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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 2nd February, 2022 in the The Capesthorpe Room -
Town Hall, Macclesfield SK10 1EA

PRESENT

Councillor S Gardiner (Chair)

Councillors S Akers Smith, B Burkhill, L Crane (Substitute), S Edgar, P Groves, S Hogben, N Mannion (Substitute), B Murphy, B Puddicombe, P Redstone and J Weatherill

OFFICERS IN ATTENDANCE

Adrian Crowther (Major Applications Team Leader), Nick Hulland (Principal Planning Officer), Paul Hurdus (Highways Development Manager), David Malcolm (Head of Planning) James Thomas (Planning Lawyer) and Emma Williams (Principal Planning Officer)

60 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A Critchley and M Hunter.

61 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of applications 20/4976M,21/1727W and 21/2240C, Councillor S Edgar declared that he was the Vice Chair of the Public Rights of Way Committee who were a consultee on the applications, however he had not discussed the matter.

In the interest of openness in respect of applications 20/4976M and 21/2240C, Councillor S Hogben declared that he was a non-Executive Director of ANSA who were a consultee, however he had not discussed the applications or made any comments on them.

In the interest of openness in respect of applications 20/4976M,21/1727W and 21/2240C, Councillor L Crane declared that she was the Chair of the Public Rights of Way Committee who were a consultee on the applications, however she had not discussed the matter.

In the interest of openness in respect of applications 20/4976M,21/1727W and 21/2240C, Councillor S Akers Smith declared that she was a member of the Public Rights of Way Committee who were a consultee on the applications, however she had not discussed the matter.

In the interest of openness in respect of application, 21/4440C, Councillor S Akers Smith declared that she knew the applicant.

62 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 22 December 2021 be approved as a correct record and signed by the Chair.

63 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

64 20/4976M-PROPOSED DEVELOPMENT OF A RETIREMENT CARE COMMUNITY (CLASS C2) INVOLVING THE DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS, RETAINED SINGLE POINT OF VEHICULAR ACCESS, RETAINED TENNIS COURT, FISHING/BOATING LAKE, JAPANESE WATER GARDEN, SECRET/SENSORY GARDEN, WITH NEW ALLOTMENTS, BOWLING/FEATURE GREENSPACE AND WOODLAND WALKS; CONSTRUCTION OF A 60 BED REGISTERED CARE HOME WITH ISOLATION CAPABILITY; 72 NO. ASSISTED LIVING EXTRA CARE 1, 2 AND 3 BED APARTMENTS; A VILLAGE CENTRE HUB BUILDING COMPRISING HEALTH AND WELLNESS AND COMMUNAL FACILITIES, INTEGRATED SATELLITE COMMUNITY HEALTHCARE (GP) CLINIC AND 5 NO. 2 BED AND 9 NO. 1 BED CLOSE CARE SUITES AND HEALTH AND WELLNESS; ASSOCIATED PARKING (INCLUDING ELECTRIC CAR SHARE AND COMMUNITY MINIBUS), BIN STORAGE, PUMPING STATION, ELECTRICITY SUB-STATION, MEANS OF ACCESS AND OFF-SITE PEDESTRIAN FOOTPATH LINK ALONG PEPPER STREET, HIGHWAY IMPROVEMENTS AND BIODIVERSITY NET GAIN, HOLLY TREE HOUSE, PEPPER STREET, CHELFORD, MACCLESFIELD FOR MR

Consideration was given to the above application.

(Parish Councillor Nick Speakman, representing Ollerton with Marthall Parish Council and Justin Paul, 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 development would represent inappropriate development within the Green Belt. Furthermore, additional harm would be created to the Green Belt by virtue of loss of openness and

encroachment. It is not deemed that Very Special Circumstances exist that are sufficient to clearly outweigh the harm to the Green Belt and the other harm identified. The development would therefore be contrary to Policy PG3 (Green Belt) of the Cheshire East Local Plan Strategy, saved Policy GC1 (Green Belt (New Buildings)) of the Macclesfield Borough Local Plan and the National Planning Policy Framework.

