

Application No: 14/1147C

Location: Land to South of, Main Road, Goostrey, Cheshire

Proposal: Residential development (Use Class C3) for up to 25 dwellings with construction of access from Main Road, areas of public open space, landscaping and associated works.

Applicant: Linda Simpson

Expiry Date: 22-Jul-2014

SUMMARY:

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

The application therefore turns upon whether it does comprise a sustainable development in the planning balance.

The proposal would satisfy part of the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement where there is some existing infrastructure and amenities for those future residents. The proposal would provide policy compliant levels of affordable housing. In addition it would also provide appropriate levels of public open space both for existing and future residents.

There is an economic and environmental impact in the locality due to the loss of open countryside and Grade 3 agricultural land which has been used for growing potatoes until recently. The Landscape Architect advises that subject to compliance with scale parameters the visual intrusion will be limited and on this basis, the proposal will not have a significant impact on the landscape character of the area and thus would not be an unacceptable visual intrusion into the open countryside.

Local concerns of residents are noted, particularly in respect of highway matters but the impact is not considered to be severe under the NPPF test. An appropriate quality of design could be secured at reserved matter stage as can any impacts on amenity. Trees of merit are outside the indicated development area.

However, Jodrell Bank has objected to the proposal on grounds of the impact of this proposal in conjunction with other housing proposals within the Goostrey vicinity of the Telescope upon the operation of the Telescope. The experts opinion is that this development, in conjunction with other proposals and appeals in the vicinity, will have an unacceptable impact upon the operation of the telescope. This has both a social and economic impact in terms of the future operation of the telescope, which is of international importance.

The adverse effects of the impact upon the internationally important telescope is considered to outweigh the benefits of the scheme, which therefore represents an unsustainable form of development in the planning balance

RECOMMENDATION

REFUSE

PROPOSAL

Outline Planning Permission is sought for the erection of up to 25 new dwellings. An indicative layout shows the access being provided by upgrading the Dromedary Lodge (Footpath 9 Goostrey) access that currently serves three residential properties. The single access will be widened to provide two way traffic flow to the development, the existing properties will be accessed from a spur from the new access road. A new 2.0m separate footway is proposed linking the development to Main Road.

All matters except access are reserved.

SITE DESCRIPTION

This application site relates to an agricultural field located behind residential park homes on Main Road, Goostrey, within the Open Countryside. The site covers an area of approximately 1.18 hectares of agricultural land. To the west and north the application site is bound by the Mount Pleasant Residential park, to the north of this is Main Road; Footpath 9 Goostrey follows the eastern boundary of the application site and to the south is the wider agricultural landscape.

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

RELEVANT HISTORY

No relevant history

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)
PS10 – Jodrell Bank
NR1 – Trees and Woodlands
NR2 – Wildlife and Nature Conservation – Statutory Sites
NR3 – Habitats

National Policy

National Planning Policy Framework (NPPF)

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 - The Landscape
SE5 – Trees, Hedgerows and Woodland
SE13 – Flood Risk and Water Management
SE14 - Jodrell Bank
IN1 - Infrastructure
IN2 – Developer Contributions

Other Material Planning Considerations

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

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No objections

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

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

United Utilities – No objections, subject to a conditions concerning foul and surface water drainage and informative.

Greenspace (Cheshire East Council) – No objections, subject to a financial contribution towards the maintenance of the Amenity Green Space (AGS) that would be provided on site. The calculated amount would be £31,941 to maintain this over a 25 year period.

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

Housing (Cheshire East Council) – No objections, subject to the provision of the relevant affordable housing. Advice that 30% of the dwellings proposed would need to be affordable.

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

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

Ramblers Association : Objection on grounds that the Council Should ensure that the PROW is respected by the developer, before, during and after the development, and let us know what bearing the proposed development will have on Goostrey FP9

PROW Unit: The development is to affect Public Footpath No. 9 Goostrey, as recorded on the Definitive Map of Public Rights of Way held at this office.

Please note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights of way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as public footpaths and bridleways.

It would appear that the line of the footpath will remain unchanged, however it is proposed that the first 100 metres, or thereabouts, of the northern end of FP9 Goostrey will become adopted. We have no objection to this, however, in our opinion that that the footpath should remain on the Definitive Map & Statement even if a 'footway' is added to the Council's List of Streets. This is to ensure there is a record of the paths status.

