

Application No: 14/0081C

Location: Land to the East of, HERMITAGE LANE, CRANAGE

Proposal: Outline planning for the construction of new residential development of up to 26 dwellings

Applicant: Estate of S.H Darlington (deceased)

Expiry Date: 21-Mar-2014

### **SUMMARY RECOMMENDATION**

REFUSE

#### **MAIN ISSUES:**

- Principle of the development
- Housing land supply
- Impact upon the Open Countryside
- Location sustainability
- The acceptability of the Access
- The impact upon Jodrell Bank
- Impact on residential amenity
- The impact upon ecology
- The provision of open space
- Provision of affordable housing
- The impact upon the Public Right of Way
- The impact upon trees and hedgerows
- The impact upon flooding and drainage
- Impact upon infrastructure
- CIL conformity/requirements

### **REASON FOR REFERRAL**

This application represents a major development as defined within the Council's Constitution. As such, the application is referred to the Northern Planning Committee. The proposals in addition, involve a departure from policy.

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

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

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

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

## **DETAILS OF PROPOSAL**

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

Matters of Access is also sought. All other matters are reserved. As such, the application seeks permission for the principle of the erection of 26 dwellings on this site and the acceptability of the access.

## **RELEVANT HISTORY**

**1999/1** - Residential development (maximum of 12 dwellings) – Refused 2<sup>nd</sup> August 1988

## **POLICIES**

### **Local Plan Policy**

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

### **National Policy**

National Planning Policy Framework (NPPF)

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

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28<sup>th</sup> February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

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

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

### **Other Material Planning Considerations**

SPG2 - Provision of Private Amenity Space in New Residential Development  
The EC Habitats Directive 1992  
Conservation of Habitat & Species Regulations 2010  
Circular 06/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Affordable Housing Statement: Affordable Housing

## CONSULTATIONS (External to Planning)

**Strategic Highways Manager** – Have no objections to the proposed access to the site and the parking is deemed to be acceptable subject to 2 spaces being achieved per dwelling. However, the Strategic Highways Manager has raised concerns with regard to the submitted internal road layout of the scheme and does not find these details to be acceptable. Further details would have to be provided at the reserved matters stage, should planning permission be granted.

**Jodrell Bank (University of Manchester)** – Have concerns that the cumulative effect of incremental growth (housing numbers) will steadily increase the overall level of interference which would reduce the quality and scope of radio astronomical observations which can be carried out at Jodrell Bank Observatory.

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

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

More specifically the following condition is sought;

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

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

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

The calculated amount would be £7,331.50 to maintain this over a 25 year period.

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

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

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

The site lies within the Holmes Chapel sub-area where there is an identified need for 85 affordable dwellings between 2013/14 and 2017/18. This need is made up from 10 x 2 beds, 7 x 3 beds, 2 x 1 beds older person accommodation and 4 x 2+ beds and 2+ bed older person accommodation.

There are also 24 applicants on the housing register with Cheshire Homechoice who have selected Goostrey as their first choice. These applicants require 4 x 1 bed, 13 x 2 bed, 5 x 3 bed and 1 x 4 bed.

At the time of the SHLAA update there have been some affordable housing provision. However, there is still a shortfall of 72 affordable dwellings needed in this sub-area.

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

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

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

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

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

**Education (Cheshire East Council)** - No objections

#### **VIEWS OF THE PARISH COUNCIL:**

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

- Cheshire East has established a 5 year supply of housing land and site is not included in the supply
- The site is a green field site on agricultural land
- The site is unsustainable from a transport perspective

#### **OTHER REPRESENTATIONS:**

Objections have been received from 78 neighbouring properties, including 2 petitions. The main areas of objection relate to;

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

## **SUPPORTING INFORMATION:**

Design and Access Statement  
 Indicative house types  
 Contaminated Land questionnaire  
 Existing site photographs  
 Highways Statement  
 Updated Statement of Community Involvement (SCI)  
 Extended Phase 1 Habitat Survey  
 Tree Report  
 Revised Tree Protection Plan  
 Tree Location Plan  
 Arboricultural Implications Assessment  
 Planning Statement  
 Affordable Housing Statement  
 Sustainability Statement  
 Existing drainage / water mains details

## **OFFICER APPRAISAL**

### **Principle of Development**

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

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

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

The proposed development does not fall within any of the above categories relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

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

### **Housing Land Supply**

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

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

The NPPF clearly states at paragraph 49 that:

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

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

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

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

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.



Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

### **Open Countryside Policy**

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

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

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

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

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

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

identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

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

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

### **Location of the site**

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

The accessibility of the site shows that following facilities meet the minimum standard:

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

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

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

The following amenities/facilities fail the standard:

- Secondary School (1000m) – 4505m
- Supermarket (1000m) – 440m
- Primary School (1000m) – 1770m
- Medical Centre (1000m) – 5600m
- Leisure Facilities (1000m) – 4500m
- Public House (1000m) – 1610m

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

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

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

It is considered that a similar conclusion can be drawn from the application site. It does not have a school or supermarket in the village; however it does have a local bus stop approximately 500 metres from the development site. This bus stop is served by bus Routes 319 and 49.

The 319 route has 5 services a day (Monday to Saturday) and travels from Main Road, to Sandbach, Holmes Chapel and the Goostrey Railway Station.

The 49 route has 2 services a day on Monday and Wednesdays and links the site to Holmes Chapel and Northwich.

Given that Holmes Chapel, to which both these services run to, has both schools and shops, it is considered that the site is reasonably accessible for a rural settlement.

### **Access**

The indicative layout plan shows that the proposed development site would be accessed via the construction of a new road that would link into, and act as a continuation of Netherlea, at the northern end of the site.

From this new access point, the road would travel in a southerly direction and at 2 points new roads would extend to the east, which would be dead-ends. Another would extend to the west.

In support of the planning application, the applicant has submitted a Highway's Statement.

The Council's Strategic Highways Manager (SHM) has advised that he is satisfied with the proposed access to the site and the parking should be satisfactory with 2 parking spaces per dwelling being achieved. However, concerns are raised regarding the indicative layout of the development. As such, should the application be approved, it is proposed that it be conditioned that the road layout on the indicative layout plan submitted is not accepted as part of this submission, and further details should be provided at the reserved matters stage.

### **Layout, Appearance & Scale**

Permission for layout, appearance and scale is not sought as part of this application. Only indicative plans have been submitted at this stage and these are not considered below as they are subject to change.

### **Jodrell Bank**

As the application site falls within the Jodrell Bank Radio Telescope Consultation Zone, it is subject to Policy PS10 of the Local Plan.

Policy PS10 advises that for such sites, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope.

It is proposed that Policy PS10 will be replaced by Policy SE14 within the emerging Cheshire East Local Plan Strategy – Submission Version. The principles of this policy broadly reflect those of Policy PS10.

Jodrell Bank have been consulted on this development proposal and express concerns. More specifically, they have advised that;

*'To assess the potential interference from a particular location we may calculate the path loss, i.e. the extent to which signals from that location are diminished by the time they reach JBO.*

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

*As an illustration, a domestic IT device which just meets the CISPR 22 limit suffering this loss would exceed the ITU threshold for detrimental interference by approximately 10 dB, ie a factor of 10.*

*Additional shielding such as the use of foil backed plasterboard can mitigate this to some extent (and is recommended by JBO) but the aggregate effect of several devices per house in a development of 26 houses is likely to exceed the threshold.*

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

In the interests of clarity, Jodrell Bank was contacted and asked to clarify their position.

Following an informal discussion with Professor Simon Garrington at Jodrell Bank, he reiterated his concern regarding the incremental impact new housing development is having upon Jodrell Bank. He advised that the impact upon the Telescope would be similar to the impact an approved housing scheme for 13 dwellings in Twemlow would / will have (Ref: 10/2647C).

Jodrell Bank also raised concerns to the Twemlow proposal, which Professor Garrington advised is very similar to the application proposal because although this scheme is for a greater number of units, the Twemlow scheme was geographically closer to Jodrell Bank.

In the appeal, the Inspector took the view that since there were dozens of houses already in Twemlow, we must already accept the level of interference. As this application site is located on the edge of the settlement boundary, with development on 2 sides, a similar conclusion can be made in this instance. The numbers provided by Jodrell Bank above are based on an internationally agreed level of interference rather than what may or may not exist already. As such, it is not considered that a refusal on Jodrell Bank grounds could be sustained.

## **Amenity**

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

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

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

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

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

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

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

The Council's Environmental Health team have advised that they have no objections to the proposed development, subject to the provision of a number of conditions and informatives. These suggested conditions include; including: hours of piling, the prior submission of a piling method statement, the prior submission of a construction phase environmental management plan, hours of construction, the prior submission of a Travel Plan, the prior submission of electric vehicle infrastructure, the prior submission of a dust mitigation scheme and a contaminated land condition and informative.