2. The proposed development would be located outside of a settlement boundary, in an unsustainable location. In addition, the development would lead to a concentration of specialist care facilities resulting in an imbalance of residential uses in the area and would conflict with other relevant policies of the development plan. The development is therefore deemed contrary to Policies SC4 (Residential Mix), SD2 (Sustainable Development Principles), CO1 (Sustainable Travel and Transport), EG2 (Rural Economy) and the strategic aims of Policy PG2 (Settlement Hierarchy) of the Cheshire East Local Plan Strategy and saved Policy DC57 (Community Uses – Residential Institutions) of the Macclesfield Borough Local Plan.
3. The proposed development would have a significant adverse impact upon roosting bats and Great Crested Newts, protected and priority species. The reasons for or benefits of the proposed development do not outweigh the adverse impacts of the proposed development upon these species and so the proposals are contrary to Policy SE3 (Biodiversity and Geodiversity) of the Cheshire East Local Plan Strategy and saved Policy NE11 (Nature Conservation) of the Macclesfield Borough Local Plan. As bats and Great Crested Newts receive protection under the Habitats Regulations, the Council must have due regard to the regulations during the determination of the application. In order to discharge its duties under the regulations the Council must consider whether Natural England would be likely to grant a protected species licence to allow the development to proceed. In this instance, the Council considers that the proposed development is not of imperative overriding public interest and there are suitable alternatives to the current proposals with a reduced impact upon bats and Great Crested Newts. The application therefore fails to comply with the licensing tests in the habitat regulations. Natural England would consequently be unlikely to grant a protected species license in this instance.

In order to give proper effect to the Strategic Planning Board's intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

(It was noted that Councillor B Murphy abstained from voting on the application).

65 **21/1727W PROPOSED EXTENSION TO SILICA SAND EXTRACTION WITH PROGRESSIVE RESTORATION AT BENT FARM QUARRY, BROWNLOW FARM, WALLHILL LANE, CONGLETON FOR DAVID WALTON, SIBELCO UK LIMITED**

Consideration was given to the above application.

(David Walton, 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 written update to the Board the application be approved subject to the completion of a deed of variation of the Section 106 agreement attached to permission 8/08/0375/CPO to replicate the requirements of the legal agreement to the permission.

And subject to the following conditions:-

1. Timescales for commencement and notification of commencement
2. Approved plans and documents
3. Copy of approved plans to be made available for inspection on site
4. Timescales for cessation and restoration of the site
5. Hours of operation for general mineral activities
6. Hours of operation for noise generative activities
7. Hours of operation for the processing plant
8. Hours of operation for loading, unloading and movements of HGVs
9. Vehicles arriving and leaving the site restricted to using the existing access only, and maintenance of a notice advising drivers to turn right out of the site
10. Wheel cleaning and no deposit of material on the highway
11. Sheeting of vehicles
12. Restrictions on HGV numbers and timing of movements
13. Records of vehicle movements
14. Protection of nesting birds
15. Advance notice of soil stripping
16. Soil to be stripped prior to being used for extraction or associated activities and controls over the use of heavy machinery on soils
17. Soil handling
18. No export of soils without prior approval of the local planning authority
19. Seeding of all soil mounds
20. Weed control
21. 3m height control on soil mounds
22. No importation of waste
23. Surveys prior to any ponds being disturbed and where necessary scheme of translocation of species
24. Implementation of mitigation identified in the ecological impact assessment

25. Water levels of retained ponds to be monitored throughout the life of the site
26. Mounds to be located away from existing trees and hedgerows
27. Limits to depth of extraction
28. Limits on the amount of vegetation to be cleared in advance of sand extraction
29. Colour for any new buildings, plant or machinery on site to match those on site
30. Noise levels for normal mineral operations
31. Noise levels for noise generative activities and limits on timescales of these activities
32. Application of best practicable means for controlling noise on site
33. Noise levels from processing plant
34. Best practicable means for suppression of dust
35. Use of water bowser
36. Monitoring of stream flows within Dairy Brook and Loach Brook
37. Quarterly monitoring of groundwater levels
38. Extension of the groundwater monitoring scheme to include the extended extraction area and increase in extraction depth
39. No dewatering of the site below 81m AOD
40. Compliance with the mitigation in the Flood Risk Assessment and Hydrological Impact Assessment
41. Monitoring of water quality
42. Surface water from plant site to be discharged into the settlement lagoon prior to discharge into a watercourse
43. Procedures for storage of contaminants
44. No contaminants allowed to enter any watercourse
45. No open fires
46. All landscape works and planted areas to be maintained and losses replaced
47. No disturbance to any existing vegetation, waterbodies or watercourses within the site outside of the extraction areas
48. Tree and hedgerow protection and retention
49. Compliance with mitigation in the arboricultural assessment
50. Maintenance of haul roads, fences and other boundary treatments
51. Soil replacement and handling in line with technical guidelines
52. Removal of all plant, machinery, buildings and hardstanding within 24 months of cessation of mineral extraction and restoration of the site in accordance with the approved scheme
53. Lakes to be shaped and battered according to approved documents
54. Bank of the lakes to be grass seeded within three months of them being formed or in the first planting season.
55. Implementation of the restoration scheme and aftercare of the restored habitat for 5 years
56. Provision of shower facilities

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chair (or in their absence the Vice Chair) of 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 in consultation with the Chair (or in their absence Vice Chair) 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.

