

Application No: 14/5579C

Location: Land Off, MAIN ROAD, GOOSTREY

Proposal: Outline application for residential development comprising of up to 119 dwellings (including a minimum of 30% affordable housing), structural planting and landscaping, informal open space, surface water attenuation, a vehicular access point from Main Road and associated ancillary works

Applicant: Gladman Developments Ltd

Expiry Date: 03-Mar-2015

## REASON FOR REPORT

The application is a major development and is a departure from policy, and therefore requires a committee decision.

### SUMMARY

The proposal is contrary to policies PS8, PS10, BH4 and H6 of the Congleton Borough Local Plan First Review. As a result, 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 proposal is also contrary to relevant policies within the Framework.

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.

Paragraph 49 of the NPPF 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 and where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the identifiable benefits of the proposal would be predominantly social:

- Much needed affordable housing provision
- It would help towards the delivery of the Councils 5 year housing land supply.
- The provision of public open space (although its acceptability has still to be confirmed by the Council's Greenspace Officer.
- Contributions towards local education.

Balanced against these benefits, the harm arising from the proposal would be:

- The principle of residential development in open countryside, contrary to development plan policies
- The less than substantial harm to the setting of Swanwick Hall.
- The loss of 6.9 hectares of the best and most versatile agricultural land.
- Impairment to the efficiency of the Jodrell Bank Radio Telescope.

The harm to the efficient operation of the Jodrell Bank telescopes is considered to impact upon all three aspects of sustainable development. In environmental terms, the development will have a direct line of sight to the telescope and therefore will not benefit from terrain shielding to the telescope. It also lies to the south west of the telescope where observations of pulsars (the main observing programme for the Lovell telescope at present) are often made with the telescope pointing at low elevation (close to the horizon). The telescopes and the national and global networks which they are part of carry out unique and world-leading science across a wide range of astrophysics and cosmology. These facilities are used by most university astrophysics groups in the UK and by hundreds of scientists across the world. By impairing the operation of the telescopes, the development will have a negative impact upon the social role of sustainable development. Finally, any significant reduction in the efficient operation of the telescopes also has the potential to impact upon the funding that JBO receives, and its attractiveness as a tourist facility, thereby impacting upon the economic role of sustainable development.

Overall there are considered to be insufficient public benefits to outweigh the harm to Jodrell Bank, the setting of a designated heritage asset and the loss of some of the best and most versatile agricultural land.

On the basis of the above, it is considered that the proposal represents unsustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan. Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits. There are no material considerations that indicate a decision otherwise than in accordance with development plan policies should be made.

## **RECOMMENDATION**

The application is recommended for refusal.

## **PROPOSAL**

The application seeks outline planning permission with all matters reserved except for access for a residential development comprising of up to 119 dwellings (including a minimum of 30% affordable housing), structural planting and landscaping, informal open space, surface water attenuation, a vehicular access point from Main Road and associated ancillary works.

Whilst access has been applied for in this application, not all access has been included. The Development Management Procedure Order states that *“access” in relation to reserved*

*matters, means the accessibility to and within the site...*” The applicant considers that the level of detail is sufficient for the Council to be able to formally consider the application as is. But they acknowledge that if it was considered that there was insufficient information, access could revert to being a reserved matter.

Given that the level of detail submitted does not include all access *“to and within the site”*, it is considered that this should be dealt with as a reserved matter.

The Secretary of State has received a request to intervene from a third party. Whilst a resolution can be made by the Committee, the decision cannot be issued until the Secretary of State’s assessment on call in is determined.

## **SITE DESCRIPTION**

The application site extends over three fields and covers an area of approximately 6.9 hectares of agricultural land. To the west of the application site are the residential dwellings located along Sandy Lane and Swanwick Close. To the south the site is bound by those properties located along Main Road; access to the site is proposed from Main Road to the west of Shear Brook, which follows part of the eastern boundary of the application site. To the east of Shear Brook are the residential dwellings located along Shearbrook Lane and Willow Lane. The northern boundary follows a track (Footpath 12 Goostrey ) that links Sandy Lane to the west with Swanwick Hall, a listed building located to the north of the application site. To the north of Footpath 12 Goostrey is the wider agricultural landscape. The site is located within the Open Countryside and the Jodrell Bank Consultation Zone as identified in the Congleton Borough Local Plan.

## **RELEVANT HISTORY**

14/5071S - Environment Impact Assessment Request for a Screening Opinion - residential development of up to 132 dwellings with all matters reserved – EIA Not Required 06.03.2015

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

69-78. Promoting healthy communities

128-135 Heritage assets

### **Development Plan**

#### **Congleton Borough Local Plan Policy**

PS8 (Open countryside)

PS10 (Jodrell Bank Radio Telescope Consultation Zone)

GR1 (New Development)

GR2 (Design)

GR3 (Residential Development)  
GR4 (Landscaping)  
GR5 (Landscaping)  
GR6 (Amenity and Health)  
GR7 (Amenity and Health)  
GR8 (Amenity and Health - pollution impact)  
GR9 (Accessibility, servicing and provision of parking)  
GR10 (Accessibility for proposals with significant travel needs)  
GR14 (Cycling Measures)  
GR15 (Pedestrian Measures)  
GR16 (Footpath, Bridleway and Cycleway networks)  
GR17 (Car parking)  
GR18 (Traffic Generation)  
GR19 (Infrastructure provision)  
GR20 (Utilities infrastructure provision)  
GR21 (Flood Prevention)  
GR 22 (Open Space Provision)  
NR1 (Trees and Woodland)  
NR2 (Statutory Sites)  
NR3 (Habitats)  
NR4 (Non-statutory sites)  
NR5 (Creation of habitats)  
H1 & H2 (Provision of new housing development)  
H6 (Residential development in the open countryside)  
H13 (Affordable Housing and Low Cost Housing)  
BH4 (Listed Buildings)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development

SE12 Pollution, Land contamination and land instability

SE13 Flood risk and water management

CO1 Sustainable Travel and Transport

CO4 Travel plans and transport assessments

**Other material considerations:**

- Interim Planning Statement: Affordable Housing
- Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
- SPG2 - Provision of Private Amenity Space in New Residential Development

**CONSULTATIONS**

Flood Risk Manager – Comments not received at time of writing.

