

Application No: 16/0604C

Location: LAND ADJACENT TO, PADGATE, TWEMLOW LANE, CRANAGE

Proposal: Residential Development of 4nr detached dwellings (4/5 bed) and 1nr cottage mews block of 5 dwellings (1bed flat; 2/3 bed houses) inclusive of associated external works and landscaping.

Applicant: Mr Matthew Pochin, Boots Green Properties Limited

Expiry Date: 05-Apr-2016

## **SUMMARY**

**The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.**

**Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.**

**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 that 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 consider 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 development would provide positive planning benefits such as; the provision of a market and affordable dwellings and would have the knock-on local economic benefits such a development would bring.**

**Balanced against these benefits must be the dis-benefits, which in this case would be the loss of open countryside and the minor impact upon the efficiency of the Jodrell Bank Radio Telescope.**

**All other issues are considered to be mitigated against by the use of planning conditions and/or a S106 Agreement and as such, are considered to have a neutral impact.**

**In this instance, is considered that the benefits of the scheme would outweigh the dis-benefits.**

**On the basis of the above, it is considered that the proposal represents sustainable development. Applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.**

**Should the application be approved, the application shall be referred back to Jodrell Bank for a period of 21 days in accordance with the Jodrell Bank Directive.**

### **RECOMMENDATION**

**APPROVE subject to; a 21 day notification period to Jodrell Bank of the intent to grant planning permission, a S106 agreement and conditions**

## **PROPOSAL**

Full planning permission is sought for the erection of 9 no. dwellings.

These would comprise of 4 no. detached dwellings and 5 no. terraced/mews properties.

Revised plans have been received during the application process in an attempt to preserve an Oak Tree on the site frontage and address the design concerns of the Planning Officer.

## **SITE DESCRIPTION**

The site comprises a parcel of land located at the north of Twemlow Lane, Cranage, Cheshire within the Open Countryside.

The site is located to the west of Twemlow Lane, approximately 250 metres north of the village of Cranage in Cheshire. The site is roughly trapezoidal in shape with an approximate site area of 0.41Ha. The site is generally flat with no existing structures on-site. The site is currently used as pasture and surfaced with grass.

## **RELEVANT HISTORY**

None

## **NATIONAL & LOCAL POLICY**

### **Development Plan**

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside

The relevant Saved Policies are;

PS8 – Open Countryside, H6 – Housing in the Open Countryside and Green Belt, GR1 – New Development, GR2 – Design, GR4 & GR5 – Landscape, GR6 - Amenity and Health, GR9 - Highways & Parking, GR20 – Public Utilities, GR22 – Open Space Provision, NR3 - Habitats

### **Cheshire East Local Plan Strategy**

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

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, SE9 - Energy Efficient Development, SE12 - Pollution, Land Contamination and Land Instability, IN1 - Infrastructure, IN2 - Developer Contributions, PG1 - Overall Development Strategy, PG5 - Open Countryside and SC4 - Residential Mix

### **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, 17 – Core planning principles, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

### **Supplementary Planning Documents / Other Material considerations**

Interim Planning Statement: Affordable Housing (Feb 2011)  
North West Sustainability Checklist  
SPG1: Provision of Public Open Space in New Residential Developments  
SPG2 - Provision of Private Amenity Space in New Residential Development  
Pre-app letter – Ref: PRE/0687/15

### **CONSULTATIONS**

**Head of Strategic Infrastructure (HSI)** – No objections

**United Utilities** – No objections, subject to the following conditions; that the site be drained on a separate system; the prior approval of a surface water drainage scheme

**Environmental Protection (Cheshire East Council)** – No objections, subject to a number of conditions including; the prior approval of a piling method statement, the prior submission of a dust mitigation scheme, the prior submission of soil testing results of any soil brought onto the site, that works should stop if any contamination is encountered.

In addition, a number of informatives are proposed including; hours of piling, hours of construction and contaminated land.

**Flood Risk Manager (Cheshire East Council)** – No objections, subject to the following conditions; The prior approval of a Flood Risk Assessment (FRA); the prior approval of a drainage strategy with appropriate surface water drainage; prior submission/approval of the design and maintenance plan for surface water drainage

**Archaeology (Cheshire East Council)** – No objections, subject to the prior approval and subsequent implementation of a programme of archaeological works

**Housing (Cheshire East Council)** – No objections, subject to the 30% affordable housing provision being secured via a S106 Agreement

**ANSA Greenspaces (Cheshire East Council)** – No comments received at time of report

**Jodrell Bank (University of Manchester)** – Impact upon the JBO would be ‘minor’

**Cranage Parish Council** – Object on the following grounds:

- Dangerous access arrangements
- Impact upon local facilities including; schools, parking and doctors

## **REPRESENTATIONS**

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and an advert placed in the local paper.

