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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 18th February, 2015 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor H Davenport (Chairman)
Councillor G M Walton (Vice-Chairman)

Councillors D Brickhill, D Brown, P Edwards, S Gardiner (Substitute),
J Hammond, D Hough, O Hunter (Substitute), J Jackson, B Murphy,
L Smetham, S Wilkinson and J Wray

OFFICERS IN ATTENDANCE

Mr D Evans (Principal Planning Officer), Mr A Fisher (Head of Strategic and
Economic Planning), Mrs N Folan (Planning Solicitor), Mr P Griffiths (Principal
Transport Officer) Mr N Jones (Principal Development Officer), Mr D Malcolm
(Principal Planning Officer) and Miss E Williams (Principal Planning Officer)

106 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs Rachel Bailey,
P Hoyland and D Newton.

107 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of applications 13/4683W and
13/4685W, Councillor J Hammond declared that he was a Member of
Haslington Parish Council and the Cheshire Wildlife Trust who were
consultees on the applications, however he had not made any comments
on either of the applications.

In the interest of openness in respect of the same applications, Councillor
Mrs L Smetham also declared that she was a Member of Cheshire Wildlife
Trust who were a consultee on the applications, however she had not
made on comments on either application.

In the interest of openness in respect of the same applications, Councillor
D Brickhill declared that he was well acquainted with the applicant and
therefore would sit in the public gallery when both of the applications were
being considered.

In the interest of openness in respect of applications 14/3649C and
14/3657C, Councillor D Brown declared that he had received
correspondence from a number of action groups, however he had
expressed no opinion. It was noted that the majority of Members had

received correspondence in respect of applications 14/3649C and 14/3657C.

In the interest of openness in respect of applications 13/4683W, 13/4685W and item 12 Land adjacent to Heath End Farm, Hassall Road, Alsager, Councillor D Hough declared that he was a Member of Alsager Town Council.

In the interest of openness in respect of application 14/4296N, Councillor D Brickhill declared that he spoken to Councillor Mrs J Clowes, the Ward Councillor and Mr Heler, an objector about the application, however he had only discussed the application in principal and not in detail.

In the interest of openness in respect of the same application, Councillor G Walton declared that he had received an email from Mr Heler who was an objector to the application.

In the interest of openness in respect of application 14/5338C, Councillor Mrs L Smetham declared that she had friends living in the vicinity of the application.

In the interest of openness in respect of application 14/4296N, Councillor S Gardiner declared that he knew some of the speakers speaking on the application.

108 **MINUTES OF THE PREVIOUS MEETING**

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman.

109 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

110 **14/3649C-OUTLINE APPLICATION FOR DEVELOPMENT OF LAND TO THE WEST OF PADGBURY LANE, CONGLETON FOR UP TO 120 DWELLINGS, UP TO 180 SQ. M OF HEALTH RELATED DEVELOPMENT (USE CLASS D1), COMMUNITY FACILITIES AND ASSOCIATED INFRASTRUCTURE - (RESUBMISSION OF APPLICATION REFERENCE 13/4219C), LAND WEST OF PADGBURY LANE, CONGLETON, CHESHIRE FOR LOUISE WILLIAMS AND KATHLEEN FORD**

Consideration was given to the above application.

(Councillor R Domleo, the Ward Councillor, Councillor Mrs Rhoda Bailey, a visiting Councillor, Town Councillor Paul Bates, representing Congleton Town Council and James Green, representing West Heath Action Group 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.
2. The proposed development when taken cumulatively with other committed developments in the Congleton area would exceed the spatial distribution of development for Congleton as identified within Policy PG6 (Spatial Distribution of Development) of the Local Plan Strategy Submission Version. This is supported by comments made by the Inspector at Paragraphs 70-80 of the Inspectors Interim views on the legal compliance and soundness of the submitted Local Plan Strategy. As such the proposal would result in an unsustainable form of development. Given the advanced stage of the emerging Cheshire East Local Plan Strategy, the proposed development would also be premature as a result and contrary to National Policy Guidance.
3. The proposed development would have an adverse cumulative impact on ecology and protected species which cannot be appropriately mitigated contrary to Policy NR3 of the Congleton Borough Local Plan and biodiversity policies within the NPPF.