Environmental Health – No objections subject to conditions relating to travel planning, electric vehicle infrastructure, dust control, pile driving, contaminated land, and the submission of an Environmental Management Plan.

Public Rights of Way – No objections

Head of Strategic Infrastructure – Concerns raised over visibility and sustainability

Housing Strategy & Needs Manager – No objections

Archaeology – No objection

Education – No objection subject to financial contribution towards primary education

Open Space – Comments not received at time of writing

Jodrell Bank – Object on grounds that the development poses a significant risk to the efficient operation of the telescopes

Historic England – Not necessary for Historic England to be notified

NHS England – No comments received

Environment Agency – No objection subject to a condition requiring the submission of a scheme for the provision of compensatory flood storage.

United Utilities – No objection subject to condition requiring submission of foul and surface water drainage details.

Twemlow Parish Council – Object on the grounds that the development is unsustainable. The NPPF advises that housing applications should be considered in the context of sustainable development and 'suitable location'. This proposal is in open countryside, outside the village settlement boundary, contrary to Cheshire East policies in both prior and emerging local plans. The development will permanently remove economically valuable agricultural land.

The current bus service only runs once an hour between the hours of 9:30am – 2:30pm so isn't suitable for Goostrey to act as a commuter village. There is no direct transport to Knutsford, Middlewich, or Congleton which are all large areas of employment. The site is located within the 6 mile radius of Jodrell Bank. The government has put millions of pounds into the project to fund science and radio astronomy. An 120 house development will have a severe impact on the functionality of Jodrell Bank due to radio interference.

Holmes Chapel Parish Council – Holmes Chapel PC - As representatives of the closest 'Service Centre' the PC considers this development would place unsustainable pressures on services within Holmes Chapel. It would significantly worsen the existing pressures on traffic/parking/schools/health centre. Should development go ahead Holmes Chapel Parish Council would seek recompense from the developer for the impact on village services.

Goostrey Parish Council – objects on the grounds that the proposal is not sustainable and will have a detrimental affect on Jodrell Bank Observatory (JBO), and make the following specific points:

- Cheshire East has already refused smaller developments in Goostrey because of JBO.
- There are no available places at either Goostrey Primary school or Holmes Chapel Comp/Academy.
- The nearest library and health centre (full to capacity) is in Holmes chapel. There is no Doctor in Goostrey, only a pharmacy.
- There is a very limited bus service from 9.30am to 2.30pm unsuitable for school runs and people that work outside the village.
- The train service is hourly but the car park is always full of existing commuters and the potential of another 200 cars would have significant impact on the Main Road in Goostrey.
- There are sections of narrow pavement which are difficult for parents with pushchairs any children.
- There would also be an adverse affect on the A50 which is already an accident area with a regular 3/4 mile queue of traffic trying to get into Holmes Chapel between 16.30 and 18.00hrs.
- Goostrey has no supermarkets, no garage/petrol station, no doctors or dentist surgeries, it does have a sub post office 4 afternoons a week, a pharmacy and a limited general store. All but a few residents use Holmes Chapel, Knutsford, Northwich, Middlewich and Sandbach as their Local Service Centre.
- There would be a permanent loss of 17 acres of prime agricultural land, with a loss of jobs and valued income.
- No local jobs for new residents so they will have to travel by car to employment outside the village.
- The development would have a detrimental impact on the landscape particularly from footpath12.
- Such a large (13% increase to the village) development would be extremely detrimental, changing the dynamics and character of the village.
- At a public meeting (09.01.2015) of the village residents 203 responded against and only 2 voted for the development.

- In the emerging local plan, it says:- 'In the case of Goostrey which adjoins Holmes Chapel a larger LSC, it is anticipated that development needs will be largely be provided for in Holmes Chapel.'

## REPRESENTATIONS

Neighbour notification letters were sent to all adjoining occupants, a site notice erected and a press advert was placed in the Congleton Chronicle.

Approximately 600 letters of representation have been received from local residents, visitors to Goostrey and the local MP objecting to the proposal on the following grounds:

- Impact on local schools which are already full
- Impact on local health centre
- Contrary to open countryside policies
- Additional traffic
- Highway safety
- Drainage issues / flooding
- No jobs to support this number of houses
- Very limited facilities in Goostrey
- Will destroy village character
- Impact on Jodrell Bank
- Landscape impact
- Station car park used to capacity
- Limited shops in village
- Housing will be too dense
- Impact on neighbouring properties
- Ecological impact
- Light pollution
- No local youth facilities
- Enough brownfield sites for development
- Development too large
- Unsustainable
- 50 houses rejected opposite this site
- Bus service limited
- Loss of best and most versatile agricultural land – impairment to economic sustainability – poorer quality land exists
- Pavements have limited width
- Loss of trees and hedgerows
- Urban sprawl
- Congestion and pollution
- No public consultation / community engagement
- Impact on public footpath
- Dangerous access
- Impact on water supply / pressure
- Impact on electricity supply
- Outside of settlement boundary
- Housing shortage is in north of the borough
- Contrary to 3 dimensions of sustainable development in the NPPF
- Scale out of proportion with village

