

Application No: 20/5783C

Location: Land adjacent to 51, Main Road, Goostrey, CW4 8LH

Proposal: Erection of 2 office (Use Class B1) buildings with associated servicing and carparking

Applicant: M Henderson, Henderson Homes

Expiry Date: 06-Apr-2021

## **SUMMARY**

The site lies outside the settlement boundary for Goostrey and the principle of office development does not comply with Policies PG6, EG1 and EG2 of the CELPS. The development would result in the loss of open countryside.

In this case Jodrell Bank have confirmed that they oppose this development. The development would impair the efficiency of the Jodrell Bank Radio Telescope (World Heritage Site) and would be contrary to Policy PS10 of the CLP, Policy SE14 of the CELPS and Policies SC2 and HOU1 of the Goostrey Parish Neighbourhood Plan.

The site is sustainably located and is in easy walking distance to the centre of Goostrey and public transport and services and facilities within the village. The development complies with Policies SD1 and SD2 of the CELPS.

The development is considered to be acceptable in terms of its impact upon the residential amenities of the dwellings surrounding the site. There is no conflict with Policies GR6 and GR7 of the CBLP.

The development could provide a safe and suitable access and sufficient parking provision. The development complies with policies CO1 and CO2 of the CELPS, GR14-GR17 of the CLP and EB2 of the GNP.

There would be no significant impacts in terms of flood risk drainage. As such the development complies with SE13 of the CELPS.

The ecological impact of the development are acceptable subject to the imposition of conditions. The proposed development complies with Policy SE3 of the CELPS and OCEH1 of the GNP.

There are trees/hedgerows on and surrounding the site. There is insufficient information contained relating to this issue and the development would not comply with Policy SE 5 of the CELPS and VDLC3 of the GNP.

The development is considered to be an acceptable design and complies with Policies; SE1, SD1 and SD2 of the CELPS, and EB2 of the GNP and the NPPF.

The harm in terms of JBO, the loss of open countryside and the lack of information in terms of trees/hedgerows outweighs the benefits and the application is recommended for refusal.

## **RECOMMENDATION - REFUSE**

## **REASON FOR REFERRAL**

This application is referred to Southern Planning Committee at the request of Cllr Kolker for the following reasons;

*'The application site is located in the Open Countryside and in conflict with the Neighbourhood Plan and Local Plan'*

## **PROPOSAL**

Full planning permission is sought to erect two B1 Office Use buildings.

The proposed office buildings would be single storey in height and would utilise an access off Main Road. The submitted plan shows that 15 car-parking spaces would be provided to serve the development.

## **SITE DESCRIPTION**

The site relates a section of field to the northern side of Main Road, Goostrey within the Open Countryside. The site also falls within the Jodrell Bank Radio Telescope Consultation Zone Line.

The main aspect of the site lies behind a recent road-side housing development granted under planning permission 15/5517C.

There is one tree to the northern boundary of the site which is protected by a Tree Preservation Order.

## **RELEVANT HISTORY**

17/4451C - Construction of one detached and two semi-detached houses – Refused 8<sup>th</sup> August 2018 – Appeal Lodged – Appeal Dismissed

17/0680N - Construction of a single dwelling house – Refused 8<sup>th</sup> August 2018 – Appeal Lodged – Appeal Dismissed

16/5254C - Variation of condition 2 (road layout) on approved 13/4266C - Constuction of 3 new houses adjacent to Sandyacre (re-sub of 12/4318C) – Withdrawn 31<sup>st</sup> January 2017

16/4306C - Erection of 6 dwellings – Refused 28<sup>th</sup> October 2016 – Appeal Lodged – Appeal Dismissed

15/5517C - Erection of 2no. dwellings – Approved 8<sup>th</sup> February 2016

15/3131C - Planning application for the erection of 7no. dwellings – Refused 16<sup>th</sup> October 2015

13/4266C - Construction of 3 new houses adjacent to Sandyacre (re-sub of 12/4318C) – Approved 13<sup>th</sup> April 2014

12/4318C - Construction of 3 new houses adjacent to Sandyacre – Refused 6<sup>th</sup> July 2013 – Appeal Lodged – Appeal Withdrawn

29439/3 - ERECTION OF STABLE BLOCK AND USE OF LAND FOR KEEPING HORSES – Approved 30<sup>th</sup> September 1997