(This decision was contrary to the Officer's recommendation of approval. The meeting adjourned for a short break).

111 **14/3657C-OUTLINE APPLICATION FOR DEVELOPMENT OF LAND TO THE WEST OF PADGBURY LANE, CONGLETON FOR UP TO 150 DWELLINGS, COMMUNITY FACILITIES AND ASSOCIATED INFRASTRUCTURE (RESUBMISSION OF 13/4216C), LAND WEST OF PADGBURY LANE, CONGLETON, CHESHIRE FOR NORTHERN PROPERTY COMPANY LIMITED**

Consideration was given to the above application.

(James Green, representing West Heath Action Group 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.
2. The proposed development when taken cumulatively with other committed developments in the Congleton area would exceed the spatial distribution of development for Congleton as identified within Policy PG6 (Spatial Distribution of Development) of the Local Plan Strategy Submission Version. This is supported by comments made by the Inspector at Paragraphs 70-80 of the Inspectors Interim views on the legal compliance and soundness of the submitted Local Plan Strategy. As such the proposal would result in an unsustainable form of development. Given the advanced stage of the emerging Cheshire East Local Plan Strategy, the proposed development would also be premature as a result and contrary to National Policy Guidance.
3. The proposed development would have an adverse cumulative impact on ecology and protected species which cannot be appropriately mitigated contrary to Policy NR3 of the Congleton Borough Local Plan and biodiversity policies within the NPPF.

(This decision was contrary to the Officer's recommendation of approval. The meeting adjourned for lunch from 1.00pm until 1.45pm).

112 **13/4683W-REMOVAL OF CONDITION 11 (HOURS OF OPERATION) ON APPROVED APPLICATION 7/2006/CCC/19 (DEVELOPMENT FOR THE WINNING AND WORKING OF SAND AND PEAT), WHITE MOSS QUARRY, RADWAY GREEN, ALSAGER FOR LAND RECOVERY LTD**

Consideration was given to the above application.

(Town Councillor Derek Longhurst, representing Alsager Town Council, Sylvia Dyke, representing Residents Around White Moss Quarry Group and Cath Mainwaring, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. The proposed hours of plant maintenance do not conform with those stipulated in the development plan and special circumstances have not been demonstrated to justify any deviation from the policy. As such the proposal conflicts with the provisions of policy 37 of the Cheshire Replacement Minerals Local Plan;

2. Insufficient information has been provided to demonstrate that the proposed variation would not have an adverse impact upon the amenity of nearby residential properties which is contrary to policies 9 and 26 of Cheshire Replacement Minerals Local Plan, and policies and NE. 17 and BE.1 of Crewe and Nantwich Local Plan and guidance within the NPPF.

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 Principal Planning Manager 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 Principal Planning Manager 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.

113 **13/4685W-REMOVAL OF CONDITION 24 ON APPROVED APPLICATION 7/2008/CCC/8 - AGGREGATE RECYCLING OPERATIONS, TO ALLOW FLEXIBILITY FOR ESSENTIAL SITE MAINTENANCE OF PLANT. TO ALSO ALLOW PLANT MAINTENANCE 07.30 - 18.00 ON SUNDAYS, WHITE MOSS QUARRY, RADWAY GREEN, ALSAGER FOR LAND RECOVERY LIMITED**

Consideration was given to the above application.

(Town Councillor Derek Longhurst, representing Alsager Town Council, Sylvia Dyke, representing Residents Around White Moss Quarry Group and Cath Mainwaring, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. The proposed hours of plant maintenance do not conform with those stipulated in the development plan and no exceptional

circumstances have been demonstrated to justify any deviation from the policy. As such the proposal conflicts with the provisions of policy 29 of the Cheshire Replacement Waste Local Plan;

2. Insufficient information has been provided to demonstrate that the proposed variation would not have an adverse impact upon the amenity of nearby residential properties which is contrary to policies 12 and 23 of Cheshire Replacement Waste Local Plan, and policies and NE. 17 and BE.1 of Crewe and Nantwich Local Plan and guidance within the NPPF and NPPW.

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 Principal Planning Manager 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 Principal Planning Manager 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.

