



Minutes of the Planning and Development Executive Committee Meeting held online via Microsoft Teams on Tuesday October 20th 2020.

Present

The Mayor Cllr John Stewart; The Deputy Mayor Cllr Johanna Maitland; Cllrs Alex Douglas-Kane, Ken Edwards, Roland Edwards, Sara Knowles, James Nicholas, Amanda Stott, Jon Weston. Mike Burdekin Former Chair of the Neighbourhood Plan Group.
David Naylor; Town Clerk.

Two members of the public were also present. One requested permission to speak regarding the Site Allocations and Development Policies Document (SADPD) Item 7

1. Apologies for absence.

Cllrs Mark Fearn and Angela Williams

2. Declarations of Members' interests;

Cllr James Nicholas declared that as he is a member of Cheshire East's Northern Area Planning Committee, he would not take part in any debate so as not to predetermine his view.

3. To receive the minutes from the Planning Meeting held on September 15th 2020

The minutes were agreed as a true record.

4. Matters Arising from the Minutes

Cllr Ken Edwards asked a question regarding:

[20/1703M](#)

6, DEAN CLOSE, BOLLINGTON, MACCLESFIELD, CHESHIRE, SK10 5NT

Certificate of lawful existing use of two-storey side extension 20th May

Had there been any checks that Building Control had signed off the former unlawful extension? He was advised that the necessary approval would be picked up by Building Control during the construction of the new extension.

5. To note the comments on plans which required consideration at the Council Meetings on October 6th

[20/3960T](#)

70-82 Church Street, Bollington, SK10 5QD & 2-4 Nancy Street, Fell Two Trees.

The application contained no reasons for felling the trees and in view of this it was **RESOLVED** to recommend **refusal of the application**.

20/3988T

**Adjacent to 41 Irwell Rise, Bollington, SK10 5YE
Works to Ash Tree Due to Ash Die Back.**

It was **RESOLVED** not to object to this application.

20/4121D

**6, South West Avenue, Bollington, Cheshire, SK10 5DS
Discharge of Conditions 3, 4, 5, 6, 9 of Existing Permission 18/0806M;
2no. 3 Bedroom Semi Detached Houses in a Plot of Land to the Side of
6 South West Ave Bollington.**

Cllr Angela Williams declared a non-pecuniary interest in this application and would not vote.

The Town Council had recommended refusal of this application on the grounds of overdevelopment of the site and it being out of keeping with the area. However, Cheshire East Council had approved it.

This application was to discharge a number of conditions including materials and yet the only information supplied with the application was in relation to the discharge of the drainage condition. In view of this the Town Council **RESOLVED** to recommend **refusal of the application** due to insufficient information being provided.

20/4211M

**16 East Avenue, Bollington, SK10 5DY
2-Storey Side Extension.**

It was noted that this application would create a 4 bedroomed house and it was **RESOLVED** to recommend approval subject to an additional off-road parking space being provided on site

6. To receive the Decisions on Planning Applications and Notifications from Cheshire East Council:

Planning permission GRANTED with Conditions:

20/1703M

**6, DEAN CLOSE, BOLLINGTON, MACCLESFIELD, CHESHIRE, SK10 5NT
Certificate of lawful existing use of two-storey side extension 20th May**

The Town Council was concerned that this 2-storey side extension was apparently built without any reference to the planning authority and may also not have been built and inspected to the requisite building standards.

In view of this the Town Council would like to be assured that it had been constructed to these standards and had the necessary building regulations approval and completion certificate. Cheshire East Planners had been asked to confirm this.

20/1899M

6, DEAN CLOSE, BOLLINGTON, CHESHIRE, SK10 5NT

Two-storey front extension; bay window; and single-storey rear extension

20/2711M

**3, RAINOW MILL COTTAGE, INGERSLEY VALE, SK10 5BP
Replacement Home Office/ Garage/ Outbuilding.**

It was RESOLVED not to object of the application.

[20/2818T](#)

ENDON HOUSE, HIGHER LANE, KERRIDGE, SK10 5AR

T1 Cypress close to the front door, fell to ground level. T2 Cypress by the electricity pole fell to ground level. T4 large Sycamore Trunk to be felled in a single section and left on site. T3 Ash adjacent remove low limb over the drive. T5 Sycamore adjacent to Ash remove low leaning limb. To crown reduce over drive. T6 Sycamore lower down the lane with low limbs. Remove the four lowest limbs over drive. To crown lift over drive.