Following the receipt of a revised layout plan, a re-consultation exercise of 14 days was undertaken.

In response, in total, letters of representation form approximately 20 households/interested parties have been received objecting to the proposal. The main areas of objection are:

- Principle of the development
- Loss of countryside
- Impact upon the Landscape
- Impact upon Jodrell Bank
- Affordable housing provision proposed is not suitable
- No Open Space provision
- Lack of information in relation to design
- Loss of agricultural land
- Sustainability of the location – Would be car dependant
- Ecology – Impact upon protected species / wildlife
- Impact upon trees
- Highway safety – Poor access, poor visibility, congestion
- Design – not in character
- Amenity – Loss of privacy, light, noise and light pollution
- Impact upon local facilities including; schools and doctors
- Disagreement with statements within the submitted Planning Statement

- No footpath links / pedestrian safety / cyclist safety/ horse rider safety
- Future development pressures

## **APPRAISAL**

The key issues are:

- The principle of the development
- Sustainability including the proposal's Environmental, Economic and Social role
- Planning Balance

### **Principle of Development**

The site is designated as being within the Open Countryside where Policy PS8 (Open Countryside) of the Local Plan states that development will only be permitted if it falls within one of a number of categories.

As the proposed development is for the erection of 9 new dwellings in the Open Countryside, it is subject to Policy H6 of the Congleton Local Plan and Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Policies H6 and PG5 advise that residential development within the Open Countryside will not be permitted unless it falls within a number of categories.

The proposed development does not fall within any of the categories listed within Policies PS8 and H6 relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection. These are considered below.

### Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in

calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*"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. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment"*

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

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

## **Environmental role**

### **Locational Sustainability**

To aid this assessment, 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 amenities 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 National Planning Policy Framework definition of sustainable development is:

*"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. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment"*

Accessibility is a key factor of sustainability that can be measured. One 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.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. 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:

- Amenity Open Space (500m)
- Local meeting place (1000m)

- Leisure Facilities (Leisure Centre and Library) (1000m)
- Bus Stop (500m) – 319 bus
- Public Right of Way (500m)
- Railway station (2000m where geographically possible)
- Any transport mode

It demonstrated that the proposal failed to meet the minimum standard for the following facilities;

- Post box (500m)
- Post Office (500m)
- Children's Play Space (500m)
- Primary School (1000m)
- Outdoor Sports Facility (500m)
- Public House (1000m)
- Child Care Facility (nursery or crèche) (1000m)
- Pharmacy (1000m)
- Bank or cash machine (1000m)
- Supermarket (1000m)
- Secondary School (1000m)
- Medical Centre (1000m)
- Convenience Store (500m)

In summary, the site does not comply with the majority of the standards advised by the NWDA toolkit. Nevertheless this is not untypical for suburban dwellings.

It should be noted that the 319 Bus routes lies on Knutsford Road to the west. This bus service travels to; Sandbach, Brereton, Holmes Chapel, Allostock, Goostrey and Twemlow Green 5 times a day and to Sandbach, Brereton and Holmes Chapel sometimes 6 times a day.

The majority of the services and amenities listed are accommodated within Holmes Chapel and are accessible to the proposed development via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

Similar conclusions on this matter were made on housing schemes at the other end of Twemlow Lane (ref: 10/2647C and 14/2537C).

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it.

### Landscape

The application site is located along the northern side of Twemlow Lane in what is currently a field that is used for pasture, the site covers an area of approximately 0.41 hectares. The application site is relatively flat, has a section of hedgerow, fencing and a mature oak along the Twemlow Lane boundary as well as a number of trees along the remaining boundaries. The application site is bound by residential properties to the west, east and also to the south side of Twemlow Lane; to the north it links into the wider agricultural landscape.

The application site has no landscape designations, and is located within an area identified as 'Open Countryside' in the Congleton Borough Local Plan (2005).



The Council's Senior Landscape Officer concludes that there would be harm caused to the open and verdant character of the surrounding countryside to which the site contributes if the development were to take place. However, because of the adjacent properties, only moderate weight can be attached to this harm and so he does not consider that the landscape or visual effects would be significant.

### Trees

The applicant amended the site access and therefore the site plan on various occasions in an attempt to preserve a mature Oak tree on the site frontage after concerns were expressed by the Parish Council and a number of objectors.

The Council's Tree Officer has advised that if the application is approved tree and hedge protection measures would be appropriate together with a method statement for no dig construction of any areas of hard surfacing in tree root protection areas.