22753/1 – Residential – Refused 13<sup>th</sup> November 1990 – Appeal Lodged – Appeal Dismissed

21421/1 - DEVELOPMENT OF THE SITE FOR RESIDENTIAL PURPOSES – Refused 3<sup>rd</sup> October 2019

16700/1 - DEVELOPMENT OF SITE FOR RESIDENTIAL PURPOSES (UP TO A MAXIMUM OF 7 UNITS) – Refused 20<sup>th</sup> March 1985

## **NATIONAL & LOCAL POLICY**

### **Cheshire East Local Plan Strategy (CELPS)**

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG7 – Spatial Distribution of Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

IN1 – Infrastructure

IN2 – Developer Contributions

CO1 - Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

SE 1 - Design

SE 2 - Efficient Use of Land

SE 3 - Biodiversity and Geodiversity

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 6 – Green Infrastructure

SE 8 – Renewable and Low Carbon Energy

SE12 – Pollution, Land Contamination and Land Instability

SE 13 - Flood Risk and Water Management

SE14 – Jodrell Bank

EG1 – Economic Prosperity

EG2 – Rural Economy

EG5 – Promoting a Town Centre First Approach to Retail and Commerce

### **Congleton Borough Local Plan (CBLP)**

The relevant Saved Policies are:

PS5 Villages in the Open Countryside and Inset in the Green Belt

PS8 Open Countryside

GR6 Amenity and Health

GR7 Amenity and Health

GR9 Accessibility, servicing and provision of parking

GR14 Cycling Measures

GR15 Pedestrian Measures

GR16 Footpaths Bridleway and Cycleway Networks  
GR17 Car parking  
GR18 Traffic Generation  
NR3 Habitats  
NR5 Habitats

### **Neighbourhood Plan**

The Goostrey Neighbourhood Plan was made on 17<sup>th</sup> August 2017.

SC2 – Impairment of operations at JBO  
EB1 – Employment Development  
EB2 – Employment Environment  
VDLC1 – Design of Developments  
VDLC3 – Hedgerows and Trees  
OCEH1 – Biodiversity  
OCEH3 – Heritage  
TTT1 – Sustainable Travel  
TTT5 – Lighting  
CF3 - Infrastructure

### **National Policy**

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

Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.  
124 - 132 Achieving well-designed places

### **Other Considerations**

Goostrey Village Design Statement  
CEC SADPD – including Policy HER7 (World Heritage Site)

### **CONSULTATIONS (External to Planning)**

**United Utilities:** Drainage conditions suggested.

**Jodrell Bank:** Jodrell Bank oppose this development as it would impair the efficiency of the telescopes.

**Head of Strategic Infrastructure:** No objection subject to the imposition of a condition relating to cycle storage.

**CEC Environmental Health:** The following conditions are suggested; external lighting, low emission boilers, electric vehicle infrastructure, and contaminated land. Informatives suggested in relation to contaminated land and construction hours.

### **VIEWS OF THE TOWN COUNCIL**

**Goostrey Parish Council:** The Parish Council objects to this application on the following grounds;

- The development will impair the operations of Jodrell Bank Observatory.
- There have been a number of refused applications and appeals in the area with reasons for refusal relating to Jodrell Bank.
- The proposed development is contrary to Policy SE14 of the CELPS and SC2 and EB2 of the GNP.
- Jodrell Bank is a World Heritage Site and of international importance
- The other cases cited within the supporting Planning Statement are not comparable
- Employment development is contrary to Policy EB1 of the GNP
- The SADPD identifies that no sites for employment or housing are required in Goostrey
- The applicants have not demonstrated any need for employment development within Goostrey
- Insufficient parking to serve the development
- Inadequate bus service serving Goostrey
- Proximity to the residential properties and noise and disturbance from vehicles entering and manoeuvring within the site
- Backland development is contrary to Policy H12 of the CLP
- The proposed offices do not comply with the definition of infill
- The application site is within the Open Countryside and is contrary to Policy PG6 of the CELPS
- The Goostrey Village Design Statement discourages flat roofs
- The conflicts with the Development Plan and the damage to the World Heritage Site outweigh any benefits of this application.

