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## CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 17th September, 2014 at The Capesthorne Room - Town Hall,  
Macclesfield SK10 1EA

### PRESENT

Councillor H Davenport (Chairman)  
Councillor G M Walton (Vice-Chairman)

Councillors D Brickhill, P Edwards, J Hammond, D Hough, P Hoyland, J Jackson, W Livesley (substitute), B Murphy, D Newton, L Smetham, A Thwaite (substitute), S Wilkinson and J Wray

### OFFICERS IN ATTENDANCE

Mr D Malcolm (Development Control Manager), Mr D Evans (Principal Planning Officer), Mrs N Folan (Planning Lawyer), Mr P Hooley (Planning Enforcement Manager), Ms B Wilders (Principal Planning Officer), Mr N Jones (Principal Development Officer) and Ms L Thompson (Senior Planning Officer)

### 47 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rachel Bailey and David Brown.

### 48 DECLARATIONS OF INTEREST/PRE DETERMINATION

It was noted that in respect of application 14/1579N Members had received correspondence relating to this application.

In the interest of openness in respect of application number 14/3371M Councillor Walton declared that he vaguely knows the applicant. However, he had not taken part in any conversations with him on this application.

### 49 MINUTES OF THE PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 20<sup>th</sup> August 2014 be approved as a correct record and signed by the Chairman, subject to the following amendments:

Page 2 – Councillors Hammond and West declaration should read “As application 14/1779C related to a waste site application, in the interests of openness, Councillors Hammond and West declared that they were Directors of Ansa Environmental Services.”

Page 6 – Condition 42 to be deleted and an additional requirement be added to the Section 106 Agreement on page 4 to secure:

“6. An appropriate level of funding should be made available to mitigate the highway safety impact of the development on the B5077 Butterson Lane and the B5078 Radway Green Road including the Level Crossing. (This should be in

addition to the £342,000 to complete other schemes arising from previous permissions given in Alsager). Such mitigation and level of funding to be agreed by the Head of Strategic and Economic Planning in consultation with the Chairman and Vice Chairman and Ward Members.

Access to the remaining quarry site should be from the Main B5077 Road and not from the rear of the site. (This is to protect the amenity of residents of Nursery Road and Close Lane which are narrow country lanes)."

## **50 PUBLIC SPEAKING**

That the public speaking procedure be noted.

### **51 13/4049N - LAND TO THE WEST OF WRENBURY HEATH BRIDGE, NANTWICH ROAD, WRENBURY: DEVELOPMENT OF MARINA WITH ASSOCIATED DREDGING TO ACCOMMODATE THIS DEVELOPMENT; ASSOCIATED MARINA AMENITIES INCLUDING FACILITIES BUILDING, BOAT WORKSHOP, CAR PARKING AND HARDSTANDING, AND LANDSCAPING; AND A NEW ACCESS ROAD AND FARMER'S ENTRANCE TO THE EXISTING FIELD, FOOTBRIDGE AND ASSOCIATED FOOTPATHS**

Councillor Jack MacEvoy (on behalf of Wrenbury-cum-Frith Parish Council) and Chris Whitehouse (on behalf of the applicant) attended the meeting and addressed the Board on this matter.

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

RESOLVED – That the application be DEFERRED for further discussion with the applicant on landscape, sustainability and highways.

### **52 14/1579N - LAND NORTH OF CHOLMONDELEY ROAD, WRENBURY FRITH: 2.37 HECTARE 200 BERTH MARINA BASIN WITH PUMP OUT FACILITIES, LIGHTING AND LANDSCAPING, FUEL PUMP AND STORAGE, WASTE PUMP OUT; A NEW CANAL CONNECTION TO THE LLANGOLLEN CANAL WITH HEW TOW-PATH BRIDGE OVER CANAL CONNECTION; A MAIN SEWER CONNECTION; A FACILITIES BUILDING TO INCLUDE THE FOLLOWING INCIDENTAL/ANCILLARY USES; BOAT HIRE/TIME SHARE AND BROKERAGE; MANAGEMENT OFFICES, TOILETS, SHOWERS AND LAUNDRY BLOCK AND CAFE WITH RETAIL SPACE AND PUBLIC TOILETS;CHEMICAL EFFLUENT AND HOUSEHOLD WASTE RECYCLING FACILITIES; AND EXISTING SITE ACCESS ONTO CHOLMONDELEY ROAD TO BE UPGRADED TO HIGHWAYS STANDARD TO SERVE A NEW INTERNAL ROAD TO CAR PARKING AND SERVICES AREAS; DIVERSION AND ENHANCEMENT OF PUBLIC FOOTPATH NO. 3, WILDFLOWER MEADOW AND BAT/BARN OWL TOWER (RESUBMISSION OF 13/4286N)**

Councillor S Davies (Ward Councillor), Councillor Jack MacEvoy (on behalf of Wrenbury-cum-Frith Parish Council), Mr R Copping (on behalf of Save Wrenbury Action Group), Neil Palmer (objector) and Mr D Taylor (the agent) attended the meeting and addressed the Board on this matter.