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

## **Ecology**

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

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

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

With regards to hedgerows, it has been advised that it appears likely that the development would result in the loss of some hedgerows and that this loss be compensated through the incorporation of suitable replacement hedgerow planting as part of any detailed landscaping scheme produced for the site.

It is noted that there is a small area of woodland in the northern corner of the site which shall be retained.

There is also a narrow plantation woodland present which forms the eastern boundary of the site. The Council's Nature Conservation Officer recommends that should the application be approved, this also be retained and incorporated into the landscaping. It is also recommended that the indicative layout plan be amended to reflect this.

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

## **Open Space**

### Amenity Green Space (AGS)

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

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

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

### Children and Young Persons Provision (CYPP)

The Council's Parks Management Officer has advised that *'Having calculated the existing amount of accessible CYPP within 800m of the site and the existing number of houses which use it, 26 new homes will place extra demand on the facilities at Booth Bed Lane as it is acknowledge that the development site would be impractical due to its size for a new play facility.'*

As such, it has been calculated that the Council would need £5,677.34 for the upgrade of the Booth Bed Lane site which would be spent of upgrading the equipment and infrastructure.

It is also calculated that a commuted sum of £18,507.00 would be required to maintain this over a 25 year period.

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

## **Affordable Housing**

The Interim Planning Statement (IPS) advises that the there should be a 30% on-site affordable housing requirement on sites for 3 dwellings or more within all settlements in

rural areas of 3000 or more population. Furthermore, a tenure split of 65% social rent (or affordable rent) and 35% intermediate tenure should be sought.

The Council's Strategic Housing Development Officer has advised that the site falls within the Holmes Chapel sub area in the 2013 SHMA update.

Within this area the update illustrated an affordable housing requirement of 72 units between 2013/14 and 2017/18.

Cheshire Homechoice, the Council's Choice-based lettings systems shows that there are currently 24 applicants who have selected Goostrey as their first choice.

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

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

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

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

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

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

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

The Council's Public Rights of Way Officer has advised that she has no objections to the proposed development. However, the developer would be expected to include the maintenance of this route within the arrangements for the maintenance of the open space of the proposed site.

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

### **Trees and Hedgerows**

There are no protected trees on the site.

### Trees



The application is supported by updated tree reports, tree protection plans and tree location plans.

The Council's Tree Officer originally has advised that although the assessment has been carried out in accordance with the recommendations of British Standard BS5837: 2012 Trees in relation to design, demolition and construction. The arboricultural detail does not provide the level of detail required to adequately assess the impact of development on existing trees.

In response, the applicant submitted additional information.

The Council's Tree Officer has subsequently advised the information only just adequately allows an informed judgement, but concludes that he has no objections from a tree impact perspective, subject to a number of conditions. These conditions include; Works to be carried out in accordance with the submitted Arboricultural Implications Assessment and Method Statement; The prior submission of a plan to show an engineer designed no-dig hard surface construction of the proposed internal access road proposed adjacent to trees T8 and T9. As the layout is not agreed to at this stage, this second condition proposed is not considered relevant in relation to this application. However, subject to the first condition proposed, it is considered that the development would not have a significant detrimental impact upon trees.

### Hedges

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

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

### **Flood Risk and Drainage**

The site does not lie within a flood zone and as such, flooding is not a consideration in this instance.

United Utilities were consulted with regards to drainage. UU have subsequently advised that they have no objections to the scheme, subject to a condition requiring the prior submission of a scheme for the disposal of foul and surface waters for the entire site.

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

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

### **Infrastructure**

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

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

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

### **Levy (CIL) Regulations**

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

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

The development would provide sufficient Amenity Green Space on site. However, to ensure its maintenance, a commuted sum of £7,331.50 would be required for its maintenance over a 25 year period.

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

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

It is also advised that the maintenance of a proposed footpath link from the site on to Heritage Lane be included in the Open Space maintenance provision within the S106.

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

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

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

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

## **CONCLUSIONS**

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

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

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

The access to the site is considered to be acceptable. However, the internal road layout is not. As such, should the application be approved, a condition to the extent that the submitted internal road layout shown on the indicative layout plan is not accepted as part of the approval, should be attached.

