

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 31st July, 2024 in the Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor J Bratherton (Chair)
Councillor A Kolker (Vice-Chair)

Councillors L Buchanan, A Burton, L Crane, D Edwardes, R Fletcher,
R Morris, M Muldoon and J Wray

OFFICERS IN ATTENDANCE

Dan Evans, Principal Planning Officer
Gareth Taylerson, Principal Planning Officer
Andrew Goligher, Highways Officer
Andrew Poynton, Planning and Highways Lawyer
Rachel Graves, Democratic Services

7 APOLOGIES FOR ABSENCE

Apologies were received from Councillor J Bird. Councillor D Edwardes attended as a substitute.

8 DECLARATIONS OF INTEREST/PRE DETERMINATION

Councillor L Crane, in the interest of openness, declared that she was the ward councillor for application 24/1598C. Whilst she had called in the application to Committee, she had not predetermined the application.

Councillor R Fletcher, in the interest of openness, declared in relation to application 23/2129C that he had attended consultation meetings, spoken as a visiting member at the Economy and Growth Committee when it considered the disposal of the public open space at Linley Road and attend meetings at Alsager Town Council. Cllr Fletcher stated that would take not part in the consideration of this application and would leave the meeting for this application.

Councillor M Muldoon, in the interests of openness in relation to applications 23/4597C and 24/1598C, declared that he was a member of Sandbach Town Council Planning Committee which had commented on these applications and stated that he would not take part in the consideration of them.

Councillor A Koker, in the interests of openness in relation to application 24/1108C, declared that he knew the owner of the land, but he had not discussed the application with them.

Councillor D Edwardes declared in relation to the Tree Preservation Order application that he had sat on a Licensing Sub Committee which had considered a licencing application from the landowner and stated that he would take no part in the consideration of the application.

9 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 5 June 2024 be approved as a correct record.

10 PUBLIC SPEAKING

The public speaking time procedure was noted.

11 24/1108C - THE ORCHARDS FARM, TWEMLOW LANE, HOLMES CHAPEL, CREWE, CHESHIRE, CW4 8DS: PROPOSED USE OF LAND FOR A ZOO & WILDLIFE CONSERVATION PARK INCLUDING AMENITY BUILDINGS, VISITOR CENTRE, ANIMAL ENCLOSURES, STORAGE CONTAINERS, ACCESS, PARKING AND ANCILLARY WORKS (RESUBMISSION OF 22/1435C)

Consideration was given to the above planning application.

The following attended the meeting and spoke in relation to the application:

Councillor Russell Chadwick (ward member), Councillor Steve Edgar (neighbouring ward councillor), Annette McDonald (supporter), Kenzo Palmer (supporter) and Ben Mews (applicant).

RESOLVED:

That the application be referred to the Strategic Planning Board as the Committee was minded to **APPROVE** against recommendation for the following reason: (To be reviewed by the Head of Planning)

The Southern Planning Committee consider that this business requires an open countryside location, the site is suitable for employment development and is adjacent to another business which attracts similar customers. The harm to the countryside does not outweigh the economic benefits of the development. The proposal is considered to comply with the relevant policies of the Development Plan including PG6 of the CELPS and RUR10 of the SADPD.

And the following conditions:

1. Compliance with the approved plans.
2. Landscape scheme to be submitted within 3 months of the date of decision.

3. Landscape implementation.
4. Habitat Management Plan to be submitted within 3 months of the date of decision.
5. Visibility splays to be provided within 1 month of the date of decision and kept clear of obstructions.
6. Signage details to be submitted within 3 months of the date of decision.
7. Compliance with the Noise Mitigation Measures
8. Hours of opening to the public/deliveries – 10:00 – 17:00 Monday – Sunday
9. Lighting Scheme to be submitted within 3 months of the date of decision.
10. Boundary Treatment to be submitted within 3 months of the date of decision.
11. Materials to be submitted within 3 months of the date of decision.
12. Hard Surfacing to be submitted within 3 months of the date of decision.
13. Parking and coach parking areas to be provided prior to being open to members of the public and thereafter be retained.

In the event of any changes being needed to the wording of the Committee's decision (such as delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chair of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

This decision was contrary to the officer's recommendation of refusal.

12 23/2129C - HOUSING DEVELOPMENT SITE, LINLEY ROAD, ALSAGER: ERECTION OF 70NO. AFFORDABLE HOMES, WITH ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING AND PUBLIC OPEN SPACE

Having declared an interest, Councillor R Fletcher left the meeting whilst the Committee considered this planning application.

Consideration was given to the above planning application.

