

# **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 27th May, 2009 at Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

## **PRESENT**

Councillor H Gaddum (Chairman)  
Councillor Rachel Bailey (Vice-Chairman)

Councillors A Arnold, P Edwards, J Hammond, M Hollins, D Hough, J Macrae,  
B Moran, C Thorley, G M Walton, Wilkinson and J Wray

## **OFFICERS PRESENT:**

John Knight, Interim Head of Planning and Policy; Rachel Goddard, Senior Solicitor;  
Philippa Lowe, Development Manager; Ben Haywood, Principal Planning Officer;  
Debbie Kirk, Senior Investigation and Development Contributions; Rachel Graves,  
Democratic Services Officer

## **38 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors D Brown and S Wilkinson.

## **39 DECLARATIONS OF INTEREST**

Councillor Rachel Bailey declared a personal interest in respect of application  
09/0259/FUL as had spoken to the applicant in a telephone conversation. In  
accordance with the code of conduct she remained in the meeting during  
consideration of the item.

Councillor Rachel Bailey declared a prejudicial interest in application  
7/2009/CCC/4 as her sister was the Chair of Governors at Brine Leas High  
School and she had previously been a governor at the school. In accordance  
with the code of conduct, she withdrew from the meeting during consideration of  
the item.

## **40 MINUTES OF THE PREVIOUS MEETING**

That the minutes of the meeting held on 6 May 2009 be approved as a correct  
record and signed by the Chairman.

## **41 PUBLIC SPEAKING**

A total period of 5 minutes was allocated for the planning application for Ward  
Councillors who were not Members of the Strategic Planning Board.

A period of 3 minutes was allocated for the planning application for the following individual/groups:

- Members who were not Members of the Strategic Planning Board and were not the Ward Member
- The relevant Town/Parish Council
- Local Representative Group/Civic Society
- Objectors
- Applicants/Supporters

RESOLVED:

That the procedure for public speaking be noted.

**42 09/0259/FUL - RETENTION OF HARDCORE AREA FOR THE STORAGE OF WASTE DISPOSAL SKIPS AS AN EXTENSION TO THE EXISTING SKIP HIRE BUSINESS AT BETCHTON COTTAGE FARM, CAPPERS LANE, BETCHTON.**

Note: Councillors Rhoda Bailey and Andrew Barratt (Ward Councillors), and Mr Tom Gardiner (Applicant) attended the meeting and spoke in respect of the application.

The Board considered a report regarding the above application, which had been referred from the Southern Planning Committee.

RESOLVED:

That the application be REFUSED for the following reasons:

the development has a detrimental effect on the character and appearance of the surrounding open countryside contrary to policies DP1, DP4, DP7, RDF2 AND W3 of the North West Regional Spatial Strategy, policies GR1, GR2, GR5 AND E5 of the Congleton Borough Local Plan First Review and it involves the loss of Grade 2 Agricultural Land contrary to national planning policy guidance set out at paragraph 28 of PPS7.

**43 7/2009/CCC/4 - NEW POST 16 CENTRE INCORPORATING 3 STOREY L-SHAPED BUILDING WITH EXTERNAL SOCIAL SPACE AND GENERAL IMPROVEMENTS TO THE SITE INCLUDING PARKING AND FLOODLIGHTING TO TENNIS COURTS, BRINE LEAS HIGH SCHOOL, AUDLEM ROAD, NANTWICH**

Note: Councillor Arthur Moran (Ward Councillor) and Mr Andrew Cliffe, (Headteacher at Brine Leas High School) attended the meeting and spoke in respect of the application.

The Board considered a report on the above application.

Great Crested Newts were European Protected Species and no work could commence on the site until a Licence under the Habitat Directive had been granted granted by Natural England.

The recommendation for approval had been made mindful of the tests required for a licence to be granted including whether the development was considered to be of sufficient importance in the public interest. The nature of the development and the proposed mitigation were considered to be sufficient to satisfy the relevant tests in the Habitat Regulations,

RESOLVED:

That the application be APPROVED subject to the following conditions:

- 1. Standard Time**
- 2. In accordance with approved drawings**
- 3. Samples /detail of materials on external elevations**
- 4. Revised Landscaping Scheme and aftercare plan**
- 5. Implementation and maintenance of landscaping**
- 6. Highways Construction Management Plan**
- 7. Provision of floodlighting and view after one month**
- 8. Hours of use of floodlighting**
- 9. Update, submission and implementation of school travel plan**
- 10. To comply with Amphibian Mitigation Strategy**
- 11. Require further details of tree protection measures**
- 12. Provision of bird / bat boxes**
- 13. Provision of car parking – surfaced and marked out**
- 14. Details of secure and covered cycle parking**
- 15. Details of motorcycle parking**
- 16. Provision of tennis court / MUGA facility before development is first occupied**
- 17. Drainage works to be implemented**
- 18. Off-site highways improvements to be implemented through the school travel plan**
- 19. Details of rebound fencing to tennis court / MUGA facility**
- 20. Details of fencing to eastern boundary**
- 21. Scheme for improvement of playing field drainage**
- 22. Wheel Washing**
- 23. Hours of Construction**
- 24. Details of piling**
- 25. Continuity of parking provision on site**
- 26. Provision of Waste Management Facility**

#### **44 VARIATION OF S106 AGREEMENT – HENBURY HIGH SCHOOL, MACCLESFIELD REDEVELOPMENT BY WIMPEY HOMES**

The Board considered a report which outlined the request of the developer of the former Henbury High School site to vary the phasing the delivery of various requirements attached to the Section 106 Agreement attached to that development, which had commenced.

