

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 12th September, 2012 at The Capesthorne Room -  
Town Hall, Macclesfield SK10 1EA

### **PRESENT**

Councillor H Davenport (Chairman)

Councillors J Hammond, Rachel Bailey, D Brown, P Edwards, P Hoyland,  
J Jackson, P Mason, B Murphy, G M Walton, S Wilkinson and J Wray

### **OFFICERS PRESENT**

Ms S Dillon (Senior Lawyer), Mr D Evans (Principal Planning Officer), Mr S Irvine (Development Management and Building Control Officer), Mr N Jones (Principal Development Officer), Mr N Kelly (Environmental Protection Team Leader), Mrs E Tutton (Principal Planning Officer) and Miss E Williams (Principal Planning Officer)

### **50 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D Hough and C Thorley.

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

In the interest of openness in relation to application 12/2082M, Councillor H Davenport declared that he was a member of Disley Parish Council but that he had not taken part in any discussions with the Parish Council in respect of the application and had not made comments on it.

With regard to the same application, in the interest of openness, Councillors Mrs J Jackson and G Walton declared that they were members of Cheshire Peaks and Plains Tourist Association Executive Committee who had been a consultee on the application.

With regard to the same application, in the interest of openness, Councillor J Hammond declared that he was a member of the National Trust who had been a consultee on the application.

In the interest of openness in relation to applications 12/2685C, 12/0883C and 12/2584C, Councillor J Hammond declared that he was a Member of Cheshire Wildlife Trust who had been a consultee on the applications.

With regard to the same 3 applications, in the interest of openness, Councillor P Edwards declared that he was a Member of Middlewich Town Council.

### **52 MINUTES OF THE PREVIOUS MEETING**

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman subject to an amendment to condition no. 49 of minute no.42 to include reference to no construction traffic to park under Maw Lane railway bridge.

**53 PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

**54 12/2685C-OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 194 DWELLINGS, SITE ACCESS, HIGHWAY WORKS, LANDSCAPING, OPEN SPACE AND ASSOCIATED WORKS, LAND OFF WARMINGHAM LANE, MIDDLEWICH FOR GLADMAN DEVELOPMENTS LTD**

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report and in the update to the Board, the application be delegated to the Head of Development Management and Building Control in consultation with the Chairman of Strategic Planning Board and Councillor P Edwards, the Ward Councillor to APPROVE the application, subject to an agreement on the level of highways contribution for the traffic calming measures along Warmingham Lane and junction improvement works (Kinderton Street/Leadsmyth Street and Kinderton Street/King Street) a contribution for which will be secured via a S106 contribution and the completion of Section 106 legal 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 a LEAP and Public Open Space to be maintained by a private management company
3. A commuted payment of £124,517 towards secondary school education
4. A highways contribution towards junction improvements (Kinderton Street/Leadsmithy Street and Kinderton Street/King Street). The applicant shall pay the full contribution for these works which shall be split on a pro-rata basis between Gladman and Bellway prior to the occupation of the site.
5. A highways contribution towards traffic calming along Warmingham Lane. The applicant shall pay the full contribution for these works which shall be split on a pro-rata basis between Gladman and Bellway prior to the occupation of the site.
6. A commuted payment towards highway improvements £25,350 for bus use

And subject to the following conditions

1. Standard Outline
2. Submission of Reserved Matters
3. 6 month time limit for the submission of the reserved matters
4. Prior to the submission of any reserved matter application a detailed masterplan and design code shall be submitted to the LPA for approval in writing
5. The framework plan is not approved as the spatial parameters of the scheme other than establishing the overall coverage
6. Approved Plans
7. No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
8. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays
9. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
10. No development shall commence until a mitigation scheme for protecting the proposed dwellings from traffic noise has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be completed before any of the dwellings are occupied.
11. The developer shall agree with the LPA an Environmental Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation. The plan shall be implemented and enforced throughout the construction phase.
12. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
13. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the

proposed development, has been submitted to and approved in writing by the local planning authority.

14. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority.

15. No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing how at least 10% of the predicted energy requirements of the development will be secured from decentralised and renewable or low-carbon sources. The scheme shall be implemented as approved and retained thereafter.

16. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.

