

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 8th August, 2018 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor J Wray (Chairman)
Councillor M J Weatherill (Vice-Chairman)

Councillors Rhoda Bailey, P Butterill, J Bratherton, J Clowes, W S Davies,
S Edgar (for Cllr Bebbington), A Kolker, G Merry (for Cllr Pochin), J Rhodes
and B Walmsley

OFFICERS PRESENT

Christopher Glover (Development Officer - Strategic Housing)
Andrew Goligher (Principal Development Control Officer - Highways)
Nick Hulland (Principal Planning Officer)
Susan Orrell (Principal Planning Officer)
Gareth Taylerson (Principal Planning Officer)
James Thomas (Senior Lawyer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors D Bebbington and S Pochin

9 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

With regard to application number 18/2456N, Councillor S Davies declared that he had not taken part in the Licensing Act Sub-Committee meeting which had considered the applicant's application for a premises licence. He knew one of the public speakers and he had called in the application on behalf of the parish council. He would exercise his separate speaking rights as a Ward Councillor and not take part in the debate or vote.

With regard to application number 18/1250N, Councillor S Edgar declared that he had spoken to the applicants and that he would not take part in the debate or vote.

All Members of the Committee declared that they had received email correspondence with regard to application number 18/2344C.

With regard to application number 18/0356C, Councillor R Bailey declared that, following previous consideration of this application by the Southern Planning Committee, she had attended a parish council meeting at which

the process had been discussed but not the merits of the application, and that she had kept an open mind.

Councillor J Wray declared that he had received email correspondence with regard to application number 18/2456N.

With regard to application number 18/2344C, Councillor G Merry declared that the application site was in a neighbouring ward and that she was a member of Sandbach Town Council but did not attend the planning committee meetings. She had not discussed the application and had kept an open mind.

Councillor J Weatherill declared that she had received email correspondence with regard to application number 18/2456N but that she had not made up her mind with respect to the application.

10 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 4 July 2018 be approved as a correct record and signed by the Chairman.

11 18/0356C CHERRY LANE FARM, CHERRY LANE, RODE HEATH, CHESHIRE ST7 3QX: DEMOLITION OF EXISTING COMMERCIAL BUILDINGS AND CONSTRUCTION OF 14 NO. RESIDENTIAL DWELLINGS WITH ACCESS, CAR PARKING AND OTHER ASSOCIATED WORKS FOR CHERRY LANE FARM LIMITED

Note: Parish Councillor B Adams (on behalf of Church Lawton Parish Council), Mrs B Barber (objector) and Ms A Burns (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, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The proposed development by virtue of the increased number of houses to that previously approved, would constitute overdevelopment of the site in a location with poor access to services and facilities leading to an isolated form of development which cannot be made sustainable or accessible. It is not considered that the material considerations relevant to the proposal are sufficient to outweigh the harm. The development is therefore deemed contrary to Policy C01 (Sustainable Travel and Transport), SD1 Sustainable Development in Cheshire East) & SD2 (Sustainable Development Principles) of the 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 his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.
- (c) That, should this application be subject to an appeal, the following conditions should be included:
 - The construction plan to include a condition regarding road signs to alert traffic exiting the development to the narrow canal bridge.
 - An acoustic fence to shield the kennels.
 - The financial contribution of £273,093.00 towards off-site affordable housing provision to be used in Rode Heath/Church Lawton/Alsager/Alsager Rural within 10 years.
 - Toad crossing.

**12 18/2344C LAND NORTH OF HIND HEATH ROAD, SANDBACH:
OUTLINE PLANNING PERMISSION FOR UP TO 50 DWELLINGS, NEW
PLANTING AND LANDSCAPING, CAR PARKING, VEHICULAR
ACCESS POINT FROM HIND HEATH ROAD AND ASSOCIATED
ANCILLARY WORKS. ALL MATTERS TO BE RESERVED WITH THE
EXCEPTION OF THE MAIN VEHICULAR SITE ACCESS FOR KODIAK
LAND**

Note: Mr J Minshull (objector) and Mr P Colclough (supporter) 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 **REFUSED** for the following reasons:
 - 1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies PG6 (Open Countryside) of the CELPS, PS8 (Open Countryside) of the Congleton Borough Local Plan and PC3 (Policy Boundary for Sandbach) of the Sandbach Neighbourhood Plan and the principles of the National Planning Policy Framework. Furthermore the development is located within an Area of Separation and would result in the coalescence of Ettiley Heath and Wheelock Village. The proposed development would therefore be contrary to Policy PC1 (Areas of Separation) of the Sandbach Neighbourhood Plan.

