

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 5th March, 2014 at The Capesthorpe Room - Town Hall,  
Macclesfield SK10 1EA

### **PRESENT**

Councillor H Davenport (Chairman)  
Councillor D Hough (Vice-Chairman)

Councillors C Andrew (Substitute), Rhoda Bailey (Substitute), D Brown, P Edwards, H Gaddum (Substitute), J Hammond, J Jackson, P Mason, B Murphy, L Smetham (Substitute), C G Thorley and J Wray

### **OFFICERS IN ATTENDANCE**

Mr J Baggaley (Nature Conservation Officer), Mr I Dale (Heritage and Design Manager), Ms S Dillon (Planning Lawyer), Mr A Fisher (Head of Strategic & Economic Planning), Mr B Haywood (Principal Planning Officer), Mr N Jones (Principal Development Officer), Mr D Malcolm (Interim Planning and Place Shaping Manager), Mr P Mason (Senior Enforcement Officer), Mr T Poupard (Senior Planning Officer) and Mr N Turpin (Principal Planning Officer)

### **171 APOLOGIES FOR ABSENCE**

Apologies for absence were from Councillors Mrs Rachel Bailey, P Hoyland, G Walton and S Wilkinson.

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

In the interest of openness in respect of application, Councillor H Davenport declared that he was a Member of the Cheshire East Council Environment and Prosperity Scrutiny Committee that some 2/3 years ago originally looked at and considered the Tatton Park initial Bewilderwood proposals. However he stated that he had not pre determined the application and had come to the meeting with an open mind to consider it afresh.

It was also noted that all Members of the Board were Cheshire East Councillors and that as Cheshire East Council was a landowner the Council had an interest in the application by virtue of the fact that the Authority and Tatton Park would receive future financial contributions from the scheme should the application be approved.

In the interest of openness in respect of the same application, Councillor J Hammond declared that he was a member of the RSPB, the Cheshire Wildlife Trust and the National Trust who had been consultees on the

application, however her had not made any comments in relation to the application.

In the interest of openness in respect of the same application, Councillor Miss C Andrew declared that she was a member of the National Trust who had been a consultee on the application, however she had not made any comments in relation to the application.

In the interest of openness in respect of the same application, Councillors Mrs H Gaddum and P Mason declared that they had both been Cabinet Members when the proposals had been considered in principle, however they had not pre determined the application and had come to the meeting with an open mind.

In the interest of openness in respect of the same application, Councillor Mrs Rhoda Bailey declared that she was a member of the National Trust and CPRE who had been consultees on the application, however she had not made any comments in relation to the application.

In the interest of openness in respect of the same application, Councillor Mrs L Smetham declared that she was a member of the RSPB, the National Trust who had been consultees on the application as well as being a member of the Royal Horticultural Society, however she had not made any comments in relation to the application.

In the interest of openness in respect of the same application, Councillor D Hough declared that he was a member of the National Trust and RSPB who had been a consultee on the application, however he had not made any comments in relation to the application.

In the interest of openness in respect of the same application, Councillor D Brown declared that he was a member of the Cabinet which had considered the proposals in principle. In addition he was also a member of the National Trust who had been a consultee on the application, however he had not made any comments in relation to the application.

In the interest of openness in respect of the same application, Councillor C Thorley declared that he was a member of the National Trust who had been a consultee on the application, however he had not made any comments in relation to the application.

## 173        **MINUTES OF THE MEETING**

### **RESOLVED**

That the minutes of the meeting held 5 February 2014 be approved as a correct record and signed by the Chairman.

## 174        **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

175      **12/1166M-USE OF LAND FOR OUTDOOR ADVENTURE  
ATTRACTION, INCLUDING CAR PARK AND ASSOCIATED  
INFRASTRUCTURE, TATTON PARK, KNUTSFORD DRIVE,  
KNUTSFORD FOR BURE VALLEY ADVENTURES LIMITED**

Consideration was given to the above application.

