

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 2nd September, 2015 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)
Councillor M J Weatherill (Vice-Chairman)

Councillors Rhoda Bailey, D Bebbington, P Butterill, J Clowes, W S Davies,
S Edgar, P Groves, S Hogben, A Kolker, J Rhodes, B Roberts and
B Walmsley

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillor D Brown

OFFICERS PRESENT

Daniel Evans (Principal Planning Officer)
Patricia Evans (Lawyer)
Peter Hooley (Planning and Enforcement Manager)
Neil Jones (Principal Development Officer - Highways)
Julie Zientek (Democratic Services Officer)

Apologies

Councillor D Marren

62 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

All Members of the Committee declared that they had received
correspondence regarding application numbers 14/4810C and 15/2776C.

With regard to application number 15/2783N, Councillor S Edgar declared
that he had received correspondence from the Parish Council and local
residents but that he had kept an open mind.

With regard to application numbers 15/2783N and 15/3336N, Councillor J
Clowes stated that she had received representations from the parish
councils and local residents but that these had not been reflected in the
reports.

Councillor G Merry declared that she had called in application numbers
15/2421C and 15/3339C, which were in her Ward. She would exercise

her separate speaking rights as a Ward Councillor, vacate the Chair and not take part in the debate or vote.

63 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 5 August 2015 be approved as a correct record and signed by the Chairman.

64 14/5255N LAND WEST OF BUNBURY LANE, BUNBURY: DETAILED PLANNING APPLICATION FOR THE PROPOSED DEVELOPMENT OF 52 DWELLINGS, ACCESS AND PUBLIC OPEN SPACE FOR MACBRYDE HOMES LTD

Note: Parish Councillor R Pulford (on behalf of Bunbury Parish Council), Ms I Noonan (on behalf of Lower Bunbury Action Group), Ms D Caldwell (objector) and Ms E George (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

(a) That the application be REFUSED for the following reasons:

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE2 (Open Countryside) and RES5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, 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 creates harm to interests of acknowledged importance.
2. The Local Planning Authority considers that the scale of the proposed development would be premature following the publication consultation draft of the Bunbury Neighbourhood Plan. As such, allowing this development would prejudice the outcome of the neighbourhood plan-making process and would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.

(b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the

wording of the resolution, between approval of the minutes and issue of the decision notice.

- (c) That, should the application be subject to an appeal, the following Heads of Terms be secured as part of any S106 Agreement:
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. Financial contribution towards grassland habitat (TBC).
 3. Education contribution/s of £130,741.52 towards secondary school provision
 4. Public Open Space (£500 per dwelling)
 5. NHS contributions (subject to any future representations from NHS England)

65 14/5206N LAND OFF HILL CLOSE, BUNBURY CHESHIRE: OUTLINE APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT FOR 21NO. DWELLINGS AND PROPOSED NEW STABLE BLOCK AND PADDOCK FOR CB HOMES

Note: Parish Councillor R Pulford (on behalf of Bunbury Parish Council) and Ms K Catherall (on behalf of Hill Close Action Group) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman and Vice-Chairman of Southern Planning Committee and the Ward Councillor, to REFUSE the application for the following reasons, subject to clarification on the provision of visibility splays and control over the land:
1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE2 (Open

Countryside) and RES5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, 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 creates harm to interests of acknowledged importance.