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

RESOLVED – That the application be REFUSED for the following reasons:

1. There is insufficient information to determine if the proposals would have an adverse impact on flood risk as no suitable flood risk assessment has been supplied. The LPA has an obligation to consider the recommendations of statutory consultees. On that basis the proposals are contrary to policy NE20 within the CNRLP 2011 and guidance within the NPPF.
2. There is insufficient information in respect of the impacts of the development upon highway safety. As such it cannot be demonstrated that this major development would not have a significant adverse impact upon highway safety. The proposals would be contrary to policy BE3 within the CNRLP 2011 and guidance within the emerging Local Plan and NPPF.
3. The proposals constitute a major development in a rural location which would have a significant adverse impact upon the open countryside in this location contrary to policy NE2 within the CNRLP 2011, PG5 within the emerging Local Plan and guidance within the NPPF.
4. This major development adjacent to the village of Wrenbury would have a significant adverse impact upon the character of the village, conservation area and surrounding countryside contrary to policies BE2, NE2, BE7 within the CNRLP 2011, policies SE1, SE4, SE7 within the emerging Local Plan and guidance within the NPPF

*(The meeting adjourned for lunch from 13.00 until 13.45)*

**53 14/3371M - LAND NORTH OF CHELFORD ROAD, OLLERTON WA16 8SA: CHANGE IN USE OF LAND AND THE CONSTRUCTION OF A SINGLE-STOREY BUILDING TO CREATE A GOLF DRIVING RANGE WITH ASSOCIATED CAR PARKING AND NEW ACCESS**

Mr R Gascoigne (the agent) attended the meeting and addressed the Board on this matter.

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

RESOLVED – That for the reasons set out in the report, the application be APPROVED subject to the completion of a Section 106 Agreement to prevent the implementation of the extant permission for a driving range on the opposite side of the road and the following conditions:

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials

3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. A15LS - Submission of additional landscape details including type and source of materials to be used in any mounding
6. A16LS - Submission of landscape/woodland management plan
7. A13TR - Retention of existing trees
8. A02HA - Construction of access
9. A03HA - Vehicular visibility at access (dimensions)
10. A01AP - Development in accord with approved plans
11. A02NC - Implementation of ecological report
12. A06NC - Protection for breeding birds
13. Layout of car park
14. Extraneous matter
15. No ancillary uses
16. Lighting
17. Control over additional lighting
18. Fencing/Netting
19. Opening times
20. Development in accordance with Badger Survey including provision of a 30 buffer zone
21. Ecological enhancements to be agreed and implemented

**54 14/3389N - LAND NORTH OF PARKERS ROAD, LEIGHTON, CREWE: APPLICATION TO VARY CONDITION 4 TO VARY THE APPROVED HOUSE TYPES OF PERMISSION 11/1879N; HYBRID PLANNING APPLICATION SEEKING RESIDENTIAL DEVELOPMENT FOR UP TO 400 NEW DWELLINGS WITH OPEN SPACE; COMPRISING A FULL PLANNING APPLICATION FOR PHASE A OF 131 DWELLINGS AND PHASE B WHICH SEEKS OUTLINE PLANNING PERMISSION FOR UP TO 269 DWELLINGS WITH ACCESS AND ASSOCIATED INFRASTRUCTURE. IN RESPECT OF THE OUTLINE ELEMENT (PHASE B), ONLY ACCESS IS SOUGHT FOR APPROVAL AND ALL OTHER MATTERS ARE RESERVED FOR DETERMINATION AT A LATER DATE.**

Councillor D Bebbington (Ward Councillor) and Mr L Horne (supporter) attended the meeting and addressed the Board on this matter.

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

**RESOLVED** – That authority be delegated to the Chairman/Vice Chairman of the Strategic Planning Board and the Head of Strategic and Economic Planning in consultation with Ward Members, to **APPROVE** the application for the reasons set out in the report, subject to comments from the Parish Council and the

completion of a Section 106 Deed of Variation securing the same obligations as 11/1879N as follows.