- Traffic assessment flawed
- No land available to expand school
- Impact on setting of listed building
- Fuel pipeline below entrance
- No demand for homes in Goostrey
- Impact upon living conditions of neighbours
- Cumulative impact with recent approval at New Platt Lane
- Cheshire East Plan refers to a limit of 50 houses in Goostrey
- NPPF – “use of sound science responsibly”
- Inadequate car parking for primary school
- Known accidents on Main Road not quoted in report
- No provision for renewable energy incorporated into houses
- Attenuation pond is a safety hazard
- Results in over 12% increase in size of village
- Reliant on car use
- EIA is required
- Ancient public rights of way exist across the site
- Impact on setting and social and economic viability of Jodrell Bank
- Loss of historic field patterns
- Inaccuracies in submission
- Education formula for s106 contributions is out of date
- Impact on (undesignated heritage asset) Holly Bank

## **APPLICANTS SUPPORTING INFORMATION**

The following documents have been submitted in support of the application:

- Planning Statement
- Built Heritage Report
- Design & Access Statement
- Landscape and Visual Impact Appraisal
- Sustainability Report
- Socio-Economic Sustainability Statement
- Transport Assessment
- Travel Plan
- Ecological Appraisal
- Arboricultural Assessment
- Flood Risk Assessment
- Foul Drainage Report
- Air Quality Statement
- Noise Assessment
- Archaeology Report
- Infrastructure Cost Details
- Response to Jodrell Bank Consultation
- Statement of Community Involvement
- Agricultural Land Use & Soil Quality

## **APPRAISAL**

The key issues are:

- Principle of the development
- Loss of open countryside
- The impact upon Jodrell Bank
- The impact upon trees and hedgerows
- Impact upon infrastructure
- Impact upon nature conservation interests
- Landscape and visual Impact
- Amenity of neighbouring property
- Highway safety

### **Principle of Development / loss of open countryside**

The site is located in the Open Countryside as designated by the Congleton Borough Local Plan 2005, where policies PS8 and H6 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. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the 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**

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.

The calculation of five year housing supply has two components – the housing requirement – and then the supply of housing sites that will help 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.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was ‘too low’ further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

The site falls within the Holmes Chapel Rural sub-area for the purposes of the Strategic Housing Market Assessment update (SHMA) 2013. This identified a net requirement for 17 new affordable units per annum for the period 2013/14-2017/18. In addition to information taken from the SHMA, Cheshire Homechoice shows there are currently 25 applicants who have selected the Goostrey lettings area as their first choice.

The proposal is for 119 dwellings, including a minimum of 30% affordable dwellings which equates to 36 dwellings which should be provided as 23 affordable or social rent and 13 intermediate. This is in line with the Council’s Interim Planning Statement on Affordable Housing (IPS), which states that the general minimum proportion of affordable housing for any site will normally be 30%. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% affordable or social rented and 35% intermediate tenure.

On this basis the proposal would comply with the IPS and policy H13 of the local plan.

The applicant has also put forward the possibility of providing 20% on-site and 15% off-site affordable housing. Whilst the off site provision of affordable housing can be acceptable in some circumstances, there is not considered to be enough information regarding the proposed on/off site mix to properly assess that alternative proposal.

### **Public Open Space**

The Planning Statement identifies that 2.4ha of on site public open space will be provided. The open space will include formal footpaths, areas of amenity and meadow grassland to provide areas for recreational activities and to enhance biodiversity.

The Council’s Greenspace Officer has been consulted on the application, but to date no comments have been received on the proposal and the amount/type of public open space proposed. Any comments received prior to committee will be provided as an update.

### **Education**

The Council’s education department has been consulted on the application and advise that a development of up to 119 dwellings will generate 21 primary aged pupils and 15 secondary aged pupils.

The local primary schools to the application site are Goostrey Community Primary School and Hermitage Primary School. Current forecasts show that there are insufficient places in the local primary schools to accommodate the primary aged pupils generated by the proposed development. Therefore a financial contribution will be required towards providing primary accommodation for these additional pupils. The contribution will be:

$$21 \times £11,919 \times 0.91 = \textbf{£227,772.09}$$

The local secondary school is Holmes Chapel Comprehensive School. Forecasts show that there is currently a surplus of 96 places with only 29 being taken up by approved housing developments. Therefore the secondary aged pupils generated by the current proposal can be accommodated at Holmes Chapel Comprehensive.

It is noted that the Holmes Chapel Comprehensive School Governors have commented on the application and state that Holmes Chapel Comprehensive is oversubscribed and could not admit more children. This is clearly at odds with the comments from Council's education department, and therefore clarification on this matter is currently being sought.

In addition some of the letters of representation refer to the fact that the local primary school cannot be extended due to the physical constraints of the site. Clarification is also being sought on this and will be reported as an update.

## Health

Comments received in representation, including from the local Health Centre in Holmes Chapel, have raised concerns regarding the pressure on existing local health facilities. NHS England was consulted on the application but have not commented on the application. Recent appeal decisions have accepted that new developments can have an impact on health infrastructure. However, in the absence of specific schemes Inspectors have concluded that there is insufficient evidence to justify any s106 contributions.

## ENVIRONMENTAL SUSTAINABILITY

### Location of the site

Goostrey is identified as a Local Service Centre (LSC) in the emerging local plan. LSCs are defined in the Local Plan Strategy Submission Version as: *"Smaller centres with a limited range of employment, retail and education opportunities and services, with a lower level of access to public transport."*

Paragraph 34 of the Framework 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. Paragraph 55 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.

Accessibility is a key factor of sustainability that can be measured. The submission version of the local plan strategy provides a guide to the appropriate distances for access to services and amenities.