## **OTHER REPRESENTATIONS**

Letters of objection have been received from 25 local households which raise the following points;

- Development has been successfully defended on this site at appeal in the past
- The development is outside the GNP
- Limited public transport in Goostrey
- Increased traffic congestion
- Lack of parking spaces to serve the development
- There is no evidence of demand for office space in the village and there is purpose built accommodation available at Twemlow
- Impact upon Jodrell Bank
- Concerns over the amount of vehicle movements that would be generated and the impact upon the dwellings at the front of the site
- The existing access is narrow
- Concern over safety of the access
- Refuse vehicles will not use the proposed access
- Insufficient parking to serve the dwellings at the front of the site
- Noise pollution caused by increased comings and goings
- Light pollution
- Increased damage to Main Road
- Impact upon property value
- Unable to sell property due to the uncertainty of the land to the rear
- There are vacant office units in the area
- Main Road is busy and is impacting on children's travel to school
- Ongoing problems with infrastructure – drainage and internet
- The development is contrary to the Development Plan
- Out of keeping with the surrounding area
- Overspill parking will take place on Main Road

- The buildings are out of proportion with others in the village
- Inadequate information provided in relation to Jodrell Bank
- Two office blocks would emit more radiation than a single house
- Detailed evidence at previous appeals has demonstrated that emissions substantially breach the required limits
- Conditions should require that emissions are monitored on an ongoing basis and ban the use of any externally mounted signal boosters and antennae
- The proposed development would be visible from adjoining dwellings
- If approved there will be further applications to change the use to housing
- Due to Covid the demand for new office's has decreased
- Lack of a D&A Statement for this application
- Brownfield sites should be developed before greenfield sites
- The development is contrary to Policy EB1 and EB2 of the GNP

A letter of objection has been received from Cllr Kolker which raises the following points;

- The proposed development is out of character and not in keeping with this residential area
- Is there need for more office space in Goostrey
- Public transport links to Goostrey are poor
- 15 car parking spaces appears too short to serve the development
- The access is too narrow for vehicles to pass
- The dwellings to the front use the access for parking
- Congestion onto Main Road
- Increased traffic will have a considerable environmental impact in terms of noise, air quality and disruption
- Poor visibility onto Main Road
- There is no pavement on the access road
- The development would impact upon resident's ability to safely use their private driveways
- Loss of privacy and outlook to the residents of Fairway Drive
- Commercial 'To Let' signage could be places at the entrance to the site – this would impact upon outlook
- Noise reduction measures would be required. What about air conditioning?
- Light pollution from the development
- Concern that the internet will not be able to cope with the extra demand
- Could the hours of operation be limited to 8am to 8pm?

## **APPRAISAL**

### **Principle of Development**

The site lies entirely within the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005 (CBLP) and the Goostrey Neighbourhood Plan (Appendix 6.1 of the GNP).

The site lies within the open countryside within which Policy PG6 of the Cheshire East Local Plan (CELPS) only permits certain forms of new development. However, the erection of new office units is not one of those exceptions.

As part of the dismissed appeal for 6 dwellings on this and the wider site (ref: APP/R0660/W/16/3166025), the Council did not object to the proposal on Open Countryside

grounds because it was deemed that upon the adoption of the CELPS, the scheme represented infill development under Policy PG6.

The site is also not proposed to be allocated for any development within the emerging Site Allocations Development Policies Document (SADPD) and is shown as remaining within the open countryside. As a result, the proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside.

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. Rural economy/employments sites Policy EG1 advises that proposals for employment development (Use Classes B1, B2 or B8) will be supported in principle within the Principal Towns, Key Service Centres and Local Service Centres as well as on employment land allocated in the Development Plan. The Policy also advises that proposals for employment development on non-allocated employment sites will be supported where they are in the right location and support the strategy, role and function of the town, as identified in Settlement Hierarchy, Spatial Distribution of Development and in any future plans, including Neighbourhood Plans, where applicable.

Policy EG2 of the CELPS advises that it will seek to provide opportunities for rural employment that supports the vitality of rural settlements, encourages the retention and expansion of existing business through the conversion of existing buildings and farm diversification and supports the wider strategic interest of economic development within the borough where:

- it would support the rural economy and could not be reasonably expected to locate within a designated centre by reason of their products sold
- would not undermine the delivery of employments allocations
- would not harm the character/landscape of the area.

Policy EG3 of the CELPS seeks to support existing and allocated employments sites. However, the site is not allocated for employment and as such is not supported by this policy.

