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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Tuesday, 13th May, 2014 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor H Davenport (Chairman)

Councillors C Andrew (Substitute), J Hammond, D Hough, P Hoyland,
P Mason, B Murphy, C G Thorley, S Wilkinson and J Wray

OFFICERS IN ATTENDANCE

Ms P Cockcroft (Senior Planning Officer), Mr A Fisher (Head of Strategic and Environmental Planning), Mr T Graham (Planning Lawyer), Mr N Jones (Principal Development Officer), Mr D Malcolm (Interim Planning and Place Shaping Manager) and Ms S Orrell (Principal Planning Officer)

221 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs R Bailey, D Brown, P Edwards, Mrs J Jackson and G Walton.

222 **DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 14/1366N, Councillor J Hammond declared that he was a Member of the Cheshire Wildlife Trust who had been consulted on the application, however he had not made any comments in respect of the application.

In respect of the same application it was noted that whilst the applicant was Cheshire East Council this did not preclude the Board from making a decision on the application.

223 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

(Prior to consideration of the following item, Councillor C Thorley arrived to the meeting).

224 **13/3517C LAND WEST OF GOLDFINCH CLOSE, CONGLETON - OUTLINE APPLICATION FOR ERECTION OF UP TO 230 DWELLINGS,**

ACCESS, OPEN SPACE AND ASSOCIATED LANDSCAPING AND INFRASTRUCTURE FOR SEDDON HOMES LTD

Consideration was given to the above application.

(Councillor G Baxendale, the Ward Councillor, Town Councillor Paul Bates, representing Congleton Town Council, Peter Minshull, representing the Congleton Sustainability Group, Anna Morrison, an Objector and Sarah Wozencroft, agent for the applicant 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, contrary to Policy PS8 of the Congleton Borough 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, 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 and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan, to the emerging Development Strategy and the principles of the National Planning Policy since 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 inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.
3. The proposed residential development, by virtue of the adverse impact that the proposals would have on the local landscape character within a historic finger of countryside close to the town centre and failing to recognise the intrinsic character and beauty of this site is contrary to Policies GR5, GR3 of the Congleton Borough Adopted Local Plan First Review 2005 and policies SE4, SE5 and SE6 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of Paragraph 17 of the National Planning Policy Framework.
4. The proposal, by virtue of increased activity and traffic would lead to severe highways harm, at the junction of High Street/Lawton Street and Albert Place where no further capacity exists, furthermore insufficient

information concerning mitigation for impacts elsewhere upon the network has been submitted. Accordingly the proposal would be detrimental to the safe operation of the public highway contrary to Policies GR9 of the adopted Congleton Borough Local Plan First Review 2005, result in severe harm contrary to para 32 of the NPPF and contrary to policy CO1 of the Cheshire East Local Plan Strategy - Submission Version

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 Head of Strategic and Environmental Planning 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.

Should this application be the subject of an appeal, authority be delegated to the Head of Strategic and Environmental Planning in consultation with the Chairman of the Strategic Planning Board 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.

- Affordable housing:
 - 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
 - A mix of 2 , 3 bedroom and other sized properties to be determined at reserved matters
 - units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.
 - constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
 - no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.
 - developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.
- Provision of minimum of 5520sqm and of shared recreational open space and children's play space to include a LEAP with 5 pieces of equipment
- Private residents management company to maintain all on-site play space, open space, including footpaths, hedgerows and green spaces in perpetuity
- Commuted Sum of £20,000 towards the delivery of 2 quality bus stop infrastructure on Canal Road
- Provision of £5,000 over five years annual monitoring (£1000 per annum) of the Travel Plan and its annual statements

- Commuted Sum payment of £145,000 in lieu of health related provision in accordance with the NHS Health Delivery Plan for Congleton.
- Education contribution of £218,000
- A financial contribution for highways improvements to Rood Hill, the negotiation of the amount to be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman

225 14/1064C LAND SOUTH OF MIDDLEWICH ROAD AND WEST OF BROAD LANE, HOLMES CHAPEL - VARIATION TO CONDITION 2 ON APPROVED APPLICATION 11/3065C RELATING TO MOVING THE APPROVED ACCESS POINT FOR MR R LEA

Consideration was given to the above application.