CRITERIA	RECOMMENDED DISTANCE	APPROXIMATE ACTUAL
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		<b>DISTANCE</b>
Bus stop	500m	752m (+252m)
Public Right of way	500m	0
Railway Station	2km where possible	1.9km
Amenity Open Space / Park	500m	368m
Outdoor Sports	1km	830m
Convenience Store	500m	600M (+100m)
Supermarket	1km	4km (+3km)
Post Box	500m	600 (+100m)
Post Office	1km	670
Bank or Cash Machine	1km	4km (+3km)
Pharmacy	1km	700m
Primary School	1km	1.2km (+200m)
Secondary School	2km	5km (+3km)
Medical Centre	1km	4km (+3km)
Leisure Facilities	1km	5km (+4km)
Local Meeting Place / Community Centre	1km	1.3km (+300m)
Public House	1km	1.1km (+100m)
Child Care Facility	1km	700m

The table above shows the distances in green meet the appropriate distance guidance set out in the emerging local plan.

The site fails to meet the distance standards to various facilities, however in some cases the facilities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those facilities are:

- Bus Stop (500m) – Main Road 752m
- Primary School (1000m) – 1200m
- Local meeting place (1km) – 1.3km
- Public House (1km) – 1.1km
- Convenience Store (500m) – 600m
- Post box (500m) – 600m

In summary, the site does meet or is within a reasonable distance of the majority of the public facilities listed. In addition, the illustrative masterplan drawing shows how pathways could be provided through the site to increase permeability for pedestrians and cyclists from the public right of way along the northern boundary to Main Road at the southern end of the site.

The comments received in representation relating to the limited bus service (between 9.30 and 14.30) and the overcrowded station car park are acknowledged. It is also accepted that the private car is likely to be the favoured mode of travel for journeys beyond Goostrey. However, there are clearly alternative modes of transport available, and the applicant has now offered to fund an enhanced service for the 319 bus to provide an hourly service between 08.00 and 18.00 for a period of five years. Overall it is considered that the site is reasonably accessible for a rural settlement and is therefore locationally sustainable.

### **Landscape Impact**

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 minor-moderate adverse landscape effect at the construction phase and a negligible effect on the local landscape character and also on the wider landscape at the completion stage.

As part of the visual assessment 19 photo viewpoints have been assessed, this identifies that visibility will be limited to those residential receptors closest to the application site, that there will be a moderate adverse impact on users of Public Rights of Way and that the visual effect on road users, namely Main Road, will be negligible.

The Council's landscape officer agrees with the assessment that the zone of visual influence is relatively small, and that a limited number of residential receptors will be affected. However, any effective mitigation and enhancement will be dependent on the additional planting as identified on the Illustrative Masterplan and Development Framework drawing being implemented, since without this the effects could easily be more adverse than identified, especially for those residential receptors adjacent to the site and users of the footpath leading to Swanwick Hall to the north of the application site.

### **Heritage Assets and their Setting**

Swanwick Hall is Grade II listed, and its listing identifies it as a 17th century farm house with later additions and a 19th century appearance. The conservation officer has commented on the proposal and notes that the significance of Swanwick Hall appears to largely lie in its 17th century origins and as a good example of an agricultural building. The principle elevation of the farmhouse faces into the farm courtyard. The barns on the site are not listed in their own right but are listed by virtue of falling within the curtilage of the farmhouse. These buildings add to the historic interest of the farmhouse in that together with the farmhouse they form a group and provide evidence of agricultural activities. The site and its surroundings have a rural, agricultural character. This character and view of the buildings is evident from the access to Swanwick Hall. The heritage assessment provided by the applicants appears to agree with this assessment by stating in paragraph 7.4 *"The significance of this property lies in its associations with farming in the area...the 17th, 18th and 19th inhabitants of Goostrey relied on the areas successful farms, attracting wealthy farming families to the village. The*

*farmhouse itself is considered to be of historical significance due to its age, evolution and survival as a house and attached farm”.*

The listed farmhouse and barns can be seen from the entrance on Booth Bed Lane where the buildings appear at the terminus of the farm track / public footpath. To either side of the farm track the setting is open with a number of mature trees and a post and rail fence. However, during the summer it is fair to assume that the listed building will be less visible. Nonetheless, the buildings appear isolated and within a landscape setting to be expected of a farm. The growth of Goostrey has encroached on the agricultural land and is visible further along the farm track and from the farm buildings, however these buildings are at some distance, and there remains a substantial block of land between the housing and the listed buildings. The land does not appear as a designed landscape and is informal.

Neither the Visual Impact Assessment nor the Heritage Assessment accompanying the application make reference to the fact that Jodrell Bank can be viewed from the public footpath leading to Swanwick Hall, or make any comment on the impact of the significance of the structure. The Grade I listed telescope structure is mentioned in the Marthall Character area “In the south the Jodrell Bank radio telescope provides a local landmark as it is visible over a large expanse”. It is however considered to be unlikely that the proposed development would have a significant impact upon the setting of the telescope, given the separation distance involved.

The National Planning Policy Framework defines the setting of a heritage asset as the surroundings in which it is experienced. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. Swanwick Hall is a farm house and along with its ancillary buildings are surrounded by agricultural land, a setting which has largely remained the same from the tithe map to the present day. This makes a positive contribution to the significance of the listed buildings at Swanwick Hall and makes an important contribution to the ability to appreciate that significance. These features of the site enable the significance of the farm buildings to be fully appreciated. The immediate setting of the farm house and the relationship with the barns, the wider setting is the land in which it has a history and a tangible link, one that without, the building’s origins and function as a farmhouse would make little sense.

The fact that the setting of these listed buildings has changed in terms of the expansion of Goostrey does not detract from the fact that the land that surrounds it today makes a positive contribution to the significance and understanding of the heritage assets. Goostrey has expanded with time and the fields have been reduced in extent by 20th century residential development. The same setting remains predominantly intact today. Although not as isolated as it once was, the Hall remains as it was when first built, surrounded on all sides by large fields.

