

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 21st October, 2015 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

Councillor H Davenport (Chairman)
Councillor J Hammond (Vice-Chairman)

Councillors D Brown, B Burkhill, T Dean, L Durham, D Hough, J Jackson,
D Newton, S Pochin, M Sewart, J Wray and G Wait (Substitute)

OFFICERS

Nicky Folan (Planning Solicitor)
Ben Greenwood (Planning Officer)
Neil Jones (Highways Development Manager)
Robert Law (Senior Planning Officer)
David Malcolm (Head of Planning (Regulation))
Phil Mason (Senior Enforcement Officer)
Nick Turpin (Principal Planning Officer)
Paul Wakefield (Planning Officer)
Gaynor Hawthornthwaite (Democratic Services Officer)

64 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rachel Bailey,
S McGrory and G Walton.

65 DECLARATIONS OF INTEREST/PRE DETERMINATION

In respect of application 15/3588M, Councillor S Pochin declared a pecuniary interest on the grounds that she is a director of The Engine of the North and would leave the room prior to consideration of the application.

The following declarations were made in the interests of openness:

Councillor J Jackson declared that with respect to application 15/3588M, she had worked for Astrazeneca for a period of time.

Councillor J Hammond declared that with respect to application 14/0282M, he was a member of the Cheshire Wildlife Trust who had been a consultee on the application and that he had not made any comments on the application or taken part in any discussions.

Councillor J Hammond declared that with respect to applications 15/2099C and 14/3024N, he was a Director of ANSA Environmental Services who had been consultees on the applications and that he had not made any comments on the applications or taken part in any discussions.

Councillor D Hough declared that he was a Director of TSS who were responsible for the administration of bus stops, pointing out that one or more of the applications made reference to the provision of bus stops, but he had not discussed this with anyone at TSS.

Councillor G Wait declared that she was a Director of TSS who were responsible for the administration of bus stops, pointing out that one or more of the applications made reference to the provision of bus stops, but she had not discussed this with anyone at TSS.

Gaynor Hawthornthwaite declared that with respect to applications 15/2113N and 15/2126N she was the Clerk to Warmingham Parish Council and had submitted comments on these applications on behalf of Warmingham Parish Council and that she had limited involvement in these applications in her role with Cheshire East Council and Warmingham Parish Council.

66 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 23rd September 2015 be approved as a correct record and signed by the Chairman, subject to the following amendment:

Minute 55, Councillor G Walton's declaration, be amended to read:

"With regard to application number 15/2730N, Councillor Walton declared that he has a friend who is employed within the Geothermal industry."

67 PUBLIC SPEAKING

That the public speaking procedure be noted.

- 68 14/0282M - LAND OFF CONGLETON ROAD, MACCLESFIELD, CHESHIRE, SK11 7UP: DEMOLITION OF EXISTING STRUCTURES AND REDEVELOPMENT OF SITE INCLUDING UP TO 325 RESIDENTIAL UNITS, CLASS A1 RETAIL STORE MAX 7,432.SQ.M (80,000 SQ.FT) GIA, A CLASS A3-A5 UNIT, REPLACEMENT SPORTS PITCHES/FACILITIES INCLUDING A NEW CLUBHOUSE, WITH MAIN VEHICULAR ACCESS TO BE PROVIDED DIRECTLY OFF CONGLETON ROAD. ASSOCIATED LANDSCAPING AND OTHER WORKS - OUTLINE APPLICATION, ALL MATTERS RESERVED. (VOLUNTARY ENVIRONMENTAL STATEMENT SUBMITTED) FOR ENGINE OF THE NORTH**

Prior to consideration of this application, as stated in her declaration, Councillor S Pochin left the meeting and then returned after the application had been considered.

The Board considered a report, a written and verbal update regarding the above application.

(Councillor L Jeuda (Ward Member) and Ms A Burns (agent) attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and the written and verbal updates, the application be APPROVED subject to outstanding comments from Sport England and updated retail assessment and prior completion of a Section 111 Agreement to secure:

- **£750 000** towards the Flower Pot junction and improvements of Strategic Highways Infrastructure
- **£672 000** to primary education
- Provision of 20% affordable housing – subject to review of sales values during the life of the development
- Provision of public open space on site to be transferred to a Management Company

And the following conditions:

1. A02HA - Construction of access
2. A04HA - Vehicular visibility at access to be approved
3. A32HA - Submission of construction method statement
4. Standard outline (Phased)
5. Development to be carried out in accordance with the approved Flood Risk Assessment
6. Limiting the surface water run-off
7. The layout for the proposed development to be designed to contain the risk of flooding from overland flow during severe rainfall events
8. A scheme to dispose of foul and surface water
9. Submission, approval and implementation of an Environmental Management Plan
10. Submission, approval and implementation of low emission strategy
11. Standard outline (Phased)
12. Submission and approval of an updated Phase II investigation and implementation of any necessary mitigation

