

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 2nd June, 2010 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

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

Councillors Rachel Bailey, P Edwards, M Hollins, D Hough, W Livesley,
J Macrae, C Thorley, G M Walton and J Wray

OFFICERS IN ATTENDANCE

Mr J Baggaley (Nature Conservation Officer) Mr A Fisher (Head of Planning and Policy), Mrs N Folan (Planning Solicitor), Mr B Haywood (Principal Planning Officer), Ms P Lowe (Development Manager), Miss E Mellor (Design Officer), Miss H Parish (Principal Planning Officer) and Mr C Wilshaw (Planning Officer)

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors W J A Arnold, D Brown and S Wilkinson.

2 DECLARATIONS OF INTEREST

Councillor Mrs R Bailey declared a personal interest in application 09/4331N-Change of Use of Land as a Residential Caravan Site for 8 Gypsy Families, each with 2 Caravan, including Improvement of Access, Construction of Access Road, Laying of Hard-standing and Provision of Foul Drainage, Land Off, Wettenhall Road, Poole, Nantwich, Cheshire for Mr T Hamilton (Error on previous report which stated it was a Mr T Loveridge) by virtue of the fact that she was a Ward Councillor and the application had raised considerable interest and in accordance with the Code of Conduct she remained in the meeting during consideration of the application.

Councillors W J Hammond, C Thorley and Mrs M Martin (a visiting Councillor), all declared personal interests in application 10/0861N-Proposed New Campus for Disabled Sports, The Provision of Support Services for SEN Schoolchildren and Enabling Development in the Form of a Low Density Retirement Park, Land at Groby Road, Crewe for Cheshire Academy of Integrated Sports and Arts by virtue of the fact that they were former Members of Crewe & Nantwich Borough Council and in accordance with the Code of Conduct they remaining in the meeting during consideration of the application.

3 MINUTES OF THE PREVIOUS TWO MEETINGS

RESOLVED

That the minutes of the meetings held on 26 April and 5 May 2010 be approved as a correct record and signed by the Chairman.

4 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

5 09/4331N-CHANGE OF USE OF LAND AS A RESIDENTIAL CARAVAN SITE FOR 8 GYPSY FAMILIES, EACH WITH 2 CARAVAN, INCLUDING IMPROVEMENT OF ACCESS, CONSTRUCTION OF ACCESS ROAD, LAYING OF HARD-STANDING AND PROVISION OF FOUL DRAINAGE, LAND OFF, WETTENHALL ROAD, POOLE, NANTWICH, CHESHIRE FOR MR T HAMILTON (ERROR ON PREVIOUS REPORT WHICH STATED IT WAS A MR T LOVERIDGE)

Consideration was given to the above application.

(Parish Councillor Penny Butterill ,the Vice Chair for Worleston Parish Council), Mr Stephen Kinsey, an objector and Maggie Smith-Bendell, from the Romani Gypsy Advisory Group, Supporter and the Ward Councillor S Davies attended the meeting and spoke in respect of the application. As it was only known after the supporter had spoken that the Ward Councillor S Davies had also wished to speak, the supporter was allowed to make further comments in respect of any matters raised by the Ward Councillor).

(During consideration of the application Councillor J Wray arrived at the meeting and in line with the procedures he did not take part in the debate or vote on the application).

RESOLVED

That the application be refused for the following reasons:-

1 The Development represents an inappropriate and unjustified visual intrusion in the open countryside due to the introduction of hardcore and the siting of caravans which is considered to have an adverse impact on the character and openness of the surrounding area contrary to the provisions of Policy NE.2 (Open Countryside) and Policy RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011

2 The application fails to provide sufficient information for the Local Planning Authority to assess the appropriate mitigating measures for the loss of wildlife habitat contrary to the provisions of Policy NE.5 (Nature

Conservation Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

3 The location of the site represents an unsustainable form of development due to the distance from local services and facilities contrary to Policy RES.13 (Sites for Gypsy and Travelling Showpeople) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the guidance contained within Circular 01/2006.

(This decision was against the Officers recommendation of approval).

(Prior to consideration of the following application Councillor Mrs R Bailey left the meeting and did not return).

6 **10/0276W-CHANGE OF USE FROM INDUSTRIAL LAND TO COMPOSTING AND WASTE STORAGE WITH ASSOCIATED OVERFLOW PARKING (SITE A), NICK BROOKES SKIP HIRE, GREEN LANE, WARDLE, NANTWICH FOR MR NICK BROOKES, NICK BROOKES RECYCLING LTD**

Consideration was given to the above application.

