

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 3rd August, 2016 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)
Councillor M J Weatherill (Vice-Chairman)

Councillors Rhoda Bailey, J Clowes, W S Davies, S Edgar, J Rhodes,
B Roberts and B Walmsley

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors M Deakin, J Hammond, D Hough and A Moran

OFFICERS PRESENT

Patricia Evans (Senior Planning and Highways Lawyer)
Andrew Goligher (Principal Development Control Officer - Highways)
Simon Hodgkiss (Land and Sites Coordinator - Standards and Learning)
Sue Orrell (Principal Planning Officer)
Paul Reeves (Flood Risk Manager)
Natalie Wise Ford (Principal Planning Officer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors D Bebbington and P Butterill

Apologies due to Council Business

Councillor A Kolker

22 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

With regard to application number 16/0015N, Councillor S Edgar 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 agenda item 19, Councillor S Edgar declared that part of the application site was in his Ward, but that he had kept an open mind.

With regard to agenda item 19, Councillor J Clowes declared that part of the application site was in her Ward, but that she had kept an open mind.

With regard to application number 16/0479C, Councillor B Walmsley declared that she knew the speaker but that she had kept an open mind.

With regard to application number 16/2832N, Councillor B Walmsley declared that she had received a photograph by email.

All Members of the Committee declared that they had received correspondence with regard to application number 16/1352C.

With regard to application number 15/4447N, Councillor A Moran, who was in attendance at the meeting, declared that he had made comments in the press and at meetings of Nantwich Town Council.

With regard to application numbers 15/4367N, 16/1728N, 15/5654N, and 16/2832N Councillor J Hammond, who was in attendance at the meeting, declared that he was a member of Haslington Parish Council, which had been consulted on the applications. In addition, with respect to application numbers 15/4367N and 16/1728N, he declared that he was a director of ANSA which had been consulted but that he had made no comments.

With regard to application number 16/2183N, Councillor S Davies declared that it was in his Ward but that he had not participated in any discussions about the application.

All Members of the Committee declared that they had received email correspondence with regard to application number 16/2183N.

With regard to application number 15/4367N, Councillor G Merry declared that her daughter lived in Winterley but that she had not discussed the application and had kept an open mind.

23 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 29 June 2016 be approved as a correct record and signed by the Chairman.

24 16/0015N LAND TO REAR OF 46, CHESTNUT AVENUE, SHAVINGTON, CREWE, CHESHIRE CW2 5BJ: OUTLINE APPLICATION FOR THE DEMOLITION OF NO. 46 CHESTNUT AVENUE, SHAVINGTON AND ERECTION OF 44 DWELLINGS (INCLUDING ACCESS) AND ASSOCIATED WORKS FOR OSCAR PLANNING

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

Note: Parish Councillor W McIntyre (on behalf of Shavington-cum-Gresty Parish Council) and Mr S Harris (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Mr W Atteridge (objector) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Atteridge to speak.

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:

The proposed development, together with adjoining housing developments, by virtue of the loss of open countryside and cumulative impact and erosion upon the Green Gap, is contrary to Local Plan Policies NE.2 (Open Countryside), NE.4 (Green Gap) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan 2011 and PG5 of the Cheshire East Local Plan Strategy (Consultation Draft) March 2016 and policies within the NPPF.

**25 15/4367N KENTS GREEN FARM, KENTS GREEN LANE, HASLINGTON
CW1 5TP: RESERVED MATTERS APPLICATION FOR THE ERECTION
OF 51NO HOUSES, ROADS, PUBLIC OPEN SPACE AND
ASSOCIATED WORKS FOR CHERYL WOOD, STEWART MILNE
GROUP LTD**

Note: Councillor J Hammond (Ward Councillor) 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 APPROVED subject to the following conditions:

1. Approved Plans
2. Submission of a landscaping scheme
3. Implementation of the approved landscape scheme
4. Updated survey and mitigation for other protected species
5. Submission of Revised tree protection scheme
6. Submission of No Dig Construction
7. Submission of Revised Arboricultural Method Statement (AMS)
8. Submission of Construction Management Plan
9. Submission of Tree pruning/felling specification
10. Submission and approval of land level details
11. Submission of service/drainage layout
12. Boundary Treatment details to be submitted for approval
13. Details of the proposed bridge to be submitted and approved

14. Details of the proposed LEAP to be submitted and approved
 15. Open Plan Estate/Removal of permitted development rights for means of enclosure forward of building line
 16. Bin storage
- (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.