The Tree Officer has advised that whilst it is noted that the applicant has attempted to retain the Oak tree on the site frontage, she considers that the tree would be seriously compromised by the development and may be lost in the long term in any instance.

The Tree Officer goes on to state that whilst loss of a mature tree would be regrettable, should the principle of development be accepted, a revised layout with the tree removed and replacement planting secured would seem to be a more realistic approach. This revised plan has been received.

### Hedgerows

The development will require the removal of a section of hedge to widen the access. The applicant has submitted information to establish if the section of hedgerow to be removed is indeed 'important'.

There is no indication of a consultation response covering archaeological criteria in the Regulations. Nevertheless, a letter from the Cheshire Archives and Local Studies advises there is evidence that the hedges to the south and east of the site may have formed an integral part of a field system pre-dating the Enclosure Acts. On this basis these hedgerows can be deemed 'Important' under the Hedgerow Regulations 1997.

This is a material consideration in the determination of the application.

### Design

Policy GR2 of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features

Policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version, largely reflect the Local Plan policy.

The submitted updated layout plan shows that the proposed provision of 9 dwellings. 4 of these would be two-storey detached units and 5 would form part of a terraced mews.

The site would be accessed via the creation of a new vehicular access onto Twemlow Lane to the south. This would extend north into the site where it would cease at a double turning head.

The row of 5 mews properties and 1 detached dwelling would form the site frontage. However, these have been set back within the streetscene in an attempt to respect the existing building lines of this section of Twemlow Lane.

The remaining 3 detached units would be located to the rear of the site.

It is considered that this general layout is acceptable and comprises of a low density scheme appropriate to the area. This density decreases within the site from front to rear ensuring that a lower density lies at the rural fringe.

In relation to form, 4 no. detached dwellings and 5 no. mews properties are proposed.

Of the 4 detached units, 3 would be of relatively similar appearance/design (Plots 6-8).

These dwellings would each be 2-storey's in height, 'U' shaped in footprint comprising of 2 end projecting gables, hipped roofs and integral garages.

The 4<sup>th</sup> detached unit (Plot 9) would also be 2-storey but would be smaller in scale than the abovementioned units comprising of just 1 gable fronted feature to the right hand side. It too would benefit from an integral garage but would include a dual-pitched roof and not a hipped roof.

The row of mews properties as a block, would be elongated in shape, two-storey's tall and a dual-pitched roof with small dual-pitched copy porches over the front doors.

In comparison to the surrounding units, there are detached two-storey properties and two-storey mews-style cottages on the opposite side of the road to the development. As such, it is considered that the form would be acceptable.

In relation to scale, the height of the dwellings would be; Plots 1-5 – 8.1 metres, Plot 6 – 8.6 metres, Plots 7 & 8 – 8.2 metres and Plot 9 – 8 metres.

In comparison with the surrounding units, these units would be taller. However, given the considerable inset from the highway, the impact of this height upon the streetscene is not considered to be significant.

The appearance of the dwellings would be largely rectangular and be characterised by numerous gable features (properties 6-9) and a mixture of exposed brick and a rendered finishes.

It is advised within the application form that the dwellings would be constructed from a mixture of facing brickwork, render and cedar clad walls, slate or grey tiled roofs, uPVC windows with a dark grey framework and hardwood painted doors.

It has been agreed that the timber cladding would not be appropriate and has been removed from the proposed elevational plans.

The neighbouring properties predominantly comprise of exposed brickwork. However, there are rendered properties nearby. As such, it is also considered that the proposed finish of the dwellings would not appear incongruous subject to the detail being agreed in writing by the LPA.

As a result, it is considered that the proposed development would be of an acceptable design and would adhere with Policy GR2 of the Local Plan and Policies SE1 (Design) and SE2 (Efficient use of land) of the Cheshire East Local Plan Strategy – Submission Version (CELP).

### Highway Safety

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.

The proposal is for 9 residential dwellings with associated parking. An existing gated access into the field off Twemlow Lane will be closed and a new vehicle access to the west will be created.

The Council's Head of Strategic Infrastructure (HSI) has advised that the development is relatively small in nature and therefore the number of vehicle trips that will be generated will have a negligible impact on the network.

The access dimensions are to standard and swept paths of refuse vehicles have demonstrated that the vehicles would be able to enter and exit the site in a forward gear. The number of car parking spaces provided accords with the Cheshire East Council's requirements.

The HSI has advised that the location of the new vehicle access allows for enough visibility in either direction for those entering Twemlow Lane, and enough forward visibility for those turning right into the site.

The HSI advises that there have been no recorded traffic accidents within the vicinity of the development within the last 5 years indicating no existing safety concerns.