At the point where the public footpath crosses the access road into the development the safety of pedestrians should be considered.

VIEWS OF THE PARISH COUNCIL:

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

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

OTHER REPRESENTATIONS:

Objections have been received from and on behalf of 169 neighbouring or properties within Goostrey and from the Local MP. The main areas of objection relate to;

- Principle of housing development
- Cheshire East Council already have a 5-year supply of housing land
- Contrary to Emerging Plan
- No further Allocations are necessary
- Loss of Open Countryside
- Affordable housing built in the last 2 years remains unsold
- Cumulative impact of nearby housing application
- Highway safety – danger of access onto Main Road/Dromedary Lane, increase in traffic volume, pedestrian safety, cycle safety, horse rider safety, poor visibility
- Will ruin much loved PROW which gives access to countryside
- Amenity – Privacy, light, outlook, noise, land contamination, light pollution
- Design – dwellings would not respect/enhance local character, impact upon streetscene
- Impact on infrastructure – school, doctors, drainage etc
- Drainage and flooding
- Impact upon landscape
- Lack of affordable housing interest
- Loss of agricultural land (potato growing)
- Impact upon Jodrell Bank
- Impact upon ecology – Bats, owls and birds of prey
- Impact upon trees
- Ownership and certification of application forms

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

SUPPORTING INFORMATION:

Design and Access Statement
Highways Statement
Statement of Community Involvement (SCI)
Extended Phase 1 Habitat Survey
Tree Report
Arboricultural & Method Statement
Proposed tree planting plan
Planning and Sustainability Statement
Affordable Housing Statement
Flood Risk Assessment
Visual Impact Assessment

APPRAISAL

Principle of Development

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

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.

The proposed development would not fall within any of these categories of exception to the restrictive policy 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, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Housing Land Supply

The SHLAA 2012, identifies the site as one with capacity of up to 36 units. It also states that it is a suitable site, with policy change. In addition the site is also described as available, achievable and developable (in years 6-10 onwards).

The application site therefore does not form part of the Council’s most recent housing land supply position. Therefore, the application provides the opportunity for the Council to increase its housing land supply.

Paragraph 47 of the National Planning Policy Framework requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five Year Housing Supply has two components – the housing requirement – and then the supply of housing sites that will meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the Council’s calculation of Objectively Assessed Housing Need is too low. He has also concluded that following six years of not meeting housing targets, a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

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.”*

Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not out of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

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

Sustainability

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable

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

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside.

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

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

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

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

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

- Outdoor Sports Facility (500m) – 480m
- Playground/Amenity Area (500m) – 480m
- Bank or Cash machine (1000m) – The Trading Post CW4 8LP 645m
- Public park or village green (1000m) – 480m
- Public Right of Way (500m) – 0 m – runs adjacent to site
- Post Office (1000m) – CW4 8JP 800m
- Pharmacy (1000m) – 800m
- Leisure Facilities (1000m) – Goostrey Tennis Club and Playing Fields 965m
- Child Care Facility (nursery or crèche) (1000m) – Goostrey Pre-school 965m

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:

- Railway station (2000m where geographically possible) – Goostrey 2090m

- Bus Stop (500m) – Main Road 600m
- Goostrey Community Primary School (1000m) – 1450m
- Local meeting place (1000m) – Goostrey Village Hall 1290m
- Public House (1000m) – The Crown 1290m
- Convenience Store (500m) – The Trading Post CW4 8LP 645m
- Post box (500m) – The Trading Post CW4 8LP 645m
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The following amenities/facilities fail the standard:

- Secondary School (1000m) – Holmes Chapel 5950m
- Supermarket (1000m) – Co-operative Food 4843m
- Medical Centre (1000m) – Holmes Chapel 5600m
- Amenity Open Space (500m) – CW4 8NA 965m
- Children's Play Space (500m) – CW4 8NA 965m

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 an 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 this application site. It does not have a school or supermarket in the village; however it does have a local bus stop approximately 600 metres from the development site. This bus stop is served by bus Routes 319 and 49. The 319 route has 5 services a day (Monday to Saturday) and travels from Main Road, to Sandbach, Holmes Chapel and the Goostrey Railway Station. The 49 route has 2 services a day on Monday and Wednesdays and links the site to Holmes Chapel and Northwich. Given that Holmes Chapel, to which both these services run to, has both schools and shops, it is considered that the site is reasonably accessible for a rural settlement and therefore locationally sustainable.