1. Provision of education contribution of £398,990.
2. Provision of £300,000 towards highway improvements to the Remer Street corridor and the provision of a drop-off lay-by at Leighton Primary School. (To include the provision for £200K for the lay-by to be requested after commencement).
3. Provision of public open space including amenity greenspace and an equipped children's play area conforming to NEAP Standard, to include:
  - a. A minimum of 8 pieces of equipment.
  - b. A 1.4 metre high bowtop railing surround with two pedestrian access gates and a double leaf vehicular access gate.
  - c. Railings to be painted green and pedestrian gates to be yellow.
  - d. Equipment to be predominantly metal, inclusive, and conforming to BS EN 1176.
  - e. Equipment to have wetpour safer surfacing underneath it, conforming to BS EN 1177.
  - f. Surfacing between the wetpour to be tarmacadam with precast concrete edging surround.
  - g. Access paths to gates to be tarmacadam.
4. Provision for future management of children's play areas and amenity greenspace to include transfer to and future maintenance by a private management company.
5. Provision of 10% of the 400 units proposed across the whole site as affordable housing in perpetuity. The tenure split to be on a 25% social/affordable rent, 75% intermediate tenure basis. Phase B to include key worker housing to be agreed as part of subsequent reserved matters applications.
6. Overage clause.
7. Travel Plan Monitoring Fee £5000.
8. Contribution of £25,000 for the provision of Green Infrastructure within Crewe and the environs of the site.

And subject to the following conditions:-

1. Standard outline time limit (Phase B)
2. Submission of reserved matters (Phase B)
3. Plans
4. Materials
5. Boundary Treatment
6. Landscaping submission
7. Landscaping implementation
8. Features for use by birds and bats
9. Habitat creation and management plan
10. Design of proposed pond in accordance with plan reference G3333.04a
11. Design and layout of the proposed newt mitigation area including proposals to ensure no public access.
12. Bin Storage to be provided to the rear garden of each plot
13. Archaeology investigation / report
14. Compliance with flood Risk Assessment
15. Restrict surface water run-off
16. Surface water attenuation

17. Minimum Floor Levels
18. Surface Water Regulation Scheme
19. Site to be drained on a separate system
20. Phase II contaminated land investigation and remediation
21. Travel Plan
22. Updated Air Quality Impact Assessment
23. Limit hours of construction to 08:00 – 1800 Monday to Friday and 0900 – 1400 on Saturday with no working on Sunday or Bank Holiday
24. Details of external lighting to be submitted and approved
25. Construction of access and highway improvements in accordance with plan reference SCP/11531/D100 Rev E
26. Provision of Parking
27. Highway Construction details to be submitted
28. Replacement hedge and tree planting
29. Tree / hedge protection measures
30. Implementation of Tree / hedge Protection
31. Arboricultural Method Statement
32. Code for Sustainable Homes Level 3
33. Noise Impact Assessment
34. Compliance with apprenticeship scheme
35. Provision of Bungalows in Phase B
36. A Highway assessment of Moss Lane and if necessary submission of a scheme of measures for improvement and a timetable for their implementation

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 Strategic and Economic Planning, in consultation with the Chairman (or in his absence the Vice Chairman) 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.

The Planning Officer to contact the developers about fencing on Flowers Lane.

- 55 WITHDRAWN - 12/3948C - LAND BOUNDED BY OLD MILL ROAD AND M6 NORTHBOUND SLIP ROAD, SANDBACH: OUTLINE APPLICATION FOR COMMERCIAL DEVELOPMENT COMPRISING OF FAMILY PUB/RESTAURANT, 63 BEDROOM HOTEL, DRIVE THROUGH CAFE, EAT IN CAFE AND OFFICE AND LIGHT INDUSTRIAL COMMERCIAL UNITS WITH AN ADJACENT RESIDENTIAL DEVELOPMENT OF UP TO 250 DWELLINGS. THE PROPOSAL ALSO INCLUDES ASSOCIATED INFRASTRUCTURE AND ACCESS**

This item was withdrawn from the agenda by Officers prior to the meeting.