As an outline application, it is harder to assess the full impact of the development without knowing the orientation of houses, heights, layout, landscaping etc....The heritage statement talks about two-storey buildings to minimise the impact, but the D&A talks about 2.5 storeys. The proposed development would wholly alter the balance of the agricultural surroundings; relatively close-set houses would encroach closer to Swanwick Hall, the character of the driveway would also change. The resulting sense of urban development here, irrespective of the merits of architectural style, would seriously reduce the agricultural character of the Hall’s

setting when viewed from the listed building looking out and also when approaching the site from the driveway.

The National Planning Practice Guidance (NPPG) confirms that part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. Overall, the proposed development on the site would result in an urbanisation of the Hall's setting. The terminus of the entrance track will not change the view of the Hall, but it is the visual impression of the entrance, the loss of open land, built up housing and dense planting which will alter how the Hall is appreciated particularly from the public footpath's Booth Bed entrance and also from the hall itself.

Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Heritage assets are irreplaceable, any harm or loss should require clear and convincing justification

Based on the information currently submitted with the outline application the harm to the setting of the listed building is less than substantial and in accordance with paragraph 134 of the Framework, this harm should be weighed against the public benefits. Whilst the harm is less than substantial, there is still harm, and as such the proposal will be contrary to policy BH4 of the local plan.

### **Design / Character**

The importance of securing high quality design is specified within the Framework and paragraph 61 states that:

"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

This is an outline application and as such, only limited information is available at this stage regarding layout and design. The application indicates that the dwellings will provide between 1 and 5 bedrooms, be 2 to 2.5 storeys in scale with a density of 26.4 dwellings per hectare. The majority of properties within the immediate area are either single or two-storey. Whilst, they cannot be ruled out at this stage, given the varied character of surrounding residential areas, the introduction of 2.5 storey dwellings will have to be carefully considered and much will depend on the specific form and design put forward as part of the reserved matters. The proposed density is also considered to be acceptable.

### **Residential Amenity**

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

Whilst the views beyond the residential gardens of those existing properties that back onto the application site will change significantly the layout and design of the site are reserved matters and it is considered that the dwellings could be accommodated on the site, whilst maintaining these distances between the existing and proposed dwellings within the new estate and adequate amenity space could be provided for each new dwelling. No further significant amenity issues are raised at this stage.

Environmental Health has also recommended that an Environmental Management Plan be submitted and agreed prior to the commencement of development to address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of noise and disturbance during the construction phase.

## **Ecology**

The nature conservation officer has provided the following comments on the application:

### Great Crested Newts

A number of ponds have been surveyed for this species. Due to access limitations it was not possible for the applicant's ecological consultant to obtain permission to survey one pond. A further field survey has also been undertaken to examine a further pond that appears on the OS plan however the pond no longer exists. Based upon the available information great crested newts are unlikely to be present or affected by the proposed works.

### Watercourses

In order to safeguard the ecology of the Brook on the eastern boundary of the application site it is advised that if planning permission is granted a condition should be attached to ensure no development takes place within 10m of the top of the bank of the brook.

### Hedgehogs

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the application site. If planning consent is granted a condition requiring proposals for the incorporation of gaps for hedgehogs to be incorporated into any garden or boundary fencing is recommended.

### Grassland

For survey purposes the grassland habitats on the site have been divided into two compartments labelled the "Central" and "Southern" field. The central field whilst supporting a number of grassland species is unlikely to be of sufficient nature conservation value to be considered as a Priority Habitat or to qualify for designation as a Local Wildlife Site. The southern field however supports a sufficient number of indicator species (Pignut, meadow vetchling, autumn hawkbit and joined rushes) to be considered priority habitat and to qualify as a Local Wildlife Site under site selection criteria H12.

The valuable grassland habitats are located primarily on the slope down to the watercourse towards the site's eastern edge. The applicant's consultant has estimated that only 0.03ha of high quality habitat would be lost as a result of the proposed development but proposes that 0.18ha of species rich grassland be created to compensate for this loss.

The precise impacts of the development would depend upon the details submitted at the reserved matters stage and the methodology used to construct the access road. Considering the small area of valuable grassland habitat lost the proposed compensatory habitat creation is broadly acceptable. If planning consent is granted a condition should be attached requiring any future reserved matters application to be supported by a strategy for the retention of Local Wildlife Site quality grasslands and the provision of compensatory habitat creation to address any unavoidable losses.

#### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. It appears likely that much of the existing hedgerows could be retained as part of the development of the site, but there likely to be some losses of hedgerow to facilitate access roads. If outline planning consent is granted it must be ensured that adequate replacement planting is incorporated into the scheme to compensate for those hedgerows lost. This matter may be dealt with by means of a condition.

#### Badgers

An active badger sett has been recorded offsite and a second inactive sett is also present on site. If this second sett were to become active it is likely that it would require closure under the terms of a Natural England license to avoid the risk of badgers being disturbed or injured during the works.

Badgers have been recorded as foraging on site but the majority of higher quality habitat for this species is likely to be retained as part of the proposed development. The proposed development is likely to have an adverse impact upon badgers but this impact could be mitigated for through the careful design and landscaping of the open space areas associated with the development at the detailed design stage.

If planning permission is granted, a condition is recommended requiring any future reserved matters application to be supported by an updated badger survey and mitigation strategy.

#### Breeding Birds

The application site is likely to support a number of breeding birds including some species which are a priority of nature conservation. The retention of the habitats adjacent the stream along the eastern boundary of the site is likely to retain some better quality habitat for breeding birds. If outline planning consent is granted it should be ensured at the detailed design stage that the open space associated with the development is maximised for its potential for nesting birds.