66 21/2240C APPLICATION SEEKING DETAILED CONSENT VIA RESERVED MATTERS APPROVAL FOLLOWING OUTLINE APPLICATION 17/1000C FOR 454 DWELLINGS AND THE ASSOCIATED INFRASTRUCTURE AND OPEN SPACE ON LAND OFF GIANTSWOOD LANE AND MANCHESTER ROAD, CONGLETON FOR MICHAEL BLACKHURST, REDROW HOMES

Consideration was given to the above application.

(Michael Blackhurst, representing 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 following conditions:-

1. Approved plans
2. Tree retention
3. Tree Protection
4. Arboricultural method statement
5. Levels survey – Trees
6. Services drainage layout – Trees
7. 10 year maintenance/retention of avenue trees
8. 25 year landscape management plan
9. The proposed development to proceed in accordance with the recommendations of the submitted Ecological Enhancement Strategy
10. Bird nesting season
11. Implementation of the recommendations in the acoustic report
12. Details of play areas including levels to be agreed
13. Details, including cross-sections of the slopes between the adjacent access roads and the far side of the 3 SUDS ponds, along the north eastern boundary to be submitted and approved.

In addition it was agreed that an informative be included which stated any reserved matters application was to leave a landscaped buffer zone to the road frontages and woodland areas along the southern boundary.

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of

Planning 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 Board's decision.

(It was noted that Councillor B Murphy abstained from voting on the application. The meeting was adjourned for a short break).

67 21/4440C OUTLINE APPLICATION WITH DETAILS OF ACCESS (DETAILS OF APPEARANCE, LANDSCAPING, LAYOUT, AND SCALE ARE RESERVED FOR FUTURE DETERMINATION) FOR THE ERECTION OF FLEXIBLE USE CLASS B2/B8 EMPLOYMENT UNITS (INCLUDING ANCILLARY OFFICES), VEHICLE AND PEDESTRIAN ACCESS, PARKING, LANDSCAPING AND ASSOCIATED WORKS, LAND TO THE WEST OF VIKING WAY, CONGLETON FOR MR ADAM SCOTT

Consideration was given to the above application.

RESOLVED

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

1. Congleton Link Road contribution of £287,310 based on a £30sq.m commercial development. Payable on first occupation.
2. Bus service contribution of £150,000. Payable on first occupation.
3. Biodiversity net gain payment based on 2.30 additional biodiversity units (a total commuted sum of £25.3k.on current figures):
 - submit an updated Biodiversity Impact Assessment (BIA) based upon the final design, layout and detailed landscaping plans to be submitted and approved by the Council with the reserved matters submission; and
 - where the BIA shows an alternative credit amount is required, for this to be calculated based on an agreed formula for the indicative masterplan (£11k per credit required) and for this to be paid to the Council prior to occupation.

And subject to the following conditions:-

1. Commencement of development (3 years) or 2 from date of approval of reserved matters
2. 3 year submission of reserved matters
3. Reserved matters to be approved
4. Approved Plans
5. Materials
6. Landscaping
7. Implementation of landscaping
8. Construction Management Plan to be submitted prior to commencement.

9. Travel Plan to be submitted prior to occupation of the first dwelling.
10. Off-site works for the uncontrolled pedestrian crossing point and ghost right turn lane on Viking Way.
11. Requirement to secure the small section of ped/cycle footway on the north west corner of the site that links to the CLR.
12. Arboricultural Impact Assessment which also considers the SUDs proposals in accordance with Sections 5.4 (BS5837:2012) and Tree protection Plan (Section 5.5 BS57837:2012).
13. Arboricultural Method Statement (Section 6.1 BS5837:2012).
14. A Woodland Management Plan which makes a commitment to enhancing and managing existing tree cover on the site to accord with Policy SE5 and SE3 should be provided.
15. Any future reserved matters application to be supported by an updated protected species surveys, impact assessment and mitigation proposals.
16. Each reserved matters application to be supported by a habitat creation method statement, habitat management plan and ecological monitoring strategy. These to be for a duration of 30 years and informed by the results of the submitted Biodiversity Net Gain Assessment..
17. Ecological enhancement measures to be submitted with each future reserved matters application.
18. Lighting strategy design to minimise impacts on nocturnal wildlife.
19. Reserved matters application to be supported by proposals for the safeguarding of an undeveloped 50m buffer as shown on the submitted parameters plan. No development, including the storage of materials or levels changes to take place within this buffer unless approved in writing by the LPA.
20. Footpaths/cycleways to be routed outside the woodland except where required to form a link to the south.
21. Electric Vehicle Charging points (commercial).
22. Submission of a post demolition Phase II ground contamination and risk assessment together with a remediation report.
23. Control of soils brought onto site.
24. Measures to address contamination should it be unexpectedly be found during works.
25. Jodrell Bank mitigation measures.
26. Approval of levels.
27. Development to accord with the recommendations of the submitted flood risk assessment.
28. Drainage strategy/design in accordance with the appropriate method of surface water drainage chosen.
29. Foul and surface water drained on separate systems.