(Councillor J Macrae, the Ward Councillor, Councillor L Gilbert, a visiting Councillor, Councillor Mrs O Hunter, the neighbouring Ward Councillor, Town Councillor Michael Houghton, representing Knutsford Town Council, Steve Torkington representing Save Tatton Action Group, Mr Reeves, an objector, Susan Appleton, a supporter, Phillippa Meachin, a supporter and Tom Blofeld, 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 and oral update to Board the application be approved subject to:-

(1) An Agreement under s111 Local Government Act 1972 and s1 Localism Act 2011 securing (by way of a further Agreement under s106 Town & Country Planning Agreement 1990):-

(a) £800,000 comprising £160,000 to be paid upon the Development first being brought into use and £160,000 on the anniversary of that date for the following four years, to be spent by the Council on works identified in the Conservation Action Plan at Appendix 1 of "The Bewilderwood Scheme – Public Benefits vs Harm" statement submitted with the planning application. The programme of works may be amended from time to time with the consent of the Interim Planning & Place Shaping Manager but shall always accord with the latest Quinquennial Review of the Heritage Asset and shall not be spent within the Bewilderwood site.

(b) A Performance Bond on terms approved by the Council and given by a reputable financial institution approved by the Council, which guarantees performance of site restoration works required by condition, upon the Development ceasing to operate.

(c) Further sums which will vary according to the income generated by the scheme and which shall be calculated according to the methodology used to produce the 5 – 20 Year Potential Financial Profile at Appendix 2 of "The Bewilderwood Scheme – Public Benefits vs Harm" statement submitted with the planning application. Agreeing the detail of the methodology is delegated to the Interim Planning & Place Shaping Manager and the Chief Operating Officer, who will take into account the

Applicants` full business plan for the Development and may discount sums already secured for the benefit of the Heritage Asset by other means such as lease or licence of the site. Such further sums are to be spent by the Council on works identified in a Conservation Management Plan for the Heritage Asset based on the draft Conservation Management Plan at Appendix 3 of “The Bewilderwood Scheme – Public Benefits vs Harm” statement submitted with the planning application. The programme of works may be amended from time to time with the consent of the Interim Planning & Place Shaping Manager but shall always accord with the latest Quinquennial Review of the Heritage Asset and shall not be spent within the Bewilderwood site.

And subject to the following conditions:-

1. Standard time 3 years
2. Development to proceed in accordance with the approved plans
3. The development permitted by this planning permission shall only be carried out in accordance with the approved Drainage Strategy & Flood Risk Assessment by Bidwells dated Feb 2012 and the following mitigation measures detailed within the FRA:
  - Impermeable areas are to discharge surface water run-off to soakaways and/or swales as outlined in section 4.
  - Identification and provision of safe route(s) into and out of the site to an appropriate safe haven together with the provision of a flood warning and evacuation plan as in section 5.5.
  - Flood resilience measures detailed in sections 5.3, 5.4 & 5.8 are shown to be implemented in the proposed development.
4. Before construction works start on the bridge crossings over Birkin Brook a detailed mitigation plan should be submitted for approval. The number of proposed crossing points over Birkin Brook does not quite conform with Water Framework Directive objectives for the waterbody and as such there needs to be clear mitigation works to directly enhance Birkin Brook to ensure it meets its ecological targets.
5. Before any construction works commence on site, a control or eradication plan to prevent the spread of Himalayan balsam and Japanese knotweed should be submitted for approval. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to recklessly spread these highly invasive species which can dominate riverbanks, reducing the ecological value of them.
6. Any in-channel works should be carried out between July and December to avoid disturbance to fish spawning and migration. Birkin Brook is known to have good numbers of brown trout, chub and dace which are all protected under the Salmon and Freshwater Fisheries Act 1975
7. The proposed recommendations and mitigation measures set out in the application documents are implemented, including a Wildlife Protection Plan for Construction (ES appendix 8.17 refers) and ecological mitigation and enhancement works within the red line application area and also in the wider area forming Tatton Park (ES appendix 8.18 refers).

