

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 22nd May, 2013 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor D Hough (Chairman)

Councillors Rachel Bailey, D Brown, P Edwards, J Hammond, J Jackson,
B Murphy, G M Walton, S Wilkinson and J Wray

OFFICERS IN ATTENDANCE

Mr N Curtis (Principal Development Officer), Ms S Dillon (Senior Lawyer), Mr
D Evans (Principal Planning Officer), Mr T Evans (Planning Officer), Mr S
Irvine (Development Management and Building Control Officer), Ms S Orrell
(Principal Planning Officer) and Mr P Wakefield (Principal Planning Officer)

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H Davenport, P
Hoyland, P Mason and C Thorley.

Councillor Mrs R Bailey sent her apologies for the morning session of the
meeting.

2 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in relation to application 12/4146C, Councillor
D Hough declared that he knew the Morris family who were the applicants
and that he was a member of Alsager Town Council.

In the interest of openness in relation to agenda item 11 Brereton
Neighbourhood Area Application, Councillor J Wray declared that he had
an interest in Brereton as it fell within his Ward.

Councillor D Brown declared that he would take no part in item 11,
Brereton Neighbourhood Area Application, as he was the Portfolio Holder
responsible for approving the designation of Brereton Parish as a
Neighbourhood Area.

3 MINUTES OF THE PREVIOUS TWO MEETINGS

RESOLVED

That the minutes of the meeting held on 24 April 2013 be approved as a
correct record and signed by the Chairman.

That the minutes of the meeting held on 1 May 2013 be approved as a correct record and signed by the Chairman subject to Minute No. 188 'Declarations of Interest/Pre Determination being amended to state that Councillor D Brickhill was a member of Hough and Chorlton Parish Council and subject to the declaration made by Councillor J Hammond being amended as follows:-

'In the interest of openness, Councillor J Hammond declared that he was a member of Haslington Parish Council. Some of the sites being put forward for consultation were within or adjacent to the Parish but he had not been involved in any discussions relating to those sites'.

4 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

5 12/4146C-OUTLINE APPLICATION FOR THE ERECTION OF UP TO 95 DWELLINGS AND FORMATION OF ACCESS POINT INTO SITE TO SERVE THE DEVELOPMENT, LAND OFF DUNNOCKSFOLD ROAD, ALSAGER, CHESHIRE FOR THE MORRIS FAMILY & P.E. JONES CTRS

Consideration was given to the above application.

(Councillor R Fletcher, the Ward Councillor, Honorary Alderman Derek Bould, representing Alsager Residents Action Group (ARAG) and Christine Peake, an objector attended the meeting and spoke in respect of the application).

RESOLVED

(A) That the application be refused for the following reasons:-

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 which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests 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, consequently the application is premature to the emerging Development Strategy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. 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 the scheme is contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review and guidance contained within the NPPF.

(B) 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 Development Management and Building Control Manager 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.

(C) Should this application be the subject of an appeal, authority should 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.

(D) The Strategic Planning Board took account of local residents’ concerns regarding impact of traffic from the proposed development upon Close Lane and Crewe Road but did not refuse the application on Highways grounds. If an appeal is submitted, the Development Management & Building Control Manager will make the Planning Inspector aware of local residents’ representations regarding this issue.

6 12/3300N-ERECTION OF 57 DWELLINGS, LANDSCAPING INCLUDING THE CREATION OF A NEWT CORRIDOR, NEW ACCESS AND ASSOCIATED INFRASTRUCTURE, LAND NORTH OF, WESTON LANE, SHAVINGTON FOR DAVID WILSON HOMES (NORTH WEST)

Consideration was given to the above application.