114 **14/5338C-VARIATION OF CONDITION 4 AND REMOVAL OF CONDITIONS 35 AND 36 TO PLANNING APPLICATION 13/2746C - ERECTION OF UP TO 180 DWELLINGS, PUBLIC OPEN SPACE, GREEN INFRASTRUCTURE AND ASSOCIATED WORKS, LAND BETWEEN, BLACK FIRS LANE, CHELFORD LANE, HOLMES CHAPEL ROAD, SOMERFORD, CONGLETON FOR RICHBOROUGH ESTATES PARTNERSHIP LLP**

Consideration was given to the above application.

RESOLVED

That the application to vary condition 4 and remove conditions 35 and 36 to planning application 13/2746C be refused. The reason for this decision was to ensure that the Reserved Matters application provided a form of development which respected the character of the existing area and respected the amenity of the existing residents.

(This decision was contrary to the Officer's recommendation of approval).

115 **14/4296N-INSTALLATION OF A SOLAR PARK WITH AN OUTPUT OF APPROXIMATELY 8.28 MW ON LAND ASSOCIATED WITH HATHERTON LODGE FARM, AGRICULTURAL LAND AT,**

**HATHERTON LODGE FARM, HUNSTERSON, ROAD, HATHERTON,
NANTWICH FOR MR MARKUS WIERENGA, GREEN SWITCH
DEVELOPMENTS LTD**

Consideration was given to the above application.

(Councillor Mrs J Clowes, the Ward Councillor, Parish Councillor C Knibbs, representing Hatherton & Walgherton Parish Council, Mr Frodsham, representing Stand Together Against New Development, STAND, John Bache, an objector, John Dwyer, an objector, Mike Heler, an objector and Simon Newall, the 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 development of the proposed solar park would have a significant adverse impact on the landscape character of the site. In particular the views from public footpath 9 and 12 Hatherton and 2 Hunterston. This adverse impact significantly and demonstrably outweighs the benefits of the scheme in terms of renewable energy production. The proposal is therefore contrary to paragraph 98 of the NPPF and Policies NE.2, and NE.19 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

2. The proposal would result in loss of the best and most versatile agricultural land. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011, Paragraph 112 of the National Planning Policy Framework and guidance contained within paragraph 13 of the Renewable and Low Carbon Energy Section of the Planning Practice Guidance.

(This decision was contrary to the Officer's recommendation of approval. The meeting adjourned for a short break. Councillor B Murphy left the meeting and did not return).

116 **LAND TO THE WEST OF GOLDFINCH CLOSE, CONGLETON**

Consideration was given to the above report.

(Peter Minshall, representing Congleton Sustainability Group attended the meeting and spoke in respect of the application).

RESOLVED

That reasons one and two be amended as follows:-

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.

2.The proposal would result in loss of the best and most versatile agricultural land. 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.

(This decision was contrary to the Officer's recommendation to remove reasons one and two and to instruct the Principal Planning Manager not to contest the issues at the forthcoming Appeal).

117 LAND ADJACENT TO HEATH END FARM, HASSALL ROAD, ALSAGER

(During consideration of the application, Councillor D Brickhill left the meeting and did not return).

Consideration was given to the above report.

(Town Councillor Derek Longhurst, representing Alsager Town Council, Sue Helliwell, an objector and Steve Irvine, the agent for the applicant attended the meeting and spoke in respect of the application. In addition a statement was read out by the Principal Planning Officer on behalf of Councillor R Fletcher the Ward Councillor).

RESOLVED

That for the reasons set out in the report, the Board withdraw the following reasons for refusals and instruct the Principal Planning Manager not to contest the issues at the forthcoming Appeal:-

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 (Open Countryside) and H6 (Residential Development in the Open Countryside) of the Congleton Borough Local Plan First Review 2005, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can

demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. The proposed development would involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Policy NR3 of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development. Therefore the scheme is contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review and guidance contained within the NPPF.

118 CHESHIRE FRESH, MIDDLEWICH: APPROVAL SOUGHT FOR DELEGATION TO CHESHIRE WEST AND CHESTER COUNCIL

Consideration was given to the above report.

RESOLVED

That authority be delegated to Cheshire West & Chester Council to determine the forthcoming application for Cheshire Fresh, Middlewich.

The meeting commenced at 10.30 am and concluded at 5.50 pm

Councillor H Davenport (Chairman)

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