

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 31st August, 2016 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor M J Weatherill (Vice-Chairman, in the Chair)

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

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors J Hammond and D Marren

OFFICERS PRESENT

Patricia Evans (Senior Planning and Highways Lawyer)
Andrew Goligher (Principal Development Control Officer - Highways)
Margaret Hopley (Environmental Health Officer)
Sue Orrell (Principal Planning Officer)
Gareth Taylerson (Principal Planning Officer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors G Merry and A Kolker

41 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

Councillor J Clowes declared that, during the previous meeting, a member of the public had placed papers in front of her during a debate. She had not engaged with the person and had not read the papers. Councillor J Weatherill confirmed that she had witnessed this and that Councillor Clowes had pushed the papers to one side and had not referred to them.

Councillor J Clowes declared that she had received emails with regard to application numbers 13/2710N, 15/5783N and 16/1134C. She had acknowledged receipt but had not responded and had forwarded them to planning officers.

With regard to application number 13/2710N, Councillor S Davies declared that he had made up his mind. He would exercise his separate speaking rights as a Ward Councillor and not take part in the debate or vote.

With regard to application number 13/2710N, Councillor Rhoda Bailey declared that she was a member of CPRE, which had submitted representations, but that she had not participated in any discussions about the application.

With regard to application number 13/2710N, Councillor S Edgar declared that he was a member of the Cheshire East Shadow Energy Board, which looked into alternative energy sources.

With regard to application number 16/2158N, Councillor B Roberts declared that it was in his Ward but that he had kept an open mind.

With regard to application number 16/2158N, Councillor J Rhodes declared that it was in her Ward but that she had kept an open mind. Councillor Rhodes also declared that she had received correspondence with regard to application number 13/2710N.

With regard to application number 13/2710N, Councillor D Bebbington declared that he was a member of the Cheshire East Energy Board, which was looking into alternative energy.

Councillor D Bebbington declared that he had received emails with regard to application numbers 13/2710N, 15/5783N and 16/1134C.

With regard to application numbers 16/1728N and 16/2648N, Councillor J Hammond, who was in attendance at the meeting, declared that they were in his Ward and that he was a member of Haslington Parish Council, which had been consulted on the applications. In addition, he declared that he was a director of ANSA which had been consulted but that he had made no comments.

42 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 3 August 2016 be approved as a correct record and signed by the Chairman.

43 13/2710N RIDLEY BANK FARM, WREXHAM ROAD, RIDLEY CW6 9RZ: INSTALLATION OF WIND TURBINE 32.5M TO HUB AND ASSOCIATED ANCILLARY WORKS FOR MR R LATHAM

Note: Having exercised his separate speaking rights as a Ward Councillor, Councillor S Davies withdrew from the meeting for the duration of the Committee's consideration of this item.

Note: Parish Councillor M Dixon (on behalf of Bulkeley & Ridley Parish Council), and Mr A Hughes and Mr M Voisey (objectors) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That, contrary to the planning officer’s recommendation for approval, the application be REFUSED for the following reason:

In the absence of a Neighbourhood Plan and local plan allocation which identifies the site for wind energy development, insufficient information has been submitted that demonstrates that the benefits of the scheme to energy provision outweigh the harm caused by lack of local support, contrary to the requirements of the Ministerial Planning Statement 2015 and the NPPF.

44 15/5783N LAND OFF HILL CLOSE, BUNBURY: PROPOSED RESIDENTIAL DEVELOPMENT FOR 15 DWELLINGS WITH ACCESS FROM HILL CLOSE FOR COLIN BOOTH, CB HOMES LTD

Note: Parish Councillor R Pulford (on behalf of Bunbury Parish Council), Mr R Lee and Mr A Thomson (objectors), and Mr S Goodwin (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 and two written updates.