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning 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 Board's decision.

(The meeting was adjourned for lunch from 12.50pm until 1.30pm. Councillor B Murphy left the meeting and did not return).

68 21/5047N PLANNING APPLICATION FOR THE DEMOLITION OF AN EXISTING BUILDING AND THE DEVELOPMENT OF A BUILDING FOR B8 USE AT UNITS A AND B, 1 WESTON ROAD, CREWE FOR AEW UK CORE PROPERTY FUND

Consideration was given to the above application.

(David Sweeting, 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 the application be approved subject to the following conditions:-

1. Standard Time
2. Approved Plans
3. External Material details to be submitted
4. Revised landscape scheme to be submitted and to include mature tree planting
5. Landscape Implementation Scheme
6. Submission of a Tree Protection Scheme
7. Submission of Arb Method Statement
8. Provision of Electric Vehicle Charging infrastructure
9. Provision of Ultra Low Emission Boilers
10. Submission of Phase II contaminated land report
11. Submission of a verification report in accordance with the remediation scheme
12. Prior approval of a soil contamination verification report
13. Development should stop if contamination is encountered
14. Development to be in accordance with FRA
15. Submission of a detailed strategy / design, associated management / maintenance plan for sustainable drainage to include proposals for rainwater harvesting
16. Foul and surface water to be drainage separately
17. Lighting scheme to be submitted prior to commencement of development
18. Cycle storage to be a secure covered storage facility
19. Renewable Energy provision required

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Head

of Planning in consultation with the Chair (or in his absence the Vice Chair) of 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.

69 21/5514C PROPOSED ERECTION OF A SINGLE WAREHOUSE UNIT (USE CLASS B8) WITH ANCILLARY OFFICE SPACE, ASSOCIATED PARKING, ACCESS, LANDSCAPING AND OTHER WORKS, LAND OFF, FAULKNER DRIVE, MIDDLEWICH FOR BRITISH SALT LIMITED AND STOFORD PROPERTIES LIMITED

Consideration was given to the above application.

(Councillor Carol Bulman, the Ward Councillor, Fraser Ramsay, representing the applicant and Joseph Smith, 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 written update to the Board, the application be approved subject to consideration of the hours of operation of the site and the ability for investigation of a local site for biodiversity net gain within the s106, subject the completion of a Section 106 Agreement securing the following:-

| Heads of Terms | Amount | Trigger |
|--|---------------|-----------------------------------|
| Biodiversity - off-site habitat creation | £241,147.72 | Prior to commencement development |

And subject to the following conditions:-

1. Time limit (3 years)
2. Development in accordance with the approved plans
3. Materials
4. No development other than site clearance works to take place prior to submission and approval of a detailed drainage plan
5. No development other than site clearance works to take place prior to submission and approval of surface water drainage details
6. No development other than site clearance works to take place prior to submission and approval of an archaeological written scheme of investigation
7. No development other than site clearance works to take place prior to submission and approval of a construction management plan
8. No development other than site clearance works to take place prior to submission and approval of Phase II ground investigations and risk assessments
9. The development shall not be occupied until a verification report (contaminated land) has been submitted

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing of the Local Planning Authority prior to the occupation of any buildings.
11. Details of any external plant and machinery shall be submitted prior to installation
12. Provision of low emission boilers
13. Provision of electric vehicle charging points
14. Submission of details of any piling operations
15. Construction hours: 09:00 – 17:30hours Mon to Fri, 09:00 – 14:00 hours Sat, with no working on Sundays or public holidays
16. Submission and approval of a site specific dust management plan
17. Nesting bird protection
18. Provision of a construction environmental management plan (nature conservation)
19. Each reserved matters application to be supported by a strategy for the incorporation of features to enhance the biodiversity value of the proposed development
20. The development hereby approved shall only be occupied in connection with operations at British Salt
21. If the consented development has not commenced by the beginning of July 2022 an updated badger survey report is to be submitted to the LPA. The submitted report to include mitigation measures to address any adverse impacts identified
22. The development shall secure 10% of its predicted energy requirements from decentralised and renewable or low carbon sources unless the applicant can demonstrate that this is not feasible or viable
23. The development shall be carried out in accordance with the mitigation measures set out in the submitted Noise Impact Assessment and fork lift trucks and heavy goods vehicles operating on the site shall be fitted with white noise reversing alarms.

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, in consultation with the Chair (or in their 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 in consultation with the Chair (or in their absence the Vice Chair) 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.

The meeting commenced at 10.00 am and concluded at 4.00 pm

Councillor S Gardiner (Chair)