding in Leach Lane could be considered to be a problem that the Highway Authority responsible for maintaining the adopted road should resolve. However, recognising the fact that the application includes creating a new access point onto Leach Lane the applicant has suggested a solution.

Consultation with Highways has resulted in agreement to provide a footpath from the site along Leach Lane to the junction with Salters Lane. In addition to this, and to address the flooding issue, it has been agreed that a “french drain” be constructed within the verge of the highway to channel floodwater from the point of flooding. The french drain would extend along the adopted verge of a section of Leach lane adjacent the site, thus serving as a holding channel until it reaches a point where it will dissipate freely into the ground.

Foul Disposal

The foul drainage is separate from the surface water, and discharges to self-contained, below ground collection tanks located under the new car parking areas. The drainage for the new units is separate from the septic tank serving the existing Thorntree Bungalows.

Final technical details of the system will be developed up and a full Building Regulation application submitted and approved prior to commencing work on site.

JODRELL BANK OBSERVATORY

The Case Officer wrote to University of Manchester (Jodrell Bank Observatory) following the deferral of the application in August, posing a number of questions to establish the harm the development would have on the effective functioning of the telescopes.

The University of Manchester have responded, and provide the following additional information:

Due to the short distance from the site to the MK2 telescope (1.5km) and the positioning of the development to the south east, shielding measures are insufficient to prevent electromagnetic interference with the telescope. The orientation of the buildings could be aligned so that there is more self-shielding and additional levels of shielding could be incorporated, to reduce the harm. Even a single dwelling could cause interference.

Jodrell Bank appreciate the need for affordable housing in the area, and therefore requested that the proposal be reduced by 50% to 3 or 4 dwellings, and for those dwellings to be single storey to reduce the harm.

It is not straightforward to make measurements from a typical dwelling in a controlled environment. Many domestic devices and appliances produce radio emission, whether intentionally or otherwise, across a wide range of frequencies, and unintentional emissions occur at frequencies used at Jodrell Bank and internationally for radio astronomy.

Observations are already affected to some degree by radio interference from many sources. The fact that Jodrell Bank can still make world-class observations is because in most cases, strong, short-lived interference can be recognised and removed from the data. Lower-level continuous interference can increase the general noise level which means that in general, observations need to be made for longer and hence at greater cost to achieve a given sensitivity.

In practice, the strength and nature of interference varies greatly, as does the ability to mitigate the effects of interference using sophisticated signal processing techniques and careful editing of data.

Astronomers at Jodrell Bank Observatory are able to operate at present, and carry out world-leading experiments but they often rely on a wide range of techniques to reduce the impact of interference. This takes considerable effort and every increase in interference requires more effort and further developments in signal processing and analysis. Moreover, each increase in interference has the potential to make certain observations impossible, depending on the characteristics of the new source of interference. Increased interference means that in general observations take longer, either due to an increase in the noise level, or because affected observations need to be repeated.

They consider that cumulative effect of new housing will result in an increase in interference for several reasons: the total number of devices producing radio emission at the frequencies where observations are made increases and the probability of having a very strong source of emission (such as a faulty device) increases. Jodrell Bank does not have detailed data on the population of Lower Withington, but we estimate that this new development would increase the number of houses at this distance by 5-10%. The strength of emission from a source at a particular distance falls as the square of the distance, plus any allowance for propagation loss due to low-level clutter (buildings, trees, etc). Sources of interference at lower heights suffer more propagation loss due to clutter.

If the telescope points directly at a source of interference, then the effect is greatly magnified: the maximum gain of the Lovell Telescope at 1.4 GHz is approximately a factor of 700,000.

The Lovell telescope is generally used 24hr/day except for maintenance periods scheduled for approx 6 hrs one weekday per week and painting/engineering work (often daytimes only) during the summer. The Mk2 telescope is also used 24/7 except for fortnightly maintenance and any summer repair work.

The activities within all buildings within the grounds of the Observatory which are owned by the University are governed by their own procedures (currently including a ban on mobile phones). Within the Observatory, it is generally much easier to trace any potential or actual source of interference and remove or modify it, than to do so outside the Observatory. Actions taken in this regard range from removing and shielding particular computers and electronic equipment to building bespoke radio frequency shielded rooms, which reduce radio emission by a factor of one million.

CONCLUSION ON THE JODRELL BANK OBSERVATORY

The representations from the University of Manchester maintain their objection to the proposal. This is a technical objection and the contents of the technical objection are not disputed. The technical objection is a material consideration which weighs against this proposal. The objection must be weighed in the balance of considerations in assessing this proposal.