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

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

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

From an environmental perspective, the Council's Landscape Officer has considered the Landscape and Visual Impact Assessment and subject to conditions about compliance with the parameters as detailed in this application raises no concerns regarding the development.

Overall, it is concluded that the site is sustainably located and there are numerous benefits in economic, social and environmental and the presumption in favour of sustainable development in the light of Paragraph 49 of the NPPF is engaged.

The application turns, therefore, on whether there are any significant and demonstrable adverse effects, that indicate that the presumption in favour of the sustainable housing development should not apply; this is considered in more detail below.

Landscape Impact

The application site covers an area of approximately 1.18 hectares of agricultural land. To the west and north the application site is bound by the Mount Pleasant Residential park, to the north of this is Main Road; Footpath 9 Goostrey follows the eastern boundary of the application site and to the south is the wider agricultural landscape.

As part of the application a Landscape and Visual Impact Assessment has been submitted, this indicates that it is based on the principles described in 'Guidelines for Landscape and Visual Impact Assessment' 3rd Edition. This assessment identifies the baseline landscape of the application site and surrounding area, these are the National Character Areas as identified by Natural England, the East Lowland Plain, LFW1 Marthall, as identified in the Cheshire Landscape Character Assessment 2008.

The Landscape Assessment indicates that the development would have a medium to low magnitude of change and that the residual effects after 15 years will be minor to moderate adverse. The Landscape Architect considers that the magnitude of change will be greater than this and that the effects after 15 years will be greater than minor to moderate adverse, although not significantly so. He also agrees that any landscape effects will be very localised.

The Landscape Architect concurs that the visual assessment that has been submitted as part of the Landscape and Visual Impact Assessment, namely that the construction effects on Footpath 9 Goostrey will be minor adverse at the construction stage and moderate adverse after 15 years, and that the most significant effects will relate to residential receptors overlooking the northern and western edges of the scheme, namely Nos 57, 59, 61 and 63 The Meadows and Nos 6, 8 and 63 Alison Drive. He also agrees with the assessment of visual impacts for other identified receptors, of more distant dwellings, users of local roads and the wider footpath network.

This is an outline application and the Landscape and Visual Impact Assessment is based on the layout and mitigation shown on the Indicative Site layout, which shows a landscape buffer along the eastern and southern boundaries.

While there will be a change from agricultural landscape to a residential one, the discreet nature of the application site, the close proximity of existing residential development – on two sides of existing urban development, along with the existing vegetation along the southern boundary mean that any landscape impacts will be site specific, and if the proposed mitigation, as shown on the Indicative Site Layout is implemented, it will remain site specific.

There are a number of residential receptors to the north and west, but the most sensitive visual receptor is PROW FP 9 Goostrey; if the proposed mitigation were to be carried out, the Landscape Architect does not consider that the visual impacts would be great, especially in the context of the existing residential development to west and north.

Jodrell Bank

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

Prof. Garrington from Jodrell Bank, in response to application 14/0081C, (site at Hermitage Lane close to this application site) 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.'*

Professor Garrington, in replying to the consultation undertaken in respect of this application has re-iterated his concern regarding the incremental and cumulative impact new housing development is having upon Jodrell Bank in the area of Goostrey.

The impact upon the Telescope was considered by the Inspectorate in a housing scheme for 13 dwellings in Twemlow.

In the appeal against the Council's resolution to refuse the Twemlow application, APP/R0660/A/12/2174710, the Inspector took the view that since there were dozens of houses already in Twemlow, that we must already accept the level of interference.

The Inspector, in approving the scheme stated,

..I have found that the proposed development would be likely to increase the level of interference at Jodrell Bank Observatory from devices used by the future occupants. However, the theoretical models that have been used to try to identify whether this increase would be unacceptable are inconclusive, given that there is already a significant level of interference and mitigation measures would be used to reduce the level from the proposed development. Therefore, I conclude on this main issue that it has not been demonstrated that the proposal would have any unacceptable effect on the efficient operation of Jodrell Bank Observatory..

However, Professor Garrington has now carried out further research and modelling on how such developments will impact upon Jodrell Bank. In response to this application, Professor Garrington has now advised that;

'We have been developing a more extensive and detailed analysis of the potential contributions to radio interference received by the radio telescopes at Jodrell Bank from residential and other developments in the surrounding area.