#### Reptiles

The grassland habitats adjacent to the stream have been identified as potentially supporting grass snakes. Much of this better quality habitat for reptiles is likely to be retained as part of the development. The nature conservation officer therefore advises that provided the open space associated with the development is treated sensitively at the detailed design stage the proposed development is unlikely to have an adverse impact upon reptiles.

However, to ensure the risk to individual animals is minimised it is recommended that if outline planning consent is granted a condition should be attached requiring any future reserved matters application to be supported by a reptile mitigation method statement.

### Bats

A number of trees have been identified as having potential to support roosting bats. The submitted ecological report states that one of these trees (T41) is earmarked for arboricultural works which may affect roosting bats if they are present. A further survey of this tree has now been submitted and roosting bats are not reasonably likely to be affected by the proposed development.

No further ecological issues are raised.

### **Trees and Hedgerows**

#### Trees

Hedgerows and mature trees line sections of the internal and external boundaries of the site. The Shear Brook forms the eastern boundary of the site and is tree lined. Trees lining the Shear Brook to the south east and trees on the north western boundary, to the rear of several properties in Swanwick Close, are protected by Congleton Borough Council (Goostrey No 3) TPO 1975.

Since the original submission of the application, the Cheshire East Borough Council (Goostrey - Land North of Main Road) Tree Preservation Order 2015 was made on 9th March 2015 and affords protection to trees on and adjacent to the site. Further information has also been provided by the applicant relating to trees and hedgerows.

An indicative layout plan (6007-L-07) showing the trees along the western boundary shows that a layout taking account of the shading influence of trees of high amenity value on the boundary could be achieved for this part of the site.

A further additional plan (6006-L-08) indicates two existing unprotected trees would require removal to accommodate the position of the suggested access with two native species replacement trees proposed in their place.

The illustrative masterplan drawing (6006-L-08) shows an internal access road which requires the loss of protected trees at the southern end of Group G2 of the 2015 TPO (T7, T8 and T9 of the AIA). Assessment of these trees has been done individually with T7 classified as a C(i) category tree with T8 and T9 as B(i). It is clear however that the trees are a cohesive group rather than individual specimens and confer collective visual importance on the landscape. The group is clearly visible from Footpath (Goostrey F12) and a permissive path to the north east and therefore contribute to the public amenity of the area. It is noted that the majority of trees within Group G2 are rated as category B with an Age Class early mature (1/3 to 2/3 life expectancy). Taking into account the age classification and the condition of the trees which has been assessed as Fair (F) it must be concluded that the category assessment should be Category A rather than B as there is no suggestion in the AIA that any defects would necessarily reduce their life expectancy.

The applicant maintains that the loss of trees will be sufficiently mitigated by replacement planting. The requirement for mitigation assumes there is an adverse impact and whilst

replacement planting would provide enhancement such replacements will take some considerable time to attain the size of the trees lost to development.

Of course the loss of three protected trees has to be seen in the context of the overall planning balance nevertheless there is scope within the site for avoiding the loss of the three protected trees as there is the potential for the access 'loop' to be constructed between protected groups G2 and G3 with only the loss of a 'C' category Hawthorn (T14).

### Hedgerows

Additional evidence provided by the applicant indicates that three lengths of existing hedgerow on the site are considered 'Important' under criteria 5a in the Hedgerow Regulations 1997. The hedgerows mark the southern site boundary along Main Road, the east to west internal boundary and the north to south internal boundary and were found to form an integral part of a field system pre-dating the Enclosure Acts.

The main access and road layout shown on the additional plans Illustrative layout 6006-L-09 and Illustrative Access Proposals Main Road plan 6006-L-08 indicate there would be impact on sections of the 'Important' hedges on Main Road frontage and the north to south internal boundary and the former shows an indicative footpath link through a hedge running west to east. The second plan indicates translocation of part of the existing hedge and some new hedge planting on Main Road.

The presence of 'Important' Hedgerows and any impact upon them is a material consideration in the determination of the application.

As an outline application with all matters reserved, only limited weight can be given to the submitted layout plans and full arboricultural and hedgerow impacts would only be identified at reserved matters stage.

On the basis of the information submitted, the access off Main Road would result in the loss of two existing unprotected trees. The proposed internal road layout would result in loss/translocation of sections of 'Important' hedge and three protected Oak trees. There is the potential for further hedge loss where indicative footpaths links are shown.

The indicative layout would provide opportunities for tree planting in mitigation of losses, planting within the development and new structural planting. Full details of all new/replacement tree planting could be secured as part of a comprehensive landscape scheme.

In the event of approval, the detailed design for a full reserved matters application would need to take full account of BS 5837:2012 and a submission would need to be supported by a comprehensive package of arboricultural data.

### **Highways**

The Head of Strategic Infrastructure has provided the following comments on the proposal:

The applicant has undertaken a number of traffic surveys on the local highway network in order to base the predicted traffic impact of the development. The trip generation for the 119 units has been derived from the Trics database. The predicted trip generation from the

development in the peak hours is between some 75 to 80 trips. The trip rates used are not considered to be unreasonably low for residential development, and the distribution of traffic from the site has been based upon the current traffic movements on Main Road with 50% travelling west and 50% travelling east.

To assess the impact of traffic on the network a number of local junctions have been assessed: The new access junction, Sandy Lane/ Main Road and Booth Bed Lane/Hermitage Lane/Main Road. The results indicated in the Transport Assessment show that there are no capacity issues at the junctions tested. As there are relatively low background flows at these junctions the traffic impact would not have produced a capacity issue and traffic impact is not a reason to refuse the application.

With regard to the accessibility of the site, the site is located near to other residential developments and there is a footway on one side of the road only, the development side, which provides access to local amenities on foot. Given the distances to local facilities, the Head of Strategic Infrastructure then raises some concerns regarding the sustainability of the site. Whilst these concerns are noted, views on the location of the site have been set out previously in the report.