[20/2927M](#)

Stakehill House, 64A, CHANCERY LANE, BOLLINGTON, SK10 5BJ

Demolition of existing outbuilding & erection of a single storey front & side extension. Comments deadline 12th August

There was concern about the proximity of the extension wall to the road. It was RESOLVED to recommend refusal.

[20/3137T](#) (TPO/CA Exempt work)

The Waterhouse, 51, WELLINGTON ROAD, BOLLINGTON, SK10 5JH

Cedar of Lebanon (T1) Felling required as the tree is dead.

The Council RESOLVED not to object to this application

[20/3495T](#)

MEADOW COTTAGE, HIGHER LANE, KERRIDGE, CHESHIRE, SK10 5AR

T1 - Sycamore - fell; immediately adjacent to dwelling on top of dry stone retaining wall. Poor anchorage. Causing excessive shading, low amenity value. T2 - Beech - prune; two low branches obstructing public footpath through property in order to address duty of care to public right of way. Prune two limbs of tree by 6m.

[20/3567T](#)

47, PALMERSTON STREET, BOLLINGTON, SK10 5PX

T1 - Beech - Lateral reduction by 2-3m to suitable points to a protruding portion of the upper crown on the North Eastern side closest to property No 47 to bring it back in to a more flowing shape and to allow more light in to the property **windows** *No objection from the Town Council*

Planning decisions WITHDRAWN:

[20/2237M](#)

7, CEDARWAY, BOLLINGTON, SK10 5NR

Proposed first floor extension and conversion of garage to living accommodation

[20/2532M](#)

58, WELLINGTON ROAD, BOLLINGTON, CHESHIRE, SK10 5JH

Two storey side extension

The Town Council RESOLVED not to object to this application

Appeals Notified: None

[Still awaiting a decision](#) – click to view

7. Site Allocations and Development Policies Document SADPD

Mike Burdekin, former chairman of the Neighbourhood Plan Group, had been analysing the SADPD and had provided a response to Cheshire East Council (CEC) on behalf of the Town Council and presented at their October Cabinet Meeting. Cllrs Stott and Nicholas, Bollington Ward CEC Councillors, had spoken at CEC's Strategic Planning Board and Cabinet against the use of Safeguarded Greenbelt

Land in Bollington. However, the decision had been taken to move to a public consultation following which it would be sent to the inspector with the consultation responses. It should be noted that safeguarding greenbelt land is safeguarding it for future development not safeguarding it as greenbelt. A misleading definition perhaps.

Key elements from Mike's submission were:

Housing Numbers

It was misleading to present an average figure as a requirement for individual years, the 1,800 figure per year in Policy PG1 was an average of the overall requirement of 36,000 dwellings divided by the 20 years duration of the Plan. Local Plan Appendix E showed the expected rate of delivery and as stated in his last e-mail to Cheshire East in the March 2020 Housing Completions and Supply Summary showed that delivery was very substantially ahead/in excess of the housing trajectory put forward in the Local Plan. There was no evidence that the Local Plan would not deliver considerably more dwellings than the minimum requirement of 36,000 dwellings by 2030 and would significantly exceed the contingency provisions.

Safeguarded Land

Policy PG4 of the Local Plan provided for 186.4 hectares of safeguarded land. It also stated that it may also be necessary to identify additional non-strategic areas of land in the SADPD. The figure of 200 hectares was not a Policy requirement but an estimate of what might be needed given in paragraph 8.57 based on a range of possible scenarios as seen at that time. There was no Policy requirement that the SADPD should deliver 13.6 hectares of safeguarded land. The Council had rightly had to change its position in allocating specific numbers of dwellings to the LSCs from the number given in the Local Plan - there was no reason why it should not reassess the requirement for safeguarded land in the light of later knowledge.