RESOLVED

- (a) That authority be DELEGATED to the Principal Planning Manager (Regulation), in consultation with the Vice-Chairman of Southern Planning Committee, to APPROVE the application for the reasons set out in the report and the written updates, subject to:
 - the adequate completion of Certificate B on the application forms to demonstrate that all neighbours with legal interest in the site have had Notice served upon them
 - the completion of a s106 agreement to secure the following Heads of Terms:
 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. Provision of an area for Ecological Enhancements/Public Open Space to be maintained by a private management company
 3. Secondary Education Contribution of £32,685.38
With an additional Heads Of terms to ensure the paddock area to the south of the application site (within the site edged blue within this application) is retained as open or paddock land in perpetuity
 4. Paddock land within Blue Edge to be retained in perpetuity as open or paddock land
- the following conditions:
1. Standard outline 1
 2. Standard outline 2
 3. Standard outline 3
 4. Approved Plans
 5. Electric Vehicle Infrastructure to be submitted and approved
 6. Construction Management Plan to be submitted and approved
 7. Submission / Approval of Information regarding Contaminated Land
 8. Any reserved matters application shall be supported by an Arboricultural Impact Assessment (AIA) in accordance with Section 5.4 of *BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations)* which shall evaluate the direct and indirect impact effect of the proposed design on existing trees.
 9. Reserved Matters application to include details of the existing and proposed land levels
 10. The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the LPA
 11. The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the LPA
 12. The reserved matters shall include details of the habitat enhancement proposals for the site. Enhancement measures should include a wildlife pond, hibernacula creation, native shrub planting and the enhancement of the grassland habitats.
 13. Updated survey for Bats to be undertaken and submitted as part of any reserved matters application
 14. Any future reserved matters application to be supported by proposals for the incorporation of gaps for hedgehogs to be incorporate into any garden or boundary fencing proposed. The gaps to be 10cm by 15cm and located at least every 5m
 15. The scheme of landscaping at RM stage shall include additional tree planting along the southern boundary of the retained paddock
 16. No development to commence until a highways scheme shall be submitted and approved in writing by the Council for access visibility

on Bunbury Lane. The approved scheme shall be implemented in full prior to commencement of development and thereafter maintained.

17. The submission of tree screen to paddock boundary
- (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 Principal Planning Manager (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, approval be given to enter into a S106 Agreement to secure the following Heads of Terms:
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. Provision of an area for Ecological Enhancements to be maintained by a private management company
 3. Secondary Education Contribution of £32,685.38
 4. Paddock land within Blue Edge to be retained in perpetuity as open or paddock land

45 16/0646N 6 & LAND REAR OF NO.6 BUNBURY LANE, BUNBURY CW6 9QZ: OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF 1NO. BUNGALOW AND THE ERECTION OF 15 DWELLINGS, INCLUDING ASSOCIATED ACCESS AT LAND EAST OF BUNBURY LANE, BUNBURY FOR WULVERN

Note: Parish Councillor R Pulford (on behalf of Bunbury Parish Council), Mr A Thomson (objector) and Mr A Teage (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 and a written update.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The proposal by virtue of the co-location of the housing development of this site with the approved scheme 15/5783N at Hill Close will be contrary to Policy H2 of the Bunbury Neighbourhood Plan and the NPPF.

46 16/1024C ALSAGER ARMS HOTEL, 4, SANDBACH ROAD SOUTH, ALSAGER ST7 2LU: DEMOLITION OF EXISTING PUB HOTEL BUILDING AND CONSTRUCTION OF 14NO. APARTMENTS FOR JACK MIDDLETON

All Members of the Committee declared that they had received correspondence from Councillor M Deakin with regard to this application.

Note: Town Councillor S Helliwell (on behalf of Alsager Town Council), Mrs S Helliwell (on behalf of Mr D Mainwaring, objector), Mr Brown (objector) and Mr M Gilbert (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, a written update and an oral report of the site inspection.

RESOLVED

- (a) That authority be DELEGATED to the Principal Planning Manager (Regulation), in consultation with the Vice-Chairman of Southern Planning Committee, to APPROVE the application for the reasons set out in the report and the written update, subject to:
 - confirmation of the financial mitigation requirements with regard to Public Open Space and Children and young persons provision
 - the completion of a s106 agreement to secure:
 1. Secondary School Education contribution of £32,685.38
 2. Open Space contribution (amount to be confirmed)
 3. Children and young persons provision (amount to be confirmed)
 - the following conditions:
 1. Time – 3 years of within 2 of last Reserved Matter approval
 2. Reserved Matters within 3 years
 3. All Matters to be submitted and approved
 4. Plans
 5. Reserved Matters to be supported by existing and proposed levels plans and to include details of earthworks and excavations adjacent to the railway line
 6. Reserved Matters to include Bin and Cycle storage details