8. No development shall take place within the area indicated 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.
9. Opening hours Feb – October 9.30 – 18.30 or dusk (whichever is sooner).
10. A wildlife construction management plan, including long term design objectives, management responsibilities and maintenance schedules for all areas, shall be submitted to and approved by the Local Planning Authority prior to commencement of any part of the development. The management plan shall be implemented as approved.
11. No development shall take place until a schedule of landscape maintenance for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance shall be carried out in accordance with the approved schedule.
12. If within a period of 5 years from the date of the planting of any tree, that tree or any tree planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives written consent to any variation.
13. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.
14. Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Construction Specification / Method Statement for tree protection/retention shall be submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

15. Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed tree felling / pruning specification shall be submitted to and approved in writing by the Local Planning Authority. All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 Recommendations for Tree Works.
16. Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such Method Statement shall include full details of the following:
  - a) Implementation, supervision and monitoring of the approved Tree Protection Scheme
  - b) Implementation, supervision and monitoring of the approved Tree Work Specification
  - c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme
  - d) Timing and phasing of Arboricultural works in relation to the approved development.
17. The plans and particulars submitted in accordance with condition 16 above shall include:
  - a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5m above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree.
  - b) details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height, and an assessment of the general state of health and stability of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply.
  - c) details of any proposed topping or lopping of any retained tree or of any tree on land adjacent to the site.
  - d) details of any proposed alterations in existing ground levels, and the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site, or within a distance from any retained tree or any tree on land adjacent to the site equivalent to half the height of that tree.

e) details of the specification and proposed fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition 'retained tree' means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

18. Restoration of the site once the development ceases to operate
19. 4. No excavation material to be taken off site
20. Removal of all imported stone and surfaces and car park planting within 3 months of the attraction ceasing to operate
21. Implementation of Great Crested Newt mitigation strategy unless amended by subsequent Natural England license.
22. Detailed specification of fencing designed to restrict visitor access outside the recognised activity areas.
23. Undertake and submit an updated badger survey/method statement immediately prior to commencement of works.
24. Submission of habitat management plan for the identified onsite and offsite woodlands to specifically include detailed proposals for the enhancement of breeding bird habitats including dead wood provision. Management to be for the operational life of the development.
25. Method statement for installation of service trenches.
26. Safeguarding of breeding birds
27. Submission of details of bird nest box provision (reflecting what the RSPB asked for).
28. Pond restoration method statement.
29. Submission of detailed proposals for the provision of bat boxes.
30. Detailed proposals for the restoration of c.9ha of parkland habitat.
31. Management plan for the restored area of parkland for the duration of the operational life of the development.
32. Detailed proposals for the establishment of eastern boundary hedgerow.
33. Detailed method statement for translocation and re-establishment of any woodland ground flora to be adversely affected by the proposed development.
34. Submission of Construction Wildlife Management Plan
35. Traffic Management Plan to be submitted to the LPA prior to occupation
36. All service trench work should be implemented in accordance with NJUG 10

(2) The approval notice shall not be issued until the application has been referred to the Secretary of State in accordance with the TCP (Consultation)(England) Direction 2009 and either (i) the Secretary of State has notified the LPA that he does not intend to call in the application for determination by him or (ii) 21 days have expired since the Secretary of State received the application and he has not called it in for determination.

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 Interim Planning and Place Shaping 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 Board's decision.

(The meeting adjourned for lunch at 1.25pm until 2.10pm).

176        **13/4458M-PARTIAL REMOVAL OF THE RUNWAY, REGRADING WORKS, FOOTPATH AND CYCLE LINKS, THE NATURALISATION OF THE CULVERTED WATERCOURSE THROUGH THE SITE AND RESTORATION AND LANDSCAPING WORKS, WOODFORD AIRFIELD, ADLINGTON/POYNTON FOR HARROW ESTATES PLC AND OTHERS**

Consideration was given to the above application.