(Susan Lea, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application to vary condition 2 on approved application 11/3065C be refused for the following reasons:-

1. The proposed development would, by allowing 50 heavy goods vehicle movements per day to pass in close proximity to residential properties, cause unacceptable noise, vibration and disturbance to those residential properties. The proposal is therefore contrary to Policies GR6 and GR7 of the adopted Congleton Borough Local Plan First Review 2005 and Policy SE 12 of the Cheshire East Local Plan Strategy – Submission Version.
2. It has not been possible to demonstrate that a safe access point could be provided to the site, in particular in relation to visibility splays and the design of the access to accommodate heavy goods vehicles. The proposal is therefore contrary to Policy GR9 of the adopted Congleton Borough Local Plan First Review 2005.

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 Head of Strategic and Environmental Planning 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.

226 14/1341M LAND NEAR TYTHERINGTON LANE AND MANCHESTER ROAD, MACCLESFIELD - CUT/FILL EARTHWORKS EXERCISE INCLUDING 32,250M3 OF INERT MATERIAL TO FACILITATE THE APPROVED HOUSING DEVELOPMENT SITE FOR DEAN TRAINOR, REDROW HOMES NW

(During consideration of the item, Councillor P Hoyland left the meeting and did not return).

Consideration was given to the above application.

(Brian Jones, representing the Dumbah Association as a Supporter and Paul Sinclair, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the update report the application be delegated to the Head of Strategic and Environmental Planning for approval due to the publicity date expiring after the Board meeting, subject to any outstanding responses from neighbouring properties and subject to the following conditions:-

1. A01AP - Development in accord with approved plans
2. A03FP - Commencement of development (3 years)
3. A13GR - Hours of operation
4. Dust Control
5. Construction access to be reinstated after construction complete
6. Contaminated land
7. Landscaping plan to be submitted within three years of date of this decision if residential development not commenced.
8. Scheme for the protection of retained trees
9. Protective fencing to be erected around trees
10. Submission of Construction Management Plan
11. Badgers- If development has not commenced on site by the end of August 2014 the applicant is to submit an updated Badger Survey for the approval of the LPA. The report is to be agreed by the LPA prior to the commencement of development. If any evidence of badgers is recorded the report is to include detailed mitigation and compensation proposals.
12. Breeding birds- Prior to the removal of any vegetation or the demolition or conversion of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to and approved in writing by the Local

Planning Authority before any further works within the exclusion zone take place.

13. Development in accordance with previously submitted Flood Risk Assessment

(The meeting adjourned for a short break).

227 **14/1366N FIELDS BETWEEN THE A5020 WESTON ROAD AND THE A500, WITH AN ADDITIONAL AREA TO THE SOUTH OF THE A500 OFF WESTON LANE, CREWE - VARIATION OF CONDITION 2 (PLANS) ATTACHED TO PLANNING APPLICATION 12/4115N DUAL CARRIAGEWAY ROAD KNOWN AS CREWE GREEN LINK ROAD (SOUTH) LINKING THE A500 WITH THE A5020 AND ASSOCIATED WORKS FOR KEVIN MELLING, CHESHIRE EAST COUNCIL**

Consideration was given to the above application.

RESOLVED

That the application be delegated to the Interim Planning and Place Shaping Manager in discussion with the Chairman to align the proposed conditions with those that have already been discharged from recent submissions but to include the following conditions:-

1. Standard time 3 years
2. Development to proceed in accordance with the approved plans
3. 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.
4. Prior to the commencement of development a detailed tree felling/pruning specification shall be submitted to the LPA for approval in writing
5. Prior to the commencement of development a detailed Arboricultural Method Statement shall be submitted and approved by the LPA
6. Prior to the commencement of development a detailed Tree Protection Scheme shall be submitted and approved by the LPA
7. Prior to the commencement of development a detailed Landscaping Scheme (including native species only) shall be submitted and approved by the LPA
8. Implementation of the approved landscaping scheme
9. Prior to any development commencing a scheme stating the hours of construction shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.
10. Prior to any such works taking place a scheme detailing method, timing and duration of any pile driving, bridge foundation and borrow pit

operations connected with the construction of the development shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details. The details should include provisions for mitigation and liaison with residences that may be affected by noise or vibration.