The access to the site is a priority junction and the visibility splays have been based on a speed survey undertaken by the applicant and the figures presented indicate speeds to be 59 and 61kph wet weather speeds. These speeds are on the borderline of requiring DMRB visibility requirements to be used but using the Manual for Streets the splays to be provided is 60m in each direction. Although the applicant has stated that this level of visibility has been provided, the junction drawing submitted only provides visibility splays of 2.4m x 43m which is not acceptable.

Further details have been provided to show visibility splays of 57m eastbound and 61m westbound. Comments are awaited from the Head of Strategic Infrastructure on these revised details and will be provided in an update.

Subject to these details being acceptable, no further highway safety issues are raised.

### **Public Right of Way**

The property is adjacent to public footpath Goostrey No. 12 as recorded on the Definitive Map. It appears unlikely that the proposal would affect the public right of way, although the PROW Unit request an informative to ensure that developers are aware of their obligations in terms of the public right of way.

### **Contaminated land**

The Contaminated Land team raise no objection to the proposal but note that the application area has a history of agricultural use and therefore the land may be contaminated and the application is for new residential properties which are a sensitive end use and could be affected by any contamination present. A condition requiring a Phase I contaminated land report is therefore recommended.

### **Flood Risk**

The Environment Agency has noted that the watercourse Shear Brook flows along the eastern boundary of the site. Their Flood Maps show that land adjacent to the brook is within

Flood Zone 3, which is high probability of fluvial flooding. The Flood Maps are however indicative only and are not of sufficient accuracy to determine the risk of flooding at a specific location.

A relatively small part of the site's 'Indicative Primary Road' is shown as being within Flood Zone 3. The submitted Flood Risk Assessment explains that should the road be raised and floodplain lost, compensatory flood storage will be provided. This is acceptable in principle. A condition is recommended relating to the provision of compensatory flood storage.

Comments from the Council's Flood Risk Manager will be reported in an update.

### **Air Quality**

Environmental Health initially objected to the proposal on the grounds that insufficient information had been submitted with the application relating to the potential impact on local air quality. Additional information has since been submitted, and Environmental Health has removed their objection.

The submitted information demonstrates that the proposed development will lead to a negligible deterioration of local air quality.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the impact of traffic associated with the development and safeguard future air quality, irrespective of whether the development would lead to an exceedance of an air quality objective or the declaration of an Air Quality Management Area.

The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties. Appropriate conditions are therefore recommended.

### **Jodrell Bank**

Policy PS10 of the local plan states that, *"Within the Jodrell Bank Radio Telescope Consultation Zone, as defined on the proposals map and inset maps, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope."*

The Jodrell Bank Observatory has provided the following comments on the application:

The University of Manchester's Jodrell Bank Observatory (JBO) operates the 76-m Lovell Telescope along with other radio telescopes on the JBO site and across the UK as part of the e-MERLIN network. These radio telescopes, and the national and global networks which they are part of carry out unique and world-leading science across a wide range of astrophysics

and cosmology. Facilities at JBO, including e-MERLIN, are used by most university astrophysics groups in the UK and by hundreds of scientists in the UK, Europe and across the globe.

Radio interference has an impact on almost all the observations which are carried out. It may reduce the effective sensitivity of observations and the precision with which particular measurements can be made such as the precise timing of pulsars. Searching for new pulsars is one example of scientific experiments which are now no longer feasible at Jodrell Bank, due to increased radio interference. In many observations it is the main factor which limits the quality of the data.

Much effort is already devoted to recognising and trying to remove the worst interference from observations, including the development of automated algorithms and careful scrutiny by expert observers. Every increase in the amount of interference makes this more difficult and may reduce the amount of useful data. Stronger signals can often be removed but this usually involves some degree of prejudice to separate terrestrial and astronomical signatures.

Interference is correlated with human activity, whether due to intentional transmissions or unintentional leakage from a wide range of electrical and electronic devices. The amount of interference received at the telescope from a given location depends on the distance from the telescope and the intervening terrain as well as the strength of the emission itself. JBO has constructed detailed maps of the loss due to distance and terrain based on digital elevation data supplied by the Ordnance Survey and internationally recognised propagation models (ITU P.452). The calculations take into account diffraction over the terrain profile from each location to the focus of the Lovell Telescope and assume a frequency of 1.4 GHz, one of the key protected bands for radio astronomy and the typical observing frequency for the Lovell Telescope.

This analysis confirms that the proposed development itself is likely to generate interference which exceeds the internationally agreed threshold for what constitutes 'detrimental interference' to radio astronomy observations. This threshold is defined by the International Telecommunications Union in ITU-R 769 and is used in national and international spectrum policy negotiations.

This work has now been extended in order to put the potential emission from a proposed development in context of existing developments across a wide area (up to 40km from JBO). Again using high-resolution digital mapping from the Ordnance Survey the distribution of buildings can be overlaid on the radio loss map. In order to assess the relative contribution from different locations, the number of buildings and their area can be used as an indicator of the potential for radio interference. Hence estimates can be made for the potential interference arising from all development as a function of distance and direction from the telescope.

According to this analysis the proposed development could increase the total potential interference in that sector (10 degrees wide, out to 40km) by at least 10%. This is a significant contribution even as a single development and JBO would therefore oppose this development.

This development is by some margin the largest that has been proposed at this distance from the Observatory for many years. Its location has a direct line of sight to the telescope and hence there is no benefit of terrain shielding to the telescope. It lies to the SW of the telescope where observations of pulsars (the main observing programme for the Lovell telescope at present) are often made with the telescope pointing at low elevation (close to the horizon). Taking all these factors into account it poses a significant risk to the efficient operation of the Jodrell Bank telescopes as formulated in Policy PS10 of the Local Plan.

