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## CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 19th June, 2013 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

### **PRESENT**

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

Councillors P Edwards, J Hammond, P Hoyland, J Jackson, A Kolker  
(Substitute), D Marren (Substitute), B Murphy, D Newton (Substitute),  
G M Walton and J Wray

### **OFFICERS IN ATTENDANCE**

Ms P Cockroft (Senior Planning Officer), Ms S Dillon (Senior Lawyer), Mr D  
Evans (Principal Planning Officer), Mr T Evans (Planning Officer), Mr A Fisher  
(Corporate Manager Economic Intelligence and Spatial Planning), Mr B  
Haywood, (Principal Planning Officer), Mr N Jones (Principal Development  
Officer), Mr D Malcolm (Southern Area Manager) and Mr P Wakefield  
(Principal Planning Officer)

### **21 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs R Bailey, D  
Brown, P Mason, C Thorley and S Wilkinson.

### **22 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 13/1408N, Councillor  
D Hough declared that he knew the applicant.

In the interest of openness in respect of application 12/3746N, Councillor J  
Hammond declared that he was a member of the Cheshire Wildlife Trust  
who had been a consultee on the application, however he had not made  
any comments in respect of the application.

In respect of application 13/0580C, Councillor D Hough declared a non  
financial personal interest as he knew the applicant's family well. He left  
the room prior to consideration of the application and returned once a  
decision had been made.

In the interest of openness in respect of the same application, Councillor P  
Edwards declared that he was a member of Cranage Golf Club, however  
he had not taken part in any discussion on the proposals.

In respect of the same application, Councillor A Kolker declared that he  
had pre determined the application. He declared that he would exercise

his right to speak on the item as Ward Councillor and then would sit as a member of the public for consideration of the item.

In the interest of openness in respect of the same application, Councillor D Newton declared that he knew one of the applicants through association with him as a former Cheshire County Councillor a few years ago, however he had no contact with him since and had not discussed the item with the applicant or pre determined it.

In the interest of openness in respect of the same application, Councillor H Davenport declared that he was not related to one of the speakers who had the same surname as himself.

In the interest of openness in relation to application 13/1305N, Councillor J Hammond declared that he was a Member of Haslington Parish Council who had been consulted on the application, however he had not made any comments in respect of the application.

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

(Prior to consideration of the following item, Councillor B Murphy arrived to the meeting).

## **23 PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted. In addition, the Board agreed that a further speaker who had not registered within the deadline should be given the opportunity to speak.

## **24 12/4874C - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT, COMPRISING 50 HOMES, INCLUDING 15 AFFORDABLE HOMES TO INCLUDE AN AREA OF PUBLIC OPEN SPACE AND A CHILDREN'S PLAY AREA, LAND OFF HAWTHORNE DRIVE, SANDBACH FOR ADELE SNOOK, PERSIMMON HOMES NORTH WEST**

(During consideration of the application, Councillor D Marren arrived to the meeting. He did not take part in the debate or vote on the application. In the interest of openness, during consideration of the application, Councillor B Murphy declared that he knew the person speaking against the application by virtue of the fact that the objector had been a former Cheshire County Councillor).

Consideration was given to the above application.

(Councillor S Corcoran, the Ward Councillor, David Lloyd-Griffiths, an objector and Adele Snook, the agent for the applicant attended the meeting and spoke in respect of the application).