2. The proposed development would result in the loss of a hedgerow which is classed as important under the Hedgerow Regulations. In this case there are no overriding reasons for allowing the development and as a result the proposed development is contrary to Policy SE5 of the CELPS and guidance contained within 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 his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.
 - (c) That, should this 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 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 Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company
 3. Primary School Education Contribution £97,617, Secondary School Education Contribution of £130,742 and a SEN Contribution of £45,500
 4. Contribution of £54,000 towards the surfacing of the Wheelock Rail Trail, £11,827 towards lighting of the Wheelock Rail Trail and £861.37 towards maintenance
 5. Contribution of £1000 per family dwelling for the provision of outdoor sport
 6. Contribution of £9,100 towards indoor leisure provision
- 13 18/0945N LAND NORTH OF CHOLMONDELEY ROAD, WRENBURY CW5 8GZ: CONSTRUCTION OF 68 DWELLINGS, MEANS OF ACCESS, LANDSCAPING AND ASSOCIATED WORKS FOR WAINHOMES (NORTH WEST), MR D YOUNG, MR D HATTON & MRS L K HATTON**

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

**14 18/2456N THE GRANGE FARM, HOLLYHURST ROAD, MARBURY
SY13 4LY: CHANGE OF USE OF LAND AND AGRICULTURAL
BUILDING FOR AN EVENTS VENUE FOR MR & MRS
CHARLESWORTH**

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

Note: Parish Councillor J Makin (on behalf of Marbury and District Parish Council), Mr A Wootton (objector), Mr D Evans (supporter) and Mr T Charlesworth (applicant) attended the meeting and addressed the Committee on this matter.

Note: Mr A Muskett 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, a written update and an oral report of the site inspection.

RESOLVED – That, for the reasons set out in the report and the written update, the application be APPROVED subject to the following conditions:

1. Time (3 years)
2. Plans
3. Materials as per application
4. Drainage scheme to be approved
5. External lighting to be approved
6. Prior to occupation the passing places shown on 'Amended Passing Bay Location Plan' should be constructed.
7. Hours of operation
8. Notwithstanding the provisions of the Town and Country Planning (Use Classes) order 1987 (As Amended), the hereby approved wedding venue shall only be used as a wedding venue and not for any other use without the submission and approval of a separate planning application.

Informatives:

1. NPPF
2. The applicant will be required to enter into s 278 agreement for the proposed off-site works

15 18/1250N LAND TO THE REAR OF OAKLEAF CLOSE, SHAVINGTON, CREWE CW2 5SF: 15 NO. NEW DWELLINGS COMPRISING 11 NO. 4/5 BEDROOMED DETACHED AND 4 NO. 3 BEDROOMED SEMI-DETACHED AFFORDABLE DWELLINGS, TOGETHER WITH ASSOCIATED GARAGES, PARKING AND ACCESS ROAD FOR MR & MRS M MCGARRY

Note: Councillor S Edgar left the meeting prior to consideration of this application.

Note: Prior to consideration of this application, the meeting was adjourned for a short break.

Note: Mr R Hindhaugh 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, for the reasons set out in the report and the written update, the application be REFUSED for the following reasons:
 - 1. The Local Planning Authority considers that the proposed development is unacceptable as the application site lies within the Open Countryside which should be protected for its own sake and where there is a presumption against inappropriate forms of new development. The proposal does not meet any of the exceptions contained with Policy PG 6 (Open Countryside). The proposed development would therefore be contrary to Policy PG 6 (Open Countryside) of the Cheshire East Local Plan Strategy and the guidance contained with the NPPF.
 - 2. In the opinion of the Local Planning Authority, the proposed development would contribute to the erosion of the Green Gap between the built up areas of Shavington and Crewe which would significantly and demonstrably outweigh the benefits of the scheme. The development is therefore contrary to Policy PG5 (Strategic Green Gaps) of the Cheshire East Local Plan Strategy and Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the guidance contained with the NPPF.
 - 3. The Local Planning Authority considers that the layout and design of the proposed development, by virtue of the relationship with the edge of the countryside and its detailed design and layout, does not make a positive contribution to the surrounding area and fails to achieve a sense of place that would enhance the distinctiveness and character of the area. This is contrary to Policy SE 1 (Design) of the Cheshire

East Local Plan, the Cheshire East Residential Design Guide and the guidance contained within the NPPF.

4. The Local Planning Authority considers that whilst 30% affordable housing is proposed, all the affordable units are 3 bedroomed. This fails to address the identified local housing need for a range of housing sizes for affordable provision. In addition, no Affordable Housing Scheme has been provided and as a result it is considered that the proposal would fail to address identified local housing need and fails to create a sustainable, inclusive, mixed and balanced community, contrary to Policy SC 5 (Affordable Homes) of the Cheshire East Local Plan and the guidance contained within the NPPF.
 5. The Local Planning Authority considers that insufficient information has been submitted to inform the impact of the proposed development on any protected species present (specifically the impact on Great Crested Newts, bats, water voles and bluebells) as well as the impact on grassland and hedgerow habitats. The development is therefore contrary to Policy SE 3 (Biodiversity and Geodiversity) of the Cheshire East Local Plan Strategy, Policies NE.5 (Nature Conservation and Habitats) and NE.9 (Protected Species) of the Crewe and Nantwich Replacement Local Plan 2011 and the guidance contained within 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 his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.
- (c) That, should this 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 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. A contribution of £32,539.00 to Primary School Provision

3. Open Space/wildflower garden to be maintained by a private management company

16 **PLANNING APPEALS**

The Committee considered a report regarding the outcome of Planning Appeals decided between 1 January 2018 and 30 June 2018.

RESOLVED – That the report be noted.

The meeting commenced at 10.00 am and concluded at 12.45 pm

Councillor J Wray (Chairman)