13. Submission, approval and implementation of location, height, design, and luminance of any proposed lighting
14. Submission, approval and implementation of a scheme of odour / noise control for the restaurant/public house
15. Submission, approval and implementation of travel plan
16. Submission, approval and implementation of electric car charging points
17. Standard outline timescale condition
18. A detailed landscape scheme should be submitted for approval prior to commencement on site
19. The agreed landscape scheme should be implemented within the first planting season after commencement of development.
20. Management plan to include all landscape areas and public open space (within this application) should be submitted and approved prior to commencement of landscape works
21. A five year landscape establishment management plan should be submitted and approved prior to commencement of landscape works
22. Any landscape planting that fails within the first 5 years after planting should be replaced on a like for like basis unless agreed in writing with the LPA.
23. Submission / approval / implementation of footpath surfacing / lighting
24. Drawing numbers
25. Bin storage
26. Details of trees and hedgerows to be retained to be provided
27. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or fabric first
28. Ground levels to be submitted
29. Phasing plan to be submitted
30. Protection of breeding birds
31. Provision of bird boxes
32. Times of Piling
33. Hours of construction/noise generative works
34. Dust mitigation
35. Details of boundary treatment to be submitted prior to commencement.
36. Scheme for Sustainable Urban Drainage Scheme to be submitted

37. Habitat management plan submitted in support of a reserved matters stage
38. Detailed badger and reptile mitigation strategy at reserved matters stage
39. Method statement for the safeguarding and of retained areas of habitat during the construction stage to be submitted in support of any future reserved matters application
40. Retention of identified black poplar and associated habitats
41. Detailed proposals for the handling of surface and foul water as per natural England's consultation comments
42. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination has been submitted
43. Verification report for any remediation strategy
44. Design Code required with Reserved matters application
45. Single food retailer
46. No sub-division of retail unit
47. No mezzanine
48. Convenience and comparison goods split 70:30
49. Archaeological watching brief
50. Details of pavilion, car park, landscape and access details with Reserved Matters application
51. Sports pitches to be delivered at the outset

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 Principal Planning 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.

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S111 of the Local Government Act 1972.

During consideration of this application, Councillors M Sewart and J Wray arrived to the meeting and did not take part in the debate or vote.

Following consideration of this application, the meeting was adjourned for a short break.

69 15/2099C - TALL ASH FARM, 112 BUXTON ROAD, CONGLETON, CHESHIRE CW12 2DY: DEMOLITION OF EXISTING BUILDING AND THE DEVELOPMENT OF UP TO 250 DWELLINGS INCLUDING ACCESS FOR BLOOR HOMES NORTH WEST LTD

The Board considered a report and written update regarding the above application.

(Councillor G Williams (Ward Member), Councillor A Morrison (on behalf of Congleton Town Council), Mr P Minshull (on behalf of Congleton Town Council), Mr D Townsend (Objector) and Mr B Pycroft (agent) attended the meeting and spoke in respect of the application).

RESOLVED

That the application be DEFERRED for consideration of locational sustainability, further highway information and consideration of public realm in Congleton.

During consideration of this application, Councillor D Newton arrived to the meeting and did not take part in the debate or vote.

Following consideration of this application the meeting adjourned for lunch from 13.25 pm until 14.10 pm.

70 15/1529W - BENT FARM QUARRY, WALLHILL LANE, BROWNLOW, CONGLETON, CHESHIRE SW12 4HW: REMOVAL OF CONDITION 29 ON APPLICATION 8/08/0375/CPO FOR MISS MARIA COTTON, SIBELCO EUROPE

The Board considered a report and written update regarding the above application.

RESOLVED

That for the reasons set out in the report and written update, the application be APPROVED subject to Deed of Variation to the existing Section 106 Planning Obligation securing the same obligations as 8/08/0375/CPO namely:

- 15 year management plan following completion of the restoration scheme

And subject to the imposition of planning conditions in respect of:

- All the conditions attached to permission 8/08/0375/CPO unless amended by those below;
- Hours of import HGV Movements
- Restrictions on import of mineral to that applied for
- Restrictions on the import of materials for restoration
- Restriction on location of imported material storage

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 Principal Planning Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Committee, 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 Principal Planning Manager in consultation with the Chairman of the Strategic Planning Committee 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.

71 14/3024N - LAND OFF CHURCH LANE, WISTASTON, CREWE: OUTLINE APPLICATION FOR A PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 300 DWELLINGS, SITE ACCESS, PUBLIC OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE FOR GLADMAN DEVELOPMENTS LTD

The Board considered a report regarding the above application.

