

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 26th April, 2017 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, A Kolker, J Rhodes, B Roberts and B Walmsley

OFFICERS PRESENT

Daniel Evans (Principal Planning Officer)
Patricia Evans (Senior Planning and Highways Lawyer)
Andrew Goligher (Principal Development Control Officer - Highways)
Gareth Taylerson (Principal Planning Officer)
Julie Zientek (Democratic Services Officer)

147 DECLARATIONS OF INTEREST/PRE DETERMINATION

There were no declarations of interest.

148 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 29 March 2017 be approved as a correct record and signed by the Chairman.

149 16/3209C INTERTECHNIC UK LTD, ROAD BETA, MIDDLEWICH CW10 0QF: OUTLINE PROPOSAL FOR A MIXED USE DEVELOPMENT INCLUDING RESIDENTIAL, RETAIL, CAFES, ACCESS TO MARINA AND OTHER ANCILLARY WORKS (ACCESS) FOR MR PETER NUNN

The Chairman reported that this application had been withdrawn from the agenda prior to the meeting.

150 17/0774N LAND AT MOORSFIELD AVENUE, AUDLEM: OUTLINE PLANNING PERMISSION FOR DEVELOPMENT OF UP TO 34 DWELLINGS WITH ALL MATTERS RESERVED EXCEPT ACCESS FOR PLOTBUILD

Note: The Principal Planning Officer read a representation from Councillor Rachel Bailey (Ward Councillor), who was unable to attend the meeting.

Note: Parish Councillor H Jones (on behalf of Audlem Parish Council), Mr J Latham and Dr C Parsons (objectors) and Mr S Grimster (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

- (a) That, for the reasons set out in the report and the written update, the application be REFUSED for the following reasons:
 - 1. The proposal involves the development of a parcel of countryside outside of the Settlement Boundary for Audlem as defined in the Audlem Neighbourhood Plan 2016. It is also involves development within the Open Countryside as set out in the Borough of Crewe and Nantwich Replacement Local Plan. As a result the proposal is not listed as an appropriate form of development within the countryside and would erode the rural character of the countryside and would undermine the ability of the community to shape and direct sustainable development in their area, contrary to the Audlem Neighbourhood Plan Policies H1 and H3, Borough of Crewe and Nantwich Replacement Local Plan Policies NE.2 & RES.5, Cheshire East Local Plan Strategy Policy PG5 and the advice of NPPF paragraphs 17, 183-185 and 198. These conflicts are considered to significantly and demonstrably outweigh the benefits of the proposal.
 - 2. The proposed development would have an adverse impact on the setting of the Audlem Conservation Area and on the setting of the Shropshire Union Canal. The proposal is therefore contrary to the Audlem Neighbourhood Plan Policy D1, Borough of Crewe and Nantwich Replacement Local Plan Policy BE.7 and the advice of NPPF paragraphs 17, 131-133, 135, 183-185 and 198. 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 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, the following Heads of Terms should be secured as part of any S106 Agreement:
 - 1. A scheme for the provision of affordable housing – 7 units to be provided as social rent/affordable rent with 3 units as 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 the affordable housing and the means by which such occupancy criteria shall be enforced.
2. A contribution of £81,713.00 to secondary education.
 3. POS and LAP (with 3 pieces of equipment) provision and a scheme of management in perpetuity.

151 17/0374N LAND EAST OF WHITCHURCH ROAD, ASTON, NANTWICH, CHESHIRE: DEVELOPMENT OF UP TO 24 DWELLINGS WITH ALL MATTERS RESERVED EXCEPT ACCESS (RESUBMISSION OF 16/3974N) FOR CRANFORD ESTATES

Note: Mr S Grimster 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 the completion of a S106 Agreement to secure the following:
 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
 2. Provision of POS and 5 piece LEAP and a scheme of management.

3. Commuted Sum payment in lieu of secondary education provision
£65,371

and the following conditions:

1. Standard Outline
 2. Submission of Reserved Matters Time limit for submission of reserved matters
 3. Scale, Appearance, Layout and Landscaping Matters to be submitted and approved
 4. Approved Plans
 5. Any subsequent reserved matters application which shall include an Arboricultural Impact Assessment
 6. Implement Reasonable Avoidance Measures for amphibians, reptiles and breeding birds in accordance with the Ecological Appraisal
 7. Provision of bat and bird boxes
 8. Implementation of mitigation within Flood Risk Assessment
 9. All foul and surface water shall be drained on separate systems
 10. Surface Water Drainage Scheme to be submitted for approval in writing
 11. Scheme of the management of overland surface water flows to be submitted for approval in writing
 12. Prior submission/approval of a piling method statement
 13. The provision of electric vehicle infrastructure
 14. Prior submission of a dust mitigation scheme
 15. Works to stop if contamination identified
 16. Any Reserved Matters to include details of existing and proposed land levels
 17. Prior to the occupation of the development the pedestrian footway to be constructed
 18. Detailed scheme for relocation of layby prior to first occupation.
 19. Construction of access and visibility splays
 20. Construction Management Plan
 21. Dropped kerb for crossing and details of signage to be submitted to warn drivers of children crossing/the location of the bus stop
- (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, the following Heads of Terms should 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. Provision of POS and 5 piece LEAP and a scheme of management.
3. Commuted Sum payment in lieu of secondary education provision £65,371