## RESOLVED

That for the reasons set out in the updated report, the application be approved subject to the completion of a Section 106 Agreement securing the following:-

- Education contributions of £97,617 (9 places) towards primary accommodation and £114,399 (7 places) towards secondary.
- The provision of a LEAP facility (comprising a minimum of 8 items of equipment) and agreement of management details for the maintenance of all amenity greenspace / public open space, public footpaths and greenways within the site, play areas, and other areas of incidental open space not forming private gardens or part of the adopted highway in perpetuity.
- Provision of 30% (15 units) affordable housing with 65% (10 units) to be provided as social/affordable rent and 35% (5 units) provided as intermediate tenure
- Phasing of affordable housing – Not to occupy any more than 18 open market dwellings until 50% of the affordable housing is provided and not occupy any more than 30 open market dwellings until they have provided 100% of the affordable housing.
- The payment of £12,000 for habitat creation/enhancement works in the locality, to offset loss of biodiversity

And subject to the following conditions:-

1. A01OP - Submission of reserved matters
2. A02OP - Implementation of reserved matters
3. A03OP - Time limit for submission of reserved matters
4. A06OP - Commencement of development
5. A01AP - Development in accord with approved plans
6. A22GR - Protection from noise during construction (hours of construction)
7. A23GR - Details of any required pile driving to be submitted
8. A19MC - Refuse storage facilities to be approved
9. A08OP - Ground levels to be submitted with reserved matters application
10. Reserved matters application to incorporate public right of way route
11. Scheme to limit surface water runoff to be submitted
12. Scheme to manage the risk of flooding to be submitted

13. Hedgerow retention and enhancement
14. Habitat creation and enhancement
15. Safeguarding breeding birds
16. Provision for breeding birds and roosting bats
17. Provision for pedestrians and cyclists
18. Written scheme of archaeological investigation to be submitted
19. Submission of environmental management plan
20. Noise mitigation scheme to be submitted
21. Submission of a travel plan
22. Additional Phase II investigation including gas monitoring and assessment to be submitted
23. Drainage details
24. Energy from decentralised and renewable or low-carbon energy sources
25. Submission of arboricultural details
26. Submission of a Construction Management Plan

**25 13/1408N-REMOVAL OF CONDITION 9 (RESTRICTED USE) TO PLANNING APPLICATION 12/3106N-ERECTION OF 3 BED DORMER BUNGALOW FOR WHEELCHAIR USER AND FAMILY, LAND AT CHAPEL LANE, BADDILEY FOR MR D CUNDALL**

Consideration was given to the above application.

RESOLVED

That the application be refused for the following reasons:-

Contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework.

**26 13/1418C-SUBSTITUTION OF HOUSE TYPES, AT INCREASE FROM 22 DWELLINGS TO 39 DWELLINGS ON THE NORTH WEST PART OF THE SITE, LAND AT THE GREEN MIDDLEWICH FOR LUCY HAWLEY, PERSIMMON HOMES NORTH WEST**

Consideration was given to the above application.

(Adele Snook, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That that for the reasons set out in the updated report to Board, the application be approved subject to a Deed of Variation to the existing Section 106 Agreement to bind the whole site and secure the following:-

- Affordable housing comprising 14 rented affordable dwellings on the site & 9 intermediate dwellings across the whole site
- £25,853.52 for children's playspace
- £5,742.93 for amenity greenspace
- POS contributions to be spent in accordance with the Council's interim policy within 800m of the development site'
- Provision for a local residents management company to maintain the on-site amenity space
- Education Contribution to be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to agree a sum with Education Officers

And subject to the following conditions:

1. Time Limit
2. Approved Plans
3. Remove permitted development rights
4. Submission / Approval of Contaminated Land Investigation / Mitigation
5. Submission / Approval of Details of External Lighting
6. Hours of construction to be restricted to 08:00 to 18:00 hours on Monday to Friday, 09:00 to 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays
7. Submission / Approval of details of any piling
8. Submission / Approval of bin storage
9. Submission / Approval of scheme to manage overland flow
10. Submission / Approval of scheme to limit surface water runoff
11. Surface water discharge to mimic that of the existing site
12. Submission / Approval of detail of Sustainable Urban Drainage
13. Only foul water to be connected to sewer
14. Details of bat and bird nest boxes
15. Submission / Approval of Landscaping
16. Implementation of Landscaping
17. Submission / Approval of Tree protection
18. Implementation of Tree Protection
19. No works to take place during nesting season without submission / approval of bird survey
20. Enhancement of existing hedgerows
21. Development to take place in accordance with Great Crested new mitigation measures
22. Submission / Approval of materials
23. Submission / Approval of road construction details
24. Provision of car parking
25. Submission / Approval of details of boundary treatment

26. Submission / Approval of construction management plan

(This was a change in the Officers original recommendation from on of refusal to one of approval).