**RESOLVED**

That for the reasons set out in the report the application be approved subject to the following conditions;-

1. A03FP     - Commencement of development (3 years)
2. A01AP     - Development in accord with approved plans
3. A22GR     - Protection from noise during construction (hours of construction)
4. A17MC     - Decontamination of land
5. A02TR     - Tree protection
6. A05LS     - Landscaping - implementation
7. A15MC     - Archaeological watching brief
8. Unidentified Contamination
9. Detailed scheme of footpath facilities together with a programme of implementation
10. Submission of 10 year habitat management plan
11. Detailing planting specification for proposed woodland copses and new hedgerows
12. Submission of Construction Management Plan

177        **13/5290W-PERIODIC REVIEW OF MINERAL PERMISSION 5/97/1502P UNDER THE ENVIRONMENT ACT 1995, LAND AT LEE HILLS, CROKER LANE, SUTTON FOR R RATHBONE**

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

178        **13/5297C-RESERVED MATTERS APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT FOR 194 DWELLINGS AND ASSOCIATED PUBLIC OPEN SPACE WITH DETAILS**



**SUBMITTED FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE, LAND OFF WARMINGHAM LANE, MIDDLEWICH, CHESHIRE FOR STEPHEN MILLER, MORRIS HOMES LIMITED**

Consideration was given to the above application.

**RESOLVED**

That for the reasons outlined in the report and in the written update to Board the application be approved subject to the following conditions:-

1. Approved Plans
2. Obscure glazing to the side elevations of plots 1, 18, 19, 32, 33, 103, 115, 147 and 157 and removal of PD Rights for all new windows to the side elevations
3. Removal of PD Rights for extensions to plots 47, 147-157
4. Materials to submitted and approved in writing by the LPA
5. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority.
6. Landscaping details to be submitted to the LPA for approval in writing
7. Boundary treatment as shown on the approved plan
8. Submission of a landscaping scheme
9. Implementation of the approved landscape scheme
10. Submission and implementation of a habitat management plan
11. Arboricultural method statement to include, tree protection, special construction for hard surfaces within tree root protection area,
12. A programme of work to retained trees.
13. Details of service routes would also be appropriate.
14. Refuse storage facilities to be approved
15. Raft Foundations
16. Drainage

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 Interim Planning and Place Shaping 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 Board's decision.

179        **13/2935M-OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS, FOR THE ERECTION OF A HIGH QUALITY RESIDENTIAL DEVELOPMENT (USE CLASS C3) WITH ASSOCIATED WOODLAND BUFFER, ECOLOGICAL MITIGATION AND ENHANCEMENTS, AND OPEN SPACES, LAND NORTH OF PARKGATE INDUSTRIAL ESTATE, PARKGATE LANE,**

## **KNUTSFORD, CHESHIRE FOR MR HENRY BROOKS, THE TATTON ESTATE**

Consideration was given to the above application.

(Councillor S Gardiner, the Ward Councillor, Councillor J Macrae, the Neighbouring Ward Councillor, Brian Chaplin, representing South Knutsford Residents Group and Mr Suckley, 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 oral update to Board the application be approved subject to the completion of a Section 106 Agreement securing the following Heads of Terms:-

- 30% Affordable Housing = 65% social or affordable rent, and 35% intermediate tenure (to be pepper -potted throughout the site)
- A contribution of £390 466 is required towards primary education.
- A contribution of £386 073 towards highway improvements to be made to junctions at A537 Brook Street and at Adams Hill.
- A commuted sum would be required for Recreation / Outdoor Sport of £ 170 000 (which includes discount for the affordable housing based on the affordable dwellings). The commuted sums would be used to make improvements, additions and enhancements, additions and improvements to existing Recreation and Outdoor Sports facilities within Knutsford and towards the development of any potential new facility within Knutsford Town including land purchase. The Recreation / Outdoor sports commuted sum payment will be required prior to commencement of the development
- Public Open Space of a size and location to be approved by the Council. A 15 year sum for maintenance of the open space will be required IF the council agrees to the transfer of the open space to CEC on completion. Alternatively, arrangements for the open space to be maintained in perpetuity will need to be made by the developer, subject to a detailed maintenance schedule to be agreed with the council, prior to commencement
- Provision of art in public areas to be incorporated into the landscaping scheme.

