

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 13th March, 2013 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor H Davenport (Chairman)
Councillor D Hough (Vice-Chairman)

Councillors D Brown, J Hammond, P Hoyland, J Jackson, P Mason,
B Murphy, G M Walton, S Wilkinson and J Wray

OFFICERS IN ATTENDANCE

Mrs P Cunio (Principal Planning Officer), Miss S Bishop (Planning Assistant),
Ms S Dillon (Senior Lawyer), Mr D Evans (Principal Planning Officer), Mr B
Haywood (Principal Planning Officer), Mr A Fisher (Strategic Planning and
Highways Manager), Mr S Irvine (Development Management and Building
Control Manager), Mr N Jones (Principal Development Officer) and Mr R Law
(Principal Planning Officer)

153 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs R Bailey, P
Edwards and C Thorley.

154 **DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interests of openness all Members declared that they had received
correspondence in relation to a number of applications on the agenda.

In the interest of openness in relation to application 12/4872C Councillor J
Hammond declared that he was a member of the Cheshire Wildlife Trust
who had been consulted on the application.

In the interest of openness, in relation to applications 12/4872C and
12/4150C, Councillor D Hough declared that he was a Member of Alsager
Town Council, however he had not been involved in discussions on any of
the applications. In respect of application 12/4872C he also declared in
the interests of openness that his grandchild was friends with the
grandchild of one of the speakers objecting to the application.

155 **MINUTES OF THE PREVIOUS MEETINGS**

RESOLVED

That the minutes of the previous two meetings held on 8 February 2013 and 20 February 2013 be approved as a correct record.

156 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

(During consideration of the following application, Councillor D Brown arrived to the meeting, however he did not take part in the debate or vote on the application).

157 **13/0012C-THE ERECTION OF UP TO 160 DWELLINGS, INCLUDING LANDSCAPING, ACCESS AND ASSOCIATED INFRASTRUCTURE AND THE DEMOLITION OF 130 CONGLETON ROAD, LAND NORTH OF CONGLETON ROAD, SANDBACH, CHESHIRE FOR TAYLOR WIMPEY UK LIMITED AND SEDDON HOMES**

Consideration was given to the above application.

(Councillor B Moran, the Ward Councillor, Councillor Mrs G Merry, the adjacent Ward Councillor, Town Councillor B Scragg, Stephen Pugh, an objector and Caroline Simpson, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the update to Board, the application be refused for the following reasons:-

The proposed residential development is unsustainable because it is located within the Open Countryside, and would result in a loss of Grade 2 and 3a Agricultural Land contrary to Policy PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework and would create harm to interest of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

Should this application be the subject of appeal, authority be delegated to the Development Management and Building Control Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with S106 Town and Country

Planning Act to secure the Heads of Terms for a S106 Agreement as detailed above.

158 **12/4872C-PROPOSED RESIDENTIAL DEVELOPMENT FOR UP TO 155 RESIDENTIAL UNITS WITH ASSOCIATED INFRASTRUCTURE AND ACCESS WITH ALL OTHER MATTERS RESERVED, LAND OFF SANDBACH ROAD NORTH, ALSAGER, STOKE-ON-TRENT FOR MR JAMES GLOVER, GLADMAN DEVELOPMENTS LTD**

Consideration was given to the above application.

(Councillor R Fletcher, the Ward Councillor, Town Councillor Mrs S Jones, representing Alsager Town Council, Honorary Alderman Derek Bould, President of Alsager Residents Action Group and Adrian Girvin, an objector attended the meeting and spoke in respect of the application).

RESOLVED

For the reasons set out in the report and in the update to Board, the application be refused for the following reasons:-

1. The proposed residential development is unsustainable because it is located within the Open Countryside partly on Grade 2 Agricultural Land, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework and would create harm to the interest of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.
2. The proposed development does not provide any mitigation for the junction of Sandbach Road North/Crewe Road which would operate in excess of capacity as a result of the proposed development and the Transport Assessment does not include an assessment of the impact of the Twyfords development which has a resolution to approve subject to the completion of a S106 Agreement. Furthermore there has been no assessment of the interaction between the junctions of Chancery Lane/Hassall Road and Hassall Road/Crewe Road. The development would result in increased congestion at these junctions and as a result the transport impact of the development would be severe and the development is not considered to be sustainable development. The proposal is contrary to the NPPF and Policies GR9 (Accessibility, Servicing and Parking Provision) and GR18 (Traffic Generation) of the Congleton Borough

Local Plan First Review (2005) which seek to maximise sustainable transport solutions.