26 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 Teage (on behalf of the applicant) and Ms G Mellor (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

RESOLVED – That the application be DEFERRED for further consideration of late evidence submitted to the Highways Department by the Applicant.

27 15/5782N LAND OFF HILL CLOSE, BUNBURY: PROPOSED RESIDENTIAL DEVELOPMENT FOR 15 DWELLINGS WITH ACCESS FROM THE PROPOSED WULVERN HOMES SITE FOR COLIN BOOTH, CB HOMES LTD

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

28 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), Ms K Catherall 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 an oral report of the site inspection.

RESOLVED – That the application be DEFERRED for further information concerning “co-location” as contained in the Bunbury Neighbourhood Plan.

29 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: 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.

Note: Mr M Massey had registered his intention to address the Committee on behalf of the applicant but did not speak.

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

RESOLVED – That the application be DEFERRED for a Committee site inspection to enable Members to assess the impact of the proposed development.

30 16/1352C LAND AT CEDAR AVENUE, ALSAGER: OUTLINE APPLICATION FOR RESIDENTIAL REDEVELOPMENT OF UP TO 14 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE FOR COUNTRY & COASTAL DEVELOPMENTS LTD

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

Note: Councillors M Deakin and D Hough (Ward Councillors), Town Councillor S Helliwell (on behalf of Alsager Town Council), Mrs S Dyke (objector) and Ms B Moss (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 APPROVED subject to a S106 Agreement to secure:

1. Open Space provision comprising of:

- On-site Amenity Green Space (AGS) of at least 336sqm
- £5,803.62 for maintenance of AGS (based on provision of 491sqm as indicated on the indicative layout plan, subject to change)

- Off site contribution of £3,076.75 for Capital Enhancements to Milton Park and £10,029.60 for on-going maintenance
2. 30% on-site affordable housing provision to include:
 - A requirement for the applicant/developer to transfer any rented affordable units to a Registered Provider
 - A requirement to provide details of when the affordable housing is required
 - 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 Council's allocations policy.
 - 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 £65,224.25 comprising of:
 - £32,538.87 (primary)
 - £32,685.38 (secondary)
 4. Grassland habitat contribution of £6,930

And the following conditions:

1. Time – 3 years of 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. Reserved Matters to be supported by an a Arboricultural Impact Assessment in accordance with current best practice BS5837:2012; the assessment should also include a Tree Protection Plan, and associated detail
6. No development shall be erected any closer to the trees on the northern boundary than indicated on the submitted indicative layout plan numbered 110 Rev H
7. Replacement Tree Planting – Implementation
8. Reserved matters application to be supported by reptile mitigation method statement
9. Reserved matters application to be supported by an updated other protected species survey
10. Reserved Matters to incorporate a wildlife buffer of 5-8m adjacent to the watercourse
11. Prior submission/approval of a surface water disposal/drainage scheme
12. Foul and surface water be drained on separate systems
13. Prior submission/approval of a sustainable drainage management and maintenance plan

14. Visibility splays shown on plan 'SCP/15198/F01 A' should be cleared of any obstructions before commencement of development
15. Prior submission/approval of a Construction Phase Environmental Management Plan, to include submission and approval of construction traffic route to the site
16. Provision of electric vehicle infrastructure
17. Prior submission/approval of a Phase 2 Contaminated Land Report
18. Prior submission/approval of soil verification report
19. Works should stop if contamination identified
20. Prior submission/approval of scheme to demonstrate that both surface and foul water drainage being directed away from the railway
21. Prior approval of detailed acoustic report with respect to noise and vibration from the railway located to the south of the site

(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.

(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. Open Space provision comprising of:
 - On-site Amenity Green Space (AGS) of at least 336sqm
 - £5,803.62 for maintenance of AGS (based on provision of 491sqm as indicated on the indicative layout plan, subject to change)
 - Off site contribution of £3,076.75 for Capital Enhancements to Milton Park and £10,029.60 for on-going maintenance
2. 30% on-site affordable housing provision to include:
 - A requirement for the applicant/developer to transfer any rented affordable units to a Registered Provider
 - A requirement to provide details of when the affordable housing is required
 - 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 Council's allocations policy.
 - 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 £65,224.25 comprising of:

- £32,538.87 (primary)
- £32,685.38 (secondary)