- 56 14/0134C - LAND SOUTH OF HOLMES CHAPEL ROAD, CONGLETON: DEVELOPMENT OF LAND FOR UP TO 70 DWELLINGS AND ASSOCIATED WORKS**

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

RESOLVED – That for the reasons set out in the report, the Strategic Planning Board are MINDED TO REFUSE the application for the following reasons:

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 and H6 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan, to the emerging Development Strategy and the principles of the National Planning Policy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.
2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.
3. The proposed residential development, by virtue of the adverse impact that the proposals would have on the local landscape character thereby failing to recognise the intrinsic character and beauty of this site and the contribution to the wider landscape setting is contrary to Policies GR5, GR3 of the Congleton Borough Adopted Local Plan First Review 2005 and policies SE4, SE5 and SE6 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of Paragraph 17 of the National Planning Policy Framework.
4. Insufficient information has been submitted to demonstrate that the proposal will have an acceptable impact upon the operation of the highway network in the vicinity in terms of safety and congestion impacts and lack of data in the Transport Assessment contrary to Policies GR9 and GR10 of the Congleton Borough Adopted Local Plan First Review 2005.
5. Insufficient information has been submitted to demonstrate that the scheme would provide for the retention and protection of existing trees of amenity value and no assessment of historic hedgerows has been provided therefore the applicant has failed to demonstrate that the proposal complies with Policies GR1 and NR1 of the adopted Congleton Borough Local Plan First Review 2005 and policy SE3 and SE5 of the emerging Cheshire East local Plan and the provisions of the National Planning Policy Framework.

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 S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement to secure:-

- Affordable housing:
  - 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
  - A mix of 1, 2 , 3 bedroom and other sized properties to be determined at reserved matters
  - units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.
  - constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
  - no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.
  - developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.
- Provision of minimum of 1680m2 sqm and of shared recreational open space and children's play space to include a LEAP with 5 pieces of equipment
- Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity
- Commuted Sum (to be negotiated) towards improvement of the Waggon and Horses Junction and the improvements at Barn Road roundabout or other measures that will provide similar congestion relief benefits to the A34 corridor through Congleton – amount to be confirmed
- Commuted sum of £40000 to upgrade existing Puffin Crossing to Toucan Crossing
- Commuted Sum payment in lieu of health related provision in accordance with the NHS Health Delivery Plan for Congleton of £68,000.

*Councillor Newton left the room for 5 minutes during consideration of this item and did not take part in the debate or vote on the application.*

*Following consideration of this item, Councillor Murphy left the meeting and did not return.*



## **57 IMPOSITION OF HOURS OF CONSTRUCTION CONDITION**

*Councillor Wray left the meeting for 10 minutes during consideration of this item and did not take part in the debate.*

Consideration was given to the motion that had been submitted by Councillor Brickhill and referred to the Strategic Planning Board.

RESOLVED – That a further report be brought back to the Strategic Planning Board after creation of Considerate Contractors Scheme and further discussions with Environmental Health.

## **58 URGENT ITEM - 13/4904N LAND OFF WRENS CLOSE, NANTWICH**

The Chairman reported that he had agreed to the consideration of this item as a matter of urgency, as a decision is required prior to the appeal hearing which is scheduled for 23 September 2014.

The Board considered a report for the withdrawal of one reason for refusal relating to planning application 13/4904N for a proposed residential development of 11 dwellings including access and associated infrastructure.

RESOLVED – That for the reasons set out in the report:

- That the second reason for refusal in respect of reptiles be withdrawn and that the Principal Planning Manager be instructed not to contest the issues at the forthcoming hearing;
- That a Section 106 be entered into in respect of the forthcoming Appeal to secure the Heads of Terms as set out below:
  - £3,387.00 for off-site habitat creation/restoration
  - £21,693 for primary education

## **59 URGENT DECISION - LAND AT WAGGS ROAD, CONGLETON**

The Board received and noted a verbal report on the details of an urgent decision relating to Land at Waggs Road, Congleton, which had been taken outside of the meeting by the Chairman and Vice-Chairman of the Strategic Planning Board in accordance with Procedure Rule 25 and Appendix 4 of the Council's Procedure Rules.

## **60 EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED – That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of

exempt information as defined in Paragraphs 1 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

## **61 ENFORCEMENT ACTION**

*Prior to consideration of this item, Councillor Hoyland declared that he had received correspondence from residents about the Enforcement Action.*

Councillors Howard Murray and Jo Saunders (ward councillors) attended the meeting and addressed the Board on this matter.

Members considered this item and received and noted the Enforcement Action report and agreed a way forward.

The meeting commenced at 10.30 am and concluded at 4.45 pm

Councillor H Davenport (Chairman)