3. Insufficient survey information has been submitted in relation to a number of protected species (Great Crested Newts, Bats and Reptiles) and as a result it is not possible to determine the potential impact upon these species which are known to be present in the area. Without this information to give details of the impact and any necessary mitigation, the proposed development does not conserve and enhance biodiversity. Therefore the proposal would not be sustainable and would be contrary to the NPPF and Policy NR4 (Non-statutory sites) of the Congleton Borough Local Plan First Review (2005).
4. Part of the application site has a history of landfill use and as a result the land has the potential to be contaminated and there may be ground gas being generated on this site. No Phase II Site Investigation or Gas Risk Assessment has been submitted with the application and as a result it is not possible to determine whether there will be an adverse effect from pollution on the health of the future occupiers of the proposed development. The development is therefore contrary to Paragraph 120 of the NPPF and Policies GR6 and GR7 of the Congleton Borough Local Plan First Review (2005).
5. Insufficient information has been submitted with the application to determine if the proposal would involve the removal of an "important" hedgerow as defined in the Hedgerow Regulations 1997. Policy NR3 of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development. Therefore contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review and guidance contained within the NPPF.
6. The proposed development would result in a harmful encroachment into the open countryside. The development would adversely impact upon the landscape character and does not respect or enhance the landscape when viewed from the local footpath network and the Salt Line Way. Therefore the proposed development is contrary to Policies GR1 and GR5 of the adopted Congleton Borough Local Plan First Review and guidance contained within the NPPF.

In addition it was requested that an informative be added on to include the following wording:-

The view of the Strategic Planning Board on 13th March 2013 is that any revised application or appeal shall be supported by a Road Safety Audit of

Sandbach Road North to the north of the proposed access point. This is to ensure that the route would be safe for all road users.

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

Should this application be the subject of an appeal, authority be delegated to the Development Management and Building Control Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement as detailed in the update report.

159 **PROPOSED ALTERATION TO THE MINUTES FOR APPLICATION 12/2584C-LAND OFF WARMINGHAM LANE, MIDDLEWICH**

Consideration was given to the above report.

(Simon Artiss, the agent for the applicant attended the meeting and spoke in respect of the report).

RESOLVED

That for the reasons set out in the report that an amendment to condition 16 of the resolution be approved as follows:-

Ten year management plan for the GCN ponds.

(The meeting was adjourned for lunch from 1pm until 1.40pm)

(Councillor G Walton left the meeting prior to consideration of the following item and did not return).

160 **12/4150C-ERECTION OF UP TO 150 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE (OUTLINE), LAND SOUTH OF HALL DRIVE, ALSAGER FOR RENEW LAND DEVELOPMENTS LTD**

Consideration was given to the above application.

(Councillor R Fletcher, the Ward Councillor, Emma Nawoor, representing Hall Drive Action Group, Peter Bower, an objector and Rawdon Gascoigne, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the update to Board the application be refused for the following reason:-

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework and would create harm to the interest of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

In addition it was requested that an informative be added on to include the following wording:-

In the event that an Appeal is lodged against the refusal grant authority to the Development Management and Building Control Manager to enter into a Section 106 agreement to secure:

- 33 affordable units broken down to 21 affordable / social rented units and 12 intermediate tenure.
- Transfer of any rented affordable units to a Registered Provider
- Affordable homes to be let or sold to people who are in housing need and have a local connection. (The local connection criteria used in the agreement to match the Councils allocations policy.)
- Provision of either
 - A contribution of £ 32,965.20 to upgrade the Swallow Drive Play Area and a further £ 107,460.00 to maintain it or;
 - Acquisition and upgrading of the Swallow Drive play area by the developer and its subsequent maintenance by the private residents management company or;
 - A new play area elsewhere on site.

The chosen option to be agreed by the Council prior to submission of first reserved matters

- The final layout and choice of play equipment be agreed with CEC, the construction should be to the Council's satisfaction.
- Provision for a private residents management company to maintain the on-site amenity space / play area and all incidental areas of open space not within the adopted public highway or domestic curtilages
- Detailed management plan for the above Open Space be submitted and approved.

- Highways contribution of 200k in mitigation at Hassall Road/ Crewe Road junction and the signal junction in the town centre at Sandbach Road / Crewe Road.
- Contribution of £206,080 towards education.
- Delegated Powers be granted to the Development and Building Control Manager in consultation with the Chairman of the Strategic Board to agree any necessary contributions towards level crossing improvements (following negotiations with Network Rail and the Applicant.)

(The meeting was adjourned for a short break).

161 **12/3016C-OUTLINE APPLICATION FOR NEW RESIDENTIAL DEVELOPMENT AND ACCESS ROADS FOR UP TO 31 RESIDENTIAL UNITS, RECTORY FARM, OLD KNUTSFORD ROAD, CHURCH LAWTON FOR NORTHWEST HERITAGE C/O**

Consideration was given to the above application.

(Councillor Mrs Rhoda Bailey, the Ward Councillor, Parish Councillor Barbara Adams, representing Church Lawton Parish Council, Carl Copestake, representing Rectory Farm Action Group, Ray Yates, an objector, Mr Ian Pleasant, the agent for the applicant and Mr Frank Byatt, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reason:-

The proposal is an inappropriate form of development within the Green Belt, as defined by the Development Plan. The development is therefore contrary to policies PS7 of the Congleton Borough Local Plan First Review and would cause harm to the openness of the Green Belt. The proposed development by reason of inappropriateness would be contrary to nationally established policy as set out in the NPPF and as a result, would cause harm to the objectives of this guidance. There are no very special circumstances to outweigh this harm.