RESOLVED

That the application be approved subject to the following conditions:-

1. Standard conditions
2. Approved plans
3. Boundary treatment scheme submitted within 1 month and implemented within 3 months and planted in the next available planting season;
4. Noise limits set
5. Noise mitigation scheme submitted for approval
6. Bio-aerosol best practice, mitigation and monitoring as per risk assessment
7. Odour management and best practice as per application
8. Dust monitoring, control and best practice as per application
9. Open windrows stockpile heights limited to no more than 3 metres height bars provided
10. Recyclable waste material stockpiles reduced to 4 metres in height within 3 months of the date of the permission and maintained at a maximum of 4 metres throughout the life of the development

11. Stacked skips limited to 4 metres in height
12. Drainage
13. Waste/materials stated in the application only permitted
14. Standard compost conditions detailing waste types in accordance with the 15. EA permit excluding putrescible and food waste
16. No burning of wastes on site
17. Hours of operation as stated with the application
18. Waste treatment and storage shall only take place on the concreted areas of the site
19. Standard operational conditions
20. Limits on volume of material as stated within the planning application.

The following informatives should be attached to any decision notice.

Highways

The applicant will need to obtain the consent of the highways authority (CEC) for any work in, or that may affect the public highway. The applicant should contact Crewe area office (CEC) before constructing or altering any access. This work should be carried out under a section 184 licence.

Any new access or alterations to an existing access must be approved by the LPA prior to development and constructed in accordance with the approved drawings and to CEC specification. Any new gates should open inwards and be set back from the edge of the highway to allow the largest of vehicles using this site to park off highway.

United Utilities

Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers

United Utilities offers a fully supported mapping service at a modest cost for our electricity, water mains and sewerage assets. This is a service, which is constantly updated by our Map Services Team (Tel No: 0870 7510101) and I recommend that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

Environment Agency

This development will require an Environmental Permit under the Environmental Permitting Regulations 2007 from the Environment Agency, unless an exemption applies.

The Duty of Care regulations for dealing with waste materials are applicable for any off-site movements of wastes. It should be ensured that all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with the Duty of Care regulations.

It should be ensured that there is no possibility of contaminated water entering and polluting surface or groundwater.

If any controlled waste is to be removed off site, it must be ensured that a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

For more specific advice please see available guidance at: www.environment-agency.gov.uk/subjects/waste/

7 10/0277W-TEMPORARY USE OF LAND FOR THE STORAGE OF SOILS, AGGREGATES AND MINERALS (SITE B), NICK BROOKES SKIP HIRE, GREEN LANE, WARDLE, NANTWICH FOR MR NICK BROOKES, NICK BROOKES RECYCLING LTD

Consideration was given to the above application.

RESOLVED

That the application be approved subject to the following conditions:-

1. Approved plans
2. Temporary permission for 12 months from the date of the permission and site restored within 3 months in accordance with a submitted restoration and aftercare scheme
3. Site only used for storage of recycled aggregate products and construction and demolition waste that has been pre-sorted as stated in the application
4. Hours of operation as stated with the application
5. Written notification of completion of restoration
6. Noise limits set
7. Noise mitigation scheme submitted for approval
8. Dust monitoring, control and best practice as per application

9. Stockpile heights reduced and restricted to 6 metres within 3 months of the date of the permission and maintained to a maximum of 6 metres throughout the life of the permission

10. Standard operational conditions

11. Drainage

The following informatives should be attached to any decision notice:-

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Any new access or alterations to an existing access must be approved by the LPA prior to development and constructed in accordance with the approved drawings and to CEC specification. Any new gates should open inwards and be set back from the edge of the highway to allow the largest of vehicles using this site to park off highway.

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(The meeting adjourned at 3.50pm and reconvened at 4.05pm).

8 10/0861N-PROPOSED NEW CAMPUS FOR DISABLED SPORTS, THE PROVISION OF SUPPORT SERVICES FOR SEN SCHOOLCHILDREN AND ENABLING DEVELOPMENT IN THE FORM OF A LOW DENSITY RETIREMENT PARK, LAND AT GROBY ROAD, CREWE FOR CHESHIRE ACADEMY OF INTEGRATED SPORTS AND ARTS

Consideration was given to the above application.