2. The Local Planning Authority considers that the scale of the proposed development would be premature following the publication consultation draft of the Bunbury Neighbourhood Plan. As such, allowing this development would prejudice the outcome of the neighbourhood plan-making process and would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.
 3. Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered that the development is unsustainable because of the conflict with the draft Bunbury Neighbourhood plan and because of the unacceptable environmental impacts of the scheme in terms of the lack of information to demonstrate that the proposal would not harm species protected by law (Great Crested Newts and reptiles) and the lack of information to demonstrate the development could be provided without significant harm to the landscape. These factors significantly and demonstrably outweigh the social and economic benefits of the scheme in terms of its contribution to boosting housing land supply and supporting the local economy. As such the proposal is contrary to Policies NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policies SE3 (Biodiversity and Geodiversity) and SE4 (Landscape) of the Cheshire East Local Plan Strategy – Submission Version and the provisions of the NPPF.
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice-Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should the application be subject to an appeal, the following Heads of Terms be secured as part of any S106 Agreement:
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. Financial contribution of £2000 towards local barn owl group to facilitate site habitat creation.
 3. Education contribution/s of £49,028.07 towards secondary school provision
 4. NHS contributions (subject to any future representations from NHS England)

66 14/4810C 55, WEST STREET, CONGLETON, CHESHIRE CW12 1JY: DEMOLITION OF NO. 55 WEST STREET AND THE CONSTRUCTION OF A NEW TWO STOREY BUILDING CONTAINING 10NO. ONE BEDROOM FLATS WITH ACCOMPANYING AMENITY SPACE FOR JUSTIN SHEARD

Note: Mr P Hull (objector) attended the meeting and addressed the Committee.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

RESOLVED

- (a) That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reasons:
 1. The proposed development represents an overdevelopment of the site resulting in an overbearing impact and loss of light to adjoining property, no.53 West Street. The scale, massing and position of the proposed building will be over-dominant to the adjoining property, resulting in an unduly detrimental impact on the amenity of the occupiers of the adjoining property contrary to policy GR6 and GR1 of the Congleton Borough Local Plan. The development is similarly contrary to paragraph 17 of the NPPF.
 2. Insufficient car park provision will be provided to serve the development (3 spaces for the 10No. 1 bedroom apartments) resulting in an overspill of car parking in unsuitable off-site locations. This conclusion is reached taking into account the town centre location of the site and opportunity for other modes of travel to serve

the development. The proposal is contrary to policy to parking standards set out in Appendix 3 of the emerging Cheshire East local Plan Strategy (Submission Version) and contrary to policy GR1 and GR9 of the Congleton Borough Local Plan.

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Southern Planning Committee 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.

67 15/0001C LAND OFF GOLDFINCH CLOSE AND KESTREL CLOSE, CONGLETON: RESERVED MATTERS FOLLOWING OUTLINE APPROVAL OF 12/3025C FOR MRS A OAKDEN, SEDDON HOMES LTD

Note: Councillor D Brown (Ward Councillor), Mr K Macintosh (objector) and Ms S Wozencroft (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED to enable officers to seek amendments to the location of the affordable housing and improved linkages to the public open space.

68 15/1545N SITE OF 2 AND 4 HEATHFIELD AVENUE AND 29, 29A AND 31 HIGHTOWN, CREWE, CHESHIRE, CW1 3BU: CONSTRUCTION OF 9 HOUSES AND 5 APARTMENTS WITH ASSOCIATED PARKING AND ACCESS PROVISION FOR NICK MORGAN, R.G. HARRIS LTD

Note: Mr G Allen attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to a S106 Agreement making provision for

£21,692.58 commuted sum towards education and the following conditions:

1. Standard time limit 3 years
 2. Development to be carried out in accordance with approved / amended plans
 3. Submission of contaminated land report
 4. Submission / approval and implementation of environmental management plan
 5. Piling method statement to be submitted
- Limited
6. Submission / approval and implementation of scheme to minimise dust emissions
 7. Drainage – scheme for foul drainage submitted to and approved
 8. Drainage - scheme for surface water drainage submitted to and approved
 9. Construction of approved access
 10. Materials to be submitted and approved
 11. Landscaping scheme to be submitted including boundary treatments
 12. Landscaping implementation
 13. Parking to be provided as per approved plan prior to first occupation
 14. Removal of permitted development rights Classes A-E for mews properties
 15. Provision of cycle parking
 16. Provision of bin storage
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Southern Planning Committee 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.