And subject to the following conditions:-

1. A06OP - Commencement of development

2. A03OP - Time limit for submission of reserved matters (within 3 years)
3. A01OP - Submission of reserved matters
4. A02OP\_1 - Implementation of reserved matters
5. A09OP - Compliance with parameter plans
6. A08OP - Ground levels to be submitted
7. A01LS - Landscape - submission of details
8. A04LS - Landscaping (implementation)
9. A01GR - Removal of permitted development rights
10. A02HA - Construction of access
11. A04HA - Vehicular visibility at access to be approved
12. A32HA - Submission of construction method statement
13. A19MC - Refuse storage facilities to be approved
14. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
15. Details of lighting to be approved
16. Piling - contractor to be members of the Considerate Construction Scheme
17. Hours of construction/noise generative works
18. Dust mitigation
19. Contaminated land
20. Submission of a drainage scheme including details in respect of surface water run-off
21. Scheme to dispose of foul and surface water
22. Flood risk
23. Flood risk - to prevent overland flow
24. Flooding re finished floor levels
25. Replacment of pond habitat prior to any development
26. Provision and management of an 8 metre wide buffer zone alongside the watercourses and Local Wildlife Site
27. Arboricultural Implication Study required
28. Contamination - remediation
29. Contaminants - protection of watercourse
30. Implementation of public open space areas.
31. Verification report re contaminants
32. Times of Piling

33. Landscape scheme to require assessment of potential to attract bird species that are a risk to aircraft safety
34. No lighting to be installed until full details submitted in consultation with Manchester Airport
35. Reserved Matters to include Site Construction Environmental Plan
36. All residential habitable rooms shall be acoustically insulated as outlined in the acoustic report
37. Acoustic fence
38. Scheme of noise mitigation to ensure that noise from the industrial estate meets required criteria for outdoor amenity areas
39. Travel Plan
40. Electric car charge points
41. Programme of archaeological work
42. Any future reserved matters application to be supported by an updated badger survey including mitigation and compensation measures
43. Safeguarding breeding birds
44. Reserved matters application to be supported by a revised ecological mitigation method statement. This revised statement to take account of any changes to the site layout or footprint but to be in accordance with the mitigation and compensation proposed
45. Reserved matters application to be supported by a Construction Environment Management Plan
46. Retention of trees with identified bat roost potential
47. Replacement hedgerow incorporated into landscape scheme
48. Trees T3, T4, T1 and T2 to be retained for bats
49. Roundabout to be constructed prior to occupation of the dwellings

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 Interim Planning and Place Shaping 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 Board's decision.

(The meeting adjourned for a short break. Prior to consideration of the following item, Councillors Miss C Andrew and P Edwards left the meeting and did not return).

Consideration was given to the above application.

(Parish Councillor Geoff Seddon, representing Audlem Parish Council, Frances Mary Christie, representing Audlem Parish Plan Planning Group, Frances Mary Christie, representing Audlem Medical Practice attended the meeting and spoke in respect of the application).