Although Jodrell Bank raises concerns in relation to the impact of the scheme upon the Radio Telescope, the concern raised does not significantly differ from the concerns raised on a comparable scheme which was allowed at appeal.

In terms of Ecology, it is not considered that the development would have a significant impact upon ecology or protected species, subject to conditions to protect and support breeding birds.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide an adequate contribution towards the maintenance of off-site public open space and the enhancement and maintenance of children's play space off-site and the necessary affordable housing requirements.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding.

However, as the proposal is for new dwellings in the Open Countryside and does not adhere to the housing policies within this designation, it is considered that the proposed application should be recommended for refusal.

This report is predicated on the basis that Northern Planning Committee refuse to grant planning permission.

\* \* \* \* \*

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 Interim Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

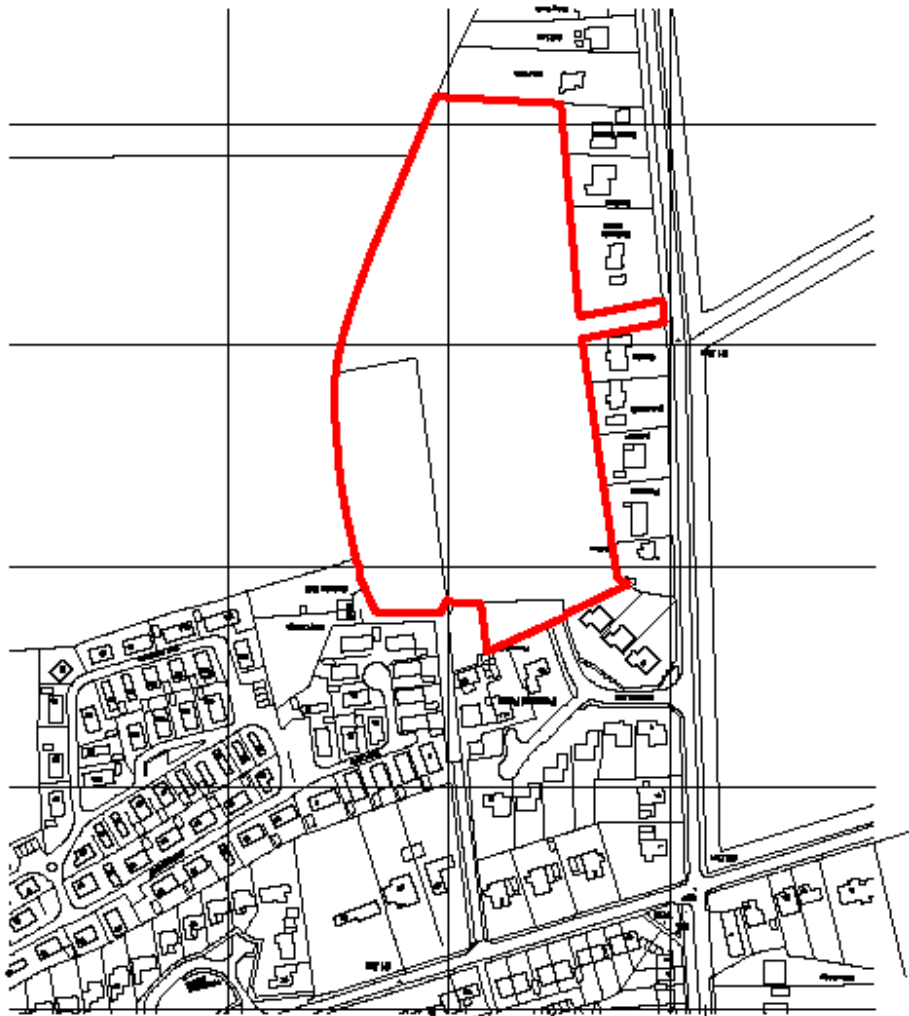
Application for Outline Planning


RECOMMENDATION: Refuse for the following reasons

1. Housing Land Supply / Open Countryside

**Hermitage Lane  
Goostrey  
Location Plan**

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Rev P10	Planning Issue	12.02.15
<b>Hermitage Lane Goostrey</b>		
DRAWING: Location Plan		
DRAWING NO: 502 LCH		Rev <b>P0</b>
SCALE 1: 500 @ A4		DATE: Jan 2015
 <b>Jay Ashill Associates</b> Planners & Architects <small>WARRINGTON BUSINESS CENTRE OFFICE          151-153 WARRINGTON ROAD          WARRINGTON WA1 1LQ</small>		