**27 13/1210C-RESERVED MATTERS PLANNING APPLICATION TO ERECT 65NO. DWELLINGS WITH ASSOCIATED HIGHWAY AND EXTERNAL WORKS, LAND OFF, CREWE ROAD, ALSAGER FOR MILLER HOMES LTD**

Consideration was given to the above application.

(Matthew Symons, 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 approved subject to the following conditions:-

1. Standard
2. Approved plans
3. Materials
4. Revised scheme of Landscaping to the POS
5. Landscape implementation
6. Scheme to provide compensatory flood storage
7. Submission of results of 1D hydraulic model of Valley Brook.
8. Submission of Specification for LEAP. Further consultation with the Plannig Officer and local residents to be undertaken regarding the type of play equipment to be installed
9. Submission of levels, sections and details of the proposed retaining wall. Details to include how the footpath link to the south of the site negotiates the retaining wall
10. Details of alternative route for footpath to be submitted and agreed
11. Submission of revised details of the proposed footpath surface
12. No approval for fence to western boundary – hedge to be retained.
13. Submission of details of signage to footpath. Details of route footpath to be agreed with Planning Officer in liaison with the residents.

**28 12/3746N-NEW HIGHWAY ACCESS ROAD, INCLUDING FOOTWAYS AND CYCLEWAY AND ASSOCIATED WORKS, LAND OFF PETER DESTAPELEIGH WAY, NANTWICH FOR MR CARL DAVEY, MULLER PROPERTY GROUP**

(During consideration of the application, Councillor D Marren declared that he was a Member of Nantwich Town Council who had been consulted on the application but he had not discussed the item with them).

Consideration was given to the above application.

(Councillor P Groves, the Ward Councillor, Councillor A Martin, the Ward Councillor, Parish Councillor J Davenport, representing Stapeley & District Parish Council, Pat Cullen, representing the Protect Stapeley Group and Mr Woods, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the Board would be minded to refuse the application as the proposed development was unsustainable because it would result in a loss of habitat for protected species and part of an area allocated for tree planting, landscaping and subsequent management contrary to policies NE9 (Protected Species) and NE10 (New Woodland Planting and Landscaping) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and paragraph 118 of the National Planning Policy Framework.

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

**29 13/1559C-OUTLINE APPLICATION FOR UP TO 13NO. RESIDENTIAL DWELLING HOUSES, ASSOCIATED INFRASTRUCTURE AND ANCILLARY FACILITIES, LAND EAST OF SCHOOL LANE, SANDBACH HEATH, SANDBACH FOR JEAN PIERPOINT, PAUL FERGUSON, AND GRANT AND HELEN DINSDALE**

Consideration was given to the above application.

(Councillor S Corcoran, the Ward Councillor, Anthea Buxton, an objector and Russell Adams, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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. 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 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 Planning and Place Shaping 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.

(The meeting adjourned for a short break. Councillor D Marren left the meeting and did not return).

**30 13/0580C-CREATION OF A NEW 27NO. BEDROOM HOTEL, 6NO. GARDEN SUITES WITH MINOR MODIFICATIONS TO THE GOLF COURSE & CONSTRUCTION OF 7NO DWELLINGS WITH COMMUNITY LEISURE FACILITIES (RESUB 12/0682C), WOODSIDE GOLF CLUB, KNUTSFORD ROAD, CRANAGE, CREWE FOR WOODSIDE GOLF CLUB**

Consideration was given to the above application.