4. Grassland habitat contribution of £6,930

**31 15/5654N LAND TO THE WEST OF CLOSE LANE, ALSAGER:
VARIATION OF CONDITION 27 ON APPLICATION 13/1305N -
OUTLINE PLANNING APPLICATION FOR A MIXED RESIDENTIAL
SCHEME TO PROVIDE AFFORDABLE, OPEN MARKET, AND OVER
55'S SHELTERED ACCOMMODATION, OPEN SPACE (76 FAMILY
DWELLINGS COMPRISING ONE TO FOUR BEDROOMS AND 56
DWELLINGS FOR THE OVER 55'S COMPRISING 1 AND 2
BEDROOMS) - ALL MATTERS RESERVED FOR MISS HOLLY STILES,
STEWART MILNE HOMES**

Note: Councillor J Hammond (Ward Councillor) and Councillor D Hough (Neighbouring Ward Councillor) 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:

The proposal will, by virtue of the loss of dwellings for the over 55's, from the 56 units within a mixed residential scheme granted permission under 13/1305n to 6 units would comprise a unsustainable form of development without reasonable justification to the change in the housing mix, contrary to policy SC4 of the Cheshire East Local Plan Strategy Proposed changes (consultation draft) March 2016 and policies contained within the NPPF.

**32 15/4447N RED LION HOTEL, BARONY ROAD, NANTWICH CW5 5QS:
DEMOLITION OF PUBLIC HOUSE/HOTEL AND THE DEVELOPMENT
OF 21 NEW DWELLINGS AND ANCILLARY WORKS FOR RENEW
LAND DEVELOPMENTS LIMITED**

Note: Councillor A Moran (Ward Councillor), Mrs K Wilson and Mr K Hackney (objectors), and Mr R Lee (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 an oral report of the site inspection.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the conditions listed below and the completion of a s106 Agreement for a contribution of £81,566.94 to

primary and secondary education and the provision of 30% affordable housing.

1. Commencement
 2. Approved plans
 3. Details of materials to be submitted
 4. Retention of trees identified for retention within the site
 5. Submission of tree protection measures
 6. Submission and approval of a Construction Management Plan including a construction compound within the site
 7. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.
 8. Submission of a Phase II Contaminated Land Report
 9. Provision of electric vehicle charging points for each dwelling
 10. Submission of a Flood Risk Assessment
 11. Submission of details of foul and surface water drainage
 12. Submission of a detailed drainage scheme
 13. Boundary Treatment Details to be submitted and approved
- (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.
- (c) That, should the application be subject to an appeal, authority be agreed to enter into a s106 Agreement for a contribution of £81,566.94 to primary and secondary education and the provision of 30% affordable housing.

33 16/0396C SALTERSFORD FARM, LAND NORTH OF MACCLESFIELD ROAD, HOLMES CHAPEL CW4 8AL: RESERVED MATTERS FOR APPLICATION 14/0132C - DEVELOPMENT OF RESIDENTIAL SCHEME COMPRISING UP TO 100 DWELLINGS, AMENITY AREAS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE FOR MR GARY LYNCH, RUSSELL HOMES

Note: Mr G Lynch (applicant) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Lynch to speak.

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. Approved Plans
2. Submission and Implementation of landscape scheme
3. Materials as application
4. Removal of permitted development rights (smaller units - semi-detached and terraced)
5. Finished Floor Levels to be 150mm above carriageway level and carriageway level to be set 150mm above existing ground level
6. The site shall be completed in accordance with the submitted Arboricultural Impact Assessment/ Method Statement and Tree Protection Plan
7. Full design specifications and acoustic attenuation properties of the acoustic fencing both garden and Railway to be submitted too and approved prior to commencement of the development.
8. The mitigation recommended in this report P15-607-R01-V1 shall be implemented prior to the use of the development / first occupation.
9. Parking spaces to be laid out prior to occupation of each dwelling to which it relates
10. Parking spaces and free standing garages to be retained for the parking of cars/motorbikes and integral garages not to be converted into habitable accommodation
11. Details of bin/bike store for flats to be submitted and approved
12. No fencing beyond front face of each dwelling hereby approved/open pan estate
13. Electromagnetic insulation to dwellings
14. A 15 year maintenance scheme for landscaped mound to be submitted and approved

(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.

34 16/0479C 7, KING STREET, MIDDLEWICH CW10 9EJ: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 24 NO. DWELLINGS ON LAND TO THE REAR OF 7 KING STREET, MIDDLEWICH AND REPLACEMENT OF 1 NO. EXISTING DWELLING (25 NO. DWELLINGS IN TOTAL) FOR MRS JILL TURNER

Note: Ms J Jennings (objector) attended the meeting and addressed the Committee.