17. The reserved matters application shall include detailed designs of the proposed ponds, details of the habitat creation areas

18. Retention and enhancement of the marsh area

19. Provision of bat and bird boxes

20. Updated protected species survey

21. Works should commence outside the bird breeding season

22. Compensation/mitigation measures for GCN

23. Provide a pedestrian/cycle link to the boundary of the proposed Bellway development in the SW corner of the site to the satisfaction of the SHM prior to first occupation.

24. The provision of a replacement bus stop

25. Detailed drawings showing the following alterations to the scheme shall be submitted to and approved by the Local Planning Authority before any work is commenced on site:-

Access into, out of, through the site, plus linkages between the site and onto the proposed roundabout. This part of the development shall be completed only in accordance with the alterations thus approved.

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 Head of Development Management and Building Control 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.

(During consideration of the application, Councillor P Mason left the meeting and returned and therefore did not take part in the debate or vote on the application).

**55 12/0883C-OUTLINE PLANNING APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT OF UPTO 194 DWELLINGS, SITE ACCESS, HIGHWAY, LANDSCAPING, OPEN SPACE AND**

**ASSOCIATED WORKS, LAND OFF WARMINGHAM LANE,  
MIDDLEWICH FOR GLADMAN DEVELOPMENTS LIMITED**

Consideration was given to the above application.

**RESOLVED**

That for the reasons set out in the report and in the update to the Board, the application be delegated to the Head of Development Management and Building Control in consultation with the Chairman of Strategic Planning Board and Councillor P Edwards, the Ward Councillor to APPROVE the application, subject to an agreement on the level of highways contribution for the traffic calming measures along Warmingham Lane and junction improvement works (Kinderton Street/Leadsmythy Street and Kinderton Street/King Street) a contribution for which will be secured via a S106 contribution and the completion of Section 106 legal 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 a LEAP and Public Open Space to be maintained by a private management company
3. A commuted payment of £124,517 towards secondary school education
4. A highways contribution towards junction improvements (Kinderton Street/Leadsmythy Street and Kinderton Street/King Street). The applicant shall pay the full contribution for these works which shall be split on a pro-rata basis between Gladman and Bellway prior to the occupation of the site.
5. A highways contribution towards traffic calming along Warmingham Lane. The applicant shall pay the full contribution for these works which shall be split on a pro-rata basis between Gladman and Bellway prior to the occupation of the site.
6. A commuted payment towards highway improvements £25,350 for bus use

And subject to the following conditions

1. Standard Outline
2. Submission of Reserved Matters
3. 6 month time limit for the submission of the reserved matters
4. Prior to the submission of any reserved matter application a detailed masterplan and design code shall be submitted to the LPA for approval in writing
5. The framework plan is not approved as the spatial parameters of the scheme other than establishing the overall coverage
6. Approved Plans
7. No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
8. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays
9. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
10. No development shall commence until a mitigation scheme for protecting the proposed dwellings from traffic noise has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be completed before any of the dwellings are occupied.
11. The developer shall agree with the LPA an Environmental Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation. The plan shall be implemented and enforced throughout the construction phase.
12. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
13. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
14. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority.
15. No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing how at least 10% of the predicted energy requirements of the development will be secured from decentralised and renewable or low-carbon sources. The scheme shall be implemented as approved and retained thereafter.
16. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.
17. The reserved matters application shall include detailed designs of the proposed ponds, details of the habitat creation areas
18. Retention and enhancement of the marsh area
19. Provision of bat and bird boxes

- 20. Updated protected species survey
- 21. Works should commence outside the bird breeding season
- 22. Compensation/mitigation measures for GCN
- 23. Provide a pedestrian/cycle link to the boundary of the proposed Bellway development in the SW corner of the site to the satisfaction of the SHM prior to first occupation.
- 24. The provision of a replacement bus stop
- 25. Detailed drawings showing the following alterations to the scheme shall be submitted to and approved by the Local Planning Authority before any work is commenced on site:-

Access into, out of, through the site, plus linkages between the site and onto the proposed roundabout. This part of the development shall be completed only in accordance with the alterations thus approved.

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 Head of Development Management and Building Control 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.