152 **17/0145N LAND OFF NEWTOWN ROAD, SOUND, NANTWICH, CHESHIRE: PROPOSED HOUSING DEVELOPMENT (21 HOMES), CHILDREN'S PLAY AREA, NATURE RESERVE, ACCESS AND EXTERNAL WORKS FOR TRU PENSION FUND**

Note: The Principal Planning Officer read a representation from Councillor Rachel Bailey (Ward Councillor), who was unable to attend the meeting.

Note: Mr C Williams attended the meeting and addressed the Committee on behalf of the applicant.

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 and the written update, the application be REFUSED for the following reasons:
 1. The proposed residential development is unacceptable because it is located within the Open Countryside, contrary to Policies; NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011; Policy PG5 (Open Countryside) of the emerging Cheshire East Local Plan Strategy and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. The proposal would be contrary to the spatial strategy for the future development of the Borough due to the scale of the proposed development having regard to Policies PG2 (Settlement Hierarchy) and PG6 (Spatial Distribution of Development) in the emerging Cheshire East Local Plan Strategy Version
3. Insufficient information has been provided to demonstrate that the land to be lost to development would not be 'Best and Most Versatile' (Grades 1, 2 or 3a). As such, it is considered that the proposed development would be contrary to Policy NE12 (Agricultural Land Quality) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan, Policy SE2 (Efficient Use of Land) of the emerging Cheshire East Local Plan, and the NPPF.
4. The proposed development would result in the unacceptable loss of protected trees, a threat to protected trees and would create amenity concerns resulting in future pressures to fell protected trees due to the social proximity of the proposed dwellings to protected trees. The application is therefore considered to be contrary to Policies NE.5 (Nature Conservation), BE.1 (Amenity) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan First Review 2011, Policy SE.5 (Trees, Hedgerows and Woodland) of the emerging Cheshire East Local Plan Strategy (CELP) and the NPPF.
5. The proposed development by reason of its high density, urban design and layout would be harmful to the character and appearance of this rural area. As a result the proposed development would be contrary to Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan, Policy SE.1 (Design) of the emerging Cheshire East Local Plan Strategy (CELP) and the NPPF.
6. Insufficient information has been provided to demonstrate that safe and suitable access will be provided. As such, it is considered that the proposed development would be contrary to Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan, Policy SD1 (Sustainable Development in Cheshire East) of the emerging Cheshire East Local Plan, and the NPPF.
7. Insufficient information has been provided to demonstrate that the policy required affordable housing provision required to account for local need triggered by the application proposal shall be provided. Furthermore, the proposed 2-bedroom units would not be suitable for the elderly where the need for 2-bedroom property lies. The development would therefore be contrary to Policy SC5 (Affordable Homes) of the emerging Cheshire East Local Plan Strategy.

8. The location and design of the proposed open space will result in a provision that would create both functional and natural surveillance issues with regards to the included Children's Play Space. The development is therefore considered to be contrary to Policy RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan and Policy SC3 (Health and Well-being) of the emerging Cheshire East Local Plan Strategy.
 9. The proposed development would result in the loss of an area of priority habitat (woodland) which would have an adverse impact upon biodiversity. In addition, the proposed great crested newt mitigation is considered to be unacceptable resulting in a detrimental impact upon protected species. Furthermore, the application fails to provide sufficient information to effectively assess the impact of the development upon a Local Nature Reserve. As such, it is considered that the proposed development would be contrary to Policies NR2 (Wildlife and Conservation – Statutory Sites), NR3 (Wildlife and Conservation – Habitats) and NR4 (Wildlife and Conservation – Non-Statutory Sites) of the Congleton Borough Local Plan First Review 2005, Policy SE3 (Biodiversity and Geodiversity) of the emerging Cheshire East Local Plan Strategy and the NPPF.
 10. The application fails to provide sufficient information to effectively assess the impact of the development upon the Sound Common SSSI in accordance with Policy NR2 (Wildlife and Conservation – Statutory Sites) of the Congleton Borough Local Plan First Review 2005, Policy SE3 (Biodiversity and Geodiversity) of the emerging Cheshire East Local Plan Strategy and 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 this application be the subject of an appeal, the following Heads of Terms should 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.
 2. A management plan for the maintenance of the on-site Open Space and Children's Play facility by either a private management company or the Council for a fee to be agreed.