(Councillor Mrs M Martin, the Ward Councillor, Mr Taylor, the applicant and Mr Chalmers also the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. The erection of the proposed academy and retirement park within the open countryside would be contrary to the provisions of Policies NE.2 (Open Countryside), RT.6 (Recreational Uses on the Open Countryside) and RES.5 (Housing In The Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policies DP1 (Spatial Principles), DP2 (Promote Sustainable Communities) DP4 (Make the Best Use of Existing Resources and Infrastructure) and Policy RDF1 (Spatial Priorities) of the North West of England Plan Regional Spatial Strategy to 2021, which seek to safeguard the open character and appearance of the countryside for its own sake. In the opinion of the Local Planning Authority the applicant's circumstances and the community benefits arising as a result of the development, are insufficient material considerations to outweigh the provisions of development plan policy and the disbenefits to the community resulting from development in the Open Countryside.

2. The proposed development by virtue of its scale, size and siting would represent a dominant and intrusive feature within the rural landscape, when viewed from surrounding roads and other public vantage points, to the detriment of the open character and appearance of the surrounding countryside, contrary to policies NE.2 (Open Countryside), BE.1 (Amenity), BE.2 (Design Standards) and RT.6 (Recreational Uses on the Open Countryside.) of the Borough of Crewe and Nantwich Replacement Local

Plan 2011 and Policy DP 7 Promote Environmental Quality of the North West of England Plan Regional Spatial Strategy to 2021.

3. The site is in an unsustainable location, which is remote from the town centre and would not be conducive to the use of sustainable modes of transport contrary to Policies TRAN.3 (Pedestrians) and TRAN.5 (Cycling) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policies DP1 (Spatial Principles), DP2 (Promote Sustainable Communities) DP5 (Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility), DP9 (Reduce Emissions and Adapt to Climate Change), RT2 (Managing Travel Demand), RT3 (Public Transport Framework) RT9 (Walking and Cycling) of the North West of England Plan Regional Spatial Strategy to 2021 and the provisions of PP3 (Housing) and PPS13 (Transport)

4. The applicant has failed to adequately demonstrate that the proposals will not create or exacerbate flooding on-site or elsewhere contrary to the requirements of Policies BE.4 (Drainage, Utilities and Resources) and NE.20 (Flood Prevention) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, and the provisions of PPS.25 (Development and Flood Risk).

5. Insufficient archaeological, historical or ecological information has been submitted to determine whether the hedgerow to be removed is of significance according to the criteria set out in the Hedgerow Regulations, contrary to policies Policy NE.5 (Nature Conservation and Habitats) 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 PPS9 Biodiversity and Geological Conservation.

- 9 **10/0692W-TO CARRY OUT DEVELOPMENT WITHOUT COMPLYING WITH CONDITIONS ATTACHED TO 7/P05/1326 TO EXTEND THE OPERATION LIFE OF THE MAW GREEN LANDFILL FACILITY TO 31 DECEMBER 2017, RESTORATION BY 31 DECEMBER 2018, PERMIT A VARIATION TO THE SEQUENCE OF PHASING OF OPERATIONS ALONG WITH MINOR RE-CONTOURING TO THE SOUTH EAST OF THE SITE, MAW GREEN LANDFILL SITE, MAW GREEN ROAD, CREWE FOR 3C WASTE LTD**

Consideration was given to the above application.

RESOLVED

That the application be approved subject to a deed of variation to the existing Section 106 Planning Obligation to secure:

- diversion and maintenance in perpetuity Fowle Brook;

- long-term management of the restored nature conservation area on Cell 9a for a period of 15 years following the restoration of Cell 9a
- monitoring and maintenance of the leachate control system;
- monitoring the generation and extraction of landfill gas;
- Heavy Goods Vehicle routing; and
- Maintenance and management of a length of Maw Green Road.

Subject to the all the conditions attached to permission 7/P05/1326 unless amended by those below and;

1. Approved plans
2. Revisions to existing approved restoration plan – replace with in interim and final restoration plan and associated restoration conditions
3. Revisions to existing phasing plans and associated phasing conditions
4. Revisions to existing pre-settlement contours, and associated contouring conditions
5. Additional surface water lagoon plan
6. Extension of time to 31st December 2017 with interim restoration of the site within 12 months or no later than 31st December 2018
7. Final restoration as final restoration plan to be no later than 12 months following the cessation of production of leachate and landfill gas
8. Interim and final restoration proposals to be amended to include rough tussocky grassland to provide suitable habitat for ground nesting birds
9. Liaison Committee Scheme
10. Noise limits
11. Noise Monitoring Scheme
12. Best practical site management for noise/ dust/ odour/ flies/ vermin/ birds/ litter control as per ES
13. Securing the RAMS outlined in both the ES and the updated Ecological Report to be implemented throughout the life of the development in accordance with the approved ES and Ecological Report; and
14. Amend the interim and final restoration proposal to also include the provision of two additional ponds to mitigate for those lost to the re-capping in cell 10b.