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 APPROVED subject to a S106 Agreement to secure:

1. 30% on-site affordable housing provision to include:
 - A requirement for the applicant/developer to transfer any rented affordable units to a Registered Provider
 - A requirement to provide details of when the affordable housing is required
 - 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 Council's allocations policy.
 - 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.
2. Secondary School Education contribution of £65,370.76
3. Open Space provision of:
 - £4,860.36 to upgrade Fountain Fields site in relation to Amenity Green Space provision. £10,879.00 to maintain the upgraded site over 25 years
 - £8,242.44 to upgrade Fountain Fields site. £27,462.00 to maintain the upgraded facilities over 25 years

And the following conditions:

1. Time – 3 years of within 2 of last Reserved Matter approval
2. Reserved Matters within 3 years
3. Appearance and Landscaping Matters to be submitted and approved
4. Plans
5. Reserved Matters to be supported by existing and proposed levels plans
6. Prior submission/approval of a written scheme of archaeological investigation and the implementation of a subsequent programme of mitigation
7. Prior submission/approval of a ground dissolution/brine extraction related risk assessment and proposals regarding suitable foundations designed to overcome the potential effects of brine pumping related subsidence
8. Prior submission/approval of a preliminary risk assessment, site investigation and verification report
9. Prior submission/approval of a verification report

10. No drainage systems for the infiltration of surface water drainage into the ground is permitted
11. Reserved Matters to be supported by a Tree Protection Scheme in accordance with the 2012 British Standard for every retained tree before and for the entire duration of the course of the development
12. Prior submission/approval of a piling method statement
13. Prior submission/approval of a dust mitigation scheme
14. Prior approval/submission of a Construction Phase Environmental Management Plan
15. Provision of a Residents Travel Pack prior to first occupation
16. Provision of Electric Vehicle Charging infrastructure
17. Prior submission/approval of a Phase II contaminated Land report
18. Prior approval of a soil contamination verification report
19. Development should stop if contamination is encountered
20. Prior approval of external lighting scheme
21. Removal of PD, Part 1 Classes A-E

(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.

(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. 30% on-site affordable housing provision to include:
 - A requirement for the applicant/developer to transfer any rented affordable units to a Registered Provider
 - A requirement to provide details of when the affordable housing is required
 - 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 Council's allocations policy.
 - 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.
2. Secondary School Education contribution of £65,370.76
3. Open Space provision of:

- £4,860.36 to upgrade Fountain Fields site in relation to Amenity Green Space provision. £10,879.00 to maintain the upgraded site over 25 years
- £8,242.44 to upgrade Fountain Fields site. £27,462.00 to maintain the upgraded facilities over 25 years

Informative
Japanese Knotweed

35 16/0420N LAND TO REAR OF SOUTH VIEW, NANTWICH ROAD, CALVELEY CW6 9JN: ONE PAIR OF SEMI DETACHED HOUSES FOR MR & MRS A BEESTON

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. Submission of Reserved Matters (Access, Appearance, Landscaping, Layout and Scale)
 2. Time Limit for submission of reserved matters
 3. Time limit for outline permission
 4. Development in accordance with approved plans
 5. Details of materials to be submitted for approval
 6. Tree Protection Measures
 7. Landscaping
 8. Details of Piling to be submitted if required
 9. Land Contamination Risk Assessment
 10. Dust Control Measures
 11. Noise Assessment
 12. Existing and Proposed Site Levels
 13. Drainage scheme to be provided
- (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.

36 16/2183N LAND OFF MILL LANE, BULKELEY: PROPOSED 13 DWELLINGS WITH ACCESS OFF MILL LANE FOR MR M SCHOFIELD

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

Note: The Principal Planning Officer read a representation from a representative of Bulkeley and Ridley Parish Council, who was unable to attend the meeting.

The Committee considered a report regarding the above planning application.