NPPF requirements for exceptional circumstances for removal of Green Belt

Cheshire East Council would be aware that at the time of the two previous versions of the SADPD, Bollington Town Council took legal advice from two leading Planning Barristers from King's Chambers, Manchester, on the then proposed removal of Green Belt for housing developments within the Plan period. The NPPF requirements of paragraphs 136 and 137 applied to all cases of proposed removal of Green Belt status, including proposals for safeguarded land. The current trajectory of housing supply had not been considered in any of the SADPD supporting documents and the Strategic Planning Board and the Cabinet had been warned of this. As a result there was a serious risk of the SADPD being found to be in legal error of breaching the NPPF requirements and unsound at a hearing by an Inspector.

Rate of development in the Local Service Centres (LSCs)

The statement by Councillor Browne at the October 2020 Cabinet meeting was misleading. Significant development had taken place in the LSCs and this will continue throughout the Local Plan period. The Vision in the Local Plan for the LSCs is that "some modest growth in housing and employment would have taken place to meet locally arising needs and priorities, to reduce the level of out-commuting and to secure their continuing vitality. This may require small scale alterations to the Green Belt in some circumstances." The settlement profiles given in Appendix 1 of the ED53 Report showed significant population growth in Alderley Edge, Bollington and Mobberley from 2001 to 2011 and the Housing Completions and Supply Summary confirmed continued further growth within the Local Plan

period from 2010 onwards. The overall rate of development in the LSCs clearly is more than satisfies the Local Plan requirement for modest growth.

CEC Response to comments made at previous consultation - “Report ED56

Many of the very large number of comments submitted by residents of Bollington may have been considered but they had been ignored / dismissed with no explanation or discussion of reasons given. The consultation Report ED56 does not give reasonable responses - it simply refers to the Settlement Report ED24 which is largely a retread of the previous version PUB24 substituting safeguarded for development land.

It was pointed out in many responses to the previous consultation that the methodology of Options 1 to 7 is purely arbitrary, both in assessments within each option and in comparisons between options.

Option 8 has no basis other than preferences by the Strategic Planning Team without consultation with the local community.

The traffic light assessments of individual sites are equally unsatisfactory as a result of subjective judgements by persons unfamiliar with the areas concerned.

As a result, in a number of cases, the sites chosen for safeguarding are unsuitable - this is certainly the case for the two sites in Bollington which appear to be those subject to greatest pressure from the developers. As far as the community in Bollington is concerned, loss of Green Belt for safeguarding at this stage is completely unnecessary as we have more than sufficient housing to meet all our local needs.

There is absolutely no need to take decisions now that can be postponed until we have a clearer picture of our requirements.

Peter Yates, Former Chief Planning Officer of Macclesfield Borough Council also spoke on the matter: The Points he raised as as follows:

Safeguarded Land is land taken out of the Green Belt for long term development. To take land out of the Green Belt there must be exceptional circumstances, which are fully evidenced and justified (para 136 of NPPF 2019). This means that all reasonable options must be examined (para 137).

The Revised SADPD document takes the figure of 200 hectares of Safeguarded land as fixed in the Local Plan process. This is not correct. Of these 200 hectares over 90% has been found in the north Cheshire towns. According to the Council it has left 13.6 hectares to be found in the LSCs of north Cheshire. No attempt has been made to follow the advice in the NPPF to provide a fully evidenced and justified case for the figure of 13.6 hectares. Without this there can be no exceptional circumstances to take the land out of the Green Belt.

The figure of 200 hectares was based at a time (4/5 years ago) when the housing requirement and supply figures were very different from the recent record house building years. There is also no reference to 200 hectares in the statutory policies relating to Green Belt and Safeguarded Land in the Local Plan Strategy.

There is also nothing fixed in the Local Plan about the need to provide for additional Safeguarded Sites in the LSCs. The wording in Policies PG3 & PG4 is that “it may be necessary to identify additional non- strategic sites” in the SADPD.

This wording clearly establishes the need to undertake an up to date, & fully evidenced case for justifying the removal of land from the Green Belt in the LSCs. This has not taken place.

The residual figure of 13.6 hectares has been taken as given, and the Revised SADPD has merely looked at how it should be distributed. The recent High Court case involving Aireborough Neighbourhood Development Forum and Leeds City Council (8th June 2020) is particularly relevant as it establishes the need for a reconsideration of proposed Green Belt changes where there have been fundamental changes to housing requirements and supply. In the light of this case, the National Planning advice, and the policies in the LPS, the issue of Safeguarded Land should be reconsidered before consultation takes place on the Revised SADPD.