The width of Twemlow Lane around the bend is narrow at approximately 3.5 metres to 4 metres. The adopted highway includes the existing grass verge which will be replaced with carriageway, widening Twemlow Lane outside the site to 6 metres resulting in an improvement on the existing situation.

As a result, it is considered that the proposal would not create any significant highway safety concerns and adhere with Policy GR9 of the Local Plan.

### Flood Risk and Drainage

The application site does not fall within a Flood Risk Zone 2 or 3 and is not of a scale that triggers the requirement of a Flood Risk Assessment (FRA) to accompany the application.

Both the Council's Flood Risk Officer and United Utilities raise no objections to the proposal on drainage and flooding grounds, subject to conditions relating to; the prior submission of an FRA, the prior approval of a surface water drainage and maintenance scheme and that the site shall be drained on a separate system.

### Ecology

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

A pond is located 150m from the site and it has been assessed as having good potential to support Great Crested Newts (GCN). However, the Council's Nature Conservation Officer concurs with the assessment that the risk of individual newts coming to harm from the proposed development are low, although full GCN surveys of the pond have not yet been completed.

'Reasonable Avoidance Measures' to reduce the risk to GCN to negligible levels have been proposed in the supporting Ecology Survey Report (dated January 2016). Should the application be approved, the Council's Nature Conservation Officer has advised that this should be conditioned.

### Archaeology

The c. 1844 Tithe map for Cranage shows a small un-named group of buildings (in all likelihood a farmhouse & barn), recorded as a Croft occupied by John Davies and owned by Lawrence Armistead, lying within the proposed development site (in the area of proposed plots 1-5). By the time of the 1<sup>st</sup> Edition 1:2500 Ordnance Survey of 1875-77 the buildings had been demolished. The Council's Archaeology Officer advises that this site is considered to have the potential to contain surviving below-ground structural remains of the farmstead. It is advised that such remains would be of a local or regional significance only, and an archaeological 'strip and record exercise' centred on the farmstead location is therefore considered an appropriate form of archaeological mitigation.

### Environmental Conclusion

The proposed revised development would be of an acceptable design that would not create any significant issues in relation to; landscape, trees, hedgerows, highway safety, drainage or flooding, ecology or archaeology. As such, it is considered that the proposed development would be environmentally neutral subject to conditions.

### **Economic Role**

It is accepted that the construction of a housing development of this size would bring the usual economic benefits to the closest public facilities in the closest villages for the duration of the construction, 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.

As such, it is considered that the proposed development would be economically sustainable.

### **Social Role**

The provision of market dwellings themselves would be a social benefit. In addition;

### Affordable Housing

This is a proposed development of 9 dwellings on a site which according to the submitted application form measures 0.41ha, therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 3 to be provided as affordable dwellings. The majority of the demand in this area is for 1 and 2 bedroom dwellings.

The applicant has subsequently confirmed that Plot 2 (3 bed dwelling) will be for intermediate tenure and plots 3 and 4 (1 bed dwellings) will be for affordable rent. The Council's Housing Officer has confirmed that this will be acceptable.

The affordable housing provision would be secured as part of a S106 Agreement and would offer a significant social benefit.

### Jodrell Bank Radio Telescope

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.

The University of Manchester (who operate Jodrell Bank), have advised that the additional potential contribution to the existing level of interference coming from that direction will be relatively minor.

As such, there would be an impact upon the Telescope, but the impact would be 'minor' and this impact needs to be weighed in the overall balance of the application proposal.

Should the committee resolve to grant planning permission the Council will be required to give 21 days notice of the intention to do so to Manchester University, in accordance with the Jodrell Bank Directive.

### Open Space

As the application proposal is for 9 dwellings, it triggers an Open Space requirement. The trigger for this requirement is 7 units as detailed within the *Revised Supplementary Planning Guidance Note 1: Provision of Public Open Space in New Residential Developments 2003*.

Following an informal discussion with the Council's Open Space Officer, as the development is for only 2 units over the threshold, because there are no other areas of open space within the proximity of the site which could be contributed to by the applicant to be upgraded whilst being CIL compliant (due to their distance from the site), in conjunction with the fact that the site lies within close proximity to a bus route to Holmes Chapel which benefits from open space provision, it is not considered that it would be reasonable or CIL compliant to seek an Open space provision in this instance.

### Residential Amenity

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise.

Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

With respect to the existing properties, the nearest dwellings to the proposal comprise of; Padgate to the west, Holly Bank Cottages to the south and Mount Pleasant to the east.

The dwelling proposed on Plot 1 would be parallel to the side elevation Padgate (detached bungalow) and would be approximately 4.3 metres away.