(Councillor D Brickhill, the Ward Councillor, Parish Councillor Mrs G McIntyre, the Chairman of Shavington-cum-Gresty Parish Council, Penelope Housley, an objector and Andrew Taylor, representing the applicant attended the meeting and spoke in respect of the application)

RESOLVED

(A) That the application be refused for the following reasons:-

1. The proposal is located within the Open Countryside and Green Gap and would result in erosion of the physical gaps between built up areas. Given that there are other alternative sites which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policies NE2 and NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan, the National Planning Policy Framework and the emerging Development Strategy which seek to protect its intrinsic character and beauty. Moreover the proposal would result in a loss of Grade 2 agricultural land contrary to policy NE.12 of the Crewe and Nantwich Replacement Local Plan 2011 which seeks to protect the best and most versatile agricultural land as a long term national resource as advocated in the National Planning Policy Framework. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, consequently the application is premature to the emerging Development Strategy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.
2. The proposed development would result in the area becoming part of the urban part of Shavington, As such, it would no longer have an agricultural character and would no longer be able to maintain its designated function as a Green Gap. The proposed development will clearly erode the physical gaps between the built up areas and fundamentally change the existing agricultural landscape character into an urban character and so in landscape terms is contrary to policy NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan which seeks to maintain the definition and separation of existing communities and prevent Crewe and Shavington merging into one another.
3. The proposed development by virtue of its size and siting would result in the direct loss of existing trees which are the subject of the Crewe and Nantwich Borough Council (Weston Lane, Shavington) TPO 1979. The loss of these trees is considered to be unacceptable because of the impact upon the general amenity and character of the area in which the application site is located contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.
4. The proposed development by virtue of its size and siting would result in a threat to the continued well being of existing trees which are the subject of the Crewe and Nantwich Borough Council (Weston Lane, Shavington) TPO 1979. The loss of these trees is considered unacceptable because of the impact upon the general amenity and character of the area in which the application site is located contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan

2011 and the provisions of the National Planning Policy Framework which seeks to conserve and enhance biodiversity and the prevent loss or deterioration of irreplaceable habitats including trees.

5. The alterations to the gateway and drive, including changing the dimensions and character of the entrance and driveway, loss of important trees, the nature and quality of the new housing and relationship of the proposed housing to the Grade II Listed Shavington Hall and its grounds, when taken cumulatively, will lead to substantial harm to the setting of the heritage asset, with no demonstrable public benefit. The quality of the proposal is not sufficiently high in design terms and detracts from the character or setting of the building concerned, especially with regard to its surrounding gardens, landscape, street scene or relationship with adjoining buildings and significant views and fails to take the opportunities available for improving the character and quality of the area and the way in which it functions contrary to Policy BE.9 of the Crewe and Nantwich Replacement Local Plan 2011 and the provisions within the NPPF, rendering the development unsustainable.
6. The application fails to provide sufficient information to quantify and mitigate any impact on species protected under the Wildlife and Countryside Act 1981 and Habitat Regulations in accordance with Policies NE.5 (Nature Conservation and Habitats) and NE.9: Protected Species of the Crewe and Nantwich Replacement Local Plan 2011, Policy DP7 (Promote Environmental Quality) of the North West of England Plan Regional Spatial Strategy to 2021 and the provisions of the National Planning Policy Framework.

(B) The Strategic Planning Board took account of local residents' concerns regarding traffic impact of the proposed development but did not refuse the application on Highways grounds. If an appeal is submitted, the Development Management & Building Control Manager will make the Planning Inspector aware of local residents' representations regarding this issue.

7 13/0158M-EXTENSION OF TIME LIMIT ON PLANNING PERMISSION 09/3413M - OUTLINE APPLICATION FOR B1(BUSINESS) UNITS, RENEWAL OF APPLICATION 06/0278P, LAND TO WEST OF KILN CROFT LANE, HANDFORTH, WILMSLOW, CHESHIRE FOR TESCO STORES LTD

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report and in the oral update to Board, the application be approved subject to completion of a Section 106 Agreement comprising:-

- Contributions to offsite outdoor sport and recreation facilities
- Provision of public open space
- Submission of a site travel plan
- Financial contribution for off site highways improvements at Earl Road / Stanley Road junction