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

Given that the position of Jodrell Bank, following further research, has been to object to this application and others, including raising concern about other developments that are subject of requests for Screening Opinions and are those potential housing development sites, it is considered that on the basis of the evidence available to the Council, the proposed development would have an unacceptable impact upon Jodrell Bank Telescope and as such, would be contrary to Policy PS10 of the Local Plan and Policy SE14 within the emerging Cheshire East Local Plan Strategy – Submission Version.

Highway Safety and Traffic Generation

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Paragraph 32 of the National Planning Policy framework states that:-

'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.*
- *Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

The development will be served by upgrading the Dromedary Lodge access that currently serves three residential properties. The single access will be widened to provide two-way traffic flow to the development, the existing properties will be accessed from a spur from the new access road. A new 2.0m separate footway is proposed linking the development to Main Road.

The Strategic Highways Manager (SHM) initially advised that the access should be moved further away from the existing access to the residential park. The Applicant had further discussions and the SHM advises that the access to the residential park operates a one-way system on exit (albeit this is a private system) with the western access used for exiting vehicles and the eastern access for inbound trips. The separation distance from this access point is 35m from the proposed access position and this is considered an acceptable separation distance.

Additionally, the applicant does not consider that the potential conflicts at the access points are high given the reasonably low level of development being proposed. The SHM agrees and concludes that the access does not constitute a severe impact in NPPF terms and on this basis raises no objections.

Given the semi rural location of the site, the accessibility of the site to a frequent, convenient, public transport services does not occur. It has to be recognised that the proposed development will be car based with most trips undertaken by car.

The site can be accessed from the public footway network and also the accessibility of the site for cycling trips is an opportunity for residents. It should also be noted that recent appeal decisions in similar locations (Hankelow and Rose Cottages) have been allowed with Inspectors giving great weight to home working and internet shopping in reducing car borne trips in rural locations.

Given the relatively small size of the development proposed, the SHM does not consider the locational accessibility of the site being a reason of refusal.

Amenity

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

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

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

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

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

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

Ecology

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

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

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

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

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

Open Space

Amenity Green Space (AGS)

25 new homes will generate a need for 600 sq m new Amenity Green Space (AGS). It is understood that 2,500 sq m is to be provided on site, however few details including landscaping are available. Taking into account the area required for play, this gives an over provision of 1,800 sq.

If the total area (2,500 sq m) of AGS was to be transferred to The Council based on the Council's Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be for Maintenance: £29,575.00 (25 years).

Children and Young Persons Provision

Having calculated the existing amount of accessible CYPP within 800m of the site and the existing number of houses which use it, 25 new homes will place extra demand on the facilities at Booth Bed Lane if on site provision is not provided. The Supporting Planning and Sustainability Statement 6.23 states that the scheme includes "POS and Landscaping, which could include children's play for the benefit of existing and new residents of the village" If provision is on site then there are no requirements for offsite, however if not provided then a qualitative deficit can be improved at Booth Bed Lane to meet the needs of the new development by enhancing the quantity/quality thus increasing the sites capacity.

There are several aspects of the existing site that could be improved such as further DDA inclusive equipment which would improve the quality and accessibility of the facility and encourage greater use of the area and ancillary items such as picnic tables and benches.

Applying the standards and formulae in the 2008 Guidance the Council would need £5,494.20 to upgrade Booth Bed Lane site. This would be spent on upgrading the equipment and infrastructure. The Council would also need a commuted sum of £17,910.00 to maintain the upgraded facilities over 25 years.

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

The Council's Strategic Housing Development Officer has advised that the site falls within the Holmes Chapel sub area in the 2013 SHMA update. Within this area the update illustrated an affordable housing requirement of 72 units between 2013/14 and 2017/18. Cheshire Homechoice,

the Council's Choice-based lettings systems shows that there are currently 26 applicants who have selected Goostrey as their first choice.

In the time period of the SHMA Update (2013/14-2017/18) there has been some affordable housing provision in the Holmes Chapel Rural sub-area of 13 dwellings in Twemlow. However this leaves a shortfall of 72 affordable homes needed in the Holmes Chapel Rural sub-area and therefore there is a need for affordable housing.