Within the relevant side elevation of Padgate, there are 2 windows. Neither of these windows comprise of sole windows to principal habitable rooms. Within the relevant side elevation of Plot 1 there would be no openings.

As a result and in conjunction to the fact that the dwelling proposed on plot 1 does not extend significantly forward or to the rear of Padgate, it is not considered that the development would have a significant impact with regards to loss of privacy, light or visual intrusion for this neighbour.

Holly Cottages would be sited approximately 22.6 metres away from the closest of the proposed dwellings on the opposite side of Twemlow Lane.

Given that this distance adheres with the 21.3 minimum standard, this ensures that the proposed development would not have a significant impact upon the privacy, light or visual amenity of the occupiers of these cottages.

The dwelling proposed on Plot 9 would be approximately 14.2 metres away and offset from the main body of the side elevation of Mount Pleasant and approximately 11.2 metres away from their side conservatory.

Given that this closest aspect of the proposed dwelling is a garage, in conjunction with the offset relationship, it is not considered that the proposed development would not have a significant impact upon the privacy, light or visual amenity of the occupiers of this neighbouring property which could be sustained at appeal.

No concerns are raised in relation to the distance between the proposed dwellings themselves and it is considered that sufficient private amenity space would be provided for the future occupiers of the dwellings in order to carry out normal functions such as sitting out, hanging out washing etc.

The Council's Environmental Protection Officer (EPO) has advised that she has not objections to the development, subject to a number of conditions including; the prior approval of a piling method statement, the prior submission of a dust mitigation scheme, the prior submission of soil testing results of any soil brought onto the site, that works should stop if any contamination is encountered.

In addition, a number of informatives are proposed including; hours of piling, hours of construction and contaminated land.

As such, subject to the above conditions, it is considered that the proposal would not create any significant amenity concerns.

### **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 result in the requirement of a 30% on-site affordable housing provision. An agreed tenure split between intermediate tenure (1, 3-bed unit) and affordable rent (2, 1-bed units) has been agreed.

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

The S106 recommendation is compliant with the CIL Regulations 2010.

### **Planning Balance**

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

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 that 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 consider 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 development would provide positive planning benefits such as; the provision of a market and affordable dwellings and would have the knock-on local economic benefits such a development would bring.

Balanced against these benefits must be the adverse impacts, which in this case would be the loss of open countryside and the minor impact upon the efficiency of the Jodrell Bank Radio Telescope.

All other issues are considered to be mitigated against by the use of planning conditions and/or a S106 Agreement and as such, are considered to have a neutral impact.

In this instance, it is considered that the benefits of the scheme would outweigh the adverse impacts.

On the basis of the above, it is considered that the proposal represents sustainable development. Applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

Should the application be approved, notice will be given to Jodrell Bank for a period of 21 days in accordance with the Jodrell Bank Directive.

## **RECOMMENDATION**

**APPROVE subject to;**

**1. A 21 day notice period to Jodrell Bank (Manchester University), and;**

**A S106 Agreement to secure;**

- 1. Provision of 3 on-site affordable dwellings - to be split as per IPS into 2 Affordable Rent and 1 for Intermediate Tenure**

**And conditions;**

- 1. Time – 3 years**
- 2. In accordance with approved plans**
- 3. Materials – Prior submission/approval**
- 4. Site drained on a separate system**
- 5. Prior approval of a surface water drainage and maintenance plan**
- 6. Prior approval of a Flood Risk Assessment**
- 7. Prior approval of a Piling Method Statement**
- 8. Prior approval of a dust mitigation scheme**
- 9. Prior approval of soil testing results for imported material**
- 10. Works to stop if contamination encountered**
- 11. Prior approval of a scheme for Archaeological works**
- 12. Prior approval of a Landscaping scheme**
- 13. Landscaping – Implementation**
- 14. Prior approval of tree/hedgerow protection**
- 15. Prior approval of a 'No dig' method statement of any areas of hard surfacing in tree root protection areas**
- 16. Prior approval of boundary treatment**
- 17. Implementation of protected species mitigation**



**18. Prior approval of Electromagnetic Screening**

**19. Removal of PD Rights: Classes A-E, Part 1, Schedule 2 on Plot 9 only and Class A, Part 2, Schedule 2 for the entire site**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation) in consultation with the Chair (or in their absence the Vice Chair) of the 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 the application be subject to an appeal approval is given to enter into a S106 Agreement to secure the following Heads of Terms:

**1. Provision of 3 on-site affordable dwellings - to be split as per IPS into 2 Affordable Rent and 1 for Intermediate Tenure**