11. Prior to the development commencing:

(a) An investigation and Risk Assessment shall be carried out to assess the potential risks from land contamination as defined in the supplied geo-environmental risk assessment.

(b) If such investigation and Risk Assessment identifies that remedial/protective measures are required, then a remedial/protection scheme shall be submitted to, and approved by, the Local Planning Authority (LPA) and shall be implemented.

(c) If remedial/protective measures are required, a Site Completion Statement detailing the remedial/protective measures incorporated shall be submitted to, and approved in writing by, the LPA in full prior to use of the development.

12. The duct mitigation measures outlined in the updated Air Quality section of the Environmental Impact Statement (Chapter 8) shall be implemented, monitored and enforced throughout the construction phase of the development.

13. Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds

14. Badger and Barn owl mitigation details in accordance with details approved as part of application 13/5223D

15. Submission of environment management plan for the construction phase of the development

16. Submission of ecological monitoring and reporting schedule.

17. Submission of a 10 year Habitat Management Plan

18. Details of all external lighting to be submitted and agreed in writing with the LPA

19. The development permitted shall only be carried out in accordance with the approved FRA

20. The development shall not be commenced until a scheme for compensatory flood drainage scheme has been submitted to the LPA for approval.

21. A surface water regulation scheme shall be submitted to the LPA for approval in writing

22. A detailed design for the provision of flood defence structures shall be submitted to the LPA

23. No development shall take place until a scheme for the provision and management of a 8 metres wide undeveloped buffer zone around the main rivers and a 5 metres wide undeveloped buffer zone around none main water courses and ponds shall be submitted to and agreed in writing by the local planning authority.

24. Prior to the commencement of development, details of all bridges proposed on site shall be submitted to and approved in writing by the local planning authority

25. No development shall take place until a plan detailing the protection and mitigation of damage to populations of white-clawed crayfish and sand

martins and their associated habitat during construction works and once the development is complete

26. Prior to commencement of development details of all outfalls proposed on site shall be submitted to and approved in writing by the local planning authority

27. No development shall take place until a scheme for the provision and management of compensatory habitat shall be submitted to and approved in writing by the local planning authority

28. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA.

29. Should the borrow pit to the south of the A500 Shavington By Pass be required full details including access arrangements and wheel washing facilities etc. be submitted to and approved by the Local Planning Authority'.

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 Head of Strategic and Environmental Planning 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.

228 **14/1534N LAND OFF ROPE LANE, ROPE LANE, SHAVINGTON, CREWE - VARIATION OF CONDITION 1 (PLANS) ATTACHED TO PLANNING APPLICATION 13/1021N LAND OFF ROPE LANE, SHAVINGTON, CREWE CW2 5DA DEVELOPMENT PROPOSED FOR THE ERECTION OF 80 DWELLINGS FOR WAINHOMES (NORTH WEST) LTD**

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report the application to vary condition 1 be approved subject to the following conditions:-

1. Approved Plans
2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the houses hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
3. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing shall be carried out in the first planting seasons following the completion of the development, and any trees or shrubs that die,

are removed or become seriously damaged or diseased within a period of 5 years from the completion of the landscaping scheme shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.

4. Notwithstanding the details shown on the approved landscaping scheme, the large gap in the hedgerow to the north of the open space area shall be planted up with a hedgerow of native species before the open space area is brought into use.
5. Before development commences the design of the proposed balancing pond shall be submitted to and approved in writing by the Local Planning Authority and shall be constructed in accordance with the approved scheme before the first house is occupied.
6. Notwithstanding the details shown on the approved plans, further details of the positions, materials and design of boundary treatments shall be submitted to and approved in writing before development commences and shall be constructed as approved before the first house is occupied.

The meeting commenced at 10.30 am and concluded at 1.10 pm

Councillor H Davenport (Chairman)

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