**69 15/2783N ADJ 16, HUNTERSFIELD, SHAVINGTON CW2 5FB:
VARIATION OF CONDITION 3 ON APPLICATION 14/2082N - 2 NO.
SEMIS AND 2 NO. DETACHED HOUSES AND ANCILLIARY WORKS-
RESUBMISSION OF 14/0183N FOR RENEW LAND DEVELOPMENTS
LTD**

Note: Councillor J Clowes declared that she had been contacted by the parish council and local residents regarding their concerns with respect to this application.

Note: Mr K Turley (objector) and Mr R Lee (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

(a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Standard time 3 years
2. Plans
3. Materials
4. Landscaping Scheme
5. Implementation of Landscaping Scheme
6. Boundary Treatments
7. Removal of P.D Rights
8. Hours of Construction
9. Nesting Bird Survey
10. Breeding Birds
11. Construction Method Statement

(b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

(c) That, should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Southern Planning Committee 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.

70 15/2232C LAND AT MOSSLEY HOUSE, BIDDULPH ROAD, CONGLETON, CHESHIRE CW12 3LQ: FULL PLANNING APPLICATION FOR THE ERECTION OF 10 NO. DWELLINGS WITH ASSOCIATED GARAGES, CAR PARKING, LANDSCAPING, MEANS OF ACCESS AND SITE INFRASTRUCTURE FOR ELAN HOMES LTD

The Chairman reported that this application had been withdrawn from the agenda prior to the meeting.

71 15/3336N ROSE COTTAGE, 50, STOCK LANE, WYBUNBURY, CHESHIRE CW2 5ED: REMOVAL OF CONDITION 10 (DWELLING TYPE) ON APPROVAL 15/0482N - OUTLINE APPLICATION FOR 3-4 BEDROOM DETACHED DWELLING WITH ACCESS FROM EXISTING PRIVATE DRIVEWAY FOR MARK BEESTON

Note: Prior to consideration of this application, the meeting was adjourned for refreshments.

Note: Councillor J Clowes declared that she had been requested to call in the application by the parish council and local residents, and that the wording in the report had been taken from the call in form, which reflected their views. She had kept an open mind and would consider the application on its merits, having heard the debate and all the information.

Note: Councillor S Hogben returned to the meeting during consideration of this item but did not take part in the debate or vote.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
 - 1. Commencement
 - 2. Submission of reserved matters (all matters other than access)
 - 3. Approved plans
 - 4. Submission and approval of a construction management plan including any piling operations and a construction compound within the site
 - 5. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.
 - 6. Reserved matters to include details of any external lighting.
 - 7. Submission of drainage scheme to include foul and surface water including sustainable drainage systems
 - 8. Tree and hedgerow protection measures
 - 9. Breeding bird survey for works in the nesting season
- (b) That, 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 Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

72 15/2776C 26, ELTON ROAD, SANDBACH CW11 3NE: REAR EXTENSION AND FIRST FLOOR ENLARGEMENT FOR MR & MRS C & E SHAWCROSS

Note: Mrs T Burtonshaw (objector) attended the meeting and addressed the Committee.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
 - 1. Time (3 years)
 - 2. Plans
 - 3. Materials as per application
 - 4. Obscure Glazing – First Floor windows to the side elevation facing No 24 Elton Road
 - 5. Construction management plan

Informatives:

- 1. NPPF
 - 2. Brine Board recommendations
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

73 15/2421C 13, VICARAGE LANE, SANDBACH, CHESHIRE CW11 3BW: REPLACEMENT WORKSHOP/GARAGE AT THE REAR OF THE PROPERTY FOR MISS KERRY THOMAS

Note: Having exercised her separate speaking rights as a Ward Councillor, Councillor G Merry vacated the Chair in favour of the Vice-Chairman and did not take part in the debate or vote.