In this instance the proposal would not appear to support the vitality of rural settlements or the rural economy as it seeks unrelated office development and users would likely use facilities/amenities within Goostrey itself with no connection to rural enterprise. No justification has been given to consider why the proposal must be sited in this open countryside location given the nature of the use (or nature of products sold) which could be located within a designated centre or employment area.

The proposal would also not seek to convert existing buildings but the erection of new ones. The proposal would also seek to develop a parcel of land that is currently free from development and thus would cause some visual harm to the area by losing its open nature. As a result the proposal, be contrary to Policies PG6, EG2 & EG3 of the CELPS.

### **Jodrell Bank Radio Telescope (JBRT)**

Radio telescopes at Jodrell Bank carry out a wide range of astronomical observations as part of national and international research programmes, involving hundreds of researchers from the UK and around the world. The telescopes are equipped with state-of-the-art cryogenic low-noise receivers, designed to pick up extremely weak signals from space. The location of Jodrell Bank was



chosen by Sir Bernard Lovell in 1945 as a radio-quiet rural area away from the interference on the main university campus in Manchester.

On 7<sup>th</sup> July 2019 it was confirmed that JBRT was adopted as a UNESCO World Heritage Site on the basis of 4 criteria;

- Criterion (i): Jodrell Bank Observatory is a masterpiece of human creative genius related to its scientific and technical achievements.
- Criterion (ii): Jodrell Bank Observatory represents an important interchange of human values over a span of time and on a global scale on developments
- Criterion (iv): Jodrell Bank Observatory represents an outstanding example of a technological ensemble which illustrates a significant stage in human history
- Criterion (vi): Jodrell Bank Observatory is directly and tangibly associated with events and ideas of outstanding universal significance.

The Congleton Borough Local Plan (Policy PS10) states that development within the Jodrell Bank Radio Telescope consultation zone will not be permitted if it can be shown to impair the efficiency of the Jodrell Bank radio telescope in terms of its ability to receive radio emissions from space with a minimum of interference from electrical equipment. Policy SE14 within the Cheshire East Local Plan Strategy largely reflects this policy PS10.

Policy SC2 of the GNP also advises that *'developments should not be permitted where JBO determine that the efficiency of the radio telescopes would be impaired.'* Policy EB2 states that employment development should not harm Jodrell Bank Observatory.

The SADPD is only given limited weight at this stage but it does include policy HER7 (World Heritage Site) which states that there is a *'strong presumption against development that would result in harm to the outstanding universal value of a world heritage site, its authenticity or integrity'*.

Equipment commonly used at office buildings causes' radio frequency interference that can impair the efficient operation of the radio telescopes at Jodrell Bank. This evaluation is based on the definition of the level of harmful interference to radio astronomy specified in ITU-R.769, the International Telecommunications Union 'Protection criteria used for radio astronomical measurements', which has been internationally adopted and is used by Ofcom and other bodies in the protection of parts of the spectrum for radio astronomy.

The Jodrell Bank Professor advises that they recognise that there is significant development across the region surrounding the telescopes and have carried out an analysis which takes into account the distribution of development and the effect of the intervening terrain between any location and the telescope itself. This analysis uses data provided by Cheshire East and the Ordnance Survey and uses the officially recognized propagation model provided by the ITU 'Prediction procedure for the evaluation of interference between stations on the surface of the Earth at frequencies above about 0.1 GHz' (ITU-P.452).

Jodrell Bank Observatory now opposes development across a significant part of the consultation zone as a matter of principle, in order to protect the efficiency of the Jodrell Bank radio telescope's ability to receive radio emissions from space with a minimum of interference from electrical equipment.

Jodrell Bank have stated that they oppose this development and would ask the local planning authority to take this in to account in reaching its decision on this development, noting that the cumulative impact of this and other developments is more significant than each development individually.

Issues surrounding the impact of development on the efficiency and operation of the Jodrell Bank Observatory have been considered at Public Inquiry's previously (Ref: 3129954 and 3166025 (both in Goostrey). During the course of these appeals a significant amount of technical evidence was provided by the Councils Expert Witness regarding the impact of housing development on the efficiency of the telescope.