The matter was then opened for debate and there was unanimous agreement that Cheshire East Council had failed to justify in the SADPD why LSC greenbelt sites should be safeguarded. They would be first in the queue for inclusion in development from 2030 onwards.

Cheshire East Council had been taken to task by the Town Council last time with two Barrister's opinion that found that no exceptional circumstances had been demonstrated to use four greenbelt sites in Bollington during the current plan period. This situation has now arising again with safeguarding green belt sites and it is the Town Council's view that exceptional circumstances have not been demonstrated.

The debate then moved on to whether counsels opinion should again be sought and it was felt that it should. Also whether this should include other LSC's in the same position.

It was **RESOLVED** to approach other LSC's to share in a joint brief to legal counsel, but this be limited to the principle of the lack of exceptional circumstances rather than the detail of issues facing each LSC which would be difficult to agree. The findings to be reported to Council in November when the cost and the LCS's to share that cost would be known

8. To make observations on Planning Applications currently on deposit:

[20/2921M](#)

6, SOUTH WEST AVENUE, BOLLINGTON, CHESHIRE, SK10 5DS

Variation of Condition 2 on 18/0806M - The development is for 2no. additional three-bedroom semi-detached houses, situated on a large plot of land to the side of no. 6 South West Avenue. Consultation Deadline 22nd October

The Council **RESOLVED** not to object to this application

[20/4149M](#)

33, HURST LANE, BOLLINGTON, MACCLESFIELD, CHESHIRE, SK10 5LT

Proposed single storey front elevation

Consultation Deadline 22nd October

The Council **RESOLVED** not to object to this application

[20/4176M](#)

7, BEESTON CLOSE, BOLLINGTON, SK10 5RQ

Single storey side extension Consultation Deadline 28th October

The Council RESOLVED not to object to this application

[20/4227M](#)

1, BEESTON CLOSE, BOLLINGTON, SK10 5RQ

Erection of a single storey extension to the rear and a two storey extension to the side of the property. Consultation Deadline 28th October

The Council liked the design **but was concerned** that the extension could intrude into 45degree rule from the neighbour's ground floor habitable room window. It could create a dark canyon environment outside this window.

Could planners assure themselves that this extension would not create this situation otherwise the application should be refuse in its present form.

[20/4306M](#)

58, WELLINGTON ROAD, BOLLINGTON, CHESHIRE, SK10 5JH

Two storey side extension Consultation Deadline 23rd October

The Council **RESOLVED** not to object to this application

[20/4345T](#)

Land at INGERSLEY VALE, BOLLINGTON, MACCLESFIELD, SK10 5BP

Tree works to remove an area of woodland

The Council **RESOLVED** to object to this application because there is no professional opinion in the application as to the need for this work. The Council feels that more justification is required. Also, no building work is scheduled on this site because it is still in the planning process and we would expect an arboreal report at that time.

[20/4367M](#)

7, CEDARWAY, BOLLINGTON, SK10 5NR

Conversion of garage to third bedroom and creation of additional parking space in front garden. Consultation Deadline 28th October

The Council **RESOLVED** not to object to this application

[20/4378M](#)

6, Peak View, HIGH STREET, BOLLINGTON, SK10 5PF

Variation of Condition 6 on approval 19/5633M - Variation of Conditions 1 & 2 on approval 16/5137M for variation of condition 2 on application 13/0070M

Consultation Deadline 11th November

The Council **RESOLVED** to object to this application. The houses should be built as approved. The Town Council has received many complaints regarding changes made to the original plans and work not completed to standards. It was originally billed as enhancing the conservation area, however, it is becoming the very opposite of that. Enforcement measures are required to ensure it is completed with suitable materials and to proper standards. The stone wall at the front is a prime example of that.

[20/4519M](#)

6, DEAN CLOSE, BOLLINGTON, CHESHIRE, SK10 5NT

Two-storey front extension; bay window; and single-storey rear extension.

Consultation Deadline 4th November

The Council **RESOLVED** not to object to this application

9. To note that the next Planning Meeting of the Town Council will be held: Tuesday November 17th 2020 at 7.00pm via Microsoft Teams

Any applications which require comments prior to that date will be considered at the Council Meeting on Tuesday November 3rd