**56 12/2584C-FULL PLANNING APPLICATION FOR ERECTION OF 149 DWELLINGS WITH ASSOCIATED ACCESS AND LANDSCAPING ARRANGEMENTS ALONGSIDE A NEWT RELOCATION STRATEGY, LAND OFF WARMINGHAM LANE, MIDDLEWICH FOR BELLWAY HOMES**

Consideration was given to the above application.

(Mr Aritss, the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report and in the update to the Board, The application be delegated to the Head of Development Management and Building Control in consultation with the Chairman of Strategic Planning Board and Councillor P Edwards, the Ward Councillor to APPROVE the application, subject to an agreement on the level of highways contribution for the traffic calming measures along Warmingham Lane and junction improvement works (Kinderton Street/Leadsmyth Street and Kinderton Street/King Street) a contribution for which will be secured via a S106 contribution and the completion of Section 106 legal agreement to secure the following:-

1. 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure.
2. The provision of a LEAP and Public Open Space to be maintained by a private management company
3. A commuted payment of £295,728 towards secondary school education
4. A highways contribution towards junction improvements (Kinderton Street/Leadsmithy Street and Kinderton Street/King Street). The applicant shall pay the full contribution for these works which shall be split on a pro-rata basis between Gladman and Bellway prior to the occupation of the site.
5. A highways contribution towards traffic calming along Warmingham Lane. The applicant shall pay the full contribution for these works which shall be split on a pro-rata basis between Gladman and Bellway prior to the occupation of the site.
6. A commuted payment towards highway improvements £25,350 for bus use

And the following conditions

1. Standard time limit 3 years
2. Approved Plans
3. No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
4. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays
5. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays or Bank Holidays
6. Prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority
7. The mitigation recommended in the noise report shall be implemented prior to the use of the development / first occupation.
8. No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.
9. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
10. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
11. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface



water has been submitted to and approved in writing by the local planning authority.

12.No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing how at least 10% of the predicted energy requirements of the development will be secured from decentralised and renewable or low-carbon sources. The scheme shall be implemented as approved and retained thereafter.

13.Provision of bat and bird boxes

14.Works should commence outside the bird breeding season

15.Compensation measures for GCN including the provision of 2 ponds to be provided in accordance with the approved details

16.Management plan for the GCN ponds to be in perpetuity

17.Details of concrete raft foundations to be submitted and approved

18.Materials to be submitted and approved

19.Landscaping to be submitted and approved

20.Landscaping scheme to be implemented

21.Remove Permitted Development Rights for certain plots

22.Boundary Treatment details

23.Tree and hedgerow retention

24.Tree Protection to be submitted and approved

25.The parking spaces to be provided on the approved plan should be provided

26.Provide a pedestrian/cycle link to the boundary of the proposed Gladman development in the SW corner of the site to the satisfaction of the LPA prior to first occupation.

27.No construction of dwellings until the roundabout site access has been constructed to the complete satisfaction of the LPA.

28.The provision of a replacement bus stop

29.Details of parking for construction vehicles

30.The provision of wheel wash facilities

31.Details of bin storage to be submitted and approved

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 Head of Development Management and Building Control has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

(The meeting adjourned from 12.20pm until 1.30pm for lunch).

(Councillor P Edwards left the meeting and did not return).

**57 12/2082M-CHANGE OF USE FROM USE CLASS C1 (HOTEL) TO USE CLASS C2 (RESIDENTIAL INSTITUTION), MOORSIDE HOTEL, MUDHURST LANE, DISLEY FOR STARDON (MOORSIDE) LTD**

Consideration was given to the above application.

(Parish Councillor Kidd, Chairman of Disley Parish Council and Dr Harrop, an objector attended the meeting and spoke in respect of the application).

RESOLVED

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

1. A01BC - Change of use - no consent for alteration or extension
2. A03FP - Commencement of development (3 years)
3. A04NC - Details of drainage to be submitted
4. Submission of a scheme outlining noise mitigation measures
5. Limitation on use - Private hospital not permitted
6. Submission of amended travel plan to include the provision of a dedicated mini-bus service for use by staff, residents and visitors of the C2 operator.

(Prior to consideration of the following item, Councillor D Brown arrived to the meeting).