Appeal 3129954 was ultimately determined by the Secretary of State, who dismissed the appeal for reasons including the impact of housing development on the efficiency of the telescope, citing the protection of Jodrell Bank Observatory as a facility of one of international importance and global significance [my emphasis], this transcends local issues. The more recent appeal, 3166025 further strengthened the weight of Jodrell Bank in the decision making process. Since the determination of these appeals, there has been a further appeal decision relating to just a single dwelling on a brownfield site, which was also dismissed on JBO grounds (3197429).

The following appeal decisions were also dismissed due to the impact upon Jodrell Bank;

- Appeal APP/R0660/W/19/3224057 in Cranage on 12 September 2019 (paras 20-22) – ‘the adverse impact on outstanding universal value would be contrary to Policy SE14.
- Appeal APP/R0660/W/18/3218817 – *‘the significance and importance, on a local level as expressed by the pride with which local residents view JBO, and at national and international levels of JBO and the efficient operation of its radio-telescopes, cannot be underestimated and it, and the conflict with CBLP policy PS10, CELP policy SE14 and GNP policy SC2, are matters to which I attach great weight and significance’*
- Appeal APP/R0660/W/19/3197429 which proposed the conversion of a former cattery in Cranage to a dwelling and was refused due to radio interference with JBO, even though the cattery had also been utilising electrically powered equipment – ‘the proposal would have a harmful effect on the efficiency of the Jodrell Bank Radio Telescope. It would therefore be in breach of Policy SE 14 of the CELPS and Policy PS10 of the CBLP’

The supporting planning statement states that a number of new build officers have been approved within the Jodrell Bank Consultation Zone. These are set out below, together with the case officer response;

- 20/3714C – The Sidings, Station Yard, Goostrey – This is an extension to unit 1, subdivision of unit 2 and recladding of the existing buildings. This relates to an existing employment site and is not comparable.
- 20/3535C – 15 Shearbrook Lane – This is a home-office in the garden of a residential property. It is not of the same scale and is not comparable.
- 20/3120C – Cranage Trade Park – This is a relatively small extension to an existing employment site and is not comparable.
- 18/3670C – This application related to a previously developed site and although JBO raised concerns the application was approved as there were existing buildings on the site which could be brought back into use.
- 17/3605W – This application relates to a quarry and is not comparable, there is a condition imposed to secure a electromagnetic compatibility monitoring scheme which details the specification, screening, design and monitoring of the plant and vehicles operating on the site and

set an interference level for all equipment/plant that the quarry has to abide by. A UU was signed to agree to implement and monitor for the length of quarry.

In consideration of the application proposal, Jodrell Bank oppose the development and that should be afforded significant weight in the decision-making process due to the international importance of the facility.

The proposed development would impair the efficiency of the Jodrell Bank Radio Telescope and would be contrary to Policy PS10 (Jodrell Bank Radio Telescope Consultation Zone) of the Congleton Borough Local Plan First Review 2005, Policy SE14 (Jodrell Bank) of the Cheshire East Local Plan Strategy and Policy SC2 (and in turn policy EB2) of the Goostrey Parish Neighbourhood Plan.

### **Location of the site**

Policy SD1 states that wherever possible development should be accessible by public transport, walking and cycling (point 6) and that development should prioritise the most accessible and sustainable locations (point 17). The justification to Policy SD2 then provides suggested distances to services and amenities.

In this case the site adjoins the settlement zone line for Goostrey a Local Service centre. The CELPS states at paragraph 2.77 that '*Local Service Centres are small towns or large villages which provide a range of services and facilities to meet the needs of local people, including those living in nearby settlements*'. The site is therefore considered to be within a sustainable location.

### **Highways Implications**

Access is available from the site to bus stops on Main Road but the service is limited and infrequent, and unlikely suitable for commuters. The national cycle route 573 runs past the site on Main Road assisting in access for cyclists and given the pedestrian infrastructure the site would be accessible to those living in the local area.

The site would be accessed by an existing access with a width of 5m which is sufficient for 2 cars to pass each other and is suitable to serve the development.

An acceptable level of visibility onto Main Road is also available, as demonstrated for a previous application for 6 residential units on this site which did not receive a highways objection.

Based upon the floor area within the application form, the site is short of 2 parking spaces but there is sufficient room within the site to park informally or for them to be conditioned. Parking will not overspill onto the highway or affect access. Sufficient cycle parking is provided but are not covered, and this should be conditioned.