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

Public Footpath No. 9 Goostrey adjoins the site and forms the access point into the site from Main Road with the first 100m of the PROW to be made to adoptable standards

The Council's Public Rights of Way Officer, 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.

She also comments upon the desirability of a footpath link from the site being other than that proposed – which is further away from the centre of the village.

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

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

All existing trees within the application site lie outside the development footprint. Most of the trees stand on and adjacent to the southern boundary of the site and comprise of individuals and groups of Oak, Alder and Silver Birch. A number of these trees within the central and eastern section of the southern boundary are currently conflicting with an overhead powerline and the submitted report has identified that pruning work will need to be carried out on this trees to ensure adequate safe operating clearances. Such matters will need to be considered as part of future management and maintenance obligations for the proposed open space within which the trees stand.

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

A hawthorn hedgerow located along the eastern boundary is shown for retention within open space, although a small section to the northern corner, will likely require removal to accommodate the proposed access.

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

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

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

Infrastructure

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

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

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 £29,575.00 would be required for its maintenance over a 25 year period.

In relation to Children and Young Persons Provision, this could not be provided on site. As such, the closest existing site is on Booth Bed Lane which would require upgrading and a maintenance plan. As such, sums of £5,494.20 for the upgrade of the Booth Bed Lane site which would be spent of upgrading the equipment and infrastructure and £17,910.00 would be required to maintain this over a 25 year period.

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

It is also advised that the maintenance of a proposed footpath link from the site onto Main Road be included in the Open Space maintenance provision within the S106.

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

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

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

PLANNING BALANCE AND CONCLUSIONS

The proposal is contrary to development plan policy PS8 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which 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.

The decision maker must reach an overall conclusion having evaluated the three aspects of sustainable development described by the framework (economic, social and environmental) as to whether the positive attributes of the development outweigh the negative in order to reach an eventual judgment on the sustainability of the development proposal.

The Dartford case makes clear that this should be done simultaneously with the consideration of whether “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” as required by paragraph 14 itself and not on a sequential basis or as a form of preliminary assessment.

In this case, the development would provide market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

However, Jodrell Bank (The University of Manchester) has raised an objection in relation to the impact of the scheme upon the Radio Telescope. Given that this objection is based on further research undertaken since the determination of the Twemlow Appeal, and the Applicant has provided no evidence as to the impact upon the Telescope that would dispute the findings of Jodrell Bank in this regard, it is considered that the development would have a detrimental impact upon the Radio Telescope and as such, is deemed to be contrary to Policy PS10 of the Local Plan.

It is also necessary to consider the negative effects of this incursion into Open Countryside by built development. This is taken cumulatively with the negative impact upon the operation of the Telescope and is considered sufficient to outweigh the benefits of the proposal in terms of housing land supply in the overall planning balance.

Jodrell Bank is of international importance in space research and astronomy and is a significant economic and tourism contributor in the area. The cumulative impact of this housing proposal with other housing developments in the area, upon the Telescope is considered to outweigh the benefits of the development in the overall planning balance.

As such, the proposed application is recommended for refusal.

RECOMMENDATION

REFUSE for the following reason:

1. Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered that:

- the development is unsustainable because the unacceptable economic, environmental and social impact of the scheme upon the efficient operation of the Jodrell Bank Observatory and its internationally important work significantly demonstrably outweighs the economic and social benefits in terms of its contribution to boosting housing land supply, including the contribution to affordable housing. As such, the proposal is contrary to Policy PS10 of the adopted Congleton Borough Local Plan First Review 2005 and Policy SE14 of the Cheshire East Local Plan Strategy Submission Version that seeks to limit development that impairs the efficiency of the Jodrell Bank radio telescope as well as the provisions of the National Planning Policy Framework.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Principal Planning Manager, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority s given to enter into a S106 Agreement to secure the following:

Heads of terms;

- 1. A commuted payment of £29,575.00 for the maintenance over a 25 year period of on-site Amenity Green Space (including the footpath link).**
- 2. A commuted payment of £5,494.20 for the upgrade of the Booth Bed Lane site which would be spent of upgrading the equipment and infrastructure.**
- 3. A commuted payment of £17,910.00 for the maintenance over a 25 year period of off-site Children and Young Persons Provision.**
- 4. 30% Affordable Housing provision – 8 units. Provided no later than 50% occupation. Transferred to registered provider. A tenure split of 65% social rent (or affordable rent) and 35% intermediate tenure.**

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