The following attended the meeting and spoke in relation to the application:

Sue Helliwell (objector) and Louise Leyland (agent).

RESOLVED:

That the application be REFUSED for the following reasons:

- 1 The proposal by not providing the policy required financial contributions towards health, education, highway improvements & BNG and would not mitigate the impacts of the development on the local community. The proposal is therefore contrary to Policies SD1, SD2, IN1, IN2, SC2, SE6, LPS 21 of the CELPS and REC2 of the CELPS, H3, TTS6, NBE5 of the ANP and the NPPF.
- 2 the proposal appears cramped as nearly half (47%) of the proposed dwellings have insufficient private amenity space which would not result in the creation of a suitable living environment for future occupiers. The proposed development is contrary to Policies SE1, SD1 and SD2 of the CELPS, GEN1 & HOU13 of the SADPD and the NPPF.
- 3 The design and layout of the proposed development is considered to be poor and fails to take the opportunities available for improving the character and quality of the area. As a result, the proposal would not make a positive contribution to the area, and would be contrary to Policy SD1, SD2, SE1 of the CELPS, The Cheshire East Design Guide SPD, Policy Gen1, HOU10 of the SADPD, H6 of the ANP and the requirements of the NPPF and the requirements of the NPPF.
- 4 the proposal would not provide a suitable mix of property types given the limited number of 1 beds and no justification has been provided for the local need for this mix of housing. The proposal also fails to provide 6% wheel chair adaptable dwellings. As such the proposal is contrary to Policy SC4 of the CELPS, HOU8 of the SADPD, H1 of the ANP and guidance contained within the NPPF.
- 5 the proposal would result in the loss of an existing area of protected open space with no improvements made to the overall open space provision within Alsager. As a result the proposal is contrary to Policy SE6 of the CELPS, REC1 of the SADPD, NBE1 of the ANP and the guidance within the NPPF.
- 6 The proposal whilst showing a net gain for biodiversity of 12.31 units (3.42%), does not satisfy 'trading rules' as there is failure to replace lost habitats with new habitats of the required type or quality. Schemes that fail to comply with the trading rules cannot be said to achieve a net gain. As a result, the proposal is contrary to Policies SE3 of the CELPS & ENV2 of the SADPD and NBE5 of the ANP.

In order to give proper effect to the Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning, in consultation with the Chair (or in their absence Vice Chair) of the Southern Planning Committee to correct any technical slip or omission in the resolution, before issue of the decision notice.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

S106	Amount	Triggers
Affordable Housing	100% site provision	In accordance with phasing
Education	£241,612.28 towards secondary education and SEN	To be paid prior to the occupation of the 34 th dwelling
NHS	£81,122 to support Cedars Medical Centre and Merepark Medical Centre	To be paid prior to the occupation of the 34 th dwelling
POS	6,252m ² of combined amenity and play provision on site £103,259.64 for outdoor sport contribution recreation	To be paid prior to the occupation of the 34 th dwelling
Highways	£110,000	full sum to be paid prior to the occupation of the 34 th dwelling.

13 23/4597C - LAND OFF, WRIGHTS LANE, SANDBACH: ERECTION OF 13NO. DWELLINGS, ASSOCIATED PARKING, OPEN SPACE AND LANDSCAPING

Having declared an interest, Councillor M Muldoon did not take part in the consideration of this item.

Consideration was given to the above planning application.

The following attended the meeting and spoke in relation to the application:

Councillor Sam Corcoran (ward councillor), Matthias Bunte (objector) and Laura Miller (agent).

RESOLVED:

That for the reasons set out in the report and reported at the meeting, the approval of the application be DELEGATED to the Head of Planning, in consultation with the Chair of Southern Planning Committee, to resolve the outstanding Biodiversity Net Gain matters, and to ensure that the parking area is secured via a condition or S106 Agreement (if the separate parking area application is refused then this application will be referred back to Southern Planning Committee), with the a S106 agreement with the following head of terms:

S106	Amount	Triggers
Education	£71,484.02 (primary education) £49,159.29 (secondary education)	Primary – full amount prior to first occupation Secondary – full amount prior to first occupation of 6 th dwelling
Outdoor Sport	Contribution of £13,000	Full amount prior to first occupation
Offside Open Space	Contribution of £39,000	Full amount prior to first occupation of the 6 th dwelling
Open Space	Scheme of Management	Scheme of Management to be secured and agreed with the LPA

and the following conditions:

- 1 Standard time 3 years
- 2 Approved Plans
- 3 Low emission boiler provision
- 4 Electric Vehicle Charging provision
- 5 Travel Plan provision
- 6 Contaminated Land Assessment to be submitted and approved
- 7 Contaminated Land Verification Report
- 8 Contaminated Land Importation of Soil
- 9 Unexpected contamination
- 10 Detailed drainage strategy to be submitted and approved
- 11 Land levels to be submitted and approved
- 12 Materials to be submitted and approved
- 13 Boundary treatment to be submitted and approved
- 14 Window reveal to be provided
- 15 Breeding birds – timing of works
- 16 Hedgehogs – Precautionary Method Statement
- 17 Lighting details to be submitted and approved
- 18 Ecological Enhancements to be submitted and approved
- 19 10% of energy needs to be from renewable or low carbon energy
- 20 Prior to the commencement of development, a scheme for the relocation of the telegraph pole and council bin be submitted and approved
- 21 Landscaping to be submitted
- 22 Landscaping to be completed
- 23 Hard surfacing to be completed in accordance with the submitted details

- 24 at least 30% of the dwellings in housing developments should comply with the requirements of M4(2) category of the Building Regulations regarding accessible and adaptable dwellings.
- 25 at least 6% of the dwellings in housing developments should comply with the requirement m4(3)(2)(a) category of the Building Regulations regarding wheelchair adaptable dwellings.
- 26 Details of the surfacing of the PROW to be submitted and approved.
- 27 Compliance with the Tree Protection Plan and Arboricultural Impact Assessment
- 28 Details of the construction of the highway within the root protection area of T3 to be submitted and approved. Hand dig construction only.

In the event of any changes being needed to the wording of the Committee's decision (such as delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning had delegated authority to do so in consultation with the Chair of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

If the application is subject to an appeal approval is given to enter into a S106 Agreement with the following Heads of Terms:

S106	Amount	Triggers
Education	£71,484.02 (primary education) £49,159.29 (secondary education)	Primary – full amount prior to first occupation Secondary – full amount prior to first occupation of 6 th dwelling
Outdoor Sport	Contribution of £13,000	Full amount prior to first occupation
Offside Open Space	Contribution of £39,000	Full amount prior to first occupation of the 6 th dwelling
Open Space	Scheme of Management	Scheme of Management to be secured and agreed with the LPA

14 24/1598C - 477, CREWE ROAD, SANDBACH, CW11 3RT: CHANGE OF USE FROM HOT FOOD TAKEAWAY TO OFFICE FOR TAXI COMPANY

Having declared an interest, Councillor M Muldoon did not take part in the consideration of this item.

Consideration was given to the above planning application.

The following attended the meeting and spoke in relation to the application:

Mr M Khan and Mrs Adele Hand (applicants).

RESOLVED:

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

- 1 Standard Time
- 2 Approved Plans
- 3 Hours of operation 5 am to 1 am
- 4 This change of use relates to the ground floor of the building only
- 5 The taxi office hereby approved shall be for telephone and online bookings only. No taxis shall be dispatched from the premises and the office shall not have public access for bookings.

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 refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chair of the Southern Planning Committee, provided the changes do not exceed the substantive nature of the Committee's decision.

15 WITHDRAWN 24/0214N - SANTUNE MEADOWS, LAND ADJACENT TO OLD PUSEYDALE, MAIN ROAD, SHAVINGTON, CW2 5DU: VARIATION OF CONDITIONS 2 AND 18 ON APPLICATION 21/1920N: TO ALLOW FOR COFFIN BURIALS TO RESPOND TO DEMAND

This item was withdrawn prior to the meeting.

16 WITHDRAWN 24/1906C - OFFICE FIRST FLOOR, THE HUUB BUILDING, MANCHESTER ROAD, CONGLETON: CHANGE OF USE TO THE FIRST FLOOR ONLY FROM OFFICE AND RESTAURANT TO RESIDENTIAL HMO

This item was withdrawn prior to the meeting.

17 CHESHIRE EAST BOROUGH COUNCIL (GOLDFORD LANE - BICKERTON NO1) TREE PRESERVATION ORDER 2024

Having declared an interest, Councillor D Edwardes left the meeting during consideration of this item.

The Committee considered the report on the background and issues surrounding the making of a Tree Preservation Order on 13 March 2024 at land at Goldford Lane, Bickerton, and the considered the representation

made to the Council with regard to the content of the Tree Preservation Order.

RESOLVED:

That the Tree Preservation Order at Goldford Lane, Bickerton be confirmed with no modifications.

The meeting commenced at 10.00 am and concluded at 12.54 pm

Councillor J Bratherton (Chair)