7. Reserved Matters to be carried out in accordance with mitigation recommended in this report submitted by NVC Report No R16.0603/DRK dated 6th June 2013
 8. Prior submission/approval of a piling method statement
 9. Prior submission/approval of a dust mitigation scheme
 10. Provision of a Residents Travel Pack prior to first occupation
 11. Provision of Electric Vehicle Charging infrastructure
 12. Prior submission/approval of a Phase II contaminated Land report
 13. Prior approval of a soil contamination verification report
 14. Development should stop if contamination is encountered
 15. Prior submission/approval of a Drainage Strategy for surface water drainage
 16. Prior submission/approval of surface water flow routes
 17. Reserved matters to include boundary treatment details
- (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 Principal Planning Manager (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.
- (c) That, should the application be subject to an appeal, approval be given to enter into a S106 Agreement to secure the following Heads of Terms:
1. Secondary School Education contribution of £32,685.38
 2. Open Space contribution (amount to be confirmed)
 3. Children and young persons provision (amount to be confirmed)

**47 16/1134C LAND OFF MARSH GREEN ROAD, SANDBACH, CHESHIRE:
OUTLINE APPLICATION FOR PROPOSED DEVELOPMENT OF 30
DWELLINGS INCLUDING OPEN SPACE (ALLOTMENTS), INTERNAL
ACCESS ROAD AND CAR PARKING FOR SAFEGUARD LIMITED**

Note: Ms V Boylin (objector) and Ms J Redmond (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, a written update and an oral report of the site inspection.

RESOLVED

- (a) That, for the reasons set out in the report, the application be **REFUSED** for the following reason:

The proposal involves the development of a parcel of countryside outside of the Settlement Boundary for Sandbach as defined in the Sandbach Neighbourhood Plan 2016. It is also involves development within the Open Countryside as set out in the Congleton Borough Local Plan First Review 2005. The proposal erodes the rural character of the countryside and undermines the ability of the community to shape and direct sustainable development in their area, contrary to Sandbach Neighbourhood Plan Policy PC3, Congleton Borough Local Plan First Review 2005 policies PS8 and H6 and the advice of NPPF paragraphs 17, 183-5 and 198. In addition, the development will also result in the loss of Best and Most Versatile agricultural land, contrary to paragraph 26 of the Natural Environment National Planning Policy Guidance. These conflicts are considered to significantly and demonstrably outweigh the benefits of the proposal.

- (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 Principal Planning Manager (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 should be secured as part of any S106 Agreement:
 - 1. On-site Amenity Green Space and/or Allotments provision of at least 720sqm and associated maintenance plan
 - 2. Contribution of £3,835.44 towards providing grind rails within the skate facility within Sandbach and a commuted sum of £21,492.00 to maintain the facilities over 25 years
 - 3. 30% on-site affordable housing provision in a 65:35 split affordable rent: intermediate
 - 4. Secondary School Education contribution of £81,713.45

48 16/1728N LAND NORTH OF POOL LANE, WINTERLEY: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 33 UNITS WITH ALL OTHERS MATTERS RESERVED, EXCEPT FOR ACCESS AND LANDSCAPING FOR FOOTPRINT LAND AND DEVELOPMENT

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

Note: Councillor P Butterill left the meeting prior to consideration of this application.

Note: Councillor J Hammond (Ward Councillor), Mr M Riley (objector) and Ms C Wynn (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, a written update and an oral report of the site inspection.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The cumulative impact of this proposal, with other recent approved housing developments in Winterley since the Inspector's appeal decision, will have a detrimental impact upon the spatial distribution of development contrary to PG2 and PG6 of the Emerging Local Plan Strategy Consultation draft March 2016.

49 **16/2648N 5, COPPICE ROAD, WINTERLEY CW11 4RN: PROPOSED RESIDENTIAL DEVELOPMENT OF 4 DETACHED DWELLINGS AND EXTENSION TO EXISTING DWELLING FOR THE ESTATE OF MISS M J SWAIN**

Note: Councillor D Marren (Ward Councillor), Mr L Coppenhall (objector) and Mr M Greenwood (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, two written updates and an oral report of the site inspection.