The Developer was finding the current economic climate very challenging and in order to be able to continue with the development in a viable manner they were unable to outlay the level of expenditure currently required by the S106 in

advance of the commencement/occupation of the residential units. The only way that the development could proceed was subject to committed sales, with this the Developer could not progress the site. The Developer was still committed to the delivery of the development but was seeking to allow for greater flexibility in the phasing of the provision of commuted sum payments for highways work and the phasing of replacement playing pitches and the enhanced pavilion building and play equipment.

RESOLVED:

That delegated authority be granted to the Head of Planning and Policy to negotiate upon and secure amendments to the wording of the S106 Agreement to allow alterations to the phasing of delivery of monies required prior to commencement of development for highways contributions and other items such as the provision of playing pitches and sporting facilities, to be carried out in consultation with the Chairman of the Strategic Planning Board and Ward Councillors.

#### **45 LIST OF BUILDINGS OF LOCAL INTEREST**

Consideration was given to a report on the procedures for adding to and reviewing the List of Buildings of Local Interest in Cheshire East.

All three former Borough Councils either maintained or were in the process of compiling a Local List. However, there were variations in the practices for inclusion of buildings on the list between the former authorities and a new procedure was therefore necessary in order to promote a consistent and transparent approach.

Until the new Cheshire East wide Local Listing Criteria was adopted as part of the forthcoming SPD, it was proposed that the existing criteria – set out in Appendices A and B, be applied and where an immediate addition to the Local List was considered to be important, a report would be presented to the Strategic Planning Board for consideration.

RESOLVED:

That the existing criteria for Local Listing, as set out in Appendices A and B to the report, be adopted.

#### **46 REGENTS COLLEGE, NANTWICH**

Note: Councillor Arthur Moran (Ward Councillor) attended the meeting and spoke in respect of the application.

The Board considered a report on Regents College, Nantwich which outlined the reasons why it should be included on the List of Buildings of Local Interest.

Regents Theological College and the attached Grove House and Chapel was currently occupied by the Elim Bible College, who were due to vacate the site at the end of May 2009 and the site had been placed on the market with a view to redevelopment.

Whilst English Heritage had decided not to include the buildings on the national register, it had concluded that the principal buildings of the Theological College, including the administrative block, Chapel and Grove House were of local interest.

The buildings had been assessed under the former Crewe and Nantwich Borough Council's criteria for the Local List and had been found to met the criteria for authenticity, architectural significance and historical importance as the College was a substantial three storey building in the Arts and Crafts style built in 1899, attached to which was a chapel dated 1924 in the same materials and overall style. To the rear was a three storey Georgian building known as Grove House which was the original building on the site. The building displayed evidence of a period of local social significance recorded in a plaque to former pupils who fell in the First World War and the Chapel contained stained glass windows which showed agricultural scenes representing a return to the land and a 'wholesome' way of life after the horrors of war and the creation of a 'land fit for heroes'.

Their inclusion on the local list would enable their demolition to be resisted in any future development proposals, to potentially enable them to be converted to an appropriate alternative use incorporating only minimal changes to their original fabric and limiting any proposals for alterations to areas where changes had already taken place.

RESOLVED:

That the Theological College, Chapel and Grove House be added to the list of Buildings of Local Interest and the owners be notified of their inclusion and sent details of what this means and the buildings selected will be registered as a land charge.

#### **47 PLANNING OBLIGATIONS – ADMINISTRATIVE AND PROCEDURAL ISSUES AND OPTIONS**

The Board considered a report which outlined a number of issues and options relating to the harmonisation of the procedural and administrative arrangements for planning obligations negotiated under section 106 of the Town and County Planning Act 1990 (as amended).

In working towards harmonising the procedural and administrative agreements for planning obligations and their incorporation into a Planning Obligations Protocol, a number for key issues that needed to be resolved had been identified. These were:

- whether commuted sums should be indexed to maintain the value of the commuted sum
- whether an interest charge should be applied for the late payment of commuted sums
- whether standard templates for legal agreements and unilateral undertakings should be prepared and published on the Council's website
- whether a monitoring fee should be applied to enable effective compliance monitoring, reporting and publication of information relating to planning obligations and the benefits secured

Whilst there was some element of consistency between the former constituent Council's in their practices relating to indexing and late payment interest, the only Council which published standard templates and applied a monitoring charge had been Macclesfield Borough Council.

Members considered the options outlined in the report before coming to a decision for each of the issues outlined above.

RESOLVED: That

- (1) Legal agreements and Unilateral Undertakings will contain provision for indexing of commuted sums using appropriate indices
- (2) Legal agreements and Unilateral Undertakings will contain provision for the application of late payment interest at an appropriate percentage above the Bank of England's Bank Rate or the base rate of the Co-operative Bank (the Council's bank)
- (3) standard templates for Legal agreements and Unilateral Undertakings will be prepared and published on the Council's website
- (4) the introduction of a monitoring charge is supported in principle, although a detailed report setting out how such a charge could be formulated and introduced should be prepared and submitted to the Board for consideration.

## **48 APPEAL SUMMARIES**

Consideration was given to the report as submitted.

Members' attention was drawn to the Inspector's decision to allow the appeal against the decision to refuse the demolition of existing buildings and erection of up to 130 dwellings, provision of public open space, highways improvements and associated works at the former Bath Vale Works, Brookhouse Lane, Congleton. The Board was concerned that this would set a precedent for future applications and asked that officers advise on the implications of the decision and investigate whether the decision should be challenged.

RESOLVED:

That the Planning Appeals be noted and officers advise on the implications of the Inspector's decision and whether it should be challenged.

The meeting commenced at 2.00 pm and concluded at 4.10 pm

Councillor H Gaddum (Chairman)