And subject to the following conditions:-

1. A01AP - Development in accord with approved plans
2. A01OP - Submission of reserved matters
3. A02OP - Submission of reserved matters
4. A03OP - Time limit for submission of reserved matters
5. A04HP - Provision of cycle parking
6. A05HA - Pedestrian visibility at access (dimensions)
7. A05HP - Provision of shower, changing, locker and drying facilities
8. A06OP - Commencement of development
9. A07HA - No gates - new access
10. A09HP - Pedestrian visibility within car parks etc
11. A13HA - Construction of junction / highways
12. A21HA - Submission of details of turning facility
13. A30HA - Protection of highway from mud and debris
14. Access available for use before occupation
15. Maximum floor area of 9,500 sq m with upper limit of 80% B1a Use (offices)
16. No 3 storey development south of line parallel to to south elevation of M & S
17. No development shall exceed 12m and 3 storeys and no more than 30% of buildings on sites A and B shall be more than 2 storey
18. Reserved matters application to incorporate public right of way route, unless diverted/extinguished
19. Surface water regulation system
20. Additional landscaping to be provided on south and west boundaries of Site A
21. Habitat creation including mitigation if appropriate
22. Provision of measures to mitigate impact on badger set/habitat

- 23. Reserved matters to identify trees to be retained
- 24. Provision of signing/carriageway marking on Coppice Way/A34
- 25. Development to be carried out in accordance with FRA
- 26. 10% Renewable Energy
- 27. Protection of breeding birds
- 28. waste audit to be submitted

(The meeting adjourned for lunch at 12.40pm until 1.30pm).

8 FORTHCOMING APPEAL CONCERNING APPLICATION 12/3025C, LAND AT GOLDFINCH/ KESTREL CLOSE - MATERIAL CHANGES SINCE BOARD'S 'MINDED TO APPROVE' RESOLUTION ON 5 DECEMBER 2012 WHICH REQUIRE BOARD'S FURTHER CONSIDERATION DURING THE LIFE OF THE ONGOING APPEAL TO ENABLE OFFICER'S TO PUT FORWARD THE COUNCIL'S CURRENT POSITION TO THE FORTHCOMING PLANNING APPEAL

Consideration was given to the above report.

(Councillor D Topping the Ward Councillor, Town Councillor P Bates, representing Congleton Town Council, Andrew Pear, representing Link2Prosperity, Derek White, an objector and Bill Davidson, the Agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

(A) That for the reasons set out in the report the 'Minded to Approve' resolution of 5 December 2012 in respect of application 12/3025C be changed to one of being 'Minded to Refuse' and Officers be authorised to contest the Public Inquiry on the basis of the following:-

1. The proposal would be located within the Open Countryside, contrary to (i) Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005, which seek to ensure that only appropriate development in a rural area is allowed and (ii) the core principles of the NPPF which seek to protect the intrinsic character and beauty of the countryside. Moreover, the proposal would also result in a loss of Grade 3a Agricultural Land, contrary to Policy PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005, which seek to protect such land from inappropriate use and ensure an adequate supply of agricultural land.
2. The Local Planning Authority can demonstrate a five year land supply of housing, in accordance with the requirements of the NPPF. Consequently, the Development Plan is up to date and there

are no material circumstances to indicate that permission should be granted contrary to the Development Plan. As such the proposal is an unsustainable form of development, contrary to the 'golden thread' of the NPPF.

(B) 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 Section 106 Planning Agreement in respect of this site for the following:-

Amenity green space contribution for on site provision

Maintenance: £11,352.00

Children and Young Person Provision

Enhanced Provision £8,790.72

Maintenance: £28,656.00

Education contribution in lieu of primary provision of £65,078 (based on 40 units)

12 affordable units in total (or 30% of total), split as (65%) or 8 units for social or affordable rent and 35% or 4 for intermediate tenure

Contribution to the Congleton Public Realm Strategy-£30,000

- 9 **FORTHCOMING APPEAL CONCERNING APPLICATION 12/3028C, LAND AT THE MOORINGS, CONGLETON - MATERIAL CHANGES SINCE BOARD'S 'MINDED TO APPROVE' RESOLUTION ON 5 DECEMBER 2012 WHICH REQUIRE BOARD'S FURTHER CONSIDERATION DURING THE LIFE OF THE ONGOING APPEALS TO ENABLE OFFICER'S TO PUT FORWARD THE COUNCIL'S CURRENT POSITION TO THE FORTHCOMING PLANNING APPEAL**

Consideration was given to the above report.