## RESOLVED

That the application be refused for the following reasons:-

1. The proposed residential development is unsustainable because it is located within the Open Countryside, where according to Policies NE.2 and RES.5 of the adopted Borough of Crewe and Nantwich Replacement Local Plan there is a presumption against new residential development. Such development would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also premature to the emerging Development Strategy. Consequently, 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 unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.
3. The proposal would involve the removal of an "important" hedgerow as defined in the Hedgerow Regulations 1997. Policy NE5 of the local plan states that the Local Planning authority will protect, conserve and enhance the natural conservation resource where, inter alia, natural features such as hedgerows are, wherever possible, integrated into landscaping schemes on development sites. In the absence of overriding reasons for allowing the development and the proposal is therefore contrary to Policy NR3 of the adopted Borough of Crewe and Nantwich Replacement Local Plan 2011.

In the event of an Appeal Against this refusal a Section 106 Agreement should be entered into to secure the following:-

- £12,000 for speed limit changes
- £261,483 for secondary education
- £95,833 for medical provision
- Provision of minimum of 1725sqm and of shared recreational open space and 2300sqm of shared children's play space to include a skatepark
- Private residents management company to maintain all on-site open space, including footpaths
- Provision of off-site footpath link
- 30% of the total dwellings as affordable with the tenure split of the affordable dwellings being 65% affordable rented and 35% intermediate.
- Detailed scheme of size, number, tenures and types of affordable dwellings to be submitted with each phase of reserved matters
- Affordable housing to be pepper-potted,
- Affordable housing to be provided no later than occupation of 50% of the open market dwellings (or 80% if the development is phased and has high levels of pepper-potting),
- Affordable housing to be built to meet the Design & Quality Standards required by the Homes & Communities Agency and meets Code for Sustainable Homes Level 3.
- Affordable housing to be transferred to and managed by a Registered Provider as set out in the Housing Act 1996.

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Interim Planning & Place Shaping Manager, in consultation with the Chairman 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.

#### 181      **AUDLEM ROAD, AUDLEM**

Consideration was given to the above report.

#### **RESOLVED**

That for the reasons set out in the report the Board withdraw the fourth, fifth, sixth and seventh reasons for refusal in respect of trees, design, amenity and medical infrastructure and the Interim Planning and Place Shaping Manager be instructed not to contest the issues at the forthcoming public inquiry and that the Interim Planning and Place Shaping Manager be instructed to enter into a Section 106 in respect of the forthcoming Appeal to secure the Heads of Terms as set out below:-

- £12,000 for speed limit changes
- £261,483 for secondary education
- £95,833 for medical provision

- Provision of minimum of 1725sqm and of shared recreational open space and 2300sqm of shared children's play space to include a skatepark
- Private residents management company to maintain all on-site open space, including footpaths
- Provision of off-site footpath link
- 30% of the total dwellings as affordable with the tenure split of the affordable dwellings being 65% affordable rented and 35% intermediate.
- Detailed scheme of size, number, tenures and types of affordable dwellings to be submitted with each phase of reserved matters
- Affordable housing to be pepper-potted,
- Affordable housing to be provided no later than occupation of 50% of the open market dwellings (or 80% if the development is phased and has high levels of pepper-potting),
- Affordable housing to be built to meet the Design & Quality Standards required by the Homes & Communities Agency and meets Code for Sustainable Homes Level 3.
- Affordable housing to be transferred to and managed by a Registered Provider as set out in the Housing Act 1996.

182      **13/2874N-OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT (UP TO 880 UNITS), RETIREMENT/CARE VILLAGE (USE CLASS C1, C2, C3), LOCAL CENTRE (USE CLASSES A1-A5; D1-D2; B1), COMMUNITY BUILDING, PRIMARY SCHOOL, PUBLIC OPEN SPACE, ALLOTMENTS, STRUCTURAL LANDSCAPING, ACCESS ARRANGEMENTS AND DEMOLITION OF EXISTING STRUCTURES, LAND BOUNDED BY GRETTY LANE, ROPE LANE, CREWE ROAD, AND A500, GRETTY, CREWE FOR HIMOR GROUP LIMITED**

Consideration was given to the above application.

(The Interim Planning & Place Shaping Manager read out statements on behalf of Councillor D Brickhill and B Silvester).