RESOLVED – That the application be DEFERRED to enable officers to undertake discussions with the applicant regarding access for service vehicles, bin storage and the house type of plots 3 and 4.

50 **16/2158N VALLEY HOUSE, 11, WALTHALL STREET, CREWE CW2 7JZ: PROPOSED CONSTRUCTION OF APARTMENTS FOR DR D FYLES**

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 – That the application be DEFERRED for the following:

- A Committee site inspection to enable Members to see the site context and the other apartment block near the site.
- Further information in relation to the approved plans for the apartment block to the north.

**51 16/2950N LAND ADJ NORTH VIEW, NANTWICH ROAD, CALVELEY
CW6 9JN: PROPOSED RESIDENTIAL DEVELOPMENT (UP TO 16
HOUSES) WITH ASSOCIATED INFRASTRUCTURE. ALL MATTERS
RESERVED EXCEPT FOR ACCESS FOR MR & MRS WATERHOUSE**

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 to secure:
1. Financial contribution of £35,520 towards a number of traffic and pedestrian safety management measures through Alpraham and Calveley
 2. 30% on-site affordable housing provision to include;
 - requires the applicant/developer to transfer any rented affordable units to a Registered Provider
 - requires the applicant/developer to provide details of when the affordable housing is required
 - includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
 - includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.
 3. Education contribution of £32,685.38 towards secondary school provision

And the following conditions:

1. Time – 3 years or within 2 of last Reserved Matter approval
2. Reserved Matters within 3 years
3. Layout, Scale, Appearance and Landscaping Matters to be submitted and approved
4. Plans
5. Prior submission/approval of a Construction Traffic Management Plan
6. Retention of hedgerow fronting Nantwich Road unless otherwise agreed
7. Reserved Matters application to include the provision of further hedgerow planting
8. Reserved matters application would need to be supported by a comprehensive package of arboricultural information in accordance with 2012 British Standards

9. Reserved matters application to be supported by an updated 'Other Protected Species' survey
 10. Reserved matters application to be supported by an updated bat survey
 11. Foul and surface water be drained on separate systems
 12. Prior submission/approval of a surface water disposal/drainage scheme
 13. Prior submission/approval of a sustainable drainage management and maintenance plan
 14. Prior submission/approval of a piling method statement
 15. Implementation of submitted noise mitigation scheme unless otherwise agreed
 16. Provision of travel packs to each of the proposed new dwellings prior to occupation
 17. Provision of electric vehicle infrastructure for each dwelling
 18. Prior submission/approval of a dust mitigation scheme
 19. Prior submission/approval of a Phase 1 Contaminated Land Report
 20. Prior submission/approval of soil verification report
 21. Prior submission/approval of acoustic fence mitigation details
- (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 Principal Planning Manager (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.

52 16/2557N LAND ADJACENT TO THE COTTAGE, CHESTER ROAD, ALPRAHAM: TWO DETACHED DWELLINGS WITH ASSOCIATED GARAGING FOR MR & MRS FRANK AND PAT HARDING

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. A01AP Development in accord with approved plans
2. A03FP Commencement of development (3 years)
3. A02EX Submission of samples of building materials
4. A01GR Removal of permitted development rights
5. A06GR No windows to be inserted
6. A04NC Details of drainage
7. A02LS Submission of landscaping scheme
8. Obscure glazing
9. Levels
10. Tree protection
11. Positive and proactive

12. Section s184 licence
13. Construction hours
14. Contaminated land

53 SITE AT MANCHESTER ROAD, CONGLETON

The Committee considered a report regarding planning application 14/4451C, which had been considered by the Southern Planning Committee on 26 April 2016.

It had subsequently been noted that the site was located within the ward of Eaton, within the administrative boundary of the former Borough of Macclesfield, rather than in Congleton, as referred to in the report. Accordingly, the Local Plan in force for this site was the Macclesfield Borough Local Plan 2004, and not the Congleton Borough First Review Revised Local Plan 2005.

RESOLVED – That the recommendations in the report be noted and that the resolution to grant planning permission subject to completion of a s106 legal agreement and conditions be confirmed in the light of the correction to the policy framework to refer to the Macclesfield Borough Local Plan rather than the Congleton Plan.

The meeting commenced at 10.00 am and concluded at 3.15 pm

Councillor M J Weatherill (Vice-Chairman, in the Chair)