(Councillor M Simon and Councillor J Weatherill (Ward Members), Councillor J Bond (on behalf of Wistaston Parish Council) and Mr P Wainwright (Objector) attended the meeting and spoke in respect of the application).

RESOLVED

That the application be REFUSED for the following reasons:

The proposed development would result in a loss of open countryside, cause a significant erosion of the Green Gap between the built up areas of Wistaston and Nantwich, have a moderate landscape impact upon the site and the immediate environs and result in the permanent loss of BMV agricultural land. As such the adverse impacts would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policies NE.2 (Open Countryside), NE4 (Green Gaps) and NE.12 (Agricultural Land

Quality) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

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 Principal Planning Manager (Regulation) 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 is approved to enter into a S106 Agreement to secure the following:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. The provision of 1.54 hectares of amenity green space, a LEAP and 3.05 hectares of natural green space to be maintained by a private management company
3. Highways contribution £605,000 towards the Peacock roundabout
4. Highways contribution of £300,000 towards the junction of the A530/Wistaston Green Road and its approaches
5. Contribution of £25,000 towards bus stop upgrades
6. A primary school education contribution of £596,545.95
7. A secondary school education contribution of £702,735.67
8. A contribution towards SEN £182,000

72 15/2113N - LAND AT MOSS FARM, MOSS LANE, WARMINGHAM CW1 4PW: SOLAR FARM AND ASSOCIATED DEVELOPMENT FOR TGC RENEWABLES LTD

The Board considered a report regarding the above application.

(Mr R Amner (on behalf of the applicant) attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report, the application be APPROVED subject to the completion of a Section 106 legal agreement to secure:

- a bond to ensure that at the end of the 25 years the land is returned to agricultural land with all aspects of the development removed

and the following conditions:

1. Time
2. Plans
3. Materials as per application
4. Landscaping – Submission of a scheme
5. Landscaping – Implementation
6. Provision of an undeveloped 5m buffer between the proposed development and the on site ditches
7. Prior submission of security fence details - including 200m gap at base
8. Habitat Management Plan
9. Tree protection
10. Flood Risk Assessment – Implementation
11. Compliance with submitted Traffic Management Plan
12. Development to be removed 25 years from energisation
13. Great Crested Newt reasonable avoidance measures
14. Retention of trees to the north-east corner of the site

Informatives:

1. PROW
2. Contaminated Land

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 the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

73 15/2126N - LAND AT MOSS FARM, MOSS LANE, WARMINGHAM CW1 4PW (SECOND SITE): SOLAR FARM AND ASSOCIATED DEVELOPMENT FOR TGC RENEWABLES LTD

The Board considered a report regarding the above application.

RESOLVED

That for the reasons set out in the report, the application be APPROVED subject to the completion of a Section 106 legal agreement to secure:

- a bond to ensure that at the end of the 25 years the land is returned to agricultural land with all aspects of the development removed

and the following conditions:

1. Time
2. Plans
3. Materials as per application
4. Landscaping – Submission of a scheme
5. Landscaping – Implementation
6. Provision of an undeveloped 5m buffer between the proposed development and the on site ditches
7. Prior submission of security fence details - including 200m gap at base
8. Habitat Management Plan
9. Tree protection
10. Flood Risk Assessment – Implementation
11. Compliance with submitted Traffic Management Plan
12. Development to be removed 25 years from energisation
13. Great Crested Newt reasonable avoidance measures
14. Retention of two trees just to the north of the existing pond in an area of proposed new landscaping

Informatives:

1. PROW
2. Contaminated Land

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 the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

74 15/3588M - ASTRAZENECA, CHARTER WAY, MACCLESFIELD, CHESHIRE SK10 2NA: REPLACEMENT OF EXISTING HIGH-BAY WAREHOUSE AND ALTERATIONS TO NORTHERN ELEVATION OF LOW-BAY WAREHOUSE, INCLUDING REFITTING OF LOW BAY WAREHOUSE TO ALLOW BOTH PACKAGING AND WAREHOUSING FOR ASTRAZENECA PLC

The Board considered a report and a written update regarding the above application.

RESOLVED

That for the reasons set out in the report and written update, the application be DELEGATED to the Head of Planning (Regulation), in

consultation with the Chairman of the Strategic Planning Board, TO APPROVE subject to the following conditions:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Scheme to deal with the risks associated with contamination of the site to be submitted to and approved
5. Development to be carried out in accordance with the mitigation measures in Flood Risk Assessment

75 15/3665N - BENTLEY MOTOR COMPANY, PYMS LANE, CREWE, CHESHIRE CW1 3PL: CONSTRUCTION OF A 4 STOREY OFFICE BUILDING ON THE SITE OF AN EXISTING CARPARK FOR ANDREW ROBERTSON, BENTLEY MOTORS LTD

The Board considered a report and written update regarding the above application.