The applicants have responded to the above consultation stating that JBO has not provided any evidence to substantiate their objection the planning application or demonstrate that the proposed housing development in Goostrey will result in unacceptable impairment to the operation of the telescope, compared to the current baseline position. The applicants maintain therefore that there is no evidence available to the Council to support a conclusion that the application proposal causes conflict with local plan policy PS10. The applicant considers that the matter can be appropriately dealt with by condition.

The applicant's comments are acknowledged, including their references to a previous planning appeal in Twemlow which considered the issue of the impact of a development upon Jodrell Bank. This appeal involved a housing scheme of only 13 dwellings, whereas the current proposal is for 119 dwellings, which could increase the population of Goostrey by approximately 13%. This is a substantial difference. It is also noted that the applicants have not provided any information to contradict the consultation response from JBO. The applicants could have commissioned their own independent study themselves, from a relevant professional in this field to show the impact of the development. The best evidence available to us indicates that there will be a harmful impact arising from the proposed development.

According to the analysis carried out by JBO the proposed development could increase the total potential interference in the sector containing the application site (10 degrees wide, out to 40km) by at least 10%. This is a significant contribution, and as noted above this development is by some margin the largest that has been proposed at this distance from the Observatory for many years. Its location has a direct line of sight to the telescope and hence there is no benefit of terrain shielding to the telescope. It lies to the south west of the telescope where observations of pulsars (the main observing programme for the Lovell telescope at present) are often made with the telescope pointing at low elevation (close to the horizon). Having regard to all of the above, and the absence of any evidence to the contrary from the applicant, it is considered that the proposed development will impair the efficient operation of the Jodrell Bank telescopes, and is therefore contrary to policy PS10 of the local plan.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Goostrey and other local centres including additional trade for local shops and jobs in construction and economic benefits to the construction industry supply chain.

### **Loss of Agricultural Land**

The Framework states at paragraph 112 that:

*“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.”*

Grades 1, 2 and 3a represent the “best and most versatile land”.

A Soil Resources and Agricultural Use and Quality of Land Report has been submitted with the application. This states that within the 6.9 hectare application site 3.3 hectares (48%) of the site is Grade 2 and 3.6 hectares (52%) is Grade 3a. The whole site therefore comprises the best and most versatile agricultural land, which will be lost, and whilst this is not considered to amount to a reason for refusal in its own right, this matter does weigh against the proposal.

## **PLANNING BALANCE**

The proposal is contrary to policies PS8, PS10, BH4 and H6 of the Congleton Borough Local Plan First Review. As a result, 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 proposal is also contrary to relevant policies within the Framework.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to justify a decision contrary to the Development Plan.

Paragraph 49 of the NPPF 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 and where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the identifiable benefits of the proposal would be predominantly social:

- Much needed affordable housing provision
- It would help towards the delivery of the Councils 5 year housing land supply.
- The provision of public open space (although its acceptability has still to be confirmed by the Council's Greenspace Officer.
- Contributions towards local education.

Balanced against these benefits, the harm arising from the proposal would be:

- The principle of residential development in open countryside, contrary to development plan policies
- The less than substantial harm to the setting of Swanwick Hall.

- The loss of 6.9 hectares of the best and most versatile agricultural land.
- Impairment to the efficiency of the Jodrell Bank Radio Telescope.

The harm to the efficient operation of the Jodrell Bank telescopes is considered to impact upon all three aspects of sustainable development. In environmental terms, the development will have a direct line of sight to the telescope and therefore will not benefit from terrain shielding to the telescope. It also lies to the south west of the telescope where observations of pulsars (the main observing programme for the Lovell telescope at present) are often made with the telescope pointing at low elevation (close to the horizon). The telescopes and the national and global networks which they are part of carry out unique and world-leading science across a wide range of astrophysics and cosmology. These facilities are used by most university astrophysics groups in the UK and by hundreds of scientists across the world. By impairing the operation of the telescopes, the development will have a negative impact upon the social role of sustainable development. Finally, any significant reduction in the efficient operation of the telescopes also has the potential to impact upon the funding that JBO receives, and its attractiveness as a tourist facility, thereby impacting upon the economic role of sustainable development.

Overall there are considered to be insufficient public benefits to outweigh the harm to Jodrell Bank, the setting of a designated heritage asset and the loss of some of the best and most versatile agricultural land.

On the basis of the above, it is considered that the proposal represents unsustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan. Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits. There are no material considerations that indicate a decision otherwise than in accordance with development plan policies should be made.

Accordingly, the application is recommended for refusal for the reasons set out below.

## **RECOMMENDATION**

**The application is recommended for refusal for the following reasons: (Any decision is subject to the determination of the Secretary of State's assessment on call in.)**

1. The proposed residential development is located within the Open Countryside and the Jodrell Bank Consultation Zone, and will result in impairment to the efficiency of the Jodrell Bank Radio Telescope. The proposal is therefore contrary to policies PS8, PS10 and H6 of the Congleton Borough Local Plan First Review 2005 and national guidance in the NPPF. These factors significantly and demonstrably outweigh the economic and social benefits of the proposed development in terms of contribution to boosting housing land supply, including the contribution to affordable housing.
2. The proposal will result in harm to the setting of the Grade II listed building, Swanwick Hall. The harm is considered to amount to "less than substantial harm" as defined in the National Planning Policy Framework. The public benefits of the proposal, when taken as a whole, are not considered to be sufficient to outweigh this harm to the heritage asset. The proposed development is therefore contrary to policy BH4

of the Congleton Borough Local Plan First Review 2005 and national guidance in the NPPF.

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*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.*

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