In addition it was requested that an informative be added on to include the following wording:-

The applicant is advised that Members expressed concern regarding the sustainability of the site and the suitability of the pedestrian links to amenities in the settlement of Rode Heath. In the event that an appeal is lodged or the application is resubmitted, Members would expect these issues to be addressed.

(This decision was contrary to the Officers recommendation of approval).

162 **12/3869W-VARIATION OF CONDITIONS 5 (B), 5 (C) (RELATING TO HOURS OF WORKING) AND 6 (RELATING TO TRAFFIC MOVEMENTS) OF APPROVAL 5/06/1782P FOR THE ERECTION OF PLANT, MACHINERY AND UTILISATION OF THE FORMER GARAGE AND LORRY PARKING FACILITIES FOR BAGGING AND STORING DRIED READY MIXED CONCRETE, MORTAR AND TURF DRESSING PRODUCTS, EATON HALL QUARRY, MANCHESTER ROAD, CONGLETON FOR TARMAC BUILDING PRODUCTS LTD**

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report and in the update to Board, the application be approved subject to entering into a Unilateral Undertaking in which 7 days written notice is given of the implementation of this varied consent, confirming from the date that they will be undertaking operations under the new permission and its conditions, and will not revert to/undertake operations under the existing permission 5/06/1782P and subject to the following conditions:-

1) The development hereby approved shall begin no later than three years beginning with the date of this permission.

2) The development hereby approved shall be carried out in accordance with the following documents, except where these may be modified by the conditions below;

Planning Application form dated 8 October 2012
Supporting Statement/Letter from applicant dated 8 October 2012
Amec Noise Assessment dated 8 October 2012
Location Plan 8 October 2012
Site Plan dated 18 October 2012

3) At least seven days prior written notice of the commencement of development shall be given to the Local Planning Authority

4) From the commencement of development to its completion, a copy of the permission, including all documents hereby approved and any other documents subsequently approved, in accordance with the permission, shall always be available at the site office for inspection during normal working hours

5) The operation of the development hereby approved shall be restricted to the following periods;

a) for vehicle movements unloading and loading – at all times between 04.00 Monday to 18.00 Saturday.

- b) For sand processing and drying – 06.00 to 18.00 Monday to Saturday (all year)
- c) For maintenance 07.00 to 19.00 Monday to Saturday (all year)

6) The permitted vehicles movements related to this development shall not exceed a maximum of 42 (21 in, 21 out) Heavy Goods Vehicles movements on any working day is averaged out over the calendar month. Of these, a permitted daily maximum of 14 (7 in, 7 out) Heavy Goods Vehicles carrying imported materials.

7) A record shall be kept by the operator of the number of Heavy Good Vehicles which enter and leave the site on any working day, week and calendar month, and of their loads, and a copy of these vehicle numbers and load details shall be submitted to the Mineral Planning Authority at three monthly intervals during the operational life of the site.

8) The close board fence approved under application 5/06/1782p (submitted on drawings 15811-S03b & 15811-S04) shall be retained throughout the duration of the operations.

9) The approved noise monitoring scheme under application 5/06/1782p for the monitoring of the approved bagging facility shall remain implemented.

10) The best practicable means shall be used to minimise noise levels from all plant, machinery and vehicles. All plant machinery and vehicles shall be maintained in efficient order in accordance with the manufacturers instructions

11) The dust control measures approved under application 5/06/1782p shall be retained.

12) Following the completion of development the site shall be restored in accordance with the approved documents;

- a) The schedule of workings and restoration activities attached to letter dated 20 April 2004 from Tarmac
- b) Figure 13b – restoration and masterplan
- c) Part 2 of the proposed development details, as listed in condition 3 of planning permission 5/APP/2004/0012, specifically relating to restoration and aftercare details referred to in condition 57 of planning permission 5/APP/2004/0012.

13) The restoration of the site shall be completed within the time period specified in condition 58 of planning permission 5/APP/2004/0012 (13 January 2027) and all plant, machinery and buildings shall be removed from the site within 12 months of cessation of mineral extraction.

14) Any facilities for the storage of oil, fuels or chemicals shall be sited on impervious bases and surrounded by impervious walls. The volume of a bunded compound should be at least 110%.

15) The approved mitigation measures for protected species within the approved document "Protection, Mitigation and Contingency Plans for Protected Species Around Dry Pack Proposal Area" dated June 2006 and the email from Halletc Associated dated 25 August 2006 with accompanying plan EHN1 as approved shall remain implemented on site. The mitigation measures shall be retained for the duration of the development hereby approved

16) Background adjusting reversing beepers or the use of broadband or 'white noise' reversing beepers shall not be used during the night time hours on mobile plant which manoeuvres around the Eaton Hall plant.

17) An acoustic booth will be erected around the dust extraction unit within the dry pack plant.

163 **LOCAL PLAN ANNUAL MONITORING REPORT 2011/12**

Consideration was given to the above report.

RESOLVED

That the Annual Monitoring report be noted.

The meeting commenced at 10.30 am and concluded at 4.58 pm

Councillor H Davenport (Chairman)