(Mr R Pearson (Objector) attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and written update, the application be APPROVED subject to the following conditions:

1. Accordance with plans
2. Materials in accordance with submitted detail
3. Development to be carried out in accordance with submitted noise impact assessment
4. Development to be carried out in accordance with submitted Environmental Management Plan
5. Access constructed in accordance with submitted details prior to first occupation
6. Survey for nesting birds (if works continue into bird nesting season)
7. Details of foul water drainage to be submitted prior to its installation
8. Surface water drainage strategy to be submitted prior to its installation
9. Landscape to be submitted prior to first occupation
10. Landscape implementation
11. Hours of operation restricted
12. Accordance with submitted Piling Method Statement
13. Travel plan to be submitted prior to first occupation
14. Details of external lighting to be submitted prior to its installation
15. Contaminated Land Remedial Strategy to be submitted prior to any further works commencing
16. Gas protection measures to be installed in accordance with approved detail prior to first occupation

17. Additional Phase II contaminated land investigation to be submitted within 6 months or prior to first occupation (whichever is the sooner)
18. On site gas monitoring verification / validation report to be submitted within 6 months following first occupation

In order to give proper effect to the 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 the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) 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.

76 HARMAN TECHNOLOGY SITE AND ADJACENT LAND, ILFORD WAY, TOWN LANE, MOBBERLEY

Consideration was given to the above report.

RESOLVED

That for the reasons set out in the report, it was AGREED that the part withdrawal of the reasons for refusal relating to outline planning application 14/0114M for a hybrid planning application for mixed-use redevelopment in respect of lack of affordable housing should be removed and to instruct the Head of Planning (Regulation) not to contest this issue at the forthcoming Appeal. The appeal will still be contested on noise from aircraft and character grounds. The appeal will be defended on the following grounds:

- 1. Although it is accepted that extensive noise mitigation measures can be provided to achieve a satisfactory indoor living acoustic environment, the site is not suitable for residential development, due to the inability to mitigate for noise from overhead aircraft, to a satisfactory level for outside living / amenity areas, which shall remain above 57dBA Leq, 16 hour, the threshold for the onset of significant community annoyance. This is contrary to Paragraph 123 of the National Planning Policy Framework: Avoid noise from giving rise to a significant adverse impact on health and quality of life. It is considered that the new development is not appropriate for its location, due to the effects of pollution on health and general amenity. Therefore, the development is contrary to Paragraph 120 of the National Planning Policy Framework.*

2. *The Council acknowledge that housing applications should be considered in the context of the presumption in favour of sustainable development, the lack of a five year land supply of deliverable housing sites in Cheshire East, plus the planning benefits new housing would bring. However, this major housing development would have a significant adverse impact upon the character of the village of Mobberley contrary to policies BE1, H12 and DC1 within the Macclesfield Borough Local Plan 2004, and guidance within the National Planning Policy Framework, which state that permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions. These adverse impacts would significantly and demonstrably outweigh the benefits of the proposal and would therefore be contrary to the National Planning Policy Framework.*

Also resolve 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.

Heads of Terms for a Legal Agreement:

- 15% to 23% Affordable Housing (50% social or affordable rent, and 50% intermediate tenure);
- A contribution of £737,548.00 is required towards primary education;
- A contribution of £247,483.00 towards highway improvements to be made to junctions at A537 Brook Street and at Adams Hill;
- Undertaken to provide a detailed Travel Plan for both the residential and commercial parts of the development to reduce traffic on the local highway network;
- Speculative new build office space (15,403 sq ft) of speculative across 2 floors with 34 car parking spaces, to be developed if demand can be established through a 36 month agreed marketing process and period;
- Provision of 8.4ha (20.6 acres) of open space (estimated cost £925,000) comprising; 18 allotments on approx 0.7 acres. Including a Football pitch, Public open space around football pitch item, car parking for POS/football pitch, changing rooms to Sport England standards (Circa £925,00.00);
- A 15 year sum for maintenance of the open space will be required IF the Council agrees to the transfer of the open space to CEC on completion. (Circa £250,00.00);
- Provision of a LEAP, two LAP's and a linear park and other incidental open space/landscaping within the residential area;
- Alternatively, arrangements for the residential open space to be maintained in perpetuity will need to be made by the developer, subject to a detailed maintenance schedule to be agreed with the council, prior to commencement; and
- Further viability testing throughout the development.

The meeting commenced at 10.35 am and concluded at 4.05 pm

Councillor H Davenport (Chairman)