The following informatives should be attached to any decision notice.

Natural England

The developer should be made aware that should a protected species be subsequently found on the site, all work should stop until further surveys for the species are carried out and a suitable mitigation package for the species is developed.

Environment Agency

Fowle Brook is designated "main river". In accordance with the Water Resources Act 1991 and the Land Drainage Byelaws, the Environment Agency's prior written consent is required for any proposed works or structures in, under, over, or within 8 metres of the top of the banks of Fowle Brook.

This site already has a permit. The changes are minor in nature and would not require a variation to the permit.

Network Rail

The materials contained within the site subject to the applicants control should be stored and processed in a way which prevents over spilling onto Network Rail land and should not pose excessive risk to fire. If hazardous materials are likely to be sited on the land then Network Rail must be further contacted by the applicant. All excavations / earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the LPA acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

No water or effluent should be discharged from the site or operations on the site into the railway undertaker's culverts or drains, without Network Rail approval. Soakaways should not discharge towards and/or within 10m of railway infrastructure. Details of the proposed drainage must be submitted to, and approved by the local planning authority; acting in consultation with the railway undertaker and the works shall be carried out in accordance with the approved details. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Public Rights of Way

No change to the surface of the right of way can be approved without consultation with Cheshire East Council. The developer should be aware of his/her obligations not to interfere with the public right of way either whilst development is in progress or once it has been completed; such interference may well constitute a criminal offence. In particular, the developer must ensure that;

There is no diminution in the width of the right of way available for use by members of the public;

No building materials are stored on the right of way;

No damage or substantial alteration, either temporary or permanent is caused to the surface of the right of way;

Vehicle movements are arranged so as not to unreasonably interfere with the public's use of the way;

No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature;

No wildlife fencing or other ecological protective features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way; and

The safety of members of the public using the right of way is ensured at all times.

Any variation to the above will require prior consent from Cheshire East Council's ProW Unit.

(Prior to consideration of the following application Councillor C Thorley left the meeting and did not return).

10 10/0872W-OPERATION OF DRILLING MACHINERY AND ASSOCIATED PLANT BETWEEN THE HOURS OF 18:30 AND 07:30 MONDAY TO FRIDAY AND 16:00 TO 07:30 SATURDAY AND FOR CONTINUOUS DRILLING OPERATIONS ON SUNDAYS, HILL TOP FARM, WARMINGHAM FOR EDF TRADING GAS STORAGE LTD

Consideration was given to the above application.

RESOLVED

That the application be approved subject to the completion of a S106 Agreement Section and imposition of existing relevant conditions attached to 7/2008/CCC/15 and subject to the following conditions:-

1. Standard time
2. In accordance with submitted plans and conditions attached to 7/2008/CCC/15
3. Use of straw bale barrier to reduce noise
4. Subject to maximum night-time noise level of LAeq 1 hour 42db

5. Lighting to be subject to approved scheme
6. Compound 4 drilling to be limited to between the hours of 0730 to 1800.

(Prior to consideration of the following application Councillor B Livesley left the meeting and did not return).

11 CONSERVATION AREA APPRAISALS-1.MOODY STREET, CONGLETON 2.WEST STREET, CONGLETON

Consideration was given to the above report.

RESOLVED

1. That Cabinet be recommended to approve the amended extensions to the boundaries of the Conservation Areas for formal designation and that Cabinet be recommended to adopt the Conservation Area appraisals.
2. That Cabinet be recommended to undertake the formal procedures and notices to amend the Conservation Area boundaries; including notifying all property owners, land charges and G.I.S.

(It was noted that Councillor W J Macrae abstained from voting on this item).

12 STATEMENT OF COMMUNITY INVOLVEMENT

This item was deferred to a future meeting.

The meeting commenced at 2.00 pm and concluded at 5.00 pm

Councillor H Davenport (Chairman)