The proposal will generate up to approximately 15 two-way vehicle trips during the peak hour, the impact of which will be minimal.

There is no conflict with Policies CO1 and CO2 of the CELPS, GR14-GR17 of the CLP and EB2 of the GNP.

## **Amenity**

In this case the Congleton Borough SPG requires the following separation distances for residential dwellings:

21.3 metres between principal elevations

13.8 metres between a non-principal and principal elevations

It should also be noted that the recently adopted Cheshire East Design Guide SPD also includes reference to separation distances for residential properties and states that separation distances should be seen as a guide rather than a hard and fast rule. Figure 11:13 of the Design Guide identifies the following separation distances;

21 metres for typical rear separation distance

18 metres for typical frontage separation distance

12 metres for reduced frontage separation distance (minimum)

To the south of the site are the dwellings at 1 & 2 Fairway Drive. The proposed office would be single-storey in height and there would be a separation distance of 13m to the nearest point of these dwellings. There would be a gable facing south towards these dwellings and this would be sited at a mid-point between the dwellings to reduce the impact. A full-length window would be provided in this gable facing south and this would be obscure glazed to protect privacy. The impact upon 1 & 2 in terms of loss of light, overbearing impact and privacy is considered to be acceptable.

To the south-west is the dwelling known as 51 Main Road and to the west is the dwelling known as The Courtlands. 51 Main Road is off-set with a separation distance of 12m, the relationship to this dwelling is considered to be acceptable. The Courtlands would have a separation distance of 19m at its nearest point and the relationship would also be acceptable.

To the north-east is the dwelling at 61A Main Road and 61 Main Road is located to the south-east. Both are off-set from the proposed development, and although the gable of unit 1 would be visible from the front elevation of No 61A it is not considered that there would be any harm caused due to the off-set positioning and low height of the development. There would be a separation distance of 5m between the nearest points of Block 1 and 61A Main Road (which has its main outlook to the north and south). No 61 Main Road is sufficiently off-set from the proposed development.

As a B1 use, the use is by definition appropriate in a residential area without detriment to residential amenity by reason of noise, vibration, and emissions.

Concerns have been raised in terms of noise and disturbance caused by the use of the vehicular access in close proximity to the adjoining residential dwellings. The use of the site would have similar vehicle movement numbers to the use of the site for 6 dwellings (refused application 16/4306C), but the movements would be limited to office hours and Monday-Friday. This issue was not raised as a reason for refusal or as an issue within the appeal decision for application 16/4306C and this issue is considered to be acceptable.

The proposed development would comply with Policy GR6 of the CLP.

## **Air Quality**

Policy SE12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality.

The impact upon air quality could be mitigated with the imposition of a condition to require the provision of electric vehicle charging points and low emission boilers.

### **Contaminated Land**

Conditions will be imposed to safeguard against contaminated land.

### **Trees and Hedgerows**

There is tree and hedgerow cover on and adjoining the site. This includes a tree which is subject to a TPO located on the northern boundary. The hedgerows to the northern and eastern boundaries of the site are classed as important hedgerows as identified within plan 6.6.4 of the GNP.

The submitted plans show tree symbols but there is no tree survey or arboricultural impact assessment. There is no site survey/ topographic survey. In this respect the submission does not accord with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations. Without this information the full arboricultural implications are not apparent. Based on the information provided it is not possible to determine whether the proposed development could be provided whilst retaining the trees and hedgerows to the site boundaries.

On this basis there is insufficient information contained within this application. The proposed development would not comply with Policy SE 5 of the CELPS and VDLC3 of the GNP.

### **Design**

The importance of securing high quality design is specified within the NPPF and paragraph 124 states that:

*'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings. There are also further references to design within policies; SD1 and SD2 of the CELPS, EB2 of the GNP and the Goostrey Village Design Statement.

The application proposes two office blocks which would be of a single storey nature. Each building would include two pitched roof elements which would be linked via a central flat roofed section. The detailed design is modern with full height glazing. Building 1 would be finished in timber with zinc cladding, building 2 would be finished in brick and stone.

There is no consistent vernacular surrounding the site and the appearance although modern is considered to be representative of simple agricultural buildings which are found in the area. It is accepted that the Goostrey Village Design Guide states that 'flat roofs should be discouraged as

these are not characteristic of the village', however the flat roofed elements are a subordinate element of the design and would not appear duly prominent.