**58 12/1445N-APPLICATION TO REMOVE CONDITION 11 OF PERMISSION 7/904/0124, CONDITION 7 OF PERMISSION 7/2006/CCC1, CONDITION 7 OF PERMISSION 7/2007/CCC7 AND CONDITION 7 OF PERMISSION 7/2009/CCC1, WHITTAKERS GREEN FARM, PEWIT LANE, BRIDGEMERE, CHESHIRE FOR MR F H RUSHTON**

Consideration was given to the above application.

(Councillor Mrs J Clowes, the Ward Councillor, Parish Councillor Leighton, representing Doddington and District Parish Council, Mr Frodsham, an objector and Mr Schofield, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred in order to assess the impact of the proposal on the PRow and to assess the impact on the Grade II listed building.

(This was against the Officers recommendation of approval).

(During consideration of the application, Councillor Mrs J Jackson left the meeting and did not return).

(Prior to consideration of the following item, Councillor P Mason left the meeting and did not return. Councillor Mrs R Bailey also left the meeting but returned during its consideration).

**59 REVIEW OF THE PLANNING PROTOCOL AND THE PUBLIC SPEAKING PROTOCOL**

(During consideration of the report, Councillors Mrs R Bailey and G Walton left the meeting and did not return).

Consideration was given to the above report.

Mrs S Dillon, the Council's Legal Officer reported the following amendments to the report:-

1) That the reference to Audit and Governance Committee in paragraph 2.1 of the covering report be replaced with 'Constitution Committee'.

2) That the words in paragraph 2.9 of the Planning Protocol 'or could reasonably be perceived as having' be deleted because perception would be dealt with in paragraph 2.10.

3) That following paragraph 2.9 a new paragraph be created as follows:-

2.10 If you foresee that prior involvement in a planning matter could give you an appearance of bias (to a fair-minded and informed observer), make it plain beforehand and again at the Planning Meeting that you will retain and have retained an open mind throughout and are going to take the final decision on planning merit. If the appearance of bias is so strong, in the circumstances, that an assurance will not be sufficient to rebut it, then you should declare an appearance of bias or predetermination and, unless you want to exercise public speaking rights, you should take no part in the item and, ideally, leave the room.

4) That the addition of the words 'visiting Councillors to any of the three Planning Committees' be inserted after the words 'Southern Planning Committees' in the first paragraph of the start of the Planning Protocol.

5) That in relation to the Public Speaking Protocol reference to Ward Councillors being allowed 3 minutes to speak should have been tracked in red.

Members made comments in respect of the following:-

- 1) Whether the reminder to pass on lobbying correspondence should be strengthened.
- 2) Whether the Members' current discretion to stay in the public gallery or leave the room when they have pre determined an application should be strengthened so that all Members leave the room as a matter of course.

- 3) Whether Members who have not attended the site visit should declare at the meeting that they know the application sufficiently well to take part in the decision.
- 4) Whether or not the Ward Councillor time should be restricted to 3 or 5 minutes and whether or not visiting Councillors should be questioned by Members on either the Board or the two Planning Committees.
- 5) Whether evidence should be presented to prove the existence of Local Representative Groups/Civic Societies.
- 6) Whether or not paragraph 9.5 of the covering report should be worded in a stronger manner.
- 7) In relation to paragraph 8.9 of the covering report the word 'ever' be replaced with the words 'to never'.

## RESOLVED

That the report be recommended for approval to the Constitution Committee subject to the amendments put forward by the Legal Officer and subject to the following amendments suggested by Members of the Board:-

- 1) That in relation to the Public Speaking Protocol the provision requiring a copy of a Constitution outlined in paragraph 1.1 to be produced by a Local Representative Group should be deleted.
- 2) That the final sentence in paragraph 1.2 of the Public Speaking Protocol be deleted.
- 3) That the third bullet point in paragraph 2.6 of the Public Speaking Protocol be amended so that all visiting Cheshire East Councillors (including Ward Councillors) have 3 minutes to speak and may be questioned by Members on the Strategic Planning Board/Northern or Southern Planning Committee for a maximum of 5 minutes, or longer at the Chairman's discretion.
- 4) In relation to paragraph 8.9 of the Planning Protocol the word 'ever' be replaced with the words 'to never'.

The meeting commenced at 10.30 am and concluded at 4.05 pm

Councillor H Davenport (Chairman)