3. £57,578 towards secondary school provision (£49,028) and school transport (£8,550)
4. Biodiversity Offsetting Contribution (amount to be confirmed)

153 **17/0283N CAR PARK, BROWNING STREET, CREWE CW1 3BB:
REDEVELOPMENT FOR 8 DWELLINGS AND ASSOCIATED
INFRASTRUCTURE, PLUS REMODELLING OF REMAINING CAR
PARK FOR A FROST, ENGINE OF THE NORTH**

Note: Mr A Frost attended the meeting and addressed the Committee on behalf of the applicant.

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

RESOLVED

- (a) That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reasons:
 1. The Local Planning Authority considers that insufficient information has been provided in relation to; the existing yellow hatched area outside plot 6, the bin access/storage, information on the parking to be reserved for the Limelight, parking for the adjacent taxi business, access to the parking on Browning Street for spaces labelled 46-54. The development would be contrary to Policies BE.2 and TRAN.8 of the Borough of Crewe and Nantwich Replacement Local Plan
 2. The proposed development would result in an overdevelopment of the site by reason of insufficient private amenity space and cycle parking/bin storage areas and would result in the displacement of vehicles onto nearby streets. The development would be contrary to Policies BE.1, BE.2 and TRAN.8 of the Borough of Crewe and Nantwich Replacement Local Plan
- (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.

154 **16/5584N 84, EDLESTON ROAD, CREWE CW2 7HD: CHANGE OF USE FROM DWELLING (C4) TO SUI GENERIS HOUSE IN MULTIPLE OCCUPATION FOR 7 PEOPLE FOR BEN MORRIS, HOPSCOTCH INVESTMENTS LTD**

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

155 **16/5637N LAND ADJACENT TO BUNBURY MEDICAL PRACTICE, VICARAGE LANE, BUNBURY: DETAILED APPLICATION FOR 7 DWELLINGS ON LAND AT VICARAGE LANE FOR PECKFORTON ESTATE**

Note: Parish Councillor R Pulford (on behalf of Bunbury Parish Council) 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.

RESOLVED

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

1. Time limit
2. Approved Plans
3. Materials to be submitted and approved
4. Removal of permitted development rights
5. Levels to be submitted and approved
6. Foul and surface water drainage strategy
7. Piling details to be submitted and approved
8. Electric vehicle charging
9. Dust mitigation measures to be submitted and approved
10. Travel information pack to be submitted and approved
11. Contaminated land to be submitted and approved
12. Hard and soft landscape to be submitted and approved
13. Landscaping implementation
14. Boundary treatment to be submitted and approved
15. Retention of the existing hedges with a protection scheme during the course of development.
16. Bin storage access to the rear of plots 2 and 3
17. Management scheme for the open space

(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.

156 **16/4041C LAND AT FIELDS FARM, CONGLETON ROAD, SANDBACH
CW11 4TE: PROVISION OF EMERGENCY STANDBY ELECTRICITY
GENERATION FACILITY, COMPRISING DIESEL GENERATORS,
BUNDED FUEL TANKS, ACOUSTIC FENCING AND GATES,
SUBSTATION, GENERATOR TRANSFORMERS, CONTROL AND HV
CABINET, LV SWITCH ROOM, CCTV, LANDSCAPING, EARTHWORKS
AND ANCILLARY INFRASTRUCTURE FOR INRG SOLAR LTD**

Note: Councillor G Merry declared that she knew the owner of the property. She had not discussed this application and had kept an open mind.

Note: Mr D Dean attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

The Principal Planning Officer drew Members' attention to the fact that the application had originally proposed the provision of an emergency standby electricity generation facility using 40 diesel engines but that this has been amended to 10 gas utilisation engines with associated ancillary equipment, sited within a compound enclosed by a 3m acoustic/security fence.

RESOLVED

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

- an amended description of development being agreed to reflect the amended scheme
- plan reference PV-0304-02 being amended to reflect the amended description of development
- the following conditions:
 1. Time limit
 2. Approved plans
 3. Compliance with the submitted Ecology Report dated August 2016
 4. Updated Badger Survey if development commences after August 2017
 5. Protection for breeding birds
 6. Submission of details of any external lighting
 7. Implementation of the submitted landscape scheme
 8. Implementation and compliance with submitted tree protection measures and tree works

9. Submission of a noise assessment within 6 months of first operation of the facility
 10. Restriction of any piling operations to 9am to 5.30pm Monday to Friday, 9am to 1pm on Saturdays, with no working on Sundays or public holidays
 11. Maintenance of a record of the hours of operation of the generators
 12. Generators shall be as specified in the Air Quality Impact Assessment (January 2017)
 13. Should the operations exceed 2,500 hours per annum, submission of a detailed air quality assessment
 14. Submission and implementation of details of equipment including radiated emission levels
 15. Submission and implementation of a scheme of radiated emission mitigation measures, liaison, monitoring and testing
 16. Submission of a Decommissioning Method Statement
- (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.

The meeting commenced at 10.00 am and concluded at 12.30 pm

Councillor G Merry (Chairman)