RESOLVED

That the Appeal be contested on the following grounds:-

1. The proposed residential development is unsustainable because it is located within the Open Countryside, where according to Policies NE.2 and RES.5 of the adopted Borough of Crewe and Nantwich Replacement Local Plan there is a presumption against new residential development. Such development would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. Consequently, 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 unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.

3. The proposal is located within the Green Gap and would result in erosion of the physical gaps between built up areas as well as adversely affecting the visual character of the landscape, and given that there are other alternative sites, which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policy NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan, the National Planning Policy Framework and the emerging Core Strategy.

4. The proposal would involve the removal of an "important" hedgerow as defined in the Hedgerow Regulations 1997. Policy NE5 of the local plan states that the Local Planning authority will protect, conserve and enhance the natural conservation resource where, inter alia, natural features such as hedgerows are, wherever possible, integrated into landscaping schemes on development sites. In the absence of overriding reasons for allowing the development and the proposal is therefore contrary to Policy NR3 of the adopted Borough of Crewe and Nantwich Replacement Local Plan 2011.

5. The proposed development would not represent economically and socially sustainable development as there is no identified local need for the care provision. There is already an over-supply of such care provision in the locality which exceeds the needs for the current and future generations. The development would therefore be considered contrary to NPPF paras 7, 17 and 50.

6. The applicant has failed to demonstrate a safe and satisfactory means of access to the site, contrary to the provisions of Policy BE3 (Access) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

7. The Transport Assessment submitted with the application underestimates the likely traffic impact of the development, which in the opinion of the Local Planning Authority would have a severe residual impact on the local road network, contrary to paragraph 32 of the National Planning Policy Framework.



8. Due to its scale the proposed development would impact on a wide area and is considered to be so substantial, and significant, that granting permission could prejudice the emerging Local Plan by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the Plan. It is also located in an Area of Search for proposed Green Belt in the emerging Local Plan and would predetermine decisions in respect of that policy. It is therefore contrary to advice contained within the National Planning Policy Framework and The Planning System: General Principles.

If the Secretary of State was minded to allow the Appeal then it was agreed that a Section 106 Agreement should be entered into securing the following:-

- Provision of minimum of 13,200sqm of shared recreational open space and 17,600sqm of shared children's play space, which is a total of 30,800sqm.
- Open space to include a 35 plot allotment site, an equipped children's play area including 6 pieces of equipment for young, plus 6 pieces for older children, a floodlit Multi Use Games Area, an outdoor gym facility, and an area of community woodland.
- Private residents management company to maintain all on-site open space, including footpaths
- 30% of the total dwellings to be affordable housing.
- The tenure split of the affordable dwellings to be 65% social or affordable rent and 35% intermediate tenure.
- An affordable housing scheme to be submitted with the reserved matters application, with no commencement of development allowed unless the affordable housing scheme has been approved.
- The affordable housing scheme to identify the location, type and tenure of the properties.
- The affordable housing to be pepper-potted (in clusters is acceptable)
- The affordable housing to be built in accordance with the Homes & Communities Agency Design & Quality Standards (2007) and meet Code for Sustainable Homes Level 3.
- A requirement that social/affordable rented or shared ownership dwellings are transferred to a Registered Provider
- Affordable dwellings to be delivered no later than occupation of 50% of the open market dwellings, unless the scheme is phased and there is a high degree of pepper-potting in which case the number of open market dwellings which can be occupied can increase to 80%. If the development is phased the section 106 agreement needs to secure a proportion of affordable homes on each phase.
- A fully serviced site be retained large enough to accommodate a 2 Form Entry Primary School and build cost provided to construct a new 1 form entry primary school (Amount to be £1,713.714.00).

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Interim Planning and Place Shaping Manager, in consultation with the Chairman 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.

The meeting commenced at 10.30 am and concluded at 5.00 pm

Councillor H Davenport (Chairman)