RESOLVED

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

Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered that the development is unsustainable because:

1. The unacceptable environmental impact of the scheme on the open countryside and character and appearance of the landscape, its unsustainable location, and the economic impact of loss of best and most versatile agricultural land significantly demonstrably outweighs the economic and social benefits in terms of its contribution to boosting housing land supply, including the contribution to affordable housing. As such, the proposal is contrary to Policy NE2, NE.3, and NE12, of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policy SE4 of the Cheshire East Local Plan Strategy Submission Version as well as the provisions of the National Planning Policy Framework.
 2. Insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development on nature conservation interests. In particular, adequate/up to date surveys of the site for the existence of Badgers were not submitted. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with the provisions of the National planning Policy Framework and Development Plan policies relating to nature conservation and would therefore be contrary to Policy NE.9 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.
- (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 the application be subject to 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 – 3 units to be provided as social rent/affordable rent with 1 unit 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 of the affordable housing and the means by which such occupancy criteria shall be enforced

**37 16/2832N LAND OFF CREWE ROAD, HASLINGTON, CHESHIRE:
ADVERTISEMENT CONSENT FOR ERECTION OF 2NO
ADVERTISEMENT BOARDS TO INFORM PUBLIC OF NEW
RESIDENTIAL SITE FOR MR CHRISTOPHER CONLON, BOVIS
HOMES LTD**

Note: Councillor J Hammond (Ward Councillor) and Mr K Froggatt (objector) attended the meeting and addressed the Committee on this matter.

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:

- 1-5 Standard Advert Conditions
- 6 Approved Plans
- 7 Signage to be removed should the development site be completed before the five year consent period ends

**38 UPDATE FOLLOWING THE RESOLUTION TO APPROVE
APPLICATION 15/3752N - CONSTRUCTION OF FIVE, DETACHED
TWO-STOREY DWELLINGS WITH CAR PARKING AND CAR PARKING
FOR EXISTING WORKSHOP WITH SHARED ACCESS - 416,
NEWCASTLE ROAD, SHAVINGTON, CW2 5EB**

The Committee considered a report regarding planning application 15/3752N, which had been considered by the Southern Planning Committee on 25 November 2015. The committee resolution included the requirement that the developer entered into a S106 Agreement to secure a contribution for off-site affordable housing provision.

A recent Court of Appeal had ruled that a 2014 ministerial statement introducing the 'vacant building credit' and exempting small sites from affordable housing contributions was not unlawful. The Council was therefore unable to require the developer to enter into a S106 Agreement to secure a contribution for affordable housing.

RESOLVED – That, for the reasons set out in the report, the Heads of Terms for the S106 Agreement be removed from the Committee resolution and that an additional condition be attached to state that the reserved matters application should have a maximum combined gross floorspace of no more than 1000sqm.

**39 UPDATE FOLLOWING THE RESOLUTION TO APPROVE
APPLICATION 15/2331N - OUTLINE APPLICATION FOR UP TO NINE
DWELLINGS - LAND SOUTH OF CHESTER ROAD, ALPRAHAM**

The Committee considered a report regarding planning application 15/2331N, which had been considered by the Southern Planning Committee on 25 November 2015. The committee resolution included the requirement that the developer entered into a S106 Agreement to secure two affordable units and a sum for off-site affordable housing provision.

A recent Court of Appeal had ruled that a 2014 ministerial statement introducing the 'vacant building credit' and exempting small sites from affordable housing contributions was not unlawful. The Council was therefore unable to require the developer to enter into a S106 Agreement to secure the provision of affordable housing and a contribution for off-site affordable housing.

RESOLVED – That, for the reasons set out in the report, the Heads of Terms for the S106 Agreement be removed from the Committee resolution and that an additional condition be attached to state that the reserved matters application should have a maximum combined gross floorspace of no more than 1000sqm.

**40 UPDATE FOLLOWING THE RESOLUTION TO APPROVE
APPLICATION 15/3979N - OUTLINE PLANNING APPLICATION FOR
THE DEMOLITION OF EXISTING HOUSE AND THE CONSTRUCTION
OF AN ACCESS ROAD WITH RESIDENTIAL DEVELOPMENT ON
EXISTING GARDEN AREA AND PADDOCK LAND - HEATHCOTE,
SANDY LANE, ASTON, CW5 8DG**

The Committee considered a report regarding planning application 15/3979N, which had been approved by the Southern Planning Committee on 27 April 2016, subject to the completion of a Section 106 Agreement to secure affordable housing and an education contribution, and a number of conditions.

A recent Court of Appeal had ruled that a 2014 ministerial statement introducing the 'vacant building credit' and exempting small sites from

affordable housing contributions was not unlawful. The Council was therefore unable to require the developer to enter into a S106 Agreement to secure the provision of tariff based contributions.

RESOLVED – That, for the reasons set out in the report, the Heads of Terms for the S106 Agreement from the Committee resolution be amended to only secure an educational contribution and that an additional condition be attached to state that the reserved matters application should have a maximum combined gross floorspace of no more than 1000sqm.

The meeting commenced at 10.00 am and concluded at 5.30 pm

Councillor G Merry (Chairman)