It is considered that the development complies with Policies; SE1, SD1 and SD2 of the CELPS, and EB2 of the GNP and the NPPF.

## **Ecology**

### Breeding Birds

If planning consent is granted conditions could be imposed to safeguard breeding birds as part of this development.

### Hedgerow

Hedgerows are a priority habitat and hence a material consideration. If planning consent is granted a landscape condition be attached that includes the retention and enhancement of existing hedgerow where possible, and compensatory native species planting to compensate for any sections of hedgerow unavoidable loss.

### Wildlife sensitive lighting

In accordance with the BCT Guidance Note 08/18 (*Bats and Artificial Lighting in the UK*), prior to the commencement of development details of the proposed lighting scheme should be submitted to and approved in writing by the Local Planning Authority.

The scheme should consider both illuminance (lux) and luminance (candelas/m<sup>2</sup>). It should include dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) aiming for a maximum of 1lux light spill on those features.

### Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. A condition could be imposed to secure biodiversity improvements for the site.

## **Flood Risk and Drainage**

Policy SE13 of the CELPS states that all development must integrate measures for sustainable water management to reduce flood risk, avoid adverse impact on water quality and quantity within the borough.

The site currently sits within Flood Zone 1. The drainage details can be secured through the imposition of a condition to ensure that the development would comply with Policy SE13.

## **Land Levels**

Finished floor levels of the proposed dwellings could be controlled through the imposition of a planning condition.

## **CONCLUSION**

The site lies outside the settlement boundary for Goostrey and the principle of office development does not comply with Policies PG6, EG1 and EG2 of the CELPS. The development would result in the loss of open countryside.

In this case Jodrell Bank have confirmed that they oppose this development. The development would impair the efficiency of the Jodrell Bank Radio Telescope (World Heritage Site) and would be contrary to Policy PS10 of the CLP, Policy SE14 of the CELPS and Policies SC2 and HOU1 of the Goostrey Parish Neighbourhood Plan.

The site is sustainably located and is in easy walking distance to the centre of Goostrey and public transport and services and facilities within the village. The development complies with Policies SD1 and SD2 of the CELPS.

The development is considered to be acceptable in terms of its impact upon the residential amenities of the dwellings surrounding the site. There is no conflict with Policies GR6 and GR7 of the CBLP.

The development could provide a safe and suitable access and sufficient parking provision. The development complies with policies CO1 and CO2 of the CELPS, GR14-GR17 of the CLP and EB2 of the GNP.

There would be no significant impacts in terms of flood risk drainage. As such the development complies with SE13 of the CELPS.

The ecological impact of the development are acceptable subject to the imposition of conditions. The proposed development complies with Policy SE3 of the CELPS and OCEH1 of the GNP.

There are trees/hedgerows on and surrounding the site. There is insufficient information contained relating to this issue and the development would not comply with Policy SE 5 of the CELPS and VDLC3 of the GNP.

The development is considered to be an acceptable design and complies with Policies; SE1, SD1 and SD2 of the CELPS, and EB2 of the GNP and the NPPF.

The harm in terms of JBO, the loss of open countryside and the lack of information in terms of trees/hedgerows outweighs the benefits and the application is recommended for refusal.

## **RECOMMENDATIONS**

**REFUSE** for the following reasons;

**1. The proposed development is for a new office development that would impair the efficiency of the Jodrell Bank Radio Telescopes which is a World Heritage Site. The proposal is therefore considered to be contrary to Policy PS10 of the Congleton Borough Local Plan First**