(Bill Davidson, the Agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

(A) That for the reasons set out in the report the 'Minded to Approve' resolution of 5 December 2012 in respect of application 12/3028C be changed to one of being 'Minded to Refuse' and Officers be authorised to contest the forthcoming Public Inquiry on the basis of the following:-

1. The proposal would be located within the Open Countryside, contrary to (i) Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005, which seek to ensure that only appropriate development in a rural area is allowed and (ii) the

core principles of the NPPF which seek to protect the intrinsic character and beauty of the countryside. Moreover, the proposal would also result in a loss of Grade 3a Agricultural Land, contrary to Policy PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005, which seek to protect such land from inappropriate use and ensure an adequate supply of agricultural land.

2. The Local Planning Authority can demonstrate a five year land supply of housing, in accordance with the requirements of the NPPF. Consequently, the Development Plan is up to date and there are no material circumstances to indicate that permission should be granted contrary to the Development Plan. As such the proposal is an unsustainable form of development, contrary to the 'golden thread' of the NPPF.

(B) 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 Section 106 Planning Agreement for the following:-

Amenity green space contribution for on site provision

Maintenance: £11,352.00

Children and Young Person Provision

Enhanced Provision £8,790.72

Maintenance: £28,656.00

Education contribution in lieu of primary provision of £65,078 (base don 40 units)

12 affordable units in total (or 30% of total), split as (65%) or 8 units for social or affordable rent and 35% or 4 for intermediate tenure

Contribution to the Congleton Public Realm Strategy-£30,000

10 **ENFORCEMENT REVIEW PROGRESS**

Consideration was given to the above report.

RESOLVED

1. That the progress made by the Planning Enforcement Task & Finish Group be noted.

2. That the performance reporting measures outlined in paragraph 3.3 of the report, providing quarterly returns for the Strategic Planning Board and Northern and Southern Planning Committees be agreed.

(Prior to consideration of the following item, Councillor Mrs R Bailey arrived to the meeting).

11 BRERETON NEIGHBOURHOOD AREA APPLICATION

Consideration was given to the above report.

RESOLVED

That the item be deferred in order for a further report to be produced clarifying the implications of Neighbourhood Area Plans on the Council.

12 REPLACEMENT MEMBERS

Consideration was given to the above report.

RESOLVED

The item was deferred in order for a revised report to be produced which further clarified the concerns regarding the current position in relation to the use of Substitutes.

(The following two items were considered after Minute No.197).

13 EXCLUSION OF THE PRESS AND PUBLIC

Pursuant to Section 100B (2) of the Local Government Act 1972, the report relating to the remaining item on the agenda had been withheld from public circulation and deposit on the grounds that the matters may be determined with the public and press excluded.

It was moved and seconded, pursuant to Section 100A (4) of the Local Government Act 1972 that the public and press be excluded from the remaining item of the Board's business on the grounds that the item involved the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972, as amended, and that the public interest would not be served in publishing the information, and it was:-

RESOLVED

That the press and public be excluded from the remainder of the meeting for the reasons given.

14 UPDATE FOLLOWING THE REFUSAL OF PLANNING APPLICATION 12/3329C, LAND SOUTH OF OLD MILL ROAD, SANDBACH

Consideration was given to the above report.

(The Principal Planning Officer read out statements on behalf of the Ward Councillors, Mrs G Merry and B Moran).

On 5 December 2012 the Strategic Planning Board resolved to refuse planning application 12/3329C (out of centre retail development) for six reasons: retail impact & unsustainability, off-site highways impact, adverse impact upon Sandbach Wildlife Corridor, insufficient information regarding air quality, noise & odour, loss of open countryside, loss of best & most versatile agricultural land. In preparation for a forthcoming Planning Inquiry the appellant has submitted further reports regarding ecology, air quality, noise and odour which resolve the Council's objections.

RESOLVED

That the Local Planning Authority's objections to the proposed development on grounds of harm to Sandbach Wildlife Corridor (Refusal Reason 3) and to Amenity (Refusal Reason 4), contained in the refusal decision of 5 December 2012, be withdrawn.

The meeting commenced at 10.30 am and concluded at 4.00 pm

Councillor D Hough (Chairman)