(Councillor A Kolker, the Ward Councillor, Parish Councillor Halstead, representing Cranage Parish Council, Mr Jay Ashall, the agent for the applicant and Mr Shaun Devany, the applicant attended the meeting and spoke in respect of the application. In addition the Democratic Services Officer read out a statement on behalf of Councillor L Gilbert, the Ward Councillor).

**RESOLVED**

That the application be deferred for further information on a variety of issues including:-

(i) Details regarding the type and quality of the community facilities proposed

(ii) Details regarding the funding necessary to provide the community facilities and the financial and management arrangements proposed to secure their ongoing maintenance into the future

(iii) Further advice regarding the extent to which non-heritage assets such as community facilities may be considered enabling development and taken into account as material planning considerations,; together with a more detailed consideration of the existing need and enabling link identified in this case

(iv) following from the above, a more detailed assessment regarding the balance of public benefit in this case

(v) the consultation response of the University of Manchester regarding harm to the radiotelescopes at Jodrell Bank.



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

**31 13/1215C-RESERVED MATTERS APPLICATION FOR 10/2608C FOR THE APPEARANCE, LANDSCAPING, LAYOUT & SCALE FOR PHASE 1 TO INCLUDE 68 DWELLINGS, LAND SOUTH OF HIND HEATH ROAD, SANDBACH FOR BOVIS HOMES**

Consideration was given to the above application.

(Matthew Charnock, representing 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 approved subject to the following conditions:-

- 1 Standard
- 2 Approved plans
- 3 Materials
- 4 Boundary treatment
- 5 Landscaping
- 6 Landscape implementation

(The meeting adjourned for a short break).

**32 13/1324N-VARIATION OF CONDITION 2 (RESERVED MATTERS), 6 (EXTERNAL LIGHTING), 15 (DRAINAGE), 19 (AFFORDABLE HOUSING) AND REMOVAL OF CONDITION 12 (FLOODING) ON 12/4654N FOR RESIDENTIAL DEVELOPMENT OF UP TO 240 DWELLINGS, LAND OFF QUEENS DRIVE, NANTWICH FOR MR S GLADMAN, GLADMAN DEVELOPMENTS**

Consideration was given to the above application.

RESOLVED

That that for the reasons set out in the report, the application be approved subject to a Deed of Variation to the Section 106 Agreement to reference the new consent and the following conditions: (Amendments underlined)

1. Standard outline (Phased)
2. Standard outline (Phased)
3. Plans
4. Submission / Approval / Implementation of details of appropriate mitigation measures to prevent any risk of pollution or harm to the adjacent Shropshire Union Canal
5. Submission / Approval / Implementation of Environmental Management Plan

6. Submission / Approval / Implementation of External Lighting (no reference to 5-aside pitch)
7. Submission / Approval / Implementation of noise mitigation measures
8. Submission / Approval / Implementation of Contaminated Land Assessment
9. No access to level crossing from site.
10. Discharge of surface water from the proposed development to mimic that which discharges from the existing site.
11. Submission / Approval / Implementation of Sustainable Urban Drainage System
12. DELETED
13. Submission / Approval / Implementation of a scheme to limit the surface water run-off generated by the proposed development,
14. Submission / Approval / Implementation of a scheme to manage the risk of flooding from overland flow of surface water and any potential floodwaters from the Shropshire Union Canal
15. This site must be drained on a separate system, with only foul drainage connected into the public foul sewerage system. Foul water to discharge at a maximum discharge rate of 10 l/s.
16. Surface water should discharge to soakaway and or watercourse as stated within the FRA submitted.
17. Reserved matters to make provision for 10% renewable energy
18. Submission / Approval / Implementation of sustainability framework/strategy
19. Submission / Approval / Implementation of scheme for affordable housing to make provision for
20. 30% of the dwellings to be affordable, (at 240 units this equates to up to 72 dwellings.)
21. The tenure split of the affordable housing required is 65% rented, 35% intermediate tenure
22. Affordable Homes should be pepper-potted (in clusters is acceptable.)
23. The affordable homes should be built to the standards adopted by the HCA at the time of development and achieve at least Code for Sustainable Homes Level 3
24. The affordable homes should be provided no later than occupation of 50% of the market dwellings (or 80% if the development is phased and there is a high level of pepper potting of the affordable units)
25. Any rented units/shared ownership housing to be transferred to an RSL
26. Submission / Approval / Implementation of tree and hedge protection measures,
27. Submission / Approval / Implementation of a programme of tree works, an Arboricultural Method Statement
28. Submission / Approval / Implementation of a landscape scheme,
29. Submission / Approval / Implementation of details of services locations