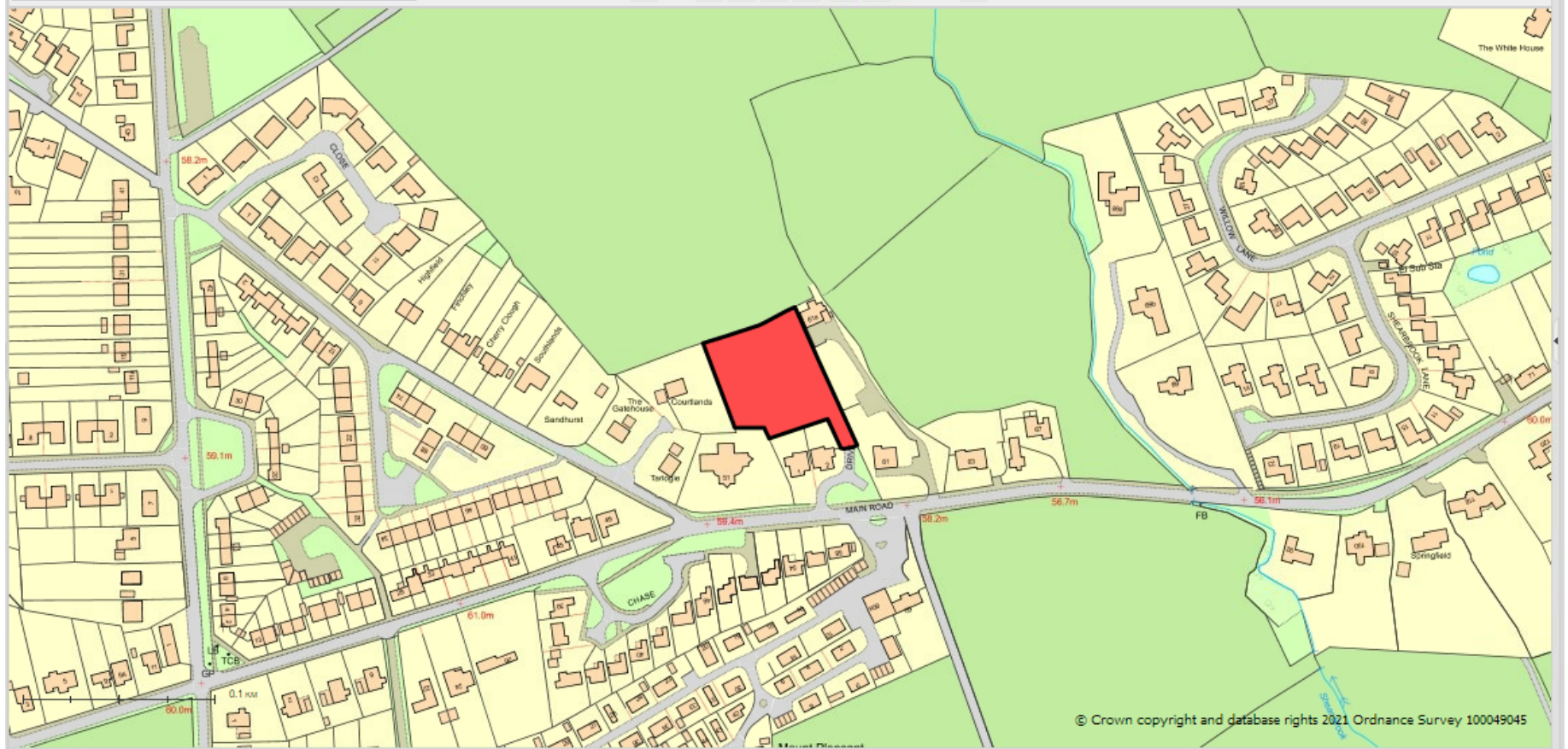
**Review 2005, Policy SE14 of the CELPS and Policies SC2 and EB2 of the Goostrey Parish Neighbourhood Plan.**

**2. The proposed development is not an appropriate form of development in the open countryside as per Policy PG6 nor does not fall within any of the exceptions listed in this policy and thus constitutes an unwarranted form of development in the open countryside. This would result in an urban encroachment into the open countryside which would harm the character and appearance of the area. The proposal is contrary to Policies PG6 (Open Countryside), EG1 (Economic Prosperity) and EG2 (Rural Economy) of the Cheshire East Local Plan Strategy and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development.**

**3. There is tree/hedgerow cover on and adjoining the site (including a tree protected by a Tree Preservation Order). The application does not include an arboricultural impact assessment/ topographic survey. In this respect the submission does not accord with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations. Based on the information provided it is not possible to determine whether the proposed development could be accommodated on site whilst retaining the trees and hedgerows. There is insufficient information contained within this application and proposed development would not comply with Policy SE 5 of the CELPS and VDLC3 of the GNP.**

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





Zoom to scale   Go Mouse Coordinates (EPSG:27700): 376606.149, 370219.743 | Zoom: 7 Current scale: 1:2500 | Basemap Projection: EPSG:27700 | Map Center (EPSG:27700): 376688.349,