However, the Jodrell Bank Observatory does not exist in a vacuum and the housing needs of the local population should carry significant weight in favour of this proposal. The proposed

housing is not a new isolated development but it is a small housing scheme set against the existing ribbon of housing development in Lower Withington. The objection is based on a cumulative impact. The affordable housing provision would be an *exception* and the normal strict control of development in the countryside and in the Jodrell Bank zone will continue to apply to other development proposals in this area. Conditions can be imposed that limit the harm to the observatory, and whilst this may not overcome the objection it will minimise any harm. It is considered that the identified harm is not sufficient to outweigh the benefits of providing a small scale and appropriate affordable housing development in this location.

LEGAL AGREEMENT – HEADS OF TERMS

All six dwellings are to be made affordable, in perpetuity. The dwellings shall be made available through a Cascade Provision to residents who have a Local Connection, as set out below.

It is recommended that the following Cascade Provision is incorporated into the legal agreement:

The selection of prospective Occupiers given priority in the following order;

1. Residents of Lower Withington
2. Residents of Adjoining Parishes
3. Residents of Adjoining Parishes 2 (listed below)
4. Residents of Cheshire East

Adjoining parishes 2 would be - Marthall, Nether Alderley, Henbury, Gawsworth parish, North Rode, Eaton, Hulme Walfield, Somerford, Brereton, Holmes Chapel, Cranage, Allostock, Nether Peover, Peover Inferior, Toft and Ollerton.

Local Connection shall be defined as:

A person who has:

- i. A minimum period of 5 years permanent residence in the relevant area of the Cascade Provision, or
- ii. A strong local connection including a period of residence of 5 years or more within the last ten years in the relevant area of the Cascade provision, or
- iii. A minimum period of 2 years permanent residence in the relevant area of the Cascade Provision, or
- iv. An essential functional need to live close to his or her work in the relevant area of the Cascade Provision

And priority shall be given to prospective occupiers in the order as set out above, provided that this is in accordance with the priorities set out in the Cascade Provision to ensure a prospective Occupier from the Parish shall take precedence over a prospective Occupier from an Adjoining Parish, as so forth through the categories contained within the Cascade Provision.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Rural affordable housing is considered acceptable when there is a genuine need for affordable housing in the area. A Rural Housing Needs Survey carried out in 2008 indicated that there was a potential need for 16 additional affordable houses in the parish of Lower Withington. The Strategic Housing Market Assessment confirmed that there was a need for about 110 new affordable homes between 2009/10 and 2013/14 in the Macclesfield Rural sub area, which Lower Withington falls within. This equates to 22 new affordable dwellings per year. The proposed development would clearly help in meeting the demand for affordable housing in the area.

The site is not considered to be a sustainable location for transport, however, this will inevitably be the case for many rural villages in Cheshire East, and does not change the position that there is a proven need for Affordable Housing. It could be argued that the development would assist in making the Village more sustainable, by bringing additional demand for shops/services and public transport, and would help support the rural economy.

The scale, design and layout of the development is considered to be sympathetic to the local environment, and the proposal is not considered to raise any significant amenity issues.

The objection from Jodrell Bank Observatory is acknowledged, and has been carefully considered. On balance, it is considered that the need for affordable housing, the small scale nature of the development and the ability to shield the development to some extent by construction techniques outweigh the objection raised.

On the basis of the above information, a recommendation of approval is made, subject to a legal agreement, and the conditions set out below.

Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. Commencement of development (3 years)
2. Development in accord with revised plans (numbered)
3. Materials as application
4. Electromagnetic protection (Jodrell Bank)
5. Protection for breeding birds
6. Landscaping to include details of boundary treatment
7. Landscaping (implementation)
8. Construction specification/method statement
9. Pile Driving
10. Protection from noise during construction (hours of construction)

11. Removal of permitted development rights
12. Refuse storage facilities to be approved
13. Vehicular visibility at access (dimensions)
14. No gates - new access
15. Revised landscaping scheme
16. Retention of Oak tree and boundary hedge on Leach Lane, with the exception of the opening for vehicular access into the site
17. Details of any external lighting to be submitted, no directional lighting towards tree canopy or boundary hedge

Cheshire East
Council

Dooley's Grig

Cheshire West
and Chester

School Hou

77.1m

THE SITE

TCB

B 5392

77.4m

Thorn tree
Farm

Cheshire East
Council

Thorn tree Bungalows

78.0m

South View

Cheshire East
Council

Withins Lea

Oakfield

Foxwood
Farm

Cheshire West
and Chester

Withington

Glyn-Nor

The
Chimes

Lay-By

78.3m

Cheshire East
Council