30. Submission / Approval / Implementation of proposed future management of the new areas of planting,
31. Reserved matters to make provision for retention of Important Hedgerows.
32. All reserved matters applications to comply with provisions of the Masterplan and Design Code
33. Safeguard breeding birds
34. Ensure any reserved matters application includes detailed proposals for the proposed habitat creation areas including pond design, hedgerow creation, protection and enhancement etc.
35. Ensure any reserved matters application includes additional provision for breeding birds and roosting bats
36. Ensure any reserved matters application includes an up to date badger survey and mitigation proposals for any adverse impacts identified.
37. Ensure any reserved matters application includes a 10 year habitat management plan.
38. Details of bin storage to be submitted to the Local Planning Authority
39. Submission of Construction Method Statement
40. Reserved matters to make provision for a total of 9,450 sqm open space comprising of 4,050 sqm shared recreational open space and 5,400 sqm shared children's play space to include:
  - a. NEAP to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children including a cantilever swing with two support legs plus basket seat and a ground-flush roundabout. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.
  - b. Multi Use Games Area.

**33 13/1986N-VARIATION OF CONDITION 4 OF APPLICATION 11/4346N- A HYBRID APPLICATION, COMPRISING (I) FULL APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS ON THE SITE AND THE CONSTRUCTION OF A SURFACE GRADE CAR PARK (240 SPACES PLUS 11 DISABLED), A TAXI RANK, IMPROVED SUBWAY ACCESS (II) AN OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR NEW TWO-STOREY COMMERCIAL BUILDING TOWARDS NORTH WEST OF THE SITE WITH POTENTIAL TO INCORPORATE A3 (RESTAURANTS AND CAFES) OR A5 (HOT FOOD TAKEAWAYS), FORMER RA**

Consideration was given to the above application.

**RESOLVED**

That for the reasons set out in the report, the application be approved subject to the following conditions:-

1. Standard 3 year time limit (Phase A – Car Park)
2. Standard outline time limit (Phase B – Two-Storey Commercial Building)
3. Submission of reserved matters shall be made within 3 years (Phase B - Two-Storey Commercial Building)
4. Approved Plans including Amended Layout
5. Materials as already agreed and specified
6. Details of Boundary Treatment
7. Revised Landscaping scheme to be submitted
8. Landscaping implementation
9. Breeding bird survey to be carried out prior to commencement of any works during nesting season for Plot B
10. Submission of details of bin storage
11. Revised Surface Water Drainage Strategy to be submitted
12. Revised scheme of Surface Water Regulation to be submitted
13. Construction of access prior to first use
14. Hours of construction restricted
15. Hours of pile driving operations restricted
16. Revised details of Sustainable Urban Drainage System to be submitted
17. Only foul drainage to be connected to sewer
18. Limit retail floorspace to 549m<sup>2</sup> with subdivisions to provide 6 units
19. Construction Method Statement in accordance with agreed details
20. Traffic Management Plan in accordance with agreed details
21. Scheme for of real time parking information in accordance with agreed details
22. Details of CCTV in accordance with agreed details
23. Demolition to take place in accordance with submitted demolition strategy
24. Details of the proposed finishes and hard landscape treatments of the subway and stair facilities
25. Submission of details of cycle racks
26. Submission of details of external lighting
27. Dust Management Plan in accordance with agreed details