Note: Mr R Maidment (objector) and Mr J Ripplingham (applicant) had not registered their intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Maidment and Mr Ripplingham to speak.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Standard three year time limit
 2. Plans
 3. Materials as per application
 4. Building to be used only as a garage/workshop incidental to the enjoyment of the dwellinghouse
 5. Colour finish of the building to be submitted and approved
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

74 15/2879C 49, PIKEMERE ROAD, ALSAGER, STOKE-ON-TRENT, CHESHIRE ST7 2SE: TWO STOREY SIDE EXTENSION WITH INTERNAL ALTERATIONS FOR MR A BUCKLEY

The Chairman reported that this application had been withdrawn from the agenda prior to the meeting.

75 15/3339C 22, BOLLIN CLOSE, SANDBACH CW11 1WZ: CHANGE OF USE OF LAND FROM AMENITY TO GARDEN/ DRIVE. DOUBLE EXISTING DRIVE WIDTH. REMOVE EXISTING BOUNDARY FENCE AND ERECT NEW BOUNDARY FENCE ON NEW BOUNDARY LINE FOR MR ANTHONY ELLIOTT

Note: Having exercised her separate speaking rights as a Ward Councillor, Councillor G Merry vacated the Chair in favour of the Vice-Chairman and did not take part in the debate or vote.

Note: Mr R Clare (objector) and Mr A Elliott (applicant) attended the meeting and addressed the Committee on this matter.

Note: Mr K Brooks (objector) had registered his intention to address the Committee but was not in attendance at the meeting.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

RESOLVED - That, for the reasons set out in the report, the application be **APPROVED** subject to the following conditions:

1. Time
2. Plans
3. Removal of PD - Fences, outbuildings and hardstanding
4. Water run-off from the widened driveway to a permeable area

Informative:

1. NPPF

**76 15/2058C SCHOOL FARM, ALSAGER, HASSALL, CW11 4SA:
PROPOSED AGRICULTURAL BUILDING FOR MISS LOWE**

The Committee considered a report regarding the above planning application.

RESOLVED - That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Standard
2. Approved plans
3. Materials as stated

Informatives:

1. PROW advice note
2. Hours of operation

77 LAND TO THE EAST OF HERMITAGE LANE, GOOSTREY

The Committee considered a report and a written update regarding the reasons for refusal relating to planning application 14/1964C, which was the subject of an appeal.

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the housing land supply reason for refusal be withdrawn and the Head of Planning (Regulation) be instructed not to contest this issue at the forthcoming Appeal. The appeal to be defended on the following grounds:
 1. The proposed residential development is unsustainable because it is located within the Open Countryside and Jodrell Bank Consultation Zone, contrary to Policies PS8, PS10, GR5 and H6 of the Congleton Borough Adopted 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. These policies seek to ensure that development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and that the efficiency of the Jodrell Bank Radio Telescope, in terms of its ability to receive radio emissions from space with a minimum of interference from electrical equipment is maintained. As such it creates harm to interests of acknowledged importance, including the landscape and the efficient working of Jodrell Bank.

2. The proposed development would have an adverse impact upon the efficient operation of the Jodrell Bank Observatory. As such, the proposal is contrary to Policy PS10 of the adopted Congleton Borough Local Plan First Review 2005 and Policy SE14 of the emerging Cheshire East Local Plan Strategy – Submission Version.
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the following Heads of Terms for a S106 Agreement:
 1. A commuted payment of £31,941.00 for the maintenance over a 25 year period of on-site Amenity Green Space (including the footpath link).
 2. A commuted payment of £5,677.34 for the upgrade of the Booth Bed Lane site which would be spent of upgrading the equipment and infrastructure.
 3. A commuted payment of £18,507.00 for the maintenance over a 25 year period of off-site Children and Young Persons Provision.
 4. 30% Affordable Housing provision – 8 units. Provided no later than 50% occupation. Transferred to registered provider. A tenure split of 65% social rent (or affordable rent) and 35% intermediate tenure.

The meeting commenced at 10.00 am and concluded at 3.15 pm

Councillor G Merry (Chairman)