**34 13/1305N-OUTLINE PLANNING APPLICATION FOR A MIXED RESIDENTIAL SCHEME TO PROVIDE AFFORDABLE, OPEN MARKET AND OVER 55'S SHELTERED ACCOMMODATION, OPEN SPACE AND NEW ACCESS OFF CLOSE LANE (76 FAMILY DWELLINGS COMPRISING ONE TO FOUR BEDROOMS AND 56 DWELLINGS FOR THE OVER 55'S COMPRISING 1 AND 2 BEDROOMS), LAND TO THE WEST OF CLOSE LANE AND NORTH OF CREWE ROAD, ALSAGER FOR MULLER PROPERTY GROUP**

Consideration was given to the above application.

(Councillor R Fletcher, the adjacent Ward Councillor, Parish Councillor R Hovey, representing Haslington Parish Council, Honorary Alderman Derek Bould, representing Alsager Residents Action Group (ARAG), Ian White and objector and Simon Hawley, the agent for the applicant and Carl Davey, the applicant attended the meeting and spoke in respect of the application).

#### RESOLVED

That for the application be refused for the following reasons:-

1. Due to the location of the site, the proposal is considered to be an unsustainable development site for residential purposes and would result in the loss of agricultural land within the open countryside. It is therefore contrary to Policy NE.2 (Open Countryside) NE. 12 (Agricultural Land Quality) and Policy RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan) and the provisions of the NPPF with respect to unsustainable development. In addition, 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 is likely to be car-dependent by virtue of (i) its isolated location (ii) its limited accessibility to bus services along Close Lane (iii) the undesirable walking environment along Close Lane due to the lack of pavement on both sides of the road: and therefore comprises unsustainable development contrary to the National Planning Policy Framework.

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Planning and Place Shaping Manager, in consultation with the Chair (or in his absence the Vice Chair of [SPB]), to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

### 35 **BRERETON NEIGHBOURHOOD AREA APPLICATION**

Consideration was given to the Brereton Neighbourhood Area Application.

(Jane Deans, Chairman of the Brereton Neighbourhood Planning Group attended the meeting and spoke in respect of the item).

#### RESOLVED

- (1) That the report be noted.
- (2) That the Portfolio Holder for Strategic Communities be recommended to approve the designation of Brereton Parish as a

Neighbourhood Area for the purposes of preparing a Neighbourhood Plan.

(The following items were taken after Minute No.37).

**36 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.

**37 UPDATE FOLLOWING THE REFUSAL OF PLANNING APPLICATION 12/4872C-LAND OFF SANDBACH ROAD NORTH, ALSAGER**

(During consideration of the item, Councillor D Newton left the meeting and returned and therefore did not vote on the application).

Consideration was given to the above report.

RESOLVED

That for the reasons set out in the report and in the oral update to Board reasons for refusal 2 (Highways), 3 (Protected Species) and 5 (Hedgerow Regulations Assessment) be withdrawn and that the Planning and Place Shaping Manager be instructed not to contest these reasons for refusal at the forthcoming Public Inquiry.

The Heads of Terms for a S106 Agreement shall include a highways contribution of £100,000 towards highway works within the vicinity of the site (if this sum has not been spent in a period of 15 years it shall be repaid by the Council to the person who paid the sum).

That authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of Strategic Planning Board to consider any further information which may be submitted in relation to Reason for

Refusal 4 (Contaminated Land) and to determine whether or not to contest this reason for refusal at the forthcoming Public Inquiry.

(The meeting adjourned for lunch at 1.10pm and reconvened at 1.50pm).

The meeting commenced at 10.30 am and concluded at 7.00 pm

Councillor H Davenport (Chairman)

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